

# A LAW DICTIONARY

CONTAINING

DEFINITIONS OF THE TERMS AND PHRASES  
OF AMERICAN AND ENGLISH JURISPRU-  
DENCE, ANCIENT AND MODERN

AND INCLUDING

THE PRINCIPAL TERMS OF INTERNATIONAL, CONSTITUTIONAL, ECCLESIASTICAL  
AND COMMERCIAL LAW, AND MEDICAL JURISPRUDENCE, WITH A COLLEC-  
TION OF LEGAL MAXIMS, NUMEROUS SELECT TITLES FROM THE  
ROMAN, MODERN CIVIL, SCOTCH, FRENCH, SPANISH, AND  
MEXICAN LAW, AND OTHER FOREIGN SYSTEMS,  
AND A TABLE OF ABBREVIATIONS

BY

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## PREFACE TO THE SECOND EDITION

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IN THE preparation of the present edition of this work, the author has taken pains, in response to a general demand in that behalf, to incorporate a very great number of additional citations to decided cases, in which the terms or phrases of the law have been judicially defined. The general plan, however, has not been to quote seriatim a number of such judicial definitions under each title or heading, but rather to frame a definition, or a series of alternative definitions, expressive of the best and clearest thinking and most accurate statements in the reports, and to cite in support of it a liberal selection of the best decisions, giving the preference to those in which the history of the word or phrase, in respect to its origin and use, is reviewed, or in which a large number of other decisions are cited. The author has also taken advantage of the opportunity to subject the entire work to a thorough revision, and has entirely rewritten many of the definitions, either because his fresh study of the subject-matter or the helpful criticism of others had disclosed minor inaccuracies in them, or because he thought they could profitably be expanded or made more explicit, or because of new uses or meanings of the term. There have also been included a large number of new titles. Some of these are old terms of the law which had previously been overlooked, a considerable number are Latin and French words, ancient or modern, not heretofore inserted, and the remainder are terms new to the law, or which have come into use since the first edition was published, chiefly growing out of the new developments in the social, industrial, commercial, and political life of the people.

Particularly in the department of medical jurisprudence, the work has been enriched by the addition of a great number of definitions which are of constant interest and importance in the courts. Even in the course of the last few years medical science has made giant strides, and the new discoveries and theories have brought forth a new terminology, which is not only much more accurate but also much richer than the old; and in all the fields where law and medicine meet we now daily encounter a host of terms and phrases which, no more than a decade ago, were utterly unknown. This is true—to cite but a few examples—of the new terminology of insanity, of pathological and criminal psychology, the innumerable forms of nervous disorders, the new tests and reactions, bacteriology, toxicology, and so on. In this whole department I have received much valuable assistance from my friend Dr. Fielding H. Garrison, of this city, to whose wide and thorough scientific learning I here pay cheerful tribute, as well as to his constant and obliging readiness to place at the command of his friends the resources of his well-stored mind.

Notwithstanding all these additions, it has been possible to keep the work within the limits of a single volume, and even to avoid materially increasing its bulk, by a new system of arrangement, which involves grouping all compound and descriptive terms and phrases under the main heading or title from which they are radically derived or with which they are conventionally associated, substantially in accordance with the plan adopted in the Century Dictionary and most other modern works of reference.

H. C. B.

WASHINGTON, D. C., December 1, 1910.

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# A TABLE OF BRITISH REGNAL YEARS

Sovereign.	Accession.	Length of reign	Sovereign.	Accession.	Length of reign
William I.....	Oct. 14, 1066.....	21	Henry VIII.....	April 22, 1509.....	38
William II.....	Sept. 26, 1087.....	13	Edward VI.....	Jan. 28, 1547.....	7
Henry I.....	Aug. 5, 1100.....	36	Mary .....	July 6, 1553.....	6
Stephen .....	Dec. 26, 1135.....	19	Elizabeth .....	Nov. 17, 1558.....	45
Henry II.....	Dec. 19, 1154.....	35	James I.....	March 24, 1603.....	23
Richard I.....	Sept. 23, 1189.....	10	Charles I.....	March 27, 1625.....	24
John .....	May 27, 1199.....	18	The Commonwealth....	Jan. 30, 1649.....	11
Henry III.....	Oct. 28, 1216.....	57	Charles II.....	May 29, 1660.....	37
Edward I.....	Nov. 20, 1272.....	35	James II.....	Feb. 6, 1685.....	4
Edward II.....	July 8, 1307.....	20	William and Mary.....	Feb. 13, 1689.....	14
Edward III.....	Jan. 25, 1326.....	51	Anne .....	March 8, 1702.....	13
Richard II.....	June 22, 1377.....	23	George I.....	Aug. 1, 1714.....	13
Henry IV.....	Sept. 30, 1399.....	14	George II.....	June 11, 1727.....	34
Henry V.....	March 21, 1413.....	10	George III.....	Oct. 25, 1760.....	60
Henry VI.....	Sept. 1, 1422.....	39	George IV.....	Jan. 29, 1820.....	11
Edward IV.....	March 4, 1461.....	23	William IV.....	June 26, 1830.....	7
Edward V.....	April 9, 1483.....	—	Victoria .....	June 20, 1837.....	64
Richard III.....	June 26, 1483.....	3	Edward VII.....	Jan. 22, 1901.....	9
Henry VII.....	Aug. 22, 1485.....	24	George V.....	May 6, 1910.....	—

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Fleta, as officers of the king's court, who oppressed the people by demanding exorbitant fees. Fleta, lib. 2, c. 38.

**VERIFICATION.** In pleading. A certain formula with which all pleadings containing new affirmative matter must conclude, being in itself an averment that the party pleading is ready to establish the truth of what he has set forth.

In practice. The examination of a writing for the purpose of ascertaining its truth; or a certificate or affidavit that it is true.

"Verification" is not identical with "authentication." A notary may verify a mortgagee's written statement of the actual amount of his claim, but need not authenticate the act by his seal. Ashley v. Wright, 19 Ohio St. 291.

Confirmation of the correctness, truth, or authenticity of a pleading, account, or other paper, by an affidavit, oath, or deposition. See McDonald v. Rosengarten, 134 Ill. 126, 25 N. E. 429; Summerfield v. Phoenix Assur. Co. (C. C.) 65 Fed. 296; Patterson v. Brooklyn, 6 App. Div. 127, 40 N. Y. Supp. 581.

**VERIFY.** To confirm or substantiate by oath; to show to be true. Particularly used of making formal oath to accounts, petitions, pleadings, and other papers.

The word "verify" sometimes means to confirm and substantiate by oath, and sometimes by argument. When used in legal proceedings it is generally employed in the former sense. De Witt v. Hosmer, 3 How. Prac. (N. Y.) 284.

*Veritas, a quocunque dicitur, a Deo est.* 4 Inst. 153. Truth, by whomsoever pronounced, is from God.

*Veritas demonstrationis tollit errorem nominis.* The truth of the description removes an error in the name. 1 Ld. Raym. 303.

*Veritas habenda est in juratore; justitia et iudicium in iudice.* Truth is the desideratum in a juror; justice and judgment in a judge. Bract. fol. 185b.

*Veritas nihil veretur nisi abscondi.* Truth fears nothing but to be hid. 9 Coke, 20b.

*Veritas nimium altercando amittitur.* Truth is lost by excessive altercation. Hob. 344.

*Veritas, quæ minime defensatur operimitur; et qui non improbat, approbat.* 3 Inst. 27. Truth which is not sufficiently defended is overpowered; and he who does not disapprove, approves.

*Veritatem qui non libere pronunciat proditor est veritatis.* 4 Inst. Epil. He who does not freely speak the truth is a betrayer of truth.

**VERITY.** Truth; truthfulness; conformity to fact. The records of a court "import uncontrollable verity." 1 Black, Judgm. § 276.

**VERNA.** Lat. In the civil law. A slave born in his master's house.

**VERSARI.** Lat. In the civil law. To be employed; to be conversant. *Versari male in tutela*, to misconduct one's self in a guardianship. Calvin.

**VERSUS.** Lat. Against. In the title of a cause, the name of the plaintiff is put first, followed by the word "*versus*," then the defendant's name. Thus, "*Fletcher versus Peck*," or "*Fletcher against Peck*." The word is commonly abbreviated "*vs.*" or "*v.*"

**VERT.** Everything bearing green leaves in a forest.

Also that power which a man has, by royal grant, to cut green wood in a forest.

Also, in heraldry, green color, called "*venus*" in the arms of princes, and "*emerald*" in those of peers, and expressed in engravings by lines in bend. Wharton.

**VERUS.** Lat. True; truthful; genuine; actual; real; just.

**VERY LORD AND VERY TENANT.** They that are immediate lord and tenant one to another. Cowell.

**VESSEL.** A ship, brig, sloop, or other craft used in navigation. The word is more comprehensive than "ship."

The word "vessel" includes every description of water-craft or other artificial contrivances used, or capable of being used, as a means of transportation on water. Rev. St. U. S. § 3 (U. S. Comp. St. 1901, p. 4).

"Vessel," in the provision of the code of Louisiana that commercial partners are those who are engaged in "carrying personal property for hire in ships or other vessels," means any structure which is made to float upon the water, for purposes of commerce or war, whether impelled by wind, steam, or oars. Chaffe v. Ludeling, 27 La. Ann. 607.

—**Foreign vessel.** A vessel owned by residents in, or sailing under the flag of, a foreign nation. "Foreign vessel," under the embargo act of January, 1808, means a vessel under the flag of a foreign power, and not a vessel in which foreigners domiciled in the United States have an interest. The Sally, 1 Gall. 58, Fed. Cas. No. 12,257.—**Public vessel.** One owned and used by a nation or government for its public service, whether in its navy, its revenue service, or otherwise.

**VEST.** To accrue to; to be fixed; to take effect; to give a fixed and indefeasible right. An estate is vested in possession when there exists a right of present enjoyment; and an estate is vested in interest when there is a

present fixed right of future enjoyment. *Fearne, Rem. 2.*

To clothe with possession; to deliver full possession of land or of an estate; to give seisin; to enfeoff. *Spelman.*

**VESTA.** The crop on the ground. *Cowell.*

**VESTED.** Accrued; fixed; settled; absolute; having the character or giving the rights of absolute ownership; not contingent; not subject to be defeated by a condition precedent. See *Scott v. West*, 63 Wis. 529, 24 N. W. 161; *McGillis v. McGillis*, 11 App. Div. 359, 42 N. Y. Supp. 924; *Smith v. Proskery*, 39 Misc. Rep. 385, 79 N. Y. Supp. 851.

—**Vested devise.** See **DEVISE**.—**Vested estate.** Any estate, property, or interest is called "vested," whether in possession or not, which is not subject to any condition precedent and unperformed. The interest may be either a present and immediate interest, or it may be a future but unconditioned, and therefore transmissible, interest. *Brown.* See *Taylor v. Gould*, 10 Barb. (N. Y.) 388; *Flanner v. Fellows*, 206 Ill. 136, 68 N. E. 1057; *Tindall v. Tindall*, 167 Mo. 218, 66 S. W. 1092; *Ward v. Edge*, 100 Ky. 757, 39 S. W. 440.—**Vested in interest.** A legal term applied to a present fixed right of future enjoyment; as reversions, vested remainders, such executory devises, future uses, conditional limitations, and other future interests as are not referred to, or made to depend on, a period or event that is uncertain. *Wharton.* See *Smith v. West*, 106 Ill. 337; *Hawley v. James*, 5 Paige (N. Y.) 466; *Gates v. Seibert*, 157 Mo. 254, 57 S. W. 1065, 30 Am. St. Rep. 625.—**Vested in possession.** A legal term applied to a right of present enjoyment actually existing.—**Vested interest.** A future interest is vested when there is a person in being who would have a right, defeasible or indefeasible, to the immediate possession of the property, upon the ceasing of the intermediate or precedent interest. Civil Code Cal. § 694. See *Allison v. Allison*, 101 Va. 537, 44 S. E. 904, 63 L. R. A. 920; *Hawkins v. Bohling*, 168 Ill. 214, 48 N. E. 94; *Stewart v. Harriman*, 56 N. H. 25, 22 Am. Rep. 408; *Bunting v. Speck*, 41 Kan. 424, 21 Pac. 288, 3 L. R. A. 690.—**Vested legacy.** A legacy is said to be vested when the words of the testator making the bequest convey a transmissible interest, whether present or future, to the legatee in the legacy. Thus a legacy to one to be paid when he attains the age of twenty-one years is a vested legacy, because it is given unconditionally and absolutely, and therefore vests an immediate interest in the legatee, of which the enjoyment only is deferred or postponed. *Brown.* See *Magoffin v. Patton*, 4 Rawle (Pa.) 113; *Talmadge v. Seaman*, 85 Hun, 242, 32 N. Y. Supp. 906; *Rubencane v. McKee*, 6 Del. Ch. 40, 6 Atl. 639.—**Vested remainder.** See **REMAINDER**.—**Vested rights.** In constitutional law. Rights which have so completely and definitely accrued to or settled in a person that they are not subject to be defeated or canceled by the act of any other private person, and which it is right and equitable that the government should recognize and protect, as being lawful in themselves, and settled according to the then current rules of law, and of which the individual could not be deprived arbitrarily without injustice, or of which he could not justly be deprived otherwise than by the established methods of procedure and for the public welfare. See *Cassard v. Tracy*, 52 La. Ann. 835, 27 South. 368, 49 L. R. A. 272; *Stimson Land Co. v. Rawson*

(C. C.) 62 Fed. 429; *Grinder v. Nelson*, 9 Gill. (Md.) 309, 52 Am. Dec. 694; *Moore v. State*, 43 N. J. Law, 243, 39 Am. Rep. 558.

**VESTIGIUM.** Lat. In the law of evidence, a vestige, mark, or sign; a trace, track, or impression left by a physical object. *Fleta*, l. 1, c. 25, § 6.

**VESTING ORDER.** In English law. An order which may be granted by the chancery division of the high court of justice, (and formerly by chancery,) passing the legal estate in lieu of a conveyance. Commissioners also, under modern statutes, have similar powers. St. 15 & 16 Vict. c. 55; *Wharton.*

**VESTRY.** In ecclesiastical law. The place in a church where the priest's vestures are deposited. Also an assembly of the minister, church-wardens, and parishioners, usually held in the vestry of the church, or in a building called a "vestry-hall," to act upon business of the church. *Mozley & Whitley.*

—**Vestry cess.** A rate levied in Ireland for parochial purposes, abolished by St. 27 Vict. c. 17.—**Vestry-clerk.** An officer appointed to attend vestries, and take an account of their proceedings, etc.—**Vestry-men.** A select number of parishioners elected in large and populous parishes to take care of the concerns of the parish; so called because they used ordinarily to meet in the vestry of the church. *Cowell.*

**VESTURA.** A crop of grass or corn. Also a garment; metaphorically applied to a possession or seisin.

**VESTURA TERRÆ.** In old English law. The vesture of the land; that is, the corn, grass, underwood, sweepage, and the like. *Co. Litt. 4b.* See *Simpson v. Coe*, 4 N. H. 301.

**VESTURE.** In old English law. Profit of land. "How much the vesture of an acre is worth." *Cowell.*

**VESTURE OF LAND.** A phrase including all things, trees excepted, which grow upon the surface of the land, and clothe it externally. *Ham. N. P. 151.*

**VETERA STATUTA.** Lat. Ancient statutes. The English statutes from *Magna Charta* to the end of the reign of Edward II. are so called; those from the beginning of the reign of Edward III. being contradistinguished by the appellation of "*Nova Statuta.*" 2 *Reeve, Eng. Law*, 85.

**VETITUM NAMIUM.** L. Lat. Where the bailiff of a lord distrains beasts or goods of another, and the lord forbids the bailiff to deliver them when the sheriff comes to make replevin, the owner of the cattle may demand satisfaction in *plactum de vetito namio.* 2 *Inst. 140*; 2 *Bl. Comm. 148.*