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Title: A collection of Latin maxims & rules, in law and equity

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Release date: November 27, 2023 [eBook #72240]

Language: English

Original publication: Edinburgh: John Anderson and Co, 1823

Credits: Linda Cantoni and the Online Distributed Proofreading Team at <https://www.pgdp.net>
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*** START OF THE PROJECT GUTENBERG EBOOK A COLLECTION OF LATIN MAXIMS & RULES, IN
LAW AND EQUITY ***

A

COLLECTION

OF

LATIN MAXIMS & RULES,

IN LAW AND EQUITY,

SELECTED FROM THE MOST EMINENT AUTHORS, ON THE
CIVIL, CANON, FEUDAL, ENGLISH AND SCOTS LAW,

WITH

AN ENGLISH TRANSLATION,

AND

AN APPENDIX

OF REFERENCE TO THE AUTHORITIES FROM WHICH
THE MAXIMS ARE SELECTED.

BY

PETER HALKERSTON, L.L.D.

AUTHOR OF "THE COMPENDIUM OF THE FACULTY COLLECTION
OF DECISIONS, &C."

PRINCIPLES, CAUSES, AND ELEMENTS, BEING UNKNOWN,
THE SCIENCE WHEREOF THEY ARE, IS ALTOGETHER
UNKNOWN.

FORTESCUE b. 8.

EDINBURGH:

PRINTED FOR JOHN ANDERSON AND CO. ROYAL EXCHANGE;
MACREDIE, SKELLY, AND CO. 34, PRINCES STREET; AND
CHARLES HUNTER, LAW BOOKSELLER, LONDON.

1823.

Wm. BAYNE, Printer,
James's Court, Edinburgh.

PREFACE.

Maxims are general principles. General principles afford the most
beneficial subjects of reflection: hence it is obvious, that the memory

cannot be too well stored with Maxims. With regard to Law, Maxims are the pillars upon which the system is erected. When the memory is stored with them, the Lawyer can have no difficulty in his practice, to fill up the outline.

The collection of Maxims here presented to the Public, is, I believe, as extensive as any that has hitherto been published. I have omitted none that I could discover to be of any utility. With regard to the translation, it does not become me to say much. It has cost me some labour, and I trust will be found to be useful. That it is in every respect perfect, it would be wrong in me to suppose. I trust, however, that on the whole it will be found pretty correct.

PETER HALKERSTON.

St. James's Square, 18th December, 1822.

THE NATURE OF A RULE IN LAW.

Regula est quæ rem quæ est breviter enarrat, non ut ex regula jus sumatur, sed ex jure, quod est, regula fiat. Per regulam igitur brevis rerum narratio est, quæ, simul cum in aliquo vitiata est, perdit officium suum.—L. 1. ff. de Regulis Juris Antiqui.

TRANSLATION.

A rule of law is a maxim inferred from several cases depending on the same ground of law. The rule is formed from the law that governs these cases, and not the law from the rule. And the rule must be applied duly to the proper cases; for otherwise it loses its force, and is of no significancy.

A

Translation

OF

LATIN MAXIMS,

IN

LAW AND EQUITY.

A.

A communi observantia non est recedendum; et minime mutandæ sunt quæ certam interpretationem habent.

We must not depart rashly from common observance; and those points are by no means to be changed, which admit of a clear interpretation.

A digniori fieri debet denominatio et resolutio.

Title and acquittal ought to proceed from the more worthy person.

A facto ad jus non datur consequentia.

A fact does not necessarily constitute a right.

A non posse ad non esse sequitur argumentum necessarie negativè, licet non affirmativè.

From the impossibility of a thing to its nonentity, the argument or proof follows of necessity, negatively, though not affirmatively.

A principalioribus seu dignioribus est inchoandum.

We must begin with the more noble, or more important matters; or in other words, we must attend to things of the greatest consequence.

A rescriptis valet argumentum.

An argument or proof is valid, from a rescript or letter of a prince or emperor, making answers to petitions, or other applications; or more laconically, the king's answer, wherein he signifies his pleasure, amounts to a law, and is not to be disputed.

A verbis legis non est recedendum.

We must not depart from the letter of the law.

Ab assuetis non fit injuria.

From customary treatment no injury happens; or habit is not an injury.

Absoluta sententia expositore non indiget.

An absolute or perfect opinion or sentence, needs no expounder, exposition, or explanation.

Absurdum est, affirmare, re credendum esse non judici.

It is absurd to affirm, that we must not give credit to a judge.

Abundans cautela non nocet.

An excess of cautionary does no harm.

Accessorium non ducit sed sequitur suum principale.

An accessory does not lead, but follows his principal.

Accessorium sequitur naturam rei cui accidit.

An accessory follows the nature of the thing to which it relates.

Accessorius sequitur naturam sui principalis.

An accessory follows the nature of his principal.

Accipere quid ut justitiam facias, non est tam accipere quam extorquere.

To receive any thing, that you may do justice, is not so much to receive, as to extort.

Accusare nemo se debet, nisi coram Deo.

Nobody ought to accuse himself unless before God.

Accusator post rationabile tempus non est audiendus, nisi se bene de omissione excusaverit.

An accuser after a reasonable time ought not to be heard, unless he excuse himself well, concerning his neglect or omission.

Acta exteriora indicant interiora secreta.

External actions point out secret intentions within.

Actio casus apud nostrates ea est, qua ut inter bonos bene agere oporteat et sine fraudatione.

The pleading of a cause among our countrymen, implies an obligation to act fairly, like good men, and without an intention to defraud any one.

Actio contra defunctum cœpta, continuitur in hæredes.

An action begun against a person who dies, may be transferred against his heirs.

Actio datur si quis arma, in aliquo loco posita, delevit seu abrasit.

An action is competent against any one, who hath destroyed, impaired, or carried away arms, which have been deposited in any place.

Actio non datur non damnificato.

An action is not allowed to one who has sustained no loss.

Actio non facit reum, nisi mens sit rea.

An action does not constitute a man guilty unless he has a bad intention.

Actio personalis moritur cum persona.

A personal action dies with the person.

Actio pœnalis in hæredem non datur, nisi forte ex damno locupletior hæres factus sit.

A penal action is not sustained against an heir, unless by chance the heir hath become richer by the loss of the party.

Actionum genera maxime sunt servanda.

The nature of actions is strictly to be observed.

Actus incœptus cujus perfectio pendet ex voluntate partium revocari potest; si autem pendet ex voluntate tertiæ personæ vel ex contingenti, revocari non potest.

An act, or deed begun, the completion of which depends upon

the will of the parties, may be revoked; but if it depends upon the will of a third person, or upon a contingent circumstance, it cannot be recalled.

Actus legitimi non recipiunt modum.

Legitimate acts or deeds, do not admit of being modified, bounded, or stinted.

Actor sequitur forum rei.

The agent attends the court where the business is carried on.

Actore non probante absolvitur reus.

When the accuser cannot prove his charge, the accused is acquitted.

Actori incumbit onus probandi.

The burden of proving lies upon the prosecutor.

Actus Dei nemini facit injuriam.

The act or visitation of God does injury to nobody.

Actus judicarius coram non judice irritus habetur; de ministeriali autem a quocunque provenit, ratum esto.

A judicial act, not in the presence of a judge, is considered void; but acts proceeding from persons in a judicial capacity ought to be ratified.

Actus legis nemini facit injuriam.

An act or deed of law does harm to nobody.

Actus me invito factus, non est meus actus.

An act done involuntarily on my part, is not my act.

Actus servi in iis quibus opera ejus communiter adhibita est, actus domini habetur.

An act of a servant in those things in which he is commonly employed with others, is considered the act of his master.

Ad ea quæ frequentius accidunt jura adaptantur.

The laws are adapted to those things which most frequently happen.

Ad electionem non cogitur qui statim mortuo testatore eligere non potuit.

He is not compelled to make an election, who is not in a capacity to do it, immediately on the death of the testator.

Ad questionem legis non respondent juratores sed judices.

The judges, and not the jurors, determine the question of law.

Ad questionem facti non respondent judices sed juratores.

The jury, and not the judges, determine the question of fact.

Adhuc sub judice lis est.

The matter is as yet undetermined.

Admiralitas jurisdictionem non habet super iis quæ communi lege dirimuntur.

The Admiralty Court has no jurisdiction over those matters which are determined by common law.

Adversus periculum naturalis ratio permittit se defendere.

Natural reason allows one to defend himself against danger.

Aer, lux, aqua profluens, feræ, nulli propria, omnibus communia.

Air, light, the running water, and wild beasts, are the property of none, but common to all.

Ædificare in tuo proprio solo non licet quod alteri noceat.

To build on ones own property is not allowed, when it may be hurtful to another.

Æquitas casibus medetur.

Equity remedies chances or misfortunes.

Æquitas curiæ cancellariæ quasi filia conscientiæ obtemperat secundum regulas curiæ.

The equity of the Court of Chancery, as if it were the daughter of conscience, is subject to the rules of Court.

Æquitas defectus supplet.

Equity supplies defects.

Æquitas erroribus medetur.

Equity rectifies mistakes.

Æquitas est convenientia rerum quæ cuncta eo æquiparat, et quæ, in paribus rationibus, paria jura et judicia desiderat.

Equity is the suitableness of circumstances, which equalizes all things, and which in similar matters, requires similar laws and judgments.

Æquitas est correctio legis generaliter latæ, qua parte deficit.

Equity is the correction of the law generally enacted in the part where it is deficient.

Æquitas est quasi æqualitas.

Equity is as it were, an equality.

Æquum et bonum est lex legum.

That which is just and good is the law of laws.

Æquitas ex lege generaliter lata aliquid excipit.

Equity admits some exception of something from the law generally enacted.

Æquitas ignorantiae opitulatur oscitantiae non item.

Equity assists ignorance, but not in like manner carelessness.

Æquitas in eum qui vult summo jure agere, summum jus intendit.

Equity stretches the utmost point of law towards him who wishes to act according to the rigour of the law.

Æquitas in paribus causis paria jura desiderat.

Equity in like causes requires like laws.

Æquitas jurisdictiones non confundit.

Equity does not confound jurisdiction.

Æquitas liberationi et seizinæ favet.

Equity favours, or gives countenance to deliverance and seizen.

Æquitas naturam rei non mutat.

Equity does not change the nature of a thing.

Æquitas neminem juvat cum injuria alterius.

Equity assists nobody to the injury of another.

Æquitas nil statuit nisi in partes.

Equity determines nothing unless towards the parties.

Æquitas nomine pœnæ constitutis remedium ex æquo et bono præstat.

Equity furnishes a remedy to matters which have been appointed under the name of a punishment, agreeable to what is just and good.

Æquitas non facit jus, sed juri auxiliatur.

Equity does not constitute law, but assists law.

Æquitas non medetur defectu eorum quæ jure positivo requisita sunt.

Equity does not supply the deficiency of those things which are required by positive law.

Æquitas non sinit eum qui jus verum tenuit extremum jus persequi.

Equity does not allow him who hath obtained a true right, to prosecute it to the utmost extremity.

Æquitas non sinit ut eandem rem duplici via simul quis persequatur.

Equity does not permit any one at the same time to follow out, or prosecute the same thing in a twofold way.

Æquitas non supplet ea quæ in manu orantis esse possunt.

Equity does not supply those things which may be in the hand or grasp of an applicant.

Æquitas non tenetur adjuvare ubi non est nodus dignus vindice.

Equity is not bound to assist unless when the occasion renders it necessary.

Æquitas non vaga atque incerta est, sed terminos habet atque limites præfinitas.

Equity is not vague and uncertain, but has determinate or prescribed boundaries and limits.

Æquitas non vult res novas atque inusitatas inducere.

Equity does not incline to introduce new and unusual things.

Æquitas nunquam contravenit legi.

Equity never contravenes the law.

Æquitas nunquam liti ancillatur ubi remedium potest dare.

Equity is never the handmaid to strife, where she can give a remedy.

Æquitas opitulatur ubi pensationi damni locus est.

Equity assists where there is room for the compensation of a loss.

Æquitas pars legis Angliæ.

Equity (is) part of the English law.

Æquitas rei oppignoratæ redemptionibus favet.

Equity is favourable for the redemption of a thing given in pawn.

Æquitas rem ipsam intuetur de forma et circumstantiis minus anxia.

Equity considers the matter itself, less anxious about the form and circumstances.

Æquitas sequitur legem.

Equity follows or attends the law.

Æquitas supervacua odit.

Equity hates superfluous matters.

Æquitas uxoribus, liberis, creditoribus maxime favet.

Equity is favourable to wives, children, and chiefly to

creditors.

Æquitas veritatis filia, bonitatis et justitiæ soror.

Equity is the daughter of truth, and the sister of goodness and justice.

Æquitas vult domum quod alteri obsit ex causa æque favorabili esse ac id quod aufert.

Equity wishes that the house which may be injurious to another should be in the predicament, equally favourable to that other, as that which it takes from him.

Æquitas vult omnibus modis ad veritatem pervenire.

Equity wishes by all means to arrive at truth.

Æquitas vult spoliatos, vel deceptos, vel lapsos ante omnia restituti.

Equity wishes the spoiled, the deceived, and the ruined, above all things to have restitution.

Æstimatio præteriti delicto ex postremo facto nunquam crescit.

An estimation of the past never increases from the fault last committed.

Affectio tua nomen imponit operi tuo.

Your affection fixes a character upon your service.

Affectus punitur licet non sequatur effectus.

The inclination is punished although the effect may not follow.

Affirmanti, non neganti, incubitur probatio.

The burden of proving rests upon the person affirming, not upon him denying.

Affirmativum, negativum implicat.

The affirmative implies the existence of the negative.

Agentes et consentientes pari poena plectuntur.

The principals and accessories should suffer the same punishment.

Alea et ganeae res turpissimae.

The dice and the brothel are infamous things.

Aliud est possidere, aliud esse in possessione.

It is one thing to possess, and another thing to be in possession.

Aliud est vendere, aliud vendenti consentire.

It is one thing to sell, and another thing to agree to the persons selling.

Aliquis non debet esse iudex in propria causa; quia non potest esse iudex et pars.

One ought not to be judge in his own cause, because he cannot be a judge and a party.

Allegans contraria non est audiendus.

A person alleging contradictory things ought not to be heard.

Allegans suam turpitudinem non est audiendus.

A person alleging his own disgrace is not to be heard.

Allegari non debuit quod probatum non relevat.

That ought not to be alleged, which, when tried is irrelevant.

Alterius circumventio alii non præbet actionem.

The deceiving of one person does not afford an action to another.

Alternativa petitio non est audienda.

An alternative petition is not to be heard.

Ambigua autem intentio ita accipienda est, ut res salva actori sit.

An ambiguous answer is so to be understood that the interest of the pleader may be safe.

Ambigua responsio contra proferentem est accipienda.

An ambiguous answer is to be considered as against the person who gives it.

Ambiguis casibus semper præsumitur pro rege.

In doubtful cases there is always a presumption in behalf of the king.

Ambiguitas verborum latens verificatione facti tollitur.

The latent ambiguity of words is removed by the establishment of the fact.

Ambiguitas verborum latens, verificatione suppletur; nam quod ex facto oritur ambiguum, verificatione facti tollitur.

The latent ambiguity of words is supplied by their verification; for the ambiguity which arises from the fact, is taken away by its being verified.

Ambiguitas verborum patens nulla verificatione excluditur.

The evident ambiguity of words is excluded by no verification.

Ambiguum pactum contra venditorem interpretandum est.

An ambiguous agreement is to be interpreted against the seller.

Ambiguum placitum interpretari debet contra proferentem.

An ambiguous order is to be interpreted against the person uttering it.

Angliæ jura in omni casu libertatis dant favorem.

The laws of England in every case give countenance to liberty.

Animalia fera, si facta sint mansueta, et ex consuetudine eunt et redeunt, volant et revolant, ut Cervi, Cygni, &c. eousque nostra sunt; et ita intelliguntur quamdiu habuerunt animum revertendi.

Wild animals, if they have become tame, and go and return, fly back and fore, and habitually, as stags and swans, &c.

are so far ours, and are so understood to be, so long as they are inclined to return to us.

Animi notum vultus detegit.

The countenance is the index of the mind.

Animus hominis est anima scripti.

The mind of man is the soul of his writing.

Aperte impossibilia cum dicuntur non faciunt calumniam.

Impossibilities when they are spoken openly, do not constitute calumny.

Apices juris non sunt jura.

The extreme points of the law are not the laws.

Applicatio est vita regulæ.

Application is the life of rule.

Arbitrio domini res æstimari debet.

Property ought to be valued at the will of the owner.

Argumenta ignota et obscura ad lucem rationis proferunt et reddunt splendida.

Arguments bring forward to the light of reason, unknown and obscure facts, and render them clear.

Argumentum a divisione, est fortissimum in jure.

An argument from division is the strongest in the law.

Argumentum a majori ad minus, negativè, non valet; valet e converso.

An argument from the greater to the less negatively, has no weight; contrariwise.

Argumentum a simili valet in lege.

An argument from a like case has weight in law.

Argumentum ab autoritate est fortissimum in lege.

An argument drawn from authority is very strong in law.

Argumentum ab impossibili, plurimum valet in lege.

An argument from an impossibility has very great weight in law.

Argumentum ab inconvenienti est validum in lege; quia lex non permittit aliquod inconveniens.

An argument from an incongruous thing is not valid in law, because the law does not allow any thing incongruous.
[Transcriber's Note: "not valid" should be "valid."]

Arma in armatos sumere jura sinunt.

The laws allow to take arms against the armed.

Assignatus utitur jure auctoris.

An assignee enjoys the privilege of his author.

Aucupia verborum sunt iudice indigna.

Hunting curiously for words is unworthy of a judge.

Authoritates philosophorum, medicorum, et poetarum, sunt in causis
allegandæ et tenendæ.

The authorities of philosophers, physicians, and poets, are
to be regarded and held in law.

B.

Baratriam committit qui propter pecuniam justitiam baractat.

He commits barratry who barter justice for money.

Benedicta est expositio quando res redimitur a destructione.

It is a blessed exposure when the thing is redeemed from
destruction.

Beneficium non datum nisi propter officium.

A favour is not granted, unless on account of service.

Beneficium non datur nisi officii causa.

A benefice is not granted but for the sake of duty.

Beneficium clericale omnibus patet ubi pœna capitalis statuto
inducitur, nisi ex expreso tollatur.

The benefit of the clergy is open to all, when capital
punishment is inflicted by the statute, unless it be taken
away expressly.

Beneficium principis debet esse mansurum.

The kindness of a prince ought to be permanent.

Benigne faciendæ sunt interpretationes chartarum, ut res magis valeat quam pereat.

The meaning or interpretation of writs is to be favourably taken, that the matter may rather succeed than perish.

Benigne faciendæ sunt interpretationes, ut res magis valeat quam pereat, et ut voletur repugnantia et supervacua.

Interpretations are to be made favourably, that the thing may succeed rather than perish; and what is repugnant and superfluous may be avoided.

Benigne faciendæ sunt interpretationes propter simplicitatem laicorum, ut res magis valeat quam pereat.

Interpretations are to be favourably given of the simplicity of the laity, that the affair may rather prosper than perish.

Benignior sententia in verbis generalibus seu dubiis, est præferenda.

The more favourable opinion in general or doubtful words is to be preferred.

Benignius leges interpretandæ sunt, quo voluntas earum conservetur.

The laws are to be more favourably explained that their will or intention may be preserved.

Bis idem exegi bona fides non patitur; et in satisfactionibus, non permittitur amplius fieri quam semel factum est.

Honesty does not suffer the same thing to be exacted twice;
and in satisfaction it is not granted that more be done
than hath been once done.

Bona fides non patitur, ut bis idem exigatur.

Honesty does not permit the same thing to be exacted twice.

Bonæ fidei possessor, in id tantum quod ad se pervenerit, tenetur.

A bona fide possessor is bound only with respect to that
which has come to him.

Boni judicis est ampliare jurisdictionem.

It is the property of a good judge to enlarge his
jurisdiction.

Boni judicis est ampliare justitiam.

It is the property of a good judge to enlarge or extend
justice.

Boni judicis est causas litium dirimere.

It is the property of a good judge to put an end to the
causes of litigation.

Boni judicis est judicium sine dilatione mandare executioni.

It is the property of a good judge to give a mandate for
execution without delay.

Boni judicis est lites dirimere, ne lis ex lite oritur; et interest
reipublicæ ut sint fines litium.

It is the property of a good judge to put an end to law

suits, lest law suit should arise out of law suit; and it is the interest of the state that there be limits to law suits.

Bonus iudex secundum æquum et bonum iudicat, et æquitatem stricto juri præfert.

A good judge decides according to what is just and good; and prefers equity to strict law.

Bonum defendentis ex integra causa, malum ex quolibet defectu.

Good is the result of a person defending from an entire cause: evil results from one defending from any defect.

Bonum necessarium extra terminos necessitatis non est bonum.

A necessary good beyond the limits of necessity, is no good.

C.

Carcer ad homines custodiendos, non ad puniendos, dari debet.

A prison ought to be assigned for keeping men, not for punishing them.

Carcer non supplicii causa sed custodiæ constitutus.

A prison is ordained not for the sake of punishment, but for ward.

Casus fortuitus non est sperandus, et nemo tenetur divinare.

A fortuitous case is not to be calculated upon, and nobody is bound to conjecture what may happen.

Casus omissus pro omisso habendus est.

A case omitted is to be considered as omitted.

Casus omissus et oblivioni datus, depositioni communis juris relinquitur.

A case omitted and consigned to oblivion is left to the disposal of common law.

Catella juste possessa amitti non possunt.

[Transcriber's Note: "Catalla" should be "Catalla."]

A little whelp, (perhaps cattle), lawfully possessed, cannot be lost.

[Transcriber's Note: "A little whelp, (perhaps cattle)" should be "Chattels."]

Catalla reputantur inter minima in lege.

Chattels are considered as among the least things, in law.

Causa et origo est materia negotii.

Cause and origin are the subject matters of business.

Causa publica vicarium non recipit.

A public cause does not admit of a substitute.

Causa vaga et incerta, non est causa rationabilis.

A vague and uncertain cause is not a reasonable cause.

Cautionis in re plus est quam in persona.

There is more security in the thing than in a person.

Caveat emptor; caveat venditor.

Let the purchaser beware—let the seller beware.

Caveat emptor; qui ignorare non debuit quod jus alienum emit.

Let the purchaser take care; who ought not to be ignorant what right of another he purchases.

Certa debet esse intentio et narratio, et certum fundamentum, et certa res quæ deducitur in judicium.

The design and narration ought to be certain, and the foundation certain, and the matter certain, which is brought into court to be tried.

Certum est quod certum reddi potest.

What can be rendered certain is certain.

Cessa regnare si non vis judicare.

Cease to reign if there be no power to judge.

Cessante causa, cessat effectus.

The cause ceasing, the effect ceases.

Cessante ratione legis, cessat ipsa lex.

The reason of a law discontinuing, the law itself discontinues.

Charta ejus quæ sub potestate viri sit in lege nulla.

The writing of that woman who is under the power of her husband has no legal weight—is void in law.

Chirographum apud debitorem repertum præsumitur solutum.

A bill found in the possession of a debtor, is presumed to be paid.

Certa res oportet in judicium deducatur.

A certain matter is necessary sometimes to be brought into court for trial.

Clam delinquentes magis puniuntur quam palam.

Clandestine transactions are more severely punished than those openly committed.

Clausula generalis de residuo non ea complectitur quæ non ejusdem sint generis cum iis quæ speciatim dicta fuerant.

A general clause of reservation does not comprehend those things which may not be of the same kind with those which have been specially expressed.

Clausula generalis non refertur ad expressa.

A general clause does not refer to things mentioned.

Clausula vel dispositio inutilis per præsumptionem remotam vel causam ex post facto non fulcitur.

An unnecessary clause, or disposition, is not supported by a remote inference, or an ex post facto cause.

Clausulæ inconsuetæ semper inducunt suspicionem.

Uncustomary clauses always induce suspicion.

Clerici non ponantur in officio seculari.

The clergy cannot be placed in a secular office.

Collegium seu corpus corporatum nisi regiis constitutionibus non potest existere.

A college or incorporated body, cannot exist unless by royal authority.

Commercium jure gentium commune esse debet, et non in monopolium et privatum paucorum quæstum convertendum.

Commerce by the law of nations ought to be common, and not to be converted into a monopoly, and the private gain of a few.

Commodum ex injuria sua nemo habere debet.

Nobody ought to derive advantage from his injurious behaviour.

Communis error facit jus.

A common error makes law necessary.

Communiter unum officium est excusatio alterius.

One duty commonly is the excuse for the non performance of another.

Concessio versus concedentem latam interpretationem habere debeat.

A grant made to another person granting, should have a wide interpretation.

Condictio dicitur, cum quid in casum incertum, qui potest tendere ad esse aut non esse, confertur.

[Transcriber's Note: "Condictio" should be "Conditio."]

The appointment of an action for a certain day, is said to take place, when any thing in an uncertain case happens, which may have a tendency to be or not to be.

[Transcriber's Note: "The appointment of an action for a certain day" should be "A condition."]

Condictio rei furtivæ, quia rei habet persecutionem, hæredem quoque furis obligat.

The appointment of an action on a certain day, relating to stolen goods, as it implies the production of these stolen goods, binds the heir of the thief also.

Condictio præcedens adimpleri debet priusquam sequatur effectus.

The appointment of an action preceding, ought to take place before any effect can follow.

Condictio ad liberum tenementum auferendum non nisi ex facto placitari debet.

An argument for taking away a free tenure, ought not to be pleaded, except from the deed.

Conditio beneficiæ quæ statum construit, benigne, secundum verborum intentionem est interpretanda; odiosa, autem, quæ statum destruit, stricte, secundum verborum proprietatem, accipienda.

A beneficial agreement which confirms one state, is to be interpreted favourably, according to the intention of the words; but an odious agreement, which destroys one state, is to be understood strictly, according to the exact

meaning of the words.

Conditio ex parte extincta ex toto extinguitur.

An agreement extinguished in part, is wholly extinguished.

Conditio liberum tenementum cassans non per nuda verba sine charta valebit.

An agreement making void a free tenement, will have no weight by bare words without writing.

Conditio neminem juvabit nisi qui pars fuerit aut privus.

An agreement shall avail no one, unless he shall have been a party, or privy to it.

Conditio partim extincta in omnibus extinguitur.

An agreement extinguished in any of its parts, is extinguished in them all.

Conditiones præcedentes ad normam legis severe exigendæ; aliter de subsequentibus ubi æquitati licet damnum rei infectæ pensari.

Preceding agreements must be rigorously exacted according to the rule of the law; it is otherwise concerning subsequent agreements, where equity is allowed to make up for the loss incurred by the failure.

Conditiones præcedentes stricte interpretandæ, sed non ita de subsequentibus.

Preceding agreements are to be strictly interpreted; but not so concerning subsequent ones.

Conditiones quælibet odiosæ; maxime autem contra matrimonium et

commercium.

Some agreements are odious, but chiefly those against matrimony and commerce.

Confessio facta in judicio, omni probatione major est.

Confession made in a trial is stronger than all proof.

Confessus in judicio pro judicato habetur, et quodammodo sua sententia damnatur.

A person who confesses on trial, is considered as judged; and in some measure is condemned on his own admission.

Confirmare nemo potest priusquam jus ei accederit.

Nobody can confirm before the right fall to him.

Confirmare est id quod prius infirmum fuit, firmare vel firmum facere.

To confirm is to strengthen, or make strong, that which before was weak.

Confirmat usum qui tollit abusum.

He confirms the use who takes away the abuse.

Confirmatio est nulla ubi donum præcedens est invalidum.

There is no confirmation where the preceding gift is invalid.

Confirmatio est possessionis jure defectiva per eos quorum jus est ratihabitio.

The confirmation of a possession defective in law, is a

ratification by means of those whose right it is.

Confirmatio omnes supplet defectus, licet id quod actum est ab initio non valuit.

Confirmation supplies all defects, although that which was done at the beginning hath not been valid.

Conjunctio maris et fœminæ est de jure naturæ.

The conjunction or union of male and female is according to the law of nature.

Conscientia legalis ex lege fundatur.

Legal consciousness is founded upon the law.

Conscientia legi nunquam contravenit.

Consciousness never contravenes the law.

Conscientia legis ex lege pendet.

A consciousness of the law depends upon the law.

Consensus est voluntas plurium ad quos res pertinet simul juncta, et in criminalibus silentium præsentis consensum præsumit; in civilibus nonnunquam vel absentis et ubi ejus interest etiam ignorantis.

Consent is the joint will of many, to whom the thing at the same time belongs; and in criminal cases the silence of a person present presumes consent: in civil cases, sometimes, that of the person absent, and even ignorant where his interest lies, does the same.

Consensus facit jus.

Consent constitutes law.

Consensus facit legem.

Consent constitutes written law.

Consensus non concubitus facit matrimonium, et consentire non possunt ante annos nubiles.

Consent, and not cohabitation, constitutes matrimony; and the parties cannot consent before marriageable years.

Consensus, non coitus, facit matrimonium.

Consent, and not coition, constitutes marriage.

Consensus tollit errorem.

Consent takes away error.

Consentientes et agentes pari poena plectentur.

Those who consent, and those who act, shall be subjected to the same punishment.

Consentire matrimonio non possunt infra annos nubiles.

Persons cannot consent to marriage before marriageable years.

Consilii non fraudulentum nulla obligatio est. Cæterum si dolus et calliditas intercessit, de dolo actio competit.

There is no obligation not to give fraudulent counsel; but if fraud and cunning intervene, an action is competent concerning the craft.

Constructio ad causam refertur.

Construction is referred to the cause.

Constructio ad principia refertur rei.

Construction is referred to the principles of a thing.

Constructio est secundum æquitatem.

Construction is according to equity.

Constructio legis non facit injuriam.

The construction of law does not occasion injury.

Constructio secundum æqualitatem rationis.

Construction is according to the equality of reason.

Consuetudo alicujus loci lex est legis loci; legi communi specie diversa sed non in genere contraria.

The custom of any place is the law of that place; different in species to common law, but not contrary in kind.

Consuetudo, contra rationem introducta, potius usurpatio quam consuetudo appellari debet.

Custom introduced against reason, ought rather to be called usurpation than custom.

Consuetudo debet esse certa; nam incerta, pro nullis habetur.

Custom ought to be certain; for if uncertain, it goes for nothing.

Consuetudo est bonus, rationabilis, certus et communis loci alicujus usus, cui memoria hominis non currat in contrarium.

Custom is the good, reasonable, certain, and common practice of any place, contrary to which nothing is in the recollection of man.

Consuetudo est optima interpres legum.

Custom is the best interpreter of the laws.

Consuetudo et communis assuetudo vincit legem non scriptam si sit specialis, et interpretatur legem scriptam, si lex sit generalis.

Custom and common practice overrules a law not written, if it be special, and interprets a written law, if the law be general.

Consuetudo ex certa causa rationabili usitata, privat communem legem.

Usual custom from a certain reasonable cause, excludes common laws.

Consuetudo licet sit magnæ autoritatis, nunquam tamen præjudicat manifestæ veritati.

Custom, although it be of great authority, is, however, never prejudicial to evident truth.

Consuetudo manerii et loci est observanda.

The custom of a manor, and of a place, is to be observed.

Consuetudo maneriorum domini voluntatem regit.

The custom of manors rules the will of the master.

Consuetudo neque injuria oriri neque tolli potest.

Custom can neither arise nor be taken away by injury.

Consuetudo non præjudicat veritati.

Custom is not prejudicial to truth.

Consuetudo populi Anglicani et communis lex liberta.

The custom of the English people, and the common law is free.

Consuetudo præscripta et legitima, vincit legem.

Lawful and prescribed custom overcomes law.

Consuetudo pro lege servatur.

Custom is observed for law.

Consuetudo regni Angliæ, est Lex Angliæ.

The custom of the kingdom of England, is the law of England.

Consuetudo totius Angliæ est lex totius Angliæ communis.

The custom of all England is the common law of all England.

Consuetudo volentes ducit, lex volentes trahit.

[Transcriber's Note: "lex volentes" should be "lex nolentes."]

Custom guides those who are willing: law draws those who are willing.

[Transcriber's Note: "law draws those who are willing"]

should be “law draws those who are unwilling.”]

Contemporanea expositio est optima, et fortissima in lege.

The exposition of contemporaries is the best, and the strongest in law.

Contra bonos mores.

Against good morals.

Contra jus civilis regulas pacta conventa, rata non habentur.

Agreements made contrary to the civil law, are not considered valid.

Contra legem facit, qui id facit, quod lex prohibet; in fraudem vero, qui salvis verbis legis, sententiam ejus circumvenit.

He acts against the law, who does that which the law prohibits; but he acts fraudulently, who, observing the words of the law, eludes its meaning.

Contra non valentem agere, non currit præscriptio.

Prescription does not run against one unable to act.

Contra veritatem lex nunquam aliquid permittit.

The law never allows any thing against truth.

Contractus ad mentem partium verbis notatam intelligendus.

A contract is to be understood, according to the intention of parties expressed in words.

Contractus ex turpi causa, vel contra bonos mores nullus.

A contract in an infamous cause, or subversive of good morals, is void.

Contractus infantis invalidus si in damnum sui spectet.

The contract of an infant, or one under age, is invalid, if it tends to his loss.

Contrectatio rei alienæ, animo furandi, est furtum.

The handling of another man's property with an intention of stealing it, is theft.

Conventio privatorum non potest publico juri derogare.

The agreement of private persons cannot derogate from public right.

Copulatio verborum indicat acceptationem in eodem sensu.

The joining together of words, shows their acceptation in the same sense.

Corpus corporatum ex uno potest consistere.

An incorporated body can consist of one person.

Corpus corporatum neque in lite sisti neque utlagari, neque bona forisfacere, neque attinctum pati, attornatum facere, neque excommunicari potest.

An incorporated body cannot be brought forward personally in a law suit; nor outlawed; nor forfeit their goods; nor suffer attain; nor grant power of attorney; nor be excommunicated.

Corpus corporatum non habet hæredes, neque executores, neque mori potest.

An incorporated body has no heirs, nor executors, nor can it die.

Corpus humanum non recipit æstimationem.

The human body does not admit of valuation.

Creditor qui permittit rem venire, pignus dimittit.

The creditor who allows property to be sold, gives up the pledge.

Crescente malitia, crescere debet et pœna.

While wickedness increases, punishment ought also to increase.

Crimen ex postfacto non diluitur.

A crime is not attoned for by an after action.

Crimen omnia ex se nata vitiat.

A crime vitiates all things proceeding from it.

Crimina morte extinguuntur.

Crimes are extinguished by death.

Cruciatus legibus invisi.

Tortures are odious to the laws.

Cui licet quod majus, non debet quod minus est non licere.

To whom what is greater is allowed, what is less ought also to be allowed.

Cuique aliquis quid concedit, concedere videtur; et id, sine quo res ipsa esse non potuit.

What any one grants to one, he appears to grant; and that without which the thing itself could not be.

Cuilibet in arte sua credendum.

We ought to believe every one in his own profession.

Cui jurisdictio data est, ea quoque concessa esse videntur, sine, quibus jurisdictio explicari non potuit.

To whom jurisdiction has been given, those things also seem to be granted, without which jurisdiction could not be explained.

Cui plus licet quam par est plus vult quam licet.

He to whom more is allowed than is proper, wishes more than is allowed.

Cujus est commodum, ejus debet esse periculum.

He should have the risk, who has the advantage.

Cujus est dare, ejus est disponere.

He who has the right to give, has the right to dispose.

Cujus est donandi, eidem et vendendi, et concedendi jus est.

He who has the right of conferring a donation, has also the right of selling and granting.

Cujus est solum, ejus est usque ad cœlum.

He who has a right to the soil, has a right even to the sky.

Cujus juris (i.e. Jurisdictionis) est, principale ejusdem juris erit accessorium.

He to whom the jurisdiction belongs, will be the principal accessory of the same jurisdiction.

Culpa caret qui scit, sed prohibere non potest.

He is free from fault who knows, but cannot hinder.

Culpa est immiscere se rei ad se non pertinenti.

It is a fault to meddle with that with which one has no business.

Culpa vel pœna ex equitate non intenditur.

Blame or punishment does not proceed from equity.

Cum confitente mitius est agendum.

We must act more mildly with a person confessing.

Cum de lucro duorum quærat, melior est causa possidentis.

When the question is concerning the gain of two persons, the cause of the one in possession, is the better.

Cum principalis causa non consistit, plerumque ne ea quidem quæ sequuntur locum habent.

When the main cause is not consistent, for the most part, not even the things which follow have a place.

Curia cancellaria contractibus in plenum redigendis favet.

The chancery court favours the entire reduction of contracts.

Curia cancellaria non nisi parlamento subdita.

The court of chancery is not subject, unless to the parliament.

Curia ecclesiastica locum non habet super iis quæ juris sunt communis.

The ecclesiastical court has no right over those things which are matter of common law.

Curia Parlamenti suis propriis legibus subsistit.

The parliament subsists by its own laws.

Curiosa et captiosa interpretatio in lege reprobatur.

An over-refined and captious interpretation is reprobated in law.

Custos corporis cujusque infantis est is esto ad quem hæreditas nequeat pervenire.

Let him be the guardian of the body of any infant, to whom the inheritance cannot come.

D.

Damnum sine injuria esse potest.

There may be loss without injustice.

Debet esse vel aliquod speciale damnum emergens, vel saltem aliquod gravamen quod nocere possit et videatur probabiliter nociturum.

There ought to be either some special emergent loss, or at least some grievance which can hurt, and may appear in all probability likely to hurt.

Debitor non præsimitur donare.

A debtor is not presumed to grant a donation.

Debitum sequitur personam.

Debt follows the person.

Deceptis non decipientibus jura subveniunt.

Laws assist the deceived, not the deceiving.

Decipi quam fallere est tutius.

It is more safe to be deceived than to deceive.

Deficiente uno non potest esse hæres.

One being deficient, he cannot be an heir.

De fide et officio judicis non recipitur quæstio; sed de scientia sive error sit juris sive facti.

A question is not admitted concerning the honesty and duty of a judge; but concerning his knowledge whether it may be an error of the law or of the fact.

De minimis non curat lex.

The law has no care of very small things.

De non apparentibus et non existentibus eadem est ratio.

There is the same estimation concerning things not apparent and things not existing.

De similibus ad similia eadem ratione procedendum est.

We must proceed from similar things to similar, in the same way.

Delegata potestas non potest delegari.

A delegated power cannot be delegated.

Delinquens per iram provocatus, puniri debet mitius.

A delinquent provoked by anger, ought to be punished more mildly.

Derivativa potestas non potest esse major primitiva.

Derivative power cannot be greater than primitive.

Derivativa potestas est ejusdem jurisdictionis cum primitiva.

Derivative power is of the same jurisdiction as the primitive.

Descensus tollit intrationem.

Descent takes away entrance.

Designatio unius est exclusio alterius, et expressum facit cessare tacitum.

The designation of one is the exclusion of another; and what is expressed makes what is tacit to cease.

Designatio unius est exclusio alterius.

The particularizing of one is the exclusion of another.

Deum esse ex consensu omnium communis orta lex in legibus Angliæ plurimum valet.

The common law which has arisen by the consent of all, that God exists, has great weight in the laws of England.

Dies dominicus non est dies juridicus.

The Lord's day is not a day for court business.

Dignitas supponit officium et curam, et non est partibilis.

Dignity supposes office and charge, and is not divisible.

Dignitates rex dat, virtus conservat, delicta auferunt.

The king confers honours, virtue preserves them, transgressions take them away.

Dignus mercede operarius.

The labourer is worthy of his hire.

Dilatio quæ pro justitia faciat acceptissima quæ contra justitiam maxime invisa.

Delay or suspension for justice sake, is very acceptable;
but delay contrary to justice is very odious.

Dilationes in lege sunt odiosæ.

Delays in law are odious.

Discretio est per legem discernere quid sit justum.

Discretion is to discern what is just by the law.

Discretio est scire per legem quid sit justum.

Discretion is to know what is just by the law.

Dispensatio est vulnus, quod vulnerat jus commune.

Dispensation is a wound that injures common right.

Dispensatio est mali prohibiti, provida relaxatio utilitate communi pensata.

Dispensation relates to an evil prohibited, a provident
relaxation compensated by common advantage.

Dissimulatione tollitur injuria.

Injury is taken away by dissimulation.

Distinguenda sunt tempora; aliud est facere, aliud perficere.

Times are to be distinguished; there is a time to act, and

another to finish.

Distinguenda sunt tempora.

Times are to be distinguished.

Districtio non potest esse nisi pro certis servitiis.

Distraining of goods cannot be, unless for certain services or servitudes.

Dolo facit, qui petit quod redditurus est.

He asks with guile, who asks what he ought to return.

Dolus circuitu non purgatur.

Craft is not justified by any round about way.

Dolus versatur in generalibus.

Craft is inconsistent in general.

Dolus auctoris non nocet successor.

The craft of an author does not hurt his successor.

Dolus versatur in universalibus.

The crafty man is employed in universals.

Dominium a possessione coepisse dicitur.

Dominion is said to have taken its rise from possession.

Dominium non potest esse in pendent.

Dominion cannot be over a thing depending.

Dominus omnium in regno terrarum rex habendus, et ab eo omnes tenent, ita tamen ut suum cuique sit.

The king is to be reckoned the lord of all the lands in the kingdom; and all hold of him, yet so as that every one has his own.

Dominus vel causam servi vel personam inculpato defendet; etiam ubi alii non liceret.

The master may without blame defend the cause or person of his servant, even where it is not lawful for another.

Domum suam unicuique reficere licet, dum non officiat invito alteri, in quo jus non habet.

It is lawful for every one to repair his own house, provided he does it not against the will of another over whom he has no right.

Dona clandestina semper sunt suspiciosa.

Clandestine gifts are always suspicious.

Donari videtur, quod nullo jure cogente conceditur.

A thing appears to be granted which is granted without any compulsion of the law.

Donatio non præsimitur.

A donation is not presumed.

Donatio perficitur possessione accipientis.

A donation is completed by the possession of the receiver.

Donatio principis intelligitur sine præjudicio tertii.

A donation of the principal is understood to be without prejudice of a third party.

Donatio quælibet ex vi legis sortitur effectum.

Any donation obtains effect by the force of law.

Dormiunt aliquando leges, nunquam moriuntur.

The laws sometime sleep, never die.

Duo non possunt esse domini ejusdem rei in solidum.

Two persons cannot entirely be master of the same thing.

Duo non possunt in solido unam rem possidere.

Two cannot entirely possess one thing.

Duplex placitum non admittitur.

A double will, or edict, is not admitted.

Durum est per divinationem a verbis recedere.

It is hard to depart from the meaning of words by means of conjecture.

E.

Ea est accipienda interpretatio quæ vitio caret.

That interpretation is to be received which is not defective.

Ea quæ dari impossibilia sunt, vel quæ in rerum natura non sunt, pro non adjectis habentur.

Those things which cannot possibly be given, or which have no existence in the nature of things, are considered as things not included.

Ea quæ raro accidunt, non temere in agendis negotiis computantur.

Those things which seldom happen are not rashly to be computed in transacting business.

Ea sola deportationis sententia aufert, quæ ad fiscum pervenerit.

A sentence of transportation takes away those things alone which come to the treasury.

Eadem mens uniuscujusque præsumitur quæ est juris, quæque esse debeat, præsertim in dubiis.

The intention of every one is presumed to be the same as that of the law, and as it ought to be, especially in dubious cases.

Ecclesia ecclesiæ decimasolvere non debet.

The church cannot pay tithes to the church.

Ecclesia semper in regis est tutela.

The church is always under the protection of the king.

Effectus sequitur causam.

The effect follows the cause.

Ejus est non nolle, qui potest velle.

It does not belong to him to refuse who can be willing.

Emptio et venditio contrahitur, simulatque de pretio convenerit.

Buying and selling is contracted as soon as the price is agreed upon.

Eodem modo quo quid constituitur, eodem modo dissolvitur,—destruitur.

In the same way in which any thing is constituted, in the same way it is dissolved—destroyed.

Ephemeris annua pars legis Anglicanæ.

An annual diary is a part of the English law.

Equitas naturam rei non mutat.

Equity does not change the nature of a thing.

Error placitandi æquitatem non tollit.

The error in writing does not take away equity.

Error, qui non resistitur, approbatur.

The error which is not resisted, is approved.

Est boni judicis ampliare jurisdictionem.

It is the duty of a good judge to extend his jurisdiction.

Et est pactio duorum pluriumve in idem placitum consensus.

The agreement of two or more in the same will, constitutes an agreement.

Excambium non potest esse rerum diversæ qualitatis; neque excambium inter tres partes datur.

Excambion, or exchange, cannot be of things of a different quality; nor is it granted among three parties.

Exceptio probat regulam, de rebus non exceptis.

An exception makes good the rule about the things that are not excepted.

Exceptio quæ firmat legem, exponit legem.

An exception which strengthens the law, expounds the law.

Excessus in re qualibet jure reprobatur communi.

Excess in any thing is reprobated by common law.

Ex diuturnitate temporis omnia præsumuntur solemniter acta.

From the length of time, all things are presumed to be done by usage.

Ex facto jus oritur.

Right or law arises from deed—fact.s

Ex frequenti delicto augetur pœna.

Punishment is increased from the frequency of a transgression.

Ex iudiciorum publicorum admissis, non alias transeunt adversus hæredes pœnæ bonorum ademptionis, quam si lis contestata et condemnatio fuerit secuta; excepto majestatis iudicio.

On account of admissions made at public trials, the punishment of confiscation of goods does not otherwise pass against heirs, than if a contested suit and condemnation followed; excepting in the case of high treason.

Ex maleficio non oritur contractus.

Contract does not arise from injury.

Ex malis moribus bonæ leges oriuntur.

Good laws take their origin from bad practices.

Ex nuda submissione non oritur actio.

An action does not arise from a bare submission.

Ex nudo pacto non oritur actio.

An action does not arise from a bare agreement.

Executio est executio legis secundum iudicium.

Execution is the performance of the law according to judgment.

Expressa nocent, non expressa non nocent.

Things expressed hurt; those not expressed do not hurt.

Expressio unius est exclusio alterius.

The expression of one is the exclusion of another.

Expressio illorum quæ tacite insunt nihil operatur.

The expression of those things which are tacitly implied,
is unnecessary.

Ex qua persona quis lucrum capit, ejus factum præstare debet.

From whatever calling any one derives profit, he ought to
discharge the duty of that calling.

Expressum facit cessare tacitum.

What is expressed makes what is silent to cease.

Exterus non habet terras, habet res suas, et vitam, et libertatem.

A foreigner has no lands, he has his own effects, his life
and liberty.

Extinguitur obligatio quæ rite constiterit, si in eum casum inciderit,
a quo incipere non potuit.

An obligation which has been sealed in due form, is
extinguished if it fall into that situation from which it
cannot arise.

Extra territorium jus dicenti impune non paretur. Idem est, et si supra
jurisdictionem suam velit jus dicere.

One cannot with impunity obey one executing justice,
beyond his province; the same happens if one presumes to
administer justice beyond his own jurisdiction.

Extrema potius pati, quam turpia facere.

Rather suffer extremities, than do infamous things.

F.

Factum a iudice quod ad officium ejus non pertinet, ratum non est.

An act of a judge which does not belong to his office, is
not binding.

Facultas probationum non est angustanda.

The faculty of furnishing proofs, is not to be
circumscribed.

Falsa orthographia, sive falsa grammatica, non vitiat concessionem.

Erroneous orthography, or grammatical errors, do not
vitate a grant.

Fama est constans virorum bonorum de re aliqua opinio.

Fame is the constant opinion of good men concerning any
thing.

Fatetur facinus qui iudicium fugit.

He confesses the crime who avoids the trial.

Favorabiliores rei potius, quam actores habentur.

Accused persons are held more favourable than the accusers.

Feodum simplex ex feodo simplici pendere non potest.

A simple feu cannot depend on a simple feu.

Fere in omnibus pœnalibus judiciis, et ætati et imprudentiæ succurritur.

Almost in all penal trials allowance is made for youth and imprudence.

Fiat justitia, ruat cœlum.

Let justice be done, if the sky should fall.

Fictio cedit veritati.

Fiction yields to truth.

Fictio juris non est ubi veritas.

There is no supposition of right where the truth is evident.

Filiatio non potest probari.

Filiation cannot be proved.

Flumina et portus publica sunt.

Rivers and harbours are public.

Flumina pene omnia, et portus, publica sunt.

Almost all rivers and harbours are public.

Fœminæ ab omnibus officiis civilibus vel publicis remotæ sunt. Item impubes omnibus civilibus officiis debet abstinere.

Women are removed from all civil and public offices.—Likewise those under age ought to abstain from all civil offices.

Fœminis et infantibus per vicarium multis muneribus licet fungi.

It is lawful for women and children to discharge offices by proxy or substitute.

Fortior et posterior est dispositio legis quam hominis.

The disposal of the law is stronger and later than that of a man.

Fractionem diei non recipit lex.

The law does not admit of the fractional part of a day.

Fraus adstringit non dissolvit perjuriam.

Fraud binds—does not dissolve perjury.

Fraus æquitati præjudicat.

Fraud is prejudicial to equity.

Fraus est celare fraudem.

To conceal fraud is fraud.

Fraus est odiosa et non præsumenda.

Fraud is odious, and not to be presumed.

Fraus et dolus nemini debent patrocinari.

Fraud and craft ought to be a protection to none.

Fraus legibus invisissima.

Fraud is most odious to the laws.

Fraudis interpretatio semper in jure civili non ex eventu duntaxat, sed ex concilio quoque desideratur.

The interpretation of fraud in the civil law is not always desired from the event merely, but likewise from the intention.

Frustra expectatur cujus effectus nullus sequitur.

That is expected in vain of which no effect follows.

Frustra legis auxilium implorat qui leges ipsas subvertere conatur.

He implores the assistance of the law in vain, who endeavours to subvert the laws themselves.

Frustra probatur quod probatum non relevat.

That thing is proved in vain, which, when proved, is not relevant.

Fundi non debent inalienabiles esse.

Farms ought not to be unalienable.

Furiosi, vel ejus cui bonis interdictum sit, nulla voluntas est.

The will of a madman, or of him who is interdicted from the administration of his goods, is nothing.

Furiosus solo furore punitur.

A madman is punished only by his own madness.

G.

Generale dictum, generaliter est intelligendum.

A thing said in a general sense, is to be understood in a general sense.

Generale dictum generaliter est interpretandum. Generalia verba sunt generaliter intelligenda.

A general saying is to be interpreted in general.—General words are to be so interpreted.

Generalia præcedunt, specialia sequuntur.

General things precede, special things follow.

Generalia specialibus non derogant.

General things are not derogatory to special.

Generalia sunt præponenda singularibus.

General things are to be preferred to single things.

Generalibus specialia derogant.

Special things are derogatory to general.

Generalis gratia prodicionem et homicidium non excipit pœna.

General favour does not exempt treason and homicide from punishment.

Generaliter, cum de fraude disputatur, non quid habeat actor, sed quid per adversarium habere non potuerit, considerandum est.

When there is a dispute concerning fraud, we are to consider in general, not what the actor may have, but what he could not have had by his opponent.

Generaliter probandum est, ubicunque in bonæ fidei judiciis confertur, in arbitrium domini aut procuratoris ejus, conditio, pro boni viri arbitrio hoc habendum est.

We ought to prove in general, that in whatever case a condition is imposed upon the will of a master or his agent, in _bona fide_ trials, this is to be considered according to the judgment of a good man.

Grammatica falsa non vitiat chartam.

False grammar does not vitiate a writing.

Gravius est alternam quam temporalem lædere majestatem.

It is more grievous to hurt an alternate, than a temporary authority.

H.

Habendum in charta vel auget vel restringit, sed non novum inducit.

What is to be regarded in writing, either increases or restricts; but it does not induce any thing new.

Hæredi favetur.

Favour is shewn to an heir.

Hæreditas, alia corporalis, alia incorporalis: Corporalis est, quæ tangi potest et videri: Incorporalis, quæ tangi non potest nec videri.

Inheritance, one kind is substantial, and another unsubstantial—the substantial is what can be touched and seen—the unsubstantial, what cannot be touched nor seen.

Hæreditas est successio in universum jus quod defunctus habuerit.

Inheritance is the succession to the universal right which the deceased had.

Hæreditas ex dimidio sanguine non datur.

Inheritance is not granted from half-blood.

Hæreditas nihil aliud est, quam successio in universum jus quod defunctus habuerit.

Inheritance is nothing else than the succession to the whole right which the deceased may have had.

Hæreditates recta linea debent descendere, sed non ascendunt.

Inheritances ought to descend in a direct line; but do not ascend.

Hæres est aut jure proprietatis, aut jure representationis.

One is an heir either by right of property, or by right of representation.

Hæres est eadem persona cum antecessore,—pars antecessoris.

An heir is the same person with his predecessor—a part of that predecessor.

Hæres legitimus est quem nuptiæ demonstrant.

He is the lawful heir whom the marriage demonstrates to be so.

Hæres est nomen juris; filius est nomen naturæ.

An heir is the name of right—son is the name of nature.

Hæres non tenetur in Anglia ad debita antecessoris reddenda, nisi per antecessorem ad hoc fuerit obligatus, præterquam debita regis tantum.

The heir is not bound in England to pay the debts of his predecessor, unless he hath been obliged to this by his predecessor, except only what is due to the king.

Hæredem ejusdem potestatis jurisque esse, cujus fuit defunctis, constat.

It is certain that an heir hath the same power and privilege which belonged to the deceased.

Hæres hæredis mei est meus hæres.

The heir of my heir is my heir.

Humanum est errare.

Man is liable to error; or, to err is inherent to human

nature.

I.

Ibi semper debet fieri Triatio, ubi iuratores meliorem possunt habere notitiam.

Trial must take place, where the jury may obtain better information.

Id certum est quod certum reddi potest, sed id magis certum est quod de semetipso est certum.

That is certain which can be rendered certain, but that is more certain which is certain of itself.

Id perfectum est quod ex omnibus suis partibus constat; et nihil perfectum est dum aliquid restat agendum.

That is complete which consists of all its parts; and nothing is perfect while any thing remains to be done.

Id quod est magis remotum, non trahit ad se quod est magis junctum, sed e contrario in omni casu.

That which is more remote does not draw to itself that which is more closely joined; but the contrary in every case.

Id quod nostrum est, sine facto nostro ad alium transferri non potest.

That which is ours cannot be transferred to another without our own deed.

Idem agens et patiens esse non potest.

The same person cannot be both the agent and patient.

Idem est facere et non prohibere cum possis, et qui non prohibet cum prohibere possit, in culpa est.

It is the same to do and not to prohibit when you can; and he who does not prohibit when he can prohibit, is in fault.

Idem est nihil dicere et insufficienter dicere.

It is the same thing to speak nothing, and to speak insufficiently.

Idem est non esse et non apparere.

Not to be, and not to appear is the same.

Idem semper antecedenti proximo refertur.

The same thing is always referred to the nearest antecedent.

Ignorantia facti excusat.

Ignorance of a fact or deed excuses.

Ignorantia iudicis est calamitas innocentis.

The ignorance of a judge is the calamity of the innocent.

Ignorantia juris non excusat.

Ignorance of the law does not excuse.

Ignorantia juris sui non præjudicat juri.

Ignorance of ones own right is not prejudicial to that right.

Ignorantia legum neminem excusat, omnes enim præsumentur eas nosse quibus omnes consentiant.

Ignorance of the law excuses no body, for all are presumed to know those things on which all agree.

Ignorantia non excusat legem.

Ignorance does not excuse the law.

Illud quod alias licitum non est, necessitas facit licitum; et necessitas inducit privilegium quod jure privatur.

That which is not lawful in another case, necessity makes lawful; and necessity induces a privilege which is taken away by the law.

Imaginaria venditio non est pretio accedente.

It is not an imaginary sale when the price is paid.

Imperator noster servis rescripsit, in ambiguitatibus quæ ex legibus proficiscuntur, consuetudinem, aut rerum perpetuo similiter judicatarum auctoritatem, vim legis obtinere.

Our emperor wrote back to his subjects that in the ambiguities, which proceed from the laws, the custom, or the authority of cases constantly decided in the same manner, should obtain the force of laws.

Imperitia culpæ adnumeratur.

Unskilfulness is reckoned a fault.

Impersonalitas non concludit nec ligat.

Impersonality is neither conclusive nor binding.

Impius et crudelis iudicandus est qui libertati non favet.

He is to be considered a wicked and cruel person who does not favour liberty.

Improbi rumores, dissipati sunt.

Let wicked reports be silenced.

Impotentia excusat legem.

Inability excuses law.

Impunitas semper ad deteriora invitat.

Impunity always is an inducement to do worse.

Impossibile nulla obligatio est.

There is no obligation to things impossible; none is obliged to do impossibilities.

In actis publicis collegii sive corporis alicujus corporati consensus, est voluntas multorum ad quos res pertinet simul juncta.

In public acts of a college or any incorporated body, the will of many to whom the matter belongs joined together, is the consent.

In æquali jure melior est conditio possidentis.

In equality of right, the condition of the person in possession, is the better.

In alternativis electio est debitoris.

In alternatives, the power of election belongs to the debtor.

In brevi aut charta generalia præsedunt specialia.

General things precede special, in a brief or writing.

In ambiguis casibus semper præsumitur pro rege.

In ambiguous cases, the presumption is always in favour of the king.

In ambiguis orationibus maxime sententia spectanda est ejus, qui eas protulisset.

In ambiguous speeches, the opinion of him is chiefly to be considered who had uttered them.

In ambiguis pro dotibus respondere melius est.

In doubtful cases, it is better to answer for endowments.

In atrocioribus delictis punitur affectus licet non sequatur effectus.

In the more atrocious transactions, the inclination is punished, though the effect does not follow.

In capitalibus minor est pœna cogitationis manifestæ quam conatus ex actu directo; et minor conatus quam patrati facinoris, ut sit pœnitentiæ locus. Sed in prodicione in terrorem aliter statutum est.

In capital cases, the punishment of an evident intention is less, than an attempt by a direct act; and the punishment of the attempt is less, than that of the deed perpetrated,

that there may be room for repentance: but in treason, it is determined otherwise, for terror.

In capitalibus quid, quomodo, quando, ubi, a quo factum, cum circumstantiis solemnibus, debent exponi.

In capital cases, the what, in what manner, and when, where, and by whom done, with the particular circumstances, ought to be explained.

In capitalibus sufficit generalis malitia cum facto paris gradus.

In capital cases, general malice, with a fact of an equal degree of guilt, is sufficient.

In casu extremæ necessitatis omnia sunt communia.

In a case of extreme necessity, all things are common.

In civilibus ministerium excusat, in criminalibus non item.

In civil cases, the situation of a servant excuses, but not so in criminal cases.

In civilibus proxima et directa præstare quis tenetur; in criminalibus etiam consequentia.

In civil cases, one is bound to perform the nearest and direct things; but in criminal cases, even consequent things.

In civilibus voluntas pro facto reputabitur.

In civil cases, the will shall be considered for the deed.

In conjunctivis oportet utramque partem esse veram.

In co-partnerships, it is necessary that each party be true.

In consimili casu, consimile debet esse remedium.

In a similar case there ought to be a similar remedy.

In consuetudinibus non diuturnitas temporis sed soliditas rationis est considerata.

In customs, not continuance of time, but solidity of reason, is to be considered.

In contractibus, benigna; in testamentis benignior; in restitutionibus, benignissima interpretatio facienda est.

In contracts, an interpretation must be made favourable; in testaments more favourable; in restitutions most favourable of all.

In contrahenda venditione ambiguum pactum contra venditorem interpretandum est.

In contracting a sale, a doubtful bargain is to be interpreted against the seller.

In criminalibus probationes debent esse luce clariores.

In criminal cases, proofs ought to be clearer than the sun.

In criminalibus voluntas pro facto non reputabitur.

In criminal cases, the will must not be considered as the deed.

In disjunctivis sufficit alteram partem esse veram.

In dissolution of partnerships, it is sufficient that one

party be true.

In dubiis magis dignum est accipiendum.

In doubtful cases, the more worthy is to be taken.

In dubiis non præsumitur pro testamento.

In doubtful cases, there is no presumption for a will.

In eo quod plus sit, semper inest et minus.

In that where there is more, there is less also included.

In eo quod vel is, qui petit, vel is, a quo petitur lucri factus est, durior causa est petitoris.

In that which either he who seeks, or he from whom it is sought, for the sake of gain, the cause of the applicant is harder.

In favorabilibus, magis attenditur quod prodest quam quod nocet.

In favourable cases, we rather attend to what does good, than to what does hurt.

In favorem vitæ, libertatis et innocentiae, omnia præsumuntur.

In favour of life, liberty, and innocence, all things are presumed.

In fictione juris semper subsistit æquitas.

Equity always subsists on the supposition of right.

In hæredes non solent transire actiones quæ pœnales ex maleficio sunt.

Heirs are not liable to actions which are penal from injury.

In his quæ de jure communi omnibus concedentur, consuetudo alicujus patriæ vel loci est alleganda.

[Transcriber's Note: "est alleganda" should be "non est alleganda."]

In those things which are conceded to all by common right, the custom of any country or place is to be alleged.

[Transcriber's Note: "to be alleged" should be "not to be alleged."]

In judicio non creditur nisi juratis.

In a trial, none are believed but those who are sworn.

In jure non remota causa, sed proxima spectatur.

On a trial, not the remote cause, but the nearest is regarded.

In lege omnia semper in præsentī stare censentur.

In law, all things are always judged to stand in their present state.

In maxima potentia minima licentia.

In the greatest power there is the least liberty.

In negotiis contrahendis alia causa habita est furiosorum, alia eorum qui dari possunt, quamvis actum rei intelligerent; nam furiosus nullum negotium contrahere potest; pupillus omnia, tutore, auctore, agere potest.

In contracting business, the cause of madmen is to be considered one thing, and the cause of those who can speak another, in so far as they understand the transaction of a

matter; for a madman can contract no business; a pupil can do all things with the authority of his guardian.

In novo casu novum remedium apponendum est.

In an extraordinary case, an extraordinary remedy must be applied.

In obscuris, inspici solere quod verisimile esset, aut quod plerumque fieri solet.

In obscure cases, what is probable is wont to be looked to; or what for the most part is used to be done.

In odium spoliatoris omnia præsumuntur.

All things are presumed in hatred of a defrauder.

In omnibus causis pro facto accipitur id, in quo per alium moræ sit, quo minus fiat.

In all causes, that is taken for a fact, in which by means of another there may be a hinderance to prevent its being done.

In omnibus fere minori ætati succurritur.

In all cases aid is given to minors.

In omnibus obligationibus, in quibus dies non ponitur, præsentī die debitur.

In all obligations in which a day is not fixed, it is due on the present day.

In omnibus quidem, maxime tamen in jure, æquitas spectanda est.

In all things indeed, chiefly however in law, equity is to be regarded.

In pari causa possessor potior haberi debet.

In an equal cause a possessor ought to be reckoned preferable.

In pari delicto potior est conditio defendentis.

In an equal delict the state of the defender is better.

In præsentia majoris cessat potentia minoris.

In the presence of the greater, the power of the lesser ceases.

In pœnalibus causis benignius interpretandum est.

In penal causes we ought to interpret more mercifully.

In re dubia magis inficiatio quam affirmatio intelligenda.

In a doubtful affair denial rather than affirmation is to be understood.

In re obscura melius est favere repetitioni quam adventitio lucro.

In an obscure case it is better to favour repetition than adventitious gain.

In rebus manifestis errat qui auctoritates legum allegat: quia perspicua vera non sunt probanda.

In evident things he errs who alleges the authorities of the laws, because self-evident truths are not to be proved.

In rebus novis constituendis evidens esse utilites debet, ut recedatur ab eo jure, quod diu æquum visum est.

In settling new matters, the utility of doing so ought to be evident, so that we may depart from that law which long seemed just.

In rebus, quæ sunt favorabilia animæ, quam vis sunt damnosa rebus, fiat aliquando extensio statuti.

In things which are favourable for life, although they be hurtful to property, sometimes there may be an extension of the statute.

In republica maxime sunt conservanda jura belli.

In a state, the laws of war are by all means to be observed.

In restitutionem non in pœnam hæres succedit.

An heir succeeds to restitution not to punishment.

In rex non potest conjunctim tenere cum alio.

A king cannot hold conjunctly with another.

In satisfactionibus non permittitur amplius fieri quam semel factum est.

In satisfaction, it is not allowed, that more should be done than what has once been done.

In testamentis plenius voluntates testantium interpretantur.

In testaments the intention of the testators are most fully interpreted.

In testamentis ratio tacita non debet considerari.

In testaments a silent reason ought not to be considered.

In toto jure generi per speciem derogatur, et illud potissimum habetur, quoad ad speciem directum est.

In the whole of law, species takes from genus, and that is considered a chief point, which has a reference to species.

In verbis non verba sed res et ratio quærenda est.

In words, not the words themselves, but matter and reason are to be sought.

Incerta pro nullis habentur.

Uncertainties are accounted nullities.

Incertum ex incerto pendens lege reprobatur.

An uncertainty depending upon an uncertainty, is reprobated in law.

Incidentia nolunt separari.

Incidents may not be separated.

Incidentia rei tacite sequuntur.

The incidents of a thing follow it, as a matter of course.

Incivile est, nisi tota lege perspecta, una aliqua particula ejus proposita, judicare vel respondere.

To judge and answer is uncivil, if the whole law is not attended to, any one clause of it being merely proposed.

Incivile est nisi tota sententia perspecta de aliqua parte judicare.

It is uncivil to judge of any part, unless the whole of a sentence be attended to.

Inclusio unius est exclusio alterius.

The inclusion of one, is the exclusion of the other.

Infans est qui propter defectum ætatis pro se fari nequeat.

He is a child who on account of defect of age, cannot speak for himself.

Infantes de damno præstare tenentur, de pœna non item.

Children are obliged to performance concerning a loss, but not in like manner concerning punishment.

Infinitum in jure reprobatur.

What is unbounded, is reprobated in law.

Iniquum est alios permittere alios inhibere mercaturam.

It is unjust to allow some to merchandize, and to prohibit others.

Iniquum est aliquem rei sui esse judicem. In propria causa nemo judex.

It is unjust that any one be a judge of his own affair. No body is a judge in his own cause.

Injuria non præsumitur.

Injury is not anticipated.

Injuria propria non cadet in beneficium facientis.

An injury done to ones-self, will not fall to the benefit of the doer.

Injuria servi dominium pertingit.

The master is liable for the damage done by his servant.

Innuendo non facit verba per se actioni obnoxia si aliter non essent.

An inuendo does not make words, of themselves obnoxious, liable to an action, if they were not so otherwise.

Intentio legitime cognita, et legibus consentanea, maxime habenda.

An intention legitimately known and agreeable to the laws, is to be regarded in an especial manner.

Intentio mea imponit nomen operi meo.

My intention gives a name to my work.

Inter arma silent leges.

The laws are silent amidst arms.

Interest reipublicæ ut judicia debitæ executioni mandentur.

It concerns the state that decisions be duly executed.

Interest reipublicæ ne maleficia remaneant impunita.

It concerns the state that injuries do not remain

unpunished.

Interest reipublicæ res judicatas non rescindere.

It concerns the state not to rescind matters that have been judged.

Interest reipublicæ ut sit finis litium.

It concerns the state, that there be an end to law suits.

Interest reipublicæ ut carceres sint in tuto.

It concerns the state that prisons be secure.

Interest reipublicæ ut quilibet re sua bene utatur.

It concerns the state, that every one make good use of his own property.

Interest reipublicæ ut bonis bene sit, et male malis, et suum cuique.

It concerns the state that it may be well with the good, ill with the wicked, and that every one may have his own.

Interpretare et concordare leges legibus est optimus interpretandi modus.

To interpret and make the laws agree with laws, is the best way of interpreting them.

Interpretatio fienda est ut res magis valeat quam pereat.

Such an interpretation ought to be made, as that a thing may either rather prosper than perish.

Invito beneficium non datur.

A favour is not bestowed on one unwilling to receive it.

Invitat culpam qui peccatum præterit.

He encourages a fault, who passes over a transgression.

Invitus nemo rem cogitur defendere.

Nobody is compelled, when unwilling, to defend his property.

Ira hominis non implet justitiam Dei.

The wrath of a man does not fulfil the justice of God.

Is damnum dat qui jubet dare, ejus vero nulla culpa est cui parere necesse est.

He occasions a loss, who gives orders to cause it; but no blame belongs to him who is under the necessity of obeying.

Is, qui actionem habet ad rem recuperandam, ipsam rem habere videtur.

He seems to have the property itself, who hath an action to recover it.

Ita tuo utere ut alienum ne lædas.

Make such use of your own property, that you do not hurt another man's.

J.

Judex ante oculos æquitatem semper habere debet.

A judge ought always to have equity before his eyes.

Judex æquitatem semper spectare debet.

A judge ought always to regard equity.

Judex bonus nihil ex arbitrio suo faciat, nec propositio domesticæ voluntatis, sed juxta leges et jura pronunciet.

A good judge ought to do nothing of his own pleasure, nor may he have in view the gratification of his private inclination, but let him pronounce according to law and justice.

Judex damnatur, cum nocens absolvitur.

The judge is condemned, when the guilty is acquitted.

Judex habere debet duos sales, salem sapientiæ, ne sit insipidus, et salem conscientiæ, ne sit diabolus.

A judge ought to have two kinds of salts—the salt of wisdom, that he may not be insipid; and the salt of conscience, that he may not be a devil.

Judex non potest esse testis in propria causa.

A judge cannot be a witness in his own cause.

Judex non potest injuriam sibi datam punire.

A judge cannot punish an injury done to himself.

Judex non reddit plus quam quod petens ipse requirit.

A judge does not give more than the petitioner himself requires.

Judicandum est legibus, non exemplis.

We must judge by the law, and not by examples.

Judices non tenentur exprimere causam sententiæ suæ.

Judges are not bound to express the cause of their opinions.

Judices recenter et subtiliter excogitatis minime favent contra communem legem.

Judges are by no means favourable to things raised recently and subtilely against the common law.

Judicia posteriora sunt in lege fortiora.

The last decisions are stronger in law.

Judicia sunt tanquam jurisdictiona.

Decisions are as it were jurisdictions.

Judicia sunt tanquam jurisdictiona, et pro veritate accipiuntur.

Decisions are as it were jurisdictions, and are accepted as truth.

Judicis est jus dicere, non dare.

It is the property of a judge to administer justice, not to give it.

Judicis est judicare secundum allegata et probata.

It becomes a judge to decide according to things alleged and proved.

Judicis officium est opus diei in die suo perficere.

It is the duty of a judge to accomplish his work from day to day.

Judiciis posterioribus fides est adhibenda.

Credit is to be given to the latter decisions.

Judicium duodecim proborum et legalium hominum veritatis dictum esse per communem Angliæ legem censetur.

The decision of twelve good and unexceptionable men, is thought by the common law of England, to be the dictate of truth.

Judicium est iis quæ pro religione faciant faveri etsi verba desint.

It is a decision to favour those things which make for religion, although words be wanting.

Judicium non debet esse illusorium.

A decision ought not to be illusory.

Judicium redditur in invitos.

A decision is given against the unwilling.

Judicium semper pro veritate accipitur.

A decision is always received as truth.

Jura debet esse omni exceptione major.

It is proper that laws be greater than any exception.

Jura ecclesiastica sunt limitata.

Ecclesiastical laws are limited.

Jura eodem modo destituuntur quo constituuntur.

Laws are annulled in the same way they were enacted.

Jura naturæ sunt immutabilia.

The laws of nature are immutable.

Jura non in singulas personas sed generaliter constituuntur.

The laws are established not for individuals, but for the general good.

Jura publica anteferenda privatis.

Public rights are to be preferred to private.

Jura publica ex privato promiscue decidi non debent.

Public rights ought not to be decided promiscuously, according to a private right.

Jura sanguinis nullo jure civili dirimi possunt.

The rights of blood can be dissolved by no civil right.

Juratores sunt judices facti.

Jurors are judges of the fact.

Juramentum est indivisibile, et non est admittendum in parte verum et in parte falsum.

An oath is indivisible, and is not to be admitted partly true and partly false.

Jure naturæ æquum est, neminem cum alterius detrimento et injuria fieri locupletiores.

It is just by the law of nature, that no one become more rich by the detriment and injury of another.

Juri non est consonum ut aliquis accessorius convincatur, antequam aliquis de facto fuerit attinctus.

It is not consonant to law, that any accessory be convicted before any one hath been found guilty of the fact.

Jus accrescendi inter mercatores locum non habet.

The right of accreasing has no place among merchants.

Jus accrescendi præfertur oneribus.

The right of accreasing is preferable to burdens.

Jus est ars boni et æqui.

Law is the art of what is good and just.

Jus naturale est quod apud omnes homines eandem habet potentiam.

Natural law is that which hath the same power among all men.

Jus publicum privatorum pactis mutare non potest.

The public law cannot be changed, by the agreements of private persons.

Jus respicit æquitatem.

Law regards equity.

Jus sanguinis, quod in legitimis successoribus spectatur ipso natiuitatis tempore quæstium est.

The right of blood, which is considered in legitimate succession, is sought for at the very time of birth.

Jus superveniens auctori accrescens successori.

A privilege falling unexpectedly upon an author, or inventor, is an addition to his successor.

Jusjurandum inter alios factum nec nocere nec prodesse debet.

An oath made among others, ought neither to hurt nor to profit.

Justitia debet esse libera, quia nihil iniquius venali justitia; plena, quia justitia non debet claudicare; et celeris, quia dilatio est quædam negatio.

Justice ought to be free, because nothing is more unfair than venal justice; full, because justice ought not to be lame; and quick, because delay is a kind of denial.

Justitia libertati prior.

Justice is prior to liberty.

Justitia est constans et perpetua voluntas jus suum cuique tribuendi.

Justice is the constant and perpetual desire of giving every man his own.

Justitia non novit patrem nec matrem, solam veritatem spectat justitia.

Justice knows neither father nor mother; justice regards truth alone.

Justitæ soror fides.

Faith is the sister of justice.

L.

Legatos violare contra jus gentium est.

To injure ambassadors is against the law of nations.

Leges figendi et refigendi consuetudo periculosissima est.

The habit of confirming and rescinding laws, is very dangerous.

Leges posteriores priores contrarias abrogant.

Posterior laws abrogate former laws, if contrary.

Legis constructio non facit injuriam.

The construction of law, does no injury.

Legis virtus hæc est; imperare, vetare, permittere, punire.

This is the strength of the law, to command, forbid, allow, and punish.

Lex a Rege non est violenda.

The law is not to be violated by the king.

Lex Angliæ non patitur absurdum.

The law of England does not suffer an absurdity.

Lex Angliæ nunquam sine Parlamento mutare non potest.

The law of England cannot undergo a change, without the interference of Parliament.

Lex æquitate gaudet, appetit perfectum,—est norma recti.

The law rejoices in equity, seeks what is perfect; it is the standard of rectitude.

Lex beneficialis rei consimile remedium præstat.

A beneficial law affords a remedy similar to the thing.

Lex certa esto, pœna certa, et crimini idonea et legibus præfinita.

Let the law be certain, the punishment certain, and adequate to the crime, and previously determined by the laws.

Lex communis Angliæ ita regis prærogativum admitita est, et circumscipsit ut ne hæreditatem alicujus tollat lædatve.

The common law of England hath so modified and

circumscribed the prerogative of the king, that he cannot take away, or hurt the inheritance of any one.

Lex contra id quod præsūmit, probationem non recipit.

The law does not admit of a proof against that which it presumes.

Lex delatores semper exhorrit.

The law always dreads informers.

Lex est anima Regis, et Rex est anima Legis.

The law is the soul of the king, and the king is the soul of the law.

Lex est exercitus, iudicium tutissimus ductor.

The law is the army, trial is the safest leader.

Lex est ratio summa, quæ jubet quæ sunt utilia et necessaria, et contraria prohibet.

The law is the chief reason which orders what is useful and necessary, and prohibits the contrary.

Lex est sanctio justa, iubens honesta, et prohibens contraria.

The law is a just sanction, ordering things honest, and prohibiting the contrary.

Lex est tutissima casis.

[Transcriber's Note: "casis" should be "cassis."]

The law is safest for the poor.

[Transcriber's Note: The translation should be "Law is the

safest helmet.”]

Lex facit regem.

The law makes the king.

Lex fingit ubi subsistit Æquitas.

The law feigns where equity stops short.

Lex hæreditates liberas esse vult non in perpetuum astrictis.

The law wishes inheritance to be free to those who are not strictly bound in all time coming.

Lex injusta non est lex.

An unjust law is not law.

Lex neminem cogit ad vana seu inutilia peragenda.

The law compels nobody to the performance of vain and useless things.

Lex neminem cogit ostendere quod nescire præsumitur.

The law obliges nobody to shew what he is presumed not to know.

Lex nemini operatur iniquum,—nemini facit injuriam.

The law works wrong to none—does injustice to none.

Lex nil facit frustra.

The law does nothing in vain.

Lex non cogit ad impossibilia.

The law does not compel to perform what is impossible.

Lex non consilia nuda sed actus apertus respicit.

The law does not regard mere intentions, but overt acts.

Lex non patitur fractiones et divisiones statuum.

The law does not admit fractions and divisions of questions.

Lex non requirit verificari quod apparet Curiae.

The law does not require that to be verified which appears evident to the court.

Lex nostra neminem absentem damnat.

Our law condemns no one in his absence.

Lex orbis, insanis, et pauperibus, pro tutore atque parente est.

The law is the father and guardian of orphans, the insane, and the poor.

Lex plus laudatur quando Ratione probatur.

The law is approved the more when it is found to be in the right, by reason.

Lex prospicit non respicit.

The law looks forward, but does not look backward.

Lex reprobat moram.

The law reprobates delay.

Lex semper intendit quod convenit rationi.

The law always intends what is agreeable to reason.

Lex spectat naturæ ordinem.

The law regards the order of nature.

Lex uno ore omnes alloquitur.

The law speaks the same language to all.

Lex vult potius malum quam inconveniens.

The law designs rather punishment than an inconvenience.

Liberi parentibus qui nequeant victum tolerare opitulantur.

Let children assist their parents, who are unable to support themselves.

Libertas est cum quisque quod velit faciat modo secundum leges, bonas, communi consensu latas, certas, præfinitas, apertas.

Liberty is when any one may do what he chooses, provided he acts according to good, certain, predetermined open laws, enacted by common consent.

Libertas est naturalis facultas ejus quod cuique facere libet, nisi quod de vi aut jure prohibetur.

Liberty is the natural power of a man to do what he

pleases, unless what he may be prohibited to do, concerning violence, or encroaching upon another's right.

Libertas inæstimabilis res est.

Liberty is an inestimable thing.

Libertas nullo pretio pensabilis.

Liberty cannot be compensated by any price.

Libertas omnibus rebus favorabilior est.

Liberty is more favourable than all things.

Libertatis est sui quemque juris dimittendi ac retinendi esse dominum.

It is the part of liberty, that every one be master of quitting and of retaining his own right.

Licet dispositio de interesse futuro sit inutilis, tamen potest fieri declaratio præcedens quæ sortiatur effectum interveniente, novo actu.

Although a disposition concerning future interest be useless, yet a preceding declaration may be made, which will become effectual by means of a new act.

Loco rei impræstabilis, succedit damnum et interesse.

A loss and concern succeeds in the room of a matter which cannot be performed.

Longum tempus et longus usus, qui excedit memoria hominum, sufficit pro jure.

Long time and long usage, which exceeds the memory, is sufficient for law.

Lubricum linguæ non facile in pœnam est trahendum.

The slipperiness of the tongue is not easily to be drawn into punishment; or a lapsus linguæ, slips of the tongue, cannot be punished.

M.

Majus est delictum seipsum interficere quam alium.

It is a greater crime to kill ones-self, than to kill another.

Majus trahit ad se minus.

The greater draws the less to itself.

Mala grammatica non vitiat chartam.

Bad grammar does not vitiate a writ.

Male res se habet, cum quo virtute effici debeat, id tentatur pecunia.

The case is bad when that is attempted to be done with money, which ought to be effected by virtue.

Maledicta expositio quæ textum corrumpit.

It is a cursed exposition which corrupts the text.

Malitia supplet ætatem.

Malice supplies what is wanting in age.

Malum non præsumitur.

Evil is not presumed.

Malum quo communius eo pejus.

The more frequent the evil, the worse it is.

Malus usus est abolendus.

An abuse ought to be abolished.

Mandata legis ad literam casu aliquo impossibilia proxime ad mentem legis exequenda.

The commands of the law, when literally impossible in any case, ought to be performed as near as possible according to the intention of the law.

Mandatorius terminos sibi positos transgredi non potest.

A mandatory cannot exceed the bounds prescribed to him.

Manifesta probatione non indigent.

Manifest things do not require proof.

Maris et Fœminæ conjunctio est de jure naturæ.

The conjunction of male and female is according to the law of nature.

Matrimonia debent esse libera.

Marriages ought to be free.

Matrimonium subsequens tollit peccatum præcedens.

Subsequent marriage takes away the preceding transgression.

Melior est conditio possidentis.

The condition of the possessor is better.

Melior est conditio possidentis, et rei quam actoris.

The condition of the possessor is better, and that of the defender rather than the pursuer.

Melior est conditio possidentis, ubi neuter jus habet.

The condition of the possessor is better where neither hath a right.

Melior est justitia vere præveniens, quam severe puniens.

Justice truly preventing, is better than severely punishing.

Meliores conditionem ecclesiæ suæ facere potest prælatus, deteriores nequaquam.

A prelate may make the condition of his church better, by no means worse.

Meliores conditionem suam facere potest minor, deteriores nequaquam.

A minor may make his condition better, by no means worse.

Melius est jus deficiens quam jus incertum.

Defective law is better than uncertain law.

Melius est ut decem noxii evadant quam ut unus innocens pereat.

It is better that ten guilty persons escape, than that one innocent person perish.

Merito beneficium legis amittit qui legem ipsam subvertere intendit.

He deservedly loses the benefit of the law, who intends to subvert the law itself.

Messis sementum sequitur.

The harvest follows the seed time.

Metus quem agnoscunt leges in excusationem criminis, est talis qui cadere possit in constantem virum.

The fear which the law acknowledges in the excuse of a crime is such as can fall upon a steady man.

Minatur innocentibus qui parcit nocentibus.

He threatens the innocent, who spares the guilty.

Minima pœna corporalis est major quavis pœna pecuniaria.

The least corporeal punishment is greater, than any pecuniary punishment.

Minime sunt mutanda, quæ, interpretationem certam semper habuerunt.

Those things are by no means to be changed, which have always had a certain interpretation.

Ministeria recipiunt vicarium, sed non item pleraque judicaria.

The offices of servants admit of a substitute, but not in like manner do most judicatory offices.

Minor, meliorem conditionem suam facere potest, deteriorem nequaquam.

A minor may make his condition better, by no means worse.

Minor non tenetur placitare super hæreditate.

The minor is not bound to defend himself with respect to an inheritance.

Minor non tenetur respondere durante minori ætate; (nisi in causa dotis, propter favorem.)

The minor is not bound to answer during his minority, unless in the case of a dowry on account of favour.

Minus est actionem habere, quam rem.

It is less to have an action than the property.

Mobilia sequuntur personam.

Moveables follow the person.

Misera est servitus ubi jus est vagum aut incognitum.

Bondage is miserable where the law is vague or uncertain.

Mitius imperanti melius paretur.

The more mildly a man commands, the better is he obeyed.

Modus de non decimando non valet.

A mode of not taking tithes is unavailing.

Modus debet esse certus, rationabilis, et perantiquus.

A mode ought to be certain, reasonable, and very ancient.

Modus et conventio vincunt legem.

A mode and agreement overcome law.

Moneta est justum medium et mensura rerum commutabilium.

Money is a just medium and measure of things interchanged.

Monopolia dicitur, cum unus solus aliquod genus mercaturæ universum emit, pretium ad suum libitum statuens.

Monopoly is said to take place, when one buys wholly any kind of merchandise, fixing the price at his own pleasure.

Mora reprobatur in lege.

Delay is reprobated in law.

Morte donantis donatio confirmatur.

A donation is confirmed by the death of the donor.

Mos pro lege.

Custom is for law.

Multa non legibus humanis sed foro divino pertinent.

Many things belong not to human laws, but to the divine

cognizance.

Multa non vetat lex quæ tamen tacite damnat.

The law does not prohibit many things which however it silently condemns.

Multi multa nemo omnia novit.

Many know many things; nobody knows all things.

Multa transeunt cum universitate quæ non per se transeunt.

Many things pass with the generality which do not pass by themselves.

Multiplicata transgressione crescat pœnæ inflicto.

Let the infliction of punishment increase as transgression multiplies.

Multitudo imperitorum perdit curiam.

A multitude of unskilful persons ruin the court.

Mutata forma interemitur prope substantia rei.

The substance of a thing is almost destroyed, its form being changed.

N.

Natura appetit perfectum; ita et lex.

Nature desires what is perfect; so does the law.

Natura non facit vacuum, nec lex supervacuum.

Nature makes no vacuum, nor does the law make any thing superfluous.

Naturale est quidlibet dissolvi eo modo quo ligatur.

It is natural that any thing be dissolved in the same way in which it is bound.

Ne in crastinum quod possis hodie.

Do not put off till to-morrow what you can do to-day.

Ne licitorem venditor apponat.

Let not the seller appoint a person to bid.

Necessitas excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus.

Necessity excuses or extenuates a transgression in capital cases, which does not operate the same in civil cases.

Necessitas facit licitum quod alias non est licitum.

Necessity makes a thing lawful, which otherwise is unlawful.

Necessitas inducit privilegium quod jure privatur.

Necessity brings in a privilege which is taken away by law.

Necessitas non habet legem.

Necessity hath no law.

Necessitas publica major est quam privata.

Public necessity is greater than private necessity.

Necessitas quod cogit, defendit.

What necessity compels to do, it defends.

Necessitas sub lege non continetur, quia quod alias non est licitum
necessitas facit licitum.

Necessity is not bound down under law; because what in
other cases is not lawful, necessity makes lawful.

Necessitas vincet legem,—legum vincula irridet.

Necessity will overcome the law,—baffles the restraints of
law.

Nefarium per formulas legis laqueos innectere innocentibus.

It is infamous to lay snares for the innocent, by means of
the forms of law.

Negatio destruit negationem.

Denial destroys denial.

Negatio non potest probari.

Denial cannot be proved.

Nemini in alium plus licet quam concessum est legibus.

More is allowed to no one against another, than what is granted by the laws.

Neminem oportet legibus esse sapientiore.

It behoves no one to be wiser than the laws.

Nemo aliquam partem recte intelligere potest, antequam totum, iterum atque iterum perlegit.

Nobody can rightly understand any part before he peruses the whole again and again.

Nemo bis punitur pro eodem delicto.

Nobody is punished twice for the same transgression.

Nemo bis in periculum veniet pro eodem delicto.

Nobody shall come twice into danger for the same crime.

Nemo cogitur rem suam vendere, etiam justo pretio.

Nobody is forced to sell his own property even for a just price.

Nemo contra factum suam venire potest.

Nobody can come against his own deed.

Nemo damnum facit, nisi qui id fecit, quod facere jus non habet.

Nobody occasions a loss but he who did that which he had not a right to do.

Nemo dat qui non habet.

He who hath not cannot give.

Nemo debet bis puniri pro uno delicto; et Deus non agit bis in ipsum.

Nobody ought to be punished twice for one fault; and God does not act twice against him.

Nemo debet bis vexari, si constet curiæ, quod pro una et eadem causa.

Nobody ought to be twice harassed, if it be certain to the court, that it is for one and the same cause.

Nemo debet esse iudex in propria causa.

No one ought to be a judge in his own cause.

Nemo debet locupletari ex alterius incommodo.

No one ought to be enriched at the expense of another.

Nemo debet rem suam sine facto aut defectu suo amittere.

Nobody ought to lose his own property, without his own deed or deficiency.

Nemo dubitat, solvendo videre cum qui defenditur.

No one hesitates by means of paying to see him who is defended.

Nemo est hæres viventis.

Nobody is the heir of the person living.

Nemo est supra leges.

Nobody is above the laws.

Nemo ex dolo suo proprio relevetur, aut auxilium capiat.

Let no one be relieved, or derive assistance from his own proper fraud.

Nemo ex his qui negant se debere, prohibetur etiam alia defensione uti; nisi lex impedit.

No one of those who deny that they are owing, is prohibited also to use another defence, unless, the law hinders.

Nemo ex suo delicto meliorem suam conditionem facere potest.

Nobody can make his condition better from his own crime.

Nemo factum a se alienum tenetur scire.

Nobody is bound to know an act or deed foreign to himself.

Nemo forrestam habet nisi rex.

Nobody has a forest but the king.

Nemo ideo obligatur, quia recepturus est ab alio quod præstiterit.

Nobody is bound, therefore, because he is about to receive from another what he hath performed.

Nemo idoneus publicum munus impositum potest recusare.

No fit person may refuse a public office imposed upon himself.

Nemo igitur ad littus maris accedere prohibetur.

Nobody, therefore, is prohibited to approach the sea shore.

Nemo inauditus nec summonitus condemnari debet, si non sit contumax.

Nobody ought to be condemned unheard, or without being summoned, if he be not contumacious.

Nemo, qui condemnare potest, absolvere non potest.

No one who can condemn, is unable to acquit.

Nemo iudex esse debet in propria causa.

Nobody ought to be a judge in his own cause.

Nemo locupletandus est cum detrimento alterius.

Nobody is to be enriched by the loss of another.

Nemo militans Deo implicet se negotiis secularibus.

No one serving God should entangle himself with secular affairs.

Nemo plus commodi hæredi suo relinquit, quam ipse habuit.

Nobody leaves more advantage to his heir than he himself had.

Nemo plus juris ad alium transferre potest, quam ipse haberet.

Nobody can transfer more privilege to another, than he should have.

Nemo potest contra recordum verificare per patriam.

Nobody can certify against a record through the country.

Nemo potest episcopo mandare præter regem.

Nobody can give a mandate to a bishop, except the king.

Nemo potest esse tenens et dominus.

Nobody can be both tenant and master.

Nemo potest facere per alium quod per se non potest.

Nobody can do by another what he cannot do by himself.

Nemo potest gladii potestatem sibi datam, vel cujus alterius coercionis, ad alium transferre.

Nobody can transfer to another the power of the sword given to himself, or of any other coercion.

Nemo potest immittere in alienum.

Nobody can send into another's field.

Nemo potest mutare consilium suum in alterius injuriam.

Nobody can change his plan to the injury of another.

Nemo potest mutare consilium suum in præjudicium alterius.

Nobody can change his design to the prejudice of another.

Nemo potest nisi quod de jure potest.

No one can do any thing but what he can do by law.

Nemo potest plus juris ad alium transferre quam ipse habet.

Nobody can transfer more right to another than he has himself.

Nemo potest sibi mutare causam possessionis.

Nobody can change for himself the cause of his possession.

Nemo prædo est, qui pretium numeravit.

Nobody is a pirate, who hath told down the price.

Nemo præsumitur donare.

Nobody is presumed to give a donation.

Nemo procerum vel in jurata poni vel seniscallus manerii esse debet propter dignitatem.

No nobleman can either act as a juryman, or hold a menial office, on account of his dignity.

Nemo prohibetur pluribus defensionibus uti.

Nobody is prohibited to use many defences.

Nemo proprietatem rei sibi quærat invito domino.

Let no one ask the property of a thing to himself, while the owner is unwilling.

Nemo prudens punit ut præterita revocentur, sed ut futura præveniantur.

No prudent person punishes that past offences may be recalled, but that future ones may be prevented.

Nemo punitur pro alieno delicto.

Nobody is punished for another person's transgression.

Nemo qui non sit clericus beneficium clericale habebit bis.

No one who is not a clergyman shall have a clerical benefice twice.

Nemo rem suam amittat, nisi ex facto aut delicto suo aut neglectu.

Let no one lose his own property, unless by his own deed, transgression, or neglect.

Nemo tenetur armare adversarium contra se.

Nobody is bound to arm his adversary against himself.

Nemo tenetur edere instrumenta contra se.

Nobody is bound to furnish arms against himself.

Nemo tenetur jurare in suam turpitudinem.

Nobody is bound to swear to his own disgrace.

Nemo tenetur seipsum accusare.

Nobody is bound to accuse himself.

Nemo videtur fraudare eos, qui sciunt et consentiunt.

Nobody appears to defraud those who know and consent.

Neque leges, neque senatus consulta ita scribi possunt, ut omnes casus, qui quandoque inciderint, comprehendantur; sed sufficit ea quæ plærumque accidunt contineri.

Neither laws nor acts of parliament can be so written that they may comprehend all cases which at any one time shall have happened; but it is sufficient that those be contained in them, which for the most part happen.

Nihil calliditate stultius.

Nothing is more foolish than cunning.

Nihil dat qui non habet.

He gives nothing who has nothing.

Nihil facit error nominis cum de corpore constat.

A mistake with regard to the name does nothing, when we are certain of the person.

Nihil in lege intolerabilius est, eandem rem diverso jure censeri.

Nothing is more intolerable in law, than that the same thing be judged by a different rule.

Nihil interest, ipso jure quis actionem non habeat, an per exceptionem infirmetur.

It is of no consequence in the law itself, who may not have an action, or may be weakened by an exception.

Nihil magis consentaneum est, quam ut iisdem modis res dissolvatur quibus constituerit.

Nothing is more agreeable than that a matter be dissolved by the same means by which it was constituted.

Nihil perfectum est dum aliquid restat agendum.

Nothing is perfect while something remains to be done.

Nihil potest rex nisi quod de jure potest.

The king can do nothing, unless what he can do by the law.

Nihil quod est contra rationem est licitum.

Nothing which is against reason is lawful.

Nihil quod inconueniens est, licitum est.

Nothing which is inconvenient is allowed.

Nihil tam naturale est, quam eo genere quidque dissolvere, quo colligatum est. Ideo verborum obligatio verbis tollitur; nudi consensus obligatio contrario consensu dissolvitur.

Nothing is so natural as to dissolve any thing 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 conueniens est naturali æquitati quam unumquodque dissolvi eo ligamine quo ligatum est.

There is nothing so agreeable to natural equity, than that every thing be dissolved by that tie by which it was bound.

Nihil tam conueniens est naturali æquitati quam voluntatem domini rem suam in alium transferre, ratam habere.

Nothing is so agreeable to natural equity, as to reckon valid the will of a master to transfer his property to another.

Nihil tam proprium est imperii quam legibus vivere.

Nothing is so peculiar to empire, as to live by the laws.

Nihil tam naturale est, quam eo genere quodque dissolvere quo colligatum est.

Nothing is so natural as to dissolve any thing in that way in which it was bound.

Nihil cuiquam expedit quod per leges non licet.

What is not allowed by the laws is profitable to none.

Nil iniquius quam æquitatem nimis intendere.

Nothing is so unjust as to stretch equity too far.

Nil tam proprium imperii ac libertatis quam legibus vivere.

Nothing is so peculiar to empire and liberty, as to live by the laws.

Nil utile aut honestum quod legibus contrarium.

Nothing is useful or honourable, which is contrary to the laws.

Nimia certitudo certitudinem ipsam destruit.

Too great certainty destroys certainty itself.

Nimia subtilitas in lege reprobatur.

Too much subtlety is reprobated in the law.

Nolumus leges Angliæ mutari quæ hujusque usitatae sunt atque approbatæ.

We are unwilling that the laws of England should be changed, which hitherto have been in common use and approved.

Non accipi debent verba in falsum quæ competunt in verum.

Words ought not to be received for a falsehood which are competent to truth.

Non alienat, qui duntaxat omittit possessionem.

He does not alienate who merely omits possession.

Non alio modo puniatur aliquis, quam secundum quod se habet condemnatio.

No one can be punished in any other way, than according to what his condemnation is.

Non capitur, qui jus publicum sequitur.

He is not taken who follows public right.

Non crimen per se neque privatum damnum sed publicum malum leges spectant.

The laws do not regard a crime by itself, nor as a private loss, but as a public evil.

Non dat qui contra leges dat.

He does not give, who gives contrary to law.

Non debeo melioris conditionis esse, quam auctor meus, a quo jus in me transit.

I ought not to be in a better condition than my author,
from whom the right passes to me.

Non debet alteri per alterum iniqua conditio inferri.

An unjust condition ought not to be brought forward to one,
by means of another.

Non debet, cui plus licet, quod minus est non licere.

To whom more is allowed, that which is less ought to be
allowed.

Non debet actori licere, quod reo non permittitur.

That ought not to be allowed to the pursuer, which is not
permitted to the defender.

Non decipitur, qui scit se decipi.

He is not deceived, who knows that he is himself deceived.

Non defendere videtur, non tantum qui latitat, sed et is qui præsens
negat se defendere, aut non vult suscipere actionem.

Not only he who sculks, but likewise he who when present
refuses to defend himself, or does not wish to undertake an
action, seems not to defend.

Non effecit affectus nisi sequatur effectus.

The inclination has had no effect, unless the effect follow.

Non est disputandum contra principia negantem.

We must not dispute against a person denying first principles.

Non est lex sed servitus ad tenere quibus non consenseris.

To be held by the things to which you may not have consented, is not law, but servitude.

Non est deleganda reipublicæ cura personæ non idoneæ.

The care of the republic is not to be delegated to an improper person.

Non est dives rex ubi subditi pauperes.

The king is not rich, when his subjects are poor.

Non est novum, ut quæ semel utiliter constituta sunt durent, licet ille casus extiterit, a quo initium capere non potuerint.

It is not strange, that what have once advantageously been constituted endure, although the case may exist, from which they could not have taken a beginning.

Non est singulis concedendum quod publice per magistratum fieri possit, ne occasio sit majoris tumultus faciendi.

We must not grant to individuals, what can be publicly done by a magistrate, lest there should be an occasion of making a greater tumult.

Non morbus plerumque sed curatio neglecta interficit.

It is not the disease, which for the most part kills, but the neglecting of the cure.

Non minor est proditio legis quam regem velle perdere.

The betraying of the law, is not less than to wish to destroy the king.

Non minus sunt turpia principi multa supplicia quam medico multa funera.

Many punishments are no less disgraceful to a prince, than many funerals to a physician.

Non potest rex gratiam facere cum injuria alterius.

The king cannot do a favour to the injury of another.

Non omnia domino in servos licita.

All things are not allowed to a master towards his servants.

Non solet deterior conditio fieri eorum, qui litem contestati sunt, quam si non, sed plerumque melior.

The condition of those who have contested a suit, is not wont to be worse, than if they had not, but for the most part better.

Non valet impedimentum quod de jure non sortitur effectum.

An impediment is not valid, which does not obtain effect from law.

Non videtur cepisse, qui per exceptionem a petitione removetur.

He does not seem to have obtained right, who by exception is removed from making his request.

Non videtur consensum retinuisse, si quis ex præsripto minantis aliquid immutavit.

He does not seem to have still given his consent, if any one hath changed any thing by the command of a person threatening him.

Non videtur quisquam id capere, quod ei necesse est alii restituere.

No one seems to obtain that which it is necessary for him to restore unto another.

Non videntur rem amittere, quibus propria non fuit.

They do not seem to lose their property to whom it did not belong.

Non videntur, qui errant consentire.

They do not seem to consent, who commit a mistake.

Novum iudicium non dat novum ius, sed declarat antiquum; quia iudicium est iuris dictum, et per iudicium ius est noviter revelatum quod diu fuit velatum.

A new trial does not give a new law, but declares the ancient law; because a trial is the dictate of law, and by trial the law is revealed of new, which for a long time was veiled.

Novatio non præsimitur.

Innovation is not presumed.

Nothus nullius est filius.

A bastard is the son of nobody.

Nudum pactum est ubi nulla subest causa præter conventionem; sed ubi subest causa, fit obligatio, et parit actionem.

A mere naked bargain is, where no cause exists, except agreement; but where a cause exists, an obligation takes place, and is the foundation of an action.

Nulla impossibilia aut inhonesta sunt præsumenda; vera autem et honesta et possibilia.

No impossible or dishonourable things are to be presumed; but true, honourable, and possible things.

Nulla pœna capitis nulla quæ hominum remve ejus destruat esse potest nisi legibus præfinita.

No capital punishment, no punishment which may destroy either a man or his property can be, unless determined by the law beforehand.

Nulla res vehementius rempublicam continet quam fides.

Nothing holds the state more strongly together than honesty.

Nulla virtus, nulla scientia, locum suum et dignitatem, conservare potest sine modestia.

No virtue, no knowledge, can preserve its place and dignity, without moderation.

Nulla unquam de morte hominis cunctatio longa est.

No delay is ever long about the death of a man.

Nullius charta legibus potest derogare.

The written deed of no one can derogate from the laws.

Nulli vendemus nulli negabimus aut differemus justitiam vel rectum.

To none shall we sell, to none shall we deny, or put off
justice, or rectitude.

Nullum crimen patitur is qui non prohibet, cum prohibere (non) potest.

He is chargeable with no crime who does not hinder when he
has no power to hinder.

Nullum damnum sine remedio.

There is no loss without a remedy.

Nullum exemplum est idem omnibus.

No example is the same to all.

Nullum iniquum est præsumentum in jure.

Nothing unjust is to be presumed in law.

Nullum iniquum in jure præsumentum est.

No injustice is to be presumed in law.

Nullum medicamentum est idem omnibus.

No remedy is applicable to all cases.

Nullum simile est idem.

No similar thing is the same.

Nullum tempus occurrit regi: Rex nunquam moritur.

No time occurs to the king; the king never dies.

Nullum tempus occurrit regi: Rex nunquam.

No time occurs to the king; the king never fails.

Nullus commodum capere potest de injuria sua propria.

No one can derive advantage from his own proper injury.

Nullus dicitur accessorius post feloniam, sed ille qui novit principalem feloniam fecisse.

None is called an accessory after felony, but he who knows that he committed the principal felony.

Nullus recedat e curia cancellaria sine remedio.

Let no one apply to the court of chancery without obtaining redress.

Nullus videtur dolo facere qui jure suo utitur.

No one seems to act with guile, who uses his own right.

Nunquam concluditur in falso.

A conclusion is never drawn in a supposed case.

Nunquam crescit ex post facto præteriti delicti æstimatio.

The estimation of a past transgression never increases from an after-deed.

Nunquam decurritur ad extraordinarium sed ubi deficit ordinarium.

Recourse is never had to an extraordinary case, but when an ordinary one fails.

Nunquam nimis dicitur quod nunquam satis dicitur.

Too much is never spoken when never enough is spoken.

Nunquam præscribitur in falso.

Prescription is never founded in falsehood.

Nunquam recurritur ad extraordinarium ubi valet ordinarium.

We never have recourse to an extraordinary instance, when an ordinary one is valid.

Nuptias, non concubitus, sed consensus facit.

Not cohabitation, but consent, constitutes marriage.

O.

Ob reverentiam personarum et metum perjurii.

A person's embarrassment proceeds from respect and fear of perjury.

Obedientia est legis essentia.

Obedience is the essence of the law.

Oderunt peccare boni, virtutis amore.

The good hate to sin, from a love of virtue.

Oderunt peccare mali, formidine pœnæ.

The wicked hate to sin, from a fear of punishment.

Odio et amore judex careat.

Let a judge be free from hatred and love.

Odiosa et inhonesta non sunt in lege præsumenda; et in facto quod se habet ad bonum et malum, magis de bono quam de malo præsumendum est.

Odious and dishonourable things are not to be presumed in law; and in facts which relate to good and evil, it is more to be presumed concerning good, than concerning evil.

Officium nemini debet esse damnosum.

Duty ought to be hurtful to none.

Omne actum ab agentis intentione est judicandum.

Every action is to be judged from the intention of the agent.

Omne crimen ebrietas et incendit, detegit, et auget.

Drunkenness both inflames, detects, and aggravates every crime.

Omne jus et omnis actio injuriarum tempore finita et circumscripta sunt.

Every law and every action is finished and circumscribed by the time of the injury.

Omne testamentum morte consummatum est.

Every testament is completed by the death of the testator.

Omnes in defensionem reipublicæ vita bonisque omnibus cives tenentur.

All subjects are bound to defend the republic with their life and all their goods.

Omnia Deo gratia, hominibus utilia reipublicæ honesta privatis justa et commoda probant leges: et pro viribus cuique imponunt.

The laws approve all things agreeable to God, useful to men, honourable to the state, just and advantageous to private persons, and impose them upon every one according to his faculties.

Omnia delicta in aperto leviora sunt.

All transgressions openly committed are less.

Omnia honeste et ordine fiant.

Let all things be done honourably, and in order.

Omnia præsumuntur solemniter esse acta.

All actions are usually presumed to be done in a solemn manner.

Omnia præsumuntur in odium spoliatoris.

All things are presumed in hatred of the spoiler.

Omnia præsumuntur legibus facta.

All things are presumed done by the laws.

Omnia præsumuntur legitime facta, donec probetur in contrarium.

All things are presumed lawfully done, until it be proved to the contrary.

Omnia præsumuntur solemniter.

All things are presumed to be done with the usual solemnity.

Omnia quæcunque causæ cognitionem desiderant, per libellum expedire non possunt.

All things which require cognizance, cannot be explained by a memorial.

Omnia, quæ jure contrahuntur, contrario jure pereunt.

All things which are contracted by law, perish by a contrary law.

Omnia quæ sunt uxoris sunt ipsius viri: non habet uxor potestatem suæ, sed vir.

All things which belong to the wife, belong to her husband; the wife has no power herself, but the husband.

Omnia uxoris durante conjugio, mariti sunt.

All things pertaining to the wife, belong to the husband while marriage continues.

Omnis conclusio boni et veri judicii, sequitur ex bonis et veris præmissis et dictis juratorum.

Every result of a good and fair trial follows, from the

good and fair premises, and words of the jurors.

Omnis consensus tollit errorem.

All consent takes away error.

Omnis contractus turpitudinis legibus invisus.

Every disgraceful contract is odious to the laws.

Omnis definitio in jure civili periculosa est, parum est enim ut non subverti possit.

Every definition in the civil law is dangerous, for there is a chance of its being overturned.

Omnis indemnatus pro innoxio legibus habetur.

Every uncondemned person is reckoned as innocent by the laws.

Omnis innovatio plus novitate perturbat quam utilitate prodest.

Every innovation disturbs more by its novelty, than it does good by its utility.

Omnis lascivia legibus vetita.

All wantonness is forbidden by the laws.

Omnis nova constitutio futuris temporibus formam imponere debet; non præteritis.

Every new constitution ought to impose a form on future times, not on past times.

Omnis hæreditas quamvis postea adeatur, tamen cum tempore mortis continuatur.

In whatever manner any inheritance may be entered upon, yet it is continued till the time of death.

Omnibus infra regnum orantibus legis remedium patet.

The remedy of the law lies open to all within the kingdom who ask it.

Optima interpres legum consuetudo.

Custom is the best interpreter of the laws.

Optimus interpretandi modus est, sic leges interpretare ut leges legibus concordant.

The best method of interpreting, is so to interpret the laws, that laws agree with laws.

Optimus interpres rerum usus.

Use is the best interpreter of things.

Optimus legum interpres consuetudo.

Custom is the best interpreter of laws.

P.

Pacta dant legem contractui.

Bargains give a law to contract.

Pacta privata juri publico derogare non possunt.

Private bargains cannot derogate from public right.

Pacta quæ contra leges constitutionesque vel contra bonos mores fiunt, nullam vim habere indubitati juris est.

It is a part of established law, that bargains have no force which are made against laws, and constituted authorities are against good manners.

Pacta reciproca vel utrosque ligant vel neutrum.

Mutual bargains bind both parties, or neither.

Pacta vel ex naturæ et sanguinis vi, vel ex mutuo fructu, vel ex auctoritate et præsumptione legis obligant.

Bargains are binding either from the ties of nature and blood, or from mutual advantage, or from authority, and from presumption of law.

Pactis privatorum publico juri derogari nequit.

By the bargains of private persons, nothing can be derogated from public law.

Pacto aliquod licitum est quod sine pacto non admittitur.

Any thing is allowed by a bargain, which is not admitted without a bargain.

Panis egentium vita pauperum et qui defraudat eos vir sanguinis.

He is a man of violence, who deprives the indigent poor of bread, and who defrauds them.

Par in parem imperium non habet.

Equal has no power over equal.

Par scientiæ pares contrahentes facit.

Like makes those who repair to him, his like in wisdom.

Paribus sentiis reus absolvitur.

A guilty person is absolved by an equal number of votes,
for or against him.

Parentum est liberos alere etiam nothos.

It is the duty of parents to maintain their children, even
bastards.

Partem aliquam recte intelligere nemo potest, antequam totum, iterum
atque iterum, perlegerit.

Nobody can rightly understand any part, before he hath
perused the whole again and again.

Partes rei sunt favorabiliores.

The condition of the defender is more favourable.

Parum proficit scire quid fieri debet, si non cognoscas quo modo sit
faciendum.

It is of little avail to know what ought to be done, if you
do not know how it may be done.

Particeps criminis non est audiendus.

The accomplice of a crime is not to be heard.

Paribus sententiis reus absolvitur.

The accused is acquitted by an equal number of votes, for, or against him.

Patefactio rei trahit ad se remedium.

The disclosing of a matter draws a remedy to itself.

Partus ex legitimo thoro non certius noscit matrem quam genitorem suum.

The offspring of a lawful marriage does not more certainly know its mother than its father.

Partus sequitur ventrem.

The offspring follows the mother.

Pater est quem nuptiæ demonstrant.

He is the father whom the marriage demonstrates to be so.

Paterna paternis, materna maternis.

Paternal things belong to a father, maternal things to the mother.

Peccata contra naturam sunt gravissima.

Sins against nature are most heinous.

Pecunia dicitur a _pecus_, omnes enim veterum divitiæ in animalibus consistebant.

The Latin name for money is derived from another Latin term signifying cattle; for all the riches of the ancients consisted of animals.

Pejus est iudicio quam per vim injuste facere.

It is worse to act in a trial unjustly, than by force.

Pendente lite nihil innovetur.

When the law-suit is pending, let there be no innovation.

Pendenti lite nihil innovandum.

While a law-suit is depending, no innovation ought to take place.

Per rationes pervenitur ad legitimam (legalem) rationem.

We arrive at the legitimate meaning by reasonings.

Per varios actus, legem experientia fecit.

Experience has made law by various acts.

Pereat unus, ne pereant omnes.

Let one perish, lest all should perish.

Periculosum est quod non bonorum virorum comprobatur exemplis.

That is dangerous which is not countenanced by the examples of good men.

Periculosum est res novas et inusitatas inducere.

It is dangerous to introduce strange and unusual things.

Perjurii pœna divina exitium humana dedecus.

The divine punishment of perjury is destruction; the human punishment is disgrace.

Perjuri sunt qui servatis verbis juramenti decipiunt aures eorum qui accipiunt.

They are perjured who observing the words of an oath, deceive the ears of those who hear them.

Perpetua lex est nullam legem humanam ac positivam perpetuam esse; et clausula quæ abrogationem excludit, ab initio non valet.

It is a perpetual law, that there is no human and positive law perpetual; and the clause which excludes disannulling, is not valid from the beginning.

Perpetuitatibus lex obsistit.

The law opposes perpetuities.

Persona conjuncta æquiparatur interesse proprio.

A conjunct person has an equal share in his own right.

Perspicua vera non sunt probanda.

Self-evident truths are not to be proved.

Pirata communis omnium hostis.

A pirate is the common enemy of all men.

Placita debent apte concludere.

The wills of superiors ought to conclude fitly.

Placita ex directo esse debent, et nil per inductionem supponere.

The writs of superiors ought to be directly expressed, and to suppose nothing by way of induction or inference.

Placita negativa duo exitum non faciunt.

Two negative wills produce no effect.

Placitorum alia dilatoria, alia peremptoria.

Some edicts admit of delay, others are peremptory.

Placitum affirmativum sine negativo exitum non facit.

An affirmative will produces no effect without a negative.

Placitum debet esse verum, sufficiens, certum, simplex, et brevi congruens, et præcedentibus constans, et ordinem spectans.

A will ought to be true, sufficient, clear, simple, and agreeing with the brief, and consisting with preceding ones, and having regard to order.

Placitum mendax non est placitum.

A lying will, is not a will.

Placitum nemo cassabit nisi melius dando.

Nobody can make void a will, unless by giving what is better.

Plus cautionis in re est, quam in persona.

There is more security in property, than in a person.

Plus enim valet quod agitur quam quod similate concipitur.

The matter in question is of greater weight than the induction which can be taken from similar ones.

Plus exempla quam peccata nocent.

Examples do more harm than transgressions.

Plus peccat auctor quam per quem agitur.

The adviser is worse than the agent.

Plus peccat author quam actor.

The adviser transgresses more than the agent.

Plus valet oculatus testis unus, quam auriti decem.

One eye witness is more valid, than ten ear witnesses.

Plus valet vulgaris consuetudo, quam regalis concessio.

Common custom is more valid, than a royal grant.

Plus vident oculi quam oculus.

Two eyes see more than one.

Pœna ad paucos, metus ad omnes perveniat.

Let punishment come to a few, fear to all.

Pœna non debet ante ire crimen.

Punishment ought not to precede a crime.

Pœna et delicti defuncti hæres teneri non debet.

An heir cannot be bound by the punishment and transgression of the deceased.

Pœnæ potius molliendæ, quam exasperandæ sunt.

Punishments are rather to be mitigated, than made more severe.

Pœna vel remedium ex incrementio quod prius erat non tollit.

Neither punishment nor remedy, takes away from the increase which was before.

Politix legibus non leges politiis adaptandæ.

Policies ought to be adapted to the laws, not laws to the policies.

Pondere, numero, et mensura.

By weight, by number, and by measure.

Populus Anglicanus nemini servire aut consuevit aut debuit nisi Deo et legibus.

The people of England have been accustomed to be subject to nobody, nor ought they; but to God and the laws.

Populus Anglicanus non nisi suis legibus quas ipse elegerit tenetur obtemperare.

The people of England are bound to obey only their own laws, which they themselves have chosen.

Possessio contra omnes valet, præter eum cui jus sit possessionis.

Possession is valid against all, except him who has the right of possession.

Possessio fratris de fœdo simplici facit sororem esse hæredem.

The possession of a brother of a simple feu, makes his sister to be his heiress.

Possessio terminum tenentis, possessio reversionarii est habenda.

The possession of the tenant of a fund, is to be reckoned the possession of a reversionary.

Posteriora derogant prioribus.

Latter things derogate from the former.

Potestas regia est facere justitiam.

To do justice is royal power.

Potior est conditio possidentis.

The condition of a possessor is preferable.

Potius est privatum incommodum quam publicum malum.

A private inconvenience, is better than a public evil.

Potentia debet sequi justitiam, non antecedere.

Power ought to follow justice, not to go before it.

Potestas suprema seipsum dissolvere potest, ligare non potest.

The supreme power can dissolve itself; it cannot bind itself.

Præscriptio est titulus ex usu et tempore substantiam capiens ab auctoritate legis.

Prescription is a title from use and time, deriving substance from the authority of the law.

Præscriptio est titulus qui sequitur personam, ex usu et tempore substantiam capiens ex auctoritate legis.

Prescription is a title, which follows the person from use and time, deriving substance from the authority of the law.

Præscriptio non datur in bona felonum nisi per recordum.

Prescription is not granted against the goods of felons, unless by record.

Præsentia corporis tollit errorem nominis; et veritas nominis tollit errorem demonstrationis.

The presence of the body, takes away mistake of name; and the truth of the name removes the error of demonstration.

Præsentī periculo succurrendum nequa oriri possit injuria.

We must bring relief to present danger, lest any injury may arise.

Præstat cautela quam medela.

Caution is better than a remedy.

Præsumitur Rex habere omnia jura in scrinio pectoris sui.

The king is presumed to have all the law, in the recess of his heart.

Præsumptio violenta valet in lege.

Strong presumption is valid in law.

Prætextu liciti non debet admitti illicitum.

An unlawful thing ought not to be admitted under a lawful pretext.

Prærogativum est, ejus Regis bonum et antiquum, in decus et tutamen regni, secundum bonas et antiquas populi libertates et legis Anglicanæ leges et consuetudines.

Prerogative is the good and ancient right of the king, for the honour and protection of the kingdom, according to the good and ancient liberties of the people, and the usages and customs of the English laws.

Pretium succedit in loco rei.

A price comes in the place of the property.

Primus actus judicii est judicis approbatorius.

The first act of a trial, is the approbatory act of the judge.

Principalis debet semper excuti antequam perveniatur ad fidei jussores.

The principal ought always to be discussed, before recourse be had to his cautioners.

Principia data sequuntur concomitantia.

When principal things are granted, concomitants follow.

Principia probant, non probantur.

Principles prove, are not proved.

Principiis obsistendum.

We must resist principles.

Principis beneficium debet esse mansurum.

The favour of a prince ought to be permanent.

Privatorum conventio juri publico non derogat.

The agreement of a private person, does not derogate from public law.

Privatum commodum publico cedit.

Private advantage yields to public.

Privilegium non valet contra rempublicam.

Privilege is not valid against the state.

Pro possessore habetur, qui dolo desiit possidere.

He is considered as a possessor, who no longer possesses by fraud.

Pro possessore habetur, qui dolo injuriave desiit possidere.

He is considered as a possessor, who no longer possesses by fraud or injury.

Probandi necessitas incumbit illi qui agit.

The necessity of proving, lies on him who raises the action.

Probationes debent esse evidentes, perspicuæ et faciles intelligi.

Proofs ought to be evident, perspicuous, and easily understood.

Prohibetur ne quis faciat in suo quod nocere possit alteri.

It is forbidden that any one should do in his own concern what might hurt another.

Prohibetur ne quis faciat in suo quod nocere possit in alieno.

It is prohibited that any one should do in his own concern, what may be hurtful to another person.

Propinquior excludit propinquum; et propinquus remotum, et remotus remotiorem.

A nearer relation excludes propinquity; and a relation a remote person; and a remote person, one more remote.

Proprium est Regis gratiam delicti facere.

It is the prerogative of the king to pardon a transgression.

Proprietates verborum servandæ sunt.

The proprieties of words are to be observed.

Protectio trahit subjectionem, et subjectio protectionem.

Protection draws along with it subjection, and subjection protection.

Proximus sum egomet mihi.

I myself am nearest to myself.

Prudenter agit qui præcepto legis obtemperat.

He acts prudently who obeys the precept of the laws.

Q.

Quæ ad unum finem loquuta sunt, non debent ad alium detorqueri.

What things have been spoken to one purpose ought not to be improperly applied to another.

Quæ cohærent personæ a persona separari nequeunt.

Things inherent to a person, cannot be separated from a person.

Quæ communi legi derogant stricte interpretantur.

The things which derogate from common law, are strictly interpreted.

Quæ contra rationem juris introducta sunt, non debent trahi in consequentiam.

What things are introduced against the rule of right, ought not to be drawn into consequence.

Quæ dubitationis causa tollendæ inseruntur, communem legem non lædunt.

What things are inserted for the sake of removing ambiguity, do not hurt common law.

Quæ dubitationis tollendæ causa contractibus inseruntur, jus commune non lædunt.

What things are inserted in contracts for the purpose of taking away ambiguity, do not hurt common law.

Quæ in partes dividi nequeunt solida a singulis præstantur.

What cannot be divided into parts, are performed in the lump by individuals.

Quæ in testamento ita sunt scripta, ut intelligi non possint: perinde sunt, ac si scripta non essent.

What things are so written in a testament that they cannot be understood, are just as if they had not been written.

Quæ incontinenti vel certo fiunt inesse videntur.

Those things which are done at once, or certainly, seem to be inherent.

Quæ inter alios acta sunt nemini nocere debent, sed prodesse possunt.

What things are done among others, ought to hurt nobody, but may do good.

Quæ legi communi derogant non sunt trahenda in exemplum.

What things derogate from common law, are not to be drawn into example.

Quæ non valeant (prosunt) singula, juncta juvant.

Those things which are of no avail when single, are profitable when joined.

Quæ non valerent singula, juncta juvant.

What things would not avail single, are profitable when joined.

Quæ præter consuetudinem et morem majorem fiunt, neque placent, neque recte videntur.

What things are done contrary to custom and ancient usage, neither please nor seem to be proper.

Quæ rerum natura prohibentur, nulla lege confirmata sunt.

What things are prohibited in the nature of things, are confirmed by no law.

Quæ singula non prosunt, juncta juvant.

Single things which do no good, assist when combined.

Quæ sunt temporalia ad agendum, sunt perpetua ad excipiendum.

What things are temporal with regard to action, are perpetual for receiving.

Quaecunque intra rationem legis inveniuntur, intra ipsam legem esse judicantur.

Whatsoever things are found within the meaning of the law, are judged to be within the reach of the law.

Quaecunque lex vult fieri non vult frustra fieri.

Whatsoever the law wishes to be done, it wishes not to be done in vain.

Quaedam in majus malum vitandum permittet lex quæ tamen nequaquam probet.

The law allows certain things for the avoiding of a greater evil, which, however, it by no means approves.

Quælibet concessio fortissime contra donatorem interpretanda est.

Any grant is most forcibly to be interpreted against the donor.

Quælibet pœna corporalis quamvis minima, major est qualibet pœna pecuniaria.

The least corporeal punishment, is greater than any pecuniary punishment.

Quæstio fit de legibus, non de personis.

A question is made concerning the laws, not concerning persons.

Qualitas quæ inesse debet, facile præsumitur.

The quality which ought to be inherent, is easily presumed.

Quamvis aliquid ex se non sit malum, tamen si sit mali exempli, non est

faciendum.

Although a thing is not bad of itself, however, if it has a tendency to set a bad example, it is not to be done.

Quamvis lex generaliter loquitur, restringenda tamen est ut cessante ratione et ipsa cessat: cum enim ratio sit anima vigorque ipsius legis, non videtur legislator id sensisse quod ratione careat, etiamsi verborum generalitas prima facie aliter suadeat.

Although the law speaks in the general, it is, however, to be restricted that while the reason, or meaning ceaseth, itself likewise ceaseth; for since reason is the soul and strength of the law itself, the legislator does not seem to have intended that which wants a reason, although the generality of words may at first sight induce us to believe otherwise.

Quamvis aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum.

Although any thing may not be evil of itself, however, if it be of bad example, it is not to be done.

Quando aliquid cui conceditur, conceditur et id per quod pervenitur ad illud.

When any thing is granted to any one, likewise that is granted by which he comes to it.

Quando aliquid prohibetur ex directo, prohibetur et per obliquum.

When any thing is prohibited directly, it is prohibited likewise indirectly.

Quando aliquid prohibetur, prohibetur omne id per quod devenitur ad illud.

When any thing is prohibited, that also is prohibited by

which we come to that.

Quando charta continet generalem clausulam, posteaque descendit ad verba specialia, quæ clausulæ generali sunt consentanea, interpretanda est charta secundum verba specialia.

When a charter contains a general clause, and afterwards descends to special expressions, which are agreeable to the general clause, the charter is to be interpreted according to the special words.

Quando lex aliquid alicui concedit, concedere videtur id sine quo res ipsa esse non potest.

When the law grants any thing to any one, it seems to grant that without which the thing itself cannot exist.

Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur.

When the law grants any thing to any one, all incidental things are tacitly granted.

Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda.

When the law is special, but the reason general, the law is to be generally understood.

Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum fuit.

When more is done than ought to be done, that too seems to be done, which should have been done.

Quando verba statuti sunt specialia, ratio autem generalis, generaliter statutum est intelligendum.

When the words of a statute are special, but the reason

general, the statute is to be understood generally.

Quemadmodo non respondent iudices, ita, ea quæstionem juris non respondent iuratores.

[Transcriber's Note: This maxim should read, "Quemadmodum ad quæstionem facti non respondent iudices, ita ad quæstionem juris non respondent iuratores."]

As judges do not reply, so, from that the jurors do not answer a question of law.

[Transcriber's Note: This translation should be, "As judges do not answer to questions of fact, jurors do not answer to questions of law."]

Qui ab alio derivatum jus habet, non alia lege obtinebit ac is unde derivatum est.

He who hath a right derived from another, will not obtain it by any other law than he from whom it is derived.

Qui abjurat regnum amittit regnum sed non regem, patriam, sed non patrem patriæ.

He who abjures the kingdom, loses the kingdom; but not the king his native country, but not the father of his country.

Qui accusat integræ famæ sit et non criminosus.

Let him who accuses, be of unblemished character, and not criminal.

Qui adimit medium dirimit finem.

He who takes away the middle, will demolish the end.

Qui alienas res negligenter perdit, aut vi vel dolo malo aufert, suas amittitio.

Whosoever negligently ruins another man's property, or takes it away by force, or evil fraud, let him lose his own.

Qui æquitatem petit, æquitatem faciat.

Whosoever demands justice, let him practise justice.

Qui aliquid statuerit, parte inaudita altera æquum licet dixerit, haud æquum fecerit.

He who shall have determined any thing, the one party being unheard, though he may speak justice, hath not done what is just.

Qui altari serviunt ab altari vivant.

They who serve at the altar, should live by the altar.

Qui alterum incusat ne in eodem saltem genere sit incusandus.

Let him who accuses another, not be accused, at least in the same way.

Qui animo peccandi aliquid facit, videtur peccasse ab initio.

He who does any thing with the intention of transgressing, seems to have transgressed from the beginning.

Qui beneficium legis extra ordinem quærit, puras manus afferto.

Whosoever seeks the benefit of the law extraordinarily, let him lift up pure hands.

Qui bene distinguit, bene docet.

He who distinguishes well, teaches well.

Qui bene interrogat, bene docet.

He who interrogates well, teaches well.

Qui bonis viris pauperibus dat legibus opitulatur; qui malis et inertibus segetem malorum fovet et legum opprobrium.

He who assists good men in poverty, gives to the laws; he who assists the wicked and inactive, fosters a multitude of bad people, and is the disgrace of the laws.

Qui causa decedit causa cadit.

He who departs from his cause, falleth from his cause.

Qui cum alio contrahit, vel est, vel debet esse, non ignarus ejus conditionis; hæredi autem hoc imputari non potest, cum non sponte cum legatariis contrahit.

He who contracts with another, either is not, or ought not to be ignorant of his condition; but this cannot be imputed to his heir, since he contracts not of his own accord with the legatees.

Qui dat pauperibus Deo dat.

He gives to God, who gives to the poor.

Qui destruit medium, destruit finem.

He who destroys the middle, destroys the end.

Qui dolo desierit possidere, pro possidente pro possessione dolus est.

He who shall cease to possess by craft, instead of a possessor, is crafty for the possessor.

Qui inertibus dat industrios nudat.

He who gives to the sluggish, defrauds the industrious.

Qui ex parte testamenti aliquid donatum accipit, universo testamento stabit.

He who receives any thing by a part of a will, shall stand by the whole will.

Qui extra causam divagatur calumniando, punitor.

Whosoever wanders out of his cause by uttering calumny, let him be punished.

Qui facit per alium, facit per se.

He who acts by means of another, acts by himself.

Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi.

He who has the right of acquitting, has the right of binding.

Qui hæret in litera hæret in cortice.

He who sticks to the letter, sticks merely to the bark.

Qui in alterius locum succedunt justam habent ignorantiae causam, an id quod petitur deberetur: fide jussores, non minus quam hæredes, justam ignorantiam possunt allegare.

They who succeed in the room of another, have just cause of ignorance; whether that which is sought for be due, the sureties, no less than the heirs, can allege just ignorance.

Qui in utero est pro jam nato habetur, quoties de ejus commodo quæritur.

He who is in the womb, is reckoned as already born, as often as the question is concerning his advantage.

Qui inscianter læsit scienter emendit.

He who ignorantly hath hurt, knowingly amends.

Qui jure suo utitur, nemini facit injuriam.

He who enjoys his own right, does injury to none.

Qui libenter, et sæpe, et parvula de re juramento se obstringit, perjurio proximus est.

He who willingly, and often, and concerning a small matter, binds himself by an oath, is nearest to perjury.

Qui non cadunt in constantem virum, vani timores sunt æstimandi.

Those fears are to be considered as vain, which do not fall upon a steady man.

Qui non habet in ære, luat in corpore: (ne quis peccetur impune).

Whosoever has no money, let him satisfy, in his person; that no transgression should pass with impunity.

Qui non habet potestatem alienandi, habet necessitatem retinendi.

He who has not the power of alienating, has the necessity of retaining.

Qui non improbat, approbat.

He who does not disapprove, approves.

Qui non libere veritatem pronunciat, proditor est veritatis.

He who does not freely declare the truth, is a betrayer of the truth.

Qui non luat in crumina luat in corpore.

Whosoever cannot suffer in the purse, let him suffer in the body.

Qui non negat fatetur.

He who does not deny, confesses.

Qui non obstat quod obstare potest, facere videtur.

He seems to do, who does not oppose what he can oppose.

Qui non peccavit pœnam non feret.

He who hath not transgressed, shall not suffer punishment.

Qui non propulsat, injuriam quando potest, infert.

He causes an injury, who does not oppose it, when he can.

Qui non prohibet, quod prohibere potest, consentire videtur.

He seems to consent, who does not prohibit, what he can hinder.

Qui non prohibet, quod prohibere potest, assentire videtur.

He seems to assent, who does not prohibit, what he can prohibit.

Qui non vetat cum debeat et possit, jubet.

He orders who does not forbid, when he ought and can do it.

Qui non vult intelligi, debet negligi.

He who does not wish to be understood, ought to be neglected.

Qui obstruit aditum, destruit commodum.

He who blocks up an access, destroys convenience.

Qui omne dicit, nihil excludit.

He who says all, excludes nothing.

Qui ordine ulteriora admittit, præcedentia affirmat.

He who admits posterior things in order, affirms preceding things.

Qui parcit nocentibus, innocentibus minatur.

He who spares the guilty, threatens the innocent.

Qui parcit nocentibus, innocentibus punit.

He who spares the guilty, punishes the innocent.

Qui peccat ebrius, luat sobrius.

Whosoever offends when intoxicated, let him give satisfaction when sober.

Qui per alium facit, per seipsum facere videtur.

He who transacts through the agency of another, seems to act by himself.

Qui periculum amat, in eo peribit.

He who courts danger, shall perish in it.

Qui potest et debet vetare, jubet.

He orders who can, and ought to forbid, and does not do it.

Qui prior in tempore, potior in jure.

He who is first in time, is preferable in law.

Qui semel actionem renunciaverit, amplius repetere non potest.

He who has once renounced his action, cannot resume it any more.

Qui semel malus, semper præsumitur esse malus in eodem genere.

He who has once been wicked, is always presumed to be wicked in the same way.

Qui sentit commodum—sentire debet et onus.

He who reaps the advantage, ought also to bear the burden.

Qui serviunt Christo, faciunt leges pro Christo.

They who serve Christ, make laws for Christ.

Qui sine dolo malo ad iudicium provocat, non videtur moram facere.

He who provokes to trial without wicked fraud, does not seem to cause delay.

Qui sit ius, et in quo consistit iniuria, legis est definire.

It belongs to the law to define what justice may be, and in what injustice consists.

Qui statuatur aliquid parte inaudita altera æquum licet statuerit haud æquus olet.

He who determines any thing while one party is unheard, though he may determine what is just, will not savour of the just man.

Qui suspicionem peccati inducit, peccat.

He offends, who occasions suspicion of an offence.

Qui tacet, consentire videtur.

He who is silent, seems to agree.

Qui tacet, consentire videtur, ubi tractatur de ejus commodo.

He seems to consent, who is silent concerning his own advantage.

Qui tardius solvit, minus solvit.

He who pays rather slowly, pays rather less.

Qui tempus prætermittit, causam perdit.

He who is too dilatory, loses his cause.

Quid fieri debet, facile præsimitur.

What ought to be done, is easily presumed.

Quid sit jus, et in quo consistat injuria, legis est definire.

It belongs to the law to define what the law is, and in what injustice consists.

Quicquid contra bonos mores facit, jure communi vetitum.

Whatever is done against good morals, is forbidden by common law.

Quicquid in excessu actum est, lege prohibetur.

Whatever is done to excess, is prohibited by law.

Quicquid judicis auctoritati subjicitur, novitati non subjicitur.

Whatever is subjected to the authority of a judge, is not subjected to innovation.

Quicquid per se malum est, id leges omnibus vetant.

Whatever is bad in itself, the laws forbid that to all.

Quicquid solvitur, solvitur secundum modum solventis, et secundum modum recipientis recipitur.

Whatever is paid, is paid according to the manner of the payer, and is received according to the manner of the receiver.

Quicumque habet jurisdictionem ordinariam, est illius loci ordinarius.

Whoever has ordinary jurisdiction, is the ordinary of that place.

Quicumque jussu judicis aliquid fecerit, non videtur dolo malo fecisse, quia parere necesse est.

Whoever has done any thing by order of the judge, does not seem to have acted by guile, because it is necessary to obey.

Quilibet enim jure pro se introducto renunciare potest.

For any one can renounce by the law introduced for himself.

Quilibet ex virtute sua non imbecillitate adversarii debet vincere.

Any one ought to overcome by his own strength, and not by the weakness of his opponent.

Quisquis præsumitur bonus; et semper in dubiis pro reo respondendum.

Every one is presumed good; and always in doubtful cases we must answer for the accused.

Quilibet renunciare potest juri pro se introducto.

Any one can renounce by the law introduced for himself.

Quilibet titulus excusat a spolio.

Any title excuses from spoliation.

Quisque præsumitur optime in sua causa dicere.

Every one is presumed to speak best in his own cause.

Quisquis sua facta scire et præsumitur et debet.

Every one is both presumed, and ought to know his own actions.

Quo ligatur, eo dissolvitur.

A thing is dissolved in the same way, in which it is bound.

Quo tutela redit, eo hæreditas pervenit, nisi cum fœminæ hæredes intercedunt.

An inheritance comes in the way, in which guardianship goes, unless when female heirs intervene.

Quod ab initio non valet, in tractu temporis non convalescet.

What at the beginning is not valid, will not become valid in the process of time.

Quod ab initio non valet, tractu temporis non potest convalescere.

What at the beginning is not valid, cannot become valid in process of time.

Quod ab initio vitiosum est, non post contractu temporis convalescere.

What at the beginning is faulty, cannot become valid afterwards in the process of time.

Quod ad jus naturale attinet, omnes homines æquales sunt.

With respect to natural law, all men are equal.

Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur.

What otherwise is good and just, if it be sought by force or fraud, is rendered wicked and unjust.

Quod civile jus non idem continuo gentium: quod autem gentium idem civile esse debet.

What is civil law, the same is not of course that of nations: but what is the law of nations, the same ought to be civil law.

Quod contra legem fit pro infecto habetur.

What is done against law, is reckoned as undone.

Quod constat clare non debet verificare.

What is evidently certain, ought not to be verified.

Quod constat curiæ opere testium non indiget.

What is clear to the court, does not need the aid of witnesses.

Quod conscientia vult ubi lex deficit, æquitas cogit.

What conscience wishes, where the law is deficient, equity prescribes.

Quod contra rationem juris receptum est, non est producendum ad consequentias.

What is received against the meaning of the law, must not be drawn into consequences.

Quod demonstrandi causa, additur rei satis demonstratæ frustra fit.

What is valid for the sake of demonstrating a thing,
sufficiently demonstrated, is done in vain.

Quod dubia interpretatio libertatis est, secundum libertatem
respondendum erit.

What is a doubtful interpretation of liberty, ought to be
answered according to liberty.

Quod dubitas ne feceris.

What you doubt, do not do.

Quod est ex necessitate nunquam introducitur, nisi quando necessarium.

What proceeds from necessity, is never introduced, unless
it is introduced from necessity.

Quod est inconveniens, aut contra rationem, non permissum est in lege.

What is unsuitable, or against reason, is not permitted in
law.

Quod est necessarium est licitum.

What is necessary, is lawful.

Quod fieri debet facile præsimitur.

What ought to be done, is easily presumed.

Quod fieri debuit pro facto censetur.

What ought to have been done, is reckoned as done.

Quod fieri non debet factum valet.

What should not be done, is not valid, when done.

Quod fieri vetatur ex directo, vetatur etiam ab obliquo.

What is forbidden to be done directly, is forbidden also indirectly.

Quod fraude factum est in alios infectum esto, contra fraudatorem valet.

Let what is done in fraud, be inefficient towards others;
it is valid against the defrauder.

Quod in se malum ubicunque factum fuerit, nulla juris positivi ratione valebit.

What shall have been done, bad in itself, will be valid by
no kind of positive law.

Quod initio vitiosum est, non potest tractu temporis convalescere.

What at first is faulty, cannot, in process of time, become
valid.

Quod lege tuum est, amplius esse tuum non potest.

What is yours by law, cannot be more yours.

Quod nullius est, fit domini regis.

What belongs to none, becomes the property of the king.

Quod nullius est, fit occupantis.

What belongs to none, becomes the property of the occupier.

Quod naturaliter inesse debet.

Which naturally ought to be inherent.

Quod nullo interno vitio laborat at objecto impedimento cessat, remoto impedimento per se emergit.

What labours under no internal fault, but yields to an opposing obstacle, the obstacle being removed, it emerges of itself.

Quod per recordum probatum, non debet esse negatum.

What is proved by record, ought not to be denied.

Quod remedio destituitur ipsa re valet si culpa absit.

What is destitute of remedy, in fact, is valid, if it be not faulty.

Quod Rex contra leges jubet, pro injussu reputabitur.

What the king orders against law, shall be considered as not commanded.

Quod semel meum est, amplius meum esse non potest.

What is once mine, cannot be more mine.

Quod semel placuit in electionibus amplius displicere non potest.

What hath once been approved of, in elections, cannot any longer displease.

Quod statim liquidare potest pro jam liquido habetur.

What can be immediately liquidated, is held as already

liquidated.

Quod tibi fieri non vis, alteri non feceris.

Do not do to another, what you would not wish to be done to yourself.

Quod vero naturalis ratio inter omnes homines constituit, id apud omnes peræque custoditur quod semper æquum ac bonum est.

What, indeed, natural reason hath constituted among all men, is observed among all in the same degree, which is always just and good.

Quodcunque aliquis ob tutelam corporis sui fecerit, jure id fecisse videtur.

Whatever any one hath done for the protection of his own person, he seems to have done that according to law.

Quodlibet in lege eodem modo dissolvitur quo ligatum est.

Any thing in law is dissolved, in the same way in which it was bound.

Quomodo quid constituitur eodem modo dissolvitur.

In whatever way any thing is constituted, in the same way it is dissolved.

Quoties aliquid dubitatur vel male est, ad principia recurrendum.

As often as any thing is doubted, or is bad, we must have recourse to principles.

Quoties duplici jure defertur alicui successio, repudiato novo jure, quod ante defertur supererit vetus.

Whenever a succession is conferred upon any one, by a double right, the new right being set aside, the old right, formerly conferred, will remain in force.

Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba fienda est.

As often as there is no ambiguity in words, no explanation ought to be made against words.

Quoties lege aliquid, unum vel alterum introductum est, bona occasio est, cætera quæ tendunt ad eandem utilitatem, vel interpretatione, vel certe jurisdictione suppleri.

As often as any one thing, or another, is introduced in law, there is a good opportunity that other things, which tend to the same advantage, be supplied, either by interpretation, or, at least, by jurisdiction.

Quoties æquitate desiderii naturalis ratio aut dubitatio juris moratur, justis decretis res temporanda est.

As oft as by the equity of desire, a natural reason, or doubt of law, may retard the matter, is to be regulated by just decrees.

Quoties dubia interpretatio libertatis est, secundum libertatem respondendum erit.

As often as the interpretation of liberty is doubtful, we should answer according to liberty.

Quoties idem sermo duas sententias exprimit, ea potissimum excipitur, quæ rei gerendæ aptior est.

As often as the same speech expresses two meanings, that chiefly may be received, which is most fit for carrying on the business.

R.

Ratio est anima legis.

Reason is the soul of the law.

Ratio est legis anima, mutata legis ratione mutatur et lex.

Reason is the soul of the law, the meaning of the law being changed, the law also is changed.

Ratio et autoritas, duo clarissima mundi lumina.

Reason and authority, are the two brightest lights of the world.

Radix et vertex imperii in obedientium consensus.

The consent of subjects is the root and top of empire.

Ratio potest allegari deficiente lege.

Reason may be alleged when the law is insufficient.

Receditur a placitis, juris potius quam injuriæ et delicta maneat impunita.

We depart from the enactments of the law, rather than that injuries and transgressions should remain unpunished.

Recorda sunt vestigia vetustatis et veritatis.

Records are the vestiges of antiquity and truth.

Recurrendum est ad extraordinarium quando non valet ordinarium.

We must have recourse to an extraordinary thing, when an ordinary one does not avail us.

Reddere, nihil aliud est quam acceptum restituere: seu, reddere est quasi retro dare; et redditur dicitur a redeundo, quia retro it.

To render is nothing else than to restore what is received; or to render is, as it were, to give back; and it is called render from returning, because it goes back.

Regis curia et curia populi Anglicani sive parliamentum non ex scripto sed ex communi lege sunt.

The court of the king, and the court house of the people of England, or the Parliament, are not according to written, but according to common law.

Regula est quæ rem quæ est breviter enarrat, non ut ex regula jus sumatur, sed ex jure, quod est, regula fiat. Per regulam igitur brevis rerum narratio traditur, et quasi causæ coniectio est, quæ, simul cum in aliquo vitiata est, perdit officium suum.

The rule is that which briefly relates the matter, not that law may be taken from a rule, but that which is of the law may be made a rule. By a rule, therefore, a short relation of things is delivered and there is, as it were, a summary account of the cause, which at the same time, when it is corrupted, loses its office.

Regulariter non valet pactum de re mea non alienanda.

A bargain is not regularly valid concerning the non-alienation of my property.

Relatio est fictio juris et intenta ad unum.

Reference is the supposition of the law, and made to one case.

Remoto impedimento emergit actio.

An impediment being removed, an action emerges.

Repellitur a sacramento infamis.

An infamous person is repelled from the sacrament and oath of allegiance.

Reputatio est vulgaris opinio ubi non est veritas. Et vulgaris opinio est duplex, _scil._ opinio vulgaris orta inter graves et discretos homines, et quæ vultum veritatis habet; et opinio tantum orta inter leves et vulgares homines, absque specie veritatis.

A report is common opinion, where there is not truth; and opinion is twofold, viz. a common opinion arises between prudent and discreet men, which has the appearance of truth, and opinion only arises between giddy and vulgar men, without the appearance of truth.

Rerum ordo confunditur, si unicuique jurisdictio non conservatur.

The order of things is confounded, if jurisdiction is not preserved to every one.

Rerum suarum quilibet est moderator et arbiter.

Every one is the ruler and umpire of his own affairs.

Res est misera ubi jus est vagum et incertum.

It is a wretched circumstance, when the law is vague and uncertain.

Res, generalem habet significationem, quia tam corporea quam incorporea, cujuscunque sunt generis, naturæ sive speciei, comprehendit.

A thing has a general signification, because it comprehends corporeal, as well as incorporeal circumstances, of whatever kind, nature and species it may be.

Res inter alios acta, aliis non nocet.

A matter performed among some persons, does not hurt others.

Res inter alios acta, alteri nocere non debet.

A matter performed among some persons, ought not to hurt another.

Res inter alios acta, aliis neque nocet neque prodest.

A thing done among some persons, does neither harm nor good to others.

Res judicata pro veritate accipitur.

A matter judged, is taken for truth.

Res judicata pro veritate habetur.

A thing decided is received for truth.

Res judicata inter alios, aliis neque nocet neque prodest.

A thing decided between some, neither hurts nor does good to others.

Res stulta est nequitiae modus.

Moderation in wickedness is a foolish thing.

Rescriptum Principis contra jus non valet.

The rescript of the prince, is not valid against the law.

Reservatio ut et protestatio non facit jus, sed tuetur.

Neither reservation, nor protestation, makes law, but maintains it.

Resoluto enim jure dantis, resolvitur jus accipientis.

For the right of the giver being dissolved, the right of the receiver is dissolved.

Respiciendum est judicanti, ne quid aut durius aut remissius constituatur quam causa deposcit; nec enim aut severitatis aut clementiæ gloria affectanda est.

It is necessary for a judge to consider that nothing be determined either more severely or more easily, than the cause demands, for neither the glory of severity, or clemency is to be affected.

Respondeat raptor, qui ignorare non potuit quod pupillum alienum abduxit.

Let a seducer, or violator, answer for it, who could not have been ignorant that he hath carried off a minor, or orphan.

Respondeat superior.

Let a superior answer.

Religio Christiana pars est legis Angliæ communis.

The Christian religion is part of the common law of England.

Rex ad justitiam faciendam non cogitur.

The king is not forced to do justice.

Rex est lex vivens. Rex est pater patriæ.

The king is a living law; the king is the father of his country.

Rex est mista persona.

The king is a mixed character.

Rex est pater patriæ.

The king is the father of his country.

Rex ipse non debet esse sub homine, sed sub Deo et lege, quia lex facit regem: attribuat igitur rex, lege quod lex attribuit ei, viz. dominationem et imperium. Non est enim Rex ubi dominatur voluntas et non lex.

The king himself ought not to be under man, but under God and the law; because the law makes the king, therefore let the king give lawfully what the law hath given to him, viz. dominion and authority; for it is not the will of the king that rules, but the law.

Rex lege cadere non potest.

The king cannot fall in law.

Rex neque solvit damna in lege neque recipit.

The king neither pays losses, nor receives them in the law.

Rex nihil aliud est quam lex agens.

The king is nothing else than the acting law.

Rex nil dat nisi per recordum.

The king gives nothing, unless by record.

Rex nil potest jubere nisi per curiam legitime constitutam.

The king can order nothing, unless by parliament lawfully constituted.

Rex non est ubi voluntas dominatur.

He is not a king, when his will domineers.

Rex non potest invitum civem regno depellere.

The king may not expel from the kingdom, a subject against his will.

Rex non potest malum vel injuriam facere.

The king may do no evil or injustice.

Rex non potest subditum onerare impositionibus.

The king may not burden a subject with taxes.

Rex nunquam infra ætatem est.

The king is never below age.

Rex præsumitur in scrinio pectoris sui habere omnia jura.

The king is presumed to have all the laws in the recess of his heart.

Rogationes, quæstiones, et positiones debent esse simplices.

Petitions, questions, and positions, ought to be simple.

S.

Sacramenta pauperum sunt servanda.

The oaths of the poor are to be kept.

Salus populi est suprema lex.

The safety of the people is the highest law.

Salus populi suprema lex esto.

Let the safety of the people be the supreme law.

Salus ubi multi consilarii.

In the multitude of council there is safety.

Sapiens omnia agit cum consilio.

A wise man does all things with deliberation.

Sapientia legis nummario pretio non est æstimanda.

The wisdom of the law is not to be valued by a pecuniary consideration.

Sapientis judicis est cogitare tantum sibi esse permisum, quantum commissum et creditum.

It is the property of a wise judge to think that so much is permitted to him, as has been committed and intrusted to him.

Satisfactio non fit de minori.

Satisfaction is not exacted of a minor.

Satius est petere fontes quam sectari rivulos.

It is better to repair to the source, than to follow streamlets.

Scriptæ obligationes scriptis tolluntur, et nudi consensus obligatio, contrario consensu dissolvitur.

Written obligations are taken away by writs; and the obligation of a mere consent is dissolved by a contrary consent.

Scire leges non hoc est, verba earum tenere, sed vim ac potestatem.

To know the laws, is not to understand their words, but their force and power.

Scire proprie est rem ratione et per causam cognoscere.

To know, is properly to comprehend a matter, by reason, or by its cause.

Secundum naturam est, commoda cujusque rei eum sequi quem sequentur

incommoda.

It is according to nature that the advantages of any thing follow him, whom its disadvantages will follow.

Semel malus semper præsumitur esse malus in eodem genere.

A man once bad, is always presumed to be bad, in the same way.

Semper in dubiis benigniora præferenda sunt.

Always in doubtful cases, more favourable things are to be preferred.

Semper in stipulationibus et in cæteris contractibus id sequimur, quod actum est; aut si non pareat, quid actum est, erit consequens ut id sequamur, quod in regione in qua actum est frequentatur. Quid ergo, si neque regionis mos appareat quia varius fuit? ad id quod minimum est, religenda summa est.

Always in bargains, and in other contracts, we follow that which has been done, or if that does not appear which hath been done, the consequence will be that we should follow that which is usual in the country, in which it was performed: what therefore is necessary to be done, if the custom of the country does not appear? either, because it has been various; the sum is to be reduced, to that which is the least.

Semper in obscuris, quod minimum est, sequimur.

In obscure cases we always follow that which is least.

Semper qui non prohibet pro se intervenire, mandare creditur, sed et si quis ratum habuerit, quod gestum est, obstringitur mandati actione.

He who does not prohibit one to interfere for himself, is always believed to order him; but if any one shall confirm

what hath been done, he is bound by the action of his mandate.

Semper pro legitimatione præsumitur.

There is a presumption in favour of legitimation.

Semper specialia generalibus insunt.

Special things are always included in general things.

Sensus verborum est anima legis.

The sense of words is the soul of the law.

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 cause of pleading, and words are always to be taken according to the subject matter.

Sensus verborum est duplex, mitis et asper, et verba semper accipienda sunt in mitiore sensu.

The sense of words is twofold, mild and rough, and words are always to be taken in the milder sense.

Sententia contra matrimonium nunquam transit in rem judicatam.

An opinion against marriage, never passes into a matter decided.

Sententia contra minorem indefensum lata nulla est.

An opinion given against a minor undefended, is void.

Sententia facit jus; et legis interpretatio legis vim obtinet.

A sentence makes law, and the interpretation of the law obtains the force of the law.

Sententia facit jus, et res pro veritate accipitur.

A sentence makes law, and the matter is received for truth.

Sententia interlocutoria revocari potest, definitiva non potest.

An interlocutory sentence can be recalled, but a definitive one cannot.

Sequi debet potentia justitiam, non præcedere.

Power ought to follow justice, not to precede it.

Sermo index animi.

Speech is the index of the mind.

Sermones semper accipiendi sunt secundum subjectam materiam, et conditionem personarum.

Speeches are always to be taken according to the subject matter, and the condition of persons.

Servile est expilationis crimen.

The crime of pilfering is base.

Si duo in testamento pugnantia reperientur, ultimum est ratum.

If two points repugnant are found in a testament, the last is established.

Si librarius in transcribendis stipulationis verbi errasset, nihil nocere quo minus et reus et fidejussor teneatur.

If the transcriber hath erred in transcribing the words of a contract, it is proper that it should have no bad effect, so that both the accused person, and his security, may not be bound.

Si mulier, per matrimonium nobilis, nupserit ignobili, desinit esse nobilis.

If a woman, enabled by matrimony, marries an ignoble person, she ceases to be noble.

Si quid universitati debetur singulis non debetur, neque quod debet universitas singuli debent.

If any thing be owing to an entire body, it is not due to individuals, nor do individuals owe what is owed by an entire body.

Si suggestio non sit vera, literæ patentes vacuæ sunt.

If a suggestion be not true, letters patent are void.

Sic utere tuo ut alienum non lædas.

So use your own property, that you may not hurt another's.

Sicut pœna ex delicto defuncti hæres teneri non debet, ita nec lucrum facere, si quid ad eum pervenisset.

As the heir ought not to be punished in consequence of the transgression of the deceased, so neither ought he to make gain, if any advantage had come to him.

Simplicitas est legibus amica; vis et fraus invisissima; nimia subtilitas suspecta.

Simplicity is a friend to the laws, violence and fraud are most odious: too much subtlety is suspected.

Simplicitas est legibus amica; et nimia subtilitas in jure reprobatur.

Simplicity is a friend to the laws, and too much subtlety is reprobated in law.

Similitudo legalis est, casuum diversorum inter se collatorum, similis ratio; quod in uno similium valet, valebit in altero. Dissimilium, dissimilis est ratio.

Legal similitude is the similar relation of cases, so different between themselves, what is valid in one of the similar cases, will be valid in the other. If dissimilar, the relation is likewise dissimilar.

Socii mei socius, meus socius non est.

The companion of my companion is not my companion.

Sodales legem quam volent, dum ne quid ex publica lege corrumpant sibi ferunto.

Let companions make to themselves what law they please, provided they do not abuse any thing of the public law.

Sola innocentia libera.

Innocence alone is free.

Solemnitates juris sunt observandæ.

The solemnities of the law are to be observed.

Solus Deus hæredes facit, non homo.

God alone makes heirs, not man.

Solutio pretii, emptionis loco habetur.

The payment of the price is held as a purchase.

Spoliatus debet ante omnia restitui.

Spoliation of all things ought to be restored.

Stabit præsumptio donec probetur in contrarium.

Presumption shall stand until the contrary is proved.

Stabitur præsumptioni donec probetur in contrarium.

We must abide by presumption, until the contrary is proved.

Statuta ita interpretanda ut innoxii ne obsint.

Statutes are so to be interpreted, that they may not hurt the innocent.

Statutum affirmativum non derogat communi legi.

An affirmative statute does not derogate 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 the purpose general.

Statutum speciale statuto speciali non derogat.

A special statute does not derogate from a special statute.

Sua cuique domus arx esto.

Let every man's house be his castle.

Sublata veneratione magistratuum, respublica ruit.

When respect due to magistrates is taken away, the state falls.

Sub clypeo legis nemo decipitur.

No body is deceived under the protection of the law.

Subsequens matrimonium tollit peccatum præcedens.

Subsequent marriage takes away the preceding sin.

Substantia prior et dignior est accidente.

The substance is prior, and more worthy than what is eventual.

Summa charitas est facere justitiam singulis et omnibus omni tempore.

The greatest charity is to do justice to each, and all, at all times.

Summa charitas est facere justitiam singulis et omni tempore quando est necesse.

It is the greatest charity to do justice to each, and at all times, when it is necessary.

Summa ratio est quæ cum religione facit.

It is the highest reason that makes with religion, (i.e. supports religion.)

Summi cujusque bonitas commune perfugium omnibus.

The goodness of every highest person is a common refuge to all.

Summum jus summa injuria.

Law carried to extremes, is the height of injustice.

Superflua obstant; defectiva perimunt.

Superfluous things oppose, defective things destroy.

Suppressio facti tollit æquitatem.

The suppression of a fact, takes away equity.

T.

Talis interpretatio semper fienda est, ut evitetur absurdum et inconveniens, et ne judicium sit illusorium.

Such an interpretation is always to be made, that an absurdity and inconvenience may be avoided, and that judgment may not be illusory.

Tantum bona valent, quantum vendi possunt.

Goods are worth as much, as they can be sold for.

Tenens domino fidem præstare, et debita servitia tenetur, et dominus invicem tenenti protectionem et jura sua omnia.

A tenant is bound to make good his faith and due services to his master, and the master in his turn, is to give to the tenant, protection and all his rights.

Terra transit cum onere.

Land is transferred with burdens.

Terminus et feodum non possunt constare simul in una eademque persona eodem jure.

Lease and feu are inconsistent in the same person with the same right.

Testamenta, cum duo inter se pugnancia reperiuntur, ultimum ratum est. Sic est, cum duo inter se pugnancia reperiuntur in eodem testamento.

When two testaments are found contradictory to one another, the last is valid; so it is when two clauses are found contradictory to one another in the same deed.

Testium numerus si non adjicitur, duo sufficiunt.

If more witnesses cannot be found, two are sufficient.

Testamenta latissimam interpretationem habere debent.

Testaments ought to have the broadest interpretation.

Testamenta propter inopiam consilii ad mentem testatoris interpretanda etsi verba solemnia desint.

Testaments, on account of the want of counsel, are to be interpreted according to the mind of the testator, although the usual words are wanting.

Testimonia ponderanda sunt, non numeranda.

Testimonies are to be weighed, not to be numbered.

Testamentum nisi post mortem testatoris vim non habet.

A testament has no force, till after the death of the testator.

Testatoris ultima voluntas est perimplenda secundum verum intentionem suam.

The last will of a testator is to be fulfilled, according to its true intention.

Testes qui postulat, debet dare eis sumptus competentes.

He who demands witnesses, ought to give competent expenses to them.

Testis nemo in sua causa esse potest.

No body can be a witness in his own cause.

Testis oculatus unus plus valet quam auriti decem.

One eye witness is worth more than ten ear witnesses.

Testis _should be able to say from his heart_, non sum doctus nec instructus, nec curo de victoria, modo ministretur justitia.

A witness should be able to say from his heart, I am not informed, nor instructed, nor do I care which of the

parties be successful, provided justice be done.

Testibus deponentibus in pari numero, dignioribus est credendum.

When witnesses give their depositions in equal number, we must believe the more worthy.

Traditio loqui facit chartam.

Delivery makes a paper to speak.

Traditione pacta firmantur.

Agreements are confirmed by delivery.

Traditionibus et usucapionibus non nudis transferuntur rerum domina.

The rights of superiority are not transferred by bare deliveries and enjoyments.

Transferuntur dominiae sine titulo et traditione, per usucaptionem, viz. per longam continuam et pacificam possessionem.

The rights of superiority are transferred without title and delivery by long possession, viz. by long continued and peaceful possession.

Tria sequuntur defamatorem famosum: pravitatis incrementum: bursæ decrementum: conscientiae detrimentum.

Three things follow the infamous defamer, increase of avoiding, decrease of purse, loss of conscience.

Triatio ibi semper debet fieri, ubi juratores meliorem possunt habere notitiam.

The union of three witnesses always ought to happen, when

the jurors can have better information.

Turpe est viro, id in quo quotidie versatur ignorare.

It is a shameful thing for a man to be ignorant of that in which he is daily engaged.

Turpe impossibile.

An impossibility is shameful.

Turpes tribunalibus arcentur.

Base people are driven away from the tribunals.

U.

Ubi cessat remedium ordinarium, ibi decurritur ad extraordinarium.

When an ordinary remedy ceases, then we have recourse to an extraordinary.

Ubi concurrunt commune jus et jus scriptum communi jure standum.

Where common law and written law disagree, we must stand by the common law.

Ubi culpa est, ibi poena subesse debet.

Where fault is, there punishment ought to be.

Ubi damna dantur, victus victori in expensis condemnari debet.

Where damages are given, the loser ought to be condemned to

pay the expense of the gainer.

Ubi duo jura concurrunt in eadem persona, idem est ac si esset in diversis.

When two rights concur in the same person, it is the same as if it were in different persons.

Ubi duo pugnancia in charta concurrunt, prius ratum esto.

Where two repugnant things meet in a charter, let the first be established.

Ubi duo sensus occurrunt, mitiori standum.

Where two meanings occur, we must abide by the milder.

Ubi dies cessit, licet nondum venerit.

Where the day hath ceased, though the night hath not yet come.

Ubi diverso jure in eandem rem venire quis potuit, eo jure venisse præsumitur quod fortius ac melius sit.

Where any one could have come to the same thing by a different right, he is presumed to have come to it by that right which may be stronger and better.

Ubi eadem est ratio idem est jus.

Where the reason is the same, the right is the same.

Ubi eadem ratio ibi idem lex.

Where the reason is the same, the law is the same.

Ubi ex jure positivo alicujus gentis reo conceditur, vel prohibetur
leges Angliæ, jus ejus gentis in judicio respiciunt ubi actio accrevit.

Where a grant is given, or a prohibition made to an accused
person of any nation, by a positive law, the laws of
England regard the law of that nation in the trial where
the action rose.

Ubi factum nullum, ibi fortia nulla.

Where there is no fact, there is no strong argument.

Ubi lex cogit aliquem ostendere causam, necesse est quod causa sit
justa et legitima.

Where the law compels any one to shew cause, it is
necessary that there be a just and lawful cause.

Ubi lex cogit aliquem ostendere causam, necesse est quod causa sit
justa atque legitima.

Where the law compels any one to shew cause, it is
necessary that there be a just and lawful cause.

Ubi lex communis et æquitas in eadem re versantur, æquitas alia via
agit sed non aliter sentit.

Where common law and equity are engaged in the same thing,
equity acts in another way, but does not mean differently.

Ubi lex est specialis, et ratio ejus generalis, generaliter accipienda
est.

Where the law is special, and the reason of it general, it
is to be taken in general.

Ubi non est annua renovatio, ibi decimæ non debent solvi.

Where there is no annual renewal, there tithes ought not to be paid.

Ubi non est condendi autoritas, ibi non est parendi necessitas.

Where there is no authority to command, there is no obligation to obey.

Ubi non est lex ibi non est transgressio, quoad mundum.

Where there is no law, there is no transgression, touching the world.

Ubi quid generaliter conceditur, inest hæc exceptio, si non aliquid sit contra jus fasque.

Where any thing is granted in general, there is this exception in it if there be not any thing contrary to justice and religion.

Ubi quis delinquit ibi punietur.

Where any one transgresses, there shall he be punished.

Ubi remedium in foro seculari ejus rei jurisdictio curiis secularibus tantum datur, nisi servato jure ecclesiæ ipsis verbis.

Where a remedy is in the secular court, the jurisdiction of that matter is granted to the secular courts, only unless the law of the church be preserved in the words themselves.

Ubi substitui vicarius potest non est cogendus quis ad substituendum, sed si substituere velit inveniat idoneum.

Where a substitute can be substituted, no one is to be compelled to substitute; but if he wishes to substitute, let him find a fit person.

Ubi sustuleris revocationem, renatum est testamentum.

When you have taken away the power of revoking, the will is renewed.

Ubi verba conjuncta non sunt, sufficit alterutrum esse factum.

When words are not joined, it is sufficient that one or other alternate be complied with.

Ubi vetat quid lex neque pœnam statuit, pœna in discretione judicis est.

Where the law forbids any thing, and hath not determined a punishment, the punishment is in the discretion of the judge.

Ubicunque est injuria ibi damnum sequitur.

Wherever there is injury, there a loss follows.

Ultima voluntas testatoris est perimplenda secundum veram intentionem suam.

The last will of the testator is to be followed, according to his true intention.

Una persona vix potest supplere vices duarum.

One person can scarcely supply the place of two.

Ubi diverso jure in eandem rem venire quis potuit eo jure venisse præsumitur quod fortius ac melius sit.

Whenever any one has been liable to different laws for the same cause, is presumed to have come under that law which is the most efficient, and the best.

Universus terminus in lege dies unus.

One day is a complete term, in law.

Unaquæque gleba servit.

Each glebe is subject to one person.

Unumquodque eodem modo dissolvitur qui colligatur.

Every thing is dissolved in the same way in which it was bound.

Unusquisque paci et justitiæ publicæ tenetur succurrere.

Every one is bound to support peace and public justice.

Uno absurdo dato sequuntur.

One absurd thing being granted, others follow.

Ubi concurrunt commune jus et jus scriptum communi juri standum.

When common and written law disagree, we must stand by the common law.

Ut metus ad omnes, pœna ad paucos pervenerit.

That fear may have come to all, punishment to a few.

Ut ne quid nimis cavendum; ut ne quid deficiens duplo cavendum.

We must take care that nothing be carried to excess; we must take double care that nothing be deficient.

Utile per inutile non vitiatur.

A useful thing is not to be vitiated by a useless thing.

Utlagatus non potest placitare.

An outlawed person cannot make a will.

Uxor et maritus unum in lege.

Wife and husband are one in law.

Uxor in mariti potestate cum sit non obnoxia est in causis reatus minoribus; aliter in majoribus prodicione et homicidio.

The wife, as she is under the power of her husband, is not liable in the lesser cases of accusation; it is otherwise in the greater cases, such as treason and homicide.

Uxor sub potestate viri.

A wife is under the power of her husband.

V.

Vani timores sunt æstimandi, qui non cadunt in constantem virum.

Fears are to be estimated as vain, which do not fall upon a firm man.

Vassalo faciendo superiori quod de jure facere oportet.

A vassal is bound to perform to his superior, the duty which he lawfully owes to him.

Venia privatim læsi non sufficit legibus.

The pardon privately given by an offended person, does not satisfy the law.

Venia non potest ante venire delictum.

Pardon cannot come before the transgression.

Verba accipienda sunt cum effectu,—ut sortiantur effectum.

Words are to be received with effect, that they may have their effect.

Verba æquivoca ac in dubio sensu posita, intelliguntur digniori et potentiori sensu.

Equivocal words, and those placed in a doubtful sense, are understood in a more worthy and powerful sense.

Verba chartarum fortius accipiuntur contra proferentem.

The words of a charter are taken more strongly against a person expressing them.

Verba fortius accipiuntur contra proferentem.

Words are understood more strongly against the person uttering them.

Verba currentis monetæ tempus solutionis designant.

The words mark the time of payment of current money.

Verba generalia restringuntur ad habilitatem rei vel personæ.

General words are restricted to the ability of the thing or person.

Verba homicidium non excusant.

Words do not excuse homicide.

Verba intelligenda secundum subjectam materiem.

Words are to be understood according to the subject matter.

Verba ita sunt intelligenda, ut res magis valeat quam pereat.

Words are to be so understood, that the matter may rather prosper than perish.

Verba legis non ex vulgari sensu sed ex legis sensu, neque laxam et precariam sed certam et legibus præfinitam interpretationem requirunt.

The words of the law, not in a vulgar sense, but in the sense of the law, do not require a lax and precarious interpretation, but one certain and positive by the laws.

Verba relata id maxime operantur ut inesse videatur.

Words related, have that effect, that they seem to exist in reality.

Verba semper accipienda sunt in mitiore sensu.

Words are always to be understood in the milder sense.

Verba temere prolata parum curat lex.

The law pays little regard to words rashly uttered.

Veredictum in lege æquitati objicitur.

A verdict in law is opposed to equity.

Veritas, a quocunque dicitur, a Deo est.

Truth spoken by any one, is from God.

Veritas demonstrationis tollit errorem nominis.

The truth of a demonstration, takes away the mistake of a name.

Veritas quæ minime defensatur, opprimitur; et qui non improbat, approbat.

Truth which is by no means defended, is oppressed; and he who does not disapprove, approves it.

Veritas est justitiæ mater.

Truth is the mother of justice.

Veritas nihil veretur nisi abscondi.

Truth dreads nothing, unless to be hidden.

Veritatem qui non libere pronunciat, proditor est veritatis.

He who does not speak the truth freely, is the betrayer of truth.

Vigilantibus non dormientibus jura subveniunt.

The laws assist waking, but not sleeping people.

Vigilantibus non dormientibus servit lex.

The law serves waking, not sleeping people.

Vigilantibus et non dormientibus jura subvenient.

Laws assist waking, but not sleeping persons.

Violenta præsumptio aliquando est plena probatio.

A strong presumption, is sometimes a full proof.

Vir et uxor censentur in lege una persona.

Husband and wife are judged in law to be one person.

Vis legibus est inimica.

Power is inimical to the laws.

Vim vi repellere licet modo cum moderamine inculpatæ.

A person may, without blame, repel force by force.

Vicinus facta vicini præsumitur scire.

A neighbour is presumed to know the actions of his neighbour.

Vita reipublicæ pax et animus libertas et corpus leges.

Peace is the life of the state, liberty the soul, and the laws, the body.

Voluntas in delictis, non exitus spectatur.

The will is regarded in transgressions, not the issue.

Volenti non fit injuria.

Injury is not done to a willing person.

Voluntas reputabitur pro facto.

The will shall be considered as the deed.

Voluntas testatoris est ambulatoria usque ad extremum vitæ exitum.

The will of the testator is cancellable, even to the last term of his life.

Voluntas testatoris habet interpretationem latam et benignam.

The will of the testator has a broad and favourable interpretation.

Voluntas ultima testatoris est perimplenda secundum veram intentionem suam.

The last will of a testator, is to be fulfilled according to its true intention.

EXPLANATORY NOTE OF THE MAXIMS & RULES.

It will be observed, that this work is alphabetically arranged. At first the author did not intend to refer to the authorities of the Maxims and Rules, and it was not till after the printing was far advanced, that he formed that resolution: but this obliged him, with great labour, to make out the extensive appendix of reference in the end of the work, consisting of ten close pages, and embracing, as will

be seen, from 40 to 50 most eminent and distinguished authorities; and that they may be easily found, the appendix refers to the pages of the book, in their order, and the numbers of each page, from the top downwards.

APPENDIX

OF

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322.

THE END.

Wm. BAYNE, Printer,
James's Court, Edinburgh.

ERRATA.

Page	No.	_for_	_read_
3	2	accuse	excuse
5	9	intuo	in tuo
7	7	alium	sunt
15	1	inducitor	inducitur
18	5	de positioni	depositioni
31	3	after of	private
...	4	ineodem	in eodem
32	8	lest	less
34	2	after that	with
37	9	devisible	divisible
44	7	after pass	against heirs
54	5	trial must take place, three witnesses may be brought [Transcriber's Note: The above correction is not supported by the Latin, which is correct as is and says nothing about witnesses.]	
57	2	servus	servis
62	7	considentur	concedentur
65	3	repetitione	repetitioni
...	4	qui	quia
67	4	claim	clause

69	3	est	ut
75	2	private rights	a private right
...	7	aliqui	aliquis
76	7	sanguinus	sanguinis
...	...	questium	quæsitum
78	5	permitere	permittere
...	7	Anglæ	Angliæ
79	1	Æquita	æquitatæ
...	3	certe	certa
88	6	pacitare	placitare
90	1	dictur	dicitur
95	3	For	or
97	5	haberit	haberet
98	2	_dele_ to himself	
100	8	insiderint	inciderint
102	5	consensus	consensus
104	3	Anglæ	Angliæ
105	5	_dele_ not	
112	8	ubivalet	ubi valet
113	5	peccari	peccare
116	4	judici	judicii
...	7	injure	in jure
118	6	bono	bonos
126	5	pœna	pœnæ
133	3	separari	separari
136	2	que	quæ
...	4	qua libet	qualibet
137	1	senisse	sensisse
...	...	perceived	intended
147	2	feels—feels	reaps—bear
151	3	consensus	consensu
[Transcriber's Note: "consensus" does not appear in this entry.]			
160	3	empire	umpire
163	1	dominatur	ubi dominatur
170	6	solo	sola
171	1	facet	facit
176	2	_S._	viz.
...	3	pravitatio	pravitatis
177	2	agree	disagree
178	1	standunt	standum
181	4	uni	ubi
...	6	unumquaque	unumquacque
...	7	eadem	eodem
182	2	urbi	ubi

[Transcriber's Notes:

Items out of alphabetical order have been left as in the original. Some of the Latin maxims are repeated in the original, but have slightly different translations; these have been left as in the original. Some translations are poor or incorrect but have been retained as in the original, except as noted in individual Transcriber's Notes in the text above.

The corrections listed in the Errata have been made except where the Errata entry is itself incorrect, as noted therein. Other obvious printer or spelling errors have been corrected without note. Archaic English and Scottish spellings have been retained as in the original.]

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