

Law Dictionary

Introduction

This dictionary contains common English and law terms that have been carefully researched in relation to their etymology, meaning with respect to legal actions, and their relationship to the [common law](#). Additionally comments have been provided to help make the distinction between the same words used in legal complaints; as opposed to their application in lawful claims prosecuted by the course of the [common law](#). In general where a 'man' or 'woman' is mentioned the words relate to [common law](#), and where a plaintiff, defendant, person or persons are mentioned it is in a legal context. Because our legal system is a type and shadow of the [common law](#); when learning law from a layman's perspective it is strongly advised to study first the [common law](#) to gain a full understanding of its key concepts, and then the written law in the understanding it is not immutable, and the [common law](#) overrules every jurisdiction established in a legal proceeding.

The dictionary also contains legal terms, terms of art, abbreviations and terms specific to law in the state of New South Wales. A distinction to keep in mind is that a "Common-law action" is different to a [common law](#) claim; the former belonging to the body of "English [Common Law](#)" practised by Barristers and Lawyers *at law*. Additionally another distinction has to be drawn between the word *law*, introduced as an alteration of the word "lore" by law societies. The former now accepted as both the written form for the greater body of "English [Common Law](#)" and the [common law](#) creating a degree of ambiguity between the two. In reality however the word *lore* is more applicable to the [common law](#); meaning: knowledge handed down by tradition use and experience as pertaining to the customs of the people.

So as to remain in [common law](#), and to distinguish a claim as such; it is best to use words, where possible, that convey the concept of a right, that are unambiguous and that generally can only be interpreted in one way e.g. the word *claim* from Latin clamare means "to cry out, shout, proclaim," *by authority and by right*. Judges generally will use the earliest Latin definition of a word; so an attempt has been made to **highlight** meanings from their earliest Latin root.

Over the course of hundreds of years, since the middle ages, the legal system that is commercial in nature; has been born out of trading principles established by the merchant guilds of Florence and Venice. These principles have evolved somewhat but are still in place in the bar associations and law societies of today who are their direct descendants. Along with the steady growth of these societies language has been carefully manipulated around a legal framework that is esoteric in nature and difficult for most to understand. In contrast the words used in [common law](#) are simple. In general there are many terms in this dictionary that one does not have to know in order to prosecute a proper claim. However, knowledge of foundational key words such as (you, require, property, wish, claim etc..) used in court proceedings is essential and awareness of legal terms with respect to [common law](#) is an advantage.

The words and definitions are edited on a daily basis. If you come across any inaccuracies or corrections that need to be made or wish to contribute please use the contact form. Thank you.

ACC : an abbreviation for "Authenticated Certified and Complete Copy" and refers to a copy of the case file authenticated and certified as complete by a counter clerk in a court office which may be in contradistinction to what was provided or what is claimed to have been provided to a defendant pending a trial by the plaintiff or prosecution.

ACN : this is an acronym for an **"Australian Company Number"** and is a unique nine-digit number issued by the Australian Securities and Investments Commission (ASIC) to every company registered under the Commonwealth Corporations Act 2001 as an identifier.

ADR : Administrative Dispute Resolution.

ADJR : refers to the Administrative Decisions (Judicial Review) Act 1977

ANPR : Automated Number Plate Recognition

CCPA : *the Children (Criminal Proceedings) Act 1987 (NSW)*; an act that deals with criminal matters pertaining to children not dealt with under the YOA Youth Offender Act in NSW. The outcome of any proceedings under the CCPA are recorded on the child's criminal record as opposed to the Court Alternative History that is expunged when the child turns 21.

ERISP : Electronically Recorded Interview of a Suspected Person

FTAO : Field Training and Assessment Officer; one who oversees the training and assessment of a probationary constable in the New South Wales Police Force.

ICCPR : International Covenant on Civil and Political Rights

JMOL : stands for "Judgement as a matter of law" and is a directed verdict flowing from a motion; claiming the opposing party has insufficient evidence to reasonably support its case.

OIC : refers to the "Officer in Charge" at a police station who is often referred to as the *supervisor*.

PAC : Police area command; refers to local police under the control of a Police area commander who holds the rank of superintendent; the PAC forms the backbone of services provided to the community made up of general duties police, detectives, and highway patrol officers. The PAC is supported by Duty Officers (Inspectors) who manage station issues and Team Leaders (Sergeants) who form the mobile supervisory patrols.

PCA : Prescribed Concentration of Alcohol; also known as "Blood Alcohol Concentration" (BAC)

PSR : Pre-Sentence Report. This is ordered to help a magistrate or judge determine the length of a sentence or alternatives to full time imprisonment given the nature of charges; disposition of a defendant; prior criminal history, and having regard for the scope of the objective circumstances.

TPR : Termination of parental rights

SLAPP : Strategic lawsuit against public participation *see. Champerty & Maintenance*. SLAPP is a lawsuit used to censor, intimidate and silence critics by burdening them with the cost of a legal defence.

SOP : Standard operating procedure.

LGU : Philippines; Local Government Unit. [wikipedia] Officially local government in the Philippines, often called local government units or LGUs, are divided into three levels – provinces and independent cities; component cities and municipalities; and barangays.

YJC : Youth Justice Conference; is part of a diversionary program under section 5 of the Young Offenders Act 1997 in NSW

a.k.a. : [etymonline] also a k a, aka, initialism (acronym) for *also known as*; attested in legal documents by 1935.

cf. : "to compare", the abbreviation means to confer, consult or use other material as an example in contrast. cf. in simple terms is used as a reference i.e. "see also". In [common law](#); cases are prosecuted with regards to property, and trespass however as a reference cf. is used to provide clarification; citing what is maintained in statute ie [cf. constructive trespass] or with regards to a

legal doctrine. From the latin word confer (to bring together), **to compare, meaning to consult or use other material as an example in contrast.** cf. is said also to have come from the Italian word confronta which means "compare" in simple terms is used as a reference i.e. "see also."

eg : also written as e.g. is an abbreviation of the Latin term *exempli gratia* meaning "for example."

et al : And others, or and elsewhere. et al is similar to etc. but where etc refers to things, et al refers to people.

ie : also written as i.e. is an abbreviation of the Latin term *id est* meaning "in other words", or "that is."

n.b. : also written as NB is an acronym for the Latin term "*nota bene*"; meaning "note well."

re : from Latin (in) *re*; used from c. 1700 in legalese meaning "in the matter of" or "with reference to."

Australian Government : This title is a corporate construct and in error, the correct title for the Government of Australia is "*The Government of the Commonwealth*" of Australia; and likewise the Parliament is known interchangeably as either "*The Parliament*" or "*The Parliament of the Commonwealth*" as indicated by the Australian Constitution. Generally these distinctions are not important but set against the back drop of legislation that has changed the name of our Government allowing for its registration as a private not a public Corporation the implications are somewhat alarming.

ab initio : a Latin term of art meaning from the beginning where in [common law](#) "you wish to go back to the status and standing you held before the court as a man at the very beginning" [*cf. ab initio*]. In [common law](#) the term ab initio can only be referred to in comparison with what you are requiring, where you believe the crown maintains the position in statute that they would refer to as ab initio. [Bill Turner] (Latin, from the beginning) A term used to describe transcribe transactions which are null and void, as opposed to those which are voidable *Butterworths New Zealand Law dictionary*

ab invito : Unwillingly

a fortiori : (pronounced ah-for-she-ory) prep. Latin for "with even stronger reason," which applies to a situation in which if one thing is true then it can be inferred that a second thing is even more certainly true. Thus, if Abel is too young to serve as administrator, then his younger brother Cain certainly is too young.

a priori : literally from latin "from what comes first" [comment] In law the term 'a priori' is an instance based on foundational knowledge, knowledge 'that has come first'.

abandon : [etymonline] etymologically the sense of the word means "to put (something) under someone else's control". late 14c., "to give up (something) absolutely, relinquish control, give over utterly;" also reflexively, "surrender (oneself), yield (oneself) utterly" (to religion, fornication, etc.), from Old French abandoner "surrender, release; give freely, permit," also reflexive, "devote (oneself)" (12c.). [comment] to abandon something is an act of one's will and is distinct from surrender which is abandoning oneself as a result of duress or by way of words or actions one would fear to disregard.

abate : [Tommlins 1835] TO ABATE, from the Fr. Abattre.) To prostrate, break down, or destroy; and in law to abate a castle or fort, is to beat it down. Old Nat. Br. 45: Stat. West. 1. c. 17. Abattre maison, to ruin or cast down a house, and level it with the ground; so to abate a nuisance is to destroy, remove, or put an end to it. See title Nuisance.

To abate a writ, is to defeat or overthrow it, by showing some error or exception. Brit. c. 48. In the statute de conjunctim feofatis, it is said the writ shall be abated; i.e. disabled and overthrown. Stat. 34 E. 1. st. 1. So it is said an appeal shall abate, and be defeated by reason of covin or

deceit. Staundf. P. C. 148.-And the justices shall cause the said writ to be abated and quashed. Slat. 11 H. 6. c. 2.

The word abate is also used in contradistinction to disseise; for as he that puts a person seized of the freehold out of possession of his house, land, &c. is said to disseise; so he that steps in between the former possessor and his heir, or devisee, is said to abate he is called an abator, and this act of interposition is termed an abatement. 3 Blac. Comm. 168: 1 Inst. 277: a Kitch. 173: Old Nat. Br. 91. 115. See titles Disseisin; Intrusion.

[etymonline] (v.) c. 1300, "put an end to" (transitive); early 14c., "to grow less, diminish in power or influence" (intransitive); from Old French abatre "beat down, cast down, strike down; fell, destroy; abolish; reduce, lower" (Modern French abatre), from Vulgar Latin *abbatere, from Latin ad "to" (see ad-) + battuere "to beat" (see batter (v.)). The French literal sense of "to fell, slaughter" is in abatis and abattoir. Related: Abated; abating.

aberrant : [etymonline] (adj.) "wandering from the usual course," 1798, originally in natural history, "differing somewhat from a group in which it is placed," from Latin aberrantem (nominative aberrans), present participle of aberrare "to wander away, go astray," literally and figuratively, from ab "off, away from" (see ab-) + errare "to wander, stray, roam, rove" (see err). Related: Aberrance; aberrancy (1660s). The verb aberrate is rare.

aberration : [etymonline] (n.) 1590s, "a wandering, act of straying," from Latin aberrationem (nominative aberratio) "a wandering," noun of action from past-participle stem of aberrare "to wander out of the way, lose the way, go astray," literally and figuratively, from ab "off, away from" (see ab-) + errare "to wander, stray, roam, rove" (see err). Meaning "deviation from the normal type" is attested by 1735.

ab extra : Latin, meaning literally "from outside" and often used to indicate funding that may have been received from an unrelated party to a transaction.

abeyance : Broadly 1520s, "state of expectation," from Anglo-French abeiance "suspension," also "expectation (especially in a lawsuit)." A lapse in succession during which there is no person in whom title is vested. In the law of estates, the condition of a freehold when there is no person in whom it is vested. In such cases the freehold has been said to be in nubibus (in the clouds), in pendentibus (in suspension), and in gremio legis (in the bosom of the law). Where there is a tenant of the freehold, the remainder or reversion in fee may exist for a time without any particular owner, in which case it is said to be in abeyance. A condition of being undetermined or in a state of suspension or inactivity. In regard to sales to third parties of property acquired by county at Tax Sale, being held in abeyance means that certain rights or conditions are in expectancy.

For example, until an order of foreclosure is granted by a court, a mortgagee does not have title to the property of a delinquent debtor that is the subject of a mortgage in those jurisdictions that follow the lien theory of mortgages. Abeyance can also loosely mean and is legal jargon for 'undetermined'.

abhor : [etymonline] (v.) c. 1400, "to loathe, regard with repugnance, dislike intensely," literally "to shrink back with horror or dread," from Latin abhorrere "shrink back from, have an aversion for, shudder at," from ab "off, away from" (see ab-) + horrere "tremble at, shudder," literally "to bristle, be shaggy," from PIE *ghers- "start out, stand out, rise to a point, bristle" (see horror).

Formerly also "fill (someone) with horror or loathing" (16c.). In Latin it was less intense: "be remote from, vary from, differ from, be out of harmony with." Related: Abhorred; abhorring.

abhorrent : [etymonline] (adj.) 1610s, "recoiling (from), strongly opposed to," from Latin abhorentem (nominative abhorrens) "incongruous, inappropriate," present participle of abhorrere "shrink back from, be remote from, be out of harmony with" (see abhor). Meaning "repugnant, loathesome" is from 1650s. Earlier was abhorrible (late 15c.).

abortion : [etymonline] (n.) *Origin and meaning of abortion*

1540s, "the expulsion of the fetus before it is viable," originally of deliberate as well as unintended miscarriages; from Latin *abortio* (nominative *abortio*) "miscarriage; abortion, procuring of an untimely birth," noun of action from past-participle stem of *aboriri* "to miscarry, be aborted, fail, disappear, pass away," a compound word used in Latin for deaths, miscarriages, sunsets, etc., which according to OED is from *ab*, here as "amiss" (see *ab-*), + stem of *oriri* "appear, be born, arise" (see *origin*).

Meaning "product of an untimely birth" is from 1630s; earlier in this sense was *abortive* (early 14c.). Another earlier noun in English for "miscarriage" was *abort* (early 15c.). In the Middle English translation of Guy de Chauliac's "Grande Chirurgie" (early 15c.) Latin *aborsum* is used for "stillbirth, forced abortion." *Abortment* is attested from c. 1600; *aborsement* from 1530s, both archaic. *Aborticide* (1875) is illogical. Compare *miscarriage*.

In 19c. some effort was made to distinguish abortion "expulsion of the fetus between 6 weeks and 6 months" from miscarriage (the same within 6 weeks of conception) and premature labor (delivery after 6 months but before due time). The deliberate miscarriage was criminal abortion. This broke down late 19c. as abortion came to be used principally for intentional miscarriages, probably via phrases such as procure an abortion.

Criminal abortion is premeditated or intentional abortion procured, at any of pregnancy, by artificial means, and solely for the purpose of preventing the birth of a living child : feticide. At [common law](#) the criminality depended on the abortion being caused after quickening. [Century Dictionary, 1899]

Foeticide (n.) appears 1823 as a forensic medical term for deliberate premature fatal expulsion of the fetus; also compare *prolicide*. Another 19c. medical term for it was *embryoctony*, with second element from a Latinized form of Greek *kteinein* "to destroy." Abortion was a taboo word for much of early 20c., disguised in print as criminal operation (U.S.) or illegal operation (U.K.), and replaced by miscarriage in film versions of novels. *Abortium* "hospital specializing in abortions," is from 1934, in a Soviet Union context.

abrogate : [etymonline] (v.) "abolish by authoritative act, repeal," 1520s, from Latin *abrogatus*, past participle of *abrogare* "to annul, repeal (a law)," from *ab* "off, away from" (see *ab-*) + *rogare* "propose (a law), ask, request," apparently a figurative use of a PIE verb meaning literally "to stretch out (the hand)," from root **reg-* "move in a straight line." Form *abrogen*, from Old French *abroger*, is recorded from early 15c. Related: *Abrogated*; *abrogating*; *abrogative*.

abscond : [etymonline] (v.) "*depart suddenly and secretly*," especially to escape debt or the law, 1560s, from French *abscondre* "to hide" and directly from Latin *abscondere* "to hide, conceal, put out of sight," from assimilated form of *ab* "off, away from" (see *ab-*) + *condere* "put together, store," from assimilated form of *com-* "together" (see *com-*) + *-dere* "put" (from PIE root **dhe-* "to put, place"). Related: *Absconded*; *absconder*; *absconding*.

absolute privilege : A privilege that arises in the law of libel and slander and that protects members of a lawmaking body (as Congress) in their statements made on the floor without regard to whether spoken in good faith. In Australia the term Parliamentary Privilege is used instead.

absolve : [etymonline] (v.) Origin and meaning of *absolve* early 15c., "release" (from an oath or obligation), from Latin *absolvere* "set free," especially judicially, "*acquit*" (source also of Old French *assoldre* (11c.), Modern French *absoudre*), from *ab* "off, away from" (see *ab-*) + *solvere* "to loosen, untie, release, remove," from PIE **se-lu-*, from reflexive pronoun **s(w)e-* (see *idiom*) + root **leu-* "to loosen, divide, cut apart." In modern use, "set free from consequences or penalties of actions." Related: *Absolved*; *absolving*.

absque hoc : Latin *pronounced* (*abskway hok*, or *hoke*); meaning "without this" or "without this; that." The phrase indicates, in formal words, a direct denial as to the declaration or plea known as a traverse.

abstruse : [etymonline] 1590s, "remote from comprehension," from Middle French abstrus (16c.) or directly from Latin abstrusus "hidden, concealed, secret," past participle of abstrudere "conceal, hide," literally "to thrust away," from assimilated form of ab "off, away from" (see ab-) + trudere "to thrust, push," from PIE root *treud- "to press, push, squeeze" (see threat). Related: Abstrusely; abstruseness. e.g. "The form and styling of legalese in many contexts is abstruse with regard to general parlance."

abuse : In law abuse is always in the past tense and can only have occurred where there is resultant harm or injury. [etymonline] (n.) mid-15c., "improper practice," from Old French abus (14c.), from Latin abusus "a using up" (see abuse (v.)). From 1570s as "violation, defilement" (surviving in self-abuse "masturbation," if at all). In reference to drugs by 1961. Modern use in reference to unwanted sexual activity is from late 20c. Earlier in Middle English was abusion "wicked act or practice, shameful thing, violation of decency" (early 14c.), "an insult" (mid-14c.), from Old French abusion, from Latin abusio.

(v.) early 15c., "to misuse, misapply" (power, money, etc.), from Old French abuser "deceive, abuse, misuse" (14c.), from Vulgar Latin *abusare, from Latin abusus "an abusing; a using up," past participle of abuti "use up, consume," also "misuse, abuse, misapply, outrage," from ab "off, away from" (see ab-) + uti "use" (see use).

Also in reference to forbidden sexual situations from early 15c., but originally meaning incest, masturbation (self-abuse), homosexuality, prostitution, etc. From 1550s specifically as "to misuse sexually, ravish," but OED 2nd ed. marks this obsolete and the modern use "subject (someone) to unwanted sexual activity" is likely a fresh coinage from late 20c. Specifically of drugs, from 1968. Meaning "attack with harsh language, revile" is from c. 1600. Related: Abused; abusing.

abuse of discretion : A standard of review used by appellate courts over the decisions of a lower court. A judgement will be termed an abuse of discretion if the adjudicator has failed to exercise sound, reasonable, and legal decision-making skills. One might also use the term in comparison i.e. [*cf. abuse of discretion*] from within an order (writ of error) nullifying a previous order issued from a court of inferior jurisdiction to that of Queen's Bench (the [common law](#)).

abuse of process : The use of legal process to accomplish an unlawful purpose; causing a summons, writ, warrant, mandate, or any other process to issue from a court in order to accomplish some purpose not intended by the law.

Abuse of process is a wrong committed during the course of litigation. It is a perversion of lawfully issued process and is different from Malicious Prosecution, a lawsuit started without any reasonable cause.

Also the use of legal process by illegal, malicious, or perverted means. Examples include serving (officially giving) a complaint to someone when it has not actually been filed, just to intimidate an enemy, filing a false declaration of service (filing a paper untruthfully stating a lie that someone has officially given a notice to another person, filing a lawsuit which has no basis at law, but is intended to get information, force payment through fear of legal entanglement or gain an unfair or illegal advantage. Some people think they are clever by abusing the process this way. A few unscrupulous lawyers do so intentionally and can be subject to discipline and punishment. Sometimes a lawyer will abuse the process accidentally; an honest one will promptly correct the error and apologise.

acceleration clause : Is a condition written into a contract to allow for the immediate payment of an associated debt and interest upon default of its terms. A sample acceleration clause may read as follows. "*In the event of default in the payment of any of the said instalments or said interest when due as herein provided, time being of the essence hereof, the holder of this note may, without notice or demand, declare the entire principal sum then unpaid immediately due and payable.*"

accept : [etymonline] (v.) late 14c., "to take what is offered; admit and agree to (a proposal, etc.)," from Old French accepter (14c.) or directly from Latin acceptare "take or receive willingly," frequentative of accipere "receive, get without effort," from ad "to" (see ad-) + capere "to take,"

from PIE root *kap- "to grasp." Related: Accepted; accepting.

acceptance : [etymonline] (n.) 1570s, from French acceptance, from accepter (see accept). The earlier word was acception (late 14c., accepcioun), from Latin acceptionem; it was common until c. 1700. Acception is from early 15c. as "action of taking or receiving what is offered," 1590s as "state of being accepted."

accession : [etymonline] 1580s, "that which is added," also "act of acceding" (by assent, to an agreement, etc.), from Latin accessionem (nominative accessio) "a going to, approach; a joining; increase, enlargement," noun of action from past-participle stem of accedere "approach, enter upon" (see accede). From 1640s as "act of coming to a position or into possession," especially in reference to a throne. Related: Accessional.

accident : late 14c., "an occurrence, incident, event; that comes by chance," from Old French accident (12c.), from Latin accidentem (nominative accidens) "an occurrence; chance; misfortune," noun use of present participle of accidere "happen, fall out, fall upon," from ad "to" (see ad-) + comb. form of cadere "to fall," from PIE root *kad- "to lay out, fall or make fall" (see case (n.1)).

The sense has had a tendency since Latin to extend from "something that happens, an event" to "mishap, undesirable event." Latin si quid cui accidat, "if anything should happen to one," was a euphemism for "to die." In Middle English the word is usually met in theology (in reference to the material qualities in the sacramental bread and wine), medicine ("something out of the ordinary, disease, injury"), or philosophy ("non-essential characteristic of a thing"). From late 15c. as "the operations of chance." Meaning "unplanned child" is attested by 1932. Accident-prone is from 1926.

accord and satisfaction : An agreement to terminate a contract where the accord is the terms and satisfaction the legal consideration; where the previous contract becomes subject to the terms of the accord. It can also be viewed in law as a method of discharging a claim whereby the parties agree to give and accept something in settlement of the claim and perform the agreement, the accord being the agreement and the satisfaction its execution of performance, being a new contract substituted for an old which is thereby discharged, or for an obligation a Cause of Action which is settled, and must have all of the elements of a valid contract.

accordingly : *law*; to act accordingly is to conduct oneself in a compliant, agreeable, consistent, harmonious, suitable, and appropriate manner. A notice to a belligerent magistrate would 'require' (see require) him to act accordingly; affording the proper respect and dignity due to his fellow man.

accost : [etymonline] 1570s, "come side-by-side or face-to-face with," for any reason, from Middle French accoster "move up to, come alongside" (Old French acoster), from Late Latin accostare "come up to the side," from assimilated form of Latin ad "to" (see ad-) + costa "a rib, side" (see coast (n.)). Now usually in the sense "approach and speak to" (1610s). Also picked up in newspaper articles as the verb for a prostitute's solicitation of a customer (1887). Related: Accosted; accosting.

accrue : Latin *accrescere*; "grow progressively, increase, become greater" from *ad* "to" + *crescere* "grow"; it can also refer to uncollected revenue.

accrued jurisdiction : [wikipedia] within the context of the Australian legal system accrued jurisdiction is the power held over state matters by federal courts. Accrued jurisdiction will occur when there are several cases brought to the Federal Court of Australia (FCA) where there are competing jurisdictions between them. In essence the state vests judicial authority in the federal court.

[Richard Maurice (Edmond Barton Chambers)] Accrued jurisdiction in the Family Court. Independently of the Cross Vesting scheme accrued jurisdiction permits the accrual of non-federal jurisdiction to a Court exercising federal jurisdiction so that it may determine the entirety of the matter before it, and not simply aggregates of the Federal aspects of the case.

acquiesce : [google] accept something reluctantly but without protest. [etymonline] (v.) 1610s, "remain at rest" (a sense now obsolete); 1650s as "agree tacitly, concur," from Middle French acquiescer "to yield or agree to; be at rest," (14c.), from Latin acquiescere/adquiescere "become quiet, remain at rest, rest, repose," thus "be satisfied with, be content," from ad "to" (see ad-) + quiescere "become quiet," from quies (genitive quietis) "rest, quiet" (from PIE root *kweie- "to rest, be quiet"). Related: Acquiesced; acquiescing.

acquit : [etymonline] mid-13c., aquiten, "repay, reciprocate, reward or retaliate for" (a good or bad deed); c. 1300 as "satisfy a debt; redeem (a pledge)," from Old French aquiter, acquiter "pay, pay up, settle a claim" (12c., Modern French acquitter), from a- "to" (see ad-) + quite "free, clear," from Medieval Latin quitus, quittus, from Latin quietus "free" (in Medieval Latin "free from war, debts, etc."), also "calm, resting" (from PIE root *kweie- "to rest, be quiet"). Also in part from Medieval Latin acquitare. [wordnik.com] from The Century Dictionary with a broader more contemporaneous meaning. To release or discharge, as from an obligation, accusation, guilt, censure, suspicion, or whatever is laid against or upon a person as a charge or duty; specifically, in law, to pronounce not guilty: as, we acquit a man of evil intentions; the jury acquitted the prisoner.

From mid-14c. as "relieve (someone) of an obligation, release from a pledge," hence the meanings "set (an accused person) free from charges, pronounce not guilty," and "discharge one's duty; behave or conduct oneself" (for better or worse), all of which date to the late 14c. The notion in the word is "to release or discharge," from an obligation or from accusation, guilt, censure, or suspicion. Related: Acquitted; acquitting.

accede : [etymonline] (v.) Origin and meaning of accede"come to or arrive at" (a state, position, office, etc.), early 15c., from Latin accedere "approach, go to, come near, enter upon," from assimilated form of ad "to" (see ad-) + cedere "go, move, withdraw" (from PIE root *ked- "to go, yield"). Latin ad- usually became ac- before "k" sounds. Related: Acceded; acceding.

accurate : [etymonline] (adj.) 1610s, "done with care," from Latin accuratus "prepared with care, exact, elaborate," past participle of accurare "take care of," from ad "to" (see ad-) + curare "take care of" (see cure (n.1)). The notion of doing something carefully led to that of being precise (1650s). A stronger word than correct (adj.), weaker than exact (adj.). Related: Accurately; accurateness.

accusation : directly from Latin accusationem (nominative accusatio) "formal complaint, indictment," noun of action from past-participle stem of accusare "call to account, make complaint against," from ad causa, from ad "with regard to" (see ad-) + causa "a cause; a lawsuit" (see cause (n.)). Meaning "that which is charged (against someone)" is from early 15c.

accretion : [etymonline] (n.) 1610s, "act of growing by organic enlargement;" 1650s as "that which is formed by continued growth from without," from Latin accretionem (nominative accretio) "an increasing, a growing larger" (as of the waxing moon), noun of action from past-participle stem of accrescere "grow progressively, increase, become greater," from ad "to" (see ad-) + crescere "grow" (from PIE root *ker- (2) "to grow"). It goes with the verb accrue. Related: Accretional; accretionary.

acrimony : bitterness of nature, harshness, sharpness, ill will, or ill feeling toward another. Etymologically the word alluded to the quality of a sharp or pungent taste but has evolved into a word describing the manner or disposition of ill will from one to another which also encompasses entire groups of people as being in opposition to another person, idea, or group.

actuary : An actuary is a business professional who deals with the measurement and management of risk and uncertainty. The name of the corresponding profession is actuarial science. These risks can affect both sides of the balance sheet, and require asset management, liability management, and valuation skills. Actuaries provide assessments of financial security systems, with a focus on their complexity, their mathematics, and their mechanisms.

adduce : to cite as evidence: a number of factors are adduced to explain the situation. [etymonline] early 15c., from Latin adducere "lead to, bring to, bring along," from ad "to" (see ad-) + ducere "to lead," from PIE root *deuk- "to lead" (see duke (n.)). Related: Adduced; adducing. To allege is to make an unsupported statement regarding something; to adduce, on the other hand, is to bring forward proofs or evidence in support of some statement or proposition already made: as, he alleged that he had been robbed by A. B., but adduced no proof in support of his allegation.

adhesion contract : A type of contract, a legally binding agreement between two parties to do a certain thing, in which one side has all the bargaining power and uses it to write the contract primarily to his or her advantage. An example of an adhesion contract is a standardised contract form that offers goods or services to consumers on essentially a "take it or leave it" basis without giving consumers realistic opportunities to negotiate terms that would benefit their interests. When this occurs, the consumer cannot obtain the desired product or service unless he or she acquiesces to the form contract. [Bill Turner] (contract of adhesion) n. a contract (often a signed form) so imbalanced in favour of one party over the other that there is a strong implication it was not freely bargained.

adverse : late 14c., "contrary, opposing," from Old French advers, earlier avers (13c., Modern French adverse) "antagonistic, unfriendly, contrary, foreign" (as in gent avers "infidel race"), from Latin adversus "turned against, turned toward, fronting, facing," figuratively "hostile, adverse, unfavorable," past participle of advertere "to turn toward," from ad "to" (see ad-) + vertere "to turn, turn back; be turned; convert, transform, translate; be changed" (from PIE root *wer- (2) "to turn, bend"). For distinction of use, see averse. Related: Adversely.

ad hominem : (Latin for "to the man" or "to the person"), short for argumentum ad hominem, is a logical fallacy in which an argument is rebutted by attacking the character, motive, or other attribute of the person making the argument, or persons associated with the argument, rather than attacking the substance of the argument itself.

ad idem : Latin "in agreement" or "Meeting of the minds" (also referred to as mutual agreement, mutual assent or consensus ad idem) is a phrase in contract law used to describe the intentions of the parties forming the contract. In particular, it refers to the situation where there is a common understanding in the formation of the contract. Formation of a contract is initiated with a proposal or offer.[1] This condition or element is considered a requirement to the formation of a contract in some jurisdictions.

adjudicatory hearing : is usually the hearing of a juvenile court the equivalent of which is a criminal trial for adults where a judgement is given or motion granted with respect to supporting evidence involving a person younger than 18. In New South Wales the trial process for juveniles is handled by the children's court under the Children (Criminal Proceedings) Act 1987 when the offences are serious enough to be placed on the child's criminal record. Lessor offences are handled under the Young Offenders Act 1997 when it is determined under the act; a youth justice conference, caution or warning is more appropriate. These matters are subsequently recorded in the child's Court Alternative History that is expunged when the child turns 21.

adultery : is a back formation of the word *adulterate* meaning to make impure by admixture; to corrupt, "debase by mixing with foreign or inferior material, make corrupt," and from Latin adulteratus, past participle of adulterare meaning to falsify, corrupt, to corrupt a woman, or to commit adultery. The closely related earlier verb *adulter* from the late 14c was used with the sense to "make impure." More generally it is understood to be sexual relations between the husband or wife of a marriage with someone outside the marriage. Such relations may have come about in wilful disobedience for the sake of pleasure, or because of circumstances, but in both cases are the result of faithlessness. Despite torts such as alienation of affection and the criminal offence of adultery that exist in some states of the United States; Australia has no such laws precipitated by the abolishment of adultery as grounds for divorce with the issuance of The Family Law Act 1975.

adverse possession : Adverse possession is a legal principle that enables the occupier of a piece of land to obtain ownership, if uninterrupted and exclusive possession of the land for at least 15 years can be proven (VIC). [wikipedia] Adverse possession, sometimes colloquially described as "squatter's rights", is a legal principle under which a person who does not have legal title to a piece of property—usually land (real property)—acquires legal ownership based on continuous possession or occupation of the land without the permission of its legal owner.

advocate : mid-14c., "one whose profession is to plead cases in a court of justice," a technical term from Roman law, from Old French *avocat* "barrister, advocate, spokesman," from Latin *advocatus* "one called to aid (another); a pleader (on one's behalf), advocate," noun use of past participle of *advocare* "to call (as witness or adviser), summon, invite; call to aid; invoke," from *ad* "to" (see *ad-*) + *vocare* "to call" (from PIE root **wekw-* "to speak").

Also in Middle English as "one who intercedes for another," and "protector, champion, patron." Feminine forms *advocatess*, *advocatrice* were in use in 15c.; *advocatrix* is from 17c.

affeer : To assess or reduce an arbitrary penalty or amercement to a precise sum; to fix the market value of. To assess or reduce, as an arbitrary penalty or amercement, to a certain and reasonable sum. To confirm; to assure.

affidavit : The word affidavit is a Medieval Latin word from the 15th(c) and is a **written declaration upon an oath**; literally meaning "He has stated on oath". Affidavits represent paperwork that has been filed and are a mechanism used by lawyers and barristers in legal proceedings to present certified statements of truth in court containing a verification, meaning they are under oath, or penalty of perjury. However; where required under cross examination; unless an affidavit is pressed onto the record point for point by the man who has made such a declaration; it is only presumed to be the truth. The mistake many lawyers also make is to file an affidavit on behalf of a commercial entity making it void from the beginning; not understanding that only a man can bear witness as to the truth of what is contained therein.

affiliate : (v.) 1761, "bring into close association," from Latin *affiliatus*, past participle of *affiliare* "**to adopt a son,**" from *ad* "to" (see *ad-*) + *filius* "son" (see *filial*). Outside legal use, always figurative. Related: *Affiliated*; *affiliating*. (adj.) "taken into close association," 1858. (n.) 1846, from *affiliate* (v.) via the adjective. Compare *associate* (n.). *Affiliated society* in reference to a local society connected with another or associated with a central organization is from 1795.

affiliation : [etymonline] 1751, "adoption," from French *affiliation*, from Medieval Latin *affiliationem* (nominative *affiliatio*), noun of action from past-participle stem of Latin *affiliare* "**to adopt as a son,**" from *ad* "to" (see *ad-*) + *filius* "son" (see *filial*). Figurative sense of "adoption by a society, of branches" first recorded 1799 (the verb *affiliate* in a related sense is from 1761). Meaning "friendship, relationship, association" is from 1852.

affirm : Middle English *afferment*, *affirmen*, "to decide upon" (c. 1300); "to state positively" (late 14c.), from Old French *affermer* (Modern French *affirmer*) "affirm, confirm; strengthen, consolidate," from Latin *affirmare* "**to make steady, strengthen,**" figuratively "confirm, corroborate," from *ad* "to" (see *ad-*) + *firmare* "strengthen, make firm," from *firmus* "strong" (from suffixed form of PIE root **dher-* "to hold firmly, support").

The spelling was refashioned 16c. in French and English on Latin model. Legal sense "**declare solemnly (as before a court) but without an oath**" is from early 15c. Related: *Affirmed*; *affirming*.

affirmation : [Latin "*solid assurance*"]. An assertion that something is true, it also means the Quaker alternative to oath-taking "it is attested" from the 1690's

affirmative defence : Despite it could be proven a defendant is guilty of an offence an affirmative defence is a set of circumstances or legal consequences such as the statute of limitations that mitigates or defeats a complaint. Despite a lawsuit having been filed and the seriousness of a complaint or charges, you turn up to court knowing of the affirmative defence that the statute of

limitations has run out on the charges and in the knowledge the opposing party is only attempting to receive a default judgement based on the presumption that you would not show up to court. [wikipedia] In civil lawsuits, affirmative defences include the statute of limitations, the statute of frauds, waiver, and other affirmative defences such as, in the United States, those listed in Rule 8 (c) of the Federal Rules of Civil Procedure. In criminal prosecutions, examples of affirmative defences are self defence, insanity, and the statute of limitations.

afford : [etymonline] "to put forth, contribute; further, advance; carry out, accomplish," [[common law](#) mini dictionary] moved forward with ie "Afford a court of record"

affray : [Blackstones commentaries] is taken from the word affraier, "to terrify" and considered the fighting of two or more persons in a public place to the terror of his Majesty's subjects, however if the fighting is in private it is not considered affray but assault.

agency : [etymonline] 1650s, "active operation;" 1670s, "a mode of exerting power or producing effect," from Medieval Latin *agentia*, abstract noun from Latin *agentem* (nominative *agens*) "effective, powerful," present participle of *agere* "to set in motion, drive forward; to do, perform," figuratively "incite to action; keep in movement" (from PIE root **ag-* "to drive, draw out or forth, move"). Meaning "establishment where business is done for another" first recorded 1861. [comment]. 'Agency' can also be seen as an action or intervention producing a particular effect; synonyms: action, activity, effect, influence, force, power. Or a business or organisation providing a service on behalf of another business, person, or group.

[comment] In terms of the law the unwritten doctrine of 'agency' is that the balance of probabilities will tend towards an agency of the government by 51 to 49% in administrative hearings or any jurisdiction defined under statute. That is to say such agencies are considered infallible and their word in these hearings is to be believed above all else. Anybody dealing with agencies who attempts to negotiate with them or comes up against them in court, without equivocation, must file their own lawful claim to counter such actions that in many cases are unlawful because they abrogate the rights of the people; causing harm.

aggravating circumstances : Aggravating circumstances are factors increasing the severity or culpability of a criminal act and recognition of them varies by jurisdiction. Typically, the presence of an aggravating circumstance will lead to a harsher penalty for convicted criminals. Some generally recognised aggravating circumstances include the heinousness of a crime, lack of remorse, and a prior conviction in another crime. A mitigating factor, or extenuating circumstance is the opposite of an aggravating circumstance, providing for information, reasons, or evidence as to why punishment for a criminal act ought to be lessened.

aggression : [etymonline] (n.) 1610s, "unprovoked attack," from French *agression* (16c., Modern French *agression*), from Latin *aggressionem* (nominative *aggressio*) "a going to, an attack," noun of action from past-participle stem of *aggrēdi* "to approach; to attempt; to attack," from *ad* "to" (see *ad-*) + *gradi* (past participle *gressus*) "to step," from *gradus* "a step," figuratively "a step toward something, an approach" (from PIE root **ghredh-* "to walk, go"). Psychological sense of "hostile or destructive behavior" first recorded 1912 in A.A. Brill's translation of Freud.

aggrieve : [etymonline] (v.) c. 1300, *agreven*, "to disturb, trouble, attack," from Old French *agrever* "make worse, make more severe" (Modern French *aggraver*), from Latin *aggravare* "make heavier; make worse or more oppressive," from *ad* "to" (see *ad-*) + *gravare* "weigh down," from *gravis* "heavy" (from PIE root **gwere-* (1) "heavy"). The spelling was corrected to *agg-* in French 14c., In English 15c. Related: *Aggrieved*; *aggrieving*.

aggrieved : [etymonline] (adj.) c. 1300, "annoyed, incensed, resentful, angry;" late 14c., "oppressed in spirit," past-participle adjective from *aggrieve* (v.). The legal sense of "injured or wronged in one's rights" is from 1580s. participle passive *Pained*; afflicted, civilly or politically oppressed. [Kar Lentz] One who has lost his rights and now seeks for their return in a court of law; or a person whose financial interest is directly affected by a decree, order, judgement, or statute, and is also considered an aggrieved party entitled to bring an action challenging the lawfulness of

the decree, order, judgement, or statute, or an individual who is entitled to commence a lawsuit against another because his or her legal rights have been violated.

agnatio : a link, lineage, or relationship through blood on the paternal side of a family.

agnostic : [etymonline] (n.) 1870, "one who professes that the existence of a First Cause and the essential nature of things are not and cannot be known" [Klein]; coined by T.H. Huxley, supposedly in September 1869, from Greek agnostos "unknown, unknowable," from a- "not" (see a- (3)) + gnōstos "(to be) known" (from PIE root *gno- "to know"). The coinage is sometimes said to be a reference to Paul's mention of the altar to "the Unknown God" in Acts, but according to Huxley it was a reference to the early Church movement known as Gnosticism (see Gnostic). The adjective also is from 1870.

aid : (v.) taken from etymonline "to assist, help," c. 1400, from Old French aidier "help, assist" (Modern French aider), from Latin adiutare, frequentative of adiuvere (past participle adiutus) "to give help to," from ad "to" (see ad-) + iuvare "to help, assist, give strength, support, sustain," which is from a PIE source perhaps related to the root of iuvenis "young person" (see young (adj.)). Related: Aided; aiding.

alien : [etymonline] (adj.) c. 1300, "strange, foreign," from Old French alien "strange, foreign;" as a noun, "an alien, stranger, foreigner," from Latin alienus "of or belonging to another, not one's own, foreign, strange," also, as a noun, "a stranger, foreigner," adjective from alius (adv.) "another, other, different," from PIE root *al- (1) "beyond."

Meaning "residing in a country not of one's birth" is from mid-15c. Sense of "wholly different in nature" is from 1670s. Meaning "not of this Earth" first recorded 1920. An alien priory (mid 15c.) is one owing obedience to a religious jurisdiction in a foreign country.

(n.) "foreigner, citizen of a foreign land," early 14c., from alien (adj.) or from noun use of the adjective in French and Latin. In the science fiction sense "being from another planet," from 1953.

alieni Juris : Latin; someone under the control of another, such as one adjudged incapable of appropriate self-determination or an infant, or under the legal authority of another. Alieni juris refers to a person who cannot exercise full legal rights because they are under the full or partial legal authority of another.

The term is the traditional counterpart of *sui juris* (of his own right, a person who has full legal capacity).

Children are alieni juris until they reach the age of majority however certain rights may be extended to them such as, but not necessarily limited to voting rights and enrollment in the armed forces. The same is the case for a bankrupt who being the subject of bankruptcy proceedings for the duration is classed as alieni juris.

The two classes of alieni juris are those whom the law would seek to protect such as minors or those of insufficient capacity to defend themselves due to a state of being, and those upon whom restrictions are placed such as hardened criminals and convicts so as to protect the public.

altruism : said of the disinterested and selfless concern for oneself when considering the well-being of others. [etymonline] 1853, "unselfishness, devotion to the welfare of others, opposite of egoism," from French altruisme, coined or popularized 1830 by French philosopher Auguste Comte, with -ism + autrui (Old French altrui) "of or to others," from Latin alteri, dative of alter "other" (see alter). The -l- is perhaps an etymological reinsertion from the Latin word.

allegation : [etymonline] early 15c., "action of alleging, formal declaration in court," from Old French alegacion "allegation, affirmation" (Modern French allégation) and directly from Latin allegationem (nominative allegatio) "a sending, dispatching," noun of action from past-participle stem of allegare (see allege). Specifically in law, "assertion of a party to a suit or action, which he intends to prove." In general (non-legal) use, since 17c., often suggesting an assertion without proof.

allege : a formal declaration or positive pronouncement in court as to the truth of a matter, however to allege something is not necessarily supported with evidence and as such in these cases is not persuasive and only presumptive.

allegiance : [etymonline] (n.) "ties or obligations of a citizen or subject to a government or sovereign," late 14c., formed in English from Anglo-French *legaunce* "loyalty of a liege-man to his lord," from Old French *legeance*, from *liege* (see *liege* (adj.)). Corrupted in spelling by confusion with the now-obsolete legal term *allegiance* "alleviation, mitigation" (for which see *allay* (v.)). General figurative sense of "recognition of claims to respect or duty, observance of obligation" is attested from 1732. French *allégeance* in this sense is said to be from English.

allegory : Similar to a metaphor but more correctly a way of conveying complex ideas and concepts in a striking and comprehensible way through all forms of art.

alleviate : [etymonline] (v.) early 15c., "to mitigate, relieve (sorrows, suffering, etc.)," from Late Latin *alleviatus*, past participle of *alleviare* "lift up, raise," figuratively "to lighten (a burden), comfort, console," from assimilated form of Latin *ad* "to" (see *ad-*) + *levis* "light" in weight (from PIE root **legwh-* "not heavy, having little weight"). Related: *Alleviated*; *alleviating*.

allocate : [etymonline] "to set aside for a special purpose," 1630s, from Medieval Latin *allocate* (the common first word of writs authorising payment), imperative plural of *allocare* "allocate, allot," from Latin *ad* "to" (see *ad-*) + *locare* "to place," from *locus* "a place" (see *locus*). It is a twin of *allow*. Related: *Allocated*; *allocating*. English *allocate* as an adjective from mid-15c. in legal use.

allocution : The statement or address by a defendant to a court after being found guilty of an offence prior to sentencing.

allude : [etymonline] early definitions have "to mock, to play, make fun of, joke, jest" but its modern use is in the sense of making of *an indirect reference*, or *to point in passing*. Google gives "to suggest or call attention to indirectly".

ameliorate : [etymonline] (v.) 1728, "to make better," in some cases perhaps a back-formation from *amelioration* on pattern of French *améliorer*, or else from Medieval Latin *amelioratus*, past participle of *ameliorare*. The intransitive sense of "grow better" is by 1789. The simpler form *meliorate* was used in Middle English. Related: *Ameliorated*; *ameliorating*; *ameliorable*.

ambivalence : [etymonline] (n.) "simultaneous conflicting feelings," 1924 (1912 as *ambivalency*), from German *Ambivalenz*, coined 1910 by Swiss psychologist Eugen Bleuler on model of German *Äquivalenz* "equivalence," etc., from Latin *ambi-* "both, on both sides" (see *ambi-*) + *valentia* "strength," abstract noun from present participle of *valere* "be strong" (from PIE root **wal-* "to be strong"). A psychological term that by 1929 had taken on a broader literary and general sense.

ambivalent : (adj.) simultaneously having mixed feelings or contradictory ideas about something or someone.

amend : from Latin *emendare* "to correct, free from fault", and used with a sense to correct a fault or blemish. It also indicates improvements or corrections made to parliamentary legislation as amendments.

<https://youtu.be/x6Y2vd814ug?t=350>

amicus curiae : [wikipedia] An *amicus curiae* (literally, "friend of the court"; plural: *amici curiae*) is someone not a party to a case who assists a court by offering information, expertise, or insight that has a bearing on the issues in the case. The decision on whether to consider an *amicus* brief lies within the discretion of the court. The phrase *amicus curiae* is legal Latin.

amorphous : "shapeless, having no determined form," from Modern Latin *amorphus*, from Greek *amorphos* "without form, shapeless, deformed," from *a-* "without" (see *a-* (3)) + *morphē* "form," a

word of uncertain etymology. Related: Amorphously; amorphousness.

amotion : from *Wiktionary, Creative Commons Attribution/Share-Alike License*

n. deprivation of possession. *from the GNU version of the Collaborative International Dictionary of English*

n. Removal; ousting; especially, the removal of a corporate officer from his office.

n. Deprivation of possession. *from The Century Dictionary and Cyclopedia*

n. Removal; ejection; ejection from possession or office, as of an officer of a corporation.

n. Motion away from; a moving away; removal.

n. In law: An unlawful taking of chattels.

n. The act of turning out an owner of an estate in land before the termination of his estate.

n. In corporations, removal of an official of a corporation before the expiration of the term for which he was appointed.

amuse : late 15c., "to divert the attention, beguile, delude," from Old French amuser "fool, tease, hoax, entrap; make fun of," literally "cause to muse" (as a distraction), from a "at, to" (from Latin ad, but here probably a causal prefix) + muser "ponder, stare fixedly" (see muse (v.)).

Original English senses obsolete; meaning "divert from serious business, tickle the fancy of" is recorded from 1630s, but through 18c. the primary meaning was "deceive, cheat" by first occupying the attention. "The word was not in reg. use bef. 1600, and was not used by Shakespeare" [OED]. Bemuse retains more of the original meaning. Greek amousos meant "without Muses," hence "uneducated."

anachronism : [etymonline] (n.) 1640s, "an error in computing time or finding dates," from Latin anachronismus, from Greek anakhronismos, from anakhronizein "refer to wrong time," from ana "against" (see ana-) + khronos "time" (see chrono-). Meaning "something out of harmony with a specified time" is first recorded 1816.

an answer : in law, an answer is a written pleading filed by a defendant in response to having been served with a lawsuit filed as a complaint. An answer generally responds to each allegation in the complaint by denying or admitting it, or admitting in part and denying in part. The answer may also comprise "affirmative defences" including allegations which contradict the complaint or contain legal theories (like "unclean hands," "contributory negligence" or an "anticipatory breach") which are intended to derail the claims in the complaint. Sometimes the answer is in the form of a "general denial," denying everything. The answer must be in typed form, follow specific rules of pleading established by law and the courts, and be filed with the court and served on the plaintiff within a specific statutory time (e.g. 20 or 30 days after service of the complaint). If the complaint is verified as under penalty of perjury, the answer must be also. There is a steep filing fee for each defendant filing an answer. In short, if served a complaint, one should see a lawyer as soon as possible to prevent a default judgement. However, In answer to a complaint, by way of a concurrent claim, one could establish a trespass as a matter of right, or give answer from the claims side of the court. This is a jurisdiction where members of the bar have no standing, and only be countered by the testimony of another man.

anathema : originally from Greek anathama meaning "a thing devoted" or "a thing set up (to the gods)" such as an offering; the term subsequently further progressed from a thing devoted to evil; to an accursed or damned thing. It's meaning now draws largely from its own Latin name *anathema* meaning a person who has drawn the curse of excommunication from the church. Etymonline gives from the 1610's "act or formula of excommunicating and consigning to damnation by ecclesiastical authority." Wikipedia gives the modern meaning largely the same as its earlier sense in Greek; that is something or someone that is detested or shunned.

ancillary : is seen as auxiliary or an accessory to something; being of secondary importance. [etymonline] "subservient, subordinate, serving as an aid," 1660s, from Latin ancillaris "relating to maidservants," from ancilla "handmaid," fem. diminutive of anculus "servant," literally "he who bustles about," from root of ambi- "around" (from PIE root *ambhi- "around") + PIE *kwel-o-, from root *kwel- (1) "revolve, move round."

anecdote : [etymonline] (n.) 1670s, "secret or private stories," from French anecdote (17c.) or directly from Medieval Latin anecdota, from Greek anekdota "things unpublished," neuter plural of anekdotos, from an- "not" (see an- (1)) + ekdotos "published," from ek- "out" (see ex-) + didonai "to give" (from PIE root *do- "to give").

Procopius' 6c. *Anecdota*, unpublished memoirs of Emperor Justinian full of court gossip, gave the word a sense of "revelation of secrets," which decayed in English to "brief, amusing story" (1761).

annul : [etymonline] (v.) late 14c., "invalidate, make void, nullify;" from Anglo-French and Old French *anuler* "cancel, wipe out" (13c.) or directly from Late Latin *annulare* "to make to nothing," from Latin *ad* "to" (see *ad-*) + *nullum*, neuter of *nullus* "nothing, none," from PIE root *ne- "not." Related: Annulled; annulling.

annulment : (n.) late 15c., "act of reducing to nothing;" see *annul* + *-ment*. Meaning "act of declaring invalid" (a statute, marriage, etc.) is recorded from 1660s; earlier in this sense was annulling (late 14c.).

antecedent : adj. going before, preceding. n. one that precedes another, or a preceding occurrence, cause, or event, one's ancestors etc. *Antecedents* in New South Wales also refers to a persons criminal record or background.

[etymonline] (n.) late 14c. in grammar ("noun to which a pronoun refers") and in logic ("if A is, then B is;" A is the antecedent, B the consequent), from Old French *antecedent* (14c.) or directly from Latin *antecedentem* (nominative *antecedens*), noun use of present participle of *antecedere* "go before, precede," from *ante* "before" (from PIE root *ant- "front, forehead," with derivatives meaning "in front of, before") + *cedere* "to yield" (from PIE root *ked- "to go, yield").

anterior : [etymonline] "more in front; earlier," 1610s, Latin, literally "former", and "earlier, in front of, before" comparative of *ante* "before" (from PIE root *ant- "front, forehead," with derivatives meaning "in front of, before"). Related: Anteriorly (1590s); anteriority.

animadversion : Remarks by way of criticism and usually of censure; adverse criticism; reproof; blame.

amercement : to be at the mercy [of another]. The infliction of a penalty at the discretion of a court; also, a mulct or penalty thus imposed. It differs from a fine, in that the latter is, or was originally, a fixed and certain sum prescribed by statute for an offence; but an amercement is arbitrary. Hence, the act or practice of affeering. [See *affeer*.]

anglice : [etymonline] (adv.) "in (plain) English," c. 1600, from Medieval Latin *Anglice*, from *Anglicus* (see *Angle*).

anticipatory breach : or anticipatory repudiation is a term in the law of contracts, that describes a declaration by the promising party to a contract, that he or she does not intend to live up to his or her obligations under the contract.

antithetic : [etymonline] (adj.) "containing an antithesis," c. 1600, from Latinized form of Greek *antithetikos* "contrasting, setting in opposition," from *antithetos* "placed in opposition," from *antithesis* "opposition, resistance," literally "a placing against" (see *antithesis*).

annuity : an investment that yields fixed sum payments annually either for life or a specified term. Generally annuities are used as an income stream for retirees guaranteeing a fixed income for life.

apocalypse : [etymonline] (n.) *Origin and meaning of apocalypse* late 14c., "revelation, disclosure," from Church Latin *apocalypsis* "revelation," from Greek *apokalyptein* "uncover, disclose, reveal," from *apo* "off, away from" (see *apo-*) + *kalyptein* "to cover, conceal," from PIE root *kel- (1) "to cover, conceal, save." The Christian end-of-the-world story is part of the

revelation in John of Patmos' book "Apokalypsis" (a title rendered into English as pocalipsis c. 1050, "Apocalypse" c. 1230, and "Revelation" by Wyclif c. 1380).

Its general sense in Middle English was "insight, vision; hallucination." The meaning "a cataclysmic event" is modern (not in OED 2nd ed., 1989); apocalypticism "belief in an imminent end of the present world" is from 1858. As agent nouns, "author or interpreter of the 'Apocalypse,'" apocalypst (1829), apocalypt (1834), and apocalyptist (1824) have been tried.[comment] most might understand an apocalypse as a cataclysmic event, but in reality it is the revelation or uncovering of the truth; laid bare for all to see.

appear : "to see" From the Commonlaw Mini-Dictionary which [references](#) 'see' as meaning to 'understand', Etymonline gives late 13c "to come into view" from stem of Old French aparoir (12c., Modern French apparoir) "appear, come to light, come forth," from Latin apparere "to appear, come in sight, make an appearance. Definitions from Websters 1828 in summary give "to be evidenced."

appeal : A call to a higher authority, (at the same time declaring that you are not an Authority or in control).

appearance : *from appear "to see" meaning to understand [common law mini dictionary] ie. how does it appear to you ?*. (n.) with respect to the law and courts; in general, it is not simply the act of being evidenced before a court; an appearance is extended to be understood as the manner in which one chooses to appear. From the perspective of the law society, and courts; unless stated otherwise it is presumed you are appearing as the defendant where your rights extend as far as the law, or contract before the court. If you choose however to appear as a man answering from the claims side of the court; another man is then required to appear giving voice or verifying his claim against you; here the distinction is made with a complaint where what is implied by the word 'complaint' itself speaks of it's insufficiency with regard to there being no man able to substantiate under oath what is stated with reference to the entity from where the complaint was issued. So; appearance in a court can be said to be the same in each case but different by virtue of the jurisdiction in which you choose to stand wether it be the [common law](#) or subject to the legalities and wiles of the English [Common Law](#) and equity.

appease : [etymonline] (v.) c. 1300 "to reconcile," from Anglo-French apeser, Old French apaisier "to pacify, make peace, appease, be reconciled, placate" (12c.), from the phrase a paisier "bring to peace," from a "to" (see ad-) + pais, from Latin pacem (nominative pax) "**peace**" (see peace). Meaning "pacify (one who is angry)" is from late 14c.; for political sense, see appeasement. Related: Appeased; appeasing.

append : to attach or affix; add as a supplement or appendix from ap- "add to" + pendere "to hang, cause to hang; weight; pay". [yourdictionary.com] The word is most commonly used to describe an addition, or an attachment to written text such as a signature, or supplementary documentation. Its earlier use is "to fix to, or attach to" such as a pendant, charm, or bracelet with a sense of hanging or being suspended from.

apply : [Karl Lentz] *to beg*; where you reduce your status from that of a man or woman by applying for a position as defined. With regards to signing any forms upon application you have given up jurisdiction or control and bound yourself to the person or organisation to whom you are applying. [etymonline] late 14c., "to put (one's faculties, etc.) to some task or career," late 14c., from Old French aploier "apply, use, attach" (12c., Modern French appliquer), from Latin applicare "**attach to, join, connect;**" figuratively, "devote (oneself) to, give attention, [comment] logically speaking "to apply" in the sense of making an application could be considered as attaching or connecting oneself to that which you are applying for. [John Harris] To Beg!. The assumption is, when applying that you know exactly what you are begging for, to whom it is you are applying/begging, and what it is you are willing to give up for it.

appropriation : In law and government, appropriation (from Latin appropriare, "to make one's own", later "to set aside") is the act of setting apart something for its application to a particular

usage, to the exclusion of all other uses.

It typically refers to the legislative designation of money for particular uses, in the context of a budget or spending bill.

apropo : Opportunely; seasonably, By the way; to the purpose; a word used to introduce an incidental observation, suited to the occasion, though not strictly belonging to the narration. [etymonline] 1660s, "opportunely," from French à propos "to the purpose," from propos "thing said in conversation, talk; purpose, plan," from Latin propositium "purpose," past participle of proponere "to set forth, propose" (see propound). Meaning "as regards" is 1761, from French. As an adjective, "to the point or purpose," from 1690s.

appurtenance : [etymonline] c. 1300, "right, privilege or possession subsidiary to a principal one," from Anglo-French apurtenance (12c.), Old French apartenance, present participle of appartenir "be related to," from Latin appertinere "to pertain to, belong to" from ad- "to" (see ad-) + pertinere "belong, be the right of" (see pertain). [comment] From the Latin "to pertain to" it could be taken to mean how one thing apply's to, or is related to another. [Law] A right, privilege, or property that is considered incident to the principal property for purposes such as passage of title, conveyance, or inheritance.

acquittal : [etymonline] (n.) early 15c., "payment of debt or retribution;" see acquit + -al (2). Sense of "a release from debt or obligation" is from mid-15c.; that of "freeing from charge or offense" (by legal process) is from 1530s.

acquit : [etymonline] (v.) mid-13c., aquiten, "repay, reciprocate, reward or retaliate for" (a good or bad deed); c. 1300 as "satisfy a debt; redeem (a pledge)," from Old French aquiter, acquirer "pay, pay up, settle a claim" (12c., Modern French acquitter), from a- "to" (see ad-) + quite "free, clear," from Medieval Latin quitus, quittus, from Latin quietus "free" (in Medieval Latin "free from war, debts, etc."), also "calm, resting" (from PIE root *kweie- "to rest, be quiet"). Also in part from Medieval Latin acquitare.

From mid-14c. as "relieve (someone) of an obligation, release from a pledge," hence the meanings "set (an accused person) free from charges, pronounce not guilty," and "discharge one's duty; behave or conduct oneself" (for better or worse), all of which date to the late 14c. The notion in the word is "to release or discharge, from an obligation or from accusation, guilt, censure, or suspicion. Related: Acquitted; acquitting.

arbitrarily :

1. Determined by chance, whim, or impulse, and not by necessity, reason, or principle: stopped at the first motel we passed, an arbitrary choice.
2. Based on or subject to individual judgement or preference: The diet imposes overall calorie limits, but daily menus are arbitrary.
3. Law Relating to a decision made by a court or legislature that lacks a grounding in law or fact: an arbitrary penalty.
4. Not limited by law; despotic: the arbitrary rule of a dictator.

[etymonline] c. 1400, "deciding at one's own discretion, depending on one's own judgment," from Latin arbitrarius "of arbitration," hence "depending on the will, uncertain," from arbiter (see arbiter). The meaning in English gradually descended to "capricious, ungoverned by reason or rule, despotic" (1640s). Related: Arbitrarily; arbitrariness.

arbitrary : [etymonline] (adj.) c. 1400, "deciding by one's own discretion, depending on one's judgment," from Latin arbitrarius "of arbitration," hence "depending on the will, uncertain," from arbiter (see arbiter). The meaning in English gradually descended to "capricious, ungoverned by reason or rule, despotic" (1640s). Related: Arbitrarily; arbitrariness.

arbitration : [etymonline] (n.) late 14c., "faculty of making a choice or decision, judgment, discretion;" early 15c., "authority or responsibility for deciding a dispute," from Old French arbitracion and directly from Latin arbitrationem (nominative arbitratio) "judgment, will," noun of action from past-participle stem of arbitrari "to be of an opinion, give a decision," from arbiter "a

judge, umpire, mediator" (see arbiter). Meaning "settlement of a dispute by a third party" is from 1630s. Related: Arbitrative. [comment] In modern use arbitration is the process where before a tribunal in a court of law, or similar decision making body, and having respect for the objective circumstances; judgements are given.

argue : from Latin *arguere* orig. meant 'to make as white as silver' and from *argent* "silver", and "to make clear, make known, prove, declare, demonstrate" from PIE *argu-yo-, from root *arg- "to shine, be white, bright, clear" [comment] If one does not have a clear understanding of what the word *argue* means he is at the mercy of whoever would take full advantage of his ignorance.

argument : practice. Cicero defines it as probable reason proposed in order to induce belief. Ratio probabilis et idonea ad faciendam fidem. The logicians define it more scientifically to be (a means, which by its connection between two extremes) establishes a relation between them. [etymonline] from Latin *argumentum* "a logical argument; evidence, ground, support, proof," from *arguere* "make clear, make known, prove" [comment] the legal definition of an argument includes that a relationship is established between the parties who choose to engage in an argument; creating a contract.

arraignment : From late 14c., *araynen*, "to call to account," and later "bring before a law court." An arraignment is a criminal proceeding at which a defendant is officially called before a court of competent jurisdiction, informed of the offence charged in the complaint, information, indictment, or other charging instrument, and asked to enter a plea of guilty, not guilty, or as otherwise permitted by law. Depending on the jurisdiction; an arraignment may also be the proceeding at which the court determines whether to set bail for the defendant or release the defendant on his or her own recognisance.

quaere? are you being arraigned in relation to the claim from a man, or in relation to a criminal complaint? In both cases either the claim or complaint has to be verifiable for a case to move forward. That is to say a criminal complaint has to have an injured party willing to verify under oath or affirmation that the complaint is true. If a criminal complaint cannot be substantiated with verifiable testimony there is no obligation to enter a plea. see viva voce

If you are instructed to enter a plea and are unaware of any man or woman who has been harmed as a result of your actions; leave of court should immediately be sought to answer the court in a proper manner which is always done in writing. In a notice to the court it should be stated that you require to know if there is a verifiable criminal complaint or claim from a man before the court relating to harm, injury, or loss in relation to your actions or in-actions. If they answer in the affirmative and continue with a complaint despite no injured party being present; a concurrent claim should be filed for the administration of property without right where a governing body has no rights it only holds duties obligations and responsibilities in relation to legislative rules.

If it is the intention of a public officer to enter a plea on your behalf a note should be tendered stating that any man who enters a plea on your behalf assumes all liability and as such you require a bond so as to secure your rights in a legal proceeding you have not consented to. For more information on how to handle an arraignment: see "complaint" or watch the following videos.

1) <https://www.youtube.com/watch?v=Sy8w3wrvHsY>

2) https://www.youtube.com/watch?v=99q-xfie_vU

arrest : "to cause to stop," also "to detain legally," late 14c., from Old French *arrest* "to stay, stop" (12c., Modern French *arrêter*), from Vulgar Latin **arrestare* "to stop, restrain" (source also of Italian *arrestare*, Spanish and Portuguese *arrestar*), from *ad* "to" (see *ad-*) + Latin *restare* "to stop, remain behind, stay back," from *re-* "back" (see *re-*) + *stare* "to stand," from PIE root **sta-* "to stand, make or be firm." Figurative sense of "to catch and hold" (the attention, etc.) is from 1814.

arrogate : 1. To claim unwarrantably, or presumptuously, To appropriate to oneself without right i.e. to arrogate the right to make decisions 2. To attribute or assign to another; ascribe.

ascendant : noun; one holding a position of dominance, controlling influence, or possessing power, superiority, or pre-eminence over another. A teacher having controlling influence over primary school children could be described as an ascendant with respect to his or her position.

ascribe : [etymonline] mid-14c., ascrive, "attribute, impute, credit" (something to someone), from Old French ascrivre "to inscribe; attribute, impute," from Latin ascribere "to write in, enter in a list; add to in a writing," figuratively "impute, attribute," from ad "to" (see ad-) + scribere "to write" (from PIE root *skribh- "to cut"). English spelling was conformed to Latin 16c. Related: Ascribed; ascribing. [Wiktionary] To attribute a cause or characteristic to someone or something., To attribute a book, painting or any work of art or literature to a writer or creator. [comment] It would seem from Latin the word was associated with making an addition to or adding to a writing, but the modern version has extended this to the act of attributing a concept, or a belief to a specified cause, source, or origin.

asinine : [etymonline] (adj.) c. 1600, "obstinate, stupid, offensively silly," from Latin asinus "stupid," literally "like an ass," from asinus "ass," also "dolt, blockhead" (see ass (n.1)). The literal sense in English is recorded from 1620s. Related: Asininity.

asisse : Latin "to sit" and used with reference to periodic courts held around England and Wales when together with the quarter sessions were abolished by the Courts Act 1971 and replaced by a single permanent Crown Court.

aspiration : [etymonline] (n.) 1530s, "action of breathing into," from Latin aspirationem (nominative aspiratio) "a breathing on, a blowing upon; rough breathing; influence," noun of action from past-participle stem of aspirare "strive for, seek to reach," literally "breathe at, blow upon" (see aspire). Meaning "steadfast longing for a higher goal, earnest desire for something above one" is recorded from c. 1600 (sometimes collectively, as aspirations).

assail : [etymonline] (v.) "attack violently," c. 1200, from Old French assalir "attack, assault, assail" (12c., Modern French assaillir), from Vulgar Latin *adsalire "to leap at," from Latin ad "to, toward" (see ad-) + salire "to leap" (see salient (adj.)). Figurative use, of mental states, emotions, etc., is from mid-14c.; meaning "attack with arguments, abuse, criticism, etc." is from c. 1400. Related: Assailed; assailing; assailable.

assault : largely a term used in legal proceedings an assault or "*common assault*" is not only an injury incurred by way of an act of violence but any act; though not the failure to act; which causes another person to fear immediate and unlawful violence. The sub categories of assault are *aggravated assault* which is further subdivided into *assault occasioning actual bodily harm*, *grievous bodily harm*, and *wounding*. (qv.) <https://www.gotocourt.com.au/criminal-law/nsw/assault/>

assay : [etymonline] (v.) c. 1300, "to try, endeavor, strive; test the quality of," from Anglo-French assaier, from assai (n.), from Old French assai, variant of essai "trial" (see essay (n.)). Related: Assayed; assaying. (n.) mid-14c., "trial, test of quality, test of character," from Anglo-French assai, ultimately from Late Latin exagium "a weighing" (see essay (n.)). Meaning "trial of purity of a metal" is from late 14c.

assent : [etymonline] (v.) c. 1300, "agree to, approve;" late 14c. "admit as true," from Old French assentir "agree; get used to" (12c.), from Latin assentare/adsentare, frequentative of assentire "agree with, approve," from ad "to" (see ad-) + sentire "to feel, think" (see sense (n.)). Related: Assented; assenting.

assigns : those to whom a right is transferred by a particular title such as a sale, gift, legacy, transfer, or cession. Generally assigns are individuals to whom property is, will, or may be transferred by conveyance, will, Descent and Distribution, or statute; assignees. The term assigns is often found in deeds; for example, "heirs, administrators, and assigns to denote the assignable nature of the interest or right created."

associate : [etymonline] (v.) mid-15c., "join in company, combine intimately" (transitive), from Latin *associatus* past participle of *associare* "join with," from assimilated form of *ad* "to" (see *ad-*) + *sociare* "unite with," from *socius* "companion, ally," from PIE **sokw-yo-*, suffixed form of root **sekw-* (1) "to follow." Related: *Associated*; *associating*. Intransitive sense of "have intercourse, be associated" is from 1640s. Earlier form of the verb was *associen* (late 14c.), from Old French *associier* "associate (with)."

assumpsit : ("he has undertaken," from Lat. *assumere*), a word applied to an action for the recovery of damages by reason of the breach or non-performance of a simple contract, either express or implied, and whether made orally or in writing. *Assumpsit* was the word always used in pleadings by the plaintiff to set forth the defendant's undertaking or promise, hence the name of the action. Claims in actions of *assumpsit* were ordinarily divided into (a) common or *indebitatus assumpsit*, brought usually on an implied promise, and (b) special *assumpsit*, founded on an express promise. *Assumpsit* as a form of action became obsolete after the passing of the *Judicature Acts* 1873 and 1875.

asylum : An inviolable place, a place of refuge or sanctuary where someone may be safe from the threat of violence or protected from the threat of pursuit or arrest.

asymmetry : 1650s, "want of symmetry or proportion," from Greek *asymmetria* "want of proportion or harmony," abstract noun from *asymmetros* "having no common measure; disproportionate, unsymmetrical," from *a-* "not" (see *a-* (3)) + *symmetros* "commensurable" (see *symmetry*).

at large : [the free dictionary] Not limited to any place, person, or topic; for example, a representative at large is elected by the voters of the state as a whole rather than voters of a particular district. Free from control or restraint, such as a criminal at large.

at & in : Against the general tenor of life; the words 'at' and 'in' are used at will and their trivial use for most is insignificant. In law however this is not the case; where if you are in something whether it be a car, boat, a tree or in a court; in each case you are subject to the laws, control (jurisdiction), and authority of who's car, boat, or court you are in. If by example you are in a tree, you would be subject to the laws of nature and gravity while within the foliage of the tree. On court documents you might often see "*in*" '*Queens Bench*' or "*at*" '*Queens Bench*' where in the case of a tree if you are at or near to the tree you are not bound by the rules you would be subject to if you were "*in*" the tree. A Judge once asked a party to a case "are you '*in*' the car park" a trick question designed to gain jurisdiction where the man replied no I am at this court house.

attach : [etymonline] (v.) mid-14c. (mid-13c. in Anglo-Latin), "to take or seize (property or goods) by law," a legal term, from Old French *atachier* "fasten; arrest" (11c.), earlier *estachier* "to attach, fix; stake up, support" (Modern French *attacher*, also compare Italian *attaccare*), from *a-* "to" (see *ad-*) + base also found in *detatch*, perhaps from Frankish **stakon* "a post, stake" or a similar Germanic word, from Proto-Germanic **stakon-* "a stake," from PIE root **steg-* (1) "pole, stick" (see *stake* (n.)).

Meaning "to fasten, affix, connect," which probably is the original sense etymologically, is attested in English from c. 1400. Related: *Attached*; *attaching*.

attainder : In English criminal law, *attainder* or *attinctura* was the metaphorical "stain" or "corruption of blood" which arose from being condemned for a serious capital crime (felony or treason), without judicial trial. It entailed losing not only one's life, property and hereditary titles, but typically also the right to pass them on to one's heirs. Both men and women condemned of capital crimes could be *attainted*.

Attainder by confession resulted from a guilty plea at the bar before judges or before the coroner in sanctuary. *Attainder* by verdict resulted from conviction by jury. *Attainder* by process resulted from a legislative act outlawing a fugitive. The latter form is obsolete in England (and prohibited in the United States), and the other forms have been abolished.

[etymonline] (n.) mid-15c., in law, "extinction of rights of a person sentenced to death or outlawry," from noun use of Old French *ataindre* "to touch upon; strike, hit; seize; accuse, condemn" (see *attain*). For use of French infinitives as nouns, especially in legal language, see *waiver*.

attendant circumstances : (sometimes external circumstances) are the facts surrounding an event.

attenuate : [etymonline] (v.) "to make thin, to make less," 1520s, from Latin *attenuatus*, past participle of *attenuare* "to make thin, lessen, diminish," from assimilated form of *ad* "to" (see *ad-*) + *tenuare* "make thin," from *tenuis* "thin," from PIE root **ten-* "to stretch." Related: *Attenuated*; *attenuating*. Earlier was Middle English *attenuen* "to make thin (in consistency)," early 15c.

attempt : [etymonline] (v.) late 14c., "seek or try to do, make an effort to perform," from Old French *atempter* (14c.), earlier *atenter* "to try, attempt, test" (Modern French *attenter*), from Latin *attemptare* "to try, make trial of; tamper with, seek to influence; attack, assail" (source also of Italian *attentare*, Old Provençal, Portuguese *attentar*, Spanish *atentar*), from assimilated form of *ad* "to, toward" (see *ad-*) + *temptare* "to try" (see *tempt*). Related: *Attempted*; *attempting*. (n.) 1530s, "a putting forth of effort in some difficult or uncertain endeavor," from *attempt* (v.). Meaning "effort to accomplish something by violence" is from 1580s, especially as an assault on someone's life.

Attempt is also an inchoate offence in criminal law that was not completely carried out that has two elements; that of some incipient actions or conduct; and the intent to commit the crime. From a [common law](#) perspective; if by his actions a man in attempting to commit some type of trespass has caused harm injury or loss, and it is determined as such before a Jury according to the claim set forth. Such a man becomes liable for just compensation as outlined in an order tendered with said claim.

attest : 1590s, "bear witness to, officially confirm; give proof or evidence of," from Middle French *attester* (Old French *atester*, 13c.) "affirm, bear witness to," from Latin *attestari* "confirm, prove," literally "bear witness to," from assimilated form of *ad* "to" (see *ad-*) + *testari* "bear witness," from *testis* "witness" (see *testament*). Related: *Attested*; *attesting*.

attorn : [etymonline] (v.) late 13c., Anglo-French, "to turn over to another," from Old French *atorner* "to turn, turn to, assign, attribute, dispose," from *a-* "to" (see *ad-*) + *tourner* "to turn," from Latin *tornare* "to turn on a lathe," from *tornus* "lathe," from Greek *tornos* "lathe, tool for drawing circles," from PIE root **tere-* (1) "to rub, turn." In feudal law, "to transfer homage or allegiance to another lord."

attorney : According to *A New Dictionary of the English Language (1839)*, the word **attorney** means "an agent, or one acting in the turn, or stead of another. The word attorney (*attorn-ey*) is more likely to have originated from the word *attorn* defined by *A Dictionary of Law (1889)* as "To turn over, the transfer of services to a new lord, or the cognisance given a landlord as the transferee of a leasehold." [etymonline] In feudal law, "to transfer homage or allegiance to another lord." Also early 14c. (mid-13c. in Anglo-Latin), "one appointed by another to act in his place," from Old French *atorné* "(one) appointed," past participle of *atorner* "to decree, assign, appoint," from *atorner* "to assign," literally "to turn to" (see *attorn*). The sense is of "one appointed to represent another's interests." The term also referred to a solicitor in the Chancery eventually becoming a term of contempt, and so much so it was abolished by the Judicature Act of 1873, but today along with the term *counsellor* is used mainly in US jurisdictions.

[comment] When one hires an attorney it is with the sense of an appointment, turning over one's affairs to be handled in a legal proceeding. In such cases an attorney is bound by obligation in the first instance to the court and not to his client; in which case his client only has rights to the extent of a person in that legal proceeding. This is distinct from the rights afforded a man when he instead establishes his own court in order to prosecute a lawful claim.

averment : In pleading. A positive statement of facts, in opposition to argument of inference. 1

Chit. Pl. 320. In old pleading. An offer to prove a plea or pleading. The concluding part of the plea, replication, or other pleading, containing new affirmative matter, by which the party offers or declares himself "ready to verify". [Websters 1828] Affirmation; positive assertion; the act of averring., Verification; establishment by evidence., In pleading, an offer of either party to justify or prove what he alleges. In any stage of pleadings, when either party advances a new matter, he avers it to be true, and concludes with these words, 'and this he is ready to verify.' This is called an averment. Etymologically the word only has a short history but broken into the root and suffix aver + ment gives something of the early history of the word. [etymonline] aver v. late 14c., from Old French averer "verify," from Vulgar Latin *adverare "make true, prove to be true," from Latin ad- "to" (see ad-) + verus "true" (see very). Related: Averred; averring. -ment suffix forming nouns, originally from French and representing Latin -mentum, which was added to verb stems sometimes to represent the result or product of the action.

audi alteram partem : (or audiatur et altera pars) is a Latin phrase meaning "listen to the other side", or "let the other side be heard as well". It is the principle that no person should be judged without a fair hearing in which each party is given the opportunity to respond to the evidence against them. It is considered a principal of natural justice in most legal systems and relates to a situation where a person cannot be convicted of a crime in his absence or that a trial cannot be held with an accused person in absentia. An example are Perin courts; where for the sake of expediency defaults on traffic fine payments are handled with the accused in absentia giving way to "enforcement orders" issued without representation, or recourse on behalf of the accused. see also equality of arms.

auspicious : [etymonline] (adj.) 1590s, "of good omen" (implied in auspiciously), from Latin auspiciū "divination by observing the flight of birds," from auspex (genitive auspici) + -ous. Related: Auspiciousness. [comment] also indicates that something is favourable e.g. "red sky in the evening is an auspicious sign for blue sky the following day," or "the marriage did not get off to a very auspicious start."

authentic : This term signifies an original of which there is no doubt.

authority : [etymonline] from latin 'auctorem' The state or condition in which one may be a founder, enlarger, master, or a leader. c. 1200, autorite, auctorite "authoritative passage or statement, book or quotation that settles an argument, passage from Scripture," from Old French autorité, auctorité "authority, prestige, right, permission, dignity, gravity; the Scriptures" (12c.; Modern French autorité), from Latin auctoritatem (nominative auctoritas) "invention, advice, opinion, influence, command," from auctor "master, leader, author" (see author (n.)). Usually spelled with a -c- in English before 16c., when the letter was dropped in imitation of French.

From c. 1300 in the general sense "legal validity," also "authoritative book; authoritative doctrine" (opposed to reason or experience); "author whose statements are regarded as correct." From mid-14c. as "right to rule or command, power to enforce obedience." In Middle English also "value, good reputation; power to convince people, capacity for inspiring trust." From c. 1400 as "official sanction, authorization." Meaning "people in authority" is from 1610s; Authorities "those in charge, those with police powers" is recorded from mid-19c. [GNU collaborative] Legal or rightful power; a right to command or to act; power exercised by a person in virtue of his office or trust; dominion; jurisdiction; authorization. [Karl Lentz] That which is imposed as opposed to freedom [comment] One who executes an imposed order.

autocrat : [etymonline] (n.) 1800, used in reference to the Russian tsars, then to Napoleon, from French autocrate, from Latinized form of Greek autokrates "ruling by oneself, absolute, autocratic," from autos "self" (see auto-) + kratia "rule," from kratos "strength, power" (see -cracy). The Greek noun was autokrator, and an earlier form in English was autocrator (1759). Earliest forms in English were the fem. autocratress (1762), autocratrix (1762), autocratrice (1767, from French).

autocratic : [etymonline] (adj.) "holding unlimited and independent powers of government," 1815

(in reference to Napoleon), from French autocratique, from autocrate, from Latinized form of Greek autokrates (see autocrat). Earlier autocratic (1670s) was directly from Greek autokratorikos "of or for an autocrat, despotically." Autocratical is attested from 1767 (in reference to Elizabeth I).

ambulatory : relating to or adapted for walking [etymonline] 1620s, "pertaining to walking;" also "movable; shifting, not permanent," from Latin ambulatorius "pertaining to a walker; movable," from ambulator, agent noun from past participle stem of ambulare "to walk, go about" ie. the child gradually became ambulatory after recovering for some time in bed.

ancillary : Something that acts in support of, but is second or subordinate with respect to function or position of the thing in question. Etymonline gives "subservient, subordinate, serving as an aid," 1660s, from Latin ancillaris "relating to maidservants," from ancilla "handmaid," fem. diminutive of anculus "servant," literally "he who bustles about," from root of ambi- "about" (see ambi-) + PIE *kwol-o-, from root *kwel- (1) "revolve, move round."

appellation : A name, title, or designation. It can also refer to an appeal for some type of aid, or from a lower authority to a higher authority.

appurtenant : [etymonline] "belonging, incident, or pertaining to," late 14c., from Anglo-French apurtenant, Old French apartenant, apertenant, present participle of appartenir "be related to" (see appurtenance).

arbitrage : [etymonline] (n.) "arbitration, exercise of the function of an arbitrator," late 15c., from Old French arbitrage "arbitration, judgment," from arbitrer "to arbitrate, judge," from Late Latin arbitrari, from Latin arbiter "judge, umpire, mediator" (see arbiter). In finance, "the business founded on a calculation of the temporary differences in the price of securities in different markets" (1875).

artifice : originally from 1530s, "workmanship, the making of something by craft or skill," which was extended in modern use from French artifice to mean "skill, cunning, crafty device, trick" is from 1650s. usually expressed as an "artifice or scheme" where someone did defraud you of a sum of money and did cause you harm as a result.

avail : [etymonline] (v.) c. 1300, availen, "to help (someone), assist; benefit, be profitable to; be for the advantage of; have force or efficacy, serve for a purpose," apparently an Anglo-French compound of Old French a- "to" (see ad-) + vaill-, present stem of valoir "be worth," from Latin valere "be strong, be worth" (from PIE root *wal- "to be strong"). Related: Availed; availing. As a noun, from c. 1400.

bad faith : intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others.

bailiff : [etymonline] (n.) c. 1300 (early 13c. in surnames), "subordinate administrative or judicial officer of the English crown, king's officer in a county, hundred, or other local district;" also "keeper of a royal castle;" also "minor judiciary officer under a sheriff," who serves writs, etc.; from Old French baillif (12c., nominative baillis) "administrative official, deputy," from Vulgar Latin *baiulivus "official in charge of a castle," from Latin baiulus "porter" (see bail (n.1)). From early 14c. as "agent of a lord, overseer of an estate" who directs operations, collects rents, etc.; also used in Middle English of an elected official in a town.

balance of probabilities : [legal-dictionary.thefreedictionary.com] the standard of proof in civil cases, demanding that the side that produces the more probable version of events likely to have occurred should succeed. This is the kind of decision represented by the scales of justice. The court weighs up the evidence and decides which version is most probably true. Thus, the actual truth may never be known. The maxim melior est conditio defendentis, '*better is the position of the defender*' applies. When if the balance of evidence presented by both parties tends towards

equality the defence will win.

[comment] In terms of the [common law](#) there are no euphemisms; nor is the truth determined presumptively by a single Judge or Magistrate. In a [common law](#) court of record the facts and evidence; along with testimony from a third party impartial witness are required so as to establish the truth and the law by way of utterance before an independent tribunal (a Jury.)

bankrupt : [etymonline] "in the state of one unable to pay just debts or meet obligations," 1560s, from Italian banca rotta, literally "a broken bench," from banca "moneylender's shop," literally "bench" (see bank (n.1)) + rotta "broken, defeated, interrupted" from (and in English remodeled on) Latin rupta, fem. past participle of rumpere "to break" (see rupture (n.)). Said to have been so called from an old custom of breaking the bench of bankrupts, but the allusion probably is figurative. Figurative (non-financial) sense in English is from 1580s. As a noun, "insolvent person," from 1530s.

bar : [etymonline] "whole body of lawyers, the legal profession," 1550s, a sense which derives ultimately from the railing that separated benchers from the hall in the Inns of Court (see bar (n.1)). Students who had attained a certain standing were "called" to it to take part in the important exercises of the house. After c. 1600, however, this was popularly assumed to mean the bar in a courtroom, the wooden railing marking off the area around the judge's seat, where prisoners stood for arraignment and where a barrister (q.v.) stood to plead. As the place where the business of court was done, bar in this sense had become synonymous with court by early 14c.

barratry : The offence of habitually starting groundless law suits. The early definition of the word found in French gives "deceit, guile, trickery, malpractice and fraud", and the early middle english definitions give "to disturb the peace" or "to incite riots, or to bully" [www.thefreedictionary.com] In Criminal Law, the frequent incitement of lawsuits and quarrels that is a punishable offence.

Barratry is most commonly applied to an attorney who attempts to bring about a lawsuit that will be profitable to him or her. Barratry is an offense both at [Common Law](#) and under some state statutes. The broader common-law crime has been limited by certain statutes. An attorney who is overly officious in instigating or encouraging prosecution of groundless litigation might be guilty of common barratry under a particular statute. The requirement for the crime of barratry is that repeated or persistent acts of litigation are performed by the accused. Barratry is generally a misdemeanor punishable by fine or imprisonment. In the case of an attorney, disbarment is the usual punishment. Since few cases have been prosecuted, barratry is considered by the legal community at large to be an archaic crime. This is particularly true today due to a highly litigious atmosphere.

In maritime law, barratry is the commission of an act by the master or mariners of a vessel for an unlawful or fraudulent purpose that is contrary to the duty owed to the owners, by which act the owners sustain injury.

A form of barratry is misconduct of the master of a ship in taking commodities on board that subject the ship to seizure for Smuggling. It is essential in barratry that a criminal act or intent exist on the part of the master or mariners which inures to their own benefit and causes injury to the owners of the ship.

(n). creating legal business by stirring up disputes and quarrels, generally for the benefit of the lawyer who sees fees in the matter. Barratry is illegal in all states and subject to criminal punishment and/or discipline by the state bar, but there must be a showing that the resulting lawsuit was totally groundless. There is a lot of border-line barratry in which attorneys, in the name of being tough or protecting the client, fail to seek avenues for settlement of disputes or will not tell the client he/she has no legitimate claim.

[etymonline] (n.) early 15c., "sale of ecclesiastical or state offices," from Old French baraterie "deceit, guile, trickery," from barat "malpractice, fraud, deceit, trickery," which is of unknown origin, perhaps from Celtic. In marine law, "wrongful conduct by a ship's crew or officer, resulting

in loss to owners," from 1620s.

Meaning "offense of habitually starting legal suits" is from 1640s. The sense has been somewhat confused with that of Middle English *baratri* "combat, fighting" (c. 1400), from Old Norse *baratta* "fight, contest strife." This was an active word in Middle English, with forms such as *baraten* "to disturb the peace" (mid-15c.); *baratour* "inciter to riot, bully" (late 14c., mid-13c. as a surname). A *barrator* is given by Ernest Klein as n., one guilty of *barratry*.- ME. *baratour*, 'a quarrelsome person', fr. OF. *barateor*, 'deceiver, swindler', fr. *barater*, 'to deceive, barter'.

barrister : [NSW Bar Assoc website] There are primarily two types of lawyers in New South Wales - barristers and solicitors. Barristers are independent, specialist advocates who are trained to appear in a courtroom, in commissions of inquiry and in alternative forms of dispute resolution. Barristers may also provide objective advice on particular legal problems for clients, solicitors, businesses and governments. Barristers act as mediators and arbitrators as well as conducting other dispute resolution processes. For more information on ADR (alternative dispute resolution) go to the NSW Bar website <https://nswbar.asn.au>. Etymonline gives "one practicing as an advocate in English courts of law." Though not used in Australia; see also the term *attorney* for important distinctions.

battery : A battery is usually committed against a man and associated with a bat, or other instrument for the purpose of inflicting harm. [etymonline] (n.) 1530s, "action of battering," in law, "the unlawful beating of another," from Middle French *batterie*, from Old French *baterie* "beating, thrashing, assault" (12c.), from *batre* "to beat," from Latin *battuere* "beat, hit, strike, struggle" (see *batter* (v.)). [Bouviers] gives a full description of what battery is in the eyes of the law and a recitation of instances where battery may be justified. What follows is the first part of the definition given by Bouviers as to how battery is viewed by law in terms of an injury to a person.

"A battery is the unlawful touching the person of another by the aggressor himself, or any other substance put in motion by him. 1 Saund. 29, b. n. 1; Id. 13 & 14, n. 3. It must be either wilfully committed, or proceed from want of due care. Str. 596; Hob. 134; Plowd. 19 3 Wend. 391. Hence an injury, be it never so small, done to the person of another, in an angry, spiteful, rude or insolent manner, as by spitting in his face, or any way touching him in anger, or violently jostling him, are batteries in the eye of the law. 1 Hawk. P. C. 263. See 1 Selw. N. P. 33, 4. And any thing attached to the person partakes of its inviolability if, therefore, A strikes a cane in the hands of B, it is a battery. 1 Dall. 1 14 1 Ch. Pr. 37; 1 Penn. R. 380; 1 Hill's R. 46; 4 Wash. C. C. R. 534 . 1 Baldw. R. 600." (sic)

A distinction has to be made for the use of the word battery in a legal and lawful context; for further information about the legal justification for a battery see Bouviers Law Dictionary.

beguile : is a word of action most often used with an object ie. he was *beguiled* of his *possessions* and means to take something away from someone through cheating or by deception with its early meaning being to "*delude by artifice*" or entertain with pastimes with a sense of being taken away or distracted from the truth.

behoof : [etymonline] (n.) c. 1200, "use, benefit, advantage," from Old English **bihof* "advantage, utility" (implied by *bihoflic* "useful," and compare *behoove*), from Proto-Germanic **bi-hof* "that which binds, requirement, obligation" (source also of Old Frisian *bihof* "advantage," Dutch *behoef*, Middle High German *bihuof* "useful thing," German *Behuf* "benefit, use, advantage," Danish *behov* "need, necessity"). In the common Germanic compound, the first element, likely intensive, is cognate with *be-* and the second with Old English *hof*, past tense of *hebban* "to raise" (see *heave* (v.)). The original sense is perhaps, then, "*taking up (for oneself).*"

believe : Only a man has the capacity to believe; when you believe something you hold it as the truth, and as such you cannot be held liable for what you believe. Because government departments and entities are inanimate and lifeless they have no capacity to believe; where the people who work for these organisations can only maintain a position. When asking a Judge, Attorney or public officer if they believe something and they choose to answer they are responding

as a man and as such can be held liable.

belligerent : [google] hostile and aggressive [etymonline] 1570s, "waging war, engaged in hostilities," from Latin *belligerantem* (nominative *belligerans*), past participle of *belligerare* "to wage war," from *bellum* "war" (see *bellicose*) + *gerere* "to bear, to carry" (see *gest*). The noun meaning "party or nation at war" is from 1811. Related: *Belligerently*

belong : [etymonline] mid-14c., "to go along with, properly relate to," from *be-* intensive prefix, + *longen* "to go," from Old English *langian* "pertain to, to go along with," which is of uncertain origin but perhaps related to the root of *long* (adj.). Senses of "be the property of" and "be a member of" first recorded late 14c. Cognate with Middle Dutch *belanghen*, Dutch *belangen*, German *belangen*. Replaced earlier Old English *gelang*, with completive prefix *ge-*.

benefice : A permanent church appointment, typically that of a rector or vicar, for which property and income are provided in respect of pastoral duties [google].

bifurcate : to cause something to be divided into two branches or parts.

bigotry : intolerance towards those who hold different opinions from oneself.

bill : [etymonline] "written statement," late 14c., "formal document; formal plea or charge (in a court of law); personal letter," from Anglo-French *bille*, Anglo-Latin *billa* "a writing, a list, a seal," from Medieval Latin *bullā* "decree, seal, sealed document," in classical Latin "bubble, boss, stud, amulet for the neck" (hence "seal"); see *bull* (n.2).

A writing binding the signer or signers to pay a certain sum at a future day or on demand, with or without interest, as may be stated in the document., An account of goods sold, services rendered, or work done, with the price or charge; a statement of a creditor's claim, in gross or by items; as, "a grocer's bill". Any paper, containing a statement of particulars; as, "a bill of charges or expenditures; a weekly bill of mortality; a bill of fare, etc." A bill can also contain the particulars of a civil complaint provided to a defendant in order to bring to his attention what is alleged and what forms the basis for the allegations.

A bill is also draft legislation not having been given the force of law; or a bill can be seen as a statement of claim proposing the law between two parties; but only given force before a jury who by considering the facts and evidence give assent in support of the claim making it law. In reality a bill can be any statement; wether it be a bill of particulars with regard to compensation for any type of order or a bill posting the particulars of a public or private event. It does not have to give a dollar sum; but in many cases it will as part of a *billing statement*.

birth certificate : a birth certificate is a certified record authored by a governing body that a birth registration has been filed. A "birth registration statement" or "Information form for the registration of births" are what might be commonly referred to as a "certificate of live birth." The certificate of live birth contains information requested of the parents, and signatures from witnesses to the birth, usually by the attending doctors and nurses, who certify what they have seen as something that would otherwise be verifiable in open court. The birth certificate as such is not evidence of a live birth, but only that there is a trust relationship between the state and the person named on the certificate. This person is not a living beneficiary but only a fiction in law referred to in Latin as an *ens legis*, or *creature of law*. For more information see *hocus pocus & capitis diminutio*.

In court if charges are brought against your person it is against this fiction in law identified on the Birth Certificate usually appearing in all capital letters. In these cases the charges can only be upheld where there are damages and under the stipulation that the plaintiff must appear. Without a verifiable account as to a bill of charges from someone willing to take on the liability associated with these charges the prosecution of such matters is a nonsense amounting to a false claim.

blackmail : In NSW the offence of Blackmail is contained in section 249K of the Crimes Act 1900. (v.)"to extort money or goods from someone by intimidation or threats," or by the exposure

of facts related or otherwise to wrong-doing or a scandal, (n.) 1550s, "tribute paid to men allied with criminals as protection against pillage, etc.," from black (adj.) + Middle English male "**rent, tribute,**" from Old English mal "lawsuit, terms, bargaining, agreement," from Old Norse mal "speech, agreement;" related to Old English mæðel "meeting, council," mæl "speech," Gothic maþl "meeting place," from Proto-Germanic *mathla-, from PIE *mod- "to meet, assemble" (see meet (v.)). A tribute paid under duress, or under the threat of repercussions should one disregard the terms of an unlawful contract entered into under duress. [Law made simple D. Barker] It is blackmail if, with a view to gain for himself or another or with intent to cause loss to another, a person makes any unwarranted demand with menaces; and it is unwarranted unless he makes it in the belief: (a) that he has reasonable grounds for making the demand, and (b) that the use of menaces is a proper means of enforcing the demand.

The word comes from the freebooting clan chieftains who ran protection rackets against farmers in Scotland and northern England. The custom persisted until mid-18c. Black from the evil of the practice. The sense expanded by 1826 to mean any extortion by means of intimidation, especially by the threat of exposing facts related or otherwise to scandal. Compare silver mail "rent paid in money" (1590s); buttock-mail (Scottish, 1530s) "fine imposed for fornication."

bolt-hole : [wiktionary] (n.) a means of escape, a place of escape or secret refuge. [English Learners Dictionary] a safe or restful place : a place where you can hide or escape from something that is dangerous or unpleasant.

bona fide : "**in good faith**" meaning to act honestly without the intention to deceive

bona vacantia : (Latin for "ownerless goods") is a legal concept associated with property that has no owner. It exists in various jurisdictions, with consequently varying application, but with origins mostly in English law. Bona Vacantia on Wikipedia

bond : Law, an agreement with legal force in particular, a deed by which a person is committed to make payment to another (Synonyms: promise, pledge, vow, avowel, oath, word, word of honour, solemn word, guarantee, assurance). [comment] The use of bonds have a broad application but are generally a form of security against loss or damage and can be required in [common law](#) as surety pending the service of a legal process such as a warrant where entry upon the land of another is required. In all cases private property is the personal jurisdiction of another man which can only be breached lawfully where a man or woman is being harmed or is in danger of being harmed; beyond this a property holder can require the issuance of a bond from a man acting in the capacity as an officer of the crown intending to serve a warrant on that land. In these cases by prior arrangement the bond would be paid into an escrow or held by a family Solicitor or fiduciary until such time it is determined no harm or injury has come to the property holder or his property and his rights have been secured. A man's property cannot be trespassed upon by another man under colour of law and where it is shown there was no lawful reason for this man to be on that land such a man can be required to pay compensation as part of a claim for trespass "breach of enclosure."

official bonds

Generally bonds to do with public officers are an official bond; an instrument under seal by which the public officer undertakes to pay a sum of money if he does not faithfully discharge the duties of his office, or by which a surety undertakes that if the officer does not do so; the surety will be liable in a penal sum. Or more generally an official bond is the bond of a public officer where it is held that every bond executed by a public officer has to be in obedience to the law in which society undertakes that he shall discharge a public duty imposed upon him by law being called an official bond. Where the filing of an official bond is generally regarded as a necessary prerequisite to fulfill the title of an office; it is a condition precedent to the right of a person elected or appointed to be inducted into office and without such a bond; one is not entitled to the office and may not legally hold or discharge any of the functions of that office.

boni homines : 'good men', presumed to be an early term of art associated with the 12 good men of a Jury.

bother : (v.) to bewilder, to confuse, or from 1745 "give trouble to."

breach : [etymonline] (n.) Old English bryce "a fracture, act of breaking," from Proto-Germanic *brukiz (source also of Old Frisian breke "a burst, crack, demolition (of a house)," Old Saxon bruki, Old High German bruh, Middle Dutch broke), a noun from *brekanan (source of Old English brecan "to shatter, burst; injure, violate, destroy, curtail;" see break (v.)). The English word was influenced by Old French cognate breche "breach, opening, gap," which is from Frankish or another Germanic source. Ultimately from PIE root *bhreg- "to break."

Figurative sense of "infraction, violation, a breaking of rules, etc." was in Old English. Meaning "opening made by breaking" is from late 14c. Meaning "rupture of friendly relations" is from 1570s. Breach of contract is from at least 1660s; breach of peace "violation of public order" is from 1670s; breach of promise (usually promise of marriage) is from 1580s.

breach of contract : A legal cause of action and a type of civil wrong, in which a binding agreement or bargained-for exchange is not honoured by one or more of the parties to the contract by non-performance or interference with the other party's performance.

breach of enclosure : An enclosure is something within which something else is contained, surrounded, or enclosed like a piece of land enclosed by a fence or wall, or one's body enclosed by its skin. If a breach of enclosure occurs it is with the sense of an infraction or that of a violation as an act of breaking, fracturing, making an opening with force, or the crossing of a boundary without right which is a trespass. If somebody without right by his actions causes a foreign object or substance to enter into your body, or into the body of who you consider proper to your person [cf. a child] with or without an instrument designed for the purpose; he has committed a trespass a "breach of enclosure" and can be sued both for the trespass and the harm as a result.

breach of the peace : "There is a breach of the peace whenever harm is actually done or is likely to be done to a person; or in his presence to his property; or a person is in fear of being harmed by way of the threat of assault, an affray, a riot, unlawful assembly or other disturbance." [Tomlins 1835] Offences against the public peace, are either such as are an actual breach of the peace, or constructively so, by aiding or inciting others to breach it. See tit. Peace.

breach of trust : refers to the misconduct of an appointed trustee in carrying out the administration of a trust with reference to the duties and responsibilities as outlined in the "trust instrument" or "deed of trust," and their obligations under the law. A trustee owes a fiduciary duty to the beneficiary of a trust but if he fails, or is delinquent in carrying out these duties can be answerable in an equitable claim for a "breach of fiduciary duty". vide (see) trust

bribe : [etymonline] (n.) late 14c., "thing stolen," from Old French bribe "a gift," properly "bit, piece, hunk; morsel of bread given to beggars" (14c., compare Old French bribeor "vagrant, beggar"), from briber, brimber "to beg," a general Romanic word (compare Spanish briba "vagrancy," Italian birbone "a vagrant"); Gamillscheg marks the French word as Rotwelsch, i.e. thieves' jargon. The whole group is of uncertain origin; old sources suggest it could be Celtic (compare Breton breva, Welsh briwo "to break") and akin to break (v.). Shift of meaning to "gift given to influence corruptly" is by mid-15c. [comment] Hunger might be a motivating factor where a bribe or morsel has been used to compel performance as of the indigent to commit a wrongful act. Also a bribe from the early French alludes to a gift or gifts given in return for unlawful consideration usually favours from those in positions of political influence.

[The Century dictionary @ wordnik.com] The act or practice of giving or taking a bribe, or of influencing or being influenced by a bribe or bribes; especially, the act of paying or receiving, or of agreeing to pay or receive, a reward other than legal compensation for the exercise of official or delegated power irrespective of the dictates of duty, or for a false judgement or testimony, or for the performance of that which is known to be illegal or unjust.

bribery : [etymonline] late 14c., "theft, robbery, swindling, pilfering," from Old French briberie

(see bribe (n.) + -ery). Specifically "act of magistrates taking money for corrupted services" is from 1540s; sense of "offering of a bribe" is from 1560s.

brief : Or statements in brief, are given as arguments in written legal documents presented to a court in support of motions etc.

calumny : "False & malicious misrepresentation of the words or actions of others, calculated to injure their reputation" [Fowler], mid-15c., from Middle French *calomnie* (15c.), from Latin *calumnia* "trickery, subterfuge, misrepresentation, malicious charge," from *calvi* "to trick, deceive," from PIE root *kel- (6) "to deceive, confuse" (source also of Greek *kelein* "to bewitch, seduce, beguile," Gothic *holon* "to deceive," Old Norse *hol* "praise, flattery," Old English *hol* "slander," *holian* "to slander").

capias : [simple: a writ of arrest] A *Capias* in modern terms is a writ or order to bring someone into custody or to keep them in custody ensuring their appearance in court however an early definition from Tomlins 1835 gives a *Capias* as an order or writ taking hold of immovable things, such as lands or tenements, and properly belongs to real actions. Where attachment deals with the taking into custody in lieu of court proceedings where personal effects may also be taken as part of the order.

capital : "of or pertaining to the head," from Old French *capital*, from Latin *capitalis* "of the head," hence "capital, chief, first," from *caput* (genitive *capitis*) "head" (from PIE root *kaput- "head"). Meaning "main, principal, chief, dominant, first in importance" is from early 15c.

capital crime : from the term *capital* originating from Latin *capitalis*, literally "regarding the head"; such that the punishment for a capital crime originally involved severing the head from the body.

capitalize : (adj.) to take advantage of; to use to ones own advantage.

capitis diminutio : (means the diminution of status through the use of capitalisation), In Roman law. A diminishing or abridgement of personality; a loss or curtailment of a man's status or aggregate of legal attributes and qualifications.

capitis diminutio maxima : Means a maximum loss of status through the use of capitalization, e.g. JOHN DOE or DOE JOHN - The highest or most comprehensive loss of status. This occurred when a man's condition was changed from one of freedom to one of bondage, when he became a slave. It swept away with it all rights of citizenship and all family rights. With reference to a *Cestui Que Trust* when a name is written as *capitas diminutio maxima* (in all capital letters) it represents an *ens legis* (creature of the law), or legal fiction, and not the man. A man is clear and distinct in this case from a trust relationship established for a person at birth that has been authored by a governing body with reference to a birth certificate.

capitis diminutio media : (meaning a medium loss of status through the use of capitalization, e.g. John DOE) - A lessor or medium loss of status. This occurred where a man loses his rights of citizenship, but without losing his liberty. It carried away also the family rights.

capitis diminutio minima : (meaning a minimum loss of status through the use of capitalization, e.g. John Doe) - The lowest or least comprehensive degree of loss of status. This occurred where a man's family relations alone were changed. It happened upon the arrogation [pride] of a person who had been his own master [of his own right, not under any legal disability] or upon the emancipation of one who had been under the *patria potestas*. [Parental authority] It left the rights of liberty and citizenship unaltered. See *Inst.* 1, 16, pr.; 1, 2, 3; *Dig.* 4, 5, 11; *Mackeld. Rom.Law*, 144.

capitulate : [etymonline] (v.) 1590s, "to draw up a writing in chapters or articles" (i.e., under "headings"), in part a back-formation from *capitulation* (q.v.), in part from Medieval Latin *capitulatus*, past participle of *capitulare* "to draw up in heads or chapters," hence "arrange conditions," from *capitulum* "chapter," in classical Latin "heading," literally "a little head,"

diminutive of caput (genitive capitis) "head" (from PIE root *kaput- "head").

Often of terms of surrender, and thus it came to mean "to yield to an enemy on stipulated terms" (1680s). Related: Capitulated; capitulating. Compare chapter.

capricious : 1590s, "humorous;" c. 1600, "apt to change the mind suddenly, fickle," from French capricieux "whimsical" (16c.), from Italian capriccioso, from capriccio (see caprice). Related: Capriciously; capriciousness.

care : [etymonline] (n.) Old English caru, cearu "sorrow, anxiety, grief," also "burdens of mind; serious mental attention," in late Old English also "concern, anxiety caused by apprehension of evil or the weight of many burdens," from Proto-Germanic *karō "lament; grief, care" (source also of Old Saxon kara "sorrow;" Old High German chara "wail, lament;" Gothic kara "sorrow, trouble, care;" German Karfreitag "Good Friday;" see care (v.)).

carnage : [etymonline] (n.) "great destruction by bloody violence, massacre," c. 1600, from French carnage (16c.), from Old Italian carnaggio "slaughter, murder," from Medieval Latin carnaticum "flesh," from Latin carnaticum "slaughter of animals," from carnem (nominative caro) "flesh," originally "a piece of flesh" (from PIE root *sker- (1) "to cut"). In English it has been always used more often with regard to the slaughter of men than of beasts. Southey (1795) tried to make a verb of it.

carnal knowledge : comes from 'carnal' c. 1400, "physical, human, mortal," from Old French carnal and directly from Latin carnalis "fleshly, of the flesh," and relates to the physical feelings and wants of the body + 'knowledge' that which is Familiarity, awareness, or understanding having been gained through experience or study. The term relates in a legal sense to sexual intercourse constituting only slight sexual penetration of female genitalia, It is legally significant in that it is a necessary legal characteristic or element of rape, child molestation, or consensual sexual relations with a girl below the age of consent ("statutory rape") which in New South Wales is 16 yrs old.

causation : is the "causal relationship between conduct and its result" That is to say that causation provides a means of connecting conduct with a resulting effect, typically an injury. In criminal law, it is defined as the actus reus (an action) from which the specific injury or other effect arose and is combined with mens rea (a state of mind) to comprise the elements of guilt. Causation is only applicable where a crime has been carried out and therefore is immaterial with regard to inchoate offences.

cause of action : a cause of action is a set of facts sufficient to justify a right to sue to obtain money, property, or the enforcement of a right against another party.[1] The term also refers to the legal theory upon which a plaintiff brings suit (such as breach of contract, battery, or false imprisonment).

caveat : [etymonline] "warning, hint of caution," 1550s, Latin, literally "let him beware," 3rd person singular present subjunctive of cavere "to beware, take heed, watch, guard against," from PIE root *keu- "to see, observe, perceive." Legal sense "public warning preventing some action" is from 1650s. [comment] a caveat in law is usually a warning in the form of a notice served prior to an action being taken.

caveat emptor : Latin; let the buyer beware. If one enters a contract not having been careful to check its terms, or what one is actually buying; then this mistake is not grounds to make void such a contract.

cease : [etymonline] (n.) c. 1300, cesen, "to stop moving, acting, or speaking; come to an end," from Old French cesser "to come to an end, stop, cease; give up, desist," from Latin cessare "to cease, go slow, give over, leave off, be idle," frequentative of cedere (past participle cessus) "go away, withdraw, yield" (from PIE root *ked- "to go, yield"). Transitive sense "put a stop to," now rare, is from late 14c. Related: Ceased; ceasing. Old English in this sense had geswican, blinnan.

cede : To yield or formally surrender to another

certify : mid-14c., "to declare the truth of," also "to vouch for or confirm" (an official record, etc.), from Old French certifier "make certain, witness the truth of" (12c.), from Late Latin certificare "to certify, to make certain," from Latin certus "fixed, sure" (see certain) + root of facere "to make, do" (from PIE root *dhe- "to set, put"). Also used in Middle English in broader senses of "inform, give notice to; instruct, to direct; to designate." Related: Certified; certifying.

[comment] a notary will certify that documents have been signed before them at a certain time and place by including their signature, something they are prepared to verify in open court if necessary; however, this does not attest to the veracity of statements made on the documents. Again when a baby is born the doctors and nurses will sign the record of live birth, or birth registration papers to certify what they have seen, and if necessary is something they are prepared to subsequently verify (*vide verify*) in open court. Without the signing party present to verify what has occurred; the truth cannot be established. (*vide affidavit*)

certificate of acknowledgement : is a deed (an evidence/certificate) under notary seal acknowledging the grant of real estate by way of a grant deed, or warranty deed, and with an accompanying certificate of authority identifying the notary; is filed with a register of deeds or similar public records office so as to make complete the title of ownership to real estate in [common law](#).

cestui qui : [French, He or she who.] The person for whom a benefit exists.

A cestui que trust is a person for whose benefit a trust is created; a beneficiary. Although legal title of the trust is vested in the trustee, the cestui que trust is the beneficiary who is entitled to all benefits from the trust.

A cestui que use is an archaic term of Property Law that describes one who has a beneficial interest in land held by someone else. Title and possession as well as the duty to defend the land is held by another, but the cestui que use has the right to rents, profits, and other benefits from the land.

A cestui que vie is the person whose life is used to measure various things, such as the duration of a trust, a gift, or an insurance contract. It can also be used to mean the person upon whose life a policy of life insurance is drawn.

ceteris paribus : Modern Latin, literally "holding other things constant", or "other things being equal" and is a phrase often used in economics when describing the cause and effect associated with inflation or other economic indicators; *all things being equal*.

censure : [etymonline] 1580s, "to judge, adjudge" (now obsolete); 1590s, "to criticize adversely, find fault with and condemn," [comment] To offer judgement or an opinion in finding fault as an expression of condemnation where such condemnation by example can come by way of an arbitrary whim rather than what is based on fact that makes no allowance for minor indiscretions set against the general tenor of life.

charge : [etymonline] c. 1200, "a load, a weight," from Old French charge "load, burden; imposition," from chargier "to load, to burden," from Late Latin carricare "to load a wagon or cart," from Latin carrus "two-wheeled wagon" (see car). A doublet of cargo. [comment] In a legal sense a charge is a responsibility or burden the result of a written accusation by the police in a criminal complaint. A charge has to be supported by verifiable testimony under oath or affirmation. If there is no man or woman willing to give testimony as such; the man against who the charge has been made should 'require' the 'discharge' of the case in its entirety. Also to impose a burden, obligation, or lien; to create a claim against property, to claim, to demand, to accuse, to instruct a jury in regard to acting upon matters according to the Law. Tazadaq gives the definition (to impose a duty, a responsibility or an obligation upon). see also the words discharge and dismiss

chain of custody : Chain of custody, in legal contexts, refers to the chronological documentation or, showing the seizure, custody, control, transfer, analysis, and disposition of physical or

electronic evidence.

character evidence : character evidence is a term used in the law of evidence to describe any testimony or document submitted for the purpose of proving that a person acted in a particular way on a particular occasion based on the character or disposition of that person. [comment] You can draw certain conclusions from the character of a person that might be well founded but do these conclusions actually prove or disprove guilt. Unless there is a third party impartial witness as to what is alleged to have happened, at [common law](#) conclusions drawn with regard to a persons character could only be expected to carry the same weight as statements made in brief or in argument by an attorney, where they are not facts before the court and therefore insufficient for the basis of a conviction or motion before the court.

charter : For the purposes of government a charter is a written document or constitution outlining its functions and organisation; and seen also in terms of a state holding an obligation under a social contract/covenant to secure and protect the property and rights of the people, and or its citizens. Though a state or country maybe chartered; this transfers no right to control or govern the people directly; who themselves are self governing and who's will is to determine through representation the direction of a country as a whole. [etymonline] "formal written instrument bestowing privileges and rights, serving as legal evidence of them," c. 1200, from Old French chartre (12c.) "charter, letter, document, covenant," from Latin chartula/cartula, literally "little paper," diminutive of charta/carta "paper, document" (see chart (n.)). Meaning "aircraft hired for a particular purpose" is from 1922.

child : The history of the word child goes back to late 12c and in a general sense meant "a young person before the onset of puberty;" however in the phrase "with child" (*pregnant*) from Old English cild "fetus, infant, unborn or newly born person," the word was used in a sense closer to its original meaning. Under the family law act 1975 in Part VII, a *child* includes (see includes) an adopted child and a stillborn child; where Subdivision D of Division 1 of Part VII affects the situations in which a child is a child of a person, or is a child of a marriage or other relationship.

[comment] because of the intertwining nature of how a child is defined under statute and for the purposes of [common law](#) when concerning one's rights; a child should be referred to as one's property (see property), and unless there is distinction; in comparison only i.e. [cf. child]. Without seeking to abrogate what the act sets out to achieve; any court that makes use of its application that has the power to fine and imprison for contempt; by default; becomes subject to the court of Queens Bench ([common law](#)) and as such where there is a trespass concerning the robbery, or the theft of one's property a man should file a claim for the *restoration* of property with reference to an exhibit i.e. a photograph of that which a man claims is proper to his person. *vide agency*

children : modern plural of child (q.v.); where the same rules apply in terms of using the word in comparison only as far as rights and a trespass are concerned.

church : [Genesis2 church] A group of people called out with a common purpose. [etymonline] Old English cirice, circe "church, public place of worship; Christians collectively,"

choice of law : [wikipedia] is a procedural stage in the litigation of a case involving the conflict of laws when it is necessary to reconcile the differences between the laws of different legal jurisdictions, such as sovereign states, federated states (as in the US), or provinces. The outcome of this process is potentially to require the courts of one jurisdiction to apply the law of a different jurisdiction in lawsuits arising from say family law, a tort, or a contract. The law which is applied is sometimes referred to as the "proper law." Dépeçage is an issue within choice of law. see proper law

chose : is a French term meaning "thing" the use of which has evolved in English [Common Law](#) when referring to rights in intangible property, or the right of enforcement over intangible property that can only be achieved or enforced by action and not by the physical taking of the thing e.g. a cash balance at a bank or money due on a bond.

chronology : The arrangement of events or dates in the order of their occurrence., A list which has a chronological arrangement. From the greek khrono "time."

circumscribe : [etymonline] (v.) late 14c., "to encompass; confine, restrain, mark out bounds or limits for," from Latin *circumscribere* "to make a circle around, encircle, draw a line around; limit, restrain, confine, set the boundaries of," from *circum* "around, round about" (see *circum-*) + *scribere* "to write" (from PIE root **skribh-* "to cut"). Related: *Circumscribed*; *circumscribing*.

circumspect : [etymonline] (adj.) "cautious, wary," literally "looking about on all sides," early 15c., from Latin *circumspectus* "deliberate, guarded, well-considered," past participle of *circumspicere* "look around, take heed," from *circum* "around, round about" (see *circum-*) + *specere* "to look" (from PIE root **spek-* "to observe"). Related: *Circumspectly*; *circumspectness*.

citizen : In legalese, citizens are defined as "persons" being "corporations" but also given as the member of a family. As a citizen we have a duty first to our families. From Latin; **a person of a society or family, a title with duties, obligations and allegiances to a Country.** [comment] Karl lentz makes the point that the status of a Citizen can be availed of for our benefit. However, he goes on to say that should maintaining the status of a Citizen become an encumbrance, causing harm, as a matter of right the accompanying benefits can be waived. Choosing instead to maintain standing as a man until such time being a Citizen would reflect a true allegiance to the Country, or to the family to which we belong.

civics : Is the science of government and the study of the rights, duties, and responsibilities that accompany citizenship. Civics have previously been taught in schools until the 1950's and though the study of civics addresses rights under a constitution; it is the study of inherent rights that provide for the greater level of autonomy and self government intended by Magna Carta. Where a constitution creates a framework and limitations upon the function of government; it is the wishes and/or the will of the people that govern a nation. [Bill Thornton] gives civics as the study of rights; and goes on to make the distinction between the rights granted citizens under the United States Constitution, and those of the people who are considered sovereign and whose rights are inherent.

civil : (adj.) from Latin *civilis* "pertaining to a citizen, or to public life; polite." also from French *civis*, "member of a community, citizen."

claim : Lawful claims (see *lawful*): the word draws its origins from the 13th century and [common law](#) meaning to "to demand recognition of a right." or "to call out, ask, or demand by authority and by right". Only a man can make a claim as the prosecutor in his own case; and never by taking on the role of a pro se', litigant, plaintiff, or counter claimant; all terms of art given for persons in legal/civil proceedings. It must be noted the term pro se' refers to a part time litigant given the legal entitlement to practice law subject to the same restrictions and deficiencies as that of a practising lawyer. When a man makes a claim he does so with respect to his rights (a subset of his property) with regard to a trespass being the wrongful cause of harm, injury or loss ie. the man AB; acting in the capacity as a police-officer; did interfere with my right to... A man will make a claim about a Wrongdoer, or about a Wrongful [in]action, which is distinct from a "counter claim" a legalese term that diminishes a claim if made without distinction. A 'claim' is more powerful and will nullify a 'complaint' a claim is based on Property and a Wrong. It is also given as a verifiable written statement issued by a man in vindication of his rights that states the wrongful act and compensation due.

Legal claims: there are many and varied types of legal claims relating to industrial relations disputes and the like all of which are prosecuted having regard for legislative rules and acts.

clean hands : Clean hands, sometimes called the clean hands doctrine or the dirty hands doctrine, is an equitable defense in which the defendant argues that the plaintiff is not entitled to obtain an equitable remedy because the plaintiff is acting unethically or has acted in bad faith with respect to the subject of the complaint.

coerce : (v.) from Latin *coercere* "to control, restrain, shut up together", and from mid-15c., *cohercen*, "restrain or constrain by force of law or authority".

coercion : [etymonline] (n.) from Latin *coerctionem* "compulsion, forcible constraint" and from *coercere* "to control, restrain" [wikipedia] is the practice of forcing another party to act in an involuntary manner by use of threats or force. In another sense William Blackstone uses the word when speaking about courts of inferior jurisdiction being subject to "*the discretionary coercion of his majesty's court of king's bench*" an important distinction worthy of further consideration.

cognate : [etymonline] 1640s, "*allied by blood, connected or related by birth, of the same parentage, descended from a common ancestor,*" from Latin *cognatus* "of common descent" (source also of Spanish *cognado*, Italian *cognato*), from assimilated form of *com* "together" (see *co-*) + *gnatus*, past participle of *gnasci*, older form of *nasci* "to be born" (from PIE root **gene-* "give birth, beget").

Of things, "related in origin, traceable to the same source," by 1640s; specifically of words, "coming from the same root or original word but showing differences due to subsequent separate phonetic development," by 1782; of languages, "from the same original language," by 1799. French, Spanish, and Italian are cognate languages (all essentially descended from Latin) but are not cognate with Latin. English *cognate*, Spanish *cognado* and Italian *cognato* are cognate words from Latin *cognatus*. English *brother*, Sanskrit *bhrtr-*, Greek *phratr*, Latin *frater*, Russian *brat* are cognate words from the PIE root **bhrater*. Words that are cognates are more like cousins than siblings; they develop in different languages.

Related: *Cognatic*; *cognition* (late 14c. in English as "blood-relationship, kinship"); *cognateness*. As a noun, "one connected to another by ties of kinship," from 1754.

cognatio : family, relationship, relatives, blood relationship, affinity, kinship, connection by birth.

cognizance : [etymonline] (n.) mid-14c., *conisance*, the alternative spelling "*cognisance*," being a "device or mark by which something or someone is known," from Anglo-French *conysance* "recognition," later, "knowledge," from Old French *conoissance* "acquaintance, recognition; knowledge, wisdom" (Modern French *connaissance*), from past participle of *conoistre* "to know," from Latin *cognoscere* "to get to know, recognize," from assimilated form of *com* "together" (see *co-*) + *gnoscere* "to know," from PIE root **gno-* "to know."

Meaning "knowledge by observation or notice, understanding, information" is from c. 1400. In law, "the exercise of jurisdiction, the right to try a case" (mid-15c.). Meaning "acknowledgement, admission" is from 1560s. The -g- was restored in English spelling 15c. and has gradually affected the pronunciation, which was always "con-." The old pronunciation lingered longest in legal use.

cohort : [etymonline] (n.) early 15c., "company of soldiers, band of warriors," from Middle French *cohorte* (14c.) and directly from Latin *cohortem* (nominative *cohors*) "enclosure," with meaning extended to "infantry company" in the Roman army through the notion of "enclosed group, *retinue*;" from assimilated form of *com* "with" (see *co-*) + a root akin to *hortus* "garden," from PIE **ghr-ti-*, from PIE root **gher-* (1) "to grasp, enclose."

Sense of "accomplice" is first recorded 1952, American English, from meaning "group united in common cause" (1719). In demographics, "group of persons having a common statistical characteristic" (originally being born in the same year), 1944.

collateral estoppel : is an "English [Common Law](https://legaldictionary.net/collateral-estoppel/)" rule or doctrine that precludes the re-litigation of points of law or of fact in one case that had been previously established in another with the same or related parties. (see <https://legaldictionary.net/collateral-estoppel/>).

colorable claim : A plausible legal claim. In other words, a claim strong enough to have a reasonable chance of being valid if the legal basis is generally correct and the facts can be proven

in court. The claim need not actually result in a win.

command : From Old French *commander* "to order, enjoin, entrust" (12c.), from Vulgar Latin **commandare*, from Latin *commendare* "to recommend, entrust to" (see commend); altered by influence of Latin *mandare* "to commit, entrust". Commands are given to soldiers, the members of a Police Force, or others representing government organisations. A man can be asked to do something but cannot be commanded; he can accept and carry out the wishes of another man; but is due fare and just compensation as a result. If compelled to perform under duress, or by way of words or actions he would fear to disregard he is again due fare and just compensation for the declared wrongs.

commensurate : [google] corresponding in size or degree; in proportion. eg. "a salary will be given commensurate with age and experience." [etymonline] (adj.) 1640s, "corresponding in amount, degree, or magnitude," also "of equal size" (on the notion of "having the same boundaries"), from Late Latin *commensuratus*, from Latin *com* "with, together" (see com-) + Late Latin *mensuratus*, past participle of *mensurare* "to measure," from Latin *mensura* "a measuring, a measurement; thing to measure by," from *mensus*, past participle of *metiri* "to measure," from PIE root **me-* (2) "to measure." Meaning "reducible to a common measure, commensurable" is from 1680s. Related: Commensurately.

committal proceedings : Committal proceedings are held to determine whether, in the case of more serious criminal offences, there is sufficient evidence to require the defendant to stand trial. Committal proceedings are generally held before a magistrate, who hears evidence from the prosecution which is recorded and can be used at the trial.

common-law action : A lawsuit governed by the general principles of law derived from court decisions, as opposed to the provisions of statutes. Actions *ex contractu*, arising out of the breach of a contract, and actions *ex delicto*; based upon the commission of a tort: are common-law actions. Common-Law actions are prosecuted on a system of established case law based on the Latin term *stare decisis* meaning : "to stand by things decided". However there is a dichotomy between the outcome of such a system one presumes as [common law](#) that establishes a *legal framework* based on the outcome of previous cases; where these cases are often prosecuted before a single judge, and what has been lawfully determined by a Jury independent of a Judge or magistrate as a matter of right. Where such actions are only a type and shadow extended to lawyers that make up for a deficiency in not being able to prosecute a claim as would a man.

common-law contract : These are contracts that deal with substance in terms of value. For example in terms of Silver & Gold "I will give you 10 pieces of silver if you give me 6 pieces of Gold" etc. The prerequisites for [Common Law](#) Contracts are simple in that contracts must be entered into 1) knowingly, 2) Voluntarily, and 3) Intentionally. Beyond this lies ambiguity that could be quantified as incorporating for example the element of deception immediately nullifying the contract or compelling performance as decided by a Jury.

commorant : The act of ordinarily residing, or inhabiting, but not necessarily permanently; possibly with a sense of transience.

community : [etymonline] (n.) late 14c., "a number of people associated together by the fact of residence in the same locality," also "the common people" (not the rulers or the clergy), from Old French *comunité* "community, commonness, everybody" (Modern French *communauté*), from Latin *communitatem* (nominative *communitas*) "community, society, fellowship, friendly intercourse; courtesy, condescension, affability," from *communis* "common, public, general, shared by all or many" (see common (adj.)).

commutation : Modification, exchange, or substitution. Commutation is the replacement of a greater amount by something lesser. To commute periodic payments means to substitute a single payment for a number of payments, or to come to a "lump sum" settlement. In Criminal Law, commutation is the substitution of a lesser punishment for a greater one. Contrasted with clemency, which is an act of grace eliminating a sentence or punishment, commutation is the

modification or reduction of a punishment. The change from consecutive prison sentences to concurrent sentences is a commutation of punishment.

compel : [etymonline] (v.) "to drive or urge irresistibly by physical or moral force," mid-14c., from Old French *compellir* and directly from Latin *compellere* "to drive together, drive to one place" (of cattle), "to force or compel" (of persons), from *com* "with, together" (see *com-*) + *pellere* "to drive" (from PIE root **pel-* (5) "to thrust, strike, drive"). Related: Compelled; compelling.

compensation : [etymonline] late 14c., "action of compensating," from Latin *compensationem* (nominative *compensatio*) "a weighing one thing against another, a balancing," noun of action from past participle stem of *compensare* "to weigh one thing (against another)," thus, "to counterbalance," from *com* "with, together" (see *com-*) + *pensare*, frequentative of *pendere* "to hang, cause to hang; weigh; pay" (from PIE root *(*s*)*pen-* "to draw, stretch, spin").

Meaning "what is given in recompense" is from c. 1600; meaning "amends for loss or damages" is from 1804; meaning "salary, wages" is attested from 1787, American English. The psychological sense is from 1914.

When a man agrees to provide goods and or services to another man it is always for fair and just compensation.

competent : [etymonline] (adj.) late 14c., "suitable, answering all requirements, sufficient, adequate," from Old French *competent* "sufficient, appropriate, suitable," and directly from Latin *competentem* (nominative *competens*), present participle of *competere* "coincide, agree" (see *compete*). It preserves the classical Latin sense of the verb, whereas the meaning in *compete* is a post-classical evolution. Meaning "able, fit, having ability or capacity" is from 1640s. Legal sense "having legal capacity or qualification" is late 15c. Related: Competently.

competency : [Karl Lentz ep9 50:00] *Infers standing, or qualification; i.e. where because a person is deemed to be competent with regard to subject matter; by default that person becomes subject to the jurisdiction of that court. Essentially by being deemed competent; the persons of the court then have the capacity to control a person with respect to the rules for that court. It is preferable to have some understanding of various jurisdictions that may operate; however, it is better to be incompetent with regard to the rules and practices of the bar. In a common law court a Lawyer or Barrister will have no standing because they cannot give a first hand account as to facts and evidence where required; as such in these cases they are also deemed to be incompetent.*

[etymonline] 1590s, "sufficiency to satisfy the wants of life," from Latin *competentia* "meeting together, agreement, symmetry," from *competens*, present participle of *competere* (see *compete*). Meaning "sufficiency of qualification" is recorded from 1797.

complaint : Broadly complaints are an avenue for the state to bring criminal charges against a person or persons, and for the prosecution of a civil wrong called a tort against a defendant relating to loss or harm in legal proceedings. Complaints are legal in nature and handled for the most part by lawyers. For complaints to be properly prosecuted at a minimum two elements have to be satisfied: firstly there has to be damages, and secondly there has to be an injured party. A complaint has to be verifiable; that is to say a plaintiff must appear to press the record where required to do so under oath or affirmation. If there is no plaintiff or injured party there is no case. In New South Wales complaints are civil matters and criminal matters are handled by the filing of an information but are essentially of the same nature as that of complaints filed in all common law jurisdictions. For contrast with common law a complaint is a legal action differing from the claim of a man that is a matter of right, and for this reason complaints are prosecuted from a position of deficiency in the sense they are prosecuted by a fictional entity like a government agency where no man is willing to take the stand under full liability.

In the circumstances that a man knows a complaint relating to criminal charges has been brought against him erroneously. At a committal hearing or arraignment and depending on the

seriousness and nature of the charges; if you are asked to make a plea of guilty, or not guilty to an offence, a notice should be tendered to the court humbly accepting that there may be a controversy but that you require to know the nature of the party in whom the court seeks (*whether he is a man or a fiction*). It should be further stated that you can only assume there is a verifiable claim before the court for harm, injury, or loss as a result of your actions or in actions. You should then require in the notice a seventy two hour stay so as to settle with the man or woman making the claim and if you are unable to settle; that the matter be decided before a Jury on your return, or require the discharge of the case in its entirety.

complete : (adj.) late 14c., "having no deficiency, wanting no part or element; perfect in kind or quality; finished, ended, concluded," from Old French *complet* "full," or directly from Latin *completus*, past participle of *complere* "to fill up, complete the number of (a legion, etc.)," transferred to "fulfill, finish (a task)," from *com-*, here probably as an intensive prefix (see *com-*), + *plere* "to fill" (from PIE root **pele-* (1) "to fill").

complicity : [etymonline] (n.) 1650s, from French *complicité*, from Old French *complice* "accomplice, comrade, companion" (14c.), from Late Latin *complicem*, accusative of *complex* "partner, confederate," from Latin *complicare* "to fold together" (see *complicate*; also compare *accomplice*). [wordnik: wikitionary] The state of being complicit; involvement as a partner or accomplice, especially in a crime or other wrongdoing.

comply : (v) Acting in accordance with, Based on old Vulgar (Common) Latin; to (Adj) "to complete" or "to fulfil", 16th Century meaning "to consent". Ultimately to fulfil or to complete the wishes, requests, demands, requirements, and conditions of who we have agreed to consent to. If one is asked to comply, the answer should be *"I shall comply with your wishes but only after determining it is lawful for me to do so, but you do understand I will require fair and just compensation in return where I will tender a true bill on the completion of said orders."*

compound a felony : Is said of a prosecutor or victim that accepts some type of consideration or anything of value as part of an agreement to not prosecute a case.

comprehend : mid-14c., "to understand, take into the mind, grasp by understanding," late 14c., "to take in, include;" from Latin *comprehendere* "to take together, to unite; include; seize" (of catching fire or the arrest of criminals); also "to comprehend, perceive" (to seize or take in the mind), from *com* "with, together," here probably "completely" (see *com-*) + *prehendere* "to catch hold of, seize," from *prae-* "before" (see *pre-*) + *-hendere*, from PIE root **ghend-* "to seize, take." Related: *Comprehended*; *comprehending*. Compare sense development in German *begreifen*, literally "to seize," but, through the writings of the 14c. mystics, "to seize with the mind, to comprehend."

compulsory process : Ratified under the 6th amendment to the US Constitution it is the method employed by defendants whereby a person required as a witness is forced to appear before a court hearing the proceeding, or whereby the production of evidence can be compelled from the prosecution before trial in a civil or criminal action. At trial it is only the defence that can make use of compulsory process where the witness in question is compelled to appear by the issuance of a subpoena or bench warrant. The rights of defendants are legally determined through the due process clause under such doctrines as the fundamental fairness, and the inherent right of defence doctrines; as such the powers of a defendant to properly demonstrate his case have certain legal constraints. In these cases one should file a concurrent claim whereby a man has the opportunity to fully exhaust the inherent right to demonstrate his case in a proper manner before a trial by jury.

concatenate : [etymonline] (v.) "to link together, unite in a series or chain," 1590s, from Late Latin *concatenatus*, past participle of *concatenare* "to link together," from *com* "with, together" (see *con-*) + *catenare*, from *catena* "a chain" (see *chain* (n.)). Related: *Concatenated*; *concatenating*. As an adjective, *concatenate* "linked together" is attested from 1540s.

concession : [etymonline] mid-15c., "act of granting or yielding" (especially in argumentation),

from Old French concession (14c.) or directly from Latin concessionem (nominative concessio) "an allowing, conceding," noun of action from past participle stem of concedere "to give way, yield," figuratively "agree, consent, give precedence," from con-, here probably an intensive prefix (see con-), + cedere "to go, grant, give way" (from PIE root *ked- "to go, yield").

From 1610s as "the thing or point yielded." Meaning "property granted by government" is from 1650s. Sense of "grant of privilege by a government to individuals to engage in some enterprise" is from 1856, from a sense in French. Hence the meaning "grant or lease of a small part of a property for some specified purpose" (1897), the sense in concession stand "snack bar, refreshment stand."

consilia : plural of "consilium" meaning "advice." A consilium was a doctor's written text in response to a particular case, where the malady had been determined; in the consilium the medical doctor identified the disease and prescribed the appropriate treatment. The accumulation of consilia circulated in manuscript began, for the first time in Europe, to lay down a corpus of medical practice, case-by-case.

condescend : [etymonline] (v.) mid-14c., of God, a king., etc., "make gracious allowance" for human frailty, etc.; late 14c., "yield deferentially," from Old French condescendere (14c.) "to agree, consent, give in, yield, come down from one's rights or claims," and directly from Late Latin condescendere "to let oneself down, stoop," in Medieval Latin "be complaisant or compliant," from assimilated form of Latin com "with, together" (see con-) + descendere "to descend," literally "climb down," from de "down" (see de-) + scandere "to climb," from PIE root *skand- "jump" (see scan (v.)).

condescension : [etymonline] (n.) 1640s, "the act of condescending, a voluntary inclining to equality with inferiors," from Late Latin condescensionem, noun of action from past-participle stem of condescendere "to let oneself down" (see condescend).

confirm : mid-13c., confirmyn, confermen "to ratify, sanction, make valid by a legal act," from Old French confermer (13c., Modern French confirmer) "strengthen, establish, consolidate; affirm by proof or evidence; anoint (a king)," from Latin confirmare "make firm, strengthen, establish," from assimilated form of com "together," but here perhaps an intensive prefix (see con-), + firmare "to strengthen," from firmus "strong, steadfast" (from suffixed form of PIE root *dher- "to hold firmly, support").

From mid-14c. as "make firm or more firm, add strength to;" late 14c. as "make certain or sure, give an assurance of truth, verify." Related: Confirmative; confirmatory.

congruent : early 15c., "suitable, proper, harmoniously joined or related," from Latin congruentem (nominative congruens) "agreeing, fit, suitable," present participle of congruere "agree, correspond with," literally "to come together,"

conjecture : [etymonline] (n.) late 14c., "interpretation of signs, dreams, and omens," also "a supposing, a surmising," from Old French conjecture "surmise, guess," or directly from Latin coniectura "conclusion, interpretation, guess, inference," literally "a casting together (of facts, etc.)," from coniectus, past participle of conicere "to throw together," from assimilated form of com "together" (see con-) + iacere "to throw" (from PIE root *ye- "to throw, impel"). (v.) early 15c., "infer, predict, form (an opinion or notion) upon probabilities or slight evidence," from conjecture (n.) or from verbs in Medieval Latin and Old French. Middle English also had parallel forms coniecte (n.), coniecten (v.). Related: Conjectured; conjecturing.

Sense of "an unverified supposition" is from 1520s; that of "act of forming of opinion without proof" is from 1530s.

connivance : With respect to the law it is the intentional failure or forbearance (patience) in failing to uncover a fault or wrongdoing; and the voluntary oversight; passive consent, or cooperation in so doing. It is also the corrupt or guilty assent to wrongdoing, not involving the

actual participation in, but knowledge of, and failure to prevent or oppose it. The act of conniving, tacitly permitting, or indirectly aiding; collusion by withholding condemnation or exposure; tacit or implied encouragement, especially of wrong-doing. Also the tacit encouragement or assent (without participation) to wrongdoing by another.

[etymonline] 1590s, from Latin *conniventia*, from *conniventem* (nominative *connivens*), present participle of *connivere* "to wink," hence, "to wink at (a crime), be secretly privy" (see *connive*). Spelling with -a- prevailed after early 18c. but is unetymological.

consent : (v.) early 13c., from Old French *consentir* (12c.) "agree, comply," from Latin *consentire* "feel together," from *com-* "with" (see *com-*) + *sentire* "to feel" (see *sense* (n.)). "Feeling together," hence, "agreeing, giving permission," apparently a sense evolution that took place in French before the word reached English. Related: *Consented*; *consenting*. (n) c. 1300, "approval," also "agreement in sentiment, harmony," from Old French *consente*, from *consentir* (see *consent* (v.)). Age of *consent* is attested from 1809.

consolation : [etymonline] late 14c., "that which consoles;" c. 1400, "act of consoling, alleviation of misery or distress of mind, mitigation of grief or anxiety," from Old French *consolacion* "solace, comfort; delight, pleasure" (11c., Modern French *consolation*), from Latin *consolationem* (nominative *consolatio*) "a consoling, comfort," noun of action from past-participle stem of *consolari* "offer solace, encouragement, comfort, or cheer," from assimilated form of *com-*, here probably an intensive prefix (see *com-*), + *solari* "to comfort" (see *solace*). *Consolation prize* is recorded by 1853.

conspire : [etymonline] (v.) late 14c., "aspire or plan maliciously, agree together to commit a criminal or reprehensible act," from Old French *conspirer* (14c.), from Latin *conspirare* "to agree, unite, plot," literally "to breathe together," from assimilated form of *com* "with, together" (see *con-*) + *spirare* "to breathe" (see *spirit* (n.)), perhaps on the notion of "to agree (by spoken oath) to commit a bad act." Or perhaps the notion is "to blow together" musical instruments, i.e., "to sound in unison."

conspiracy : [etymonline] from Latin *conspirationem* (nominative *conspiratio*) "agreement, union, unanimity," noun of action from past-participle stem of *conspirare* "to agree, unite, plot," literally "to breathe together". [comment] A conspiracy is distinct from a 'conspiracy theory' in that with objective circumstances supported by facts it is considered the plotting of evil, or unlawful design for an evil purpose amongst a group of individuals who have agreed to unite with a common cause. Where a *conspiracy theory* may only be based on presumptions, or perceptions; founded, or unfounded that a conspiracy exists; a conspiracy can be established as the truth.

contemporaneous : existing at or occurring in the same period of time "Pythagoras was contemporaneous with Buddha".

contingent : open to the possibility of chance or free will.

contradiction : late 14c., from Old French *contradiction* or directly from Latin *contradictionem* (nominative *contradictio*) "a reply, objection, counterargument," noun of action from past participle stem of *contradicere*, in classical Latin *contra dicere* "to speak against," from *contra* "against" (see *contra*) + *dicere* "to say, speak" (see *diction*).

contributory negligence : a doctrine of English [Common Law](#) that if a person was injured in part due to his/her own negligence (his/her negligence "contributed" to the accident), the injured party would not be entitled to collect any damages (money) from another party who supposedly caused the accident. Under this rule, a badly injured person who was only slightly negligent might be precluded from damages against a negligent defendant. If Joe Tossopot was speeding while drunk and heading in the direction of Angela Comfort who was driving at 25 m.p.h. but had crossed six inches over the center-line, most likely Angela would be precluded from the recovery of damages (receiving any money for injuries or damages) in a resultant car crash. The possible unfair results have led some juries to ignore the rule and, in the past few decades, most states have adopted a comparative negligence test in which the relative percentages of negligence by

each person are used to determine damage recovery (how much money would be paid to the injured person.)

controversy : "disputation, debate, prolonged agitation of contrary opinions," late 14c., from Old French *controversie* "quarrel, disagreement" or directly from Latin *controversia* "a turning against; contention, quarrel, dispute," from *controversus* "turned in an opposite direction, disputed, turned against," from *contra* "against" (see *contra* (prep., adv.)) + *versus* "turned toward or against," past participle of *vertere* "to turn" (from PIE root **wer-* (2) "to turn, bend").

conclude to the country : relying on a pleading in a court case and providing no verifiable evidence or facts to back up that pleading, one might then "conclude to the country" where you place your faith in the hands and at the discretion of a Jury.

consign : To give over to the care of another; entrust. To give, transfer, deliver, or commit, in a formal manner, as if by signing over into the possession of another, or into a different state, with the sense of fixedness in that state, or permanence of possession. To send or address (by bill of lading or otherwise) to an agent or correspondent in another place, to be cared for or sold, or for the use of such correspondent.

continuance : The adjournment or postponement of an action pending in a court to a later date of the same or another session of the court, granted by a court in response to a motion made by a party to a lawsuit. It is also the entry into the trial record of the adjournment of a case for the purpose of formally evidencing it.

Courts, by virtue of their authority to hear and determine cases, have inherent discretionary power to grant or deny continuances, subject to restrictions imposed by statute. Continuances are granted when necessary to avert a miscarriage of justice but will be denied if sought merely for the purpose of delay. Criminal defendants are entitled to a Speedy Trial unless good cause justifies a continuance of the action.

collateral : (adj) *lat* *collateralis*. From *Latus*, a side; that which is sideways, or indirect. (n.) 16c., "colleague, associate," from *collateral* (adj.). Meaning "thing given as security" is from 1832, American English, from phrase *collateral security* (1720).

collateral attack : An attempt to impeach or overturn a judgment rendered in a judicial proceeding, made in a proceeding other than within the original action or an appeal from it. A defendant may make a collateral attack on a judgment entered against him or her in some instances. If a default judgement is entered against the person, he or she may collaterally attack the authority of the issuing court to render it void, claiming that there was a lack of Personal Jurisdiction.

Similarly, if a man leaves his wife and moves to another state where he obtains a Divorce that contains no support provisions for the woman, she may directly attack the judgement by appealing it in the state where it was entered or initiate a collateral attack by bringing her own divorce action in her state of residence.

A collateral attack may also be made upon a judicial proceeding in a single state.

collusion : [etymonline] (n.) "secret agreement for fraudulent or harmful purposes," late 14c., from Old French *collusion* and directly from Latin *collusionem* (nominative *collusio*) "act of colluding," from *colludere*, from assimilated form of *com* "with, together" (see *com-*) + *ludere* "to play" (see *ludicrous*). "The notion of fraud or underhandedness is essential to collusion" [Fowler]. [comment] Can be seen as a coming together to play that has been extended over time to indicate the coming together of two or more parties for nefarious or fraudulent purposes; ie. they colluded and were part of a large conspiracy to overthrow a sitting President.

color of law : Refers to an appearance of legal power to act but which may operate in violation of law. For example, though a police officer acts with the "color of law" (the apparent authority to arrest someone), if such an arrest is made without probable cause, or without regard for due process; the arrest may be legally classed as false imprisonment, or in terms of the [common law](#) an unlawful act of trespass.

comity : [etymonline] early 15c., "association," from French comité, from Latin comitas "courtesy, friendliness, kindness, affability," from comis "courteous, friendly, kind," perhaps from PIE *ko(m)smi-, literally "smiling with," from *kom- "together" + root *smei- "to laugh, smile" (see smile (v.)).

Meaning "courtesy, civility" in English is from 1540s. Phrase comity of nations attested from 1812: "The obligation recognized by civilized nations to respect each other's laws and usages as far as their separate interests allow."

confusion : [etymonline] c. 1300, confusioun, "overthrow, ruin," from Old French confusion "disorder, confusion, shame" (11c.) and directly from Latin confusionem (nominative confusio) "a mingling, mixing, blending; confusion, disorder," noun of action from past-participle stem of confundere "to pour together," also "to confuse" (see confound).

Meaning "act of mingling together two or more things or notions properly separate" is from mid-14c. Sense of "a putting to shame, perturbation of the mind" (a sort of mental "overthrow") is from c. 1400 in English, while that of "mental perplexity, state of having indistinct ideas" is from 1590s. Meaning "state of being mixed together," literally or figuratively, "a disorderly mingling" is from late 14c.

conversion : Conversion is the destruction or alteration by the wrongful use of the property of another without right, or a defendant's use of the property of another for his own purposes without right while under his care custody and control. In an action for conversion, the taking of property may be lawful, but the retaining of it unlawful. To succeed in the action, the plaintiff must prove that he or she made a demand for the return of property but the defendant refused to do so. Conversion is a modern form of the old-fashioned action called trover. Damages may be recovered for the replacement value of the property as well as for the loss of its use. Conversion is very similar to theft, but is a civil action, not a criminal action. For example, when a mechanic wrongfully refuses to return a car brought in for repairs, the mechanic may be subject to an action for conversion. In terms of [criminal law](#) the closest one might come to conversion is constructive larceny where a person borrowed an item from somebody else with no intention of ever giving it back, where the term "constructive" in [criminal law](#) means "interpreted as."

correspondence : [etymonline] (n.) early 15c., "congruence, resemblance, harmony, agreement," from Medieval Latin correspondentia, from correspondentem (nominative correspondens), present participle of correspondere "correspond, harmonize, reciprocate," from assimilated form of com "together, with (each other)" (see com-) + respondere "to answer" (see respond). Sense of "communication by letters" is first attested 1640s; that of "the letters which pass between correspondents" is from 1771.

corporal : (adj.) "of or belonging to the body," late 14c., from Old French corporal (12c., Modern French corporel) "of the body, physical, strong," from Latin corporalis "pertaining to the body," from corpus (genitive corporis) "body" (from PIE root *kwrep- "body, form, appearance"). Corporal punishment "punishment of the body" (as opposed to fine or loss of rank or privilege) is from 1580s. Related: Corporality. (n.)

corporation : An artificial body, created by law, composed of individuals united under a common name, the members of which succeed each other, so that the body continues always the same, notwithstanding the change of the individuals who compose it, the limit of whose existence, powers and liabilities is fixed by the act of incorporation, usually called it "charter". A public corporation generally exists for political purposes only. (Black's Law Dictionary #1 1891)

corporeal : 1610s, "of a material or physical nature, not mental or spiritual," with adjectival suffix -al (1) + Latin corporeus "of the nature of a body," from corpus "body" (living or dead), from PIE *kwrpes, from root *kwrep- "body, form, appearance." Meaning "relating to a material body or physical thing" is from 1660s. Related: Corporeality, corporeally.

corpus juris secundum : An encyclopaedia of United States Law at the State and Federal Level's. Translated from Latin Corpus Juris means "Body of the Law" with Secundum indicating the 2nd edition after the first was released from between 1914 - 1937. The name is derived from the 6th Century Corpus Juris Civilis

correction : [Bouviers] punishment. Chastisement by one having authority of a person who has committed some offence, for the purpose of bringing him to legal subjection. [Blacks law 5th edition] Discipline, treatment and rehabilitation of offenders through confinement, parole, probation, counselling, etc. see also correctional system.

corroborative witness : A corroborating witness is a witness whose testimony supports or confirms testimony that is already given. For example, if "A" has approached the court to grant a divorce, s/he must bring to the hearing a witness who can corroborate the grounds for divorce stated by "A".

commerce : from Latin commercium = com "with, together" + merx (genitive, mercis) "merchandise"; meaning "trade, trafficking" and generally understood as being the interchange of goods or property on a large scale between countries or different parts of the same country. The verb commerce means "to have dealings with" and comes from the 1590's.

commission : [etymonline] mid-14c., "authority entrusted to someone," from Latin commissionem (nominative commissio) "delegation of business" noun of action from past participle stem of committere (see commit). Meaning "body of persons charged with authority" is from late 15c.

concurrence : In general means a coming, or flowing together. In law concurrence is described in terms of mens rea (criminal mind or intent) and actus reus (criminal act) with regard to proving liability which must occur at the same time—that is, the criminal intent must precede or coexist with the criminal act, or in some way activate the act. The necessary mens rea may not continually be present until the forbidden act is committed, as long as it activated the conduct that produced the criminal act. However, for criminal liability to occur, there must be either overt and voluntary action or a failure to act when physically able as required by statute or law.

concurrent sentence : When a criminal defendant is convicted of two or more crimes, a judge sentences the defendant to a certain period of time for each crime. Sentences that may all be served at the same time, with the longest period controlling, are concurrent sentences. This could also be seen in terms of a consecutive sentence, being the addition of time imposed for each offence, as opposed to a concurrent sentence where the body of the sentence imposed represents each separate offence as being part of a whole usually indicated by the longest period imposed. [comment] The Judge having discretionary power in cases of concurrent sentences makes sense but only on the advice of a Jury.

conditional acceptance : A conditional acceptance, sometimes called a qualified acceptance, occurs when a person to whom an offer has been made tells the offer-er that he or she is willing to agree to the offer provided that some changes are made in its terms or that some condition or event occurs. This type of acceptance operates as a counteroffer. A counter offer must be accepted by the original offerer before a contract can be established between the parties. Another type of conditional acceptance occurs when a drawee promises to pay a draft upon the fulfilment of a condition, such as a shipment of goods reaching its destination on the date specified in the contract.

conflate : To bring or mix different elements or things together and fuse them into a single entity. Etymonline gives 1540s, from Latin conflat-, past participle stem of conflare "to blow up, kindle, light; bring together, compose," also "to melt together," literally "to blow together," from com "with, together" (see com-) + flare "to blow" (from PIE root *bhle- "to blow").

conjecture : [common law mini dictionary] From late 14th century French, "interpretation of signs and omens", "surmise, guess" or directly from Latin "conclusion, interpretation, guess, inference," "to throw together," Sense of "forming of opinion without proof" is 1530's, [sic].

[etymonline] (n.) late 14c., "interpretation of signs, dreams, and omens," also "a supposing, a surmising," from Old French conjecture "surmise, guess," or directly from Latin coniectura "conclusion, interpretation, guess, inference," literally "a casting together (of facts, etc.)," from coniectus, past participle of conicere "to throw together," from assimilated form of com "together" (see con-) + iacere "to throw" (from PIE root *ye- "to throw, impel"). [sic]

[etymonline] (v.) early 15c., "infer, predict, form (an opinion or notion) upon probabilities or slight evidence," from conjecture (n.) or from verbs in Medieval Latin and Old French. Middle English had also the parallel forms conjecte (n.), conjecten (v.). Related: Conjectured; conjecturing.

Sense of "an unverified supposition" is from 1520s; that of "act of forming of opinion without proof" is from 1530s. [sic]

consign : To give over to the care of another; entrust. To give, transfer, deliver, or commit, in a formal manner, as if by signing over into the possession of another, or into a different state, with the sense of fixedness in that state, or permanence of possession. To send or address (by bill of lading or otherwise) to an agent or correspondent in another place, to be cared for or sold, or for the use of such correspondent.

conceal : early 14c., concelen, "to keep close or secret, forbear to divulge," from Old French conceler "to hide, conceal, dissimulate," from Latin concealare "to hide," from con-, here probably an intensive prefix (see con-), + celare "to hide," from PIE root *kel- (1) "to cover, conceal, save." From early 15c. as "to hide or shield from observation." Replaced Old English deagan. Related: Concealed; concealing; concealable.

consent : c. 1300, "agree, give assent; yield when one has the right, power, or will to oppose," from Old French consentir "agree; comply" (12c.) and directly from Latin consentire "agree, accord," literally "feel together," from assimilated form of com "with, together" (see con-) + sentire "to feel" (see sense (n.)).

"Feeling together," hence, "agreeing, giving permission," a sense evolution that apparently took place in French before the word reached English.

consequent : [etymonline] (adj.) early 15c., "conclusive, logical," also "following as an effect or result," from Old French consequent "following, resulting" and directly from Latin consequentem (nominative consequens) "following, consequent," present participle of consequi "to follow after," from assimilated form of com "with, together" (see con-) + sequi "to follow" (from PIE root *sekw- (1) "to follow"). Related: Consequently.

consonance : Accord or agreement of sounds produced simultaneously, as a note with its third, fifth, and eighth. Agreement or congruity; harmony; accord; consistency; suitableness. Friendship; concord.

constructive : In [criminal law](#) means "interpreted as"; That which exists, not in fact, but as a result of the operation of law. That which takes on a character as a consequence of the way it is treated by a rule or policy of law, as opposed to its actual character. i.e. constructive knowledge is notice of a fact that a person is presumed by law to have, regardless of whether he or she actually does, since such knowledge is obtainable by the exercise of reasonable care.

[comment] Constructive knowledge In layman's terms is where someone may have found themselves guilty of an offence despite not being implicated as such; by virtue of knowledge it is *interpreted* they should have been aware of. However, the term *constructive* in law can also be used to describe something that comes about in one sense by virtue of another sense e.g. *constructive possession*: a case where somebody may have been given the key to a safety deposit box for safe keeping, and though they are not in direct possession of the contents of the box; are said to have *constructive possession* of it's contents by virtue of having control over it. An easy method to help understanding any law term that uses constructive as a prefix is to replace it

with "*interpreted as*" e.g. interpreted as possession, or interpreted as custody.

constructive custody : custody of a person (as a parolee) who is not under immediate physical control but whose freedom is controlled or restrained by a legal authority.

constructive desertion : The end of marital cohabitation brought about when one spouse, by his or her conduct, forces the other to leave. Constructive desertion takes place when a husband or wife intentionally forces the innocent spouse to leave the marital dwelling by acting in an offensive manner. The misconduct must be so extensive as to make marital relations insufferable. Authority is divided on what constitutes justification for leaving the marital abode. The narrow view is that only conduct that would be grounds for Divorce is adequate. In application of this view, cruelty, nonsupport, adultery, or other divorce grounds must be proved before the innocence of the fleeing spouse can be established. Stringent requirements limit the doctrine; in some states a mere unjustified refusal to have sexual relations with one's spouse for a certain length of time constitutes constructive desertion. Similarly, if one spouse communicates venereal disease to the mate, this might constitute constructive desertion. The prolonged nagging or drunkenness of a spouse is not ordinarily viewed as misconduct that would justify marital dissolution based upon constructive desertion.

constructive trust : Is a trust by interpretation, and described by Jaclene D'Agostino (Farrellfritz attorneys) as an amorphous doctrine not limited to a rigid definition because it requires flexibility in its application. She goes on to say a constructive trust "has been famously described as a remedy applicable to 'whatever knavery human ingenuity can invent'" (In re Alpert, 9 Misc 3d at *7 [Sur Ct, New York County 2005], quoting Bogert, Trusts and Trustees Sec. 471 at 29 [2d ed rev]). It is generally used in cases of unjust enrichment with regards to property; however, no innocent donee, or recipient is precluded from such an action; as no wrongful act is necessary to find for unjust enrichment that warrants the imposition of a constructive trust. [comment] In criminal proceedings a constructive trust is formed by the tacit consent of a defendant that provides a mechanism for the transfer of fines and penalties to the state. In this trust relationship the defendant or *cestui qui vie* (an abbreviated french term literally meaning, "The person for whose benefit the feoffment was made.") is misdirected to assume the role of a trustee: the one liable for settling the account. And though there is some ambiguity about who assumes the role of the state the prosecutor in this case will assume the role of beneficiary; solely for the transfer of the defendants property, and the role of the Settler or Grantor by default is assumed by the Judge on behalf of the State.

contemplate : only a man has the power of contemplation. [etymonline] (v.) 1590s, "reflect upon, ponder, study, view mentally, meditate," from Latin *contemplatus*, past participle of *contemplari* "to gaze attentively, observe; consider, contemplate," originally "to mark out a space for observation" (as an augur does), from assimilated form of *com-*, here probably an intensive prefix (see *com-*), + *templum* "area for the taking of auguries" (see temple (n.1)).

From c. 1600 as "to view or observe with continued attention." From 1816 as "to intend, have in view as a future act." Related: Contemplated; contemplating. see also *peruse*.

continuance : The adjournment or postponement of an action pending in a court to a later date of the same or another session of the court, granted by a court in response to a motion made by a party to a lawsuit. Also the entry into the trial record of the adjournment of a case for the purpose of formally evidencing it.

contrite : [etymonline] (adj.) "*broken in spirit by a sense of guilt, conscience-stricken and resolved to not sin again,*" c. 1300, from Old French *contrit* (12c.) and directly from Latin *contritus*, literally "worn out, ground to pieces," in Late Latin "penitent," past participle of *conterere* "to grind," from assimilated form of *com* "with, together" (see *con-*) + *terere* "to rub" (from PIE root **tere-* (1) "to rub, turn").

Used in Church Latin in a figurative sense of "crushed in spirit by a sense of sin." Related: Contritely.

contumacious : Stubbornly disobedient. Legal contexts are one area where you might encounter this fancy word for "rebellious" or "insubordinate" - and the link between contumacious and the law goes back to Latin. The Latin adjective *contumax* means "rebellious," or, in specific cases, "showing contempt of court." Contumacious is related to *contumely*, meaning "harsh language or treatment arising from haughtiness and contempt." Both contumacious and contumely are thought to ultimately come from the Latin verb *tumēre*, meaning "to swell" or "to be proud."

conveyance : [dictionary.reference.com] The transfer of property from one person to another, and the instrument or document which gives effect to this transfer. [etymonline] mid-15c., "act of conveying," from convey + -ance. Meaning "document by which something is legally conveyed" is from 1570s; sense "means of transportation" is attested from 1590s. Related: Conveyanced; conveyancing.

conviction : [common law mini dictionary] is a belief, then you can be Wrong and found guilty, [sic]. [etymonline] mid-15c., "the proving or finding of guilt of an offense charged," from Late Latin *convictionem* (nominative *convictio*) "proof, refutation," noun of action from past-participle stem of *convincere* "to overcome decisively," from *com-*, here perhaps an intensive prefix (see *com-*), + *vincere* "to conquer" (from nasalized form of PIE root **weik-* (3) "to fight, conquer").

Meaning "mental state of being convinced or fully persuaded" is from 1690s; that of "firm belief, a belief held as proven" is from 1841. In a religious sense, "state of being convinced one has acted in opposition to conscience, admonition of the conscience," from 1670s.

[comment] When a jury renders a verdict in a criminal trial it leads to a "conviction" where the person has been found guilty, or an acquittal i.e. where the person has been absolved of the charges.

copyright : (n.) "the exclusive right to make and sell copies of an intellectual production," 1729, from copy (v.) + right (n.). As a verb, "to secure a copyright of," from 1806 (implied in past-participle adjective *copyrighted*). Lawfully a man can claim a right to the ownership of an idea as one's property, but whether this right is upheld as law before his peers is not for one man to determine; especially given that such ideas can be of greater benefit to a community than a single man's right to claim them as his own.

corpus delicti : (Latin: "body of the crime"; plural: *corpora delicti*) is a term from Western jurisprudence referring to the principle that a crime must have been proven to have occurred before a person can be convicted of committing that crime.

coram : In the presence of; before. *Coram nobis*, before us; *coram vobis*, before you; *coram non iudice*, is said of those acts of a court that have no jurisdiction, either over the person, the cause, or the process, or can be simply expressed as "Not before a Judge", "In the presence of no Jurisdiction", or outside the proper Jurisdiction to which it reports.

court : Much as anciently a King on his throne held court attended by courtiers employed in carrying out his lawful decrees and orders. Bill Thornton gives a *court* as *the person and the suit of the sovereign*; that is any man or woman being one of the people who makes a lawful claim before the court of Queen's Bench. For those prosecuting a claim in a sovereign capacity, as distinct from the plaintiff in a civil complaint, the court becomes a stage where a man will present his case so as to justify to the world the lawfulness of his cause and the compensation he believes he is due.

A court is distinct from the physical court house, where at this venue numerous jurisdictions operate; each considered a court in its own right. In terms of the [common law](#); a claim is made concurrent with a criminal complaint where you are no longer the defendant in the statutory case, but the prosecutor of your own claim from the court of Queen's Bench; where because of the nature of the parties; an unverifiable complaint is nullified by virtue of there being no man to testify under oath or affirmation to that which is true as relating to harm, injury, or loss.

A formal legal meeting in which evidence about crimes, disagreements, etc., is presented to a judge and often a jury so that decisions can be made according to the law. [Dean Clifford] gives holding court as Administrative Process, as would be the case where you are pulled over by Police regarding a Road Transport Act or statute etc. Extending this concept further holding court can be seen as any interaction that may be considered in terms of making a contract or agreement expressed or implied on any level, from this perspective the importance of the correct use of words and knowing their meaning comes into play.

court alternatives history : refers to a record kept in lieu of a criminal record for young offenders dealt with under the Young offenders act in NSW. Such records may be disclosed to the investigator, the DPP and the Children's Court when considering whether to deal with other offences under the YOA in the future (s. 66). Once the child has reached the age of 21 any records relating to a warning are destroyed and in the case of a caution all evidence including finger prints, palm prints, and photographs in connection with an offence for which a caution is given also has to be destroyed.

court of record : A court of record only moves by the course of the [common law](#), however matters pertaining to that of inferior jurisdictions such as for traffic or summary related offences that require the power to fine and imprison are also heard in the same courts. The redress of any errors with regard to the mal-administration of justice in these lower courts lie to the court of King or Queens Bench. A court of record generally has five elements.

1. Keeps a Record of the proceedings
2. Does not move according to legislative rules and acts, but proceeds so as to determine the truth and law as a matter of right by the law of the land, or by the course of the '[common law](#)'.
3. Has the power to fine and imprison for contempt.
4. Generally has an optional Seal.
5. The Tribunal is independent of the Magistrate (Judge)
for a reference see "forest eyre".

covenant : [etymonline] (n.) c. 1300, covenaut, "mutual compact to do or not do something, a contract," from Old French covenant, convenant "agreement, pact, promise" (12c.), originally present participle of *covenir* "agree, meet," from Latin *convenire* "**come together, unite; be suitable, agree,**" from *com-* "together" (see *com-*) + *venire* "to come," from a suffixed form of PIE root **gwa-* "to go, come."

In law, "a promise made by deed" (late 14c.). Applied in Scripture to God's arrangements with man as a translation of Latin *testamentum*, Greek *diatheke*, both rendering Hebrew *berith* (though *testament* also is used for the same word in different places). Meaning "solemn agreement between members of a church" is from 1630s; specifically those of the Scottish Presbyterians in 1638 and 1643 (see *covenanter*).

covert : [etymonline] (adj.) "**hidden, private, secret, concealed,**" c. 1300, from Old French *covert* (Modern French *couvert*) "hidden, obscure, underhanded," literally "covered," past participle of *covrir* "to cover" (see *cover* (v.)). Related: *Covertly*.

covin : Fraud, deception. A collusive agreement between two or more persons to prejudice a third.

credere : to trust or to believe.

crime : [Blackstones commentaries Book 4] : Of Public wrongs; gives a crime as follows "A CRIME, or misdemeanour (summary offence, AU), is an act committed, or omitted, in violation of a public law, either forbidding or commanding it.

criminal law : The body of law required to be supported by the elements of *mens rea* (criminal intent) and *actus reus* (guilty act) that is enacted by a legislature as statutes and administered by

the executive branch of a governing body. [wikipedia] see https://en.wikipedia.org/wiki/Criminal_law. Only a defendant can be found guilty of a crime and in such cases you are charged with a crime and there are no damages and no injured party; you should make the prosecuting attorney aware you intend to prosecute your own lawful claim with regard to the common right, or [common law](#).

curia : Court, house, the senate. What is commonly known as curia regis, is the "court of the King" or "the King's court." [etymonline] (n.) c. 1600, one of the ten divisions of each of the three ancient Roman tribes; also "the Senate-house of Rome," from Latin curia "court," perhaps from *co-wiria "community of men" (from PIE root *wi-ro- "man"). The sense was transferred to the papal court (by 1825). Related: Curial.

curia regis : Latin "royal council" or "kings court". Two forms of curia regis were created by William the conqueror in 1066 the first; the lesser form (lesser *curia regis*) was an itinerant court that followed the king, and the greater named the *Magnum concilium* or (Great Council) which was only held at certain times throughout the year and consisted of the Kings court, ranking members of the church, and wealthy land owners.

currency : (n.) Money, or medium of exchange that is not necessarily; though, generally understood to be in the form of circulating legal tender within the economy of a country i.e. paper notes and coins.

[etymonline] 1650s, "condition of flowing," a sense now rare or obsolete, from Latin currens, present participle of currere "to run" (from PIE root *kers- "to run"). The notion of "state or fact of flowing from person to person" led to the senses "continuity in public knowledge" (1722) and "that which is current as a medium of exchange, money" (1729).

custody : [etymonline] mid-15c., "a keeping, a guarding, safe-keeping, protection, defense," from Latin custodia "guarding, watching, keeping," as in having custodial care; also "prison," from custos (genitive custodis) "guardian, keeper, protector," from PIE root *(s)keu- "to cover, conceal." Meaning "restraint of liberty, confinement" is from 1580s.

damages : [lawright.org.au] Damages are a concept in English [Common Law](#) i.e. A sum of money awarded by the courts for the purpose of replacing the monetary value of property or rights which have been lost or damaged, or to cover expenses, loss, pain and suffering relating to a victim's injury or death.

Additionally damages are a form of compensation. Compensation is a broader concept which encompasses, for example, money awarded under statutory schemes. On the other hand, damages are usually ordered by the court in actions for breach of contract or in tort (that is, a wrong or breach of duty).

In terms of the [common law](#) a man or woman will not *seek damages*; rather, require in an order either fair and just compensation, or the restoration of property.

de facto : In Latin, this translates to "in fact, or in reality". This is used to describe practices that exist in reality even if not strictly legally recognised e.g. a def facto governor might be considered to be the lawful or rightfully elected governor; however, is not legally justified as such, where that legal right or justification may have been taken away by an act of perfidy etc...

debauch : [etymonline] 1590s, "to entice, seduce, lead astray" (from allegiance, family, etc.), from Middle French débaucher "entice from work or duty," from Old French desbaucher "to lead astray," a word of uncertain origin.

Supposedly it is literally "to trim (wood) to make a beam" (from bauch "beam," from Frankish balk or some other Germanic source akin to English balk (n.)). The notion of "shaving" something away, perhaps, but the root is also said to be a word meaning "workshop," which gets toward the notion of "to lure someone off the job;" either way the sense of evolution is unclear.

The more specific meaning "seduce from virtue or morality, corrupt the morals or principles of" is from c. 1600, especially "to corrupt with lewdness, seduce sexually," usually in reference to women. Intransitive sense "indulge in excess in sensual enjoyment" is from 1640s. As a noun, "a bout of excessive sensual pleasure," c. 1600.

debt : The word for debt in German is "schuld" which is synonymous with the words guilt, fault, blame, liability and trespasses. When addressing a bill of charges if there is no debt there is no guilt, fault, blame, or liability.

[etymonline] c. 1300, dette, "anything owed or due from one man to another, a liability or obligation to pay or render something to another," from Old French dete, from Latin debitum "thing owed," neuter past participle of debere "to owe," originally, "keep something away from someone," from de "away" (see de-) + habere "to have" (from PIE root *ghabh- "to give or receive").

In terms of the [common law](#) the veracity of a debt can only be established with a verifiable true bill. That is somebody has to be willing to testify in open court under oath or affirmation that the bill tendered is true, that it is owed, and that it is post due. If the debt relates to a contract as long as there is a remedy still available; until all administrative remedies on the private side have been exhausted nobody can be compelled to perform. [Karl Lentz] If the offer tendered to settle a debt is dishonoured the debt is no longer due. A man cannot be harmed and if the offer he makes is all that he is able to pay he cannot be compelled to do that which would cause him harm.

https://www.youtube.com/watch?v=Rr_GyxZCMpM [ep2 @1:18:10].

[Tomlins] The legal acceptance of debt is a sum of money due by a certain and express agreement: as, by bond for a determinate sum; a bill, or note; a special bargain; or rent reserved on a lease; where the quantity is fixed and specific, and does not depend upon any subsequent valuation to settle it. The non payment of these is an injury, for which the proper remedy is by action of debt (F.N.B 119.) to compel the performance of the contract, and recover the specific sum due.

Legally a claim for the recovery of a debt in NSW is initiated by a Statement of Claim filed with the Court Registry that has jurisdiction over the matter and the amount owed will dictate in which court the matter will be heard i.e. the Local Court determines matters up to \$100,000 that fall into the Small claims Division relating to amounts up to \$10,000, and the General Division over this amount up to \$100,000. The District Court determines matters up to \$750,000, and anything higher will be determined in the Supreme Court.

After receiving a Judgement it can be enforced with a writ for the Delivery of Goods, or a writ for the Levy of Property; or when involving a cash sum a Garnishee Order can be used to take money from a Judgement Debtor's Bank Account, wages, or from those who owe the person money.

<https://www.gotocourt.com.au/civil-law/nsw/debt-recovery/>

debtor : [Karl Lentz] One who is indebted to another, and until the debt is payed such a man is without rights; a slave metaphorically to the man who is his creditor/master. Fictitious entities such as banks, corporations, and government departments are without the innate capacity to utter, or to state anything under oath or affirmation. If any man makes the claim you owe a debt; he is claiming you are without rights; where in such cases you would require the tender of a verifiable true bill stating that the bill is true, that it is owed, and that it is now post due.

[etymonline] c. 1200, dettur, dettour, "one who owes or is indebted to another for goods, money, or services," from Anglo-French detour, Old French detor and directly from Latin debitor "a debtor," from past-participle stem of debere "to owe," originally, "keep something away from someone," from de "away" (see de-) + habere "to have" (from PIE root *ghabh- "to give or receive"). The -b- was restored in later French, and in English c. 1560-c. 1660. The KJV has detter three times, debter three times, debtor twice and debtour once.

deceptive : [etymonline] (adj.) "tending to mislead or give false impression," 1610s, from French

deceptif (late 14c.), from Medieval Latin *deceptivus*, from *decept-*, past participle stem of Latin *decipere* "to ensnare, take in, beguile, cheat," from *de* "from" or pejorative (see *de-*) + *capere* "to take," from PIE root **kap-* "to grasp." i.e. from its earliest definition "to take" or "to take from;" however, most would understand *deceptive* to mean "to ensnare, take in, beguile, cheat," or to be misleading or to be the giving of a false impression.

deceive : c. 1300, from Old French *decevoir* "to deceive" (12c., Modern French *décevoir*), from Latin *decipere* "to ensnare, take in, beguile, cheat," from *de-* "from" or pejorative + *capere* "to take," from PIE root **kap-* "to grasp." Related: Deceived; deceiver; deceiving. [comment] to take from by an act of deception.

deceptive practices & fraud : relate broadly to companies or institutions that engage in deception or fraud on unwitting clients in an industry they are well trained in. Examples are securities fraud, credit card fraud, auto dealer fraud, health care fraud, mortgage fraud, telemarketing schemes, and advertising scams. [wikipedia] Its equivalent in Australian law is the *doctrine of misleading or deceptive conduct*. Section 18 of the Australian Consumer Law,[1] which is found in schedule 2 of the *Competition and Consumer Act 2010*, prohibits conduct by corporations in trade or commerce which is misleading or deceptive or is likely to mislead or deceive.

declaration : it is a clear disclosure, announcement, explanation, statement, or exposition. From past-participle stem of *declarare* "make clear, reveal, disclose, announce."

declare : [etymonline] mid-14c., *declaren*, "explain, interpret, make clear;" late 14c., "make known by words, state explicitly, proclaim, announce," from Old French *declarer* "explain, elucidate," or directly from Latin *declarare* "make clear, reveal, disclose, announce," from *de-*, here probably an intensive prefix (see *de-*) + *clarare* "to clarify," from *clarus* "clear" (see *clear* (adj.)).

declaratory judgement : Is a judicial opinion that would give a strong indication as to the outcome of a court case without going through the trial process, this opinion or declaratory judgement however is not binding.

decree : [etymonline] (v.) "to order or promulgate with authority," late 14c., *decreen*, from *decree* (n.). Related: Decreed; decreeing. (n.) "special ordinance or regulation promulgated by authority," early 14c., originally ecclesiastical, secular use is by late 14c., from Old French *decre*, variant of *decret* (12c., Modern French *décret*), from Latin *decretum*, neuter of *decretus*, past participle of *decernere* "to decree, decide, pronounce a decision," from *de* (see *de-*) + *cernere* "to separate" (from PIE root **krei-* "to sieve," thus "discriminate, distinguish").

[Bill Thornton] the *decree* of the Sovereign makes law; whereby virtue of Magna Carta a ruling King or Queen upon coronation is granted sovereignty from the people in whom it is vested, whereby each man is able to lawfully decree his own rights, and subsequently the compensation he is due. Citizens on the other hand have no such capacity.

decree nisi : or rule nisi; is taken from the Latin "unless" and is a court order that does not have any force of law unless a certain condition is met. A decree nisi is the divorce decree usually associated with divorce proceedings, where at the end of a specified period a decree absolute is granted unless challenged previously by way of the Queen's proctor in the UK.

decree of nullity : or *annulment* is a declaration a marriage has been void from the beginning based on the deceitful intentions of, or special conditions concerning one party to a marriage at the time vows were given.

deed : (Anciently "an evidence") simply is any legal instrument in writing which passes, affirms, or confirms an interest, right, or property and that is signed, attested, delivered, and in some jurisdictions, sealed. It is commonly associated with transferring title to property. The deed has a greater presumption of validity and is less rebuttable than an instrument signed by the party to

the deed. Deeds include conveyances, commissions, licenses, patents, diplomas and conditionally powers of attorney if executed as deeds. The deed is the modern descendant of the medieval charter, and delivery is thought to symbolically replace the ancient ceremony of livery of seisin.

[Butterworths Australian Legal Dictionary] An instrument that has been signed, sealed, and delivered that passes an interest, right, or property, creates an obligation binding on some person, or is an affirmation or confirmation of something that passes an interest, right, or property: *R v Morton* (1873) LR 2 CCR 22. The form of a deed is laid down by law from time to time: *Manton v Parabolic Pty Ltd* [1985] 2 NSWLR 361. At [common law](#), a deed must be written on parchment, vellum, or paper, and be sealed and delivered. Modern deeds are often less strict in their format, and in some circumstances a document may be treated as a deed if it in fact has the effect of a deed, although there may be formal deficiencies: Corporations Law s 9. Statutes in most Australian jurisdictions modify these formal requirements by adding the requirements of signing and attesting (witnessing) and reducing the requirement of sealing to a mere formality: for example (QLD) Property Law Act 1974 ss 44, 45; (VIC) Property Law Act 1958 ss 57, 73, 73A. The chief elements of a deed are the actual description of the instrument, the date, names of the parties, recitals, *testatum* (for example 'this deed witnesses', or such similar statement) and *testimonium* (execution clause). At [common law](#), deeds are either deed polls or indentures: *Re A & K Holdings Pty Ltd* [1964] VR 257. Consideration is not necessary, although equity will not assist a volunteer with specific performance. See also Bond; Contract; Consideration; Deed Poll; Deed inter partes; Delivery; Execution; Indenture; Instrument under seal; Recital; Sealing; Special contract; Testatum; Testimonium; Volunteer.

default : In general something that happens by default occurs as a result of, or as a matter of course, or is the failure to do something required by law resulting in the default of its provisions. A default judgement is often given in cases where a defendant or party to a case has failed to appear in a legal proceeding. In the United States for example; when a party has failed to file a meaningful response to pleadings within the time allowed, with the result being that only one side of a controversy has been heard, the party who has plead a claim for relief and received no response may request entry of default. In some jurisdictions the court may proceed to enter judgement immediately: others require that the plaintiff file a notice of intent to take the default judgement and serve it on the unresponsive party. If this notice is not opposed, or no adequate justification for the delay or lack of response is presented, then the plaintiff is entitled to judgement in his favour. Such a judgement is referred to as a "default judgement" and, unless otherwise ordered, has the same effect as a judgement entered in a contested case.

degenerate : [etymonline] 1540s, "to lose or suffer impairment to the qualities proper to the race or kind," also figurative, "decay in quality, pass to an inferior state," from Latin degeneratus, past participle of degenerare "to be inferior to one's ancestors, to become unlike one's race or kind, fall or depart from ancestral qualities," used of physical as well as moral qualities, from phrase de genere, from de "off, away from" (see de-) + genus (genitive generis) "birth, descent" (from PIE root *gene- "give birth, beget"). Figurative sense of "to fall off, decline" was in Latin. Related: Degenerated; degenerating.

deign : [etymonline] (v.) c. 1300, deinen, "think worthy, think well of, regard as suited to one's dignity," from Old French deignier (Modern French daigner) and directly from Latin dignari "to deem worthy or fit" (source of Italian degnare, Spanish deñar), from dignus "worthy," from PIE root *dek- "to take, accept." Sense of "take or accept graciously" led to that of "condescend" (1580s), with an infinitive for an object. Related: Deigned; deigning.

delict : "a transgression or offense," causing injury to the person of another whether by fault or maliciously in civil law jurisdictions. For contrast the equivalent of a *delict* under the system of "English [Common Law](#)" would be a *tort*. In civil law, a misdemeanor, 1520s, from Latin delictum "fault, offense, crime," neuter singular of past participle of delinquere "to fail; be wanting, fall short; offend," from de- "completely" (see de-) + linquere "to leave" (from PIE root *leikw- "to leave"). Related: Delictable "criminal, wicked," early 15c. Phrase in flagrant delict translates Latin in flagrante delicto.

[Century Dictionary] Delicts are commonly understood as slighter offenses which do not immediately affect the public peace, but which imply an obligation on the part of the offender to make an atonement to the public by suffering punishment, and also to make reparation for the injury committed the term delinquency has the same signification.

delicto compuesto, delicto complejo : "continued crime, or absorbing crime" Relating to the doctrine of absorption of lesser criminal offences into one greater offence where mens rea (criminal intent) has remained a constant as relating to the greater or principal offence throughout the commissioning of all the stated offences. Another way to describe it is as a rule that requires the imposition of a single penalty for multiple crimes, under which one crime absorbs another if the latter **is inherent in, an element of, or a necessary consequence of the commission of the former**. A crime is considered inherent where its commission is an indispensable means to commit another.

delinquent : According to the early latin definition from delinquere it is **"to fail; be wanting, fall short, or to offend"**. In its modern context it expands on the latin definition to include the failure to pay a debt, or meet an obligation of indebtedness. It can also mean to fail or be neglectful in ones duty, or an offender or transgressor as one who commits a fault or crime; a culprit.

[etymonline] (n.) late 15c., **"one who fails to perform a duty or discharge an obligation,"** also, generally, "an offender against the law," a noun use from Latin delinquentum (nominative delinquens), present participle of delinquere **"to fail; be wanting, fall short; do wrong, transgress, offend,"** from de- "completely" (see de-) + linquere "to leave" (from PIE root *leikw- "to leave"). As an adjective, "failing or neglectful in duty," from c. 1600 in English

[comment] the state of delinquency could be considered as being either remiss or of such a state of mind as to disregard one's obligation under a contract or agreement, or of being not mindful of personal conduct that may give rise to acts of violence or public nuisance.

delude : [etymonline] (v.) "deceive, impose upon, mislead the mind or judgment of," c. 1400, from Latin deludere **"to play false; to mock, deceive,"** from de- "down, to one's detriment" (see de-) + ludere "to play" (see ludicrous). Related: Deluded; deluding.

Mislead means to lead wrong, whether with or without design. Delude always, at least figuratively, implies intention to deceive, and that means are used for that purpose. We may be misled through ignorance and in good faith, but we are deluded by false representations. A person may delude himself. [Century Dictionary]

deliver : [etymonline] (v.) c. 1200, deliveren, "save, rescue, set free, liberate," from Old French deliverer "to set free; remove; save, preserve; hand over (goods)," also used of childbirth, from Late Latin deliberare, from de "away" (see de-) + Latin liberare **"to free,"** from liber "free, unrestricted, unimpeded" (see liberal (adj.)).

The sense of "to bring (a woman) to childbirth," in English is from c. 1300. Sense of "hand over, give, give up, yield" is from c. 1300 in English, which is in opposition to its etymological sense. Meaning "to project, cast, strike, throw" is from c. 1400. Related: Delivered; delivering.

deliver up : i.e. "return," is used more in a legal context. In terms of the [common law](#) when seeking the return of property a man will require the restoration of property communicated in the present tense with possibly an exhibit i.e. a picture.

demand : [legalese] an offer. There are two types of demands; legal demands of which there are many, and lawful demands that carry almost the same weight as that of a claim as a matter of right [etymonline] late 13c., demaunde, "a question," from Old French demande, from demander "to request; to demand" (see demand (v.)). Meaning **"a request, a claim, an asking for by virtue of a right or supposed right to the thing sought,"** also "that which is demanded or required, exaction as a tribute or concession," without reference to right, is from c. 1300. [Bouviers 1897] A claim; a

legal obligation. Lord Coke says, that demand is a term of art of an extent, greater in its signification than any other word except claim. Co. Litt. 291; 2 Hill 220; 9 S. & R. 124; 6 W. & S. 226.

Hence a release of all demands is, in general, a release of all covenants, real and personal, conditions, whether broken or not, annuities, recognizances, obligations, contracts, and the like. 3 Tho. Co. Litt. 427; 3 Penna, 120; 2 Hill, R. 228.

demesne : [Tami Pepperman] "of mine". [etymonline] c. 1300, demeine, demeyne (modern spelling by late 15c.), "power; dominion; control, possession," senses now obsolete, from Anglo-French demesne, demeine, Old French demaine "land held for a lord's own use," from Latin dominicus "belonging to a master," from dominus "lord, master," from domus "house" (from PIE root *dem- "house, household").

demise : conveyance or transfer of property or a title by will or lease. [etymonline] (n.) mid-15c., "transference of property, grant of land for life or a period of years," via Anglo-French from Old French demis, fem. past participle of desmettre "dismiss, put away" (Modern French démettre), from des- "away" (from Latin dis-) + metre "put," from Latin mittere "let go, send" (see mission).

Originally especially "a conveyance of an estate by will or lease," then "transfer of sovereignty," as by the death or deposing of a king (1540s). The sense was transferred to "death" (as the occasion of such a transfer) by 1754, at first especially the death of a sovereign or other important person, but also as a euphemism for "death."

demur : (v.) raise objections or show reluctance; (noun) the action of objecting to or hesitating over something. [etymonline] c. 1200, demuren, "to linger, tarry, delay," a sense now obsolete, from variant stem of Old French demorer "delay, retard," from Latin demorari "to linger, loiter, tarry," from de- (see de-) + morari "to delay," from mora "a pause, delay" (see moratorium).

Modern sense of "raise objections, take exception, have scruples" is by 1630s, from a legal sense attested from the 1620s: "admit provisionally the facts of the opponent's proceeding but deny he is entitled to legal relief," a verb from demurrer. Such a pleading effectively stops the action until the point is settled. Related: Demurred; demurring.

demurrer : the use of a demurrer seeks to object or set aside on legal grounds a pleading despite in some cases the veracity of facts and evidence. [etymonline] (n.) 1530s, "a pause, a delay" (a sense now obsolete); 1540 as legal pleading to the effect that, even conceding the facts to be as alleged by the opponent, he is not entitled to legal relief, from Anglo-French demurrer, Old French demorer "to delay, retard," from Latin demorari "to linger, loiter, tarry," from de- (see de-) + morari "to delay," from mora "a pause, delay" (see moratorium). Transferred sense of "objection raised or exception taken" to anything is by 1590s.

[wikipedia] Typically, the defendant in a case will demur (object) to the complaint, but it is also possible for the plaintiff to demur to an answer. The demurrer challenges the legal sufficiency of a cause of action in a complaint or of an affirmative defense in an answer. If a cause of action in a complaint does not state a cognizable claim (e.g., the claim is nonsense) or if it does not state all the required elements, then the challenged cause of action or possibly the entire complaint can be thrown out (informally speaking) at the demurrer stage as not legally sufficient. A demurrer is typically filed near the beginning of a case in response to the plaintiff filing a complaint or the defendant answering the complaint.

deny : from early 14c "declare to be untrue or untenable" and used with a sense of the word *denial* "to declare something to be untrue"; however the term since the late 14c has been used more in court proceedings with a sense of "refuse, refuse to grant or give," and also "refuse to acknowledge, disavow, disown." Sense of "refuse access to" is from 1660s. Related: Denied; denying.

denunciation : [etymonline] (n.) early 15c., denunciacion, "act of declaring or stating something" (a sense now obsolete), from Latin denunciacionem / denuntiationem (nominative

denuntiatio), noun of action from past-participle stem of denuntiare "to announce, proclaim; denounce, menace; command, order," from de "down" (see de-) + nuntiare "proclaim, announce," from nuntius "messenger" (from PIE root *neu- "to shout"). Meaning "a charge, a solemn or formal declaration accompanied by a menace" is mid-15c.

dépeçage : French for "butchering, skinning, quartering, dismemberment or whaling" [wikipedia] dépeçage is a conflict of laws where different issues within a case may be governed by the laws of different states. In [common law](#) countries dépeçage usually means a single contract which provides that different parts of the contract shall be governed by different laws. In the United States, "depeçage choice of law theory" is where the court considers disagreement among states over which rule of law is applicable to each issue.

departure : In pleading, a departure is said to exist where a party quits or departs from the case or defense which he has first made, and has recourse to another. *warren v Powers*, 5 Conn.373. Where a departure relates to material averments, by way of reason; the court is then entitled to ignore the pleading that constitutes the departure.

deponent : An individual who, under oath or affirmation, gives out-of-court testimony in a deposition. A deponent is someone who gives evidence or acts as a witness. The testimony of a deponent is written and carries the deponent's signature.

deposition : questioning under oath.

derogability : Under human rights law it is the extent to which human rights can be infringed under certain circumstances. Non-derogable rights are those which under no circumstances can the infringement of these rights be entertained i.e. generally the right to life, the freedom from torture, and the freedom from inhuman, or degrading treatment.

derogation : [etymonline] early 15c., derogacioun, "act of impairing an effect in whole or part," from Old French déroçacion (14c.) and directly from Latin derogationem (nominative derogatio) "a partial abrogation (of a law)," noun of action from past-participle stem of derogare "take away, detract from, diminish," from de "away" (see de-) + rogare "ask, question; propose," apparently a figurative use of a PIE verb meaning literally "to stretch out (the hand)," from root *reg- "move in a straight line."

From mid-15c. as "detraction, disparagement;" from 1510s as "act of impairing in merit, reputation, or honor."

dereliction of duty : being derelict in ones duty is through ineptitude, or by the deliberate failure to carry out the duties and responsibilities associated with a job, an appointed office, or commision.

desirable : the legal definition means the terms "may", "can", "should", "preferably", or "prefers" identifying a discretionary item or factor. [etymonline] (adj.) "worthy to be desired, fit to excite a wish to possess," late 14c., from Old French desirable (12c.), from desirrer (see desire (v.)). In Middle English sometimes it meant "desired, hoped for, welcome." Related: Desirably.

desolate : [etymonline] (adj.) mid-14c., of persons, "disconsolate, miserable, overwhelmed with grief, deprived of comfort;" late 14c., of persons, "without companions, solitary, lonely;" also, of places, "uninhabited, abandoned," from Latin desolatus, past participle of desolare "leave alone, desert," from de- "completely" (see de-) + solare "make lonely," from solus "alone" (see sole (adj.)). Related: Desolately; desolateness.

despotic : [etymonline] (adj.) "pertaining to or of the nature of a despot or despotism," 1640s, from French despotique (14c.), from Greek despotikos, from despotēs "absolute ruler" (see despot). By 1734, "unlimited, arbitrary, tyrannical." In 18c. also despotick. Related: Despotical; despotically.

Despotic monarchs sincerely anxious to improve mankind are naturally led to endeavour, by acts of legislation, to force society into the paths which they believe to be good, and such men, acting under such motives, have sometimes been the scourges of mankind. Philip II. and Isabella the Catholic inflicted more suffering in obedience to their consciences than Nero or Domitian in obedience to their lusts. [Lecky, "History of European Morals," 1869]

de son tort : French [of his; or his own wrong] can refer to various roles or positions such as a trustee, or the executor of an estate who is not formally appointed but takes on the role; in some cases, but not always to perpetrate some type of fraud; and where the position requires the person owe a fiduciary duty they cannot assert there is no obligation to carry out these duties, and as such bare full responsibility for the liabilities of the position as if they had been duly appointed.

detainer : a writ authorising the keeper of a prison to continue to hold a person in custody. [etymonline] 1530s, "one who detains," agent noun from detain. As a legal term, "a detaining in one's possession" (what belongs to another), 1610s, from Anglo-French detener, from Old French detenir (noun use of infinitive).

detention : [etymonline] mid-15c., detencioun, "act of keeping back or withholding," from Old French détention (13c.) and directly from Late Latin detentionem (nominative detentio), noun of action from past-participle stem of Latin detinere "hold back, keep off" (see detain).

Sense of "confinement, restraint, state of being detained" is by 1570s (in reference to Mary Queen of Scots). In reference to "a keeping in" as a school punishment, from 1857.

determine : [etymonline] late 14c., determinen, "to settle, decide upon; state definitely; fix the bounds of; limit in time or extent," also "come to a firm decision or definite intention" (to do something), from Old French determiner (12c.) and directly from Latin determinare "to enclose, bound, set limits to," from de "off" (see de-) + terminare "to mark the end or boundary," from terminus "end, limit" (see terminus).

Meaning "render judgment" is from early 15c. Sense of "give direction or tendency to" is from early 15c. Meaning "to find (as the solution of a problem)" is from 1640s. Related: Determined; determining; determiner.

detinet : [Latin; withholds] refers to a common-law action alleging a defendant is withholding money or items owed (as under a contract).

detinue : In tort law, detinue is an action to recover for the wrongful taking of personal property. It is initiated by an individual who claims to have a greater right to their immediate possession than the current possessor.

de jure : Rightful, legitimate, just or constitutional leader without plenary possession of the title; Descriptive of a condition in which there has been total compliance with all requirements of law. Legitimate; lawful; by right and just title.

de novo : "As if New" usually referring to appellate hearings or hearings of review of a lower tribunal where any case brought before such a court is reviewed from scratch. Such hearings are usually to do with "abuse of discretion" of the lower tribunal.

device : *law*. [reference: wordnik.com] A scheme, contrivance, plan, design, invention, artifice, or trick used to deceive or defraud another of his right; specifically, something contrived of for an evil or a selfish purpose; a wrongful project, stratagem, or trick. Synonyms are artifice, wile, ruse, manoeuvre, trick.

diffuse : [etymonline] (v.) 1520s (transitive), "to pour out and spread, cause to flow and spread;" 1650s (intransitive), "spread abroad, scatter in all directions;" from Latin diffusus, past participle of diffundere "to pour out or away," from dis- "apart, in every direction" (see dis-) + fundere "to pour" (from nasalized form of PIE root *gheu- "to pour"). Related: Diffused; diffusing.

(adj.) early 15c., "hard to understand;" also, of writers, "verbose, using many words;" from Latin *diffusus*, past participle of *diffundere* "scatter, pour out," from *dis-* "apart, in every direction" (see *dis-*) + *fundere* "to pour" (from nasalized form of PIE root **gheu-* "to pour"). Meaning "widely spread or diffused, scattered" is from late 15c.

dilate : [etymonline] (v.) late 14c., *dilaten*, "describe at length, speak at length," from Old French *dilater* and directly from Late Latin *dilatare* "make wider, enlarge," from *dis-* "apart" (see *dis-*) + *lātus* "broad, wide, widespread, extended" (see *latitude*). Meaning "expand, distend, spread out, enlarge in all directions" (transitive) is from early 15c.; intransitive sense of "spread out, expand, distend" also is from early 15c. A doublet of *delay*. Related: *Dilated*; *dilating*.

dilatory : [etymonline] (adj.) mid-15c., *dilatorie*, "marked by or given to procrastination or delay, not prompt," from Old French *dilatorie* and directly from Late Latin *dilatorius*, from *dilator* "procrastinator," from *dilatus*, serving as past participle of *differere* "to delay, put off, postpone," from assimilated form of *dis-* "away from" (see *dis-*) + *ferre* "to bear, carry," from PIE root **bher-* (1) "to carry." Meaning "intending to cause delay" is from 1530s. Related: *Dilatorily*; *dilatoriness*.

directed verdict : In a jury trial a directed verdict is an order from the presiding judge directing the jury return a particular verdict and is usually associated with criminal cases brought by the state against a defendant where the evidence presented by the prosecution forms no basis whatsoever expected to return a conviction, so the judge would following a motion from the defence direct the jury to return a verdict of "not guilty". Also a Judge will give directions to a Jury to return a particular verdict where the Jury; within reason; could not possibly be expected to reach a decision to the contrary.

directing a witness : Can being seen as making statements in general or that are posed to a witness that direct the way and form of which an answer is to be received.

discretion : [etymonline] (n.) c. 1300, *dyscrecyounne*, "ability to perceive and understand;" mid-14c., "moral discernment, ability to distinguish right from wrong;" c. 1400, "prudence, sagacity regarding one's conduct," from Old French *discrecion* and directly from Medieval Latin *discretionem* (nominative *discretio*) "discernment, power to make distinctions," in classical Latin "separation, distinction," noun of state from past-participle stem of *discernere* "to separate, distinguish" (see *discern*).

Phrase at (one's) discretion attested from 1570s (earlier in (one's) discretion, late 14c.), from sense of "power to decide or judge, power of acting according to one's own judgment" (late 14c.). The age of discretion (late 14c.) in English law was 14.

disburse : [etymonline] (v.) 1520s, *disbourse*, "pay out or expend money," from Old French *desbourser* "extract (money) from a purse, spend (money)" (13c., Modern French *débourser*), from *des-* (see *dis-*) + *bourse* "purse" (see *bursar*). Related: *Disbursed*; *disbursing*.

discern : (v.) "perceive or recognise the difference or distinction between (two or more things);" also "distinguish (an object) with the eyes, see distinctly, behold;" also "perceive rationally, understand;" late 14c., from Old French *discerner* (13c.) "distinguish (between), separate" (by sifting), and directly from Latin *discernere* "to separate, set apart, divide, distribute; distinguish, perceive," from *dis-* "off, away" (see *dis-*) + *cernere* "distinguish, separate, sift" (from PIE root **krei-* "to sieve," thus "discriminate, distinguish"). Related: *Discerned*;

discernment : is possessing the ability to use ones intellect and senses so as to distinguish, or separate one thing from another, or other things. [etymonline] 1580s, "keenness of intellectual perception, insight, acuteness of judgment;" see *discern* + *-ment*. From 1680s as "act of perceiving by the intellect."

discharge : [Websters 1828] 8 law. To clear from an accusation or crime; to acquit; to absolve; to set free; with of; as, to discharge a man of all blame. [comment] if a criminal case has been

discharged it is at an end for all time unable to be retried, however if it has been dismissed the possibility still exists for the case to be reopened. see dismiss and charge. [etymonline] (v.) early 14c., "to exempt, exonerate, release, free (from an obligation)," from Old French *deschargier* "to unload, discharge" (12c., Modern French *décharger*), from Late Latin *discarricare*, from *dis-* "do the opposite of" (see *dis-*) + *carricare* "to load a wagon or cart," from Latin *carrus* "two-wheeled wagon" (see *car*).

Meaning "to fulfill, to perform (one's duties, etc.);" is from c. 1400. Sense of "dismiss from office or employment" is from c. 1400. Meaning "to unload, to free from, disburden" is late 14c. Of weapons, "send forth by propulsion," transitive, 1550s; "to fire off," intransitive, 1580s. Of a river, "to empty itself," c. 1600. The electrical sense is first attested 1748. Related: Discharged; discharging. [comment] to discharge a debt is to free the debtor of an obligation to pay the debt.

dishonest : [etymonline] (adj.) late 14c., "disgraceful, shameful, without honesty or integrity; unjust, unfair, disposed to deceive or cheat; unmodest, unchaste, not trustworthy" from Old French *deshoneste* (13c., Modern French *déshonnête*) "dishonorable, horrible, indecent," perhaps from a Medieval Latin or Gallo-Roman compound of Latin *dis-* "not" (see *dis-*) + *honestus* "honorable; deserving honor, respectable," from *honus* "honor, dignity, office, reputation," which is of unknown origin. The Latin formation was *dehonestus*. Related: Dishonestly.

dissolution : The decomposition into fragments or parts; disintegration. In terms of the law it is the Annulment or termination of a formal or legal bond, tie, or contract. [etymonline] (n.) mid-14c., "frivolity, moral laxness, dissolute living;" late 14c., *dissolucioun*, "separation into parts, dispersal;" from Old French *dissolution* (12c.) and directly from Latin *dissolutionem* (nominative *dissolutio*) "a dissolving, destroying, interruption, dissolution," noun of action from past-participle stem of *dissolvere* "to loosen up, break apart" (see *dissolve*).

Sense of "act of dissolving, a changing from a solid to a liquid state" is from 1590s. From 1530s as "the breaking up of an assembly or other association." From 1520s as "death," perhaps from the notion of "separation of soul and body." In Australia a "double dissolution" occurs when both the Senate and House of Representatives are at a deadlock over the voting of a proposed bill and/or the amendments thereof leading to the dissolution of both houses and subsequently a federal election.

distinguish : [etymonline] 1560s, "recognize as different or distinct from what is contiguous or similar; perceive, make out," from Middle French *distinguiss-*, stem of *distinguer*, or directly from Latin *distinguere* "to separate between, keep separate, mark off, distinguish," perhaps literally "separate by pricking," (with reference to marks placed in old parchment as punctuation) from assimilated form of *dis-* "apart" (see *dis-*) + *-stingere* "to prick" (compare *extinguish* and Latin *instingere* "to incite, impel").

distraint : the seizure and holding of property taken by distress in order to compel performance usually by way of payment or reparation for a debt.

distress : (n.) late 13c., "circumstance that causes anxiety or hardship," from Old French *destresse* (Modern French *détresse*), from Vulgar Latin **districtia* "restraint, affliction, narrowness, distress," from Latin *districtus*, past participle of *distringere* "draw apart, hinder," also, in Medieval Latin "compel, coerce," from *dis-* "apart" (see *dis-*) + *stringere* "draw tight, press together" (see *strain* (v.)). Meaning "anguish; grief; pain or suffering of the body or mind" is from c. 1300. (v.) late 14c., *distressen*, "constrain or compel by pain, suffering, or other circumstances; harass," from Old French *destresser* "restrain, constrain; afflict, distress," from Vulgar Latin **districtiare* "restraint, affliction, narrowness, distress," from Latin *districtus*, past participle of *distringere* "draw apart, hinder," also, in Medieval Latin "compel, coerce," from *dis-* "apart" (see *dis-*) + *stringere* "draw tight, press together" (see *strain* (v.)). From c. 1400 as "afflict with mental or physical pain, make miserable." From early 15c. as "to damage;" specifically "damage a piece of furniture to make it appear older (and thus more valuable)" by 1926.

[comment] the word *dis-sonance* refers to sounds that are apart but heard together that have no

harmony, or that disagree with one another. In a similar way distress causes something to arrive at a state of disharmony by way of a forceful action or actions that do not necessarily have to be tangible as affecting physical things alone. ie. by shouting at a child you have caused that child to enter into a state of distress or disharmony.

distringas : A process commanding the sheriff to bring in the bodies of jurors who did not appear, or to distrain their lands and goods.

disturb : (v.) late 13c. distourben, "to frighten, alarm, break up the tranquility of;" c. 1300, "to stop or hinder;" from Old French destorber (Old North French distourber) and directly from Latin disturbare "throw into disorder," from dis- "completely" (see dis-) + turbare "to disorder, disturb," from turba "turmoil" (see turbid). Related: Disturbed; disturbing; disturbingly.

Middle English also had the verb as distourblen, from Old French destorbler; hence also distourbler (n.) "one who disturbs or incites" (late 14c.).

disparate : [etymonline] (adj.) c. 1600, "unlike in kind, essentially different, having no common ground," from Latin disparatus, past participle of disparare "divide, separate," from dis- "apart" (see dis-) + parare "get ready, prepare" (from PIE root *pere- (1) "to produce, procure").

The meaning seems to have been influenced in Latin by dispar "unequal, unlike" (from apparently unrelated Latin par "equal, equal-sized, well-matched"). Related: Disparately; disparateness. As a noun, "one of two or more things or characters so unlike that they cannot be compared with each other," 1580s.

dispensation : The act of dispensing, Something dispensed. An exemption or release from an obligation or rule, granted by or as if by an authority.
permission, permit, license - the act of giving a formal (usually written) authorization variance - an official dispensation to act contrary to a rule or regulation (typically a building regulation); "a zoning variance"

2. dispensation - a share that has been dispensed or distributed. Share, percentage, portion, part - assets belonging to or due to or contributed by an individual person or group; "he wanted his share in cash"

3. dispensation - the act of dispensing (giving out in portions) distribution - the act of distributing or spreading or apportioning

disposition : In law 1) A court's final determination of a lawsuit or criminal charge, or final settlement of a matter and, with reference to decisions announced by a court. A judge's ruling is commonly referred to as a disposition, regardless of level of resolution. 2) The act of transferring care, possession, or ownership to another, such as by deed or will. [etymonline] late 14c., disposicioun, "ordering, management, a setting in order, arrangement," also "tendency of mind, aptitude, inclination," from Old French disposicion (12c.) "arrangement, order; mood, state of mind" and directly from Latin dispositionem (nominative dispositio) "arrangement, management," noun of action from past-participle stem of disponere "to put in order, arrange" (see dispose).

Meaning "frame of mind, attitude, inclination; temperament, natural tendency or constitution of the mind" (late 14c.) are from astrological use of the word for "position of a planet as a determining influence" (late 14c.). Related: Dispositional.

dispositional hearing : The term disposition refers to the way something is placed or arranged with respect to other things. A dispositional hearing can be viewed as a preliminary hearing but depends largely on the jurisdiction and or place the hearing is held. Taken from the definition for "*disposition*" it can be presumed that generally this type of hearing deals with some type of arrangements or measures taken. In Australia a dispositional hearing refers to juvenile criminal cases where the judge determines the type of sentencing or legal consequences that are appropriate for the crime of the juvenile taking into consideration the age, the seriousness of the offence, and whether the juvenile has a criminal history or it is a first offence.

dispositive motion : In law, is a motion seeking a trial court order entirely disposing of all or part of the claims in favor of the moving party without need for further trial court proceedings. "To dispose" of a claim means to decide the claim in favour of one or another party. As a lawsuit may comprise numerous claims made by and against numerous parties, not every dispositive motion seeks to dispose of the entire lawsuit. In the U.S., the most common type of dispositive motions seeking to dispose of the entire lawsuit are those for summary judgment.

diversion : [wikipedia] A diversion program in the criminal justice system is a form of sentence in which the criminal offender joins a rehabilitation program, which will help remedy the behaviour leading to the original arrest, allow the offender to avoid conviction and, in some jurisdictions, hide a criminal record.

direct : [etymonline] (v.) late 14c., *directen*, "to write or address (a letter, words)" to someone, also "to point or make known a course to," from Latin *directus* past participle of *dirigere* "set straight, arrange; give a particular direction to, send in a straight line; guide" a thing, either to something or according to something, from *dis-* "apart" (see *dis-*) + *regere* "to direct, to guide, keep straight" (from PIE root **reg-* "move in a straight line"). Compare *dress*; *address*.

Sense of "to point or aim in a straight line toward a place or an object" is from c. 1400. Meaning "to govern, regulate as to behavior, prescribe the course or actions of" is from early 15c. Sense of "to order, ordain" is from 1650s. Sense of "to write the destination on the outside of a letter" had emerged by 17c. In reference to plays, films, etc., "to supervise and control the making of," it is attested from 1913. Related: *Directed*; *directing*.

[etymonline] (adj.) c. 1400, "straight, undeviating, not crooked," from Old French *direct* (13c.) and directly from Latin *directus* "straight," adjectival use of past participle of *dirigere* "to set straight," from *dis-* "apart" (see *dis-*) + *regere* "to direct, to guide, keep straight" (from PIE root **reg-* "move in a straight line"). Meaning "plain, expressive, not ambiguous" is from 1580s.

distrain : To seize and hold (property) to compel payment or reparation, as of debts., *distress*.

docket : A calendar of cases awaiting action in a court., A brief entry of the court proceedings in a legal case, and the book containing such entries.

document : (v.) to support with documentary evidence. (n.) early 15c., "teaching, instruction," from Old French *document* (13c.) "lesson, written evidence," from Latin *documentum* "example, proof, lesson," in Medieval Latin "official written instrument," from *docere* "to show, teach" (see *doctor* (n.)). Meaning "something written that provides proof or evidence" is from early 18c. Related: *Documents*.

doli incapax : Refers to the presumption that a child cannot form criminal intent (*mens rea*) because they are too young or have insufficient understanding to know the difference between right and wrong. The Latin translation gives incapable of guile, deceit, or a crime. [comment] The presumption is that the culpability of children in the first instance has to be brought into question, but the application of such presumptions have to take into account a pattern of behaviour and the fact that all children are different, having been raised with different expectations and standards of conduct. Another factor that has to be recognised is that some children at a young age may have had experiences that offer a unique perspective that give a clear distinction between what is right and what is wrong, so very distinctly perceive what is good and bad conduct.

domicile : (n.) A place of residence, abode, house or home Law. "a permanent legal residence" [etymonline] (14c.), from Latin *domicilium*, perhaps from *domus* "house"

domicil : Is distinct from *domicile*, and is a place where a person has fixed his ordinary dwelling, without a present intention of removal. There are three kinds of *domicils*, namely:

1. The *domicil* of origin. *domicilium originis vel naturale*.
2. The *domicil* by operation of law, or necessary *domicil*.
3. *Domicil* of choice.

double-dealing : [google] (n.) the practice of working to people's disadvantage behind their backs. (adj.) working deceitfully to injure others. Synonyms: duplicity, treachery, betrayal, double-crossing, faithlessness, unfaithfulness, untrustworthiness, infidelity, bad faith, disloyalty, perfidy, perfidiousness, treason, breach of trust, fraud, fraudulence, underhandedness, cheating, dishonesty, deceit, deceitfulness, deception, falseness, stab in the back, back-stabbing, lying, mendacity, trickery, two-facedness; informal crookedness, two-timing; rare Punic faith "one day his double-dealing would be discovered."

doubt : [etymonline] (v.) c. 1200, douter, douter, "to dread, fear, be afraid" (a sense now obsolete), from Old French *douter* "doubt, be doubtful; be afraid," from Latin *dubitare* "to doubt, question, hesitate, waver in opinion" (related to *dubius* "uncertain"), from *duo* "two" (from PIE root **dwo-* "two"), with a sense of "of two minds, undecided between two things." Compare *dubious*. Etymologically, "to have to choose between two things."

The sense of "fear" developed in Old French and was passed on to English. Meaning "to be uncertain, hesitate or waver in opinion" is attested in English from c. 1300. The transitive senses of "be uncertain as to the truth or fact of" and "distrust, be uncertain with regard to" are from c. 1300.

The -b- was restored 14c.-16c. in French and English by scribes in imitation of Latin. French dropped it again in 17c., but English has retained it.

It replaced Old English *tweogan* (noun *twynung*), from *tweon* "two," on notion of "of two minds" or the choice between two implied in Latin *dubitare*. Compare German *Zweifel* "doubt," from *zwei* "two."

draconian : [etymonline] (adj.) 1759, "of or pertaining to Draco," the ancient Greek statesman; 1777, in reference to laws, "rigorous, extremely severe or harsh" (earlier *Draconic*, which is implied from 1640s). *Draco* is the Latinized form of Greek *Drakon*, name of the archon of Athens who laid down a code of laws for Athens c. 621 B.C.E. that mandated death as punishment for minor crimes. His name seems to mean literally "sharp-sighted" (see *dragon*).

duces tecum : Latin "bring with you" in some US jurisdictions it is called a "subpoena for production of evidence" [wikipedia] The phrase "subpoena duces tecum" is a Latin expression meaning literally "under [threat of] penalty [or punishment] you will bring [it] with you." (sub=under); (poena=penalty); (duces= you will bring); (te=you); (cum=with);

due diligence : from *due*; Latin *debere* "to owe, or something owed e.g. a duty of care," + *diligence* from Latin *diligentia* "attentiveness, carefulness." Also from *diligentem* (nominative *diligens*) "attentive, assiduous, careful." [comment] It is the constant careful attention one gives to the duty of care, or obligation by which he is bound.

[investopedia] Due diligence is an investigation, audit, or review performed to confirm facts or details of a matter under consideration. In the financial world, due diligence requires an examination of financial records before entering into a proposed transaction with another party.

due process : [wikipedia] Due process is the legal requirement that the state must respect all legal rights that are owed to a person. Due process balances the power of law of the land and protects the individual person from it. [comment] In terms of the [common law](#) and when referring to the rights of a man or woman and not simply persons as may be legally defined; *due process* is determined to be the process, modes and related conduct leading to the lawful outcome afforded by a trial by Jury. This goes back to clause 39 of Magna Carta "No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgement of his peers and the law of the land."

duress : In jurisprudence, duress or coercion is whereby a person performs an act as the result of violence, threats or other pressure against the person. Black's Law Dictionary (6th ed.) defines

duress as "any unlawful threat or coercion used... to induce another to act [or not act] in a manner [they] otherwise would not [or would]". Duress is pressure exerted upon a person to coerce that person to perform an act that he or she ordinarily would not perform. The notion of duress must be distinguished both from undue influence in the civil law and from necessity.

Duress has two aspects. One is that it negates the person's consent to an act, such as sexual activity or the entering into a contract; or, secondly, as a possible legal defense or justification to an otherwise unlawful act.[1] A defendant utilizing the duress defense admits to breaking the law, but claims that he/she is not liable because, even though the act broke the law, it was only performed because of extreme unlawful pressure.[2] In criminal law, a duress defense is similar to a plea of guilty, admitting partial culpability, so that if the defense is not accepted then the criminal act is admitted.

Duress or coercion can also be raised in an allegation of rape or other sexual assault to negate a defense that consent was given by the person making the allegation.

duly : [etymonline] "rightly, properly; adequately, sufficiently; in accordance with duty or moral obligation," late 14c., *duweliche*, from *dewe* "due" (see *due*) + *-liche* (see *-ly*).

duplicity : [etymonline] early 15c., from Old French *duplicite* (13c.), from Late Latin *duplicitatem* (nominative *duplicitas*) "**doubleness,**" in Medieval Latin "ambiguity," noun of quality from *duplex* (genitive *duplicis*) "**twofold.**" The notion is of being "double" in one's conduct (compare Greek *diploos* "treacherous, double-minded," literally "twofold, double"). [comment] In the course of one's life generally, in conduct, or in speech; duplicity can be seen as attempting to be persuasive in taking one position for the purposes of deception, or self interest; while holding personally to a different position or set of beliefs. One who is duplicitous is a contradiction in terms. Its meaning in law being the pleading of two distinctly different pleas or matters, can be seen as separate from its definition with regards to conduct but having commonality in that the word reflects some kind of duality.

dwel : [etymonline] (v.) Old English *dwellan* "to lead into error, deceive, mislead," related to *dwelian* "to be led into error, go wrong in belief or judgment," from Proto-Germanic **dwaljana* "to delay, hesitate," **dwelana* "go astray" (source also of Old Norse *dvelja* "to retard, delay," Danish *dvæle* "to linger, dwell," Swedish *dväljas* "to dwell, reside;" Middle Dutch *dwellen* "to stun, perplex;" Old High German *twellen* "to hinder, delay") from PIE **dhwel-*, extended form of root **dheu-* (1) "dust, cloud, vapor, smoke" (also forming words with the related notions of "defective perception or wits").

The apparent sense evolution in Middle English was through "**to procrastinate, delay, be tardy in coming**" (late 12c.), to "**linger, remain, stay, sojourn,**" to "**make a home, abide as a permanent resident**" (mid-14c.). From late 14c. as "remain (in a certain condition or status)," as in phrase *dwell upon* "keep the attention fixed on." Related: *Dwelled*; *dwelt*; *dwells*.

It had a noun form in Old English, *gedweola* "error, heresy, madness." Also compare Middle English *dwale* "deception, trickery," from Old English *dwala* or from a Scandinavian cognate (such as Danish *dvale* "trance, stupor, stupefaction"); *dwale* survived into late Middle English as "a sleeping potion, narcotic drink, deadly nightshade."

dysphemism : the antonym of a euphemism a dysphemism exchanges a term that would otherwise be neutral with a derogatory, offensive, or vulgar word or phrase.

dysphoria : (n.) "impatience under affliction," 1842, from Greek *dysphoria* "pain hard to be borne, anguish," etymologically "**hard to bear, or figuratively hard to carry**" from *dys-* "bad, hard" (see *dys-*) + *pherein* "to carry," from PIE root **bher-* (1) "to carry."

dystopia : [etymonline] "**imaginary bad place,**" 1952, from *dys-* "bad, abnormal" + ending abstracted from *utopia*. Earlier in medical use, "displacement of an organ" (by 1844), with second element from Greek *topos* "place" (see *topos*). *Dystopian* was used in the non-medical sense in 1868 by J.S. Mill:

e pluribus unum : Latin saying; *from of many come one*. This saying is found on the great seal of the United States in reference to many states coming together as one.

edict : [etymonline] (n.) late 15c., edycte; earlier [edit](#) (late 13c.), "proclamation having the force of law," from Old French [edit](#), from Latin edictum "proclamation, ordinance, edict," neuter past participle of edicere "publish, proclaim," from assimilated form of ex "out, out of" (see ex-) + dicere "to say" (from PIE root *deik- "to show," also "pronounce solemnly"). Related: Edictal.

ellipses : Like V.C. (vi coactus) can also be used to indicate a document was signed under duress or because of threat or coercion. It takes the form of 3 period's "..." followed by the signature not obscuring the 3 periods in anyway. This indicates there was a form of words you wished to use but where unable to because of circumstances. As would be the case if you where told the use of V.C. was unlawful and where forced by intimidation to sign.

English Common Law : Is the system of law practised by Barristers and Lawyers established at the time of Magna Carta relying upon case law, judicial decisions from law reports, and statutes drafted into law by a legislative assembly. The standards for motions and petitions before the bench in support of rulings for orders in English [Common Law](#) are very high. However, because they are only supported by the testimony of persons or entities in legal proceedings; do not carry the same weight as lawful orders issued with respect to the claim of right. As such this demonstrates that English [Common Law](#) is only a type and shadow of "[common law](#)" that is largely presumptive and that can only attempt to be persuasive.

enjoin : [etymonline] c. 1200, engoinen, "to prescribe, impose" (penance, etc.), from stem of Old French enjoindre (12c.) "impose (on), inflict; subject to; assign (to)," from Latin iniungere "to join, fasten, attach;" figuratively "to inflict, to attack, impose," from in- "on" (from PIE root *en "in") + iungere "to join together" (from nasalized form of PIE root *yeug- "to join"). Related: Enjoined; enjoining.

enigma : [etymonline] 1530s, "statement which conceals a hidden meaning or known thing under obscure words or forms," earlier enigmat (mid-15c.), from Latin aenigma "riddle," from Greek ainigma (plural ainigmata) "a dark saying, riddle," from ainissesthai "speak obscurely, speak in riddles," from ainos "tale, story; saying, proverb;" according to Liddell & Scott, a poetic and Ionic word, of unknown origin. General sense in English of "anything inexplicable to an observer" is from c. 1600.

egalitarian : Based around the principle that all people are equal and deserve equal rights and opportunities.

egregious : The earliest definition from etymonline gives 1530's, "distinguished, eminent, excellent" from Latin egregius "distinguished, excellent, extraordinary" and from the phrase ex grege "rising above the flock" from ex "out of" or beyond (see ex-) + grege, ablative of grex "herd, flock" (see gregarious). [comment] the early definition of the word egregious seems to be somewhat at odds with modern usage that defines egregious as absurd, appalling, arrant, bizarre, excessive, extravagant, flagrant, glaring, inordinate, intemperate, where Websters 1828 goes some way to making this distinction, but ultimately in general the word describes something that stands apart or beyond other things in both a positive and negative sense. [law] Egregious cases are cases involving a flagrant violation of human rights. The following are examples of case law on egregious cases:

In an egregious case the prosecution stubbornly refuses to file a motion despite overwhelming evidence that the accuser's assistance has been as substantial as to cry out for meaningful relief. Such cases should be rare because there are significant institutional incentives for the prosecution to exercise sound judgement and to act in good faith. [United States v. Burkhalter, 1991 U.S. App. LEXIS 29282 (10th Cir. 1991)]

An egregious case arises when the defendant clearly has provided substantial and valuable assistance, but the Government has arbitrarily and in bad faith refused to make a motion for departure. [United States v. Martinez, 1995 U.S. Dist. LEXIS 6033 (D. Cal. 1995)]

ejectment : is the [common law](#) term for civil action to recover the possession of or title to land. It replaced the old real actions as well as the various possessory assizes. Though still used in some places, the term is now obsolete in many [common law](#) jurisdictions, in which possession and title are contested via the actions of eviction and quiet title, respectively.

elegit : to choose, select, or Latin; He has chosen. [wikipedia] In English law it was a judicial writ of execution given by the Statute of Westminster II (1285), and so called from the words of the writ, that the plaintiff has chosen (elegit) this mode of satisfaction. Previously to the Statute of Westminster II, a judgement creditor could only have the profits of lands of a debtor in satisfaction of his judgement, but not the possession of the lands themselves. But this statute provided that henceforth it should be in the election of the party having recovered judgement to have a writ of fieri facias unto the sheriff on lands and goods or else all the chattels of the debtor and the one half of his lands until the judgement be satisfied. By the Bankruptcy Act 1883 the writ of elegit extended to lands and hereditaments only.

elicit : [etymonline] (v.) "to draw out, bring forth or to light," 1640s, from Latin elicitus, past participle of elicere "draw out, draw forth," from ex "out" (see ex-) + -licere, combining form of lacere "to entice, lure, deceive" (related to laqueus "noose, snare;" see lace (n.)). Related: Elicited; eliciting; elicits; elicitation.

elide : [etymonline] 1590s, a legal term, "to annul, do away with," from Middle French elider (16c.), from Latin elidere "strike out, force out," in grammar "suppress (a vowel)" from ex "out" (see ex-) + -lidere, combining form of laedere "to strike" (see collide). The Latin word in grammatical use translates Greek ekthlibein. Phonological sense "slurring over a sound or part of a word" in English is first recorded 1796. Related: Elided; eliding. [wiktionary] Join together, merge or conflate; which sense is a recent development not recognised by dictionaries such as Merriam-Webster or the OED, and can be considered incorrect.

elude : [etymonline] 1530s, "delude, make a fool of," from Latin eludere "finish play, win at play; escape from or parry (a blow), make a fool of, mock, frustrate; win from at play," from assimilated form of ex "out, away" (see ex-) + ludere "to play" (see ludicrous). Sense of "evade" is first recorded 1610s in a figurative sense, 1630s in a literal one. Related: Eluded; eludes; eluding.

encomium : A speech or piece of writing that praises someone or something highly. Similar to a panegyric being a public speech or published text in praise of something or someone.

enumerate : [etymonline] (v.) "to count; ascertain or tell over the number of;" hence, "mention in detail, recapitulate," 1640s, from or modeled on Latin enumeratus, past participle of enumerare "to reckon up, count over, enumerate," from assimilated form of ex "out, out of" (see ex-) + numerare "to count, number," from numerus "number" (see number (n.)). Middle English had annumerate (early 15c.). Related: Enumerated; enumerating.

emanate : 1680s, "to flow out," from Latin emanatus, past participle of emanare "flow out," figuratively "arise from, proceed from" (see emanation). Related: Emanated; emanating.

emancipation : The act or process of being set free from legal, social, or political restrictions; liberation. The freeing someone from slavery.

eminent : from Latin eminentem (nominative *eminens*) "standing out, projecting, prominent, high" figuratively; "distinguished, distinctive," present participle of eminere "stand out, project; be prominent, be conspicuous,"

eminent domain : known in Australia as *resumption/compulsory acquisition* it is the power of a state, provincial, or national government to take private property for public use where this power can be further legislatively delegated by the state to municipalities, government subdivisions, or even to private persons or corporations, when they are authorised by the legislature to exercise the functions of public character.

emolument : [etymonline] mid-15c., "the profit arising from office or employment, that which is given as compensation for services," from Old French émoulement "advantage, gain, benefit; income, revenue" (13c.) and directly from Latin emolumentum "profit, gain, advantage, benefit," perhaps originally "payment to a miller for grinding corn," from emolere "grind out," from assimilated form of ex "out" (see ex-) + molere "to grind" (from PIE root *mele- "to crush, grind"). Formerly also "profit, advantage, gain in general, that which promotes the good of any person or thing" (1630s).

encumber : In Law, to hinder or impede the action or performance of. To burden with legal or financial obligations i.e. "an estate is encumbered with debt".

enjoin : c. 1200, engoinen, "to prescribe, impose" (penance, etc.), from stem of Old French enjoindre (12c.) "impose (on), inflict; subject to; assign (to)," from Latin iniungere "to join, fasten, attach;" figuratively "to inflict, to attack, impose," from in- "on" (from PIE root *en "in") + iungere "to join together" (from nasalized form of PIE root *yeug- "to join"). Related: Enjoined; enjoining.

ensure : give an assurance, or undertaking, or "make sure" that something is done, or that a condition is met with no stipulation how it is to be carried out; as distinct from an obligation to purchase insurance as a safeguard against loss or damage.

entire : [etymonline] mid-14c., of things, "whole, intact," from Old French entier "whole, unbroken, intact, complete," from Latin integrum "completeness" (nominative integer; see integer). Related: Entireness.

entirety clause : or Entire Agreement Clause. After parties to a contract have negotiated and reached a final agreement that often involves verbal communications; this is subsequently memorialised in a written contract that becomes the final word in terms of the law between the parties. The written contract will often contain a clause that affirms the entirety of the agreement as follows.

"This Agreement contains the entire understanding between the Parties, and supersedes all previous discussions, communications, negotiations, understandings, representations, warranties, commitments and agreements, in respect of its subject matter." [legalvision.com.au]

ens legis : Latin; *a creature of the law*; A legal entity; an artificial person created by law as a Corporation.

epidemiology : is the study of how often diseases occur in different groups of people and why. Epidemiological information is used to plan and evaluate strategies to prevent illness and as a guide to the management of patients in whom disease has already developed.

equilibrium : [etymonline] (n.) c. 1600, "state of mental balance," from Latin aequilibrium "an even balance; a horizontal position," from aequilibris "equal, level, horizontal, evenly balanced," from aequus "equal" (see equal (adj.)) + libra "a balance, pair of scales, plummet" (see Libra). Related: Equilibrious.

equipose : "an equal distribution of weight," 1650s, a contraction of the phrase equal poise (1550s); see equal (adj.) + poise (n.). [comment] from poise "weight, balance, consideration" it can be extended to mean "an equal distribution of significance, importance, or consideration". When referring to an *equipose of the mind* it is an unresolved state of equal consideration, or reasoning between one thing and another that may give way to doubt or uncertainty.

equity : [wikipedia] *law* Equity is a particular body of law that was developed in the English Court of Chancery. It exists in domestic law, both in civil law and in [common law](#) systems, and in international law. The tradition of equity begins in antiquity with the writings of Aristotle (epieikeia) and with Roman law (aequitas). Later, in civil law systems, equity was integrated in the legal rules, while in [common law](#) systems it became an independent body of law.

[etymonline] (n.) early 14c., equite, "quality of being equal or fair, impartiality;" late 14c., "that which is equally right or just to all concerned," from Old French equite (13c.), from Latin aequitatem (nominative aequitas) "the uniform relation of one thing to others, equality, conformity, symmetry;" also "just or equitable conduct toward others," from aequus "even, just, equal" (see equal (adj.)).

In law, "fairness in the adjustment of conflicting interests; the settlement of controversies by the dictates of good conscience" (natural equity), late 14c., from Roman naturalis aequitas, the general principles of justice which corrected or supplemented the legal codes ("governed by benevolence, while justitia yields to another only what is strictly due," Lewis & Short).

Hence, in England and U.S., also "justice based on such principles, the system of jurisprudence as to what is fair and what is not," and "a court or jurisdiction in which these doctrines are applied" (1590s).

The Latin word also meant "a quiet, tranquil state of mind; moderation, evenness of temper."

The L. aequitas was somewhat influenced in meaning by being adopted as the ordinary rendering of Gr. ἐπιεικεία ..., which meant reasonableness and moderation in the exercise of one's rights, and the disposition to avoid insisting on them too rigorously. [OED]

From 1620s as "an equitable right, that to which one is justly entitled," especially a right recognized by courts of equity that is not provided for in the common or statute law (such as certain property rights of wives). Equities, "the ordinary shares of a limited company," carrying certain rights to assets and profits, is attested by 1904.

By 1980s it had taken on extended senses in sociology, e.g.: "allocating benefits in various policy fields in such a way as to provide groups, persons, and places with at least a minimum level of benefits so as to satisfy basic needs" [Stuart S. Nagel, "Equity as a Policy Goal," 1983].

err : [etymonline] (v.) c. 1300, from Old French error "go astray, lose one's way; make a mistake; transgress," from Latin errare "wander, go astray," figuratively "be in error," from PIE root *ers- (1) "be in motion, wander around" (source also of Sanskrit arsati "flows;" Old English ierre "angry; straying;" Old Frisian ire "angry;" Old High German irri "angry," irron "astray;" Gothic airzipa "error; deception;" the Germanic words reflecting the notion of anger as a "straying" from normal composure). Related: Erred; erring.

errant : [etymonline] (adj.) mid-14c., "traveling, roving," from Anglo-French erraunt, from two Old French words that were confused even before they reached English: 1. Old French errant, present participle of error "to travel or wander," from Late Latin iterare, from Latin iter "journey, way," from root of ire "to go" (from PIE root *ei- "to go"); 2. Old French errant, past participle of error (see err). The senses fused in English 14c., but much of the sense of the latter since has gone with arrant.

erratum : [etymonline] (n.) "an error in writing or printing," 1580s, from Latin erratum (plural errata), neuter past participle of errare "to wander; to err" (see err). [comment] similar to a corrigendum which is a correction to mistakes of work published by an author an erratum is the correction of a mistake in documents published for some other purpose e.g. legal texts, awards or some other public document.

erroneous : Mistaken, containing error, incorrect, wrong.

error : [etymonline] (n.) also, through 18c., error; c. 1300, "a deviation from truth made through ignorance or inadvertence, a mistake," also "offense against morality or justice; transgression, wrong-doing, sin;" from Old French error "mistake, flaw, defect, heresy," from Latin errorem (nominative error) "a wandering, straying, a going astray; meandering; doubt, uncertainty;" also "a figurative going astray, mistake," from errare "to wander; to err" (see err). From early 14c. as "state of believing or practicing what is false or heretical; false opinion or belief, heresy." From late 14c. as "deviation from what is normal; abnormality, aberration." From 1726 as "difference between observed value and true value."

Words for "error" in most Indo-European languages originally meant "wander, go astray" (for example Greek *plane* in the New Testament, Old Norse *villa*, Lithuanian *klaida*, Sanskrit *bhrama-*), but Irish has *dearmad* "error," from *dermat* "a forgetting."

escheat : A [common law](#) doctrine that transfers the property of a person who dies without heirs to the crown or state. It serves to ensure that property is not left in "limbo" without recognised ownership. It originally applied to a number of situations where a legal interest in land was destroyed by operation of law, so that the ownership of the land reverted to the immediately superior feudal lord.

escrow : Google gives; a bond, deed, or other document kept in the custody of a third party and taking effect only when a specified condition has been fulfilled.

Often to aid in business transactions, usually involving a large sum of money, an *escrow account* administered by a third party escrow company, agent, service or in some cases by a solicitor. Will hold money due to a seller or someone providing a service that is only released when the buyer or client are fully satisfied that the terms of their agreement have been met.

[etymonline] (n.) 1590s, in law, "a writing fully executed by the parties, but put into the custody of a third person to hold until the fulfilment of some condition, when it is to be delivered to the grantee;" from Anglo-French *escro*, from Old French *escroe* "scrap, small piece, rag, tatter, single parchment," from a Germanic source akin to Old High German *scrot* "a scrap, shred, a piece cut off" (see *shred* (n.)). The notion of a deed delivered to a third person until a future condition is satisfied led to the sense of "a deposit of money held in trust or security" (1888).

establish : [etymonline] (v.) late 14c., from Old French *establis-*, present participle stem of *establi* "cause to stand still, establish, stipulate, set up, erect, build" (12c., Modern French *établir*), from Latin *stabilire* "make stable," from *stabilis* "stable" (see *stable* (adj.)). For the unetymological *e-*, see *e-*. Related: *Established*; *establishing*. An established church or religion is one sanctioned by the state.

estoppel : The principle which precludes or limits a person asserting to the contrary, that which was established by a previous action, statement or judicial determination. An un rebutted affidavit established by way of silent agreement, known as *tacit procuration*, establishes the conditions under which an example of the principal of estoppel comes into being. Where because the affidavit has been witnessed by a judicial officer or notary, it is regarded as being established as law in commerce. Simply the principal of estoppel stops a person saying something untrue that was previously claimed to the contrary.

esoteric : Ancient Greek (*eso-terikós*, "belonging to an inner circle") originally referring to the secret teachings of Greek philosophers as opposed to the general public or "exoteric one's". Now it is taken to mean that which is intended for or understood by only a small group, especially those with specialised knowledge or interests.

essay : [etymonline] (n.) 1590s, "trial, attempt, endeavor," also "short, discursive literary composition" (first attested in writings of Francis Bacon, probably in imitation of Montaigne), from French *essai* "trial, attempt, essay" (in Old French from 12c.), from Late Latin *exagium* "a weighing, a weight," from Latin *exigere* "drive out; require, exact; examine, try, test," from *ex* "out" (see *ex-*) + *agere* "to set in motion, drive" (from PIE root **ag-* "to drive, draw out or forth, move") apparently meaning here "to weigh." The suggestion is of unpolished writing. Compare *assay*, also *examine*.

essence : [etymonline] (n.) late 14c., *essencia* (respelled late 15c. on French model), from Latin *essentia* "being, essence," abstract noun formed (to translate Greek *ousia* "being, essence") from *essent-*, present participle stem of *esse* "to be," from PIE root **es-* "to be."

Originally "substance of the Trinity;" the general sense of "basic element of anything" is first

recorded in English 1650s, though this is the underlying notion of the first English use of essential. Meaning "ingredient which gives something its particular character" is from c. 1600, especially of distilled oils from plants (1650s), hence "fragrance, perfume" (17c.). In 19c. U.S., essence-peddler could mean "medical salesman" and "skunk." Originally "substance of the Trinity;" the general sense of "basic element of anything" is first recorded in English 1650s, though this is the underlying notion of the first English use of essential. Meaning "ingredient which gives something its particular character" is from c. 1600, especially of distilled oils from plants (1650s), hence "fragrance, perfume" (17c.). In 19c. U.S., essence-peddler could mean "medical salesman" and "skunk."

essential : [etymonline] (adj.) mid-14c., "that is such by its essence," from Late Latin *essentialis*, from *essentia* "being, essence," abstract noun formed (to translate Greek *ousia* "being, essence") from *essent-*, present participle stem of *esse* "to be," from PIE root **es-* "to be." Meaning "pertaining to essence" is from late 14c., that of "constituting the essence of something" is from 1540s; that of "necessary" is from 1520s. Essentials "indispensable elements" is from early 16c. Related: Essentially.

et hoc paratus est verifi - care : Latin literally "And this he is prepared to verify". The Latin form of concluding a plea in confession and avoidance. These words were used, when the pleadings were in Latin, at the conclusion of any pleading which contained new affirmative matter. They expressed the willingness or readiness of the party so pleading to establish by proof the matter alleged in his pleading. A pleading which concluded in that manner was technically said to "conclude with a verification." in contradistinction to a pleading which simply denied the matter alleged by the opposite party, and which for that reason was said to "conclude to the country," because the party merely put himself upon the country, or left the matter to the jury. Brown.

euphemism : a mild or indirect word or expression substituted for one considered to be too harsh or blunt when referring to something unpleasant or embarrassing. i.e. using the word 'downsizing' would be a euphemism when referring to what in reality are job cuts, layoffs, consolidation, etc. synonyms: polite term, substitute, mild alternative, indirect term, understatement, underplaying, softening, politeness, genteelism, coy term e.g. "'a professional foul' is just a euphemism for cheating".

event : (n.) 1570s, "the consequence of anything" (as in in the event that); 1580s, "that which happens;" from Middle French *event*, from Latin *eventus* "occurrence, accident, event, fortune, fate, lot, issue," from past participle stem of *evenire* "to come out, happen, result," from assimilated form of *ex-* "out" (see *ex-*) + *venire* "to come," from a suffixed form of PIE root **gwa-* "to go, come." Meaning "a contest or single proceeding in a public sport" is from 1865. Events as "the course of events" is attested from 1842. Event horizon in astrophysics is from 1969.

evict : [etymonline] (v.) mid-15c., "recover (property) by judicial means," from Latin *evictus*, past participle of *evincere* "overcome and expel, conquer, subdue, vanquish; prevail over; supplant," from assimilated form of *ex* "out," or perhaps here merely intensive (see *ex-*) + *vincere* "conquer" (from nasalized form of PIE root **weik-* (3) "to fight, conquer"). Sense of "expel by legal process" first recorded in English 1530s, from a post-classical sense of the Latin word. Related: Evicted; evicting. Compare evince.

evoke : [etymonline] (v.) "to call or summon forth or out," 1620s, from French *évoquer* or directly from Latin *evocare* "call out, rouse, summon," from assimilated form of *ex* "out" (see *ex-*) + *vocare* "to call," which is related to *vox* (genitive *vocis*) "voice" (from PIE root **wekw-* "to speak"). Often more or less with a sense of "calling spirits," or being called by them. Of feelings, memories, etc., by 1856. Related: Evoked; evokes; evoking.

exact : with reference to law; past-participle adjective from *exigere* "demand, require, enforce," literally "to drive or force out."

excrescence : (n.) early 15c., "action of growing out," from Latin *excrescentia* (plural) "abnormal growths," from *excrescentem* (nominative *excrescens*), present participle of *excrescere* "grow out,

grow up," from ex "out" (see ex-) + crescere "to grow" (from PIE root *ker- (2) "to grow"). Meaning "that which grows out abnormally" (on a living thing) is from 1570s (excrecency in this sense is 1540s).

execute : to follow out, or follow through with. [etymonline] late 14c. "to carry into effect" (transitive, mostly in law with reference to warrants, sentences, etc.), also "carry out or accomplish a course of action" (intransitive), from Old French executer (14c.), from Medieval Latin executare, from Latin execut-/exsecut-, past participle stem of exequi/exsequi "to follow out, to follow to the grave," figuratively "to follow, follow after, accompany, follow up, prosecute, carry out, enforce; execute, accomplish; punish, avenge," from ex- "out" (see ex-) + sequi "follow" (from PIE root *sekw- (1) "to follow"). Meaning "to inflict capital punishment" is from late 15c., from earlier legal sense "perform judgment or sentence on" (early 15c.). Related: Executed; executing.

execution : [etymonline] (n.) late 14c., "a carrying out, a putting into effect; enforcement; performance (of a law, statute, etc.), the carrying out (of a plan, etc.)," from Anglo-French executioun (late 13c.), Old French execution "a carrying out" (of an order, etc.), from Latin executionem (nominative executio) "an accomplishing," noun of action from past-participle stem of exequi/exsequi "to follow out" (see execute).

Specific sense of "act of putting to death" (mid-14c.) is from Middle English legal phrases such as don execution of deth "carry out a sentence of death." Literal meaning "action of carrying something into effect" is from late 14c. John McKay, coach of the woeful Tampa Bay Buccaneers (U.S. football team), when asked by a reporter what he thought of his team's execution, replied, "I think it would be a good idea." Executor and executioner were formerly used indifferently, because both are carrying out legal orders.

exemplary : 1580s, "fit to be an example," from Middle French exemplaire, from Late Latin exemplaris "that serves as an example, pattern, or motto," from exemplum "example, pattern, model" (see example). Earlier (early 15c.) as a noun meaning "a model of conduct," from Late Latin exemplarium.

exemplary damages : often called punitive damages, are damages requested and/or awarded in a lawsuit when the defendant's wilful acts were malicious, violent, oppressive, fraudulent, wanton or grossly reckless. Examples of acts warranting exemplary damages: out of spite and ill will publishing statements that someone had committed a murder when it was known not to be true; an ex-husband trashes his former wife's auto and threatens further property damage; a stockbroker buys and sells a widow's stocks to generate commissions resulting in her losing all her capital (money). These damages are awarded both as a punishment and to set a public example. They reward the plaintiff for the horrible nature of what he/she went through or suffered. Although often requested, exemplary damages are seldom awarded. There have been major awards in egregious (remarkable or outstanding) cases, such as fraud schemes, sexual harassment or other intentional and vicious actions even when the provable actual damages were not extensive.

exigence : (n.) [etymonline] mid-15c., "what is needed" (in a given situation), from Old French exigence or directly from Latin exigentia "urgency," from exigentem (nominative exigens), present participle of exigere "demand, require, enforce," literally "to drive or force out," also "to finish, measure," from ex "out" (see ex-) + agere "to set in motion, drive, drive forward; to do, perform" (from PIE root *ag- "to drive, draw out or forth, move"). From 1580s as "state of being urgent."

existential : [etymonline] (adj.) 1690s, "pertaining to existence," from Late Latin existentialis/exsistentialis, from existentia/exsistentia (see existence). As a term in logic, "expressing or stating the fact of existence," from 1819; in philosophy, from 1937, tracing back to the Danish works of Kierkegaard (see existentialism). Related: Existentially.

excise : An excise or excise tax (sometimes called a special excise duty) is an inland tax on the sale, or production for sale, of specific goods or a tax on a good produced for sale, or sold, within a country or licenses for specific activities. Excises are distinguished from customs duties, which

are taxes on importation.

exclusive : mid-15c., "so as to exclude;" 1560s, "that excludes," from Medieval Latin *exclusivus*, from *exclus-*, past participle stem of *excludere* (see *exclude*). Of monopolies, rights, franchises, etc., from 1760s; of social circles, clubs, etc., "unwilling to admit outsiders," from 1822. Related: *Exclusively*; *exclusiveness*.

exculpatory : [Websters 1828] adj Able to clear from the charge of fault or guilt; excusing; containing an excuse [etymonline] gives for the stem *exculpate*, "to clear from suspicion of wrong or guilt" 1650s, from Medieval Latin *exculpatus*, past participle of *exculpate*, from Latin *ex culpa*, from *ex* "from" (see *ex-*) + *culpa* ablative of *culpa* "blame, fault." Related: *Exculpated*; *exculpating*.

ex contractu : Latin for "from a contract," is a legal term that indicates a consequence of a contract. *Ex contractu* is often used to denote the source of a legal action (often as opposed to *ex delicto*).

It is often said that damages *ex contractu* will lie for nonfeasance, misfeasance and malfeasance; whereas damages *ex delicto* will only lie for misfeasance and malfeasance.

ex delicto : Latin for "from a wrong" or "from a transgression," is a legal term that indicates a consequence of a tort, though the phrase can also refer to the consequence of a crime. This is often opposed to *ex contractu*.

exorable : (adj.) susceptible to being easily moved or persuaded by an entreaty. One who's affections are such that little resistance is encountered upon an entreaty, earnest request, or petition. However the closest sense would be of one who is munificent in character given to be easily persuaded by a lawful entreaty.

expedient : advantageous, fit, proper to a purpose, useful or beneficial; but can also be seen as The means of attaining an end; giving heed more to convenience rather than whether the means used is possibly improper or immoral.

expiation: [etymonline] (n.) "act of making satisfaction or reparation for an offense, atonement, reparation," early 15c., *expiacioun*, from Latin *expiationem* (nominative *expiatio*) "satisfaction, atonement," noun of action from past-participle stem of *expiare* "make amends for, atone for; purge by sacrifice, make good," from *ex-* "completely" (see *ex-*) + *piare* "propitiate, appease," from *pious* "faithful, loyal, devout" (see *pious*).

ex post facto : An *ex post facto* law (corrupted from Latin: *ex postfacto*, lit. 'out of the aftermath') is a law that retroactively changes the legal consequences (or status) of actions that were committed, or relationships that existed, before the enactment of the law. In [criminal law](#), it may criminalise actions that were legal when committed; it may aggravate a crime by bringing it into a more severe category than it was in when it was committed; it may change the punishment prescribed for a crime, as by adding new penalties or extending sentences; or it may alter the rules of evidence in order to make conviction for a crime likelier than it would have been when the deed was committed. Conversely, a form of *ex post facto* law commonly called an amnesty law may decriminalize certain acts. A pardon has a similar effect, in a specific case instead of a class of cases. Other legal changes may alleviate possible punishments (for example by replacing the death sentence with lifelong imprisonment) retroactively. Such legal changes are also known by the Latin term *in mitius*.

expropriation : (n.) mid-15c., "renunciation of worldly goods," from Medieval Latin *expropriationem* (nominative *expropriatio*), noun of action from past-participle stem of Late Latin *expropriare* "deprive of property," from *ex* "away from" (see *ex-*) + *propriare* "take as one's own," from *proprius* "one's own" (see *proper*). Sense of "a taking of someone's property," especially for public use, is from 1848; as Weekley puts it, "Current sense of organized theft appears to have arisen among Ger. socialists." [comment] to take out from or away from the property of another as one's own.

(v.) "to hold no longer as one's own, give up a claim to the exclusive property of," 1610s, back-formation from expropriation, or from earlier adjective (mid-15c.), or from Medieval Latin *expropriatus*, past participle of *expropriare* "deprive of property, deprive of one's own," from *ex* "away from" (see *ex-*) + *propriare* "take as one's own," from *proprius* "one's own" (see *proper*). Related: *Expropriated*; *expropriating*.

excoriate : [etymonline] (v.) "to flay, strip off the skin of, to break and remove the outer layers of the skin in any manner," early 15c., from Late Latin *excoriatus*, past participle of *excoriare* "flay, strip off the hide," from Latin *ex* "out, out of, off" (see *ex-*) + *corium* "hide, skin" (see *corium*). Figurative sense of "denounce, censure" is recorded in English by 1708. Related: *Excoriated*; *excoriating*.

exculpatory evidence : Exculpatory evidence is evidence favourable to the defendant in a criminal trial that exonerates or tends to exonerate him, or her of guilt. It is the opposite of inculpatory evidence, which tends to prove guilt.

ex debito justitiae : (from a debt of justice) pronounced "x debito justitia" [Latin : "as of right or as a matter of right"] A matter *ex debito justitiae* is one which a litigant is entitled merely upon the asking for it; as opposed to something which may be a matter of judicial discretion or determination. In terms of the [common law](#) the phrase should be used in comparison i.e. [*ex debito justitiae*] when clarifying the distinction between a claim made as a matter of right with that of a legal complaint. Whichever the case a claim or a complaint; both have to be supported with verifiable testimony when required from the opposing party.

executory : meaning "yet to be; or remaining to be done". A contract that is yet to be carried out is said to be an *executory contract* and *consideration that is still to be given for a contract is said to be *executory consideration*. cf. *executory interest*, and *executory trust*.

exemplary damages : often called punitive damages, these are damages requested and/or awarded in a lawsuit when the defendant's wilful acts were malicious, violent, oppressive, fraudulent, wanton or grossly reckless. Examples of acts warranting exemplary damages: publishing that someone had committed murders when the publisher knew it was not true but hated the person; an ex-husband trashes his former wife's auto and threatens further property damage; a stockbroker buys and sells a widow's stocks to generate commissions resulting in her losing all her capital (money). These damages are awarded both as a punishment and to set a public example. They reward the plaintiff for the horrible nature of what she/he went through or was harmed by. Although often requested, exemplary damages are seldom awarded. There have been major awards in egregious (remarkable or outstanding) cases, such as fraud schemes, sexual harassment or other intentional and vicious actions even when the provable actual damages were not extensive.

exorbitant : [etymonline] (adj.) mid-15c., a legal term, "deviating from rule or principle, eccentric;" from Late Latin *exorbitantem* (nominative *exorbitans*), present participle of *exorbitare* "deviate, go out of the track," from *ex* "out of" (see *ex-*) + *orbita* "wheel track" (see *orb*). General sense of "excessive, immoderate" is from 1620s; of prices, rates, etc., from 1660s. Related: *Exorbitantly*.

exoteric : [etymonline] 1650s, from Late Latin *exotericus*, from Greek *exoterikos* "external, belonging to the outside," from *exotero*, comparative of *exo*.

expectancy : (adj.) from Latin *expectantem/exspectantem* (nominative *expectans/exspectans*), present participle of *expectare/exspectare* meaning "to be awaiting, desiring, or hopeful of an outcome".

expunge : to erase or strike out; [etymonline] c. 1600, from Latin *expungere* "prick out, blot out, mark (a name on a list) for deletion" by pricking dots above or below it, literally "prick out," from *ex-* "out" (see *ex-*) + *pungere* "to prick, pierce" (from suffixed form of PIE root **peuk-* "to prick").

extant : still in existence or still surviving; ie. can be literature or music that has survived through

history to the present time cited from original or verified copies of manuscripts.

extirpate : [etymonline] (v.) "root up, root out," 1530s, usually figurative, from Latin *extirpatus/exstirpatus*, past participle of *extirpare/exstirpare* "root out, eradicate, pull up by the roots" (see *extirpation*). Related: *Extirpated*; *extirpating*; *extirpable*.

extortion : [*cf.* 'demand with menaces' AU] (also known as a shakedown, outwrestling, and exaction) is the criminal offense of obtaining money, property, or services from an individual or institution, through coercion. [etymonline] c. 1300, from Latin *extortionem* (nominative *extortio*) "a twisting out, extorting," noun of action from past participle stem of *extorquere* "wrench out, wrest away, to obtain by force," from *ex-* "out" (see *ex-*) + *torquere* "to twist" (from PIE root **terkw-* "to twist") (see *torque* (n.)). [wordnik] The practice of extorting money or other property by the use of force or threats., unjust exaction (as by the misuse of authority), the felonious act of extorting money (as by threats of violence). From a [common law](#) perspective it is an unlawful demand accompanied by threats or force for personal gain. Extortion will cause a man, by means of words or actions he would otherwise fear to disregard, to act or do something contrary to his wishes.

factor : [etymonline] (n.) early 15c., "commercial agent, deputy, one who buys or sells for another," from Middle French *facteur* "agent, representative" (Old French *factor*, *faior* "doer, author, creator"), from Latin *factor* "doer, maker, performer," in Medieval Latin, "agent," agent noun from past participle stem of *facere* "to do" (from PIE root **dhe-* "to set, put"). In commerce, especially "a commission merchant." Mathematical sense ("The Quantities given to be multiplied one by the other are called Factors") is from 1670s. Sense of "circumstance producing a result" is attested by 1816, from the mathematical sense. [thefreedictionary.com] An event, circumstance, influence, or element that plays a part in bringing about a result.

A factor in a case contributes to its causation or outcome. In the area of Negligence law, the factors, or chain of causation, are important in determining whether liability ensues from a particular action done by the defendant. Also

- 1) a mercantile agent. An agent who is in the ordinary course of business entrusted with goods or documents of title representing goods with a view to their sale. A factor has a lien over goods entrusted to him; this lien covers any claims he may have against his principal arising out of the agency. Most factors will be mercantile agents (and have the powers of such) for the purposes of the Factors Act 1889. Under this Act, in certain circumstances a factor may pass a good title to goods entrusted to him.
- 2) an institution to whom a company assigns its book debts (see **FACTORING**).
- 3) in Scotland a landlord or superior's agent.

false : [etymonline] late Old English, "intentionally untrue, lying," of religion, "not of the true faith, not in accord with Christian doctrines," from Old French *fals*, *faus* "false, fake; incorrect, mistaken; treacherous, deceitful" (12c., Modern French *faux*), from Latin *falsus* "deceptive, feigned, deceitful, pretend," also "deceived, erroneous, mistaken," past participle of *fallere* "deceive, disappoint," which is of uncertain origin (see *fail* (v.)).

Adopted into other Germanic languages (cognates: German *falsch*, Dutch *valsch*, Old Frisian *falsk*, Danish *falsk*), though English is the only one in which the active sense of "deceitful" (a secondary sense in Latin) has predominated. From c. 1200 as "deceitful, disloyal, treacherous; not genuine;" from early 14c. as "contrary to fact or reason, erroneous, wrong." False alarm recorded from 1570s. False step (1700) translates French *faux pas*. To bear false witness is attested from mid-13c.

[comment] used in the [common law](#) the word *false* denotes what is unlawful *vide* lawful.

fallacy : late 15c., "deception, false statement," from Latin *fallacia* "deception, deceit, trick, artifice," abstract noun from *fallax* (genitive *fallacis*) "deceptive," from *fallere* "deceive" (see *fail* (v.)). Specific sense in logic, "false syllogism, invalid argumentation," dates from 1550s. An earlier

form was fallace (c. 1300), from Old French fallace.

false accusation : a formal complaint, or indictment that is untrue and given with the wrongful intent to cause harm.

false statement : a false statement is one which is untrue but not necessarily given with the intent to deceive when given in ignorance. However in a many cases the giver of a false statement gives it with the intention to mislead where what is then contained in the statement becomes a lie.

fealty : [etymonline] (n.) c. 1300, feaute, from Old French feauté, earlier fealte, "loyalty, fidelity; homage sworn by a vassal to his overlord; faithfulness," from Latin fidelitatem (nominative fidelitas) "faithfulness, fidelity," from fidelis "loyal, faithful" (from PIE root *bheidh- "to trust, confide, persuade").

federal : from the Latin feodus (genetive foederis) meaning "a covenant, league, treaty, or alliance". Also given by Karl Lentz as "to pledge" with a sense of an agreement by several states to come together as one. ie. a federated union.

fee simple : Absolute title to land, free of any other claims against the title, which one can sell or pass to another by deed, will, or inheritance. The word "fee" has a deep history its earliest forms meaning "cattle" but the early legal meaning of the word was with respect to an "estate in land or tenements held on condition of feudal homage, land, property, or possessions" Hence "fee-simple" (late 14th c.) "absolute ownership". The word 'simple' in this case is from the early Latin simplus, variant of simplex "simple, uncompounded," literally "onefold", consisting of only one substance or ingredient where the feudal sense of the word fee was qualified by using the word simple denoting ownership by only one part.

felony : [wiktionary] from the French felonie "evil, immoral deed" [wikipedia law] The term felony, in some [common law](#) countries, is defined as a serious crime. The word originates from English [common law](#) (from the French medieval word "félonie"), where felonies were originally crimes involving confiscation of a convicted person's land and goods. Other crimes were called misdemeanors. Many [common law](#) countries have now abolished the felony/misdemeanor distinction and replaced it with other distinctions, such as between indictable offences and summary offences in Australia. A felony is generally considered a crime of high seriousness, but a misdemeanor is not. [etymonline] c. 1300, "treachery, betrayal; deceit; villainy, wickedness, sin, crime; violent temper, wrath; ruthlessness; evil intention," from Old French felonie (12c.) "wickedness, evil, treachery, perfidy, crime, cruelty, sin," from Gallo-Roman *fellonia, from fellonem "evil-doer" (see felon).

As a class of crime in [common law](#), also from c. 1300, from Anglo-French. The exact definition changed over time and place, and even the distinction from misdemeanor or trespass is not always observed. In old use often a crime involving forfeiture of lands, goods, or a fee or a crime punishable by death. Variously used in the U.S.; often the sense is "crime punishable by death or imprisonment in a state penitentiary."

feoffment : In the feudal system a feoffment or enfeoffment was the deed by which a person was given land in exchange for a pledge of service. From the word fief which is a close variant of feoff the meaning given in Latin feodum by etymonline is "land or other property whose use is granted in return for service,".

feudal : relating to feudalism [wikipedia] was a combination of legal and military customs in medieval Europe that flourished between the 9th and 15th centuries. Broadly defined, it was a way of structuring society around relationships derived from the holding of land in exchange for service or labour.

fiat : [etymonline] (n.) 1630s, "authoritative sanction," from Latin fiat "let it be done" (used in the opening of Medieval Latin proclamations and commands), third person singular present subjunctive of fieri "be done, become, come into existence" (from PIE root *bheue- "to be, exist,

grow"), used as passive of *facere* "to make, do." Meaning "a decree, command, order" is from 1750. In English the word also sometimes is a reference to *fiat lux* "let there be light" in Genesis i.3.

fiend : [etymonline] (n.) Old English *feond* "enemy, foe, adversary," originally present participle of *feogan* "to hate," from Proto-Germanic **fijand-* "hating, hostile" (source also of Old Frisian *fiand* "enemy," Old Saxon *fiond*, Middle Dutch *viant*, Dutch *vijand* "enemy," Old Norse *fjandi*, Old High German *fiant*, Gothic *fijands*), from suffixed form of PIE root **pe(i)-* "to hurt" (source also of Sanskrit *pijati* "reviles, scorns;" Avestan *paman-*, name of a skin disease; Greek *pema* "disaster, sorrow, misery, woe;" Gothic *faian* "to blame").

As spelling suggests, the word originally was the opposite of *friend* (n.). Both are from the active participles of the Germanic verbs for "to love" and "to hate." Boutkan says the "fiend" word was a Germanic analogical formation from the "friend" word. According to Bammesberger ["English Etymology"], "The long vowel in FIEND is regular. In FRIEND the vowel has been shortened; perhaps the shortening is due to compounds like FRIENDSHIP, in which the consonant group (-nds-) regularly caused shortening of the preceding long vowel."

Fiend at first described any hostile enemy (male and female, with abstract noun form *feondscipe* "fiendship"), but it began to be used in late Old English for "the Devil, Satan" (literally "adversary") as the "enemy of mankind," which shifted its sense to "diabolical person" (early 13c.). The old sense of the word devolved to *foe*, then to the imported word *enemy*. For spelling with *-ie-* see *field*. Meaning "devotee (of whatever is indicated)," as in *dope fiend*, is from 1865.

fide jussor : a surety or a guarantor. In civil law *fide jussor* is one who becomes security for the debt of another. *Fide jussor* guarantees the debt and promises to pay if the principal does not do so. Liability arises only when principal fails to fulfill the obligation of the debt.

feri facias : Abbreviated *fi. fa.* it is a writ issued to a sheriff for the execution of a judgement; such as the levying of the goods of a judgement debtor to a judgement creditor. [etymonline] (n.) writ concerning a sum awarded in judgment (often requiring seizure and sale of property for debt), Latin, literally "cause it to be done, cause to be made," the first words of the writ, from Latin *feri* "to be made, come into being" (see *fiat*). Second word from *facere* "to do" (from PIE root **dhe-* "to set, put").

figurative : [etymonline] late 14c., "emblematical," from Old French *figuratif* "metaphorical," from Late Latin *figurativus* "figurative" (of speech), from *figurat-*, past participle stem of Latin *figurare* "to form, shape," from *figura* "a shape, form, figure" (from PIE root **dheigh-* "to form, build"). Of speech, language, etc., "allegorical, metaphoric, involving figures of speech," from late 14c. Related: *Figuratively*.

filial : [etymonline] (adj.) late 14c., from Late Latin *filialis* "of a son or daughter," from Latin *filius* "son," *filia* "daughter," possibly from a suffixed form of PIE root **bheue-* "to be, exist, grow" (see *be*), but Watkins finds it "more likely" assimilated from **felios*, originally "a suckling," a suffixed form of PIE root **dhe(i)-* "to suck, suckle."

filial relationship : Describes the relationship along with the associated feelings, duties, and obligations that exist between a child and his parents, or similar relationship where there is an implied fiduciary duty on one party, like a parent, and a reciprocated dutiful respect from the other, as if they were a son or daughter.

filibuster : (n.) Very broadly the word is said to have come from *flibutor* and the word *freebooter* meaning "pirate" or with reference to a "West Indian buccaneer of the 17th century." This was then extended to the pirating by obstructionist legislators of debate in the US legislature.

finitum est : Latin; it is finished, it is done.

forbear : (v.) "to abstain," Old English *forberan* "bear up against, control one's feelings, abstain

from, refrain; tolerate, endure (past tense forbær, past participle forboren), from for- + beran "to bear" (see bear (v.)). Related: Forbearer; forbearing; forbore. Of similar formation are Old High German ferberen, Gothic frabairan **"to endure."**

force majeure : French; used to describe the unseen circumstances that prevent somebody fulfilling the terms of a contract. [wikipedia] Force majeure is a common clause in contracts that essentially frees both parties from liability or obligation when an extraordinary event or circumstance beyond the control of the parties, such as a war, strike, riot, crime, epidemic or an event described by the legal term **"act of God"**, prevents one or both parties from fulfilling their obligations under the contract. In practice, most force majeure clauses do not excuse a party's non-performance entirely, but only suspend it for the duration of the force majeure.

foreclosure : Is a legal process in which a lender attempts to recover the balance of a loan from a borrower, who has stopped making payments to the lender, by forcing the sale of the asset used as collateral for the loan.

foreign judgement : Is a judgement recognised and is enforceable in one jurisdiction that has been rendered in another such as between differing states or countries. For a foreign judgement to be recognised it has to have been made finally and conclusively.

forensic : Suitable for use in a court of law, where forensic accountants work to such a standard so as to make presentable evidence of a financial nature for a court of law.

forest eyre : [reference: Blackstone's commentaries] The highest forest court, established by Henry II, held by itinerant forest justices, under the authority of two Chief Justices of the Forest, one for north and one for south of the river Trent after 1238. This court has ceased to exist from the era of the revolution in 1688 but its significance along with the private courts of *"commissioners of sewers"* and others is of high value juxtaposed against courts of a special jurisdiction held today such as for traffic related matters and summary offences. Where considering these were in the same form being "courts of record" and that any errors from them lay to the court of King's Bench for the redress of the mal-administration of justice; a man in the same way today has at his disposal the court of Queen's bench.

franchise : [etymonline] (n.) c. 1300, franchise, **"a special right or privilege (by grant of a sovereign or government);"** also "national sovereignty; nobility of character, generosity; the king's authority; the collective rights claimed by a people or town or religious institution," also used of the state of Adam and Eve before the Fall, from Old French franchise **"freedom, exemption; right, privilege"** (12c.), from variant stem of franc "free" (see frank (adj.)).

From late 14c. as "freedom; not being in servitude; social status of a freeman;" early 15c. as "citizenship, membership in a community or town; membership in a craft or guild." The "special right" sense narrowed 18c. to "particular legal privilege," then "right to vote" (1790). From mid-15c. as "right to buy or sell," also "right to exclude others from buying or selling, a monopoly;" meaning "authorization by a company to sell its products or services" is from 1959.

(v.) late 14c., **"to make free,"** from Old French franchiss-, past participle stem of franchir **"to free"** (12c.), from franc "free" (see frank (adj.)). Franchising is from 1570s; the commercial licensing sense is from 1966. Related: Franchisee; franchiser; franchisor.

fraud : Simply "intentional deception resulting in injury to another person". Very Broadly, A false representation of a matter of fact. In law, the 5 elements to be shown to prove Fraud are (1) A false statement of a material fact, (2) Knowledge on the part of the defendant that the statement is untrue, (3) Intent on the part of the defendant to deceive the alleged victim, (4) Justifiable reliance by the alleged victim being ignorant on the statement, and (5) Injury to the alleged victim as a result.

Criminal and civil frauds differ in the level of proof required. For civil cases that burden is a "preponderance of evidence." In criminal fraud the standard is "beyond a reasonable doubt."

[etymonline] (n.) mid-14c., "criminal deception" (mid-13c. in Anglo-Latin); from Old French fraude "deception, fraud" (13c.), from Latin fraudem (nominative fraus) "a cheating, deceit," of persons "a cheater, deceiver," of uncertain origin. Connections have been proposed to Sanskrit dhruṭi- "deception; error." Meaning "a fraudulent production, something intended to deceive" is from 1650s. The meaning "impostor, deceiver, pretender; humbug" is attested from 1850. Pious fraud (1560s) is properly "deception practiced for the sake of what is deemed a good purpose;" colloquially used as "person who talks piously but is not pious at heart." When describing fraud in a court of law relating to deception or cheating; it is the action of another to "defraud" you of your property etc..

fraud in the inducement : The mis-representation, or the omission of facts germane to consideration with regard to a contract, which a party might justifiably rely upon as the basis for making a decision when entering into that contract.

fraud in the factum : fraud that arises from a disparity between the instrument intended to be executed and the instrument actually executed; e.g., leading someone to sign the wrong contract, or misrepresenting the one form for another where what the plaintiff believes he is signing is in fact entirely different whereby a right or interest maybe transferred to a defendant that was never intended by the plaintiff.

free : (adj.) Old English freo "exempt from; not in bondage, acting of one's own will," also "noble; joyful," from Proto-Germanic *friez "beloved; not in bondage".

freedom : Old English freodom "power of self-determination, state of free will; emancipation from slavery, deliverance;" see free (adj.) + -dom. Meaning "exemption from arbitrary or despotic control, civil liberty" is from late 14c. Meaning "possession of particular privileges" is from 1570s.

freehold : is the absolute ownership in perpetuity of land and the immovable structures associated with land. Freehold is in contrast with leasehold: in which possession of land reverts to the owner upon the expiry of a lease period. For an estate to be freehold. it must possess two qualities: firstly immobility (property must be land or some interest issuing out of or annexed to land) and secondly ownership of it must be of an indeterminate duration.

frivolous : mid-15c., from Latin frivolus "silly, empty, trifling, worthless," diminutive of *frivos "broken, crumbled," from friare "break, rub away, crumble" (see friable). In law (by 1736), "so clearly insufficient as to need no argument to show its weakness." Related: Frivolously; frivolousness.

frustration : Is a doctrine in the law of contracts standing along side *impossibility* and *impracticability* that sets aside an obligation to fulfil the terms of a contract based on unforeseen circumstances or an event that affects the fulfilment of what was intended by the contract.

full disclosure : The need in business transactions to tell the "whole truth" about any matter which the other party should know in deciding to buy or contract. In real estate sales in many states there is a full disclosure form which must be filled out and signed under penalty of perjury for knowingly falsifying or concealing any significant fact.

fulmination : [etymonline] (n.) c. 1500, "act of thundering forth denunciations," from French fulmination, from Latin fulminationem (nominative fulminatio) "a discharge of lightning," noun of action from past-participle stem of fulminare "to hurl lightning" (see fulminate). Literal sense "act of exploding or detonating" (1620s) is rare in English.

furnish : [etymonline] (v.) mid-15c., "fit out, equip, to provision" (a castle, ship, person); "provide (soldiers)," from Old French furniss-/forniss-, present participle stem of furnir/fornir "accomplish, carry out; equip, fit out; provide" (12c.), from Vulgar Latin *fornire, alteration of *fromire, from West Germanic *frumjan "forward movement, advancement" (source also of Old High German frumjan

"to do, execute, provide"), from Proto-Germanic *fram- "forwards" (see from). General meaning "to provide" (something) is from 1520s; specifically "provide furniture for a room or house" from 1640s. Related: Furnished; furnishing.

gage : A valued object deposited as a guarantee of good faith (verb) offer (an object, or one's life) i.e. "a guide sent to them by the headman of this place; *gaged* his life as a forfeit if he failed"

garnishee order : is similar to a writ of execution in New South Wales but instead of seizing property to satisfy a debt a *garnishee order* is issued against the judgement debtors wages or bank account.

gaslighting : [wikipedia] Gaslighting is a form of psychological manipulation in which a person or a group covertly sows seeds of doubt in a targeted individual or group, making them question their own memory, perception, or judgement. The term originated from a 1938 British play called *Gas Light*; a psychological thriller about a husband who manipulates events and his surroundings in an effort to make his wife think she is going crazy.

gender : [etymonline] (n.) Origin and meaning of gender c. 1300, "kind, sort, class, a class or kind of persons or things sharing certain traits," from Old French *gendre*, *genre* "kind, species; character; gender" (12c., Modern French *genre*), from stem of Latin *genus* (genitive *generis*) "race, stock, family; kind, rank, order; species," also "(male or female) sex," from PIE root *gene- "give birth, beget," with derivatives referring to procreation and familial and tribal groups.

Also used in Latin to translate Aristotle's Greek grammatical term *genos*. The grammatical sense is attested in English from late 14c. The unetymological -d- is a phonetic accretion in Old French (compare sound (n.1)).

The "male-or-female sex" sense is attested in English from early 15c. As *sex* (n.) took on erotic qualities in 20c., *gender* came to be the usual English word for "sex of a human being," in which use it was at first regarded as colloquial or humorous. Later often in feminist writing with reference to social attributes as much as biological qualities; this sense first attested 1963. *Gender-bender* is from 1977, popularized from 1980, with reference to pop star David Bowie.

(v.) "to bring forth," late 14c., from Old French *gendrer*, *genrer* "engender, beget, give birth to," from Latin *generare* "to engender, beget, produce" (see *generation*). Related: *Gendered*; *gendering*.

genius : [etymonline] (n.) late 14c., "tutelary or moral spirit" who guides and governs an individual through life, from Latin *genius* "guardian deity or spirit which watches over each person from birth; spirit, incarnation; wit, talent;" also "prophetic skill; the male spirit of a gens," originally "generative power" (or "inborn nature"), from PIE *gen(e)-yo-, from root *gene- "give birth, beget," with derivatives referring to procreation and familial and tribal groups.

The sense of "characteristic disposition" of a person is from 1580s. The meaning "person of natural intelligence or talent" and that of "exalted natural mental ability, skill in the synthesis of knowledge derived from perception" are attested by 1640s.

germane : factors relevant to the matter under consideration. From Middle English *germain*, having the same parents, with the notion of people extending to things or matters; closely connected; see *german*.

gilt-edged : [google] or *gilt-edge*; having the edge or edges gilded: *gilt-edged paper*; of the highest or best quality, kind, etc. Finance. (of securities and bonds) of the highest rating or quality; secure. (of bonds) government backed or guaranteed.

grant deed/ warranty deed : upon the sale of property it is a deed given by the seller/grantor to the buyer/grantee. The deed is an evidence guaranteeing that the seller owns clear title to a piece of real estate and has the right to sell the property to the grantee/buyer. The guarantee is not

limited to the time for which the grantor has owned the property but extends back in history to its origins.

gratuitous : The word originally meant something spontaneously, voluntarily, and/or freely given but has been extended in law at around the 1690's to mean something done without restraint or without good reason or something uncalled for i.e. gratuitous violence. Generally it is taken to mean what is given, or done free of charge i.e. some solicitors provide a form of gratuitous legal advice. [etymonline] 1650s, "freely bestowed," from Latin *gratuitus* "done without pay, spontaneous, voluntary," from *gratus* "pleasing, agreeable," from *gratia* "favor" (from suffixed form of PIE root **gwere-* (2) "to favor"). Earlier was *gratuital* (1590s). Sense of "uncalled for, done without good reason" is first recorded 1690s.

guest : a stranger, or someone to be wary of. In legalese; a person who's presence is tacitly unwanted, or at enmity with the purposes of the court in a legal proceeding.

habeas corpus : In Latin, this translates as "you shall have the body". It is a court order, often directed to the public authorities, to bring a detained person before the court for a hearing to determine the legality of the person's detention. It prevents public authorities from detaining individuals without legitimate reasons.

habendum : A habendum clause is a clause in a deed or lease that defines the type of interest and rights to be enjoyed by the grantee or lessee. In a deed, a habendum clause usually begins with the words "to have and to hold."

harbor : (v.) providing lodgings for, or shelter, or to give protection to. ie. the Tennant was illegally harboring numerous cats and dogs.

harm : in law harm only befalls a man and is distinct from an injury that occurs to persons and things. [etymonline] Old English *hearn* "hurt, pain; evil, grief; insult," from Proto-Germanic **harmaz* (source also of Old Saxon *harm*, Old Norse *harmr* "grief, sorrow," Old Frisian *herm* "insult; pain," Old High German *harm*, German *Harm* "grief, sorrow, harm"), from PIE **kormo-* "pain." To be in harm's way is from 1660s.

hearsay : 2nd hand account of a supposed truth or story. [etymonline] "information communicated by another, gossip," [comment] The hearsay rule in law requires that a witness can only give evidence as to a personal account of what he himself has witnessed, perceived, or experienced; if the story or account has come from a third party this testimony then becomes inadmissible.

[[common law](#) mini dictionary] (n) From early to mid 15th century, from the phrase to "*hear say*" "*yell out*" See conjecture and speculation, [sic].

heed : [etymonline] (v.) Old English *hedan* "observe; to take care, attend, care for, protect, take charge of," from West Germanic **hodjan* (source also of Old Saxon *hodian*, Old Frisian *hoda*, Middle Dutch and Dutch *hoeden*, Old High German *huotan*, German *hüten* "to guard, watch"), from PIE **kadh-* "to shelter, cover" (see *hat*). Related: *Heeded*; *heeding*.

heedless : [etymonline] (adj.) "without regard," 1570s, from *heed* (n.) + *-less*. Related: *Heedlessly*; *heedlessness*. Spenser has *heedlessness*.

hegemony : derived from a Greek term meaning (dominance over) and relates usually to a state or a political class having influence or control over other states or a group of people. One could say the inception of an unaccountable un-elected bureaucracy might be an example of a hegemony but the distinction is that those who are under a hegemony are ruled tacitly by consent.

[etymonline] (n.) 1560s, "preponderance, dominance, leadership," originally of predominance of one city state or another in Greek history; from Greek *hēgemonia* "leadership, a leading the way, a going first;" also "the authority or sovereignty of one city-state over a number of others," as Athens

in Attica, Thebes in Boeotia; from hēgemon "leader, an authority, commander, sovereign," from hēgeisthai "to lead," perhaps originally "to track down," from PIE *sag-eyo-, from root *sag- "to seek out, track down, trace" (see seek). In reference to modern situations from 1850, at first of Prussia in relation to other German states. Additionally Wikipedia gives: In the 19th century, hegemony denoted the "social or cultural predominance or ascendancy; predominance by one group within a society or milieu" and "a group or regime which exerts undue influence within a society."

hence : "(away) from here, or away from this place", also Late 14c.; meaning as a consequence, for this reason, or arising from this fact or circumstance.

hocus pocus : Said by Arch Bishop John Tillotson to have originated from "hoc est corpus" as a parody of the consecration of a catholic mass; the phrase originated in the 17th century and was used by magicians and jugglers as part of an introductory incantation prior to doing a magic trick. This incantation was designed largely as a distraction from the mechanism behind the trick providing for slight of hand to go unnoticed. [Google] gives meaningless talk or activity, typically designed to trick someone or conceal the truth.

Research uncovered by Rowan Dorian distinguishes hocus pocus additionally as language formed by linguists who did not ascribe any reality to units or categories they had established; as distinct from God's Truth linguists who did. The use of all capital letters in names and for the body of text in written instruments is an example of such language which is a nonsense grammatically; by not adhering to the proper conventions of [written english](#). This text is used broadly in the naming conventions used by lawyers given for legal entities such as for persons, and corporations. In such cases a person may be unaware that he is consenting to the terms of a contract; having no knowledge or awareness he has obligated himself having failed to dissent.

hold : [etymonline] (v.) Middle English holden, earlier halden, from Old English haldan (Anglian), healdan (West Saxon), "to contain; to grasp; to retain (liquid, etc.); to observe, fulfill (a custom, etc.); to have as one's own; to have in mind (of opinions, etc.); to possess, control, rule; to detain, lock up; to foster, cherish, keep watch over; to continue in existence or action; to keep back from action," class VII strong verb (past tense heold, past participle healden), from Proto-Germanic *haldanan (source also of Old Saxon haldan, Old Frisian halda, Old Norse halda, Dutch houden, German halten "to hold," Gothic haldan "to tend").

Based on the Gothic sense (also present as a secondary sense in Old English), the verb is presumed originally in Germanic to have meant "to keep, tend, watch over" (as grazing cattle), later "to have." Ancestral sense is preserved in behold. The original past participle holden was replaced by held beginning 16c., but survives in some legal jargon and in beholden.

The modern use in the sense "lock up, keep in custody" is from 1903. Hold back in the figurative senses is from 1530s (transitive); 1570s (intransitive). To hold off is early 15c. (transitive), c. 1600 (intransitive). Hold on is early 13c. as "to maintain one's course," 1830 as "to keep one's grip on something," 1846 as an order to wait or stop.

To hold (one's) tongue "be silent" is from c. 1300. To hold (one's) own is from early 14c. To hold (someone's) hand in the figurative sense of "give moral support" is from 1935. To hold (one's) horses "be patient" is from 1842, American English; the notion is of keeping a tight grip on the reins. To have and to hold have been paired alliteratively at least since c. 1200, originally of marriage but also of real estate. To hold water in the figurative sense "be sound or consistent throughout" is from 1620s.

holding : Law; any ruling or decision of a court. A holding is distinguishable from dicta, which is language relating some observation or example that may be illustrative, but which is not part of the court's judgement in the case.

hoplite : [etymonline] (n.) "heavy-armed foot soldier of ancient Greece," 1727, from Greek hoplites "heavy-armed," as a noun, "heavy-armed soldier, man-at-arms," from hopla "arms and

armor, gear for war," plural of hoplon "tool, weapon, implement." One who carries a large shield, as opposed to a peltastes, so called for his small, light shield (pelte).

horrific : [etymonline] (adj.) "causing horror," 1650s, from French horifique or directly from Latin horrificus "dreadful, exciting terror," literally "making the hair stand on end," from horrere "be terrified, bristle, to stand on end" (see horror) + -ficus "making, doing," from combining form of facere "to make, to do" (from PIE root *dhe- "to set, put"). An older adjective was horriferos (1620s). Related: Horrifically.

hostile witness : One called to give evidence as a witness in a criminal proceeding who is not necessarily favourable to your case. As such once declared as a hostile witness before a judge there is the opportunity to pose leading questions where under normal circumstances, when the witness is not hostile, you would not have such an opportunity.

hypothecation : Is the practice where (usually through a letter of hypothecation) a debtor pledges collateral to secure a debt or as a condition precedent to the debt, or a third party pledges collateral for the debtor. A common example occurs when a debtor enters into a mortgage agreement, in which the debtor's house becomes collateral until the mortgage loan is paid off. [etymonline] 1680s, "pledge (something) without giving up control of it; pawn; mortgage," from hypothecat-, past participle stem of Medieval Latin hypothecare, from Late Latin hypotheca "a pledge," from Greek hypotheke "a deposit, pledge, mortgage," from hypo- "beneath, under" (see hypo-) + tithenai "to put, to place," from reduplicated form of PIE root *dhe- "to set, put." Related: Hypothecated; hypothecating; hypothecation; hypothecary.

hyperbole : exaggerated statements or claims not meant to be taken literally. [etymonline] "obvious exaggeration in rhetoric," early 15c., from Latin hyperbole, from Greek hyperbole "exaggeration, extravagance," literally "a throwing beyond," from hyper- "beyond" (see hyper-) + bole "a throwing, a casting, the stroke of a missile, bolt, beam," from bol-, nominative stem of ballein "to throw" (see ballistics). Rhetorical sense is found in Aristotle and Isocrates. Greek had a verb, hyperballein, "to throw over or beyond."

hypothesis : [etymonline] (n.) 1590s, "a particular statement;" 1650s, "a proposition, assumed and taken for granted, used as a premise," from French hypothese and directly from Late Latin hypothesis, from Greek hypothesis "base, groundwork, foundation," hence in extended use "basis of an argument, supposition," literally "a placing under," from hypo- "under" (see hypo-) + thesis "a placing, proposition" (from reduplicated form of PIE root *dhe- "to set, put"). A term in logic; narrower scientific sense is from 1640s.

human : is said to be a legalese word meaning "monster" referenced from Ballentines Law Dictionary 1930 which upon further investigation [references](#) Blackstone's Commentaries describing the birth of a child that is not the shape of a man which he describes as "brute creation". Blackstone goes on to say that a child born in this way has no inheritance however if it is recognisable in human form then it may be an heir; indicating a monster is of such a state of deformity as to be unrecognisable as a man; yet having been brought forth as a result of natural relations.

[etymonline] gives mid-15c., humain, humaigne, "human," from Old French humain, umain (adj.) "of or belonging to man" (12c.), from Latin humanus "of man, human," also "humane, philanthropic, kind, gentle, polite; learned, refined, civilized." This is in part from PIE * (dh)ghomon-, literally "earthling, earthly being,". [comment] Human is also said to have come from the latin word humus meaning "earth, soil" hu (earth, soil) + man = "man of the earth, human" and is also said to have been adopted as a derogatory term with reference to the earlier definition "monster" used by the law society. see also guest

idiosyncrasy : [etymonline] c. 1600, from French idiosyncrasie, from Latinized form of Greek idiosynkrasia "a peculiar temperament," from idios "one's own" (see idiom) + synkrisis "temperament, mixture of personal characteristics," from syn "together" (see syn-) + krosis "mixture," from PIE root *kere- "to mix, confuse; cook" (see rare (adj.2)).

Originally in English a medical term meaning "physical constitution of an individual;" mental sense "peculiar mixture" of the elements in one person that makes up his character and personality first attested 1660s. In modern use, loosely, one's whims, habits, fads, or tastes. Sometimes confused in spelling with words in -crazy, but it is from *krasis* not *kratos*.

idiot : [etymonline] (12c.), from Latin *idiota* "ordinary person, layman; outsider," [common law, latin] A private person or common man not under a duty or obligation to a Society, an outsider acting on one's own behalf. Greek; a layman, a person lacking Professional skills as opposed to a Writer, Soldier Skilled Workman, Attorney, or a Lawyer. Literally a private person as opposed to one taking part in public affairs, acting as one's own. Idiots have no obligation to a society because they have no knowledge of the inner workings of, and hold no rank within that society. With regard to court proceedings an "idiot" is a man who's person is a layman or an outsider who has no understanding of, holds no rank within, and has given no undertaking to be bound by the rules and practices of the law society or bar association. As such a notice accompanying a claim should always be tendered establishing that the man making the claim is an idiot with regard to the rules and practices of the Law society and has no obligation to be bound as such.

ignorance : [etymonline] (n.) c. 1200, "lack of wisdom or knowledge," from Old French *ignorance* (12c.), from Latin *ignorantia* "want of knowledge" (see *ignorant*). *Ignoration* (1832) has been used in the sense "act of ignoring." The proverb, in the form "Where ignorance is bliss, 'tis folly to be wise", is from Gray's "Ode on a Distant Prospect of Eton College" (1742).

illegitimate : the opposite of legitimate from Latin *legitimus* "lawful" meaning "unlawful" (see *lawful*). [etymonline] 1530s, "born out of wedlock," formed in English (and replacing earlier *illegitime*, c. 1500), modeled on Late Latin *illegitimus* "not legitimate, unlawful" (see *il-* + *legitimate*). Sense of "unauthorized, unwarranted" is from 1640s. Phrase *illegitimi non carborundum*, usually "translated" as "don't let the bastards grind you down," is fake Latin (by 1965, said to date from c. 1939). *Carborundum* was a brand of abrasives. Related: *Illegitimately*.

illicit : [etymonline] (adj.) c. 1500, from Old French *illicite* "unlawful, forbidden" (14c.), from Latin *illicitus* "not allowed, unlawful, illegal," from assimilated form of *in-* "not, opposite of" (see *in-* (1)) + *licitus* "lawful," past participle of *licere* "to be allowed" (see *licence* (n.)). Related: *Illicitly*.

illustrious : [etymonline] 1560s, "distinguished by greatness, renowned," from Latin *illustis* "lighted, bright, brilliant;" figuratively "distinguished, famous," probably a back-formation from *illustrare* "make light, light up, illuminate," figuratively "embellish, distinguish, make famous" (see *illustration*). Replaced *illustre* in same sense (mid-15c.), from Middle French *illustre*.

imbecile : [etymonline] 1540s, *imbecille* "weak, feeble" (especially in reference to the body), from Middle French *imbecile* "weak, feeble" (15c.), from Latin *imbecillus* "weak, feeble," a word of uncertain origin. The sense of the word shifted in the 1800's to "mentally weak, or incapable". see *moron*

immutable : unchanging over time or unable to be changed. "an immutable fact."

impeach : [merriam webster] We define impeach as "to charge with a crime or misdemeanor; specifically, to charge (a public official) before a competent tribunal with misconduct in office." The word has an additional sense, which may be defined as "to cast doubt on; especially, to challenge the credibility or validity of."

[etymonline] (v.) formerly also *empeach*, late 14c., *empechen*, "to impede, hinder, prevent;" early 15c., "cause to be stuck, run (a ship) aground," also "prevent (from doing something)," from Anglo-French *empecher*, Old French *empeechier* "to hinder, stop, impede; capture, trap, ensnare" (12c., Modern French *empêcher*), from Late Latin *impedicare* "to fetter, catch, entangle," from assimilated form of *in-* "into, in" (from PIE root **en* "in") + Latin *pedica* "a shackle, fetter," from *pes* (genitive *pedis*) "foot" (from PIE root **ped-* "foot").

In law, at first in a broad sense, "to accuse, bring charges against" from late 14c.; more specifically, of the king or the House of Commons, "to bring formal accusation of treason or other high crime against (someone)" from mid-15c. The sense of "accuse a public officer of misconduct" had emerged from this by 1560s. The sense shift is perhaps via Medieval Latin confusion of *impedicare* with Latin *impetere* "attack, accuse" (see *impetus*), which is from the Latin verb *petere* "aim for, rush at" (from PIE root *pet- "to rush, to fly").

The Middle English verb *apechen*, probably from an Anglo-French variant of the source of *impeach*, was used from early 14c. in the sense "to accuse (someone), to charge (someone with an offense)." Related: *Impeached*; *impeaching*.

implication : (n.) [etymonline] early 15c., "action of entangling," from Latin *implicationem* (nominative *implicatio*) "an interweaving, an entanglement," noun of state from past participle stem of *implicare* "involve, entangle; embrace; connect closely, associate," from assimilated form of *in-* "into, in, on, upon" (from PIE root *en "in") + *plicare* "to fold" (from PIE root *plek- "to plait"). Meaning "that which is implied (but not expressed), inference drawn from what is observed" is from 1550s.

importune : [etymonline] *importune* (v.) "harass with solicitation, demand persistently," 1520s, back-formation from *importunity*, or else from French *importuner*, from Medieval Latin *importunari* "to make oneself troublesome," from Latin *importunus* "unfit, unfavorable, troublesome," literally "having no harbor" (thus "difficult to access"), from assimilated form of *in-* "not, opposite of" (see *in-* (1)) + *portus* "harbor" (see *port* (n.1)). Related: *Importuned*; *importuning*. As an adjective from early 15c. *Portunus* was the Roman deity of harbors; hence *Portunium* "temple of Portunus."

impose : Given by Tazadaq as to practice deceit upon. [etymonline] late 14c., "to lay (a crime, duty, obligation, etc.) to the account of," from Old French *imposer* "put, place; impute, charge, accuse" (c. 1300), from assimilated form of *in-* "into, in" (see *in-* (2)) + *poser* "put, place" (see *pose* (v.1)). From c. 1500 as "apply authoritatively." Sense of "lay on as a burden, inflict by force or authority" first recorded 1580s. Related: *Imposed*; *imposer*; *imposing*. Can also be seen as applying rules and authority as compulsory, by decree, and without consent; such as the imposition of a levy or tax; or can be seen as any deliberate action carried out for one's own benefit that affects the property or persons of others to their harm or inconvenience; without their consent.

imputation : The act of imputing, charging, attribution, or the ascribing of something to the account of another. Which could be the charge or attribution of evil, censure, reproach, or insinuation. A setting of something to the account of; the attribution of personal guilt or personal righteousness of another. It can also be seen as an opinion, intimation, or hint.

in : see *at* & *in*. The law society loves to play with words, and there is a saying that "*good law is expressed not implied*." If you are *in* something you are governed by the law of that which you are within. A man can be *in* a state of euphoria, but cannot be *in* a block of concrete. If you are within the foliage of a tree; you are subject to the laws of nature and gravity while within the tree. If you are *in* a car; you are subject to the laws of physics that act against that car. In the same way if you are *in* a court you are subject to the rules of that court, and it is in such cases that you should file your own claim, or tender a notice separating yourself as a man with distinction from the person, or (*ens legis* "creature of the law"). see *claim* and *complaint*.

in facie curiae : [etymonline] "before the court," legal Latin, from ablative of Latin *facies* "form, face" (see *face* (n.)). + genitive of *curia* "court" (see *curia*).

inauspicious : [etymonline] (adj.) "ill-omened, unlucky, unfavorable," 1590s, from *in-* (1) "not, opposite of" + *auspicious*. Related: *Inauspiciously*; *inauspiciousness*. The Latin word was *inauspicatus* "without auspices; with bad auspices i.e. not of good omen, or of good favour," which had a brief career in English as *inauspicate* (17c.)

in situ : [etymonline] 1740, Latin, literally "in its (original) place or appropriate position," from

ablative of situs "site" (see site (n.)).

incapacity : [etymonline] (n.) 1610s, "lack of ability, powerlessness," from French incapacité (16c.), from Medieval Latin incapacitatem (nominative incapacitas), from Late Latin incapax (genitive incapacis) "incapable," from in- "not" (see in- (1)) + Latin capax "capable," literally "able to hold much," from capere "to take," from PIE root *kap- "to grasp." As a legal term (1640s), "lack of qualification," referring to inability to take, receive, or deal with in some way.

incident : [Bouviere 1856] A thing depending upon, appertaining to, or following another, called the principal. The power of punishing for contempt is incident to a court of record; rent is incident to a reversion; distress to rent; estovers of wood (allowance from an estate) a tenancy for life or years. [etymonline] (n.) early 15c., "something which occurs casually in connection with something else," from Old French incident (13c.), and directly from Latin incidentem (nominative incidens), present participle of incidere "to fall in, fall, find the way; light upon, fall in with; fall upon, occur; happen, befall," from in- "on" (from PIE root *en "in") + -cidere, combining form of cadere "to fall" (from PIE root *kad- "to fall"). Broader sense of "an occurrence viewed as a separate circumstance" is from mid-15c. Euphemistic meaning "event that might trigger a crisis or political unrest" first attested 1913. (adj.) late 15c., "likely to happen," from Latin incidentem (nominative incidens), present participle of incidere "to happen, befall" (see incident (n.)). From 1620s as "occurring as a subordinate;" 1660s in literal sense "falling or striking upon."

incipient : [google] beginning to happen or develop. [comment] from various sources the word incipient is described as the beginning of existence, or first appearance of, or the development of something at its inception.

incorporate : (v.) from Late Latin incorporatus, past participle of incorporare "unite into one body, embody, include." incorporation is the legal process by which individuals are voluntarily united into a new entity through the creation of an artificial, intangible, and legal person called a corporation used to form a corporate entity or company. A corporation is a separate legal entity from its owners. Corporations can be created in nearly all countries in the world and are usually identified as such by the use of terms such as "Inc." or "Limited" in their names. It is the process of legally declaring a corporate entity as separate from its owners. [etymonline] Meaning "to legally form a body politic with perpetual succession and power to act as one person, establish as a legal corporation" is from mid-15c.

incorporeal : [Karl Lentz] intangible or for the purposes of [common law](#) intangible property. [Google] not composed of matter; having no material existence. [etymonline] (adj.) early 15c., "spiritual, immaterial," with -al (1) and Late Latin incorporeus "without body, or no body i.e. it has no body or form so therefore is incorporeal" from in- "not" (see in- (1)) + adjective from corpus (genitive corporis) "body."

incompetent : [etymonline] (adj.) 1610s, "insufficient," from French incompetent, from Late Latin incompetentem (nominative incompetens) "insufficient," from in- "not" (see in- (1)) + Latin competentem (see competent). Sense of "lacking qualification or ability" first recorded 1630s. The noun meaning "incompetent person" is from 1866. Related: Incompetently.

incongruous : [etymonline] (adj.) 1610s, from Latin *incongruus* "incongruous, inconsistent," from in- "not, opposite of, without" (see in- (1)) + congruus "fit, suitable" (see congruent). Related: Incongruously; incongruousness. [comment] From the syllables given in Latin It can be taken to mean that which is **inconsistent, unfit or unsuitable**.

inculcate : (v.) [etymonline] 1540s, from Latin inculcatus, past participle of inculcare "force upon, insist; stamp in, impress, tread down," from in- "in" (from PIE root *en "in") + calcare "to tread, press in," from calx (1) "heel" (see calcaneus). Related: Inculcated; inculcating.

incur : [etymonline] (v.) c. 1400, "bring (an undesirable consequence) upon oneself;" mid-15c. as "become liable for (payment or expenses)," from Anglo-French encurir, Old French encorir "to run, flee; commit, contract, incur" (Modern French encourir), from Latin incurrere "run into or against,

rush at, make an attack; figuratively, "to befall, happen, occur to," from in- "upon" (from PIE root *en "in") + currere "to run" (from PIE root *kers- "to run"). Related: Incurred; incurring.

indenture : [etymonline] (n.) late 14c., endenture, indenture, **"written formal contract for services (between master and apprentice, etc.), a deed with mutual covenants,"** from Anglo-French endenture, Old French endenteure "indentation," from endenter "to notch or dent" (see indent (v.1)).

Such contracts (especially between master craftsmen and apprentices) were written in full identical versions on a sheet of parchment, which was then cut apart in a zigzag, or "notched" line. Each party took one, and the genuineness of a document of indenture could be proved by laying it beside its counterpart.

indicate : [etymonline] 1650s, "to point out," back-formation from indication (q.v.) or else from Latin *indicatus*, past participle of *indicare* **"to point out, show,"** from in- "into, in, on, upon" (from PIE root *en "in") + dicare "proclaim" (from PIE root *deik- "to show," also "pronounce solemnly," and see diction). Especially "to give suggestion of, be reason for inferring" (1706). Related: Indicated; indicating.

indict : [etymonline] formerly also endict, c. 1300, enditen, inditen, "bring formal charges against (someone); accuse of a crime," from Anglo-French enditer "accuse, indict, find chargeable with a criminal offense" (late 13c.), Old French enditier, enditer "to dictate, write, compose; (legally) indict," from Vulgar Latin ***indictare "to declare, accuse, proclaim in writing,"** from in- "in" (from PIE root *en "in") + Latin dictare "to declare, dictate," frequentative of dicere "to say, speak" (from PIE root *deik- "to show," also "pronounce solemnly").

Retained its French pronunciation after the spelling was re-Latinized c. 1600. Later 14c. non-legal senses "write, compose (a poem, etc.); dictate" have gone with the older form, endite, indite (q.v.). The sense is perhaps partly confused with Latin *indicare* "to point out." In classical Latin, *indictus* meant "not said, unsaid" (from in- "not"). Related: Indictable; indicted; indicting.

individual : [etymonline] (n.) "single object or thing," c. 1600, from individual (adj.). Meaning "a single human being" (as opposed to a group, etc.) is from 1640s. Colloquial sense of "person" is attested from 1742. Latin *individuum* as a noun meant **"an atom, indivisible particle,"** and in Middle English *individuum* was used in sense of "individual member of a species" (early 15c.)

(adj.) early 15c., "one and indivisible, inseparable" (with reference to the Trinity), from Medieval Latin *individualis*, from Latin *individuus* **"indivisible,"** from in- "not, opposite of" (see in- (1)) + *dividuus* "divisible," from *dividere* "divide" (see divide (v.)). Original sense now obsolete; the word was not common before c. 1600 and the 15c. example might be an outlier. Sense of "single, separate, of but one person or thing" is from 1610s; meaning "intended for one person" is from 1889.

[comment] From early Latin relating to atoms or indivisible particles; something is an individual when it cannot be divided in terms of its substance. A man can stand as an individual with respect to a large body of persons; however, the same can be said for individual animals that belong to a sub species. If taking on the title of "individual" it is without distinction as to what type of individual creating a degree of ambiguity. The term 'man' is unambiguous there is nothing else a man can be, but a man!

induce : [etymonline] formerly enduce, late 14c., from Latin *inducere* **"lead into, bring in, introduce, conduct; persuade; suppose, imagine"**.

inexorable : (adj.) "unyielding, unrelenting," 1550s, from Middle French *inexorable* and directly from Latin *inexorabilis* **"that cannot be moved by entreaty, unyielding,"** from in- "not, opposite of" (see in- (1)) + *exorabilis* "able to be entreated," from *exorare* "to prevail upon," from *ex* "out" (see *ex-*) + *orare* "to pray to, beseech" (see orator). Related: Inexorably; inexorability.

information : (n.) refers to a written allegation brought before a [justice of the peace](#) or magistrate that a person has committed a crime and is a term that goes back in time in the United Kingdom where informants were paid by governments to catch and convict people who had committed criminal offences.

infraction : [etymonline] mid-15c., "the breaking of an agreement," from Old French infraction (13c.) and directly from Latin infractionem (nominative infractio) "a breaking, weakening," noun of action from past participle stem of infringere "to damage, break off, break, bruise," from in- "in" (from PIE root *en "in") + frangere "to break" (from PIE root *bhreg- "to break"). The verb infract (1560s) is archaic. [comment] Its modern use tends towards the breaking of the rules of a sport such as ice hockey, or the act of infracting, breaking, breaching; committing a violation, nonobservance, or infringement.

iniquity : [etymonline] (n.) c. 1300, "hostility, malevolence; a hostile action," from Old French iniquité, iniquiteit "wickedness; unfavorable situation" (12c.), from Latin iniquitatem (nominative iniquitas) "unequalness, unevenness," figuratively "unfavorableness, unfairness, injustice," noun of quality from iniquus "unjust, unequal; slanting, steep," from in- "not" (see in- (1)) + aequus "just, equal" (see equal (adj.)).

injure : [etymonline] (v.) mid-15c., "do an injustice to, dishonor," probably a back-formation from injury, or else from Old French injurier "to damage; offend," from Latin iniuriari "do an injury, (see injury)" from iniuria. Injury itself also served as a verb meaning "to injure, hurt, harm" (late 15c.). Related: Injured; injuring. [comment] Most understand the verb as the action of harming a man, woman or animals. However, from Latin iniuria there is no distinction as to the nature of an object having incurred an injury; only that there is an instance of a wrong, an injustice, unlawful violence, assault, damage or harm. For the purposes of [common law](#) an injury is not confined to an instance of harm to the body of a man, but extends to that which he claims as his property e.g. wilful damage to a motor car, or unlawful violence against his person.

injury : [etymonline] (n.) late 14c., "harm, damage, loss; a specific injury," from Anglo-French injurie "wrongful action" (Old French injure, 13c.), from Latin iniuria "wrong, an injustice, insult, unlawful violence, assault, damage, harm," noun use of fem. of iniurius "wrongful, unjust, unlawful," from in- "not, opposite of" (see in- (1)) + ius (genitive iuris) "right, law" (see jurist).

includes : used in statute to show that which has been excluded by virtue of it not having been included which follows the maxim "*The inclusion of one is the exclusion of another. 11 Co. 58b.*" "*Inclusio unius est exclusio alterius.*"

innocuous : [etymonline] (adj.) "harmless, producing no ill effect, incapable of harm or mischief," 1590s, from Latin innocuus "harmless; innocent; inoffensive," from in- "not" (see in- (1)) + nocuus "hurtful," from root of nocere "to injure, harm," from *nok-s-, suffixed form of PIE root *nek- (1) "death." Related: Innocuously; innocuousness.

inordinate : unusually or disproportionately large; excessive.

insubordinate : (v.) In a general sense it is to not submit oneself to an authority, and in the sense of military service it means to not submit oneself to, or to have no regard for the authority of a superior where otherwise one is obligated to do so. From in (not) + subordinate (v.) "to bring into a subordinate position to something else, to make of less value, to make auxiliary or dependent," 1590s, from Medieval Latin subordinatus (see subordinate (adj.)). Related: Subordinated; subordinating.

insure : means to [safeguard against loss or damage](#), typically through the purchase of insurance to do so. If a contract stipulates that an individual must insure something the contract is stipulating that the individual must purchase insurance to safeguard that asset.

intercourse : [etymonline] (n.) mid-15c., "communication to and fro," ("In early use exclusively with reference to trade" [OED]), from Old French entrecors "exchange, commerce,"

communication" (12c., Modern French *entrecours*), from Late Latin *intercursus* "a running between, intervention," in Medieval Latin **"intercommunication,"** from *intercursus*, past participle of *intercurrere* **"to run between, intervene, mediate,"** from Latin *inter* "between" (see *inter-*) + *currere* "to run" (from PIE root **kers-* "to run").

Sense of "frequent and habitual meeting and contact, social communication between persons" is from 1540s. Meaning "mental or spiritual exchange or intercommunication" is from 1560s. Meaning "sexual relations" (1798) probably is a shortening of euphemistic sexual intercourse (1771) with intercourse in its sense "social contact and relations."

interstice : a small physical gap or space between adjacent objects; or an intervening period of time, or interval. ie. In canon law, it is the interval of time required for promotion from a lower to a higher degree of orders.

[etymonline] (n.) early 15c., from Old French *interstice* (14c.) and directly from Latin *interstitium* **"interval,"** literally **"space between,"** from *inter* "between" (see *inter-*) + stem of *stare* "to stand," from PIE root **sta-* "to stand, make or be firm." Related: *Interstices*.

in personam : Latin "directed toward a particular person" an act or proceeding in *personam* is directed against or with reference to a specific person, while an act or proceeding in *rem* was one done or directed with reference to no person specifically, and consequently against or with reference to all whom it might concern, or "all the world." and usually with regards to real property or things.

intentional torts : In Australia intentional torts to the person are those which involve direct, intentional or wilful invasions of the physical and mental integrity of the person. The three major intentional torts include **assault, battery and false imprisonment**. The morality of imposing liability on a wrongdoer to compensate the victim of an intentional tort is readily apparent: the intentional infliction of harm is ordinarily unacceptable conduct and the wrongdoer compensating the injured person for loss suffered is both just and appropriate.

Ultimately intentional torts are expensive legal actions that follow strict guidelines in terms of how they are prosecuted where one might considering hiring a lawyer rather than attempt to file your own statement of claim. Alternatively a man can prosecute his own claim of right, or [common law](#) claim.

interpolate : to renew; to begin again; from Latin *interpolatus*, past participle of *interpolare* "alter, freshen up, polish;". Murray Gleeson gives to refurbish or to modify.

intimidation : noun of action from *intimidate*; 1640s, from Medieval Latin *intimidatus*, past participle of *intimidare* **"to frighten, make afraid,"** from *in-* "in" (from PIE root **en* "in") + Latin *timidus* **"fearful"** (see *timid*). Related: *Intimidated*; *intimidating*. The French verb was *intimider* (16c.).

Ibid : used in formal writing to indicate that a reference is from the same source as a previous reference

◇ *Ibid* is an abbreviation of the Latin word "ibidem," which means "in the same place."

Id : abbreviation for *idem* is a Latin term meaning "the same, also, likewise" and used in legal citations to denote the previously cited source, and is also used in academic citations to replace the name of a repeated author.

incendiary : (n.) c. 1400, "person who sets malicious fires," from Latin *incendiarius* "an incendiary," literally "causing a fire" (see *incendiary* (adj.)). Meaning "person who enflames political passions" is from 1630s.

incontrovertible evidence : [wikipedia] is a colloquial term for evidence introduced to prove a fact that is supposed to be so conclusive that there can be no other truth to the matter; evidence

so strong it overpowers contrary evidence, directing a fact-finder to a specific and certain conclusion.

inculpatory evidence : is evidence that shows, or tends to show, a persons involvement in an act, or evidence that can establish guilt. In [criminal law](#) the prosecution has a duty to provide all evidence they have to the defence wether it favours the prosecution or not.

inchoate : incomplete; from Latin incohatus ("begun, unfinished") to begin. [*American Heritage Dictionary 4th edition*] In an initial or early stage; incipient, imperfectly formed or developed: a vague, inchoate idea. [Creative commons] Recently started but not yet fully formed; just begun; only elementary or immature.

inchoate offence : also known as a preliminary crime or inchoate crime, encompasses the actions and preparations in the lead up to the commission of a crime, and is seen as a separate crime in itself. One example of an inchoate offence is that of attempt. An "Inchoate offence" has been defined as: "Conduct deemed criminal without actual harm being done, provided that the harm that would have occurred is one the law tries to prevent."

inchoate instrument : Inchoate instrument means an unregistered, unrecorded instrument that becomes effective to third parties only when the instrument is recorded. For instance, a deed which is valid between parties to the deed will become effective as against the world, only when it is recorded. Therefore, until such deed is registered, it is a inchoate instrument.

individual : [etymonline] (n.) "single object or thing," c. 1600, from individual (adj.). Meaning "a single human being" (as opposed to a group, etc.) is from 1640s. Colloquial sense of "person" is attested from 1742. Latin individuum as a noun meant "an atom, indivisible particle," and in Middle English individuum was used in sense of "individual member of a species" (early 15c.)

(adj.) early 15c., "one and indivisible, inseparable" (with reference to the Trinity), from Medieval Latin individualis, from Latin individuus "indivisible," from in- "not, opposite of" (see in- (1)) + dividuus "divisible," from dividere "divide" (see divide (v.)). Original sense now obsolete; the word was not common before c. 1600 and the 15c. example might be an outlier. Sense of "single, separate, of but one person or thing" is from 1610s; meaning "intended for one person" is from 1889.

[comment] From early Latin relating to atoms or indivisible particles; something is an individual when it cannot be divided in terms of it's substance. A man can stand as an individual with respect to a large body of persons; however, the same can be said for individual animals that belong to a sub species. If taking on the title of "individual" it is without distinction as to what type of individual creating a degree of ambiguity. The term 'man' is unambiguous there is nothing else a man can be, but a man!

inertia : [etymonline] (n.) 1713, "that property of matter by virtue of which it retains its state of rest or of uniform rectilinear motion so long as no foreign cause changes that state" [Century Dictionary], introduced as a term in physics 17c. by German astronomer and physician Johann Kepler (1571-1630) as a special sense of Latin inertia "unskillfulness, ignorance; inactivity, idleness," from iners (genitive inertis) "unskilled; inactive" (see inert). Also sometimes vis inertia "force of inertia." Used in 1687 by Newton, writing in Modern Latin. The classical Latin sense of "apathy, passiveness, inactivity" is attested in English from 1822.

injunction : early 15c., Latin iniunctionem (nominative iniunctio) "a command," noun of action from past participle stem of Latin iniungere "impose, inflict, bring upon" literally "attach to," "to join" Injunctions are prohibitory writs and equitable remedies in the form of a court order that compels a party to do or refrain from certain acts. A party that does not comply with an injunction faces criminal or civil penalties, including possibly monetary sanctions, being charged with contempt, or imprisonment. Injunctions are sort in order not so much to restrain criminal acts but acts that appear to be against equity and good conscience.

[lawexplores.com] An injunction is an order from a court directing a party to the proceedings to do or refrain from doing a specified act. There are several types of injunctions. An injunction may be 'prohibitory', i.e. forbidding the performance of a particular act; or 'mandatory', i.e. ordering the defendant to do a particular act. Injunctions could also be classified as 'perpetual', i.e. following the final determination of the rights of the parties or, until recently, as 'interlocutory' (now referred to as 'interim'), i.e. pending the determination of rights at the trial. In addition, a 'quia timet' (literally, 'because he fears') injunction could be obtained where the claimant fears that damage may occur in the future.

Internet reference: <https://lawexplores.com/equitable-remedies-of-injunctions-and-specific-performance/>

in lieu : from the Latin locus "place" meaning "in place of",

insolvent : 1590s, "unable to pay one's debts," from in- (1) "not" + Latin solventem "paying" (see solvent). Originally of one who was not a trader; only traders could become bankrupt.

intemperance : early 15c., "lack of restraint, excess," also of weather, "inclemency, severity," from Old French intemperance (14c.) and directly from Latin *intemperantia* "intemperateness, immoderation, excess" (as in *intemperantia vini* "immoderate use of wine"), from in- "not, opposite of" (see in- (1)) + *temperantia* "moderation, sobriety, discretion, self-control," from *temperans*, present participle of *temperare* "to moderate" (see *temper* (v.)).

intent : [etymonline] "purpose," early 13c., from Old French entent, entente "goal, end, aim, purpose; attention, application," and directly from Latin *intentus* "a stretching out," in Late Latin "intention, purpose," noun use of past participle of *intendere* "stretch out, lean toward, strain," literally "to stretch out" (see *intend*). In law, "state of mind with respect to intelligent volition" (17c.).

inter alia : [Latin, among other things.] A phrase used in pleading to designate that a particular statute set out therein is only a part of the statute that is relevant to the facts of a lawsuit. *Inter alia* is also used when reporting court decisions to indicate there where other rulings made by the court but only a particular holding of the case is cited.

interfere : [etymonline] formerly also *enterferere*, mid-15c., "to strike against," from Middle French *enterferir* "exchange blows, strike each other," from *entre-* "between" (see *entre-*) + *ferir* "to strike," from Latin *ferire* "to knock, strike," related to Latin *forare* "to bore, pierce" (see *bore* (v.)), and compare *punch* (v.), which has both the senses "to hit" and "to make a hole in"). [wordnik] v. To be or create a hindrance or obstacle, To intervene or intrude in the affairs of others; meddle., To strike one hoof against the opposite hoof or leg while moving. Used of a horse. [comment] etymologically the meaning of the word *interfere* "the exchange of blows between men" was extended to the striking of the opposing hoofs of horses which was further extended to the creation of an obstruction or a hindrance. Karl Lentz speaks of using the word when dealing with belligerent judicial officers who by their actions or inaction's obstruct in some active manner a lawfully constituted claim or other process so as to abrogate the rights of man.

interest : from Medieval Latin *interesse* "compensation for loss," and from mid-15c "a legal claim or right"

interlocutory : Provisional; temporary; not final; that which intervenes between the beginning and the end of a lawsuit or proceeding to either decide a particular point or matter that is not the final issue of the entire controversy or prevent irreparable harm during the pendency of a Lawsuit.

inter se : (also *inter sese*) is a legal latin phrase that means "among or between themselves". i.e. "The constitutional documents of a company constitute a contract between the company and its shareholders, and between the shareholders *inter se*; (between each other)" in the law of contracts etc. this serves to separate the Party's; where one party maybe representative of many members.

investigator : [etymonline] 1550s, a native agent-noun formation from investigate, or else from Latin investigator "he that searches into," agent noun from past participle stem of investigare "to trace out, search after" (see investigation). Related: Investigatorial [sic]. In Australia an investigator who provides a brief of evidence for the CDPP (Commonwealth Director of Public Prosecutions) is then known as *the informant*.

involuntary dismissal : the termination of a court case arising out of a motion that the plaintiff is not properly prosecuting a case, not complying with the *federal rules of civil procedure*, or carrying out the order of a court of law.

impunity : exemption from punishment. Immunity from detrimental effects, as of an action.

indemnity : [from Latin indemnitas "security from damage"] Security against damage, loss, or injury. A legal exemption from liability for damages. Compensation for damage, loss, or injury suffered. An obligation or duty upon an individual to incur the losses of another. A principle of insurance which provides that when a loss occurs, the insured should be restored to the approximate financial condition occupied before the loss occurred, no better, no worse.

indictment : In the system of English [Common Law](#), it is a formal accusation usually in writing that a person has committed a crime. For the noun etymonline gives; formerly also endictment, c. 1300, endytement "action of accusing," from Anglo-French and Old French enditement, from enditer "accuse, indict" (see indict). Meaning "formal legal document containing a charge proved before a grand jury" is from c. 1500. Latin spelling restored 17c.

indigent : adj. poor, or needy, n. a needy person, [synonyms] destitute, impecunious, penniless, impoverished, poverty-stricken, down and out, pauperised, without any money in the form of paper currency to one's name.

Inferior courts : In Australia the High Court of Australia is the apex court in a hierarchical system outlined in the Australian Constitution that is the ultimate court of appeal on matters of both federal and state law. Broadly all courts in Australia are divided into superior and inferior courts the distinction for superior courts being they have unlimited jurisdiction in law and equity and can determine appeals. Inferior courts in the hierarchy include the magistrates' and district (or county) court of each State as well as the Federal Circuit and Family Court. These are characterised by a jurisdiction conferred by statute and limited as to subject matter or the quantum of relief and additionally their amenability to judicial review by a single judge of a superior court where a right of appeal is not available.

Broadly and for the purposes of [common law](#) inferior courts are of a special jurisdiction such as those ancient courts outlined in Chapter VI "Of courts of a Special Jurisdiction" in Blackstone's Commentaries; namely forest courts, commissioners of sewers et al. and defined by statute as discussed earlier such as for traffic related offences and summary offences, or for that matter any court being in form a court of record; however, whose proceedings do not move by the course of the [common law](#), but are subject to the discretionary coercion of, and whose errors lie to the court of his majesty the King or Queen's Bench for the redress of the mal-administration of justice. see also forest eyre & *the crown*.

US: those courts whose jurisdiction is limited and special and whose proceedings are not according to the course of the [common law](#)." Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652.

infra : [etymonline] "under, below, further on," from Latin infra "below, under, beneath". [Latin, term of art] Legal shorthand to indicate that the details or citation of the case will come later on in the brief. Infra is distinguished from supra which shows that a case has already been cited "above". The typical language is Jones v. McLaughlin, infra, meaning the exact citation of the case, including volume and page number, will follow later in the document.

ignominious : [etymonline] (adj.) early 15c., from Latin ignominiosus "disgraceful, shameful,"

from ignominia "disgrace, infamy, loss of a (good) name," from assimilated form of in- "not, opposite of" (see in- (1)) + nomen (genitive nominis) "name" (from PIE root *no-men- "name"). The Latin spelling perhaps influenced by words from Old Latin gnoscere "come to know." Related: Ignominiously; ignominiousness.

in limine : (in limb-in-ay) from Latin for "at the threshold," referring to a motion before a trial begins. A motion to suppress illegally-obtained evidence is such a motion.

in loco parentis : In Latin, this translates to "in the place of a parent", and refers to an organisation such as a government agency, or a person who carry's out the functions of a parent and assumes the legal responsibilities for a young person, however are not their natural parent.

inquisition post mortem : abbreviated as i.p.m or Inq.p.m was formerly known as an escheat the Latin term meaning (an inquisition after death) and was originally a feudal concept regarding the review of an estate after the death of a tenant in chief.

insolvency : is the state of being unable to pay the money owed, by a person or company, on time; those in a state of insolvency are said to be insolvent.

institution : Law, the establishment of law or practice i.e. "the institution of marriage", Synonyms; practice, custom, phenomenon, fact, procedure, convention, usage, tradition, rite, ritual, fashion, use, habit. The Law Dictionary gives, The commencement or inauguration of anything. The first establishment of a law, rule, rite, etc. Any custom, system, organisation, etc., firmly established. An elementary rule or principle.

instrument : A formal or legal written document: a document in writing; such as a deed, lease, bond, contract, or will. A writing that serves as evidence of an individual's right to collect money, such as a cheque. In Contracts the writing contains some agreement, and is so called because it has been prepared as a memorial of what has taken place or been agreed upon. The agreement and instrument on which it has been written are very different things, the latter only evidence of the former. The instrument or form of the contract may be valid, but the contract itself may be void on account of fraud. Vide Ayl. Parerg. 305; Dunl. Ad. Pr. 220.

insure : means to safeguard against loss or damage, typically through the purchase of insurance to do so. If a contract stipulates that an individual must insure something the contract is stipulating that the individual must purchase insurance to safeguard that asset.

intemperate : [etymonline] (adj.) "characterized by excessive indulgence in a passion or appetite," late 14c., from Latin intemperatus "excessive, immoderate," from in- "not, opposite of" (see in- (1)) + temperatus "restrained, regulated, limited, moderate, sober, calm, steady," past participle of temperare "to moderate" (see temper (v.)). Related: Intemperately.

interrogatories : simply interrogatories are a list of questions put to a party or his or her counsel that address the issues or points of relevance in a lawsuit requiring a prepared response signed under the penalty of perjury. Generally interrogatories are a device used in the discovery process by a party to a case. Usually a defendant in a lawsuit will use interrogatories to serve as the basis for, or in support of a pleading in a lawsuit. Interrogatories are different from depositions in that they only relate to the party's in the case and not the witnesses.

inter partes : Latin for "between the parties" where inter partes proceedings in law denote a court case where all interested parties are given adequate notice and reasonable opportunity to attend and the Judgement of such a case is binding on all subject to any right of appeal. Inter partes proceedings differ from in rem where the result is binding on the whole world i.e. in the case of a ship being the subject of proceedings but not in port at the time a judgement is given, where everyone is bound by such a judgement.

interpolate : [etymonline] (v.) 1610s, "to alter or enlarge (a writing) by inserting new material," from Latin interpolatus, past participle of interpolare "alter, freshen up, polish;" of writing, "falsify,"

from inter **"among, between"** (see inter-) + polare, which is related to polire **"to smoothe, polish,"** from PIE root *pel- (5) "to thrust, strike, drive," the connecting notion being "to full cloth" [Watkins].

Sense evolved in Latin from "refurbish," to "alter appearance of," to "falsify (especially by adding new material)." Middle English had interpolen (early 15c.) in a similar sense. Related: Interpolated; interpolating.

inter se : Between or among themselves

intra vires : [latin : "within the powers"] an act done within the powers of law, making such an act valid.

injunction : An injunction is an equitable remedy in the form of a court order that compels a party to do or refrain from specific acts. A party that fails to comply with an injunction faces criminal or civil penalties, including possible monetary sanctions and even imprisonment. They can also be charged with contempt of court.

investigate : [etymonline] (v.) c. 1500, back-formation from investigation or else from Latin investigatus, past participle of investigare **"to trace out, search after,"** figuratively "search into, investigate," from in- "in, into" (from PIE root *en "in") + vestigare **"to track, trace,"** from vestigium "footprint, track" (see vestige). Related: Investigated; investigating.

invoice : (n.) **"written account of the particulars and prices of merchandise shipped or sent,"** 1550s, apparently from a re-Latinized form of French envois, plural of envoi "dispatch (of goods)," literally "a sending," from envoyer "to send," from Vulgar Latin *inviare "send on one's way," from Latin in "on" (from PIE root *en "in") + via "road" (see via (adv.)). As a verb, 1690s, from the noun.

ipso facto : Latin **"by the fact itself"** google gives "by that very fact or act" and sites the example *the enemy of my enemy is my friend*, another example from wikipedia is "These prejudices are rooted in the idea that every tramp *ipso facto* is a blackguard" saying by virtue of a condition; often groundlessly; another condition or state can be implied.

irreparable : [etymonline] (adj.) early 15c., from Old French irréparable (12c.), from Latin irreparabilis **"not to be repaired or recovered,"** from assimilated form of in- "not, opposite of" (see in- (1)) + reparabilis "that can be repaired" (see repair (v.)). Irreparable, from the English verb, was used 16c.-17c. but seldom was seen after. [comment] if something is irreparable; it cannot be fixed! In these cases when seeking compensation it should reflect a dollar value or other form of compensation equal to the value of the damaged property.

issue : [etymonline] (v.) mid-14c., of water, etc., **"to flow out;"** of persons, "come or go (out of a place), sally forth," from issue (n.) or else from Old French issu, past participle of issir. Transitive sense of "to send out" is from mid-15c.; specific sense of "to send out authoritatively" is from c. 1600. Meaning "supply (someone with something)" is from 1925. Related: Issued; issuing. (n.) c. 1300, "an exit," from Old French issue "a way out, a going out, exit; final event," from fem. past participle of issir "to go out," from Latin exire **"go out, go forth; become public; flow, gush, pour forth"** (source also of Italian uscire, Catalan exir), from ex- "out" (see ex-) + ire "to go," from PIE root *ei- (1) "to go" (see ion). [comment] Anything that flows out of a government department has been issued such as parking tickets, fines, notices and the like. Any document issued from a machine that does not carry a wet ink signature cannot be used as evidence given relating to a wrong or trespass unless supported by a verifiable claim with regards to harm, injury or loss before a court of law.

Additionally "Issue" is a technical legal term used in succession and inheritance law and some discretionary trusts. It is not defined in wills and succession legislation even though it occurs in some legislative provisions. Its legal meaning has been developed under the general (common) law going back to at least 16th century English cases. Under the general law the "issue" of a person means all of their lineal descendants by blood of every degree, including their children. That is, your "issue" includes not just your children but all of your lineal descendants of all

degrees – your children, grandchildren, great-children and so down the line without limit.

itinerant : 1560s (attested in Anglo-Latin from late 13c.), from Late Latin *itinerantem* (nominative *itinerans*), present participle of *itinerare* "to travel," from Latin *iter* (genitive *itineris*) "a journey," from *ire* "go" (from PIE root **ei-* "to go"). Originally in reference to circuit courts. As a noun from 1640s. Related: *Itinerancy*. Middle English had *itiner* "having to do with travel" (late 15c.).

judicial : late 14c., "of or pertaining to a judge; pertaining to the administration of justice," from Latin *iudicialis* "of or belonging to a court of justice," from *iudicium* "judgment, decision of a court of justice," also the court itself, from *iudex* "a judge," a compound of *ius* "right, law" (see *just* (adj.)) + root of *dicere* "to say" (from PIE root **deik-* "to show," also "pronounce solemnly"). Related: *Judicially*. [comment] That which is decided judicially is distinct as a matter of right relating to *justice*; that Henry de Bracton describes as the unfailing will to give each his right. Judicially decided matters are also distinct as a matter of right from that which is decided in a legal proceeding relating to the rules of a legislature, or precedent established in a legal system. That which is decided judicially relies heavily on the principals of [common law](#) established before an independent tribunal who determine the truth and law as a matter of right.

judicial notice : [wikipedia] is a rule in the law of evidence that allows a fact to be introduced into evidence if the truth of that fact is so notorious or well known, or so authoritatively attested, that it cannot reasonably be doubted. This is done upon the request of the party seeking to rely on the fact at issue. Facts and materials admitted under judicial notice are accepted without being formally introduced by a witness or other rule of evidence, and they are even admitted if one party wishes to plead evidence to the contrary.

judicial writ : was issued during a legal proceeding.

jurat : [etymonline] (n.) also *jurate*, "one who has taken an oath," early 15c. (mid-14c. in Anglo-French), from Medieval Latin *iuratus* "sworn man," noun use of past participle of Latin *iurare* "to swear" (see *jury* (n.)). Meaning "official memorandum at the end of an affidavit" (showing when and before whom it was sworn) is from 1796, from Latin *iuratum*, noun use of the neuter past participle. With reference to a clause wikipedia gives A *jurat* (short for Latin *juratum* (est), "it has been sworn", 3rd singular perfect passive of *jurare*, "to swear") is a clause at the foot of an affidavit showing when, where, and before whom the actual oath was sworn or affirmation was made.

In English and American law, or English [Common Law](#) a *jurat* is that part of an affidavit which contains the names of the parties swearing the affidavit, the actual statement that an oath or affirmation has been made, the person before whom it was sworn, the date, place and other necessary particulars. The *jurat* is usually located on the bottom of a document. A typical form would be Sworn to before me this Day of Month, 20__, with the signature of the witness, often a notary public, the venue, and sometimes other particulars.[2] Old forms of *jurats* ran as *Juratum*... *die*... *coram*..., which then gave in English *Sworn*... *this day*... *in front of*...

jure divino : [etymonline] "by divine right," Latin phrase, from ablative of *ius* "law, right, justice" (see *jurist*) + ablative of *divinus* (see *divine* (adj.)).

jurisprudence : (from the latin: *juris prudent*, meaning "the study, knowledge, or science of law") Is the social science, study, and theory of law. It includes principles behind law that make the law. Scholars of *Jurisprudence* are known as *Jurists* or *Legal theorists*.

jury : [etymonline] (n.) "set number of people or persons, selected according to law who are sworn to hear and determine the truth and in some cases the law according to the facts and evidence, relating to a charge, claim, or indictment submitted to them, and subsequently to render a verdict." Early 14c. (late 12c. in Anglo-Latin), from Anglo-French and Old French *juree* (13c.), from Medieval Latin *iurata* "an oath, a judicial inquest, sworn body of men," noun use of fem. past participle of Latin *iurare* "to swear," from *ius* (genitive *iuris*) "law, an oath" (see *jurist*).

Meaning "body of persons chosen to award prizes at an exhibition" is from 1851. **Grand jury** attested from early 15c. in Anglo-French (*le graund Jurre*), literally "large," so called with reference to the number of its members (usually 12 to 23). **Jury-box** is from 1729; **jurymen** from 1570s. Figurative phrase **jury is still out** "no decision has been made" is by 1903.

[comment] A jury may be constituted to hear and determine matters both by the course of the [common law](#) according to presented facts and evidence, and as to legal matters under the direction of a judge or magistrate.

jus : [etymonline] a word that has entered English in expressions from Latin, where it means "law, right" (see jurist) and French, where it means "juice" (see juice (n.)) [sic].

jus scriptum : [wikipedia] or ius scriptum is Latin for "written law". The Roman lawyers saw this law as a law issued by public authorities with legislative function. Such law was typically redacted in writing. In later Roman law and in present-day law written laws (leges) which are made by legislative organs of a state predicted by a constitution are considered jus scriptum.

just : [etymonline] (adj.) late 14c., "morally upright, righteous in the eyes of God" ("Now chiefly as a Biblical archaism" - OED); also "equitable, fair, impartial in one's dealings;" also "fitting, proper, conforming to standards or rules;" also "justifiable, reasonable;" from Old French *juste* "just, righteous; sincere" (12c.) and directly from Latin *iustus* "upright, righteous, equitable; in accordance with law, lawful; true, proper; perfect, complete" (source also of Spanish and Portuguese *justo*, Italian *giusto*), from *ius* "a right," especially "legal right, law" (see jurist; from Latin *ius* also come English jury (n.), injury, etc.).

From c. 1400 as "right-minded, good in intention;" from early 15c. as "legal, lawful, right in law." Also "exact, precise; marked or characterized by precision; having correct dimensions" (late 14c.); of narrations, calculations, etc., "accurate, correct" (early 15c.). The sense in music, "harmonically pure, correct, and exact" is by 1850.

The more mundane Latin law-word *lex* covered specific laws as opposed to the body of laws. The noun meaning "righteous person or persons; Christ" is from late 14c. (The neuter adjective in Latin was used as a noun, *iustum*, "what is right or just").

More broadly the word *just* as an adverb describes what is c. 1400, "precisely, exactly;" late 15c., "fittingly, snugly;" c. 1500, "immediately." For more information go to etymonline.com

justice : Henry Bracton described justice as "*the constant and unfailling will to give to each ([wo]man) his/her right.*" which may be understood in two ways, according as justice is taken to be in the Creator or in the created. If in the Creator, that is, in God, the matter is clear, since justice is the disposition of God which in all things rightfully orders and justly disposes. God himself gives to each man in accordance with his deserts. He is neither variable nor inconstant in his dispositions and wills, but is constant and unfailling. For he had no beginning, nor has nor will have any end. The definition may be understood in another way, that justice is in the created, that is, in the just man, The just man has the will to give to each his right, and thus that will is called justice." [comment] It seems from Bracton that justice is said to be that which is constant or has consistency and is habitually unfailling where he mentions justice is a good habit of "the mind" or the habit of a mind well constituted and an act of will without which exists acts of indifference; where it is both "will" and "purpose" distinguishing justice from maleficia.

[etymonline] mid-12c., "the exercise of authority in vindication of right by assigning reward or punishment;" also "quality of being fair and just; moral soundness and conformity to truth," from Old French *justice* "justice, legal rights, jurisdiction" (11c.), from Latin *iustitia* "righteousness, equity," from *iustus* "upright, just" (see just (adj.)).

Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit thereof. ["The Federalist," No. 51] Meaning "right order, equity, the rewarding to everyone of that which is his due" in English is from late 14c. The Old French word had widespread senses including also "uprightness, equity,

vindication of right, court of justice, judge." In English c. 1400-1700 sometimes also with a vindictive sense "infliction of punishment, legal vengeance." As a title for a judicial officer, c. 1200. [Justice of the peace](#) first attested early 14c. To do justice to (someone or something) "deal with as is right or fitting" is from 1670s. In the Mercian hymns, Latin *iustitia* is glossed by Old English *rehtwisnisse*. [comment] depending on the context in which the word is spoken "justice" can be considered a term of art. i.e. often Police will cite the obstruction of justice as grounds for arrest, where because of the ambiguous and flippant nature in the way the word may have been used one could ask "justice being the unfailing will to give each man his right who is it that by my actions or in-actions have I denied or obstructed the right to justice" [The GNU collaborative] The rendering to every one his due or right; just treatment; requital of desert; merited reward or punishment; that which is due to one's conduct or motives.

justice of the peace : JP's are volunteers appointed by the Governor of New South Wales. The duties of a Justice of the Peace in New South Wales are generally recognised as witnessing oaths or affidavits; taking statutory declarations and affirmations; witnessing signatures; bearing witness to the execution of documents, and certifying a true copy of an original document.

Formally know as a *commissioner of the peace*; traditionally Justices of the peace have been recognised as lay magistrates or judicial officers appointed by commission (letters patent) and where often no police were present; could receive information or statements of fact with regard to crimes, treason, and felonies; and by proclamation were able to command unlawful gatherings to disperse. They also issued testimonial passes to soldiers or mariners who travelled granting them authority for the time of passage, or for short periods spent away from home, and were able to enter on record recognizances for sureties binding someone to good behaviour pursuant to a court hearing. Justices were also able to issue warrants giving police the powers of arrest in the case of dangerous felons.

jura personarum : The rights and duties of persons as attached are so called in their different characters ie. certain rights are extended *jura personarum* to [a] father, apprentice, or a citizen. However, the inherent rights of a man are above all.

justify : [etymonline] c. 1300, "to administer justice;" late 14c., "to show (something) to be just or right," from Old French *justifier* "submit to court proceedings" (12c.), from Late Latin *iustificare* "act justly toward; make just," from Latin *iustificus* "dealing justly, righteous," from *iustus* "just" (see *just* (adj.)) + combining form of *facere* "to make, to do" (from PIE root **dhe-* "to set, put").

Meaning "declare to be innocent or blameless" is from 1520s. Of circumstances, "to afford justification," from 1630s. Meaning "to make exact" (now largely restricted to typesetting) is from 1550s. Related: Justified; justifier; justifying.

juxtapose : [etymonline] (v.) "to place (two or more objects) side by side or close together," 1826, a back-formation from *juxtaposition* or else from French *juxtaposer* (18c.). Related: Juxtaposed; juxtaposing.

juxtaposition : [etymonline] (n.) 1660s, from French *juxtaposition* (17c.), from Latin *iuxta* "beside, very near, close to, near at hand" + French *position* (see *position* (n.)). Latin *iuxta* is a contraction of **iugista* (adv.), superlative of adjective **iugus* "closely connected," from PIE root **yeug-* "to join."

kudos : praise and honour received for an achievement; also an acknowledgement by way of compliments or congratulations.

laches : [etymonline] "negligence in performance of legal duty," 1570s, earlier simply "slackness, negligence, want of zeal" (late 14c.), from Anglo-French *laches*, Old French *lachesse* "lawlessness, remissness," from Old French *lasche* "lax, remiss" (Modern French *lâche*), verbal adjective from *lascher*, from Vulgar Latin **lascare*, classical *laxare* "to slacken, relax," from *laxus* "loose; yielding; indulgent" (from PIE root **sleg-* "be slack, be languid"). Compare *riches*. [wikipedia] *laches* (*equity*) refers to a lack of diligence and activity in making a legal claim, or

moving forward with legal enforcement of a right, particularly in regard to equity; hence, it is an unreasonable delay that can be viewed as prejudicing the opposing [defending] party. Laches is associated with the maxim of equity, "Equity aids the vigilant, not the sleeping ones" who sleep on their rights. Put another way, failure to assert one's rights in a timely manner can result in a claim being barred by laches. [comment] In [common law](#) there is no such concept; a claim because it is made as being in inherent jurisdiction cannot be barred by statute.

lacuna : In Latin, this translates to "void" or "gap". It is commonly used in the situation where there are a set of factual circumstances that for which the law does not provide. This is also known as a "gap in the law".

laissez-faire : a French term pronounced 'less a fare' literally means "allow to do" and is a doctrine or philosophy that seeks to limit the overreach of powers beyond the charter of governments to secure and protect property. The focus of the doctrine is to allow the economy of a country a life of its own; free from the constraints or over regulation imposed by an autocratic or out of control branch of government.

land : Most understand land as a *continental land mass* but in law it is the inhabitants of a region, a country, a nation, or people whose monarch is at one with the people and the embodiment of, and representation to the outside world of all that is good about the nation as a whole. Birth Certificates for many are a burden but in reality are only an instrument authored by a governing body that stand as evidence of a man's birthright to all that exists upon the land mass which he lives; ie. mineral rights, the right to own property or whatever he claims as proper to his person. In law Banks cannot own land, they can only own the property that may be on land.

largesse : the generous distribution of, bestowing of, or the giving of gifts or money to others.

lascivious : [etymonline] (adj.) mid-15c., "lustful, inclined to lust," from Medieval Latin lasciviosus (used in a scolding sense by Isidore and other early Church writers), from Latin lascivia "lewdness, playfulness, fun, frolicsomeness, jolity," from lascivus "lewd, playful, undesigned, frolicsome, wanton."

This is from PIE *las-ko-, from the root *las- "to be eager, wanton, or unruly" (source also of Sanskrit -lasati "yearns," lasati "plays, frolics," Hittite ilaliya- "to desire, covet," Greek laste "harlot," Old Church Slavonic laska "flattery," Slovak laska "love," Russian lasyj "greedy, eager, affectionate," Old Irish lainn "greedy, eager," Gothic lustus, Old English lust "lust").

Meaning "tending to excite lust" is from 1580s. Related: Lasciviously. In 17c. also with a verbal form, lascivate, now obsolete.

lawful : In terms of the [common law](#), that takes precedence over the written law in establishing the principles of due process. That which is unlawful arises out of a claim that is determined as the truth and as law as a matter by way of the common right before a Jury (an independent tribunal) by the course of the '[common law](#)'. A lawful outcome or judgement arises out of a claim that certain actions or inaction has led to a trespass being the wrongful cause of harm, injury, or loss.

Something done in an unlawful manner causes the fear of harm, harm to a man or woman; or are actions, or inaction that result in injury, or loss to his person and or property. What is lawful or unlawful is distinct as a matter of right from what is legal or illegal as relating to the breach of a policy, code, or the rules of a legislative assembly.

leave : To give or dispose of by will. Wilful departure with intent to remain away. Permission or authorisation to do something.

Legal definition : Leave of court is permission from the judge to take some action in a lawsuit that requires an absence or delay. An attorney might request a leave of court in order to file an amended Pleading, a formal declaration of a claim, or a defence.

legitur : short for the Latin phrase *Graecum est, non legitur* meaning It's Greek, it cannot be read.

letters rogatory : or letters of request are a formal request from a court to a foreign court for some type of judicial assistance. The most common remedies sought by letters rogatory are service of process and taking of evidence.

levy : [etymonline] verb. early 13c., "to raise or collect" (by authority or compulsion), from Anglo-French leve, from Old French levée "act of raising," noun use of fem. past participle of lever "to raise" (see lever, and compare levee). Originally of taxes, later of men for armies (c. 1500). Related: Levied; levying. noun. "an act of levying, a raising or collecting of anything" (a tax, debt, fine, etc.), early 15c., from Anglo-French leve (mid-13c.), Old French levée "a raising, lifting; levying," noun use of fem. past participle of lever "to raise" (see lever).

libel : [etymonline] Specific legal sense of "any published or written statement likely to harm a person's reputation" is first attested 1630s.

liquidated claim : A claim made for an amount that has been agreed on by the parties or a claim which can be precisely determined by operation of law or by the terms and conditions of the agreement made by the parties. Liquidated claim is also termed as liquidated demand.

lis pendens : [Latin: "suit pending"] In US Jurisdictions a notice of lis pendens is used to stay proceedings with regard to the transfer of property.

larceny : [etymonline] "theft; wrongful or fraudulent taking of the personal goods of another with felonious intent," late 15c.

latin : There are three types of latin. 1. Good Latin, allowed by grammarians and lawyers. 2. False or incongruous Latin, which in times past would abate original writs, though not make void any judicial writ, declaration, or plea, etc. And 3. Words of art, known only to the sages of the law, and not to grammarians, called Lawyers' Latin. 1 Lil. Abr. 146, 147. See 36 Edw. 3. c. 15. which directed all pleas, &c. to be debated in English, and recorded in Latin; but now, by 4 Geo. 2. c. 26; 6 Geo. 2. c. 14. the records and proceedings are to be in English. Formerly the use of a word not Latin at all, or not so in the sense in which used, might in many cases be helped by an Anglice; though where there was a proper Latin word for the thing intended to be expressed, nothing could help an improper one. And when there was no Latin for a thing, words made which had some countenance of Latin were allowed good, as velvet, Anglice' velvet, &c. 10 Rep. 133. See Pleading, l. 3 Process.

legal tender : [investopedia] Legal tender is anything recognised by law or established by statute as a means to settle a public or private debt or meet a financial obligation, including tax payments, contracts, and legal fines or damages. The national currency is legal tender in practically every country. A creditor is legally obligated to accept legal tender toward repayment of a debt. A man; however, is not bound or obligated to pay a debt with legal tender unless by prior agreement. *see money.*

leges : Latin; simply "laws."

legitimate : [etymonline] mid-15c., "lawfully begotten, born of parents legally married," from Middle French legitimer and directly from Medieval Latin legitimatus, past participle of legitimare "make lawful, declare to be lawful," from Latin legitimus "lawful," (see lawful) originally "fixed by law, in line with the law," from lex (genitive legis) "law" (see legal). Transferred sense of "genuine, real" is attested from 1550s. Related: Legitimately; legitimacy. The older adjective in English was legitime "lawful, of legitimate birth" (late 14c.), from Old French legitime, from Latin legitimus.

let : [etymonline] (v.) Old English lætan (Northumbrian leta) "to allow; to leave behind, depart from; leave undone; bequeath," also "to rent, put to rent or hire" (class VII strong verb; past tense let, leort, past participle gelæten), from Proto-Germanic *letan (source also of Old Saxon laten, Old Frisian leta, Dutch laten, Old High German lazan, German lassen, Gothic letan "to leave, let"),

from PIE *led-, extended form of root *lē- "to let go, slacken." If that derivation is correct, the etymological sense would be "let go through weariness, neglect."

"The shortening of the root vowel ... has not been satisfactorily explained" [OED]. Of blood, from late Old English. Other Old and Middle English senses include "regard as, consider; behave toward; allow to escape; pretend;" to let (someone) know and to let fly (arrows, etc.) preserve the otherwise obsolete sense of "to cause to." To let (someone) off "allow to go unpunished, excuse from service" is from 1814. To let on is from 1725 as "allow (something) to be known, betray one's knowledge of," 1822 as "pretend" (OED finds a similar use in the phrase never let it on him in a letter from 1637). To let out is late 12c. as "allow to depart" (transitive); intransitive use "be concluded," of schools, meetings, etc., is from 1888, considered by Century Dictionary (1895) to be "Rural, U.S." Of garments, etc., late 14c.

Let alone "abstain from interfering with" is in Old English, and used in a court room context to express one's intention to not contract; the phrase in the sense "not to mention, to say nothing of" is from 1812. To let (something) be "leave it alone" is from c. 1300; let it be "let it pass, leave it alone" is from early 14c. To let go is from c. 1300 as "allow to escape," 1520s as "cease to restrain," 1530s as "dismiss from one's thoughts." Let it go "let it pass, no matter" is as old as Chaucer's *Wife of Bath*: "But age allas Hath me biraft my beautee Lat it go, far wel, the deuel go ther with!" [c. 1395]. Let me see "show me" is from c. 1300.

letters patent : from Latin *patentem* "open, lying open, or be open" with a sense of documents or letters open to view. "Letters Patent" are always plural and a type of legal instrument in the form of a published written order issued by a monarch, president, or other head of state, generally granting an office, right, monopoly, title, or status to a person or corporation. Letters patent can be used for the creation of corporations or government offices, or for the granting of city status or a coat of arms. Letters patent are issued for the appointment of representatives of the Crown, such as Governors and Governors-General of Commonwealth realms, as well as appointing a Royal Commission.

lex loci contractus : In the conflict of laws, the *lex loci contractus* is the Latin term for "law of the place where the contract is made"

lex loci delicti : The law of the place where the offence or crime was committed.

lex for : The law of the forum or law of the court, which in the case of Australia would be the [common law](#).

libel : [etymonline] Specific legal sense of "any published or written statement likely to harm a person's reputation" is first attested 1630s. [comment] The [common law](#) doctrine of libel and slander notwithstanding the claim of a man; have largely been done away with in New South Wales in favour of the Defamation Act 2005 (NSW) see defamation

liberty : There is a distinction between being free and at liberty; where freedom is inherent in man by right; and liberty is freedom granted by virtue of a constitution, [treaty](#), or state of employment such as the case where one is on leave, or at *liberty* from military service. [etymonline] from Latin *libertatem* (nominative *libertas*) "civil or political freedom, condition of a free man; absence of restraint; permission," from *liber* "free" (see *liberal* (adj.)). At first of persons; of communities, "state of being free from arbitrary, despotic, or autocratic rule or control" is from late 15c.

licence : The spelling for the word *licence* is also given as *license*. The earliest French and Latin give from Old French *licence* "freedom, liberty, power, possibility; permission," (12c.), from Latin *licentia* "freedom, liberty; unrestrained liberty, wantonness, presumption," from *licentem* (nominative *licens*), present participle of *licere* "to be allowed, be lawful,". It is the prerogative and right of any man to do as he wishes as long as he causes no harm, injury, or loss. A man generally has a licence, or the freedom based on knowledge, common sense and experience to carry on an activity determined as such to be lawful. Legally a licence is granted upon application, or

registration under certain conditions and binds a person under those conditions unless he chooses to exercise his right as a man to carry on that activity as long as it is lawful. Governments are only able to licence an activity determined to be lawful and it is the right of any man as an act of will to operate under the terms of such a licence at his discretion.

lien : Anglo-French *lien*, *loien* "bond", "restraint", from Latin *ligamen*, from *ligare* "to bind" A lien is a claim or right in the form of a security interest granted over property to secure the payment of an outstanding debt and often used by banks and financial institutions to secure or guarantee loan repayments. If somebody holds a lien over your property he may have the right to sell your property in order to satisfy a debt, or in lieu may require some other obligation be met. [Liens](#) also have the effect of placing a hold on your property so as to make title to it non-transferable until all debts are paid. To have a lien lifted a man can require a hearing or trial and place an order before the court that the lien be lifted notwithstanding the appearance of, and testimony under oath from the man or woman who placed the lien; as to why the lien should not be lifted. A lien is also said to be a commercial interest.

lis pendens : Is latin for 'suit pending' and is used in cases involving property to dissuade potential persons considering an interest in such property because of a pending law suit the outcome of which may leave them no recourse in recovering an accruable loss.

literal : [etymonline] (adj.) late 14c., "taking words in their natural meaning" (originally in reference to Scripture and opposed to mystical or allegorical), from Late Latin *literals/litteralis* "of or belonging to letters or writing," from Latin *littera/littera* "letter, alphabetic sign; literature, books" (see [letter](#) (n.1)). Related: *Literalness*.

Meaning "of or pertaining to alphabetic letters" is from late 14c. Meaning "concerned with letters and learning, learned, scholarly" is from mid-15c. Sense of "verbally exact, according to the letter of verbal expression" is attested from 1590s, as is application to the primary sense of a word or passage. *Literal-minded* is attested from 1791.

litigant : Generally understood in a modern context to be one who instigates or and carries on a lawsuit. [etymonline] (n.) 1650s; earlier as an adjective (1630s), from French *litigant* or directly from Latin *litigantem* (nominative *litigans*), present participle of *litigare* "to dispute, quarrel, strive, carry on a suit" (see [litigation](#)).

locum tenens : one who temporarily holds the position or fulfils the duties of another; generally used with regard to physicians or clergymen *see pro tempore*.

lords spiritual : also named spiritual peers are the 26 bishops of the established Church of England who serve in the House of Lords along with the Lords Temporal.

lords temporal : Life peers or hereditary peers who are secular members of the House of Lords in the upper house of the British Parliament. Lords Temporal are distinguished from the Lords Spiritual who sit by virtue of being Bishops in the Church of England.

lunatic : said of persons who are of unsound mind or have become insane later in life; as distinct from idiots who along side those being an outsider are born with an intellectual disability or impairment.

lewd : [etymonline] (adj.) Middle English *leued*, from Old English *læwede* "nonclerical, unlearned," of uncertain origin but according to OED probably ultimately from Vulgar Latin **laigo-*, from Late Latin *laicus* "belonging to the people" (see [lay](#) (adj.)).

Sense of "unlettered, uneducated" (early 13c.) descended to "coarse, vile, lustful" by late 14c. In Middle English often paired alliteratively with *learned*. It also was a noun in Old English, "layman;" for nouns, Elizabethan English made *lewdster*, *lewdsbys*. Related: *Lewdly*; *lewdness*.

magnate : from the Late Latin *magnas*, a great man, itself from Latin *magnus*, 'great', designates

a noble or other man in a high social position, by birth, wealth or other qualities. In reference to the Middle Ages, the term is often used to distinguish higher territorial landowners and warlords such as counts, earls, dukes, and territorial-princes from the baronage.

maintain : c. 1300, *maintenen*, "to support, uphold, aid;" also "hold fast, keep in possession, preserve from capture or loss," from Anglo-French *meintener* (Old French *maintenir*, 12c.) "keep (a wife), sustain; persevere in, practice continually," from Latin *manu tenere* "hold in the hand," from *manu*, ablative of *manus* "hand" (from PIE root **man-* (2) "hand") + *tenere* "to hold," from PIE root **ten-* "to stretch."

Sense of "hold in an existing state or condition, keep in existence or continuance" is from early 14c. Meaning "to carry on, keep up" is from mid-14c.; that of "to keep oneself, support" is from late 14c. Sense of "defend in speech, uphold by argument or assertion" is from mid-14c. Meaning "practice habitually" is from c. 1400. Sense of "furnish means for the subsistence or existence of" is from c. 1400. Related: *Maintained*; *maintaining*; *maintains*.

make an exception : Used in a court of record usually in criminal proceedings to highlight on the record a point to make that point easier to find at a later time. This is usually done by the clerk of the court, or court reporter by placing 2 hyphens at the point indicated in the record.

material fact : Is a fact that would be to a reasonable person germane to the decision to be made as distinguished from an insignificant trivial or unimportant detail. In other words, it is a fact which expression (concealment) would reasonably result in a different interpretation or decision.

material witness : a witness who's testimony and evidence is essential to the outcome of a case or trial in a criminal proceeding.

McKenzie Friend : The term given to a person who can provide aid and assistance to a defendant in a legal proceeding. The scope of what a McKenzie Friend can provide in aid and assistance is limited; however a clear distinction has to be made between a McKenzie Friend in a legal proceeding and for assistance given one man to another in the prosecution of a claim as a matter of right by the course of the [common law](#); where 'aid and assistance' is given in whatever lawful manner is necessary, or for what is set down in the rules for the claimants court. Should one wish to prosecute a legal complaint cases in support of a McKenzie Friend are as follows (*McKenzie v McKenzie* is (1970) 3 W.L. 472, which would read out in court as "year 1970, volume 3, Weekly Law Reports, page 472". *v Leicester City Justices* is (1991) 3 W.L. 368, which you read out as "year 1991, volume 3, Weekly Law Reports, page 368."). One who is able to prompt, give advice, make notes, and make suggestions about ways in which witnesses are cross-examined for the purpose of aiding a friend in court.

mala fides : "bad faith" an antonym of the term *bona fide* where one may have acted dishonestly with the intention to deceive.

mala in se : "wrong in itself" as distinct from *mala prohibita* meaning "wrong because it is prohibited". *Mala in se* are wrongs in themselves; acts that are morally wrong; or offenses against conscience. Crimes are categorised as either *mala in se* or *mala prohibita*, a term that describes conduct that is specifically forbidden by laws. Although the distinction between the two classifications is not always clear, crimes *mala in se* are usually common-law crimes or those dangerous to life or limb.

Battery and grand larceny or petit larceny are examples of offences that courts have held to be *mala in se*.

maleficium : is Latin (plural: *maleficia*) [google] [wrongdoing, crimes, witchcraft, misdemeanors, sorcery](#). [wikipedia] "An act of witchcraft performed with the intention of causing damage or injury; being the resultant harm." In general, the term applies to any magical act intended to cause harm or death to people or property. Its use in English comes from "Early 17th century; earliest use found in George Abbot (1562–1633), archbishop of Canterbury. From classical Latin

maleficium **evil deed, injury, sorcery** from maleficus + -ium". In general, the term applies to any magical act intended to cause harm or death to people or property.

malevolent : the disposition out of ill will, or hate that wishes the harm, injury or misfortune of others. [etymonline] Latin malevolentem (nominative malevolens) "ill-disposed, spiteful, envious," from male "badly" (see mal-) + volentem (nominative volens), present participle of velle "to wish" (see will (v.)). Related: Malevolently.

malfeasance : misfeasance, nonfeasance, and malfeasance are types of failure to discharge public obligations existing by [common law](#), custom, or statute.

When a contract creates a duty that does not exist at [common law](#), there are three things the parties can do wrong:

nonfeasance is the failure to act where action is required—willfully or in neglect.

misfeasance is the willful inappropriate action or intentional incorrect action or advice.

malfeasance is the willful and intentional action that injures a party.

Example: A company hires a catering company to provide drinks and food for a retirement party. If the catering company does not show up, it is considered nonfeasance. If the catering company shows up but only provides drinks (and not the food, which was also paid for), it is considered misfeasance. If the catering company accepts a bribe from its client's competitor to under cook the meat, thereby giving those present food poisoning, it is considered malfeasance.

[etymonline] from Latin *mal* "bad, wrong, wrongly" + *facere* "to do," i.e. to do wrong especially in violation of a public trust or obligation. And mentions malfeasance as doing an act that is either wrong or unlawful in contradistinction to misfeasance; being engaged in a lawful act; however, to do wrong i.e. "misuse of power, wrongful exercise of lawful authority or improper performance of a lawful act." Nonfeasance however is simply the failure to act where otherwise there was a fiduciary duty or obligation to do so. Often the terms malfeasance and misfeasance are used interchangeably in error.

malicious : mid-13c., "harboring ill-will, enmity, or hostility," from Old French malicios "showing ill will, spiteful, wicked" (Modern French malicieux), from Latin malitiosus "**wicked, malicious,**" from malitia "**badness, ill will, spite,**" from malus "**bad, unpleasant**" (see mal-). In legal use (early 14c., Anglo-French), it means "characterized by malice prepense" (see malice).

man : Man was created by God in his image. When referring to yourself reflexively as a man or woman, and to remain in, and establish standing in [common law](#); it is always with an uncapitalised lower case 'i'. Only a man can make a claim; the position a governing body cannot take, and it is from this position as a man, and one who's ancestors were the creators of the court system that a man can require of a court what he wishes in order either to prosecute his own claim or give notice in answer to the claim of another man. A claim from a man can be made concurrent with a complaint and is prosecuted before *Queen's Bench*; a position that encapsulates the relationship of the people as subjects of the Queen (see sovereignty). Evidence in these cases is heard from both sides of the court and because a claim is made as being in inherent jurisdiction it nullifies complaints that can only be prosecuted to the extent that they address defendants, persons and corporations in courts of inferior jurisdiction. Karl Lentz mentions; that to the extent a man cannot properly define who his creator is; Interestingly law societies, and the bar have defined a man as an *adult male* without distinction; because they are unable to define properly who their creator is.

mandated reporter : people such as Doctors, Judges, Teachers, or Social Services staff and others qualified to work with vulnerable members of the community. Mandated reporter's are required by law to report any instance of a crime or any instance of abuse covered by their mandate. e.g. If a Judge is informed in a claim of a robbery, or of harm against a man or woman they are mandated to report it as a crime.

material : [etymonline] (adj.) mid-14c., "real, ordinary; earthly, drawn from the material world" (contrasted with spiritual, mental, supernatural), a term in scholastic philosophy and theology, from Old French material, materiel (14c.) and directly from Late Latin materialis (adj.) "**of or**

belonging to matter," from Latin materia "matter, stuff, wood, timber" (see matter (n.)).

From late 14c. as "made of matter, having material existence; material, physical, substantial."
From late 15c. as "important, relevant, necessary, pertaining to the matter or subject;" in the law of evidence, "of legal significance to the cause" (1580s).

materiality : Refers to the significance of facts and evidence as it relates to a matter. A witness will generally give testimony under the penalty of perjury about the facts and evidence surrounding a case that is essential to proving or disproving a matter: making such testimony material to the outcome of the case. Eye witness testimony is generally considered as material evidence.

mea culpa : a Latin phrase meaning "my fault," or "my mistake" being an acknowledgement of having done wrong, or having made a mistake that could have been avoided.

memorandum : [etymonline] (n.) mid-15c., "(something) to be remembered," a note of something to be remembered for future reference or consideration, from Latin memorandum "(thing) to be remembered," neuter singular of memorandus "worthy of remembrance, noteworthy," gerundive of memorare "to call to mind," from memor "mindful of" (from PIE root *(s)mer- (1) "to remember").

"Used originally as mere Latin, and usually abbreviated mem., to introduce a note of a thing to be done" [Century Dictionary]; by 1540s it came to mean the note itself. The Latin plural is memoranda. Compare also agenda.

men : men are distinct from Mankind in general; being a group of persons one might identify as men i.e. a football team is made up of a group of men, or the army has many men. [comment] In general parlance men is understood to be the plural form of 'man'; however, in terms of the [common law](#) the plural form for man is Mankind. Men generally will only have rights to the extent conceded to their persons as defined; however, the rights that belong to a man, a subset of his *property*, are inherent.

[Commonlaw Mini-Dictionary] not plural for man, believed to be of Jewish origin, a term used to identify a fellow Jew as in the title '*Jewish*'. [sic]

mendacity : (n.) the qualities or disposition of a person; given to habitually lie or deceive. "tendency or disposition to lie, habitual lying," also "a falsehood, a lie," 1640s, from Middle French mendacité and directly from Late Latin mendacitas "falsehood, mendacity," from Latin mendax "lying; a liar" (see mendacious). The adjective *mendacious* given by etymonline is "given to lying, speaking falsely; having the characteristics of a lie, false, untrue,"

menace : the declaration of a hostile intent, or the continued act of threatening someone or communicating a threat.

mens rea : refers to criminal intent; literally Latin for "guilty mind" . Moreover, it is the state of mind indicating culpability which is one of the foundational elements of a crime. Actus reus sometimes called the external element, or objective element of a crime, is the Latin term for a "guilty act" which, when proved beyond a reasonable doubt in combination, or concurrent with mens rea "the guilty mind", produces criminal liability.

Notes regarding Mens Rea & Actus Reus:

The terms actus reus and mens rea were developed in English [Common Law](#) and derived from the principle or maxim as stated by Edward Coke, namely, *actus non facit reum nisi mens sit rea*, which means: "an act does not make a person guilty unless (their) mind is also guilty"; hence, the general test of guilt is one that requires proof of fault, culpability or blameworthiness both in thought and action.

mercantile : [etymonline] "of or pertaining to merchants, trade, or commerce," 1640s, from French mercantile (17c.), from Italian mercantile, from Medieval Latin mercantile, from Latin

mercantem (nominative mercans) "a merchant," also "trading," present participle of mercari "to trade," from merx "wares, merchandise" (see market (n.)). Mercantile system first appears in Adam Smith (1776). [comment] "to trade merchandise".

merchant : [Wiktionary.org] Prefix From Middle English mere-, from Old English mere-, from Proto-Germanic *mari-, from Proto-Germanic *mari ("sea") mer- sea; marine; applied to beings that are partly sea-creatures: merrow, mermaid, merman, merswine, mersnake + Suffix chant Borrowed from Old French chanter, from Latin cantō, cantāre ("to sing"). A repetitive song, typically an incantation or part of a ritual. Etymologically the earliest relationship is found from [etymonline.com] c. 1200, from Anglo-French marchant "merchant, shopkeeper" and from Vulgar Latin *mercatantem (nominative *mercatans) "a buyer," present participle of *mercatare, frequentative of Latin mercari "to trade, traffic, deal in". [comment] Given according to the syllables prefix mer-, + suffix -chant a merchant was an early sea trader with the "gift of the gab" who was able to mesmerise customers with a slick or repetitive presentation in order to sell products.

mercy : Is the disposition to have compassion for, and to forgive the offences of people who have sinned or erred in ignorance against good conscience. [etymonline] from Latin mercedem (nominative merces) "reward, wages, pay, hire" (in Vulgar Latin "favor, pity;" in Medieval Latin "thanks; grace"), from merx (genitive mercis) "wares, merchandise" (see market (n.)). In Church Latin (6c.) it was given a specific application to the heavenly reward earned by those who show kindness to the helpless and those from whom no requital can be expected.

mere puff : In contract law a 'mere puff' is an exaggerated statement that no reasonable person would take it seriously. It is not an offer nor a representation.

meretricious : from Latin *meretricius* "of or pertaining to prostitutes" from meretrix (genitive meretricis) "prostitute," literally "woman who earns money,". Meaning "gaudily alluring, alluring by false attractions" is from 1630s. Related: Meretriciously; meretriciousness. Also; attracting attention in a vulgar manner.

merit : [etymonline] (n.) c. 1200, "spiritual credit" (for good works, etc.); c. 1300, "spiritual reward," from Old French merite "wages, pay, reward; thanks; merit, moral worth, that which assures divine pity" (12c.) and directly from Latin meritum "a merit, service, kindness, benefit, favor; worth, value, importance," neuter of meritus, past participle of merere, mereri "to earn, deserve, acquire, gain," from PIE root *(s)mer- (2) "to get a share of something."

Sense of "worthiness, excellence," is from early 14c.; from late 14c. as "state or fact of deserving, condition or conduct that deserves either reward or punishment;" also "a reward, benefit." Etymologically it is merely "that which one deserves," and the Latin word was used of rewards or punishments, but in English it has typically meant "state or fact of deserving well."

Merits, in law, is "the right and wrong of the case, essential facts and principles" (as distinguished from questions of procedure, etc.). In civil service promotion, the merit system is attested by 1880 (opposed to the spoils system); the phrase was used earlier in other contexts. Merit-monger (1550s, Latimer) was a common 16c.-17c. term of theological contempt for one who believes that human merit entitles man to divine rewards.

messuage : a dwelling house with outbuildings and land assigned to its use.

metaphor : [etymonline] (n.) "figure of speech by which a characteristic of one object is assigned to another, different but resembling it or analogous to it; comparison by transference of a descriptive word or phrase," late 15c., methaphoris (plural), from French metaphore (Old French metafore, 13c.) and directly from Latin metaphora, from Greek metaphora "a transfer," especially of the sense of one word to a different word, literally "a carrying over," from metapherein "to transfer, carry over; change, alter; to use a word in a strange sense," from meta "over, across" (see meta-) + pherein "to carry, bear" (from PIE root *bher- (1) "to carry," also "to bear children").

But a metaphor is no argument, though it be sometimes the gunpowder to drive one home and imbed it in the memory. [James Russell Lowell, "Democracy," 1884]
It is a great thing, indeed, to make a proper use of the poetical forms, as also of compounds and strange words. But the greatest thing by far is to be a master of metaphor. It is the one thing that cannot be learnt from others; and it is also a sign of genius, since a good metaphor implies an intuitive perception of the similarity in dissimilars. [Aristotle, "Poetics," 1459a 3-8]

minister : [etymonline] (n.) c. 1300, "man consecrated to service in the Christian Church, an ecclesiastic;" also "an agent acting for a superior, one who acts upon the authority of another," from Old French *menistre* "servant, valet, member of a household staff, administrator, musician, minstrel" (12c.) and directly from Latin *minister* (genitive *ministri*) "**inferior, servant, priest's assistant**" (in Medieval Latin, "priest"), from *minus*, minor "less," hence "subordinate" (from PIE root **mei-* (2) "small") + comparative suffix *-*teros*. Formed on the model of *magister* (see *master* (n.)). [comment] The sovereign people of a nation have at their service ministers of the crown who by virtue of magna carta are to carry out their wishes at the direction of a ruling monarch. see sovereignty

minion : [etymonline] (n.) c. 1500, "a favorite; a darling, one who or that which is beloved" (a sense now obsolete), from Old French *mignon* "a favorite, darling" (n.), also a term of (probably homosexual) abuse; as an adjective, "dainty, pleasing, favourite," from *mignot* "pretty, attractive, dainty, gracious, affectionate." The French word is of uncertain origin, perhaps from Celtic (compare Old Irish *min* "tender, soft"), or from Old High German *minnja*, *minna* "love, memory" (see *minnesinger*).

Used 16c.-17c. without disparaging overtones, but also from c. 1500 as "a favorite of a sovereign prince," especially "**an intriguing favorite, a low or servile dependent.**" It also was used from 16c. for "a pert or saucy girl." [The American Heritage Dictionary of the English Language] Gives an obsequious follower or dependent; a sycophant, or one who is highly esteemed or favoured; a darling.

minute order : During the course of court proceedings new information will come to light, or new evidence will be presented necessitating the variation of a previous order or judicial determination; or to vary or introduce a change in the procedure adopted by the court. In these cases orders may be given; however, the only record of their existence is given as a matter of course drawn up by the clerk of the court much as would be the minutes of a meeting, from which the term minute order presumably arises. These orders are often given on the fly so to speak; so as to make allowances for variations that may occur. With regard to the [common law](#) a man will ignore these distinctions that are terms of art and simply issue an order from his own court.

mirror image rule : is a rule now largely only observed in New South Wales; being superseded in other jurisdictions by the *requirement for absolute and unequivocal acceptance* in the formation of a contract; stating an offer must be accepted as it was given with no modifications. Any attempt to receive an offer on terms different to those given creates a counter-offer constituting a rejection of the original offer.

miscreant : [etymonline] (adj.) c. 1300, "**non-Christian, misbelieving, pagan, infidel;**" early 15c., "heretical, unbelieving," from Old French *mescreant* "disbelieving" (Modern French *mécréant*), from *mes-* "wrongly" (see *mis-* (2)) + *creant*, present participle of *creire* "believe," from Latin *credere* "to believe" (see *credo*). Meaning "villainous, vile, detestable" is from 1590s. Related: *Miscreance*; *miscreancy*.

misdirect : [etymonline] (v.) "*give erroneous information or instruction to, give a wrong course of direction to,*" c. 1600, from *mis-* (1) "badly, wrongly" + *direct* (v.). Related: *Misdirected*; *misdirecting*.

mise en cause : This is a french term used in legal proceedings referring to a "party in interest" or a third-party defendant in an impleader action.

misfeasance : [etymonline] (n.) "misuse of power, wrongful exercise of lawful authority or improper performance of a lawful act," 1590s, from French mesfaisance, from mesfaisant, present participle of Old French mesfaire "to misdo," from mes- "wrongly" (see mis- (2)) + faire "to do," from Latin facere "to make, do, perform" (from PIE root *dhe- "to set, put"). Related: Misfeasor.

misprision : [etymonline] (n.) early 15c., in law, "wrong action; a failure, offense or illegal act," especially on the part of a public official, from Anglo-French misprisoun, mesprisioun "mistake, error, wrong action or speech," (Old French mesprision "mistake, wrongdoing, fault, blame, crime"), from mespris, past participle of mesprendre "to mistake, act wrongly, trespass, transgress, break a law," from mes- "wrongly" (see mis- (2)) + prendre "take," from Latin prendere, contracted from prehendere "to seize" (from prae- "before," see pre-, + -hendere, from PIE root *ghend- "to seize, take").

In general, "criminal neglect in respect to the crime of another," especially in connection with felonies, to indicate a passive complicity, as by concealment. In 16c., misprision of treason was used for lesser degrees of guilt (those not subject to capital punishment), especially for knowing of treasonable actions or plots without assenting to them, but not informing the authorities. This led to the common supposition in legal writers that the word means etymologically "failure to denounce" a crime.

mistake : etymonline in this case has no latin translation, but for the verb gives from mid-14c., "to commit an offense." late 14c., "to misunderstand, misinterpret, take in a wrong sense." from mis- "badly, wrongly" + take "to seize, grasp, lay hold" The noun however is given as "an error in action, opinion or judgement" quoting the century dictionary 1897 stating that a mistake is a false judgement or choice distinct from an error that can imply obliquity (crookedness) in wandering from the truth in impression, judgement, or calculation. [comment] A mistake additionally can be taken to be deliberate or non deliberate.

mitigate : [etymonline] early 15c., "relieve (pain); make mild or more tolerable; reduce in amount or degree," from Latin mitigatus, past participle of mitigare "soften, make tender, ripen, mellow, tame," figuratively, "make mild or gentle, pacify, soothe," ultimately from mitis "gentle, soft" + root of agere "to do, perform" (from PIE root *ag- "to drive, draw out or forth, move"). For mitis de Vaan suggests cognates in Sanskrit mayas- "refreshment, enjoyment," Lithuanian mielas "nice, sweet, dear," Welsh mwydion "soft parts," Old Irish min "soft," from a PIE *mehti- "soft." Related: Mitigated; mitigating; mitigates.

mnemonic : [etymonline] (adj.) 1753, "aiding the memory, intended to assist the memory;" 1825, "pertaining to the memory," a back-formation from mnemonics, or from a Latinized form of Greek mnēmōnikos "of or pertaining to memory," from mnēmōn (genitive mnēmōnos) "remembering, mindful," from mnēmē "memory, a remembrance, record, an epitaph; memory as a mental faculty," from base of mnasthai "remember," from PIE root *men- (1) "to think." The noun meaning "mnemonic device" is from 1858. Related: Mnemonical (1660s).

modus : [etymonline] (n.) "way in which anything is done," 1640s, from Latin modus (plural modi) "measure, extent, quantity; proper measure, rhythm, song; a way, manner, fashion, style," from PIE root *med- "take appropriate measures." Especially in modus operandi and modus vivendi (Latin: "way of living or getting along".)

modus operandi : [etymonline] (n.) "way of doing or accomplishing," 1650s, Latin, literally "mode of operating" (see modus). Abbreviation m.o. is attested from 1955.

moiety : each of two parts into which a thing is or can be divided ie. two groups into which a society is divided either along social or ritualistic lines; or by way of class distinctions etc. A moiety is also seen in chemistry i.e. that of a molecule as being separate from but still remaining part of a whole.

molest : [etymonline] late 14c., "to cause trouble, grief, or vexation," from Old French molester "to

torment, trouble, bother" (12c.) and directly from Latin molestare "to disturb, trouble, annoy," from molestus "troublesome, annoying, unmanageable," perhaps related to moles "mass" (see mole (n.3)) on notion of either "burden" or "barrier." Meaning "sexually assault" first attested 1950. Related: Molested; molesting. [comment] The use of the expressed meaning of the word molest in the earliest latin being to disturb, to trouble, or to annoy is very simple however the context in which the word molest is used and the way it is delivered can change its meaning altogether i.e. sexual molestation, child molester etc. where what is implied can be different to what is expressed.

money : A unit of exchange between two people who agree has worth and value; whether it is legal tender i.e. paper money & coins (*see currency*), bags of wheat, sugar, building materials, livestock, a motor-car, or even a service. Whatever can be exchanged for compensation as part of an agreement is money.

moratorium : a temporary prohibition usually related to some type of commercial activity overseen by statute. Synonyms are embargo, ban, prohibition, suspension, postponement, stay, stoppage, halt, freeze, standstill, respite, hiatus, delay, deferment.

morphology : [etymonline] (n.) 1824 in biology, "science of the outer form and inner structure of animals and plants," from German Morphologie (1817); see morpho- "shape" + -logy "study of." By 1869 in philology, "science of structure or forms in language." General sense of "shape, form, external structure or arrangement" is by 1890. Related: Morphological; morphologist. Related: Morphologist.

mores : manners, behaviour, conduct, demeanour.

moron : [etymonline] 1910, medical Latin, "one of the highest class of feeble-minded persons," from Greek (Attic) mōron, neuter of mōros "foolish, dull, sluggish, stupid," a word of uncertain origin. According to classes of the feeble-minded *infra* a moron is said to be amongst those arrested in retardation between the ages of seven and twelve.

classes of the feeble-minded

The feeble-minded may be divided into: (1) Those who are totally arrested before the age of three so that they show the attainment of a two-year-old child or less; these are the idiots. (2) Those so retarded that they become permanently arrested between the ages of three and seven; these are imbeciles. (3) Those so retarded that they become arrested between the ages of seven and twelve; these were formerly called feeble-minded, the same term that is applied to the whole group. We are now proposing to call them morons, this word being the Greek for "fool." The English word "fool" as formerly used describes exactly this grade of child—one who is deficient in judgment or sense. [Henry H. Goddard, in "Journal of Proceedings and Addresses" of the National Education Association of the United States, July 1910].

mort d'ancestre : Catalan/French "death of an ancestor"

mort minas : Latin; death threats

mortgage : from French mort "death" + gage "pledge, or guarantee" its early use possibly derived from feudal times where a person may have gaged (pledged) his very life if a condition or agreement was not met. Today it can be viewed as a lien, or a deed (an evidence) on public record pledging something of value; usually real estate; if the conditions of a loan agreement, or promissory note between a mortgagor and mortgagee are not met giving the mortgager the right to foreclose or sell the property to recoup his loses.

mortmain : [WordNet 3.0] The perpetual, inalienable possession of lands by a corporation, or non-personal entity such as a church. [etymonline] "inalienable ownership," mid-15c., from Anglo-French morte mayn (mid-14c.), Old French mortemain, literally "dead hand," from Medieval Latin mortua manus; for first element see mortal (adj.); second is from PIE root *man- (2) "hand." Probably a metaphorical expression on the notion of dead hands as those that cannot alienate.

motion : A motion is a written request or proposal to the court to obtain an asked-for order, ruling, or direction. There are a variety of motions, and it has become standard practice to file certain kinds of motions with the court based on the type of case. In [common law](#) motions are not required by virtue of the fact that any court established before Queen's Bench will not address legal questions but only verifiable statements of fact relating to the claim of one man against another.

[Commonlaw Mini-Dictionary] Motion (n): 13th Century from Latin "a moving, a motion; an emotion," from past "to move" Motion (v): late 15th century, "to request, petition", Motions only in in Administration courts at Queen's Bench (Courts of Record) man makes Notices and Orders only See 'Notice' [sic]

motion to quash : Is a request to a court to render a previous decision of that court or a lower judicial body null or invalid. It can arise out of mistakes made by a lawyer in a court proceeding. A lawyer may file a motion to quash if a mistake has been made on the part of a court, or if an attorney believes that the issuance of some court document like a subpoena was not done in a legal manner.

motion to recuse : Is a motion in a court to disqualify a Judge or adjudicator based on decisions of prejudice favouring one party in a case. Judges acting with integrity might recuse themselves if they see their decisions could be construed as not being impartial because of a relationship or interest with one of the parties or because of an opinion they hold that may be shown to be biased.

motion to vacate : A motion to vacate is not a substitute for an appeal. An appeal, generally, must be filed within 30 days from the date a judgement or order is entered. An appeal is a request to a higher court to change the decision made by a lower court. A motion to vacate asks the same court to withdraw its decision.

motu proprio : [wikipedia] In law, *motu proprio* (Latin for: "on his own impulse") describes an official act taken without a formal request from another party. Some jurisdictions use the term *sua sponte* (Latin: "of his, her, its or their own accord") for the same concept.

movant : One who makes a motion before a court. The applicant for a judicial rule or order.

mutant : [etymonline] (n.) 1900 in the biological sense, "individual or form which has arisen by or undergone (genetic) mutation," from Latin *mutantem* (nominative *mutans*) "**changing,**" present participle of *mutare* "**to change**" (from PIE root **mei-* (1) "to change, go, move"). In the science fiction sense, it is attested by 1954. As an adjective from 1903. [comment] Something that has undergone change differing from how it would normally be characterised from its inception.

mutation : [etymonline] (n.) late 14c., *mutacioun*, "action or process of changing," from Old French *mutacion* (13c.), and directly from Latin *mutationem* (nominative *mutatio*) "**a changing, alteration, a turn for the worse,**" noun of action from past-participle stem of *mutare* "**to change**" (from PIE root **mei-* (1) "to change, go, move"). The genetics sense "process whereby heritable changes in DNA arise" is from 1894. The linguist's i-mutation is attested from 1874; earlier was i-umlaut (1869), from German, for which mutation was Sweet's English substitute.

mutatis mutandis : is a Medieval Latin phrase meaning "the necessary changes having been made" or "once the necessary changes have been made" or "those things which need to be changed having been changed". It remains unnaturalised and is therefore usually italicised. It is used in English and other European languages to acknowledge that a comparison being made requires certain obvious alterations, which are left unstated. It is not to be confused with the similar *ceteris paribus*, which excludes any changes other than those explicitly mentioned. *Mutatis mutandis* is increasingly replaced by non-Latin equivalents, but is still used in law, economics, mathematics, linguistics, and philosophy. In particular, in logic, it is encountered when discussing counterfactuals, as a shorthand for all the initial and derived changes which have been previously

discussed.

mulct : n. A penalty such as a fine, transitive v. To penalise by fining or demanding forfeiture. transitive v. To acquire by trickery or deception. transitive v. To defraud or swindle. [GNU dictionary] transitive v. To punish for an offense or misdemeanor by imposing a fine or forfeiture, esp. a pecuniary fine; to fine.

municipal : [etymonline] "of or pertaining to the local self-government or corporation of a city or town," 1540s, from Middle French municipal, from Latin municipalis "pertaining to a citizen of a free town, of a free town," also "of a petty town, provincial," from municipium "community, municipality, free town, city whose citizens have the privileges of Roman citizens but are governed by their own laws," from municeps "native, citizen, inhabitant of a free town." [comment] A municipality for the most part is self governing, determining its own course.

munificent : Very Generous, Very liberal in giving or bestowing, being characterised by great liberality or generosity.

murder : [etymonline] (v.) c. 1200 mortheren, "to kill, slay; kill criminally, kill with premeditated malice," from Old English myrðrian, from Proto-Germanic *murthjan (source also of Old High German murdran, German mördren, Gothic maurþjan, from Proto-Germanic *murthra- (see murder (n.)). But OED doubts the Old English verb survived into Middle English and thinks the modern word perhaps from the noun. Forms with -d- begin mid-14c. Meaning "spoil by bad execution" is from 1640s. Related: Murdered; murdering.

[Karl Lentz] Elements to be satisfied in a murder trial.

- There must be a body.
- There has to be a motive or intent.
- There has to be an eye witness.

must : to be obliged, or to be necessarily compelled to do something. From Proto-Germanic *motanan (The source of old Saxon motan "to be obliged to, have to"). When a *person* is allotted or appointed a portion or duty under an obligation as a citizen, member of a family, or a subscribed member of a society he "*must*"; where there is a requirement to do so; honour these obligations. However the only obligation a man holds unless under the terms of a contract; is to cause no harm, injury, or loss. A man cannot be compelled to perform unless in return for just compensation, and in such cases where the benefits of citizenship become a burden that do not reflect what a man has determined to be lawful; or worthy of a true allegiance to the country to which a man belongs; it is the right of a man to disregard any obligations associated therewith. If under conditions a man is compelled to perform by way of words or actions he would otherwise fear to disregard; this is a trespass and can be prosecuted as such.

naive : [etymonline] (adj.) 1650s, "natural, simple, unsophisticated, artless," from French naïve, fem. of naïf, from Old French naif "naive, natural, genuine; just born; foolish, innocent; unspoiled, unworked" (13c.), from Latin natus "not artificial," also "native, rustic," literally "born, innate, natural" (see native (adj.)). In philosophy, "unreflecting, uncritical" (1895), used of non-philosophers. Related: Naively. [comment] something simply in its most elemental, or natural state such as a newly born child or something in nature without the rudiments of thought.

naked : This word is used in a metaphorical sense to denote that a thing is not complete, and for want of some quality it is either without power, or it possesses a limited power. A naked contract, is one made without consideration, and, for that reason, it is void; a naked authority, is one given without any right in the agent, and wholly for the benefit of the principal. 2 Bouv. Inst. n. 1302. See Nudum Pactum (naked covenant).

[comment] The word 'naked' generally refers to the want of power to be enforceable, bare, i.e. as

in the Latin term *nudum pactum* "bare promise" or "naked contract" which; for want of consideration is a contract that has no substance in terms of being a legally enforceable agreement. In Roman law a *nudum pactum* was an informal agreement made in passing there being no intention for the exchange of any consideration. "Naked possession" another legalese term; to be used in comparison only from within a [common law](#) claim; is similar in that it refers to someone who may hold or maintain possession of something but without the right to do so.

naked possession : The holding of temporal objects, or the occupation of real property, without a legal right to do so.

name : is a title by or through which the government recognises us.

National Police History Check : (NPHC) in Australia a National Police History Check also known as a Criminal History Check is collated publicly releasable information collected by the (ACIC) Australian Criminal Intelligence Commission; relating to a person's criminal history and convictions and their related interactions with the police. Given that Businesses and Companies can request that an NPC be conducted by the (AFP) Australian Federal Police in a ("Company Check".) A person may wish to make an application for an NPHC to check that what is released on them to the public does not contain false, libellous or misleading information. An application for these checks can be made through Australia Post outlets, through the AFP website and other online services.

In terms of the [common law](#) and where it is known previous charges on record with the (ACIC) were related to an instance that would not have been supported by a verifiable claim for harm injury or loss, and where there is an unwillingness on behalf of the agency to change related records. A Hearing should be required and notices tendered establishing that where at one time you were in a state of ignorance, incapacitation; having plead guilty to a crime where no man was harmed. You now wish to go back to the status and standing you held as a man from the beginning [cf. *ab initio*] and require in an order, compared with a Writ of execution [cf. Writ of execution,] that staff at the (ACIC) be directed to update or remove records so as to reflect your true standing notwithstanding the lawful claim of another man.

nebulous : late 14c., "cloudy, misty," from Latin *nebulosus* "cloudy, misty, foggy, full of vapor," from *nebula* "mist, vapor" (from PIE root **nebh-* "cloud"). The figurative sense of "hazy, vague, formless" is first attested 1831. Astronomical sense is from 1670s. Related: *Nebulously*; *nebulousness*.

necromancy : [etymonline] c. 1300, *nygromauncy*, *nigromauncie*, "sorcery, witchcraft, black magic," properly "divination by communication with the dead," from Old French *nigromancie* "magic, necromancy, witchcraft, sorcery," from Medieval Latin *nigromantia* (13c.), from Latin *necromantia* "divination from an exhumed corpse," from Greek *nekromanteia*, from *nekros* "dead body" (from PIE root **nek-* (1) "death") + *manteia* "divination, oracle," from *manteuesthai* "to prophesy," from *mantis* "one who divines, a seer, prophet; one touched by divine madness," from *mainesthai* "be inspired," which is related to *menos* "passion, spirit" (see *mania*). The spelling was influenced in Medieval Latin by *niger* "black," on notion of "black arts;" the modern English spelling is a mid-16c. correction. Related: *Necromantic*.

[Commonlaw Mini-Dictionary] Communicating with the Dead (Dead 'LEGAL FICTION') opposed to a Living being. [sic]

[comment] In reality one cannot communicate with the dead. Because a fictional entity has no life it has no capacity to speak, to believe or to think. Where a man or woman can make a claim, and where required under oath utter the truth, the persons who would otherwise represent a fictional entity can only maintain a position. As such when a man or woman in error attempts to communicate with persons, who in court may represent a fictional entity, they are engaging figuratively in necromancy (communicating with the dead.) In court a man or woman will make a claim or require a verifiable claim from another man or woman. Aside from this when persons of the court are communicating they should remain silent relying on the weight of their own claim so

to restore their rights.

necessary : That which is essential for life to meet the needs of a man or woman, and required for his or her existence. In [common law](#) something is necessary when it is indispensable and without which day to day life as one has become accustomed would be impossible. (n.) mid-14c., "needed, required, or useful things; the necessities of life; actions determined by right or law," perhaps from Old French *necessaire* (n.) "private parts, genitalia; lavatory," and directly from Latin *necessarius* (n.), in classical Latin "a relation, relative, kinsman; friend, client, patron;" see *necessary* (adj.). (adj.) late 14c. "needed, required, essential, indispensable," from Old French *necessaire* "necessary, urgent, compelling" (13c.), and directly from Latin *necessarius* "unavoidable, indispensable, necessary," from *necesse* "unavoidable, indispensable," originally "no backing away," from *ne-* "not" + *cedere* "to withdraw, go away, yield" (see *cede*). The root sense is of that from which there is no evasion, that which is inevitable. *Necessary house* "privy" is from c. 1600. *Necessary evil* is from 1540s (the original reference was to "woman").

necessity : In English law, the defence of necessity recognises that there may be situations of such overwhelming urgency that a person must be allowed to respond by breaking the law. There have been very few cases in which the defence of necessity has succeeded, and in general terms there are very few situations where such a defence could even be applicable. The defining feature of such a defence is that the situation is not caused by another person (which would fall under either duress or self-defence) and that the accused was in genuine risk of immediate harm or danger.

neglect : [etymonline] 1520s, "omit to do or perform;" 1530s, "treat carelessly or heedlessly, treat with disrespect or without proper attention or care;" from Latin *neglectus*, past participle of *neglegere* "to make light of, disregard, be indifferent to, not heed, not trouble oneself about," literally "not to pick up," variant of *neglegere*, from Old Latin *nec* "not" (from PIE root **ne-* "not") + *legere* "pick up, select," from PIE root **leg-* (1) "to collect, gather." Related: *Neglected*; *neglecting*. [comment] from Latin "not to pick up" where there may be a duty of care, fiduciary duty, obligation to perform constructively; or otherwise, but by inaction one chooses not to.

negligence : [etymonline] (n.) "heedless disregard of duty, inactivity, indifference, habit of omitting to do things which ought to be done," mid-14c., *necligence*, from Old French *negligence* "negligence, sloth; injury, injustice" (12c.), and directly from Latin *neglegentia*, *neglegentia* "carelessness, heedlessness, neglect," from *neglegentem* (nominative *neglegens*) "heedless, careless, unconcerned," present participle of *neglegere* "to neglect" (see *neglect* (v.)). *negligence* is also an area of tort law encompassed by various causes of action, doctrines, and legal obligations such as *duty of care*, *proximate cause*, *malpractice* and *res ipsa loquitur* Latin "the thing speaks for itself." In terms of the common right it might be described as harm injury or loss the result of inaction, carelessness, unconcern, or heedlessness.

neo-liberalism : [google] A modified form of liberalism tending to favour free-market capitalism.

neologism : A neologism ([/niːˈɒlədʒɪzəm/](#); from Greek *νέο-* *néo-*, "new" and *λόγος* *lógos*, "speech, utterance") is a relatively recent or isolated term, word, or phrase that may be in the process of entering common use, but has not yet been fully accepted into mainstream language. Neologisms are often directly attributable to a specific person, publication, period, or event. In the process of language formation, neologisms are more mature than protologisms.

nepotism : [etymonline] (n.) "favoritism shown to relatives, especially in appointment to high office," 1660s, from French *népotisme* (1650s), from Italian *nepotismo*, from *nepote* "nephew," from Latin *nepotem* (nominative *nepos*) "grandson, nephew" (see *nephew*). Originally, practice of granting privileges to a pope's "nephew" which was a euphemism for his natural son.

nescient : early 15c., *nesciant*, "ignorant; unwilling," from Latin *nescientem* (nominative *nesciens*) "ignorant, unaware," present participle of *nescire* "not to know, to be ignorant," from *ne* "not" (from PIE root **ne-* "not") + *scire* "to know" (see *science*).

nexus : A central or focal point, or a connection or series of connections linking two or more things.

nice : [etymonline] late 13c., "foolish, ignorant, frivolous, senseless," from Old French nice (12c.) "careless, clumsy; weak; poor, needy; simple, stupid, silly, foolish," from Latin nescius "ignorant, unaware," literally "not-knowing," from ne- "not" (from PIE root *ne- "not") + stem of scire "to know" (see science). "The sense development has been extraordinary, even for an adj." [Weekley] -- from "timid, faint-hearted" (pre-1300); to "fussy, fastidious" (late 14c.); to "dainty, delicate" (c. 1400); to "precise, careful" (1500s, preserved in such terms as a nice distinction and nice and early); to "agreeable, delightful" (1769); to "kind, thoughtful" (1830).

[[common law](#) Mini-Dictionary] Careless, Clumsy; weak, a fool, senseless [sic]

nihil dicit : is Latin for "he says nothing" [nihil 'nothing' + dicit 'he says']; a judgement for want of a plea. The name of a judgement which a judge may render against a defendant who failed to plead and failed to answer a plaintiff's declaration or complaint within the prescribed time limit. The defendant failed to say why the court should not issue the judgement against him. The failure to say constitutes an admission of the justice of the cause of action against the defendant; it does so more strongly than a mere default.

no case : at the close of a prosecutions case a defendant will make a submission that there is "no case to answer" based on there being no, questionable, or unsound evidence that a crime has been committed at which point if assented to by a presiding judge the matter is dismissed.

noisome : [etymonline] (adj.) late 14c., noisom, "harmful, noxious" (senses now obsolete), from noye, noi "harm, misfortune" (c. 1300), shortened form of anoi "annoyance" (from Old French anoier, see annoy) + -some (1). Meaning "bad-smelling, offensive to the sense of smell" is by 1570s. Related: Noisomeness.

nolle prosequi : (abbreviated to nolle pros) is a legal term of art and a Latin legal phrase meaning "be unwilling to pursue", a phrase amounting to "do not prosecute". It is a phrase used in many [common law](#) criminal prosecution contexts to describe a prosecutor's decision to voluntarily discontinue criminal charges either before trial or before a verdict is rendered. It contrasts with an involuntary dismissal.

nolo contendere : Nolo contendere is a legal term that comes from the Latin phrase for "I do not wish to contend." It is also referred to as a plea of no contest. In criminal trials in certain U.S. jurisdictions, it is a plea where the defendant neither admits nor disputes a charge, serving as an alternative to a pleading of guilty or not guilty. A no-contest plea, while not technically a guilty plea, has the same immediate effect as a guilty plea, and is often offered as a part of a plea bargain. In many jurisdictions a plea of nolo contendere is not a right, and carries various restrictions on its use.

non assumpsit : was a defence to an action for assumpsit where the defendant alleged he made no promise or gave any undertaking to carry out the terms of a contract. The abbreviation NA placed before your signature on any instrument, contract or the like; means that though you are signing it you are not undertaking or promising to be bound under any obligation to carry out whatever terms are memorialised thereon.

non compos mentis : [wikipedia] is a Latin legal phrase that translates to "of unsound mind" or "not having control of one's mind": nōn ("not") prefaces compos mentis, meaning "having control of one's mind". This phrase was first used in thirteenth-century English law.

non est factum : (Latin for "it is not [my] deed" or "it is not done") is a defence in contract law that allows a signing party to escape performance of an agreement "which is fundamentally different from what he or she intended to execute or sign." A claim of non est factum means that the signature on the contract was signed by mistake, without knowledge of its meaning. A successful plea would make the contract void ab initio. c.f. fraud in the factum.

non sequitur : Classical Latin "*it does not follow*" and used in law to describe something that makes no sense with regard to the context in which it was spoken. Generally however it is a literary device in the form of an absurd or ambiguous statement that bears no relationship to that which preceded it often used in comedy.

normative : (adj.) "establishing or setting up a norm or standard which ought to be followed," 1880, perhaps from French *normatif*, from Latin *norma* "rule" (see *normal*).

nosce te ipsum : Latin "know thyself."

notary : [Commonlaw Mini-Dictionary] (n) "shorthand writer, Clerk, Secretary" From 12th Century latin, "PERSON authorized to Attest contracts" from **Notary (v)**: French 15th century, As in 'NOTARY PUBLIC' late 15th century , that has the French Order the subject- adjective Related words: Notarize, Notarial Compare with '*Endorsed*' [sic]

[etymonline] c. 1300, *notarie*, "a clerk, a personal secretary; person whose vocation was making notes or memoranda of the acts of others who wished to preserve them, and writing up deeds and contracts," from Old French *notarie* "scribe, clerk, secretary" (12c.) and directly from Latin *notarius* "shorthand writer, clerk, secretary," from *notare*, "to note," from *nota* "shorthand character, letter, note" (see *note* (n.)).

Meaning "person authorized to draw up and authenticate contracts and other legal instruments" is from mid-14c.; especially in *notary public* (late 15c.), which has the French order of subject-adjective. Related: *Notarial*.

notice : In [common law](#) a notice is given with the intention to make someone aware of something affecting your rights, but legal notices are also given describing a requirement that a party be aware of legal process affecting their rights, obligations or duties. There are several types of notice: public notice (or legal notice), actual notice, constructive notice, and implied notice.

[[common law](#) Mini-Dictionary] (v) early 15th century, "to notify", Sense of "to point out" is from 1620's Meaning "to take notice of" is attested from 1757 [sic]

notice of motion : [NSW Supreme Court] A notice of motion relates to legal proceedings and are a written application to the Court after a case has started asking the Court to make an order about something. A notice of motion can be used for a number of reasons, including seeking directions or clarification on matters in dispute or asking for the adjournment of a hearing. The notice also tells the other party where and when the Court will hear the motion. In many cases a notice of motion has to be supported with an affidavit. A notice of motion is not needed in matters concerning the common right ([common law](#)) where in such cases to secure rights a man will issue notices and orders determined as such to be lawful from his own court.

notorious : [etymonline] 1540s, "publicly known and spoken of," from Medieval Latin *notorius* "well-known, commonly known," from Latin *notus* "known," past participle of *noscere* "come to know," from PIE root **gno-* "to know." Middle English had *notoire* (mid-14c. in Anglo-French), from Old French, "well-known." Negative connotation, now predominant, "noted for some bad practice or quality, notable in a bad sense, widely but discredibly known" arose 17c. from frequent association with derogatory nouns. Related: *Notoriously*.

novation : etymonline gives (n.) "replacement of an old obligation by a new one," 1530s, from Latin *novationem* (nominative *novatio*) "a making new, renewal," noun of action from past participle stem of *novare* "make new," from *novus* "new" (see *new*). A novation is also made in the same sense in a court room context when a position is stated that will change or novate a previously made statement. Essentially this is the act of changing the terms of a contract that is often done unintentionally. If there is any question as to a position taken especially at court it should always be presented in writing which will subsequently be read onto the record.

nugatory : Invalid; lacking legal force or effect. A statute is nugatory if it has been declared unconstitutional.

nuisance : [etymonline] c. 1400, "injury, hurt, harm," from Anglo-French nusaunce, Old French nuisance "harm, wrong, damage," from past-participle stem of nuire "to harm," from Latin nocere "to hurt" (from PIE root *nek- (1) "death"). Sense has softened over time, to "anything obnoxious to a community" (bad smells, pests, eyesores), 1660s, then "source of annoyance, something personally disagreeable" (1831). Applied to persons from 1690s. As an adjective by 1889; the older adjective nuisant was always rare and now is obsolete.

[Bouviers] crim. law, torts. This word means literally annoyance; in law, it signifies, according to Blackstone, " anything that worketh hurt, inconvenience, or damage." 3 Comm. 216.

[Tommlins 1838 A popular law dictionary] Nuisances are of two kinds; public or common, which affect the public, and are an annoyance to all the king's subjects; and private nuisances, which may be defined to be any thing done to the hurt or annoyance of the lands, tenements, or hereditaments of another. Common nuisances are a species of offences against the public order and economical regimen of the state : of this nature are, annoyances in highways, bridges, and the public rivers, by rendering the same inconvenient or dangerous to pass, either positively by actual obstructions, or negatively by want of reparations.

Winfield: "Nuisance may be described as unlawful interference with a persons use or enjoyment of land or of some right over or in connection with it."

Frederick Pollock: "Nuisance is the wrong done to a man by unlawfully disturbing him.

1. in the enjoyment of his property or in some cases
2. In the exercise of a common right."

nunc pro tunc : Latin literally "Now for then" Is a phrase which theoretically applies to acts that are allowed to be done after the time expires. In the probate of an estate, if real property, such as lands, mineral interests, etc., are discovered after the final decree or order, a nunc pro tunc order can include these discovered lands or assets into the estate and clarify how they were meant to be distributed. Bouviers Law Dictionary gives : nunc pro tunc, practice. This phrase, which signifies now for then, is used to express that a thing is done at one time which ought to have been performed at another. Leave of court must be obtained to do things nunc pro tunc, and this is granted to answer the purposes of justice, but never to do injustice A judgment nunc pro tunc can be entered only when the delay has arisen from the act of the court. 3 Man. Gr. & Sc. 970. Vide 1 V.. & B. 312; 1 Moll. 462; 13 Price, 604; 1 Hogan,. 110.

nut tiel record : a plea alleging the record on which the action is founded does not exist.

obfuscate : [etymonline] 1530s, from Latin obfuscatus, past participle of obfuscare "to darken," from ob "in front of, before" *wiktionary gives ob as ("towards, against")* (see ob-) + fuscare "to make dark," from fuscus "dark" (see dusk). Related: Obfuscated; obfuscating. With a sense in law to "muddy the waters" or obscure from view the truth of a matter.

obiter dictum : Obiter dictum (more usually used in the plural, obiter dicta) from Latin *obiter* "by the way" + *dictum* "thing said", that is, a remark in a judgment that is "said in passing". It is a concept derived from English [common law](#), whereby a judgment comprises only two elements: ratio decidendi and obiter dicta. For the purposes of judicial precedent, ratio decidendi is binding, whereas obiter dicta are persuasive only.

object : (v.) c. 1400, objecten, "to bring forward as a ground of opposition, doubt, or criticism; raise an argument against (a proposition, line of reasoning, etc.)," from Old French objecter and directly from Latin obiectus, past participle of obiectare "to cite as grounds for disapproval, set against, oppose," literally "to put or throw before or against," frequentative of obicere (see object (n.)). Related: Objected; objecting.

(n.) late 14c., "tangible thing, something perceived with or presented to the senses," from Old French object and directly from Medieval Latin obiectum "thing put before" (the mind or sight), noun use of neuter of Latin obiectus "lying before, opposite" (as a noun in classical Latin, "charges, accusations"), past participle of obicere "to present, oppose, cast in the way of," from ob "in front of, towards, against" (see ob-) + iacere "to throw" (from PIE root *ye- "to throw, impel").

Sense of "purpose, thing aimed at" is from early 15c., from Latin obiectus "that which presents itself to the sight." Meaning "that toward which a cognitive act is directed" is from 1580s. Grammatical sense of "a member of a sentence expressing that on which the action of the verb is exerted" is from 1729.

No object "not a thing regarded as important" is from 1782, in which the sense of object is "obstacle, hindrance" (c. 1500). As an adjective, "presented to the senses," from late 14c. Object-lesson "instruction conveyed by examination of a material object" is from 1831.

objective : To view something as it appears to be; in its true or real form; not as one whose judgement is affected by unrelated circumstances, emotional responses, or thoughts. A judge may recuse himself at such times it might be perceived his objective reasoning has been, or is likely to be compromised. i.e. when a relative or business partner is the party to a case, or when the judge may have a vested interest in property or business dealings with regard to matters before the court. [etymonline] (adj.) 1610s, originally in the philosophical sense of "considered in relation to its object" (opposite of subjective), formed on pattern of Medieval Latin objectivus, from objectum "object" (see object (n.)) + -ive. Meaning "impersonal, unbiased" is first found 1855, influenced by German objektiv. Related: Objectively.

obliquity : (n.) early 15c., obliquite, "state of being slanted or twisted; crookedness (of eyes), also figurative, "moral transgression," from Old French obliquité (14c.), from Latin obliquitatem (nominative obliquitas) "slanting direction, obliquity," noun of quality from obliquus "slanting, sidelong, indirect" (see oblique).

obsequious : [etymonline] (adj.) late 15c., "prompt to serve, meekly compliant with the will or wishes of another, dutiful," from Latin obsequiosus "compliant, obedient," from obsequium "compliance, dutiful service," from obsequi "to accommodate oneself to the will of another," from ob "after" (see ob-) + sequi "to follow" (from PIE root *sekw- (1) "to follow"). Pejorative sense of "fawning, sycophantic, unduly compliant" had emerged by 1590s. Related: Obsequiously; obsequiousness (mid-15c.).

obtuse : (adj.) early 15c., "dull, blunted, not sharp," from Latin obtusus "blunted, dull," also used figuratively, past participle of obtundere "to beat against, make dull," from ob "in front of; against" (see ob-) + tundere "to beat," from PIE *(s)tud-e- "to beat, strike, push, thrust," from root *(s)teu- "to push, stick, knock, beat" (source also of Latin tudes "hammer," Sanskrit tudati "he thrusts"). Sense of "stupid, not acutely sensitive or perceptive" is by c. 1500. In geometry, in reference to a plane angle greater than a right angle," 1560s. Related: Obtusely; obtuseness.

obviate : [etymonline] (v.) 1590s, "to meet and dispose of, clear (something) out of the way," from Late Latin obviatus, past participle of obviare "act contrary to, go against," from Latin obvius "that is in the way, that moves against," from obviam (adv.) "in the way," from ob "in front of, against" (see ob-) + viam, accusative of via "way" (see via). Related: Obviated; obviating.

occupant : [etymonline] (n.) 1590s, "one who takes possession of something having no owner," from French occupant (15c.) or directly from Latin occupantem (nominative occupans), present participle of occupare "to take possession of" (see occupy). Earlier noun form was ocupier (early 14c.)

occupier : [common law Mini-Dictionary] As in foreign invading force "to take possession of, hold, seize" a place, time, person or employ From the occupy (n) Occupy; around 15th century a Common euphemism meaning "to have sexual intercourse with" [sic].

[etymonline] (n.) late 14c., occupiour, "one who takes or holds possession" (of lands, manors, a benefice, etc.), agent noun from occupy.

occupy : [etymonline] (v.) mid-14c., occupien, "to take possession of and retain or keep," also "to take up space or room or time; employ (someone)," irregularly borrowed from Old French occuper, occuper "occupy (a person or place), hold, seize" (13c.) or directly from Latin occupare "take over, seize, take into possession, possess, occupy," from ob "over" (see ob-) + intensive form of capere "to grasp, seize," from PIE root *kap- "to grasp."

The final syllable of the English word is difficult to explain, but it is as old as the record; perhaps it is from a modification made in Anglo-French. During 16c.-17c. the word was a common euphemism for "have sexual intercourse with" (a sense attested from early 15c.), which caused it to fall from polite usage.

"A captaine? Gods light these villaines wil make the word as odious as the word occupy, which was an excellent good worde before it was il sorted." [Doll Tearsheet in "2 Henry IV"] During the same time occupant could mean "prostitute." Related: Occupied; occupying.

[comment] In terms of the [common law](#) one can occupy a house currently possessed of nobody; however, not necessarily with the right to do so [cf. adverse possession] in these cases having exhausted all efforts to find the owner; one would establish a court to hear all claims relating to a greater vested interest in said property so as to determine who has the lawful right of ownership. In a concurrent order before the same court; by way of a deed (an evidence,) ownership would then be made a matter of public record filed with the register of deeds.

ordain : [etymonline] (v.) c. 1300, ordeinen, "to appoint or admit to the ministry of the Church," also "to decree, enact," from stem of Old French ordener "place in order, arrange, prepare; consecrate, designate" (Modern French ordonner) and directly from Latin ordinare "put in order, arrange, dispose, appoint," from ordo (genitive ordinis) "row, rank, series, arrangement" (see order (n.)). The notion is "to confer holy orders upon." Sense of "establish, set (something) that will continue in a certain order" is from early 14c. Related: Ordained; ordaining.

ordinance : [etymonline] c. 1300, ordinaunce, "an authoritative direction, decree, or command" (narrower or more transitory than a law), from Old French ordenance (Modern French ordonnance) or directly from Medieval Latin ordinantia, from Latin ordinantem (nominative ordinans), present participle of ordinare "put in order," from ordo (genitive ordinis) "row, rank, series, arrangement" (see order (n.)). By early 14c. senses had emerged of "arrangement in ranks or rows" (especially in order of battle), also "warlike provisions, equipment" (a sense now in ordnance). [wordnik] The later definition from the Century Dictionary leaning towards the French etymology of the word gives; regulation by authority; a command; an appointment; an order; that which is ordained, ordered, or appointed; a rule or law established by authority; edict; decree, as of the Supreme Being or of Fate; law or statute made by human authority; authoritative regulation.

original writ : In the past it was an order from the lord chancellor to begin a legal proceeding.

oligarchy : A small group of people having control of a Country or organisation. Made mention of in Blackstone's commentaries when describing the state of affairs following the disuse of a trial by Jury.

ommission : [etymonline] from omit(v) early 15c., from Latin omittere "let go, let fall," figuratively "lay aside, disregard," [wikipedia law] An omission is a failure to act, which generally attracts different legal consequences from positive conduct. In the criminal law, an omission will constitute an actus reus and give rise to liability only when the law imposes a duty to act and the defendant is in breach of that duty.

omnibus : [Latin; all] everything, everyone, for all, any. [etymonline] (n.) 1829, "long-bodied, four-wheeled public vehicle with seats for passengers," from French (voiture) omnibus "(carriage) for all, common (conveyance)," from Latin omnibus "for all," dative plural of omnis "all" (see omni-).

Introduced by Jacques Lafitte in Paris in 1819 or '20, used in London from 1829.

operation of law : The phrase "by operation of law" is a legal term that indicates that a right or liability has been created for a party, irrespective of the intent of that party, because it is dictated by existing legal principles. For example, if a person dies without a will, his or her heirs are determined by operation of law. Similarly, if a person marries or has a child after his or her will has been executed, the law writes this pretermitted spouse or pretermitted heir into the will if no provision for this situation was specifically included. Adverse possession, in which title to land passes because non-owners have occupied it for a certain period of time, is another important right that vests by operation of law.

Events that occur by operation of law do so because courts have determined over time that the rights thus created or transferred represent what the intent of the party would have been, had they thought about the situation in advance; or because the results fulfilled the settled expectations of parties with respect to their property; or because legal instruments of title provide for these transfers to occur automatically on certain named contingencies.

opine : [etymonline] (v.) mid-15c., opinen, "express an opinion or opinions; to think, suppose," also transitive, "be of the opinion that," from Old French oppiner, opiner (15c.) and directly from Latin opinari "have an opinion, be of opinion, suppose, conjecture, think, judge," which is of unknown origin. It is traditionally considered to be related to optare "to desire, choose" (see option), but de Vaan's sources find the evidence of this weak. Related: Opined; opining.

order : An order may be given but does not have to be taken by any man. If otherwise you have agreed, and have bound your person under an obligation to carry out certain orders as one joining the army; or consenting to the rules of a society; you have consented to being legally liable for your actions or failure to act and can be penalised as such. If however there is no obligation to carry out an order, but by words or actions you would fear to disregard are compelled to perform; you are doing so under duress amounting to a trespass of your rights and due compensation as a result. In each case where a man carries out an order he is due fair and just compensation. Once carrying out an order you would issue a verifiable true bill and In all cases of police traffic stops they should be made aware that their directions if not given in relation to the lawful prosecution of a proper claim can only be interpreted as orders for which you are due compensation. A man will also issue an order as part of a [common law](#) claim that will require compensation, the restoration of property, or something determined as lawful to be done [cf. injunctive relief] where the order forms the substance of a subsequent judgement enforceable by law.

ordre public : concerns the body of principles that underpin the operation of legal systems in each state. This addresses the social, moral and economic values that tie a society together: values that vary in different cultures and change over time.

ore tenus : Latin "by mouth", made or presented orally [ore tenus testimony] [evidence presented ore tenus] cf. viva voce' "with living voice." Ore tenus rule is a legal presumption that a trial court's findings of fact are correct and should not be disturbed unless clearly wrong or unjust. [uslegal.com] This rule is grounded upon the principle that when the trial court hears oral testimony it has an opportunity to evaluate the demeanor and credibility of witnesses.

organized : 1590s, "furnished with organs," past-participle adjective from organize (v.). Meaning "forming a whole of interdependent parts" is from 1817. Organized crime is attested from 1849.

original jurisdiction : original jurisdiction belongs to the court or judicial body from which a judicial decision originated, or a court that is established having jurisdiction over particular matters according to a Constitution etc. ie. "*Section 75(v) of the Australian Constitution provides that the High Court will have original jurisdiction over a [writ of Mandamus](#), writ of prohibition, or an injunction sort against an officer of the Commonwealth*". Appeals to higher courts against rulings may be successful but ultimately are only persuasive as it is the court of original jurisdiction that has control of a final judgement.

overt : from Latin aperire "to open, uncover". When referring to gathering intelligence it would be

intelligence gathered openly or in plain sight; as opposed to intelligence gathered covertly that is not openly acknowledged, displayed, or gathered in plain sight.

[etymonline] (adj.) early 14c., "open; unfastened" (originally literal, of clothing, a book, etc.; this sense is now obsolete), from Old French overt (Modern French ouvert), past participle of ouvrir "to open," from Latin aperire "to open, uncover," from PIE compound *ap-wer-yo- from *ap- "off, away" (see apo-) + root *wer- (4) "to cover." Compare Latin operire "to cover," from the same root with PIE prefix *op- "over;" and Lithuanian atverti "open," užverti "shut." The meaning "clear, open or plain to view, manifest, revealed" is from late 14c. [sic]

ownership : [Butterworths *Australian Legal Dictionary*] The right recognised by the law, in respect of a particular piece of property (real or personal). to exercise with respect to that property all such rights as by law are capable of being exercised with respect to that type of property against all persons, including the rights to possession of the property and any proceeds of its sale: *Gatward v Alley (1940) 40 SR (NSW) 175 at 178; 57 WN (NSW) 82; Palette Shoes Pty Ltd v Krohn (1937) 58 CLR 1*. Owners of property are those entitled, first, to the beneficial use of the object of ownership at their discretion, secondly, to exclude others from using it or interfering with it, and thirdly, to alienate it from others. These powers are subject to the law and rights of third parties such as neighbours, just as the owner has the right to exclude interference by neighbours. At [common law](#), particularly with respect to real property, ownership is not a legal term of art. In the correct parlance of real property law an owner of land is the tenant or proprietor of a legal or equitable estate or interest in it. For 'ordinary ownership' this means that the land owner is the legal fee simple tenant of a freehold tenure. This follows mainly from the doctrine of tenure under which, except for native title, all proprietary estates and interests in land are held in tenure of the Crown, and thus the absolute ownership of land is not possible in Australia: *Mabo v Queensland (1992) 175 CLR 1; 107 ALR 1*. ([comment] *The statement regarding land held in tenure of the Crown seems at odds with Chalmers Real Property 3rd Edition relating to land held in fee simple in Australia as being a doctrine inherited under the Imperial Acts where with respect to the constitution any land held in fee simple is alienated from the Crown and as such cant be taxed, or legislative restrictions imposed against it*) Nevertheless, freehold tenure is the only private land tenure which has been alienated by the Crown in Australia and a freehold tenant in fee simple has the greatest powers over the land which a private person can juristically have. Personal property is on the other hand generally considered capable of absolute ownership because no doctrine of tenure applies to it. At [common law](#), the possession of goods or land raises a prima facie presumption that the possessor is the owner. Also known as 'title'.

oxford comma : The last comma used in a list after "or," or "and."

oxymoron : A figure of speech That juxtaposes elements that appear to be contradictory.

panoply : [etymonline] (n.) 1570s, "complete suit of armor," from Greek panoplia "complete suit of armor," from pan- "all" (see pan-) + hopla (plural), "arms" of a hoplites ("heavily armed soldier"); see hoplite. Originally in English figurative, of "spiritual armor," etc. (a reference to Ephesians vi); non-armorial sense of "any splendid array" is by 1829. Related: Panoplied. [comment] Also figuratively it is a splendid display; or an extensive, or impressive complete collection or array e.g. the full panoply of a presidential funeral.

paraphrase : express the meaning of (something written or spoken) using different words, especially to achieve greater clarity. "you can either quote or paraphrase literary texts".

pareidolia : Is the erroneous perception that the images of faces, objects, or animals appear in nature; such as in the clouds; a rock formation or other naturally occurring anomaly. One example is "the man in the moon." Pareidolia is also said of hidden messages found in some recorded music when played backwards, or at varying speeds; and perceived by some people as indistinct voices such that might be produced by the oscillating of air-conditioners or fans.

parens patriae : [wikipedia] is Latin for "parent of the nation" (lit., "parent of the fatherland," or "parent of the country"). In law, it refers to the public policy power of the state to intervene against

an abusive or negligent parent, legal guardian, or informal caretaker, and to act as the parent of any child or individual who is in need of protection. For example, some children, incapacitated individuals, and disabled individuals lack parents who are able and willing to render adequate care, thus requiring state intervention. [comment] Children are said to have been born as the fruit of marriage in a contractual sense to the state where the doctrine of *parens patriae* comes into full force limiting the rights of parents under statute. [Common law](#) however; in cases concerning the maladministration of justice allows for the prosecution of inherent rights with respect to ones property where a child or children are referred to in comparison only. see child & children.

pari materic : Statutes in *pari materia* are statutes sharing a common purpose or relating to the same subject. They are construed together as one law, regardless of whether they contain any reference to one another."

parole evidence : Parol refers to verbal expressions or words. Verbal evidence, such as the testimony of a witness at trial. In the context of contracts, deeds, wills, or other writings, parol evidence refers to extraneous evidence such as an oral agreement (a parol contract), or even a written agreement, that is not included in the relevant written document. The parol evidence rule is a principle that preserves the integrity of written documents or agreements by prohibiting the parties from attempting to alter the meaning of the written document through the use of prior and contemporaneous oral or written declarations that are not referenced therein.

parties to actions : Those persons who institute actions for the recovery of their rights, and those persons against whom they are instituted, are the parties to actions; the former are called plaintiffs, and the latter, defendants. The term parties is understood to include all persons who are directly interested in the subject-matter in issue, who have the right to make defence, control the proceeding, or appeal from the judgement. Persons not having these rights are regarded as strangers to the cause. 20 How. St. Tr. 538, n.j Greenl. Ev. S5232. It is of the utmost importance in bringing actions to have proper parties, for however just and meritorious the claim may be, if a mistake has been made in making wrong persons, either plaintiffs or defendants, or including too many or too few persons as parties, the plaintiff may in general be defeated.

patent : from Latin *patentem* "open, lying open, or be open" with a sense of documents or letters open to view from some authority or governing body. [etymonline] (n.) late 14c., "open letter or official document from some authority granting permission to do something; a license granting an office, right, title, etc.," shortened from Anglo-French *lettre patent* (also in Medieval Latin *litteræ patentes*), literally "open letter" (late 13c.), from Old French *patente* "open," from Latin *patentem* (nominative *patens*) "open, lying open," present participle of *patere* "lie open, be open" (from PIE root *pete- "to spread").

The Letters Patent were ... written upon open sheets of parchment, with the Great Seal pendent at the bottom ... [while] the 'Litteræ Clausæ,' or Letters Close, ... being of a more private nature, and addressed to one or two individuals only, were closed or folded up and sealed on the outside. [S.R. Scargill-Bird, "A Guide to the Principal Classes of Documents at the Public Record Office," 1891]

Meaning "a licence granted by a government covering a new and useful invention, conferring exclusive right to exploit the invention for a specified term of years" is from 1580s

(v.) 1670s, "to obtain right to land" by securing letters patent, from patent (n.). The meaning "obtain a copyright to an invention" is recorded by 1822, from the earlier meaning "obtain exclusive right or monopoly" (1789), a privilege granted by the Crown via letters patent. Related: Patented; patenting.

pay : [commonlaw Mini-Dictionary] an "offering, pledge" i.e. not necessarily the entirety of a debt but regular offerings of money (see *money*: not necessarily legal tender) so as to discharge the debt.

[etymonline] (v.) c. 1200, *païen*, "to appease, pacify, satisfy, be to the liking of," from Old French *paier* "to pay, pay up" (12c., Modern French *payer*), from Latin *pacare* "to please, pacify, satisfy"

(in Medieval Latin especially "satisfy a creditor"), literally "make peaceful," from pax (genitive pacis) "peace" (see peace).

The meaning "to give what is due for goods or services" arose in Medieval Latin and was attested in English by early 13c.; the sense of "please, pacify" died out in English by 1500. Figurative sense of "suffer, endure" (a punishment, etc.) is first recorded late 14c. Meaning "to give or render" with little or no sense of obligation (pay attention, pay respects, pay a compliment) is by 1580s. Meaning "be remunerative, be profitable, yield a suitable return or reward" is by 1812. Related: Paid; paying. To pay up was originally (mid-15c.) "make up the difference between two [sums](#) of money;" the sense of "pay fully or promptly" is by 1911. Pay television is attested by 1957.

(n.) c. 1300, paie, "satisfaction, liking; reward, reprisal," from pay (v.), or else from Old French paie "payment, recompense," from paier. Meaning "money or other compensation given for labor or services performed, wages" is from late 14c. In Middle English the usual sense was "satisfaction": My pay meant "my liking;" God's pay was "God's good will."

pauper : [etymonline] (n.) "very poor person, person destitute of property or means of livelihood," 1510s, from Latin pauper "**poor, not wealthy, of small means**" (see poor (adj.)). Originally in English a legal word, from Latin phrase in forma pauperis (late 15c.) "**in the character of a poor person,**" used of one who is on this account allowed to sue in court without legal fees. Related: Pauperism; pauperess; pauperize.

[comment] Having been extended the privilege to sue without having paid legal fees; a pauper only has rights to the extent conceded under statute; having the same legal constraints as would members of the bar in administrative hearings, court proceedings and the like. In terms of the [common law](#) there are no such constraints when it comes to the claim of a 'man'. Where a notice should be tendered stating that despite limited means you wish your status be not reduced to that of a pauper, but remain that of a man aggrieved; however, because the cost of a filing fee would outweigh the compensation due by the harm it would cause, it is your wish the case be filed with no charge. Where to quote Edward Coke "That in the emphatic words of Magna Carta, spoken in the person of the King, who in judgement of law is ever present repeating them in all his courts; which are these "to no one will we sell; deny; or delay; right or justice."

pecuniary : Relating to or consisting of a financial or monetary interest or dealing. "He admitted to obtaining a pecuniary interest by deception." [etymonline] c. 1500, from Latin "**pertaining to money,**" from pecunia "money, wealth, property," from pecu "cattle, flock," from PIE root *peku "wealth, property, livestock."

perceive : [etymonline] (v.) c. 1300, perceiven, "become aware of, gain knowledge of," especially "to come to know by direct experience," via Anglo-French parceif, Old North French *perceivre (Old French perçoivre) "perceive, notice, see; recognize, understand," from Latin percipere "**obtain, gather, seize entirely, take possession of,**" also, figuratively, "**to grasp with the mind, learn, comprehend,**" literally "**to take entirely,**" from per "thoroughly" (see per) + capere "to grasp, take," from PIE root *kap- "to grasp."

Replaced Old English ongietan. Both the Latin senses were in Old French, though English uses the word almost always in the metaphorical sense. Related: Perceived; perceiving.

perdition : [etymonline] (n.) mid-14c., "condition of damnation, spiritual ruin, state of the souls of the wicked in Hell," a special theological sense; the general sense of "utter destruction, entire ruin, great harm, death, fact of being lost or destroyed," is by late 14c.; from Old French perdicion "loss, calamity, perdition" of souls (11c.) and directly from Late Latin perditionem (nominative perditio) "**ruin, destruction,**" noun of action from past-participle stem of Latin perdere "**do away with, destroy; lose, throw away, squander,**" from per- "through" (here perhaps with intensive or completive force, "to destruction") + dare "to give" (from PIE root *do- "to give"). *The theological sense gradually extinguished the general use of the word.*

peremptory : "decisive," mid-15c., legal term, from Anglo-French *peremptorie*, from Latin *peremptorius* "destructive, decisive, final," from *peremptor* "destroyer," from *perimpere* "destroy, cut off," from *per* "away entirely, to destruction" (see *per*) + *emere* "to take" (from PIE root *em- "to take, distribute"). Of persons or their words, "certain, assured, brooking no debate," 1580s. Related: *Peremptorily*. [comment] A *peremptory plea* is a defence plea in criminal and civil cases seeking to 'bar' or 'cut off' a case entirely.

peremptory plea : In the [common law](#), the peremptory pleas (pleas in bar) are pleas that set out special reasons for which a trial cannot go ahead. They are the plea of *autrefois convict*, the plea of *autrefois acquit*, and the plea of pardon.

A plea of *autrefois convict* (Law French for "previously convicted") is one in which the defendant claims to have been previously convicted of the same offence and that he or she therefore cannot be tried for it again. A plea of *autrefois convict* can be combined with a plea of not guilty.

Related doctrines include *res judicata* and, in the criminal context, a plea in bar of double jeopardy. In the plea of pardon, the defendant claims that he or she has been pardoned for the offence and therefore cannot be tried for it a second time.

perfect : [etymonline] (adj.) early 15c. classical correction of Middle English *parfit* "flawless, ideal" (c. 1300), also "complete, full, finished, lacking in no way" (late 14c.), from Old French *parfit* "finished, completed, ready" (11c.), from Latin *perfectus* "completed, excellent, accomplished, exquisite," past participle of *perficere* "accomplish, finish, complete," from *per* "completely" (see *per*) + combining form of *facere* "to make, to do" (from PIE root *dhe- "to set, put"). (v.) "to bring to full development, finish or complete so as to leave nothing wanting," late 14c., *parfiten*, from *perfect* (adj.). Related: *Perfected*; *perfecting*. [comment] If someone has failed to perfect an interest they have failed to justify the right of ownership in that interest. Generally the perfection of a security interest results in the beneficiary of that interest receiving what he is due; where his interest is said to have been perfected. It is also the bringing to completion an outcome involving various steps that establish a security interest such as the filing of a mechanics lien which is said to be perfected when a final judgement attaches the lien to the property.

perin court : An administrative court that handles payments in default associated with summary offences such as most motor vehicle traffic offences, drink driving offences, bad behaviour and the like. The legality and lawfulness of these courts is brought into question in light of such principals of natural law as *audi alteram partem* (Latin: *listen to the other side*) where a judgement is given in *absentia* without the accused having had the opportunity to face and question his accuser.

performance : The fulfilment or accomplishment of a promise, contract, or other obligation according to its terms.

perfunctory : Carried out routinely with indifference for duty sake. Not going beyond the fulfilment of an obligation while showing little attention, interest or care. [etymonline] "done mechanically or without interest or zeal and merely for the sake of being rid of the duty of doing it; done so as to conform to the letter but not the spirit," 1580s, from Late Latin *perfunctorius* "careless, negligent," literally "like one who wishes to get through a thing," from Latin *perfungus*, past participle of *perfungi* "discharge, busy oneself, get through," from *per* "through" (from PIE root *per- (1) "forward," hence "through") + *fungi* "perform" (see *function* (n.)). Related: *Perfunctorily*.

perjury : Also known as forswearing, is the intentional act of swearing a false oath or of falsifying an affirmation to tell the truth, whether spoken or in writing, concerning matters material to an official proceeding. [etymonline] (n.) late 14c., "act of swearing to a statement known to be false," via Anglo-French *perjurie* (late 13c.) and Old French *parjurée* "perjury, false witness," both from Latin *periurium* "a false oath," from *periurare* "swear falsely," from *per* "away, entirely" (see *per*) + *iurare* "to swear."

[gotcourt.com.au] Perjury is a criminal offence consisting of knowingly making a false statement on oath in connection with any judicial proceeding. The false statement can be made in oral evidence or in writing. In New South Wales, perjury is governed by Section 327 of the Crimes Act and carries a maximum penalty of 10 years imprisonment. If the false statement is made in order

to bring about a conviction or an acquittal, the maximum penalty is 14 years. The related charge of perverting the course of justice is governed by Section 319 and also carries a maximum penalty of 14 years.

per minas : [Latin; by, or by the means of threats] in British [common law](#), to engage in behaviour "by means of menaces or threats".

pernicious : early 15c., of a deed, "evil, wicked;" from 1520s as "having the property of destroying or being injurious." Having a harmful effect, especially in a gradual or subtle way. ie The pernicious influence of the Mass Media. From Latin *perniciosus* "destructive," from *pernicies* "destruction, death, ruin," from *per* "completely" (see *per*) + *necis* "violent death, murder," related to *nocere* "to kill," *nocere* "to hurt, injure, harm," *noxia* "harm, injury."

per pais : [merriam-webster] by the country : by a jury or by matter try-able by a jury.

persona : Etymonline gives from 1917, an "outward or social personality." It is also given from the definition of a "person" that provides a reference back directly to Latin *persona* as "human being, person, personage; a part in a drama, assumed character," originally "a mask, a false face," such as those of wood or clay, covering the whole head, worn by the actors in later Roman theater. OED offers the general 19c. explanation of *persona* as "related to" Latin *personare* "to sound through" (i.e. the mask as something spoken through and perhaps amplifying the voice)

person : from Latin *persona* "a mask, a false face" also "human being, person, personage; a part in a drama, assumed character." In terms of the law a person is a man who prescribes or ascribes to a society in which he according to his title or rank has certain duties and obligations; if he fails in those duties and obligations; that society may impose upon him fines, penalties, fees and the like.

The definition given by Bouviers Dictionary is interesting reading broadly outlining the categories and sub categories of persons in the eyes of the law from the period of the 1800's. And though the times have changed where slaves are no longer officially held or negro people seen through eyes it would seem were inherently racist. Today a person is much the same i.e. it is a mask or position behind which he operates in an esoteric sense or by which he is known; following are excerpts taken from the Revised Sixth edition of the Dictionary in 1856 that additionally gives a reference to Blackstone's Commentaries. [1Bouv. Inst.no. 137] A PERSON A Man considered according to the rank he holds in society, with all the rights to which the place he holds entitles him, and the duties which it imposes. A human being being considered as capable of having rights and of being charged with duties; while a "thing" is the object over which rights may be exercised. Persons are divided by law into natural and artificial. Natural persons are such as the God of nature formed us; artificial are such as are created and devised by human laws, for the purposes of society and government, which are called "corporations" or "bodies politic" 1 BL. Comm. 123.

In [common law](#) Persons are not addressed; it is only the claim of one man against another that is contemplated. The persons of the court are such as Barristers, Lawyers, Judges, Magistrates, Judicial Officers, Clerks and additionally Plaintiffs, and Defendants amongst others who may otherwise hold a title i.e. Mr, Mrs, Dr etc... all of whom have duties and obligations according to the office or the title they hold. A man however in a court of law is distinct in that unlike the persons of the court is only obligated to answer the claim of another man.

If the person of the Defendant accepts the title not separating himself as such with distinction; in this case he becomes bound tacitly by obligation to a 2nd dimension so to speak, or a world that operates largely on paper into accepting the title of "Defendant" in courts of an inferior jurisdiction to that of the court of Queen's Bench or the [common law](#). A person is also a man holding public office and the position behind which he stands as a that 'person' which he perceives as protection against prosecution malicious or otherwise that may arise with respect to the duties he performs and the manner in which he performs them.

persona standi in iudicio : Is a right which a person has generally, to sue or defend an action.

Standing or character enabling a person to appear in a lawsuit is *persona standi in judicio*. *Persona standi* is essential for a person to vindicate his/her right. Generally, every person has got the right to file suit seeking relief for infringement of his/her right. However, that right can be deprived by the operation of law. A person is not entitled to sue or defend until the removal of any disability which law imposed on him. But title to sue is a legal interest which a party must obtain to initiate particular action.

peruse : [Karl Lentz] Study with great diligence. [Century Dictionary] late 15c., "to go through searchingly or in detail, run over with careful scrutiny," from Middle English *per-* "completely" (see *per*) + *use* (v.). Meaning "read carefully and critically" is by 1530s, but this could be a separate formation. Meaning "read casually" is from 19c. Related: *Perused*; *perusing*. "The formation looks unusual, but it is well supported by similar formations now obsolete, e.g. *peract*, *perplant*, *perstand*, etc."

pestilence : [etymonline] (n.) c. 1300, "any infectious or contagious disease, fatal epidemic," from Old French *pestilence* "plague, epidemic" (12c.) and directly from Latin *pestilentia* "a plague, an unwholesome atmosphere," noun of condition from *pestilentem* (nominative *pestilens*) "infected, unwholesome, noxious," from *pestis* "deadly disease, plague" (see *pest*).

Also in Middle English "wickedness, evil, sin, a vice, that which is morally pestilential."

petition : In a legal proceeding a petition is a legal document formally requesting a court order. Petitions, along with complaints, are considered pleadings at the onset of a lawsuit. Petitions can also be seen generally as a formal written request to a superior, and anciently; as the supplication of oneself to a high priest, deity or god for a pardon or for favour. With regards to [common law](#) a man will require or order something determined to be lawful to be carried out by authority and by right; being distinct from a petition made in a legal proceeding, or administrative hearing. If a person makes a petition he has by consent agreed to an imposed order encompassed by the system of English [Common Law](#) practised by Barristers and Lawyers as distinct from issuing orders as would a man from his own court.

[Karl Lentz] [Quotes](#) Websters Dictionary. To beg; a petitioner is a beggar without rights. Literally a formal written request to a superior earthly being. In terms of the [common law](#) a man does not make a petition. By virtue of Magna Carta the standing of a man is equal to that of a sovereign see sovereignty when in the pursuit of rights. [Websters 1913] A prayer; a supplication; an imploration; an entreaty; especially, a request of a solemn or formal kind; a prayer to the Supreme Being, or to a person of superior power, rank, or authority; also, a single clause in such a prayer.

placate : [etymonline] (v.) "appease or pacify," 1670s, a back-formation from *placation* or else from Latin *placatus* "soothed, quiet, gentle, calm, peaceful," past participle of *placare* "to calm, appease, quiet, soothe, assuage," causative of *placere* "to please" (see *please*). Related: *Placated*; *placating*; *placatingly*.

plaintiff : [etymonline] (n.) in law, "the person who begins a suit before a tribunal for the recovery of a complaint" (opposed to defendant), c. 1400, *pleintif*, from Anglo-French *pleintif* (late 13c.), from noun use of Old French *pleintif* "complaining; wretched, miserable," in law, "aggrieved" (as in *partie plaintiff* "the party bringing a suit at law"), from *plainte* (see *plaint*). Identical with *plaintive* at first; the form that receded into legal usage retained the older -iff spelling.

[comment] Karl Lentz makes the point that the Old French term *pleintif* was commonly understood by the French to be a complaining, nagging old woman; affirming the distinction between a *claim* that is made by a man as a matter of right, and *complaints* that are made with relation to "English [Common Law](#)"; a legal system prosecuted by either natural or artificial persons generally known as plaintiffs; represented by Barristers and Lawyers.

plenary : Complete in every respect, absolute, unqualified Fully attended or constituted by all entitled to be present.

plurality : [etymonline] late 14c., pluralite, "state of being more than one; a number greater than one," from Old French pluralite (14c.), from Late Latin pluralitatem (nominative pluralitas) "the plural number," from Latin pluralis "of or belonging to more than one" (see plural). Meaning "fact of there being many, multitude" is from mid-15c. Church sense of "holding of two or more offices concurrently" is from mid-14c. Meaning "greater number, more than half" is from 1570s but is etymologically improper, perhaps modeled on majority. U.S. sense of "excess of votes for the candidate who receives the most over those of rival candidate(s)," especially when none has an absolute majority, is from 1828.

polemics : [etymonline] from French polémique (16c./17c.), noun use of adjective meaning "disputatious, controversial" and seen as a controversial argument over contentious issues. Also (Derived from the Greek : polemikos, given as "Warlike or hostile") one who engages in polemics being a polemicist or polemic who states his position using hostile arguments, often to conceal the truth of a matter.

polity : a form or process of civil government or constitution.

pontificate : [etymonline] (v.) 1818, "to act as a pontiff, say pontifical Mass," from Medieval Latin pontificatus, past participle of pontificare "to be a pontifex," from Latin pontifex (see pontiff). Especially "to assume pompous and dignified airs, issue dogmatic decrees" (1825). Meaning "to say (something) in a pompous or dogmatic way" is from 1922. Related: Pontificated; pontificating.

poor : [etymonline] (adj.) c. 1200, "lacking money or resources, destitute of wealth; needy, indigent;" also "small, scanty," also voluntarily and deliberately, "devoid of possessions in conformity with Christian virtues," from Old French povre "poor, wretched, dispossessed; inadequate; weak, thin" (Modern French pauvre), from Latin pauper "poor, not wealthy," from pre-Latin *pau-paros "producing little; getting little," a compound from the roots of paucus "little" (from PIE root *pau- (1) "few, little") and parare "to produce, bring forth" (from PIE root *pere- (1) "to produce, procure").

possession : to hold, or to have physical control over something though not necessarily with the right of ownership, or proof of title.

possess : [etymonline] (v.) late 14c., possessen, "to hold, occupy, inhabit" (without regard to ownership), a back formation from possession and in part from Old French possessor "to have and hold, take, be in possession of" (mid-13c.), from Latin possessus, past participle of possidere "to have and hold, hold in one's control, be master of, own," probably a compound of potis "having power, powerful, able" (from PIE root *poti- "powerful; lord") + sedere, from PIE root *sed- (1) "to sit."

According to Buck, Latin possidere was a legal term first used in connection with real estate. The meaning "to hold as property" in English is recorded from c. 1500. That of "to seize, take possession of" is from 1520s; the demonic sense of "have complete power or mastery over, control" is recorded from 1530s (implied in possessed); the weakened sense of "fascinate, enthrall, affect or influence intensely" is by 1590s. Related: Possessed; possessing. The other usual Latin verb for "to possess," tenere, originally was "to hold," then "occupy, possess" (see tenet). [comment] To possess something does not necessarily mean you have the right of ownership [cf. naked possession]; only that you have custody and control over it.

posthumously : the occurrence or incidence of something after one's death; and usually with respect to a quoted author, or somebody of renown. [etymonline] mid-15c., posthumus, "born after the death of the originator" (author or father), from Late Latin posthumus, from Latin postumus "last," especially "last-born," superlative of posterus "coming after, subsequent" (see posterior). Altered in Late Latin by association with Latin humare "to bury," suggesting death; the one born after the father is in the ground obviously being his last. An Old English word for this was æfterboren, literally "after-born." Related: Posthumously.

postea : Latin, "after these or those (things), afterward" (plural postea) afterwards, hereafter,

thereafter, next, then. The return of the judge before whom a cause was tried, after a verdict, of what was done in the cause, which is endorsed on the nisi prius record.

probable : [etymonline] (adj.) late 14c., "likely, reasonable, plausible, having more evidence for than against," from Old French probable "provable, demonstrable" (14c.), from Latin probabilis "worthy of approval, pleasing, agreeable, acceptable; provable, that may be assumed to be believed, credible," from probare "to try, to test" (see prove). As a legal term, probable cause "reasonable cause or grounds" is attested from 1670s.

practising certificate : to work as a Lawyer in New South Wales you have to be the holder of a practising certificate as required by the "*Legal Profession Uniform Law Act*"

praecipe : An order requesting a writ or other legal document, or a writ demanding action or an explanation of why such an action should not be completed.

praemunire : a writ charging the offense of resorting to a foreign court or authority, as that of the pope, and thus calling into question the supremacy of the English crown.

precedent : [etymonline] (n.) early 15c., "previous instance or circumstance which may be taken as a rule in subsequent similar cases; a custom, habit, or rule established," from the adjective precedent "preceding in time, previous, former" (c. 1400), from Old French precedent (also used as a noun) and directly from Latin praecedentum (nominative praecedens), present participle of praecedere "go before" (see precede).

Meaning "thing or person that goes before another" is attested from mid-15c. Specifically with respect to English [Common Law](#), "a judicial decision which serves as a rule for future determinations in similar or analogous cases," by 1680s. As a verb meaning "to furnish with a precedent" from 1610s, now only in past participle precedented.

Cases of precedent used by Barristers and Lawyers in legal proceedings is copyrighted material, and with regard to [common law](#) should be cited in comparison only.

precipitous : [etymonline] (adj.) 1640s, "rash, done with excessive or undue haste" (a sense now obsolete), also "rushing headlong, violently hurried," from obsolete French precipiteux (16c.), from Vulgar Latin *praecipitosus, from praecipitare "to throw or dive headlong; be hasty" (see precipitation). Meaning "high and steep" is from 1806. Related: Precipitously; precipitousness.

precondition : [etymonline] (n.) "an antecedent condition, a condition requisite in advance, a prerequisite" 1825, from pre- "before" + condition (n.). As a verb from 1841. Related: Preconditioned; preconditioning.

predicate : [etymonline] from Latin praedicatum "that which is said of a subject" noun use of neuter past participle of praedicare "assert, proclaim, declare publicly," from prae- "forth, before" (see pre-) + dicare "proclaim" (from PIE root *deik- "to show," also "pronounce solemnly"). (adj.) 1887, from Latin praedicatus, past participle of praedicare "proclaim, announce". [wiktionary] (grammar) The part of a sentence; or clause; which is said of the subject or the object of the sentence.

In "The dog barked very loudly", the subject is "the dog" and the predicate is "barked very loudly".

prelate : a bishop or other high ecclesiastical dignitary.

preparatory : Serving as or carrying out preparation for a task or undertaking.

preponderance : [etymonline] 1680s, "greater heaviness, fact of exceeding in weight, greater weight" from Latin praeponderans, present participle of praeponderare "make heavier" (see preponderate). Sense of "greater importance" is from 1780; that of "greater number" is from 1845. Related: Preponderancy.

prepend : (v.) its modern use is in computing and linguistics meaning to attach (an expression, phrase, etc.) to another as a prefix at the beginning of. Its rarer meaning from the early Latin root *pendere* is "to weigh up mentally", or premeditate. [etymonline] "ponder, consider," 1560s, from pre- "before, in front of" + Latin *pendere* "to hang, cause to hang; weigh; pay" (from PIE root **(s)pen-* "to draw, stretch, spin"). Related: Prepended; prepending.

prerogative : Medieval Latin *prerogativa* "special right," also "special right or privilege granted to someone." In law, a prerogative is an exclusive right given from a government or state and invested in an individual or group, the content of which is separate from the body of rights enjoyed under the general law of the normative state. It was a common facet of feudal law. It can also be seen in terms of the misguided perception that one has unwritten rights because of the status, exclusivity, or privilege associated with a class. i.e. The Rich see It is their prerogative to have access to higher education etc.

presentment : [etymonline] (n.) c. 1300, "act of presenting," from Old French *presentement* "presentation (of a person) at a ceremony" (12c.), from *presenter* (see *present* (v.)). From c. 1600 as "anything presented or exhibited." In law, "statement by a grand jury of an offense without a bill of indictment" (mid-15c.) [sic]. [contracts] The act of presenting a bill or a note for payment. [criminal law Bouviers online 1856] The written notice taken by a grand jury of any offence, from their knowledge or observation, without any bill of indictment laid before them at the suit of the government.

preservation : keeping safe from harm; avoiding injury. This term always presupposes a real or existing danger. [etymonline] (n.) early 15c., *preservacioun* "protection from disease," from Old French *preservacion* (13c.), from Medieval Latin *preservationem* (nominative *preservatio*), noun of action from past-participle stem of *preservare* "to guard beforehand" (see *preserve* (v.)). General sense of "protection, act of keeping safe or sound" is from mid-15c.

prescribe : [etymonline] (v.) mid-15c., *prescriben*, "to write down as a direction, law, or rule," from Latin *praescribere* "write before, prefix in writing; ordain, determine in advance," from *prae* "before" (see *pre-*) + *scribere* "to write" (from PIE root **skribh-* "to cut"). Related: Prescribed; prescribing. Medical sense of "advise, appoint, or designate as a remedy for a disease" is from 1580s, probably a back formation from *prescription*.

presentment : a) The act of presenting to view or consciousness b) something set forth, presented, or exhibited c) the aspect in which something is presented."

presumption : (n.) a rule of law that permits a court to assume a fact is true until such time as there is a preponderance (greater weight) of evidence which disproves or outweighs (rebutts) the presumption. Each presumption is based upon a particular set of apparent facts paired with established laws, logic, reasoning or individual rights. A presumption is rebuttable in that it can be refuted by factual evidence. One can present facts to persuade a judge that a presumption is not true. However if something is assumed, or is an assumption; it is a belief or position maintained that can be verified as true in believing it can be substantiated with evidence. If one presumes something; it is not with solid assurance that the presumption is correct, and as such bares no liability: however an assumption is stated or given in complete assurance as to that which is true for which one can be held liable.

pretermit : To omit to do or mention, i.e. a Pretermitted Heir, is a child or other descendent omitted; in many cases unintentionally from the will of a testator.

prevaricate : [etymonline] (v.) 1580s, "to transgress," a back formation from *prevarication*, or else from Latin *praevaricatus*, past participle of *praevaricari* "to make a sham accusation, deviate," literally "walk crookedly;" in Church Latin, "to transgress" (see *prevarication*). Meaning "to speak evasively" is from 1630s. Related: Prevaricated; prevaricating.

prevarication : To deviate from the truth [etymonline] late 14c., "divergence from a right course, transgression," from Old French prevaricacion "breaking of God's laws, disobedience (to the Faith)" (12c., Modern French prévarication) and directly from Latin praevaricationem (nominative praevaricatio) "duplicity, collusion, a stepping out of line (of duty or behavior)," noun of action from past participle stem of praevaricari "to make a sham accusation, deviate," literally "walk crookedly," in Church Latin, "to transgress," from prae "before" (see pre-) + varicare "to straddle," from varicus "straddling," from varus "bowlegged, knock-kneed" (see varus). Meaning "evasion, quibbling" is attested from 1650s.

prevaricator : [etymonline] (n.) c. 1400, from Old French prevaricator and directly from Latin praevaricator "sham accuser, unfaithful advocate," agent noun from past participle stem of praevaricari (see prevaricate).

prima facie : In Latin, this translates to "at first look" or "on its face", and refers to evidence that is accepted as sufficient to prove a particular fact, unless rebutted by contrary evidence.

primacy : from Late Latin primas (genitive primatis) "principal, chief, of the first rank". It is the state of being first in order, rank, or importance etc.

private : What is private relates to that which is beyond government control. For a relationship between one man and another to be established it must have been done privately. The persons of government agencies who attempt to communicate with a man are doing so in a public capacity and in such cases before any proof of claim has standing such agencies have to show that a relationship exists ie. "who exactly are you; I do not believe we have had the pleasure of ever having met." [etymonline] from Latin privatus "set apart, belonging to oneself (not to the state), peculiar, personal," used in contrast to publicus, communis; past participle of privare "to separate, deprive," from privus "one's own, individual,".

privation : [etymonline] (n.) late 14c., privacioun, "condition of being without (something);" mid-15c., "act of depriving, act of removing or destroying property;" from Old French privacion and directly from Latin privationem (nominative privatio) "a taking away," noun of action from past-participle stem of privare "to deprive, rob, strip" of anything; "to deliver from" anything (see private (adj.)). Broader meaning "state of being deprived, want of life's comforts or of some necessity" is attested from 1790.

privileged communication : An exchange of information between two individuals in a confidential relationship, and is a private statement that must be kept in confidence by the recipient for the benefit of the communicator. The facts or details used in a privileged communication even if they are relevant and material to a court case are exempt from the discovery process and cannot be used as evidence in that case, and it is because of this are considered controversial.

privity : [google] a relation between two parties that is recognised by law, such as that of blood, lease, or service. [wikipedia] The doctrine of privity of contract is a [common law](#) principle which provides that a contract cannot confer rights or impose obligations upon any person who is not a party to the contract. [etymonline] (n.) early 13c., "a thing kept hidden or secret," also "privacy, private life; secrecy," from Old French privité, priveté "privacy; a secret, private matter" (c. 1200), from prive "private," from Latin privus "set apart, belonging to oneself" (see private (adj.)).

From 1550s as "participation in the knowledge of something secret;" from 1520s as a legal term in feudal land tenure. Privities "private parts" is attested by late 14c.

pro : [etymonline] (n.) "a consideration or argument in favor," c. 1400, from Latin pro (prep.) "on behalf of, in place of, before, for, in exchange for, just as" (from PIE root *per- (1) "forward," hence "in front of, before, first, chief"). Pro and con is short for pro and contra (c. 1400) "for and against" (Latin pro et contra). Also as in the Latin phrase *pro bono* "for good."

proceed : [etymonline] (v.) late 14c., proceden, "to go, go on, move in a certain direction, go

about one's business," also "to emanate from, result from; to issue or come, as from an origin or course," from Old French *proceder* (13c., Modern French *procéder*) and directly from Latin *procedere* (past participle *processus*) "go before, go forward, advance, make progress; come forward," from *pro* "forward" (from PIE root **per-* (1) "forward") + *cedere* "to go" (from PIE root **ked-* "to go, yield"). Related: *Proceeded*; *proceeding*.

process : [etymonline] (n.) early 14c., *proces*, "fact of being carried on" (as in *in process*), from Old French *proces* "a journey; continuation, development; legal trial" (13c.) and directly from Latin *processus* "a going forward, advance, progress," from past-participle stem of *procedere* "go forward" (see *proceed*).

Meaning "course or method of action, continuous action or series of actions or events" is from mid-14c.; sense of "continuous and regular series of actions meant to accomplish some result" (the main modern sense) is from 1620s. Meaning "a projection from the main body of something," especially a natural appendage, is from 1570s. Legal sense of "course of action of a suit at law, the whole of the proceedings in any action at law" is attested from early 14c.; hence *due process* "fair treatment" at law, considered as a right (mid-15c.).

(v.) 1530s, "begin legal action against, summon in a court of law," from French *processer* "to prosecute," from *proces* (see *process* (n.)). Meaning "prepare or treat by special process, subject to special process" is from 1881, from the noun in English. Of persons, "to register and examine," by 1935, in reference to the U.S. Army. Related: *Processed*; *processing*.

procrastinate : [etymonline] (v.) "to put off till another day, defer to a future time," 1580s, a back-formation from *procrastination* or else from Latin *procrastinatus*, past participle of *procrastinare* "to put off till tomorrow; defer, delay." Intransitive sense of "be dilatory" is by 1630s. Related: *Procrastinated*; *procrastinating*. The earlier verb was *procrastine* (1540s), from French *procrastiner*.

procure : [etymonline] (v.) c. 1300, "bring about, cause, effect," from Old French *procurer* "care for, be occupied with; bring about, cause; acquire, provide" (13c.) and directly from Late Latin *procurare* "manage, take care of;" from *pro* "in behalf of" (see *pro-*) + *curare* "care for" (see *cure* (v.)). Main modern sense "obtain; recruit" (late 14c.) is via "take pains to get" (mid-14c.). Meaning "to obtain (women) for sexual gratification" is attested from c. 1600. Related: *Procured*; *procuring*.

procurement : [etymonline] c. 1300, "use of improper influence," from Old French *procurement* "management, stewardship" (13c.), from *procurer* (see *procure*). Meaning "process of bringing something about" (by the action of another) is from c. 1400. Military use by 1949, American English. [wordnik] in general gives the more modern interpretation being the act of bringing about, or causing something to come into effect.

profit a prendre : [wikipedia] A *profit* (short for *profit-à-prendre* in Middle French for "right of taking"), in the law of real property, is a non-possessory interest in land similar to the better-known easement, which gives the holder the right to take natural resources such as petroleum, minerals, timber, and wild game from the land of another. Indeed, because of the necessity of allowing access to the land so that resources may be gathered, every *profit* contains an implied easement for the owner of the *profit* to enter the other party's land for the purpose of collecting the resources permitted by the *profit*.

pro forma : [etymonline] also *proforma*, Latin, literally "for form's sake, by way of formality;" from *pro* (prep.) "on behalf of" (see *pro-*) + *formā*, ablative of *forma* (see *form* (n.)). A *pro forma* invoice is one sent to the purchaser in advance of the ordered goods. [The American Heritage Dictionary] (adj.) Done as a formality, perfunctory. Provided in advance so as to describe form or describe items.

prognosticate : [etymonline] (v.) "foretell by means of present signs," early 15c., *prenosticaten*, a back-formation from *prognostication* and also from Medieval Latin *prognosticatus*, past participle of *prognosticare* "foretell," from Latin *prognostica* "sign to forecast weather," from neuter

plural of Greek prognōstikos "foreknowing," from progignōskein (see prognosis). Related: Prognosticated; prognosticating.

prohibit : [etymonline] (v.) "forbid, interdict by authority," early 15c., prohibiten, from Latin prohibitus, past participle of prohibere "hold back, restrain, hinder, prevent," from pro "away, forth" (see pro-) + habere "to hold" (from PIE root *ghabh- "to give or receive"). For form, compare inhibit, exhibit. Related: Prohibited; prohibiting.

prolific : [etymonline] (adj.) 1640s, "producing young or fruit;" 1650s, "producing offspring or fruit in abundance;" from French prolifique (16c.), from Medieval Latin prolificus, from Latin proles "offspring" + combining form of facere "to make, to do" (from PIE root *dhe- "to set, put"). Latin proles is contracted from *pro-oles, from PIE *pro-al-, from *pro- "forth" (see pro-) + root *al- (2) "to grow, nourish." Related: Prolifical (c. 1600).

proper : c. 1300, "adapted to some purpose, fit, apt; commendable, excellent" (sometimes ironic), from Old French propre "own, particular; exact, neat, fitting, appropriate" (11c.), from Latin proprius "one's own, particular to itself," from pro privo "for the individual, in particular," from ablative of privus "one's own, individual" (see private (adj.)) + pro "for" (see pro-). Related: Properly.

From early 14c. as "belonging or pertaining to oneself; individual; intrinsic;" from mid-14c. as "pertaining to a person or thing in particular, special, specific; distinctive, characteristic;" also "what is by the rules, correct, appropriate, acceptable." From early 15c. as "separate, distinct; itself." Meaning "socially appropriate, decent, respectable" is first recorded 1704. Proper name "name belonging to or relating to the person or thing in question," is from late 13c., a sense also preserved in astronomical proper motion (c. 1300). Proper noun is from c. 1500.

proper law : Is a term given to law that most closely reflects a connection to the facts of a case where full faith and credit is given to the laws of other states despite there being a conflict between the laws of those states and the laws of the state in which the case is being prosecuted.

prophylaxis : treatment given or action taken to prevent disease.

propitiate : to gain or regain the goodwill or favour of, to appease, make an atonement, or make a conciliation for; especially to a foreign god or spirits. [etymonline] 1580s, a back-formation from propitiation and in part from propitiate (adj.), from Latin propitiatus, past participle of propitiare "appease, propitiate" (see propitiation). Related: Propitiated; propitiating; propitiatingly; propitiable (1550s).

propitiation : [etymonline] (n.) late 14c., propiciacioun, "atonement, expiation," from Late Latin propitiationem (nominative propitiatio) "an atonement," noun of action from past-participle stem of Latin propitiare "appease, propitiate," from propitius "favorable, gracious, kind, well-disposed," from pro- "forward" (see pro-) + stem related to petere "to make for, go to; seek, strive after; ask for, beg, beseech, request" (from PIE root *pet- "to rush, to fly").

The sense in Latin is perhaps because the word originally was religious, literally "a falling or rushing toward," hence "eager," and, of the gods, "well-disposed." Earliest recorded form of the word in English is propitiatorium "the mercy seat, place of atonement" (c. 1200), translating Greek hilasterion.

proprietary : [etymonline] mid-15c., "possessing worldly goods in excess of a cleric's needs," from Medieval Latin proprietarius "owner of property," noun use of Late Latin adjective proprietarius "of a property holder," from Latin proprietas "owner" (see property). Meaning "held in private ownership" is first attested 1580s. The word was used earlier in English as a noun meaning "proprietor," also "worldly person" (c. 1400), from a noun use in French and Medieval Latin.

pro rata : In Latin, this translates to "from the rate". It refers to the proportionate adjustment to a

calculation. For example, if the initial calculation is \$14 for 7 days, payment for 3 days pro rata would be \$6 (\$2 per day x 3).

pro salute animæ : For the safety or good of the soul.

probable cause : Is a standard used in the U.S. 2nd amendment for the issuance of a warrant for criminal arrest supported by statements under oath or affirmation. [Century Dictionary] (used with reference to criminal prosecutions), such a state of facts and circumstances as would lead a man of ordinary caution and prudence, acting conscientiously, impartially, reasonably, and without prejudice, upon the facts within his knowledge, to believe that the person accused is guilty.

[comment] In Australia the lesser standard of a *reasonable suspicion* is required for an arrest warrant. Without seeking to limit the difficult work police have to do, or abrogate what the Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA) sets out to achieve. In terms of the [common law](#) unless an eye witness can give a first hand verifiable account relating to harm, injury or loss. Because an arrest has been made against the will of a man or persons with no supporting bill for damages an arrest made on a *reasonable suspicion* has been made with no regard for due process, is merit-less and unlawful.

probative : [etymonline] "serving to test or prove; pertaining to proof or demonstration," mid-15c., from Latin probativus "belonging to proof," from probat-, past-participle stem of probare "show, prove, demonstrate" (see prove).

probate : [etymonline] (v.) 1560s, "to prove," from probate (n.) or from Latin probatus, past participle of probare "to make good; esteem, represent as good; make credible, show, demonstrate; test, inspect; judge by trial." Specific sense of "prove the genuineness of a will" is from 1792. Related: Probated; probating. (n.) "official proving of a will," c. 1400, from Latin probatum "a thing proved," neuter of probatus "tried, tested, proved," past participle of probare "to try, test, prove to be worthy" (see prove).

proctor : law; In simple terms a proctor was legal practitioner in ecclesiastical and admiralty courts by appointment. Today the Queen's/King's Proctor represents the crown in the courts of probate or divorce. They have the power to show cause against a decree nisi being made absolute by way of showing the decree was founded on misleading information given to the court.

produce : [etymonline] (v.) early 15c., producen, "develop, proceed, extend, lengthen out," from Latin producere "lead or bring forth, draw out," figuratively "to promote, empower; stretch out, extend," from pro "before, forth" (from PIE root *per- (1) "forward," hence "in front of, before, forth") + ducere "to bring, lead" (from PIE root *deuk- "to lead").

The sense of "bring into being or existence" is from late 15c. That of "put (a play) on stage" is from 1580s. Of animals or plants, "generate, bear, bring forth, give birth to," 1520s. The meaning "cause, effect, or bring about by mental or physical labor" is from 1630s. In political economy, "create value; bring goods, manufactures, etc. into a state in which they will command a price," by 1827. Related: Produced; producing.

(n.) "thing or things produced," 1690s, from produce (v.), and originally accented like it. Specific sense of "agricultural productions" (as distinguished from manufactured goods) is from 1745.

product : [etymonline] (n.) early 15c., "mathematical quantity obtained by multiplication," from Medieval Latin productum, in classical Latin "something produced," noun use of neuter past participle of producere "bring forth" (see produce (v.)). General sense of "anything produced" is attested in English from 1570s; political economy sense of "what is produced commercially for sale" is by 1890.

proffer : To offer, to put forward, to present the verb being closely related to 'profer' which has more the sense that what is presented, offered, or put forward is done so verbally i.e. "utter,

present verbally, pronounce" from Latin *proferre* "Bring forth, produce" figuratively "make known, publish, quote, utter"

progeny : [etymonline] from Latin *progenies* "descendants, offspring, race, lineage, family" [Websters 1913] Progeny (prō'jēn), n. [OE. *progenie*, F. *progénie*, fr. L. *progenies*, fr. *progignere*. See Progenitor.] Descendants of the human kind, or offspring of other animals; children; offspring; race, lineage. " Issued from the progeny of kings." Shak.

promissory note : a signed IOU, or promise to pay back borrowed money that contains the terms by which the money is to be re-paid including the name of the borrower, the address of the property (if real estate) for which the loan has been made, the interest rate the money is to be re-paid at, the amount of the loan, and a term in the number of years that the loan is to be re-paid. Generally a promissory note is not held on, or is a matter of public record in such places as a register of deeds, but rather is held by the lender ie. a banking institution while the loan is outstanding and is returned to the borrower marked as paid in full once all obligations have been met. A promissory note is an essential element in the process of buying a home with borrowed finance, it is evidence of an agreement between the borrower and lender that a loan exists and is distinct from a "mortgage" or "deed of trust" that pledges something of security (usually the home itself) should the terms of the promissory note not be met. Without the original promissory note as evidence a transaction has occurred the right of foreclosure becomes void.

proof of claim : US A proof of claim is an official bankruptcy form that shows the money owed by the debtor to a creditor and the reason for the debt. It is one of the main steps in a Chapter 7 or Chapter 13 bankruptcy case. In a bankruptcy case once the debtor files the bankruptcy documentation listing all creditors to whom she/he owes a debt, the creditors are given an opportunity to file proof of claim against such debtor. While filing a proof of claim the creditor must be very careful about main filing deadlines, revision deadlines, and duplicate filing issues. Apart from the details of debt a proof of claim will also contain evidence supporting the debt such as claims forms, medical bills or any material and relevant documentation. Generally, a proof of claim is filed in the court to verify a creditor's position as a debt holder and to receive money from the bankruptcy estate.

property : The earliest definition of the word property is from the Latin word *proprietas* meaning "ownership, a property, propriety, quality," literally "special character" and is also a noun of quality from Latin *proprius* and the word *proper* meaning "one's own, or particular to itself"

The use of the word property in law is due largely to the influence of John Locke who gave property written in the second person as "*all that a man claims is proper to his person; that he has exclusive rights to control and enjoy exclusive of all others in a society*" where the enjoyment of property is not merely a temporal passing but that which makes a man whole as extending to his hopes and dreams and to the members of his family the presence of without which would cause him harm. Property extends beyond the simple ownership of temporal objects to what is inherent in man by right. As part of a family children are property: being inherently connected, exclusive, and particular to a man and woman alone who have vested part of their being into their upbringing, and have an obligation to see that their conduct before others causes no harm.

Generally the mission statement of the governments of all [common law](#) countries is to secure and protect property defined as;

- 1) That which is peculiar or proper to any person, that which belongs exclusively to one.
- 2) In the strict legal sense it is an aggregate of rights which are guaranteed and protected by the Government.
- 3) The term is said to extend to every valuable right and interest where interest is said to be that which is gained through having invested time, labour or part of one's being into something.

Because the use of the word property is so compelling and all encompassing in terms of prosecuting a claim; Judges generally have an aversion for, and attempt to steer away from its use preferring an amended word defined under a statute. Any offer made by a judge as such should be taken on advisement in the understanding that it can only be interpreted as legal advice

where any alteration of a claim made in this manner could potentially cause harm by changing the outcome of, and abrogating the rights of the man or woman making it. The only time as such however where a man gives up control over property is when there has been a breach of the peace.

proportionality : (NSW) The [common law](#) principle of proportionality requires that a sentence should neither exceed nor be less than the gravity of the crime having regard for the objective circumstances: *R v McNaughton* at [15]; *Veen v The Queen (No 2)* (1988) 164 CLR 465; *Hoare v The Queen* (1989) 167 CLR 348 at 354.

proprietary : [etymonline] mid-15c., "possessing worldly goods in excess of a cleric's needs," from Medieval Latin *propriarius* "owner of property," noun use of Late Latin adjective *propriarius* "of a property holder," from Latin *proprietas* "owner" (see *property*). Meaning "held in private ownership" is first attested 1580s. The word was used earlier in English as a noun meaning "proprietor," also "worldly person" (c. 1400), from a noun use in French and Medieval Latin.

propriety : Individual right to hold property; ownership by personal title; property. That which is proper or peculiar; an inherent property or quality; peculiarity. The quality or state of being proper; suitability to an acknowledged or correct standard or rule; consonance with established principles, rules, or customs; fitness; appropriateness The quality of being proper; appropriateness, conformity to prevailing customs and usages. The usages and customs of polite society.

prorogue : Discontinue a session of (a parliament or other legislative assembly) without dissolving it.

prosecutor : One who pursues, or goes after. Someone who handles cases for and on behalf of the state against offenders. The meaning of the word Prosecutor amongst those overzealous in pursuit of conspiracy and perhaps on good grounds give the word as broken into symbols alluding to a hidden meaning i.e. *Pro se'* (meaning, to move or to walk in), and *cutor* (meaning, One's skin) where the Prosecutor literally walks into the role of beneficiary taking the rightful place of the real beneficiary or *Cestui que vie* being the defendant.

pro se' : Taken from latin word forming elements, where 'pro' means "forward, forth, toward the front or in place of" and 'se' means "without, apart, aside, on one's own" which together can be taken to mean "to go forward or go forth on one's own" it is generally a term of art given to a person representing themselves in court proceedings. A person appearing *pro se'* only has rights to the extent the law concedes, your legal arguments maybe clear and persuasive and your case watertight but being *pro se'* affords no standing, where you represent your person or legal fiction (lat. *ens legis: creature of the law*) before the court in a legal proceeding, and not as a man would prosecute a claim.

prostitution :

[Bouviers]

1. The common lewdness of a woman for gain.
2. In all well regulated communities this has been considered a heinous offence, for which the woman may be punished, and the keeper of a house of prostitution may be indicted for keeping a common nuisance.
3. So much does the law abhor this offence, that a landlord cannot recover for the use and occupation of a house let for the purpose of prostitution. 1 Esp. Cas. 13; 1 Bos. & Pull. 340, n.
4. In a figurative sense, it signifies the bad use which a corrupt judge makes of the law, by making it subservient to his interest; as, the prostitution of the law, the prostitution of justice.

protean : readily assuming different forms or characters; extremely variable. Websters gives the adjective Pertaining to Proteus; readily assuming different shapes.

pro tempore : (/ˌprɒʊ 'tɛmpəri, -eɪ/), abbreviated *pro tem* is a Latin phrase which best translates to "for the time being". This phrase is often used to describe a person who acts as a locum tenens (placeholder) in the absence of a superior, such as the President pro tempore of the United States Senate, who acts in place of the President of the United States Senate, the Vice President of the United States.

Legislative bodies can have one or more pro tempore for the presiding officer. These positions ostensibly go to legislators experienced in floor debate who are familiar with the content and application of relevant rules and precedents and who have a reputation for fairness among their colleagues.

protest : [etymonline] (n.) c. 1400, "avowal, pledge, solemn declaration," from Old French protest, from protester, from Latin protestari "declare publicly, testify, protest," from pro- "forth, before" (from PIE root *per- (1) "forward," hence "in front of, before") + testari "testify," from testis "witness" (see testament). [comment] quaere In terms of the [common law](#) one has to ask; does a man have the right to come forward and make a public declaration which is essentially the act of protesting as defined. Before Queens Bench unless there is a proper claim with respect to harm injury or loss the crown have no rights and no standing to curtail a public protest as long it has been done in a lawful manner.

Meaning "statement of disapproval" is recorded by 1751. By late 19c. this was mostly restricted to "a solemn or formal declaration against some act or course of action."

The adjectival sense of "expressing of dissent from, or rejection of, prevailing social, political, or cultural mores" is by 1942, in reference to U.S. civil rights movement (in protest march); protest rally from 1960. Protest vote, "vote cast to demonstrate dissatisfaction with the choice of candidates or the current system," is by 1905 (in reference to Socialist Party candidates).

prostitution of the law : or the prostitution of justice is seen as the bad use of law by a corrupt judge or justice making it subservient to his own interests.

provocate : [etymonline] (v.) "to provoke, call forth," early 15c., provocaten, rare then and obsolete now, from Latin provocatus, past participle of provocare "to call out" (see provoke). Related: Provocated; provoking.

proximo : in correspondence, etc., "in or during the coming month," noting a day in the coming month (proximo mense), Latin ablative singular of proximus "nearest, next" (see proximate). Often abbreviated prox. Compare ultimo, instant (adj.).

public defender : In NSW Public defenders are salaried barristers of the government who do not provide general legal advice to the public; however, appear in serious criminal matters for clients who have been granted legal aid. In terms of the [common law](#) and where it is known a criminal complaint is unverifiable; a man will have recourse to file his own claim and where a public defender has been appointed will make use of their services in the capacity as a co-counsel. In these cases these distinctions should be made in writing and included with the claim when it is filed with the clerk of the court.

puisne : "junior," c. 1300 in Anglo-Latin, from Old French puisné "born later, younger, youngest" (see puny). The term is also used with the sense of "an inferior" and is now an obsolete term of art used in British jurisdictions meaning "inferior in rank."

punitive : 1620s, "inflicting or involving punishment," from French punitif (16c.) or directly from Medieval Latin punitivus, from Latin punitus, past participle of punire "to punish, correct, chastise" (see punish).

punitive damages : or exemplary damages are damages intended to reform or deter the defendant and others from engaging in conduct similar to that which formed the basis of the lawsuit. Although the purpose of punitive damages is not to compensate the plaintiff, the plaintiff will receive all or some portion of the punitive damage award.

purport : [etymonline] (n.) early 15c., "meaning, tenor, the surface or expressed meaning of a document, e.g. the *purport* of a letter; that which is conveyed or expressed," from Anglo-French *purport* (late 13c.), Old French *porport* "contents, tenor," back-formation from *purporter* "to contain, convey, carry; intend," from *pur-* (from Latin *pro-* "forth;" see *pur-*) + Old French *porter* "to carry," from Latin *portare* "to carry" (from PIE root **per-* (2) "to lead, pass over"). Meaning "that which is to be done or effected" is from 1650s. [comment] from Latin *portare* "to carry" as in; how the meaning of text, for example, might be conveyed or carried over.

perfidy : [etymonline] "breach of faith or trust, base treachery," 1590s, from Middle French *perfidie* (16c.), from Latin *perfidia* "faithlessness, falsehood, treachery," from *perfidus* "faithless," from the phrase *per fidem decipere* "to deceive by a betrayal of trust; to deceive having gained faith, credit, or trust." from *per* "through" (from PIE root **per-* (1) "forward," hence "through") + *fidem* (nominative *fides*) "faith" (from PIE root **bheidh-* "to trust, confide, persuade"). [comment] the word *perfidy* can be used to describe treasonous intentions, or acts of betrayal.

quaere : is legal Latin, literally meaning "inquire" or "query". In legal drafting it is usually used to indicate that the person expressing the view that precedes the phrase may not adhere to the hypothesis following it.

qualified : [etymonline] (adj.) 1580s, "fitted by accomplishments or endowments;" 1590s, "affected by some degree of restriction or modification;" past-participle adjective from *qualify* (v.). By 1886 and into mid-20c. as a British English euphemism for bloody or damned.

To be competent is to have the natural abilities or the general training necessary for any given work ; to be qualified is to have, in addition to competency, a special training, enabling one to begin the work effectively and at once. He who is competent may or may not require time to become qualified; he who is not competent cannot become qualified, for it is not in him. [Century Dictionary]

[comment] The qualification of a judicial officer has nothing to do with competency or the qualifications he may hold; however, indicates that he is officially bonded to carry out the duties as pertaining to specific matters, or a specific jurisdiction; as distinct from a general employee who may carry out the duties of an administrative officer; however, who only holds insurance. If a Judge issues orders beyond the jurisdiction of the court in which proceedings are taking place e.g. the rules and orders given for the court of King's Bench. He can then be issued with a verifiable true bill for which compensation is due. If no compensation is forthcoming a claim against the official bond he holds would then be made.

Additionally it refers to a specific right to property with respect to law where this right does not exclude the right of another to sue for the return of the same property.

quality : (v.) mid-15c., *qualifier*, transitive, "to invest with (a quality), impart a certain quality to," from French *qualifier* (15c.) and directly from Medieval Latin *qualificare* "attribute a quality to; make of a certain quality," from Latin *qualis* "of what sort?," correlative pronominal adjective (see *quality*) + combining form of *facere* "to make" (from PIE root **dhe-* "to set, put").

Meaning "to limit, modify by a limitation or reservation, restrict" is from 1530s, as is the sense of "to have or have taken the necessary steps for rendering oneself capable of holding an office, etc." The sense of "to be or become fit for an employment, office, etc." is by 1580s. Related: *Qualified*; *qualifying*

quantum meruit : Latin "what one has earned." and means generally "the amount he deserves" or "as much as he has earned". In the context of contract law, it means something along the lines of "reasonable value of services". A legal claim or action involving *quantum meruit* cannot arise out of a contract for a fixed sum and only relates to the value of services that had not been pre-determined in a written contract.

quantum valebant : Latin "as much as they were worth" [wikipedia] It is sometimes used in its singular form, quantum valebat, meaning "as much as it was worth". It is a common count at law very similar to quantum meruit. The two legal actions differ only in that quantum meruit is used to recover the reasonable value of services rendered, while quantum valebant is used to recover the reasonable value of goods sold and delivered. This count is considered a type of assumpsit.

quasi-delict : A quasi-delict is a negligent act or omission which causes harm or damage to the person or property of another, and thus exposes a person to civil liability in civil law jurisdictions, as if the act or omission was intentional (a delict). For contrast under "English [Common Law](#)" the terms used is negligence.

quasi : resembling in essence, and form, but not having the plenary or complete features or appearance of. In reference to a court as having the attributes, or outward appearance of a proper court "as if it were real"; where it can only attempt to persuade having no real judicial power. [etymonline] From late 15c., Latin in hypothetical comparisons, "as if, just as if, as though"

quia timet : from Latin "because he is afraid" and is the name for an equitable injunction used to secure ones rights against damages at some point in the future.

quid pro quo : ("something for something" or "this for that" in Latin) means an exchange of goods or services, where one transfer is contingent upon the other. Colloquially you scratch my back and I'll scratch your's, or you do something for me and I'll do something for you or give something in exchange.

quiet title : [wikipedia] An *action to quiet title* is a lawsuit brought in a court having jurisdiction over property disputes, in order to establish a party's title to real property, or personal property having a title, of against anyone and everyone, and thus "quiet" any challenges or claims to the title.

This legal action is "brought to remove a cloud on the title" so that plaintiff and those in privity with him may forever be free of claims against the property. The action to quiet title resembles other forms of "preventive adjudication," such as the declaratory judgement. [comment] in [common law](#) a claim establishes the right of ownership not withstanding the claim viva voce' from another man.

quo warranto : A writ or legal action requiring a person to show by what warrant an office or franchise is held, claimed or exercised.

rape : (v.) the word comes from 14c., rapen, "seize prey; abduct, take and carry of by force," also from (Old French rapir) "to seize, abduct." and from the legal Latin term rapere sometimes meaning "sexually violate" in a modern sense but in terms of its older meaning "seize, carry of by force, abduct." The older senses of the word have largely fallen into disuse; the surviving meaning "to abduct (a woman), ravish;" also "seduce (a man)" now extending after 15c. Interestingly the original Latin word stuprare meaning "to defile, ravish, violate" relating to the word stuprum (n.) "illicit sexual intercourse," literally "disgrace." was the word previously used to describe what we now understand as being rape. The Medieval Latin term raptus past participle of rapere, used as a noun meant "forcible violation."

The Australian Law Reform Commission website gives rape as a penetrative sexual offence that under [common law](#) was defined as carnal knowledge (penetration of female genitalia) of a woman against her will. For more information on how rape is legally applied throughout Australia largely from a statutory viewpoint see "'Rape': the penetrative sexual offence" on the ALRC website. <https://alrc.gov.au>. If a woman makes a claim concerning a matter of right in relation to [rape]; in the first instance it is a trespass that can be further sub categorised as "breach of enclosure." In these instances if a crime has thus far not been reported in relation to the trespass [rape]; the Magistrate having received the claim; is mandated as such to report it.

ratify : sign or give formal consent to (a [treaty](#), contract, or agreement), making it officially valid.

ratio decidendi : Latin - "The reason for the decision" It is the point in a case which determines the judgement or the principle which the case establishes.

reasonable : sound, sane and rational judgement; reasonable [etymonline] (adj.) c. 1300, resonable, "having sound judgment, endowed with the faculty of reason," from Old French *raisonable*, from Latin *rationabilis*, from *ratio* "reckoning, understanding, motive, cause," from *ratus*, past participle of *rerī* "to reckon, think" (from PIE root *re- "to reason, count").

Also originally "rational, sane," senses now obsolete. The sense shifted somewhat in Middle English via "due to or resulting from good judgment," then "not exceeding the bounds of common sense."

The meaning "moderate in price" is recorded from 1660s; earlier it meant "moderate in amount" (14c.). Related: Reasonably, which is from late 14c. as "according to reason," c. 1500 as "fairly tolerably;" reasonableness.

In law, "befitting a person of reason or sound sense;" reasonable doubt (1670s) is doubt for which a pertinent reason can be assigned and which prevents conviction in the minds of jurors of the truth of the charge.

reasonable doubt : [Texas penal code] Proof of guilt beyond a reasonable doubt is required for the conviction of a criminal defendant. A reasonable doubt exists when a factfinder cannot say with moral certainty that a person is guilty or a particular fact exists. It must be more than an imaginary doubt, and it is often defined judicially as such doubt as would cause a reasonable person to hesitate before acting in a matter of importance. The equivalence of *reasonable doubt* in civil cases is *the balance of probabilities*.

reasonable suspicion : In the United States the standard for the issuance of a warrant for criminal arrest is "*probable cause*" however in New South Wales the lesser "*reasonable suspicion*" applies and was defined largely due to the 2001 NSW Court of Criminal Appeals case *R v Rondo* where the court stated.

"reasonable suspicion involves less than a reasonable belief but more than a possibility. There must be something which would create in the mind of a reasonable person an apprehension or fear ... A reason to suspect that a fact exists is more than a reason to consider or look into the possibility of its existence". For a *reasonable suspicion* to be upheld; it must on some level have been established on factual basis. In another case "*Streat v Bauer; Streat v Blanco*" relating to a police traffic stop the magistrate dismissed the charges, finding that there were no factors providing reasonable grounds for suspicion and therefore the police were not acting lawfully in the execution of their duty.

Because Australia is a [common law](#) country; and where the written law and due process should in every respect reflect what would normally be established by the lawful edicts determined by the course of the [common law](#). The police with an accompanying warrant should only have the power to stop and arrest someone with regards to a serious indictable offence, and without a warrant, a summary offence accompanied by a breach of the peace, where in both cases it can be demonstrated what would amount to harm, injury or loss relating to a verifiable claim. Anything beyond this is arbitrary, an unlawful arrest or false imprisonment.

recaption : *Regaining possession of; taking back.* Is the lawful process of finding and subsequently claiming or retaking back one's own wife, child, or property, from one having possession, or constructive possession; with no right of ownership; without causing a riot, or breach of the peace. An example could be: an individual who removes his borrowed car that was not returned from a neighbour's driveway; would be exercising recaption. In these circumstances entry into a dwelling to retake property can only be done through an open doorway and without violence.

receipt : [etymonline] late 14c., receipt, "act of receiving;" also "statement of ingredients in and formula for making a potion or medicine" (compare recipe); from Anglo-French or Old North

French *receite* "receipt, recipe, prescription" (c. 1300), altered (by influence of *receit* "he receives," from Vulgar Latin **recipit*) from Old French *recete*. This is from Medieval Latin Latin *recepta* "thing or money received," in classical Latin "received," fem. past participle of *recipere* "to hold, contain" (see *receive*).

The classical -p- began to be restored in the English word after c. 1500, but the pronunciation did not follow. *Conceit*, *deceit*, and *receipt* all are from Latin *capere*; the -p- sometimes was restored in all three of them, but it has stuck only in the last. The meaning "written acknowledgment for having received something specified" is from c. 1600.

reciprocity : from Latin *reciprocus*, past participle of *reciprocare* being a condition, relationship, or cooperative mutual interchange of rights, privileges and trade between two nations.

reck : [etymonline] (v.) Old English *reccan* (2) "take care of, be interested in, care for; have regard to, take heed of; to care, heed; desire (to do something)" (strong verb, past tense *rohte*, past participle *rought*), from West Germanic **rokjan*, from Proto-Germanic **rokja-* (source also of Old Saxon *rokjan*, Middle Dutch *roeken*, Old Norse *rækja* "to care for," Old High German *girochan* "to care for, have regard to," German *geruhen* "to deign," which is influenced by *ruhen* "to rest"), from PIE root **reg-* "move in a straight line," with derivatives meaning "to direct in a straight line," thus "to lead, rule." (n.) "care, heed, consideration," 1560s, from *reck* (v.).

reckless : [etymonline] (adj.) Old English *reccelas* "careless, thoughtless, heedless," earlier *reccileas*, from **rece*, *recce* "care, heed," from *reccan* "to care" (see *reck* (v.)) + *-less*. The same affixed form is in German *ruchlos*, Dutch *roekeloos* "wicked." Root verb *reck* (Old English *reccan*) is passing into obscurity.

reclamation : [etymonline] (n.) late 15c., *reclamacion*, "a revoking" (of a grant, etc.), from Old French *réclamacion* and directly from Latin *reclamationem* (nominative *reclamatio*) "a cry of 'no,' a shout of disapproval," noun of action from past participle stem of *reclamare* "cry out against, protest" (see *reclaim*). From 1630s as "action of calling (someone) back" (from iniquity, etc.); meaning "action of claiming as a possession something taken away" is from 1787. Of waste land from 1848; the notion is "action of subduing to fitness or use;" of used or waste material or objects, by 1937.

reclusion perpetua : Is a Spanish term from Latin *reclusio perpetua* meaning "permanent imprisonment" and the type of sentence applied in Argentina, the Philippines, and several other countries. It is distinct from the penalty of life imprisonment applied against special laws in that it is usually applied against the revised penal code in the Philippines carrying a mandatory term of 40 years.

rebuttal : (n.) evidence introduced to counter, disprove or contradict the opposition's evidence or a presumption, or responsive legal argument.

receivables : [etymonline] (adj.) "able to be received" in any sense; "capable of reception," late 14c., from *receive* + *-able*, and in part from Anglo-French or Old French *recevable*, from Old French *receivre*. Related: *Receivableness*; *receivability*. *Receivables* (n.) "debts owed to a business" is by 1863.

reclamation : [etymonline] (n.) late 15c., *reclamacion*, "a revoking" (of a grant, etc.), from Old French *réclamacion* and directly from Latin *reclamationem* (nominative *reclamatio*) "a cry of 'no,' a shout of disapproval," noun of action from past participle stem of *reclamare* "cry out against, protest" (see *reclaim*). From 1630s as "action of calling (someone) back" (from iniquity, etc.); meaning "action of claiming as a possession something taken away" is from 1787. Of waste land from 1848; the notion is "action of subduing to fitness or use;" of used or waste material or objects, by 1937.

recognise : [David Sydney] A back-formation of the word *recognisance* taken from the early 14c. *reconisaunce* meaning "A bond acknowledging some obligation binding one over to do a

particular act". Within the context of a court proceeding if you do not recognise another man it can be taken to mean as not acknowledging any bond or contract with persons of the court making it impossible to continue with regards to any administrative proceedings. In such cases it is only by the prosecution of a verifiable claim where a man or woman would be required to appear to make such a claim under oath that such a proceeding can move forward.

recognizance : (n.) early 14c., reconisaunce, "a bond acknowledging some obligation binding one over to do some particular act," from Old French reconissance "acknowledgment, recognition" (12c., Modern French reconnaissance), from reconoiss-, present participle stem of reconoistre (see recognize). Related: Recognizant.

recompense : [etymonline] (n.) early 15c., "compensation, payment for a debt or obligation; satisfaction, amends; retribution, punishment," from Medieval Latin recompensa and Old French recompense (13c., related to recompenser "make good, recompense"), from Late Latin recompensare (see recompense (v.)). The notion is "an equivalent or recompense for anything given," especially "reparation or restitution to another for some wrong done to him." Earlier in the same sense is recompensation (late 14c., from Late Latin).

recompense (v.) c. 1400, recompensen, "to redress, provide as an equivalent," from Old French recompenser (14c.) and directly from Medieval Latin recompensare "to reward, remunerate," from Latin re- "again" (see re-) + compensare "balance out," etymologically "weigh together," from com "with, together" (see com-) + pensare, frequentative of pendere "to hang, cause to hang; weigh; pay" (from PIE root *(s)pen- "to draw, stretch, spin"). For the financial sense of the Latin verb, see pound (n.1). [comment] from Latin where there is an imbalance between two things; that together once again they be brought back into balance.

By early 15c. specifically as "to compensate, pay for services rendered or for loss of property, rights, etc.; make amends for by some equivalent; dispense punishments or rewards." "The spelling -ence is more frequent than the etymological -ense ... until the 19th c." [OED]. Related: Recompensed; recompensing.

record : in legalese *record* means to place something in writing as distinct from recorded testimony under the penalty of perjury that can be relied upon in evidence. Acts of parliament have been *recorded*, written down, or enrolled but are not persuasive because no man will give testimony as to their veracity, or bare liability as to any harm that may proceed from actions based on what is written therein.

recorded evidence: A written memorial made by a public officer authorised by law to perform that function, and intended to serve as evidence of something written, said or done. [Bouviers]. A lawfully recorded public record or deed shall serve as constructive notice on all parties.

red notice : [interpol.int] Red Notices are issued by interpol for fugitives wanted either for prosecution or to serve a sentence. A Red Notice is a request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action.

register : [etymonline] late 14c. (transitive), "enter in a listing," from Old French registrar "note down, include" (13c.) [Jhon Harris] ? (*The handing over of legal title of what you are registering whether yourself, or a motor vehicle etc. to another person or organisation, and in acquiescence acknowledge the transfer of Authority to that other person or Organisation*) sic.

[Dean Clifford] is closer to the mark quoting Bouviers law dictionary, stating that registration transfers no interest in property and is a public record that protects a persons interest in that property. [comment] A man may register his person and or property in the interest of maintaining peace and public order; however, at all times such a man, as he believes, is not bound by the transfer of any interest by way of a legal title that the registration of property might imply, but rather at any time can claim his interest in that property as a matter of right.

regret : [etymonline] (v.) "to look back with distress or sorrowful longing; to grieve for on

remembering," late 14c., from Old French *regreter* "long after, bewail, lament someone's death; ask the help of" (Modern French *regretter*), from *re-*, intensive prefix (see *re-*), + *-greter*, possibly from Frankish or some other Germanic source (compare Old English *grætan* "to weep;" Old Norse *grata* "to weep, groan"), from Proto-Germanic **gretan* "weep."

reliance : from *rely* given from etymonline as early 14c., "to gather, assemble" (transitive and intransitive), from Old French *relier* "assemble, put together; fasten, attach, rally, oblige," from Latin *religare* "fasten, bind fast," from *re-*, intensive prefix (see *re-*), + *ligare* "to bind" (from PIE root **leig-* "to tie, bind"). Sense of "depend, trust" is from 1570s, perhaps via notion of "rally to, fall back on." Typically used with *on*, perhaps by influence of *lie* (v.2). Related: *Relied*; *relying*.

relief : a plaintiff must plead "enough facts to state a claim for relief that is plausible on its face. and refers to such requests or the recompense sort; which can be legally granted given enough evidence to support such a legal claim which meets the standards of the "plausibility test". [Websters 1828 law] A remedy, partial or total, for any wrong suffered; redress; indemnification. He applied to chancery, but could get no relief He petitioned the legislature and obtained relief

relief granted or not granted : This refers to the concept of being able to appeal a final judgement but only to judgements or requests for relief granted by implication of them being not precluded in anyway from the final Judgement.

remand : [etymonline] (v.) mid-15c., *remaunden*, "to send (something) back," from Anglo-French *remaunder*, Old French *remander* "send for again" (12c.) or directly from Late Latin *remandare* "to send back word, repeat a command," from Latin *re-* "back" (see *re-*) + *mandare* "to consign, order, commit to one's charge" (see *mandate* (n.)).

The meaning "command or order to go back to a place" is by 1580s. Specifically in law, "send back (a prisoner) on refusing his application for discharge," by 1640s. Related: *Remanded*; *remanding*; *remandment*. In New South Wales it is the legal status of persons received into or held in custody. Literally meaning "taken back into custody" precipitated by the refusal to grant bail by either the police or the courts. The legal status of being on remand is distinct from that of a person who has received a custodial sentence.

remediate : [etymonline] (v.) "remedy, redress, repair or remove something unwanted, restore to a natural or proper state," by 1961, a back-formation from *remediation*. Shakespeare seems to use it as an adjective in "Lear" (1605). The older verb is simply *remedy*. Related: *Remediated*; *remediating*.

[websters 1913] set straight or right; "remedy these deficiencies"; "rectify the inequities in salaries"; "repair an oversight." [wordnik.com] quoting wiktionary (v.) To correct or improve a deficiency or problem. (adj.) *rare, archaic, education* Intended to correct or improve deficient skills in some subject. [wordnet princeton university] (v.) set straight or right.

remedy : [Maurice Burnett] a term that can be used for a remedy in [common law](#) is a '*lawful resolution*'; [comment] because [common law](#) is largely open to interpretation the style and conventions used in language have no hard and fast rules; however, the use of simple unambiguous English is of the utmost importance. A legal remedy; named *judicial relief* in civil matters; differs from a "[common law](#) lawful resolution" and comes under various headings such as compensatory damages, punitive damages, incidental damages, consequential damages, liquidated damages, reliance damages, nominal damages, statutory damages, and treble damages. These can be used in a [common law](#) claim to provide clarification, but in comparison only with the 'lawful resolution' that you seek ie. [*cf. Compensatory damages*]

[etymonline] (n.) c. 1200, *remedie*, "means of counteracting sin or evil of any kind; cure for a vice or temptation;" late 14c., "a cure for a disease or disorder, medicine or process which restores health;" from Anglo-French *remedie*, Old French *remede* "remedy, cure" (12c., Modern French *remède*) and directly from Latin *remedium* "a cure, remedy, medicine, antidote, that which restores health," from *re-*, here perhaps an intensive prefix (or perhaps literally, "again;" see *re-*), +

mederi "to heal" (from PIE root *med- "take appropriate measures".)

remunerate : [etymonline] (v.) 1520s, "to recompense, pay (someone) for work done or services rendered," usually in a good sense, back-formation from remuneration or else from Latin remuneratus, past participle of remunerari (later remunerare) "repay, reward," from re- "back" (see re-) + munerari "to give," from munus (genitive muneris) "gift, office, duty" (see municipal).

The sense of "reward or pay for services rendered or work done" is by 1580s. Of things, "to recompense," by 1849. Related: Remunerated; remunerating; remunerable.

remuneration : money paid for work or a service. "they work in excess of their contracted hours for no additional remuneration." [etymonline] (n.) c. 1400, remuneracioun, "reward, recompense, payment," from Old French remuneracion and directly from Latin remunerationem (nominative remuneratio) "a repaying, recompense," noun of action from past-participle stem of remunerari "to pay, reward," from re- "back" (see re-) + munerari "to give," from munus (genitive muneris) "gift, office, duty" (see municipal).

render : to render a verdict is the returning, handing over, or the giving back of what was determined according to presented facts and evidence before an independent tribunal (a Jury.)

renvoi : [pronounced: ronvwa] (from French. meaning "send back" or "to return unopened"). The "Doctrine of Renvoi" is the process by which the court adopts the rules of a foreign jurisdiction with respect to any conflict of law that arises.

reparation : The act or process of repairing or the condition of being repaired. The act of renewing, restoring, etc., or the state of being renewed or repaired; ; -- in this sense, repair is more often used. n. The act of making amends or giving satisfaction or compensation for a wrong, injury, etc.; also, the thing done or given; amends; satisfaction; indemnity; --used, e.g. in the phrase make reparation, pay reparations.

repatriation : [etymonline] (n.) "return or restoration to one's own country," 1590s, from Late Latin repatriationem (nominative repatriatio), noun of action from past-participle stem of repatriare "return to one's own country," from re- "back" (see re-) + Latin patria "native land" (see patriot).

repeal : [etymonline] (v.) late 14c., repēlen, "revoke, rescind, annul; withdraw (a privilege, etc.); repudiate (one's behavior)," from Anglo-French repeler (mid-14c.), Old French rapeler "call back, call in, call after, revoke" (Modern French rappeler), from re- "back" (see re-) + apeler "to call" (later appeler; see appeal (v.)). Related: Repealed; repealing; repealable.

(n.) late 15c. (Caxton), "a recall," as from an exile (a sense now obsolete), from repeal (v.), or from Anglo-French repel, Old French rapel (Modern French rappel) "a recall appeal," back-formation from rapeler. The sense of "revocation, abrogation" is from c. 1500.

representation : a presentation of fact; either by words or by conduct made to induce someone to act. Black's Law Dictionary 9th Ed 2009

reprobate : early 15c., "rejected as worthless," from Late Latin reprobatus, past participle of reprobare "disapprove, reject, condemn," from Latin re- "opposite of, reversal of previous condition" (see re-) + probare "prove to be worthy" (see probate (n.)). Earliest form of the word in English was a verb, meaning "to disapprove" (early 15c.).

replevin : [wikipedia] also called *claim and delivery* (sometimes called *revendication*) is like trover a common-law action; a legal remedy, which enables a person to recover personal property taken wrongfully or unlawfully, and to obtain compensation for the resulting losses. Etymologically the word "replevin" is of Anglo-Norman origin and is the noun form of the verb "replevy". This comes from the Old French replevir, derived from plevir ("to pledge"), which is derived from the Latin replegiare ("to redeem a thing taken by another"). Replevin is distinct from trover in that it seeks for the restoration of property that has been taken in specie, and often with compensatory

damages. see trover

repudiate : [etymonline] (v.) 1540s, "to cast off by divorce," from Latin repudiatus, past participle of repudiare "to cast off, put away, divorce, reject, scorn, disdain," from repudium "divorce, rejection, a putting away, dissolution of marriage," from re- "back, away" (see re-) + pudium, which is probably related to pes/ped- "foot" [Barnhart]. If this is so, the original notion may be of kicking something away, but folk etymology commonly connects it with pudere "cause shame to." Of opinions, conduct, etc., "to refuse to acknowledge," attested from 1824. Earliest in English as an adjective meaning "divorced, rejected, condemned" (mid-15c.). Related: Repudiated; repudiating.

repugnant : contrary or in opposition to. eg. In law a change or alteration to the constitution cannot be made where such a change is repugnant, or (in opposition to the imperial acts) [etymonline] late 14c., "contrary, contradictory," from Old French repugnant "contradictory, opposing" or directly from Latin repugnantem (nominative repugnans), present participle of repugnare "to resist, fight back, oppose; disagree, be incompatible," from re- "back" (see re-) + pugnare "to fight" (from PIE root *peuk- "to prick"). Meaning "distasteful, objectionable" is from 1777.

request for admissions : (sometimes also called a request to admit) are a set of statements sent from one litigant to an adversary, for the purpose of having the adversary admit or deny the statements or allegations therein. Requests for admissions are part of the discovery process in a civil case. <http://www.rotlaw.com/legal-library/what-is-a-request-for-admissions/>

require : The word *require* is used by a man or woman to give directions in any form to public servants, or public officers such as magistrates and judges, and given by authority and by right. In contrast a petition, a motion, a request, or something asked for can be denied; whereas anything a man or woman might *require* as long as it is lawful cannot. See also the words *demand*, and *wish*.

requital : The act of requiting; also, that which requites; return, good or bad, for anything done; in a good sense, compensation; recompense; ; in a bad sense, retaliation, or punishment.

reside : [etymonline] (v.) late 15c., "to settle," from Middle French resider (15c.) and directly from Latin residere "sit down, settle; remain behind, rest, linger; be left," from re- "back, again" (see re-) + sedere "to sit," from PIE root *sed- (1) "to sit." Meaning "to dwell permanently" first attested 1570s. Related: Resided; residing. Also from the French word are Dutch resideren, German residieren.

resident : Such as the case with citizens if the benefits of citizenship or of being a resident are outweighed by the harm they cause; one should as a matter of right maintain standing as a man. Residents are easily controlled by public acts, and residents as defined only have rights to the extent conceded under these acts. The use of the word in a legal sense is that of a foreigner, outsider, or someone who has no standing, and is also someone such as a doctor who remains in training while completing a *residency*, or someone who at the completion of business will go back to the country or state from which they came. see 'occupier'. [Karl lantz] Resident comes from the word *residue* meaning to leave or remain behind, or is a place where something sits and can also relate to evidence of that which existed at one point in time. Generally the word used in prosecuting complaints relates to evidence that at one time a person/resident existed at a place who received a benefit.

res : Latin; things, thing, business

res judicator : Decided or Determined by Judicial Power, or a thing judicially decided; a judgement that is considered final and bars re-litigation on the same matter. for reference a Notary is a judicial power who in the case of an affidavit signs/endorsees it giving it legal effect.

res publica : is a Latin phrase, loosely meaning 'public affair'. It is the root of the word 'republic', and the word 'commonwealth' has traditionally been used as a synonym for it; however

translations vary widely according to the context. 'Res' is a nominative singular Latin noun for a substantive or concrete thing – as opposed to 'spes', which means something unreal or ethereal – and 'publica' is an attributive adjective meaning 'of and/or pertaining to the state or the public'. Hence a literal translation is, 'the public thing/affair'.

reserved judgement : A judgement set aside by a Judge or Magistrate for reasons undisclosed and which generally must be finalised promptly and which if not finalised within 1 month in NSW bar the further referral of matters to that Magistrate while the award, or granting of relief is outstanding.

response : [etymonline] directly from Latin "an answer" or "promise in return" from re- "back" (see re-) + spondere "to pledge" [comment] though close in meaning; an answer is distinct from a response in that it addresses a question directly where a response can also be an acknowledgement or reaction to something that has occurred.

restitution : [etymonline] (n.) early 14c., restitucioun, "a making good or giving equivalent for crime, debt, injury, etc.;" late 14c., "restoration of goods, land, etc. to a former owner, repayment of money;" from Old French restitucion or directly from Latin restitutionem (nominative restitutio) "a restoring," noun of action from past-participle stem of restituere "set up again, restore, rebuild, replace, revive, reinstate, re-establish," from re- "again, to a former state" (see re-) + statuere "to set up" (from PIE root *sta- "to stand, make or be firm".)

restoration : from etymonline late 14c meaning "a means of healing or restoring health, **the renewing of something lost**". For the purposes of [common law](#) the word restoration is used in the issuance of an order for the return or renewal of property that as a result of a trespass has been damaged [cf. conversion], lost, stolen, or unlawfully taken (a robbery, or theft). For example "i require the restoration of property; that which is mine; see exhibit A". In such cases a distinction also has to be made with the word "*restored*" that cannot be used as it refers to something having been restored in the past tense. See also lawful & property

retinue : a group of advisers, assistants, or others accompanying an important person.
"the rock star's retinue of security guards and personal cooks"
synonyms: entourage, escort, company, court, attendant company, staff, personnel, household, cortège, train, suite, following, bodyguard.

rhetoric : [etymonline] (n.) early 14c., from Old French rethorique, from Latin rhetorice, from Greek rhētorikē tekhnē "art of an orator," from rhētōr (genitive rhētoros) "speaker, master speaker, orator; artist of discourse; teacher of rhetoric," especially (in the Attic official language), "orator in public," related to rhesis "speech," rhema "word, phrase, verb," literally "that which is spoken," from PIE *wre-tor-, from root *were- (3) "to speak" (source also of Old English word, Latin verbum, Greek eirein "to say;" see verb).

[comment] That which is written; through careful deliberation; can be ordered so as to convey exactly what is meant to be communicated; rhetoric (that which is spoken) however does not afford a speaker the luxury of time to carefully choose his words; rather he relies on his knowledge, understanding, or wit to convey through utterance that which he wishes to communicate in a convincing manner. This is the art of an orator one skilled in communicating *viva voce* "by word of mouth." The distinction has to be made however that though one might have the skills of an orator; what is conveyed might not necessarily be the truth so can be broadly classed as *rhetoric*.

rhetorical hyperbole : This translates to what is exaggerated as spoken; though not meant to be taken literally. In a legal sense it refers to a doctrine under the first amendment of the US constitution that seeks to protect free speech with regards to over-the-top speech in defamation cases. Defined as "extravagant exaggeration employed for rhetorical effect," the doctrine provides breathing space for freedom of speech by ensuring that that even heated and emotional rhetoric deserves free-speech protection in a free society. reference: <https://www.mtsu.edu/first-amendment/article/1796/rhetorical-hyperbole>

rights : There are two subsets of rights; the first: inherent rights attributed to a man, and the second: legal rights granted to citizens and employees under a constitution, a charter, or by way of legislative rules or acts. Generally the men and women of the public service hold "duties, obligations and responsibilities," but with respect to the institutions they work for have no capacity to make a claim as would a man whose rights are inherent. Anything that infringes on the rights of a man is known as a 'trespass', and the list of rights that belong to a man is inexhaustible by virtue of his capacity to make a claim as long as it is determined as lawful (see lawful) and the truth before a Jury. If the claim of a man is abstruse with respect to reality and a Jury determines his claim as such; his case can be thrown out of court. However, if he produces evidence as such to support his claim and his claim is the truth; the compensation he is seeking is due. Below is a list of only some these rights.

- *Right to own property*
- *Right to go from point A to point B (freedom of movement),*
- *Right to Equality,*
- *Right to freedom from Discrimination,*
- *Right to life, liberty and Security.*
- *Freedom from Slavery,*
- *Right to privacy,*
- *Freedom from torture and degrading treatment,*
- *Right to be recognised as a man,*
- *Right to be considered innocent before guilty,*
- *Right to a fair trial,*
- *Right to question your accuser,*
- *Freedom from persecution,*
- *Right to get married and have a family,*
- *Freedom of beliefs and religion,*
- *Right to be left alone (Freedom from state or personal interference in the above rights)*

riot : [Blackstone's Commentaries] A riot occurs where three or more are engaged in an unlawful act of force and violence either with or without a common cause or quarrel.

rob : [etymonline] (v.) late 12c., robben, "steal, take away (from someone) unlawfully; plunder or strip (a place) by force or violence," from Old French rober "rob, steal, pillage, ransack, rape," from West Germanic *rauba "booty" (source also of Old High German roubon "to rob," roub "spoil, plunder;" Old English reafian, source of the reave in bereave), from Proto-Germanic *raubon "to rob" (from PIE *rump- "to break;" see corrupt (adj.)). [comment] to rob is to openly take the property of another without the right to do so; in which case the robber can be identified; unless however, the robber has concealed his identity.

robbery : [etymonline] c. 1200, robberie, "the act, practice, or occupation of stealing or plundering," from Old French roberie "robbery, theft," from rober "to rob" (see rob). In a court case a robbery is the act of stealing the property of another, where the man making the accusation is able to identify the man/woman or person who carried away their property.

robo-signer : A robo-signer is an employee of a mortgage servicing company that signs foreclosure documents without reviewing them. Rather than actually reviewing the individual details of each case, robo-signers presume paperwork to be correct and sign it automatically: like a robot.

roe : A name given to somebody who wishes to remain unnamed in a Civil suit. i.e. Roe vs Wade.

rogatory : [wordnik] (adj.) Requesting evidence, especially from a foreign court; or be authorised to collect, or be engaged in collecting information. e.g. letters rogatory are those that seek assistance from a foreign court for judicial assistance, for the service of process and for the taking of evidence.

rubicon : in the phrase to cross (or pass) the Rubicon "take a decisive step," 1620s, a reference to a small stream to the Adriatic on the coast of northern Italy which in ancient times formed part of the southern boundary of Cisalpine Gaul; crossed by Caesar Jan. 10, 49 B.C.E., when he left his province to attack Pompey. The name is from Latin rubicundus "ruddy," in reference to the color of the soil on its banks.

rubric : [the free dictionary] Is an explanation, introductory commentary or a heading, sometimes in red, beneath which things are classed or categorised. Such is the case with the head note of a law report that sets out the main facts and the point of law decided in a case. It is also the long title of an act of parliament. Both usages derive from the fact that these parts used to be printed in red. The title comes directly from Latin rubrica "red ochre, red coloring matter,"

rumor : [etymonline] (n.) late 14c., from Old French rumor "commotion, widespread noise or report" (Modern French rumeur), from Latin rumorem (nominative rumor) "noise, clamor, common talk, hearsay, popular opinion," related to ravis "hoarse," from PIE *reu- "to bellow." Related: Rumorous. Rumor mill is from 1887. Dutch rumoer, German Rumor are from French. (v.) 1590s, "spread a rumor; spread by way of rumor," from rumor (n.). Related: Rumored; rumoring.

salutary : relating to good health; being whole, or well kept; or relating to what is beneficial for good health or a beneficial result. [etymonline] late 15c., from Middle French salutaire "beneficial," or directly from Latin salutaris "healthful," from salus (genitive salutis) "good health" (from PIE root *sol- "whole, well-kept").

sanction : With regard to Civil Law a sanction is that part of a law that assigns a penalty for violation of the law's provisions. The most common civil sanction is a monetary fine, but other types of sanctions exist. Depending on the case, a sanction may be the suspension or revocation of a business, professional, or hobby license, or a court order commanding a person to do or refrain from doing something. A sanction may even be tailored to the case at hand. For instance, under rule 37 of the Federal Rules of Civil Procedure, if a party refuses to obey a discovery order, or an order to relinquish requested evidence, the court may order that the evidence sought be automatically construed in favour of the requesting party, refuse to allow the disobedient party to make claims or defences related to the evidence, stay or postpone the case until the discovery order is obeyed, dismiss the action or render judgment for the requesting party, declare the disobedient party in Contempt of court, or make any other order that is just under the circumstances.

sandbagging : Generally is used with regard to sport or some form of competition where a competitor deliberately under performs in order to secure a future advantage. In law it is starting an action for breach of contractual representation or warranty when it was know from the beginning the terms given were false.

In a business context, sandbagging is most often seen when a company's top brass shrewdly tempers the expectations of its shareholders by producing guidance that is well below what they know will be realistically achievable. In other words: management personnel low-ball projected earnings and other performance indicators.

Consequently, when the company achieves better-than-expected results, investors are significantly more impressed and more grateful than they would have been if the company had merely met the less-than-stellar expectations.

sanguine : Refers to the colour red with respect to blood; the adjective describing the state of being cheerful, optimistic, hopeful, or confident that originally came from having a cheerful red in kind appearance, the noun also a red iron-oxide crayon used in making drawings.

scienter : (adv.) legalese Latin, literally "knowingly," from sciens, present participle of scire "to know" (see science) + adverbial suffix -ter.

scire facias : Most often, a writ of *scire facias* deals with the enforcement and collection of judgments and is a judicial writ requiring a person to appear in court and argue why a judgement

against them should not be annulled, vacated, executed or enforced. [wikipedia] In English law, a writ of scire facias (Latin: meaning literally "make known," let him know or may you cause him to know) was a writ directing the sheriff to notify a person to show cause why a judgement should not be enforced.

It was a writ founded upon a judicial record directing the sheriff to make the record known to a specified party, and requiring the defendant to show cause why the party bringing the writ should not be able to cite that record in his own interest, or why, in the case of letters patent and grants, the patent or grant should not be annulled and vacated. In the United States, the writ has been abolished under federal law but may still be available in some state legal systems. upcounsel.com provides more information on scire facias at the following link. <https://www.upcounsel.com/scire-facias>

secular : [etymonline] c. 1300, "living in the world, not belonging to a religious order," also "belonging to the state," from Old French *seculer* (Modern French *séculier*), from Late Latin *saecularis* "worldly, secular, pertaining to a generation or age," from Latin *saecularis* "of an age, occurring once in an age," from *saeculum* "age, span of time, lifetime, generation, breed."

sedition : [etymonline] mid-14c., "rebellion, uprising, revolt, concerted attempt to overthrow civil authority; violent strife between factions, civil or religious disorder, riot; rebelliousness against authority," from Old French *sedicion* (14c., Modern French *sédition*) and directly from Latin *seditionem* (nominative *seditio*) "civil disorder, dissension, strife, rebellion, mutiny," literally "a going apart, separation," from *se-* "apart" (see *secret* (n.)) + *itio* "a going," from *ire* "to go" (from PIE root *ei- "to go"). [wikipedia] Sedition is overt conduct, such as speech and organization, that tends toward insurrection against the established order. Sedition often includes subversion of a constitution and incitement of discontent towards, or resistance against established authority. Sedition may include any commotion, though not aimed at direct and open violence against the laws. Seditious words in writing are seditious libel.

section 10 : Refers to to an order from the Local, District or Supreme Court under Section 10 of the Crimes (Sentencing Procedure) Act 1999. In a legal proceeding despite being found guilty of an offence a section 10 can allow for the matter to be dismissed without recording a criminal conviction.

- A section 10(1)(a) allows for an outright dismissal,
- a section 10(1)(b) involves a CRO (conditional release order) that has to be complied with within a maximum 2 year period for the conviction to be extinguished. If the conditions of the CRO are not met the CRO maybe set aside and the offender re-sentenced with even stiffer penalties.
- A section 10(1)(c) allows for a dismissal without a conviction but involves an intervention or rehabilitation program. Examples are the Traffic Offenders Intervention Program, or a drug or alcohol rehabilitation program.

While a section 10 (1)(a) involves an outright dismissal of a conviction, under sections (1)(b) & (c) the conviction will stand for the duration of the related order.

securitize : (v.) it is usually a practice engaged by financial institutions, and is the act of bringing together or pooling various financial interests into a single marketable security so as to free up the inherent capital in underlying assets that secure things like mortgages e.g. houses secure the loans they back and their associated securities are classed as Asset-backed securities.

securitization : is the financial practice of pooling various types of contractual debt such as residential mortgages, commercial mortgages, auto loans or credit card debt obligations (or other non-debt assets which generate receivables) and selling their related cash flows to third party investors as securities, which may be described as bonds, pass-through securities, or collateralized debt obligations (CDOs)

semantics : the study, science, and manipulation of words and their meanings in language.

serious indictable offence : is a criminal offence which carries a minimum incarceration period of 5 years or greater.

servitude : [etymonline] (n.) early 15c., earlier servitude (late 14c.), "slavery, bondage, condition of being enslaved," from Old French servitude, servitude (13c.) and directly from Late Latin servitudo "slavery," from Latin servus "a slave" (see serve (v.)) + abstract noun suffix (see -tude). Also "state of being a feudal vassal" (c. 1500). The meaning "compulsory service or labor," such as a criminal undergoes, is by 1828.

Other words in similar senses, many obsolete, include servanthip "state or condition of being a servant" (1570s); servage "servitude, bondage, slavery; serfdom, subjugation, feudal homage to a ruler" (c. 1300, from Old French servage and directly from Medieval Latin servagium); servity "slavery, servitude" (late 15c., from Latin servitus).

sex : [etymonline] (n.) late 14c., "males or females collectively," from Latin *sexus* "a sex, state of being either male or female, gender," of uncertain origin. "Commonly taken with *seco* as division or 'half' of the race" [Tucker], which would connect it to *secare* "to divide or cut" (see section (n)).

Secus seems the more original formation, but it is strange that the older texts only know *sexus*. The modern meaning of *sectiō* 'division' suggests that *sec/xus* might derive from *secāre* 'to sever', but the morphology remains unclear: does *sexus* go back to an s-present **sek-s-* 'to cut up', or was it derived from a form **sek-s-* of the putative s-stem underlying *secus*? [Michiel de Vaan, "Etymological Dictionary of Latin and the other Italic Languages," Leiden, 2008]

Meaning "quality of being male or female" first recorded 1520s. Meaning "sexual intercourse" is attested by 1906; the meaning "genitalia" is attested by 1938. Sex appeal is attested by 1904.

For the raw sex appeal of the burlesque "shows" there is no defense, either. These "shows" should be under official supervision, at the least, and boys beneath the age of eighteen forbidden, perhaps, to attend their performance, just as we forbid the sale of liquors to minors. [Walter Prichard Eaton, "At the New Theatre and Others: The American Stage, Its Problems and Performances," Boston, 1910]

Sex drive is by 1918; **sex object** by 1901; **sex symbol** by 1871 in anthropology; the first person to whom the term was applied seems to have been Marilyn Monroe (1959). **Sex therapist** is from 1974.

It is curious that the Anglo-Saxon language seems to have had no abstract term for sex, which was expressed only severally as manhood or womanhood. [Thomas Wright, note to "Anglo-Saxon and Old English Vocabularies," 1884]

shibboleth : A Hebrew word from the 14th century meaning a "flood, stream, or ear of corn." From the book of Judges that describes the war between two semitic tribes from Gilead and Ephraim; the word was used by Gileadites so as to distinguish themselves from fleeing Ephraimites who could not pronounce the word due to distinctions in their own language preventing them from properly sounding the sh at the beginning of the word.

As a result a *shibboleth* has become figuratively known as a "watch word" in an esoteric sense. Certain shibboleth words are now today encountered in courts; the same words often used in everyday life in a court room context may have a different meaning or particular significance that if one is not aware of in ignorance can lead to a case being thrown out of court

e.g. if asked by a Judge if you are there to argue and your answer is "no." You have given up the right to state your case; where the word *argue* from Latin *arguere* means "to make clear, to make known, prove, declare or to demonstrate." The word 'require'; another shibboleth word has perhaps even greater significance which is something asked for by "*authority and by right*" as opposed to a simple request or something asked for that is not, and as such can be denied.

sic : a Latin adverb meaning ("thus", "just as") and is used as an abbreviation for *sic erat scriptum* "thus was it written". Inserted after a quoted word or passage it indicates that the quoted matter has been transcribed or translated exactly as found in the source text, complete with any

erroneous, archaic, or otherwise non standard spelling. It also applies to any surprising assertion, faulty reasoning, or other matter that might be likely interpreted as an error of transcription.

The usual usage is to inform the reader that any errors or apparent errors in quoted material do not arise from errors in the course of the transcription, but are intentionally reproduced, exactly as they appear in the source text. It is generally placed inside square brackets to indicate that it is not part of the quoted matter.

Sic may also be used derisively by the proofreader, to call attention to the original writer's [spelling mistakes](#) or erroneous logic, or to show general disapproval or dislike of the material.

sight draft : A sight draft is a type of bill of exchange, in which the exporter holds the title to the transported goods until the importer receives and pays for them. Sight drafts are used with both air shipments and ocean shipments for financing transactions of goods in international trade. Unlike a time draft, which allows for a short-term delay in payment after the importer receives the goods, a sight draft is payable immediately.

Read more: Sight Draft <https://www.investopedia.com/terms/s/sight-draft.asp#ixzz5C5UaRz00>

silence : The state of a person who does not speak, or of one who refrains from speaking. Silence alone cannot be considered consent to a contract, except in cases when the silent person is bound in good faith to explain himself, in which case, silence gives consent.

similibus ad similia : according to the same, like things to like. Where it is used referring to judicial decisions in regards to like cases

similiter : [legal-dictionary.thefreedictionary.com] a [reply in common law](#) pleading by which a defendant's plea contains a direct contradiction of the declaration, and concludes with referring the matter to be tried by a Jury of the country the plaintiff must do so too; that is, he must also submit the matter to be tried by a jury, without offering any new answer to it, and must stand or fall by his declaration. Co. Litt. 126 a. In such case, he merely replies that as the defendant has put himself upon the country, that is, has submitted his cause to be tried by a jury of the country, he, the plaintiff, does so likewise, or the like. Hence this sort of replication is called a similiter, that having been the effective word when the proceedings were in Latin. 1 Chit. Pl. 549; Arch. Civ. Pl. 250. See Steph. Pl. 255; 2 Saund. 319, b; Cowp. 407; 1 Str. Rep. 551; 11 S. & (Untitled 199). 32

simpliciter : simply, without ceremony, done summarily or in a summary manner.

situs : [etymonline] (n.) Latin, "situation, position" (see site). In technical uses in English, "proper or original position and location of something" (as in in situ).

slander : from Latin scandalum "cause of offense, stumbling block, temptation", and in a legal sense slander is any defamatory or false statements uttered, or spoken to another person or persons without the knowledge of the person who has been defamed. Libel and Slander previously prosecuted as common-law actions have now been done away with in favour of the Defamation Act 2005 (NSW) see defamation. However relating to the [common law](#) a man can still state a claim for compensation that involves a trespass where there is harm, injury, or loss as a result of false statements.

soliloquy : [etymonline] 1610s, from Late Latin soliloquium "a talking to oneself," from Latin solus "alone" (see sole (adj.)) + loqui "to speak" (from PIE root *tolkw- "to speak"). Also used in translation of Latin "Liber Soliloquiorum," a treatise by Augustine, who is said to have coined the word, on analogy of Greek monologia (see monologue). Related: Soliloquent.

solemnisation : The public performance of a sacrament or solemn ceremony with all appropriate ritual; The Celebration of Marriage, or the "act of celebrating".

speculation : [[common law](#) mini dictionary] Disparaging sense "mere conjecture" See 'hearsay'

and 'conjecture' [sic].

[etymonline] late 14c., "intelligent contemplation, consideration; act of looking," from Old French *speculacion* "close observation, rapt attention," and directly from Late Latin *speculationem* (nominative *speculatio*) "contemplation, observation," noun of action from Latin *speculatus*, past participle of *speculari* "observe," from *specere* "to look at, view" (from PIE root **spek-* "to observe").

Meaning "pursuit of the truth by means of thinking" is from mid-15c. Disparaging sense of "mere conjecture" is recorded from 1570s. Meaning "buying and selling in search of profit from rise and fall of market value" is recorded from 1774; short form *spec* is attested from 1794. [comment] through the contemplation and observation of facts and evidence when considering the objective circumstances of a crime after the fact. If there are no eye witnesses; nothing can be assumed but only presumed to be the truth; giving way only to *speculation*.

spurious : [google] false, fake; not what it purports to be. Or a line of reasoning that appears to be valid but is actually not. [etymonline] gives the adjective as from the 1590s, "born out of wedlock," from Latin *spurius* "illegitimate, false" (source also of Italian *spurio*, Spanish *espurio*), from *spurius* (n.) "illegitimate child," probably from Etruscan *spural* "public." Sense of "having an irregular origin, not properly constituted" is from c. 1600; that of "false, sham" is from 1610s; of writing, etc., "not proceeding from the source pretended, 1620s. Related: Spuriously; spuriousness.

seize : a word used to describe the legal confiscation of property, or the taking into custody of persons by a governing body ie. the car was seized in lieu of debts that were owed. [etymonline] to take possession of, take by force, or lay claim to. Originally a legal term in reference to feudal property holdings or offices. Meaning "to grip with the hands or teeth" is from c. 1300; that of "to take possession by force or capture" (of a city, etc.) is from mid-14c.

semble : from French meaning "It seems" is a legal expression referring to comments relating to something uncertain; however, appear or seem to be a certain way. Judge's comments or court reporter's suggestions considered *semble*; are only opinions without clarification preceding a proposition of law, or *orbiter dictum* "remarks made in passing," that carry no force or effect.

For example, in the headnote for House of Lords' decision in *Hedley Byrne v Heller*, the reporter uses the term *semble* when summarising certain remarks of Lords Reid, Morris, and Hodson on a point which did not arise for decision in the case; *semble* indicates that this may be the law, but it falls to a future case to decide authoritatively.

In *Simpkins v Pays* [1955],[6] Sellers J, having made an award to the plaintiff, suggested "semble" that an equal award was due to the defendant's granddaughter, even though she was not party to the action.

sequester : late 14c., "remove" something, "quarantine, isolate" (someone); "excommunicate;" also intransitive, "separate oneself from," from Old French *sequester* (14c.), from Late Latin *sequestrare* "to place in safekeeping," from Latin *sequester* "trustee, mediator," noun use of an adjective meaning "intermediate," which probably is related to *sequi* "to follow" (from PIE root **sekw-* (1) "to follow"). Meaning "seize by authority, confiscate" is first attested 1510s. Alternative *sequestrate* (v.) is early 15c., from Latin *sequestratus*. Related: *Sequestered*; *sequestering*.

sequestration : c. 1400, from Late Latin *sequestrationem* (nominative *sequestratio*) "a depositing," noun of action from past participle stem of Latin *sequestrare*.

sequestration order : (NSW) is a court order appointing a trustee to manage a persons assets, and is the equivalent of declaring a person Bankrupt.

serendipity : [etymonline] (n.) 1754 (but rare before 20c.), coined by Horace Walpole (1717-92) in a letter to Horace Mann (dated Jan. 28); he said he formed it from the Persian fairy tale "The

Three Princes of Serendip," whose heroes "were always making discoveries, by accidents and sagacity, of things they were not in quest of." The name is from Serendip, an old name for Ceylon (modern Sri Lanka), from Arabic Sarandib, from Sanskrit Simhaladvipa "Dwelling-Place-of-Lions Island." [comment] **Those fortunate things that by chance happen without any forethought as to their occurrence.**

servient owner : the owner of land over which someone else has limited rights of use. Such as the case where an easement or right of way exists.

severable : [dictionary.thelaw.com] Able to be severed or separated without causing significant damage or destruction to the whole, e.g. a case is severable into two separate cases. Admitting of severance or separation, capable of being divided; capable of being severed from other things to which it was joined, and yet maintaining a complete and independent existence. Generally contracts and legislation under constitutional law contain *severability* clauses; where in constitutional law if certain provisions or applications of those provisions are found to be unconstitutional the remaining provisions, or applications of those provisions will nonetheless continue in force and remain as a whole unaffected.

shall : Refers to something owed or an obligation due; that will occur without specificity at some point in the future. Many statutes use the word shall without distinction because it is beyond the lawful charter of a governing body to control what it is a man can and cannot do without being obligated to provide for just compensation. [etymonline] from Old English sceal, Northumbrian scule "I owe/he owes, will have to, ought to, must". For more information on the history of the word shall go to etymonline.com.

simpliciter : simply, without ceremony, done summarily or in a summary manner. Also "Unconditionally" e.g. the case of a woman brought to trial, and because she was deaf and dumb was discharged simpliciter as one being unable to communicate in any meaningful way before the bar.

sine qua non : Latin, literally (cause) [google] gives without which not' i.e an essential condition; a thing that is absolutely necessary, or "but for" where *but for* an action the result would not have occurred. For example; but for running a red light the collision would not have happened.

situs : Latin, **"situation, position"** (see site). In technical uses in English, "proper or original position and location of something" (as in in situ).

slaughter : The wanton ruthless killing of a large number of people in a massacre, or the killing of an animal with a view to it's dissection and generally it's subsequent consumption. [etymonline (sic)] The form was perhaps influenced by Middle English slaught "killing, manslaughter, carnage; butchery of animals," the native cognate, from Old English sliht, sleht, slieht "stroke, slaughter, murder, death; animals for slaughter;" as in slihtswyn "pig for killing."

society : [etymonline] (n.) 1530s, "companionship, friendly association with others," from Old French societe "company" (12c., Modern French société), from Latin societatem (nominative societas) **"fellowship, association, alliance, union, community,"** from socius "companion, ally," from PIE *sokw-yo-, suffixed form of root *sekw- (1) "to follow."

Meaning "group, club" is from 1540s, originally of associations of persons for some specific purpose. Meaning "people bound by neighborhood and intercourse aware of living together in an ordered community" is from 1630s. Sense of "the more cultivated part of any community" first recorded 1823, hence "fashionable people and their doings." The Society Islands were named 1769 by Cook on his third Pacific voyage in honor of the Royal Society, which financed his travels across the world to observe the transit of Venus.

sojourn : [etymonline] (v.) late 13c., **"stay temporarily, reside for a time; visit;"** also "reside permanently, dwell;" from Old French sojourner "stay or dwell for a time," from Vulgar Latin *subdiurnare **"to spend the day"** (source also of Italian soggiornare), from Latin sub- "under, until"

(see sub-) + diurnare "to last long," from diurnus "of a day," from diurnum "day" (from PIE root *dyeu- "to shine"). Modern French séjourner formed via vowel dissimilation. Related: Sojourned; sojourning.

solicit : from Latin sollicitare "to disturb, rouse, trouble, harass; stimulate, provoke," with a sense of petitioning someone possibly with importuning's for a favourable response in terms of a sale, or compelling service from a man he would not be normally be predisposed to provide because of words or actions he would otherwise fear to disregard.

sovereign citizen : is a relatively modern phrase or neologism adopted by those who have some grounding in law but are misguided in terms of their true relationship to the state. In reality there is no such thing as a "sovereign citizen"; collectively the people of a nation are sovereign and each man or woman is recognised individually as such when in the proper pursuit of his or her rights.

sovereignty : After Magna Carta every British monarch at the time of coronation has received sovereignty by virtue of the sovereign power that resides with and is granted by the people. From this time forward the allegiance of a King or Queen is to the wishes of the people; and it is for this reason the Prime Minister is not mentioned in the Australian constitution who along with parliament in consultation with, and at the direction of a ruling monarch; who's representative in Australia is the Governor-General; is bound to carry these wishes out.

From (n) sovereign : [Karl Lentz] "one who is not bound by law". From Latin super "over"; the spelling influenced by folk-etymology associated with the word "reign" related to regere "to rule, to direct, keep straight, guide" and usually refers to the sovereign power of a ruling monarch. Sovereignty can also be seen as having supreme power or dominion over, combined with the right to self determination beyond an external influence. Sovereignty beyond the rule of a monarch can encompass whole states and countries, the concept of which is borrowed from mankind who free from duress is born with the innate right to self determination, independence, and free will; where to take sovereignty away from a man would be to impose a will external to his being, culminating in the abrogation of rights.

spensio judicialis : (Roman Law) A feigned issue; a fictitious issue of fact.

specie : etymologically the word refers to metallic money in the form of coins used as a medium of exchange which is distinct from paper money or bullion. It is also seen as that which is "in kind" or in its real or actual form where in the law of contracts when one takes delivery of something "in specie" it is in its real form e.g. delivery of the picture was taken in specie etc.

specific performance : In Contract law it is an equitable remedy as distinct from [common law](#) damages where the offending party is required to carry out some performance i.e. the repair of a house; rather than providing remedy in the form of a liquidated damage payment. The remedy from the point of view of the judiciary is discretionary and applied only under conditions where normal damages would not fulfil the pressing needs of a contract.

spurious : [etymonline] 1590s, "born out of wedlock," from Latin spurius "illegitimate, false" (source also of Italian spurio, Spanish spurio), from spurius (n.) "illegitimate child," probably from Etruscan spural "public." Sense of "having an irregular origin, not properly constituted" is from c. 1600; that of "false, sham" is from 1610s; of writing, etc., "not proceeding from the source pretended, 1620s. Related: Spuriously; spuriousness.

stare decisis : The legal principle of determining points in litigation according to precedent. The term Stare decisis is Latin for "To stand by things decided" or "To stand by that which has been decided". [comment] how stare decisis is applied makes no allowance for external circumstances, giving a guide only with regard to how a judicial decision is made. Essentially it is only testimony under oath as being from a first hand witness, or someone having first hand knowledge of what is claimed that can be considered material to a case, and further sets aside arguments or statements made in brief by attorney's as being supportive only; precluding such statements or arguments as being germane in any way to a judicial decision.

stake-holder : also stakeholder, 1708, "one with whom bets are deposited when a wager is made," from stake (n.2) + agent noun from hold (v.). Originally one with whom bets are deposited when a wager is made. By 1965 as "one who has something to gain or lose" (in a business, etc.), "one who has an interest in" (something).

staple : "principal article grown or made in a country or district," early 15c., "official market for some class of merchandise," from Anglo-French estaple (14c.), Old French estaple "counter, stall; regulated market, depot," from a Germanic source akin to Middle Low German stapol, Middle Dutch stapel "market," literally "pillar, foundation," from the same source as staple (n.1), the notion perhaps being of market stalls behind pillars of an arcade, or else of a raised platform where the king's deputies administered judgment.

The sense of "principal article grown or made in a place" is 1610s, short for staple ware "wares and goods from a market."

state : [common law mini dictionary] "A State" is a group of people that occupy a land mass and agree by consent to abide by a set of rules that secure and protect property against foreign invaders and people from within [sic]. [etymonline] (v.) 1590s, "to set in a position," from state (n.1); the sense of "declare in words" is first attested 1640s, from the notion of "placing" something on the record. Related: Stated; stating.

statute : A Legislative rule of Society given the force of law by the consent of the governed, a rule, as of a Corporation. Note: a statute is not a law, and is only given the force of law by a persons consent. Statutes only apply to persons and corporations and not to man. [comment] What may be qualified is, that with regard to criminal proceedings where an injured party is involved statutes can be imposed standing along side law where a person is found guilty. Statutes are also given as a Law enacted by a legislative branch of Government, an act of a corporation or its founder intended as a permanent rule, or an intentional instrument setting up an agency which also acts to regulate the scope and or authority of that agency. Statutes serve to set the bounds and framework by which corporate entities operate and with this in mind are similar in some way to a constitution where the distinction is that constitutions refer to an entire Country as a living institution.

statutes of large : USA; Governs the conditions required for a matter to be heard in court or where the law requires a contract such as in the case of a Marriage i.e. below a limit of \$500 performance to a contract cannot be enforced where all evidence is hearsay i.e. ordering a large McDonalds meal and then deciding not to pay for it, however above \$500 because of the statutes of large the clerk would be required to sign a written contract which would then be enforceable if performance was not forthcoming. In NSW both the statutes of larges, and statute of frauds have been done away with, and now largely handled through contract law where no evidence is required to be shown as to the veracity of a contract up to the amount of \$5000 which ironically happens to be a very common ceiling limit for credit cards.

statutory Instrument : A legally created and written contract

stranger : [contracts] A person who is not privy to an act or contract; example, he who is a stranger to the issue, shall not take advantage of the verdict. It could be also that a stranger may be an attorney who cannot make statements in evidence being no party to a controversy.

strict liability : In law, strict liability is a standard for liability which may exist in either a criminal or civil context. A rule specifying strict liability makes a person legally responsible for the damage and loss caused by his/her acts and omissions regardless of culpability (including fault in criminal law terms, typically requiring mens rea, or guilty conscience). Under strict liability, there is no requirement to prove fault, negligence or intention. Strict liability is prominent in tort law (especially product liability), corporations law, and criminal law. For analysis of the pros and cons of strict liability as applied to product liability, the most important strict liability regime, see product liability.

statement of claim : this is the name of a form filed in the district or local court of New South Wales to start a civil proceeding. A civil proceeding is distinct from a [common law](#) claim concerning a matter of right in that civil proceedings are underpinned by case law that is largely subject to copyright; subject in part to the rules given by the Uniform Rules Committee that form part of the rules of civil procedure, and for the specific torts of negligence, trespass, and defamation; to an extent; subject to state statutes one of which in New South Wales is the *Civil Liability Act 2002*. Previously civil proceedings regarding torts were almost exclusively handled as [common law](#) actions with respect to case law; however with a steady push toward codification we see the introduction of statutes into civil matters. [Common law](#) actions of the past served as a type and shadow of the "[common law](#) claim" in its purest form so as to bridge the gap between legal claims prosecuted by lawyers using a body of case law, and the lawful claim of a man prosecuted as a matter of right by the course of the [common law](#).

statute staple : a bond of record acknowledged before the mayor of the staple, by virtue of which the creditor may, on non payment, forthwith have execution against the body, lands, and goods of the debtor, as in the statute merchant.

stay : A stay is a suspension of a case or a suspension of a particular proceeding within a case. A judge may grant a stay on the motion of a party to the case or issue a stay sua sponte, without the request of a party. Courts will grant a stay in a case when it is necessary to secure the rights of a party.

[etymonline] (n) 1520s, "delay, postponement, period of remaining in a place," from stay (v.1). Meaning "action of stoppage, appliance for stopping" is 1530s; that of "suspension of judicial proceedings" is from 1540s.

[legal-dictionary.thefreedictionary.com] A stay is a suspension of a case or a suspension of a particular proceeding within a case. A judge may grant a stay on the motion of a party to the case or issue a stay sua sponte, without the request of a party. Courts will grant a stay in a case when it is necessary to secure the rights of a party.

[comment] In terms of the law there are two types of stays; either a stay of execution relating to a warrant for the seizing of property, or the death penalty; or a stay of proceedings that could be for a variety of reasons.

steal : [etymonline] Old English stelan "to commit a theft, to take and carry off clandestinely and without right or leave" (class IV strong verb; past tense stæġ, past participle stolen), from Proto-Germanic *stelanan (source also of Old Saxon stelan, Old Norse, Old Frisian stela "to steal, to rob one of," Dutch stelen, Old High German stelan, German stehlen, Gothic stilan "to steal"), from PIE *stel-, possibly a variant of *ster- (3) "to rob, steal."

"The notion of secrecy ... seems to be part of the original meaning of the vb." [OED]. Intransitive meaning "to depart or withdraw stealthily and secretly" is from late Old English. Most IE words for steal have roots in notions of "hide," "carry off," or "collect, heap up." Attested as a verb of stealthy motion from c. 1300 (as in to steal away, late 14c.); of kisses from late 14c.; of glances, sighs, etc., from 1580s. The various sports senses begin 1836. To steal (someone) blind first recorded 1974.

[[common law](#) mini dictionary] Act of Robbery *see 'theft'* [sic]. [comment] no distinction is made as to whether to steal something is an act of robbery or a theft. However, given that a robbery is carried out openly; to steal something could be better classed as a theft. *see 'theft'*

stipend : noun [Latin , a piece of money; to pay.] Settled pay or compensation for services, whether daily or monthly wages; or an annual salary. verb transitive To pay by settled wages.

stipendiary magistrate : a salaried British magistrate who is a professional lawyer appointed under statutory provisions to act instead of or in cooperation with unpaid lay justices of the peace.

strong arm robbery : Strong arm robbery is a type of specific intent crime of larceny (theft). It is generally committed through the use of a weapon in combination with the threat of force, actual force, or intimidation. Larceny is legally defined as the unlawful taking and carrying away of a person's property, with the intent to permanently deprive them of the property.

An example of strong arm robbery is when a person robs a bank with the use of a firearm and carries off some stolen cash. Another example is using a weapon to force a victim to hand over something of value, such as money, a wallet, purse, or a vehicle.

sua sponte : (Latin: "of his, her, its or their own accord") in terms of a Court case a court can order a continuance of its own accord "on its own motion". In the case where no parties show on the date of a hearing the court can sua sponte make a motion for a continuance etc.

subjective : the modern use of the word subjective relates to personal opinions, experiences, perceptions, understanding, and often feelings that might be well grounded, but not based on the objective circumstances given for a particular instance. [etymonline] (adj.) c. 1500, "characteristic of one who is submissive or obedient," from Late Latin *subiectivus* "of the subject, subjective," from *subiectus* "lying under, below, near bordering on," figuratively "subjected, subdued" (see *subject* (n.)). In early Modern English as "existing, real;" more restricted meaning "existing in the mind" (the mind as "the thinking subject") is from 1707, popularized by Kant and his contemporaries; thus, in art and literature, "personal, idiosyncratic" (1767). Related: Subjectively; subjectiveness. [comment] that which is subjective is more open to interpretation, because it is not supported with facts as that which is objective or in its real form for a given instance or situation.

sub judice : Latin for "under judgement", means a particular case or matter is under trial, or being considered by a Judge or Court. The term may be used anonymously with "the present case" or "the case at bar" by some lawyers.

suborn : (v.) "to procure unlawfully, to bribe to accomplish a wicked purpose," especially to induce a witness to perjury, "to lure (someone) to commit a crime," 1530s, from Middle French *suborner* "seduce, instigate, bribe" (13c.) and directly from Latin *subornare* "employ as a secret agent, incite secretly," originally "equip, fit out, furnish," from *sub* "under; secretly" (see *sub-*) + *ornare* "equip," related to *ordo* "row, rank, series, arrangement" (see *order* (n.)). Related: Suborned; suborning.

subornation : [etymonline] 1520s, from Latin *subornationem* (nominative *subornatio*), noun of action from past participle stem of *subornare* "to provide, furnish; instigate" eg. as in the *subornation of perjury*: the act of procuring a witness to give false testimony under oath.

subpoena : From Latin "under penalty" is a writ or order that someone appear before a court to give witness testimony or provide physical evidence *subpoena ducus tecum* "under penalty bring it with you".

subscribe : [etymonline] early 15c., "to sign at the bottom of a document," from Latin *subscribere* "write, write underneath, sign one's name; register," also figuratively "assent, agree to, approve," from *sub* "underneath" (see *sub-*) + *scribere* "write" (see *script* (n.)). The meaning "give one's consent" (by subscribing one's name) first recorded mid-15c.; that of "contribute money to" 1630s; and that of "become a regular buyer of a publication" 1711, all originally literal. Related: Subscribed; subscribing. [comment] From *sub* "underneath" and *scribe* "to write" in its simplest form means to sign underneath but as time has moved forward from the 15th c it has been extended to mean "to give one's consent by signing underneath". However within the context of a court case if a defendant under oath states that his signature is not his authorised signature such signature would be void in terms of the contract therein.

submit : [etymonline] (v.) late 14c., "to place (oneself) under the control of another, to yield oneself," from Latin *submittere* "to yield, lower, let down, put under, reduce," from *sub* "under" (see *sub-*) + *mittere* "let go, send" (see *mission*). Transitive sense of "refer to another for consideration" first recorded 1550s. Related: Submitted; submitting.

[Commonlaw Mini-Dictionary] (v) 14th century "to place (oneself) under the control of another, to yield oneself," and Sense of Begging, [sic]

substance : [etymonline] c. 1300, "essential nature, real or essential part," from Old French sustance, substance "goods, possessions; nature, composition" (12c.), from Latin substantia "being, essence, material," from substans, present participle of substare "stand firm, stand or be under, be present," from sub "up to, under" (see sub-) + stare "to stand," from PIE root *sta- "to stand, make or be firm."

Latin substantia translates Greek ousia "that which is one's own, one's substance or property; the being, essence, or nature of anything." Meaning "any kind of corporeal matter" is first attested mid-14c. Sense of "the matter of a study, discourse, etc." first recorded late 14c.

subsumed : To include or absorb into something else i.e. a woman's legal rights and obligations were subsumed by those of her husband.

sue : [etymonline] (v.) c. 1200, "continue, persevere," from Anglo-French suer "follow after, continue," Old French suir, sivre "pursue, follow after, sue in court" (Modern French suivre), from Vulgar Latin *sequere "follow," from Latin sequi "follow" (from PIE root *sekw- (1) "to follow"). Sense of "start a lawsuit against" first recorded c. 1300, on notion of "following up" a matter in court. Sometimes short for ensue or pursue. Meaning "make entreaty, petition, plead" (usually with for) is from late 14c. Related: Sued; suing.

suffer : a word often used by judges to gain jurisdiction; where if one concedes to suffering or having suffered he has allowed something to continue to occur by consent. [etymonline] mid-13c., "allow to occur or continue, permit, tolerate, fail to prevent or suppress," also "to be made to undergo, endure, be subjected to" (pain, death, punishment, judgment, grief), from Anglo-French suffrir, Old French sofrir "bear, endure, resist; permit, tolerate, allow" (Modern French souffrir), from Vulgar Latin *sufferire, variant of Latin sufferre "to bear, undergo, endure, carry or put under," from sub "up, under" (see sub-) + ferre "to carry, bear," from PIE root *bher- (1) "to carry," also "to bear children."

sue : from Latin sequi "follow", also from anglo-french suer "follow after, continue" Sense of "start a lawsuit against" first recorded c. 1300, on notion of "following up" a matter in court.

suffrage : The right to vote

sui juris : (Latin : of one's own right; note: quote could be a misleading term of art) In Civil Law the phrase indicates legal competence, the capacity to manage one's own affairs. John Wilson gives Sui Juris as being Sui [I am] Juris [the Law] when considering the role of Juries where 12 x Sui Juris = 1 Jury. The google definition for the Latin gives in broad terms 'His or their own right or own law'. When one claims to be sui juris it is akin to being pro se' or in propria persona where being terms of art carry away the individual into the belly of the beast where he either sinks or swims by his own wits with rights only to the extent which are given by the bar association. Only by issuing an answer from the claim side of the court or by prosecuting a verifiable claim can a man or woman hope to be made whole.

sum certain : A sum certain is a specified and set amount of money owed by one person to another. It is a legal term of art, having specialised meaning in law. Some kinds of legal claims cannot be brought at all unless the sum certain can be plead. A document claimed to be a negotiable instrument cannot be negotiated unless it is for a sum certain. A sum certain appears as a written amount and in figures ie. the sum of one-hundred-thousand twenty-seven-dollars thirty-eight-cents (\$100,027.38)

summa : and its diminutive summula (plural summae and summulae, respectively) was a generic category of text popularised in thirteenth century Europe. In its simplest sense, they might be considered texts that 'sum up' knowledge in a field, such as the compendiums of theology,

philosophy and canon law. Their function during the Middle ages was largely as manuals or handbooks of necessary knowledge used by individuals who would not advance their studies any further.

summary Judgment : (also judgment as a matter of law) is a judgment entered by a court for one party and against another party summarily, i.e., without a full trial. Such a judgement may be issued on the merits of an entire case, or on discrete issues in that case.

summons : a notice to appear in court served on someone who is the subject of a legal or administrative proceeding which in New South Wales is known as a *court attendance notice*, or CAN.

superfluous : (adj.) [etymonline] early 15c. (earlier superflue, late 14c.), from Latin superfluus "unnecessary," literally "overflowing, running over," from superfluere "to overflow," from super "over" (see super-) + fluere "to flow" (see fluent). Related: Superfluously; superfluosity. [comment] also that which is in excess of, or beyond what is necessary to that which is required.

superintend : (v.) "to have charge and direction of," 1610s, from Church Latin superintendere "to oversee" (see superintendent). Related: Superintended; superintending. To overlook, oversee, supervise or give direction with regard to anything or anyone that requires such direction i.e. The construction of a building, the managing of a government department, or possibly the oversight of one branch of government by another.

superintendent : [etymonline] (n.) 1550s, originally an ecclesiastical word meaning "bishop" or "minister who supervises churches within a district" (ultimately a loan-translation of Greek episkopos "overseer"), from Medieval Latin superintendentem (nominative superintendens), present participle of Late Latin superintendere "oversee," from Latin super "above" (see super-) + intendere "turn one's attention to, direct" (see intend). Famously used by 16c. radical Protestants in place of bishop, which to them was tainted by Papacy.

[Martinists] studie to pull downe Bishoppes, and set vp Superintendents, which is nothing else, but to raze out good Greeke, & enterline bad Latine. [Lyly, "Pappe with an Hatchet," 1589]

The general sense of "a person who has charge of some business" is first recorded 1580s. Meaning "janitor, custodian" is from c. 1935. Shortened form super first attested 1857, especially at first of overseers of sheep ranches in Australia. As an adjective meaning "superintending," from 1590s.

superlative : [etymonline] (adj.) from Late Latin superlatus "extravagant, exaggerated, hyperbolic," from Latin superlatus "exaggerated" (used as past participle of superferre "carry over or beyond"), from super "beyond" (see super-) + lat- "carry," from *tlat-, past participle stem of tollere "to take away."

support : [etymonline] (v.) late 14c., "to aid," also "to hold up, prop up, put up with, tolerate," from Old French supporter "to bear, endure, sustain, support" (14c.), from Latin supportare "convey, carry, bring up, bring forward," from assimilated form of sub "up from under" (see sub-) + portare "to carry," from PIE root *per- (2) "to lead, pass over." Related: Supported; supporting.

supposition : early 15c., a term in logic, "presumption, hypothesis," from Medieval Latin suppositionem (nominative suppositio) "presumption, hypothesis, a supposition," noun of action from past participle stem of supponere (see suppose); influenced by Greek hypothesis. In classical Latin, "a putting under, substitution." Earlier in English in the same sense was supposal (late 14c.). Related: Suppositional; suppositionally.

surrender : something given up or delivered over due to an obligation, or as a result of stress, being under duress, or by way of words or actions one would fear to disregard. [etymonline] mid-15c., "to give (something) up," from Old French surrendre "give up, deliver over" (13c.), from sur- "over" (see sur- (1)) + rendre "give back" (see render (v.)). Reflexive sense of "to give oneself up"

(especially as a prisoner) is from the 1580s. Related: Surrendered; surrendering. [comment] to *abandon* something however is distinct from surrender in that it has been freely disposed of, or given up as an act of will.

surety : (n.) 1. A person who assumes legal responsibility for the fulfilment of another's debt or obligation and himself becomes liable if the other defaults.
2 Security given against loss or damage and a guarantee that an obligation will be met.
3 One who has contracted to be responsible for another, especially one who assumes responsibilities or debts in the event of default.
Synonyms : Pledge, Bail, Security

suspended sentence : a suspended sentence outlines the terms and conditions of release in lieu of a prison sentence; that default to serving prison time if these terms and conditions are breached or not met.

sustain : if an objection by a trial lawyer with regard to irrelevance, incompetence, whether a point is immaterial, or with regard to points that are leading or argumentative is sustained by a trial judge; then the points in question can no longer be pursued. If however an objection is overruled the objection has no further standing.

sylogism : (Greek: ???????????? syllogismos, "conclusion, inference") is a kind of logical argument that applies deductive reasoning to arrive at a conclusion based on two or more propositions that are asserted or assumed to be true.
In its earliest form, defined by Aristotle, from the combination of a general statement (the major premise) and a specific statement (the minor premise), a conclusion is deduced. For example, knowing that all men are mortal (major premise) and that Socrates is a man (minor premise), we may validly conclude that Socrates is mortal. Syllogistic arguments are usually represented in a three-line form (without sentence-terminating periods).

systemic : that which relates to affecting an entire body, organism, or system; such as the nervous system. Its modern use tends towards that of a culture of corrupt practices spread throughout a governing body or organisation e.g. *corrupt practices had become systemic throughout the department of immigration*. [etymonline] 1803, irregularly formed from system + -ic; used in medicine and biology for differentiation from what is *systematic* from Latin systematicus "combined in a whole". Related: Systemically.

systolic : Mainly used in medicine to describe the level of blood pressure resulting from a contraction of the heart. [etymonline] 1690s, from Modern Latin systolicus, from Greek systole "**a drawing together, contraction**" (see systole).

tacit : [Bouviere 1838] That which, although not expressed, is understood from the nature of the thing, or from the provision of the law; as being implied [etymonline] c. 1600, "silent, unspoken," from French tacite and directly from Latin tacitus "**that is passed over in silence, done without words, assumed as a matter of course, silent,**" past participle of tacere "be silent, not speak," from suffixed form of PIE root *tak- "to be silent" (source also of Gothic ahan, Old Norse egja "to be silent," Old Norse agna "to grow dumb," Old Saxon thagian, Old High German dagen "to be silent"). The musical instruction tacet is the 3rd person present singular of the Latin verb. Related: Tacitly.

tacit law : A law which derives its authority from the common consent of the people, without any legislative enactment. 1 Bouv. Inst. n. 120.

tacit procurement : 'silent agreement' (agreement through acquiescence), or to take care of or manage one's affairs as a matter of course once having given notice, and then having been passed over in silence which would indicate agreement.

taxonomy : the science or technique of classification, or the classification into ordered categories. Taxonomy is used extensively in biology because it involves the classification and

naming of new species etc.

tax : [etymonline] (v.) c. 1300, "impose a tax on," from Old French *taxer* "impose a tax" (13c.) and directly from Latin *taxare* "evaluate, estimate, assess, handle," also "censure, charge," probably a frequentative form of *tangere* "to touch," from PIE root *tag- "to touch, handle." Sense of "to burden, put a strain on" first recorded early 14c.; that of "censure, reprove" is from 1560s. Its use in Luke ii for Greek *apographein* "to enter on a list, enroll" is due to Tyndale. Related: Taxed; taxing.

[comment] The [common law](#) is clear; a man cannot be taxed, and is only under obligation for the debt owed, or compensation due to another man (see *debt*). In the case a man makes the claim there is an obligation owed for a debt; require of the man a signed true bill he is prepared to verify [*viva voce*] in open court under oath or affirmation; that the debt is owed, that it is true, and it is post due.

temperate : [etymonline] (adj.) late 14c., of persons, "*modest, forbearing, self-restrained, not swayed by passion*;" of climates or seasons, "not liable to excessive heat or cold," from Latin *temperatus* "restrained, regulated, limited, moderate, sober, calm, steady," from past participle of *temperare* "to moderate, regulate" (see *temper* (v.)). Related: Temperately; temperateness. Temperate zone is attested from 1550s.

temporal : relating to worldly as opposed to spiritual affairs; secular.

tenendum : conveyancing. This is a Latin word, which signifies to hold. It was formerly that part of a deed which was used to express the tenure by which the estate granted was holden; but since all freehold tenures were converted into socage, the tenendum is of no further use even in England, and is therefore joined to the habendum in this manner, "to have and to hold." The words "to hold" have now no meaning in our deeds. 2 Bl. Com. 298. Vide Habendum.

tension : (n.) 1530s, "a stretched condition," from French *tension* (16c.) or directly from Latin *tensionem* (nominative *tensio*) "a stretching" (in Medieval Latin "a struggle, contest"), noun of state from *tensus*, past participle of *tendere* "to stretch," from PIE root *ten- "to stretch." The sense of "nervous strain" is first recorded 1763. The meaning "stress along lines of electromotive force" (as in high-tension wires) is recorded from 1785.

terra nullius : Latin "nobody's land" and used in international law to justify a claim that territory maybe acquired by a state's occupation of it by virtue of there being no inhabitants to make claim of it otherwise.

terrorism : [Karl Lentz] interference with the proper function of government. [etymonline] (n.) 1795, in specific sense of "government intimidation during the Reign of Terror in France" (March 1793-July 1794), from French *terrorisme*, noted in English by 1795 as a coinage of the Revolution, from Latin *terror* "great fear, dread, alarm, panic; object of fear, cause of alarm; terrible news," from PIE root *tres- "to tremble" (see *terrible*).

testament : [etymonline] late 13c., "last will disposing of property," from Latin *testamentum* "a last will, publication of a will," from *testari* "make a will, be witness to," from *testis* "witness," from PIE *tri-st-i- "third person standing by," from root *tris- "three" (see *three*) on the notion of "third person, disinterested witness."

theft : [etymonline] mid-13c., from Old English *þeofð* (West Saxon *þiefð*) "theft," from Proto-Germanic **theubitho* (source also of Old Frisian *thiufthe*, Old Norse *þyfð*), from **theubaz* "thief" [sic]. [comment] a theft is the occurrence or the clandestine act carried out by a thief of wilfully taking the property of another without the right to do so. An act of theft is distinguished from a robbery in that a robber can be identified whereas a thief cannot.

[Century Dictionary, 1895] in a looser sense, thief is often applied to one who takes a small amount, and robber to one who takes a large amount.

thing : [etymonline] From old English þing "meeting, assembly, council, discussion," later "entity, being, matter" (subject of deliberation in an assembly), also "act, deed, event, material object, body, being, creature," [Websters] the primary sense of a thing is that of an occurrence, or of that which comes, falls, or happens like an event; from Latin evenio "something that comes to pass, happens, or comes forth".

threat : Is the communicated intent to cause harm to a man; or injury, or loss to his person and or property. [etymonline] from Old English þreat "crowd, troop," also "oppression, coercion, menace," and with the sense of a "conditional declaration of a hostile intention". If a threat is communicated having been issued in a written form; this becomes "documentary evidence" of a trespass as determined before a jury. [cf. Blackmail under 249K of the New South Wales crimes act; in which case if a person is found guilty he faces a maximum penalty of 14 years in jail. See also section 249L unwarranted demands.]

temerity : [etymonline] (n.) "extreme venturesomeness, rashness, recklessness," late 14c., from Latin temeritatem (nominative temeritas) "blind chance, accident; rashness, indiscretion, foolhardiness," from temere "by chance, at random; indiscreetly, rashly, recklessly;" probably, etymologically, "blindly," from PIE root *temsro- "dark" (adj.), source also of Sanskrit tamisra- "dark night," tamsrah "dark;" Avestan temah "darkness;" Middle Persian tar "darkness," tarig "dark;" Lithuanian tamsa "darkness," tamsus "dark;" Old Church Slavonic tima "darkness;" Old High German dinstar "dark," demar "twilight;" Old Irish temel "darkness." The connecting notion would be "blindly, in darkness," hence "without foreseeing." Compare Latin tenebrio "dishonest person," apparently "person who operates in darkness" (see tenebrous).

tenure : [etymonline] early 15c., "holding of a tenement," from Anglo-French and Old French tenure "a tenure, estate in land" (13c.), from Old French tenir "to hold," from Vulgar Latin *tenire, from Latin tenere "to hold" (see tenet). The sense of "condition or fact of holding a status, position, or occupation" is first attested 1590s. Meaning "guaranteed tenure of office" (usually at a university or school) is recorded from 1957. Related: Tenured (1961).

the back of one's hand : (idiom) [freedictionary.com] As in *to give, or to show the back of one's hand* is a rejection, snub, or rebuke; a display of contempt or scorn for someone or something.

the crown : When referring to the crown; it is to the state, or the branches of government that perform executive functions on behalf of the state. Though the crown is said to act on behalf of the Queen; "Elizabeth Mary Windsor"; it operates largely as a self determining entity. With respect to [common law](#) a dichotomy exists between the "*court of Queens bench*" that the people have use of to determine matters of right, and "*the crown*" who prosecute legal matters handled privately, generally by members of the Bar on behalf of the state. Underscoring a relationship that exists between the rights of the people secured in the court of Queen's Bench, and the Crown; is the saying that "*throughout the history of England not once has the Crown prevailed against the King*"; indicating that no man has ever taken upon himself the liabilities associated with the prosecution of any matter on behalf of the state and won.

toleration : [etymonline] 1510s, "permission granted by authority, licence," from Middle French tolération (15c.), from Latin tolerationem (nominative toleratio) "a bearing, supporting, enduring," noun of action from past participle stem of tolerare "to endure, sustain, support, suffer," literally "to bear," from PIE *tele- "to bear, carry" (see extol).

Meaning "forbearance, sufferance" is from 1580s. The specific religious sense is from 1609; as in Act of Toleration (1689), statute granting freedom of religious worship (with conditions) to dissenting Protestants in England. In this it means "recognition of the right of private judgment in matters of faith and worship; liberty granted by the government to preach and worship as one pleases; equality under the law without regard to religion."

If any man err from the right way, it is his own misfortune, no injury to thee; nor therefore art thou to punish him in the things of this life because thou supposeth he will be miserable in that which is

to come. Nobody, therefore, in fine, neither single persons nor churches, nay, nor even commonwealths, have any just title to invade the civil rights and worldly goods of each other upon pretence of religion. [John Locke, "Letter Concerning Toleration," 1689]

Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance. [James Madison, "Memorial and Remonstrance Against Religious Assessments," 1785]

Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them. [Karl Popper, "The Open Society and Its Enemies," 1962]

[comment] the question must be asked as to what point intolerance is to be tolerated as affecting publicly the lives of the innocent and leading to the wanton destruction of property. Boundaries must be enforced to maintain peace and public order while preserving the right to free speech.

tort : [etymonline] mid-13c., "injury, wrong," from Old French tort "wrong, injustice, crime" (11c.), from Medieval Latin tortum "injustice," noun use of neuter of tortus "wrung, twisted," past participle of Latin torquere "turn, turn awry, twist, wring, distort" (from PIE root *terkw- "to twist"). Legal sense of "breach of a duty, whereby someone acquires a right of action for damages" is first recorded 1580s.

In a legal sense Frederick Pollock makes the point that a tort is an act or omission giving rise, in virtue of the [common law](#) jurisdiction of the Court, to a civil remedy which is not an action of contract. Torts are distinct civil personal actions that rely on the body of English [Common Law](#) or case law in support of motions for orders.

<https://oll.libertyfund.org/pages/pollock-on-the-law-of-torts>

For more information on the law of tort and its sub categories (*vide*) see Wikipedia

<https://en.wikipedia.org/wiki/Tort>

trademark : [etymonline] (n.) also trade-mark, 1838 (the thing itself attested continuously from 14c., apparently originally the watermarks on paper), from trade (n.) + mark (n.1) in a specialized sense of "stamp, seal, brand, etc. placed upon an article to indicate ownership or origin" (mid-13c.). Figurative use by 1869. As a verb, from 1904. Related: Trademarked; trademarking. This sense of mark also yielded the meaning "particular brand or make of an article" (1660s), hence its use in 20c. names of cars, etc., Mark I, Mark II, etc.

transaction : An agreement between two or more persons, who for the purpose of preventing or putting an end to a law suit, adjust their differences by mutual consent, in the manner which they agree on. In some jurisdictions such transactions may be required in writing to give legal and binding effect.

transport : The moving of people, animals, or goods from one place to another. [comment] From a legal perspective transport does not allude to the concept of free travel it is only the carrying of goods of which people could be considered a part from a commercial standpoint from one place to another. Hence the "Road Transport Act 2013" can be seen as being separate from [Common Law](#), where only those involved with transport as defined would be subject to the Act as performing any function outside one's inherent Jurisdiction. With this in mind however the Act would come into full force with regard to a lawful claim for harm or property damage where it could be cited as making up a condition under which a claim is brought, in this case a preliminary hearing would be required firmly establishing these conditions and relationship to the suit in question.

traverse : A pleading in [common law](#) denying an allegation of fact in an adversary's pleading or contesting that the adversary lacked adequate knowledge to make such an allegation in the first place. See also denial. general traverse. A flat denial of all of the allegations in the pleadings of

one's adversary. [Anglo-French traverser , literally, to lay across, bar, impede, from Old French, from Late Latin transversare to cross, from Latin transversus lying across]

treble damages : a legalese term used instead of "triple damages"

trespass : Almost everything prosecuted by the course of the [common law](#); is a claim as a matter of right, and a trespass concerning one's rights or property. [etymonline] "a transgression" c. 1300, "transgress in some active manner, commit an aggressive offence, to sin,". [Websters 1828] To pass over the boundary line of another's land, to enter unlawfully on the land of another, to commit any offence or to do any act that injures, annoys, or does harm to another; to violate any rule of rectitude to the harm of another. In a moral sense, to transgress voluntarily any divine law or command; to violate any known rule or duty. [comment] An act of trespass against a man encompasses a violation of his inherent rights. See 'rights'.

trespass vi et armis : An act of trespass accompanied by violence.

trial : [etymonline] (n.) mid-15c., "act or process of testing, a putting to proof by examination, experiment, etc.," from Anglo-French trial, noun formed from trier "to try" (see try (v.)). Sense of "examining and deciding of the issues between parties in a court of law" is first recorded 1570s; extended to any ordeal by 1590s.

As an adjectival phrase, trial-and-error is recorded from 1806. Trial balloon (1826) translates French ballon d'essai, a small balloon sent up immediately before a manned ascent to determine the direction and tendency of winds in the upper air, though the earliest use in English is figurative.

tribune : (n.) late 14c., title of an official in ancient Rome, from Latin tribunus "magistrate" (specifically one of the officers appointed to protect the rights and interests of the plebeians from the patricians), originally "head of a tribe" (in the Roman sense), from tribus (see tribe). Also "raised platform" (1762), from Italian tribuna, from Medieval Latin tribuna, from Latin tribunal in its classical sense "platform for the seats of magistrates in ancient Rome." Another sense from ancient Rome is a protector of the people.

trivial : [etymonline] (adj.) "ordinary" (1580s); "insignificant, trifling" (1590s), from Latin trivialis "common, commonplace, vulgar," literally "of or belonging to the crossroads," from trivium "place where three roads meet," in transferred use, "an open place, a public place," from tri- "three" (see three) + via "road" (see via). The sense connection is "public," hence "common, commonplace."

The earliest use of the word in English was early 15c., a separate borrowing in the academic sense "of the trivium" (the first three liberal arts -- grammar, rhetoric, and logic); from Medieval Latin use of trivialis in the sense "of the first three liberal arts," from trivium, neuter of the Latin adjective trivius "of three roads, of the crossroads." Related: Trivially. For sense evolution to "pertaining to useless information," see trivia.

title deed : refers to a document that transfers the legal right to own property and is distinct from a *certificate of title* or *certificate of ownership* that indicates the lawful outright ownership of land held in fee simple.

trover : [wikipedia] is a common-law action; a legal action in the form of a lawsuit in common-law countries for recovery of damages for the wrongful taking of personal property. Trover belongs to a series of remedies for such wrongful taking, its distinctive feature being recovery only for the value of whatever was taken, not for the recovery of the property itself (see replevin).

trust : (n.) *law* a trust is a three way relationship in the form of a "legal trust" of which there are many, or a "[common law](#) trust." [Blacks Law 7th edition] The right, enforceable solely in equity, to the beneficial enjoyment of property to which another person holds the legal title; a property interest held by one person (the *trust-ee*) at the request of another (the *settlor*) for the benefit of a third party (the *beneficiary*). For a trust to be valid, it must involve specific property, reflect the

settlor's intent and be created for a lawful purpose.

[etymonline] (n.) c. 1200, "reliance on the veracity, integrity, or other virtues of someone or something; religious faith," from Old Norse traust "help, confidence, protection, support," from Proto-Germanic abstract noun *traustam (source also of Old Frisian trast, Dutch troost "comfort, consolation," Old High German trost "trust, fidelity," German Trost "comfort, consolation," Gothic trausti "agreement, alliance"), from Proto-Germanic *treuwaz, source of Old English treowian "to believe, trust," and treowe "faithful, trusty," from PIE root *deru- "be firm, solid, steadfast."

from c. 1300 as "reliability, trustworthiness; trustiness, fidelity, faithfulness;" from late 14c. as "confident expectation" and "that on which one relies." From early 15c. in legal sense of "confidence placed in a one who holds or enjoys the use of property entrusted to him by its legal owner;" mid-15c. as "condition of being legally entrusted." Meaning "businesses organized to reduce competition" is recorded from 1877. Trust-buster is recorded from 1903.

trust deed : is similar to a mortgage in that it secures or guarantees a loan in default of the conditions laid out in the terms of a loan agreement or promissory note. A trust deed contains three parties 1) the trustor (borrower), 2) the lender (beneficiary), and 3) the trustee, or "foreclosure trustee" (The trustee is an independent third party that holds "bare" or "legal" title to the property. The main function of a trustee is to sell the property at public auction if the trustor defaults on payments.)

turpitude : [etymonline] "depravity, infamy, inherent baseness or vileness," late 15c., from Old French turpitude (early 15c.), from Latin turpitudinem (nominative turpitude) "baseness," from turpis "vile, foul, physically ugly, base, unsightly," figuratively "morally ugly, scandalous, shameful," a word of uncertain origin. De Vaan finds proposed connections to IE words meaning "to turn" (via the notion of "to turn away") as "too constructed" to be credible. Klein suggests perhaps originally "what one turns away from" (compare Latin trepit "he turns"). [comment] could the later meaning "to turn" perhaps have been originally extended to mean "to turn away in disgust."

tutelary : [etymonline] (adj.) 1610s, from Late Latin tutelarius "a guardian," from Latin tutela "protection, watching" (see tutor (n)).

ucc contracts : With regard to statutory Jurisdictions these are not contracts per se' but agreements generally not orally or knowingly entered into but are binding. They work on the premise that if one exercises the benefit of an agreement it is immediately implied that you intend to meet the obligations associated with the benefit. These obligations generally are abiding by the rules and statutes set down in law but only given force of law by consent, and the benefit amongst other things of being able to use money not backed by any value in the form of dis-chargeable limited liability paper currency.

understand : in legalese it is understood to be the phrase formed by the syllables under (be subject to) + stand meaning literally "to stand under" in a subordinate sense before a public officer. When asked if you understand your rights it is important to know the distinction between rights granted under a constitution or legislative rules, and inherent rights see rights, see also shibboleth. [etymonline] (v.) Old English understandan "comprehend, grasp the idea of," probably literally "stand in the midst of," from under + standan "to stand" (see stand (v.)). If this is the meaning, the under is not the usual word meaning "beneath," but from Old English under, from PIE *nter- "between, among" (source also of Sanskrit antar "among, between," Latin inter "between, among," Greek entera "intestines;" see inter-). Related: Understood; understanding.

ultimo : [etymonline] (adv.) "in the month preceding the present," 1610s, common in abbreviated form ult. in 18c.-19c. correspondence and newspapers, from Latin ultimo (mense) "of last (month)," ablative singular masc. of ultimus "last" (see ultimate). Earlier it was used in the sense of "on the last day of the month specified" (1580s). Contrasted with proximo "in the next (month)," from Latin proximo (mense).

ultra vires : [latin : "beyond the powers"] beyond one's legal power or authority, by its action creates invalidation in terms of the law and would be consistent with those authorities who would attempt to, or do act under Colour of Law.

undue influence : A judicially created defence to transactions that have been imposed upon weak and vulnerable persons that allow the transactions to be set aside.

Virtually any act of persuasion that over-comes the free will and judgement of another, including exhortations, importunings, insinuations, flattery, trickery, and deception, which all may amount to undue influence. Undue influence differs from duress, which consists of the intentional use of force, or threat of force, to coerce another into a grossly unfair transaction. Blackmail, Extortion, bad faith threats of criminal prosecution, and oppressive abuse of Process are classic examples of duress.

More on the 4 elements needed to show undue influence.

uniform law : Legislation for the regulation of legal practice and practitioners in New South Wales.

unique : [etymonline] (adj.) c. 1600, "single, solitary," from French unique (16c.), from Latin unicus "only, single, sole, alone of its kind," from unus "one" (from PIE root *oi-no- "one, unique"). Meaning "forming the only one of its kind" is attested from 1610s; erroneous sense of "remarkable, uncommon" is attested from mid-19c. Related: Uniquely; uniqueness.

unjust enrichment : [wikipedia] unjust enrichment is closely linked to the law of restitution and occurs when one person is enriched at the expense of another in circumstances that the law sees as unjust. A maxim supporting the prosecution of unjust enrichment reads "no one should be benefited at another's expense": *nemo locupletari potest aliena iactura or nemo locupletari debet cum aliena iactura.*

unlawful assembly : where three or more persons gather together to perform an unlawful act. An unlawful assembly is only considered so if the participants gathered together intentionally but did part before carrying forward with their intentions. Unlawful assemblies if attended by greater than eleven persons were considered prosecutable as a capital offence, but if under eleven the penalty was fine or imprisonment.

unlawful detainer : is a legal action mainly used in the US and is based on the breach of contract with respect to rental properties i.e. failure to pay the rent on time; remaining in a property when there is a term in a lease that requires the property be vacated at its conclusion (in Australia; a Fixed-term tenancy;) harboring pets and animals against the terms of the lease agreement etc.

Internet reference: <https://propertyupdate.com.au/a-state-by-state-guide-to-legally-evicting-tenants/>

unsolicited : "not asked for, unsought" where you may have been approached or contacted not having previously made any enquiries as such. Phone calls from organisations with whom you have no business dealings, or have no relationship to are unsolicited. When something unsolicited becomes a point of worry or concern it then becomes a trespass and can be prosecuted as such.

usufruct : The right to derive income from the property of another [etymonline] "right to the use and profits of the property of another without damaging it," 1610s (implied in usufructuary), from Late Latin usufructus, in full usus et fructus "use and enjoyment," from Latin usus "a use" (see use (n.)) + fructus "enjoyment," also "fruit" (from PIE root *bhrug- "to enjoy," with derivatives referring to agricultural products). Attested earlier in delatinized form usufruit (late 15c.).

usurp : [etymonline] (v.) early 14c., from Old French usurper "to (wrongfully) appropriate" (14c.), from Latin usurpare "make use of, seize for use," in later Latin "to assume unlawfully, trespass on," from usus "a use" (see use (v.)) + rapere "to seize" (see rapid (adj.)). Related: Usurped; usurping.

usury : The modern definition is the practice of lending money at an exorbitant interest. Etymology for usury gives the word from the 13th century as "the practice of lending money at interest" where it was only the later definition from the Latin *usura* that alluded to excessive interest which was from the Latin word *usura* "payment for the use of money, interest" literally "a usage, use, enjoyment" From mid-15c. as "premium paid for the use of money, interest," especially "exorbitant interest."

vacate : [etymonline] (v.) 1640s, "to make void, to annul," from Latin *vacatus*, past participle of *vacare* "be empty, be void," from PIE **wak-*, extended form of root **eue-* "to leave, abandon, give out." Meaning "to leave, give up, quit" (a place) is attested from 1791. Related: Vacated; vacating.

vagueness : [Cahill the Cyclopedic Law Dictionary 1922] Uncertainty. Certainty is required in contracts, wills, pleadings, judgements, and, indeed, in all the acts on which courts have to give a judgement, and if they be vague so as not to be understood, they are, in general, invalid. 5 Barn. & C. 588; 1 Russ. & M. 116; 1 Chit. Prac. 123. A charge of frequent intemperance and habitual indolence is vague and too general. 2 Mart. (La.; N. S.) 530. See "Certainty."

vassal : [etymonline] (n.) early 14c. (c. 1200 as a surname) "tenant who pledges fealty to a lord," from Old French *vassal* "subject, subordinate, servant" (12c.), from Medieval Latin *vassallus* "manservant, domestic, retainer," extended from *vassus* "servant," from Old Celtic **wasso-* "young man, squire" (source also of Welsh *gwas* "youth, servant," Breton *goaz* "servant, vassal, man," Irish *foss* "servant"), literally "one who stands under," from PIE root **upo* "under." The adjective is recorded from 1580s.

venire facias : [Latin; make or, Cause to come] It is the judicial order or writ addressed to the sheriff of a county where a legal action is to take place, commanding the sheriff to assemble a jury. A venireman is a member of a jury summoned by a writ of venire facias.

venue : the area a case will be tried. The locality where a crime, or where evidence such as a dead body was found relating to a crime that has been committed; is described as 'proper venue'. In civil matters proper venue must be the place where the defendant or plaintiff normally reside; where real property; the subject of a suit is located, or where the cause of action arose.

[etymonline] (n.) c. 1300, "a coming for the purpose of attack," from Old French *venue* "coming" (12c.), from fem. past participle of *venir* "to come," from Latin *venire* "to come," from PIE root **gwa-* "to go, come." The sense of "place where a case in law is tried" is first recorded 1530s. Extended to locality in general, especially "site of a concert or sporting event" (1857). Change of venue is from Blackstone (1768).

veracity : [etymonline] 1620s, from French *véracité* (17c.), from Medieval Latin *veracitatem* (nominative *veracitas*) "truthfulness," from Latin *verax* (genitive *veracis*) "truthful," from *verus* "true" (from PIE root **were-o-* "true, trustworthy").

verdict : meaning literally "a true saying or report" comes from *ver*, *veir* "true" + *dit*, past participle of *dire* "to say" and is generally understood to be the decision rendered by a Jury in a court case.

verify : To verify something in court; is the act of setting in place the truth by open testimony; if something is verifiable it is a statement or facts supported by way of utterance [*viva voce*: Latin literally "with living voice"] under oath or affirmation as to the truth of a matter. [etymonline] early 14c., from Old French *verifier* "substantiate, find out the truth about" (14c.), from Medieval Latin *verificare* "make true," from Latin *verus* "true" (from PIE root **were-o-* "true, trustworthy") + combining form of *facere* "to make" (from PIE root **dhe-* "to set, put"). [comment] To certify something however does not speak to the truth of a matter only that something exists at a point in time ie. I can certify a document by way of a signature; as having been placed before me and signed by a person at a point in time, but I cannot verify what is contained within that document as being the truth.

veritas nihil veretur nisi abscondi : [Cahill the Cyclopedic Law Dictionary 1922] Truth fears

nothing but concealment. 9 Coke, 20.

vested : [etymonline] "established, secured, settled, not in a state of contingency," 1766, past-participle adjective from *vest* (v.) early 15c., "to put in possession of a person," from Old French *vestir* "to clothe; get dressed," from Medieval Latin *vestire* "to put into possession, to invest," from Latin *vestire* "to clothe, dress, adorn," related to *vestis* "garment, clothing," from PIE **wes-ti-*, suffixed form of **wes-* (2) "to clothe," extended form of root **eu-* "to dress." Related: Vested; vesting.

vested interest : an established claim of right over property.

veto : [etymonline] from the 1620's Latin (n.) Literally "I forbid, or *legal Latin forbid*" first person singular present indicative of *vetare* "forbid, prohibit, oppose, hinder," of unknown origin. In ancient Rome, the "technical term for protest interposed by a tribune of the people against any measure of the Senate or of the magistrates" [google] a constitutional right to reject a decision or proposal made by a lawmaking body. (v.) exercise a veto as a matter of right against a decision, or proposal. Such a veto may come by way of a directive from the people.

vex : [common law mini dictionary] "attack, harass, trouble, annoy." Related: vexed; vexing; vexatious (adj) [sic]

viable : [etymonline] (adj.) 1828, from French *viable* "capable of life" (1530s), from *vie* "life" (from Latin *vita* "life," from PIE root **gwei-* "to live") + *-able*. Originally of newborn infants; generalised sense is first recorded 1848. Related: Viably. In terms of the law; a child reaches the age of viability when it is capable of a self sustaining life outside it's mother's womb.

viability : *see viable*.

vicarious : [etymonline] 1630s, "taking the place of another," from Latin *vicarius* "that supplies a place; substituted, delegated," from *vicis* "a change, exchange, interchange; succession, alternation, substitution," from PIE root **weik-* (2) "to bend, to wind."

From 1690s as "done or experienced in place of another" (usually in reference to punishment, often of Christ); from 1929 as "experienced imaginatively through another." Related: Vicariously.

vi coactus : V.C. (latin "under constraint") Used as a method of nullifying a signature made under duress. Placed before the actual signature V.C. bears witness to the fact the signature was signed under duress.

vi et armis : Latin [by force and arms] ie trespass vi et armis = Trespass with violence

vinculum juris : A Latin term that comes from early Roman law that means a "bond or obligation established by law" its literal latin translation "A bond of the law".

violate : (v.) early 15c., "to break" (an oath, etc.), from Latin *violatus*, past participle of *violare* "treat with violence, dishonour, outrage" (see violation). Sense of "ravish" is first recorded mid-15c. Related: Violated; violating. [comment] To violate in terms of a dishonouring someone with violence can be an act of sexual penetration. To violate something is above all associated with an act of violence and though often used in a legal context is not the breaking of a law.

violation : (n.) [etymonline] c. 1400, from Old French *violacion* and directly from Latin *violationem* (nominative *violatio*) "an injury, irreverence, profanation," from past participle stem of *violare* "to treat with violence, outrage, dishonor,".

visceral : from Latin *viscera*, plural of *viscus* "internal organ," and relates to the inner organs of the body but also used to describe what proceeds from ones deep seated, coarse, or base emotions as opposed to objectivity, rational thought, or what one considers as within reason.

vitiate : To corrupt, spoil, injure, or ruin the substance of a person or thing. Also seen in the sense of corrupting of the morals of youth etc. To reduce the value or impair the quality of. To corrupt morally; debase.

vitiating factor : In contract law a vitiating factor makes a contract imperfect being a misrepresentation, mistake, undue influence, duress, incapacity, illegality, frustration, or unconscionability.

vociferous : related to the word *clamorous* meaning 'noisy' or to shout. [etymonline] (adj.) 1610s, from Latin *vociferari* "to shout, yell, cry out," from *vox* (genitive *vocis*) "voice" (from PIE root **wekw-* "to speak") + stem of *ferre* "to carry" (from PIE root **bher-* (1) "to carry"). Related: *Vociferously*; *vociferousness*.

(n.) c. 1400, from Latin *vociferationem* (nominative *vociferatio*), "a loud calling, clamor, outcry," noun of action from past-participle stem of *vociferari* "to shout, yell, cry out" (see *vociferous*).

void ab initio : means "to be treated as invalid from the outset." E.g., in many jurisdictions, if a person signs a contract under duress, that contract is treated as being "void ab initio" of no force or effect from the beginning.

void for vagueness : In the US it is a doctrine of law that seeks to rule out ambiguous terms in statute.

void judgement : a judicial decision that was invalid at the time it was issued having no legal force or effect. Reasons for a void judgement relate to a court lacking subject matter or personal jurisdiction over the case, or if a fraud was perpetrated on the court. Karl Lentz makes the point that a "void judgement" is not a descriptive phrase but a noun in and of its own right. All subsequent proceedings that result from a void judgement are also considered likewise void.

Law; A judgment entered by a court is void if a court lacks jurisdiction over the parties or subject matter of a lawsuit. A void judgment may be entirely disregarded without a judicial declaration that the judgment is void and differs from an erroneous, irregular, or voidable judgment. In practice, however, an attack on a void judgment is commonly used to make the judgment's flaw a matter of public record. In the United States judgements can be made void via collateral attack. Void judgment is one which has no legal force or effect whatever, it is an absolute nullity, its invalidity may be asserted by any person whose rights are affected at any time and at any place and it need not be attacked directly but may be attacked collaterally whenever and wherever it is interposed, *City of Lufkin v. McVicker*, 510 S.X.2d 141 (Twx.Civ.App.-Beaumone 1973).

voir dire : Is a French term derived from Latin *verum* "that which is true" William Blackstone referred to it as *veritatem dicere*, which was translated by John Winter Jones as "To speak the truth" and was in reference to an oath given to "speak truly". In Australia it refers to a preliminary hearing at the request of a moving party to determine what evidence; usually gathered by the police; can be included at a subsequent trial. In many jurisdictions in order to ensure the selection of a fair and impartial jury it is the preliminary examination of prospective jurors to determine their qualifications and suitability. A voir dire also describes a interlocutory inquiry, or trial within a trial; aside from the main cause of action: being the preliminary examination of a prospective witness whose competency or qualifications have been brought into question.

<https://www.gotocourt.com.au/criminal-law/voir-dire/>

volition : 1610s, from French *volition* (16c.), from Medieval Latin *volitionem* (nominative *volitio*) "will, volition," noun of action from Latin stem (as in *volo* "I wish") of *velle* "to wish," from PIE root **wel-* (2) "to wish, will" (see *will* (v.)). Related: *Volitional*. [wordnik.com] The power, act, or faculty behind the making of a conscious choice or decision, or simply the act of exercising one's will in making a choice.

viva voce : from Latin *viva* ("living") + *voce* ("voice") literally "with living voice", or "by word of

mouth, or utterance." To verify something as true in court; testimony has to be given viva voce.

wanton : [etymonline] (adj.) early 14c., wan-towen, "*resistant to control; willful*," from Middle English privative word-forming element wan- "wanting, lacking, deficient," from Old English wan-, which was used interchangeably with un- (1), and is cognate with Dutch wan- (as in wanbestuur "misgovernment," wanluid "discordant sound"), Swedish and Danish van-, from Proto-Germanic *wano- "lacking," from PIE *weno-, suffixed form of root *eue- "to leave, abandon, give out." Common in Old and Middle English, still present in 18c. glossaries of Scottish and Northern English; this word is its sole modern survival.

Second element is Middle English towen, from Old English togen, past participle of teon "to train, discipline;" literally "to pull, draw," from Proto-Germanic *teuhan (source also of Old High German ziohan "to pull," from Proto-Germanic *teuhan; see tug (v.)). The basic notion perhaps is "ill-bred, poorly brought up;" compare German ungezogen "ill-bred, rude, naughty," literally "unpulled." Especially of sexual indulgence from late 14c. Meaning "inhumane, merciless" is from 1510s. Related: Wantonly; wantonness.

(n.) "*one who is ill-behaved*," mid-15c., especially "lascivious, lewd person" (1520s), from wanton (adj.).

(v.) "*to revel, frolic unrestrainedly*," 1580s, from wanton (adj.). Related: Wantoned; wantoning.

warrant : (v.) [common law mini dictionary] "safeguard, protect; guarantee (as true), pledge" from old French. [etymonline] (n.) 14c A document that conveys authority.

warrant in debt : Apply's mainly to US Jurisdictions. A warrant in debt is a summons to a defendant to appear in court because they are being sued for a debt. For example, in Virginia's General District Court, the most common means to initiate a claim is the Summons for Warrant in Debt. However, the warrant in debt provides only limited information and therefore is a notice-based pleading. Along with the bill of particulars, the warrant in debt makes the pleading fact-based. A warrant in debt is the initial filing to start a garnishment proceeding in some jurisdictions.

In NSW civil actions relating to the recovery of a debt are initiated by a Letter of Demand to the debtor which if dishonoured is followed up by filing a Statement of Claim or a summons to appear in court. *see debt*

weird : [etymonline] (adj.) c. 1400, "having power to control fate," from wierd (n.), from Old English wyrd "fate, chance, fortune; destiny; the Fates," literally "that which comes," from Proto-Germanic *wurthiz (source also of Old Saxon wurd, Old High German wurt "fate," Old Norse urðr "fate, one of the three Norns"), from PIE *wert- "to turn, to wind," (source also of German werden, Old English weorðan "to become"), from root *wer- (2) "to turn, bend." For the sense development from "turning" to "becoming," compare phrase turn into "become."

The sense of "uncanny, supernatural" developed from Middle English use of weird sisters for the three Fates or Norns (in Germanic mythology), the goddesses who controlled human destiny. They were portrayed as odd or frightening in appearance, as in "Macbeth" (and especially in 18th and 19th century productions of it), which led to the adjectival meaning "odd-looking, uncanny" (1815); "odd, strange, disturbingly different" (1820). Also see Macbeth. Related: Weirdly; weirdness.

whereas : On the contrary, although, when in fact. In Law : It being the case that, or considering that, often being used as a qualifying or introductory statement as in the Australian constitution preamble.

whole : (adj.) Old English hal "**entire, whole; unhurt, uninjured, safe; healthy, sound; genuine, straightforward**," from Proto-Germanic *haila- "undamaged" (source also of Old Saxon hel, Old Norse heill, Old Frisian hal, Middle Dutch hiel, Dutch heel, Old High German, German heil "salvation, welfare"), from PIE *kailo- "whole, uninjured, of good omen" (source also of Old Church

Slavonic *celu* "whole, complete;" see health).

The spelling with *wh-* developed early 15c. The sense in whole number is from early 14c. Whole milk is from 1782. On the whole "considering all facts or circumstances" is from 1690s. For phrase whole hog, see hog (n.).

wile : [etymonline] (n.) late Old English, *wil* "stratagem, trick, sly artifice," perhaps from Old North French **wile* (Old French *guile*), or directly from a Scandinavian source (compare Old Norse *vel* "trick, craft, fraud," *vela* "defraud"). Perhaps ultimately related to Old English *wicca* "wizard" (see *Wicca*). Lighter sense of "amorous or playful trick" is from c. 1600.

will : The word *will*, though similar, is distinguished from the word *shall* implying an obligation or necessity in that it involve one's intention, or an act of volition; however, like the word *shall* it is also something that will occur without specificity at some time in the future. The noun is probably from Old English *will*, *willa* "mind, determination, purpose; desire, wish, request; joy, delight," and the verb from Old English **willan*, *wyllan* "to wish, desire; be willing; be used to; be about to" and Old English *willian* "to determine by act of choice." The word could well have been influenced by Old English *wel* "well," literally "according to one's wish."

[comment] Additionally the will of a man is that which he carries out according to his own determination, if he causes harm as the result of a wilful act against another man; that man is due compensation. In terms of constitutions it is the collective will of the people as indicated that determines the course of a nation, and unless this will is made known and communicated in expressed terms to the sitting members of parliaments; they are only under obligation to follow the direction of a political party. The will of the people can both be communicated in the form of a directive to the Governor or sovereign head of state or through letters to sitting members. A mistake many make when addressing a member of Parliament is to communicate *concerns* as a *resident* as distinct from one of the people making their will known in expressed terms.

[common law mini dictionary] Future tense word at some point in the Future (but not today) Like the word 'Shall' Example Seat belt Legal Statutes usually state: "All 'DRIVERS' will put their seat belts on", i believe that translates says "at some point In the future i will put a seat belt on but it's not the future today" [Note, seat belts are a good idea generally!] [sic]

[etymonline] (n.) The meaning "written document expressing a person's wishes about disposition of property after death" is first recorded late 14c.

wish : Only a man has the capacity to make a wish, and unless determined as unlawful (see: lawful) such a wish with respect to the securing of rights; cannot be denied. A man in court wants for nothing, nor does he ask for anything rather it is his wish, or that he will require a certain thing be done.

[etymonline] Old English *wyscan* "to wish, cherish a desire," from Proto-Germanic **wunsk-* (source also of Old Norse *œskja*, Danish *ønske*, Swedish *önska*, Middle Dutch *wonscen*, Dutch *wensen*, Old High German *wunskēn*, German *wünschen* "to wish"), from PIE root **wen-* (1) "to desire, strive for." Related: *Wished*; *wishing*. *Wishing well* as an enchanted water hole attested by 1819.

[common law mini dictionary] Old English "to Wish, to strive after, cherish a desire" Only a man or (wo)man can wish, a (two dimensional) Legal fiction/ PERSON cannot wish, You can draw a liable 'man' " from a OFFICER or PERSON (hiding behind a mask) by requiring satisfaction to a question: "is that Your wish, is that an Order?" [sic]

without prejudice : A reservation made on a statement or offer that it is not an admission or cannot otherwise be used against the issuing party in future dealings or litigation with any determinative legal effect.

A statement set onto a written document such as a letter, which qualifies the signatory as exempt from the content to the extent that it may be interpreted as containing admissions or other

interpretations which could later be used against him or her; or as otherwise affecting any legal rights of the principal of, or the person signing.

witness : One accepting the title of *witness* is bound to give sworn testimony in open court. Without testimony from a third party impartial witness (who is chiefest); the truth of a matter cannot be established. In civil law proceedings one witness is not heard and everything must be proven by two witnesses.

[etymonline] Old English *witnes* "attestation of fact, event, etc., from personal knowledge;" also "one who so testifies;" originally "knowledge, wit (to know)" formed from *wit* (n.) + *-ness*. Christian use (late 14c.) is as a literal translation of Greek *martyr*s (see *martyr*). *Witness stand* is recorded from 1853.

[[common law](#) mini dictionary] Accept the title "witness" is to give sworn testimony in Court, Third party independent witness is the best type, [sic]

writ : In English [common law](#), a writ is a formal written order issued by a body with administrative or judicial jurisdiction; in modern usage, this body is generally a court. Warrants, prerogative writs and subpoenas are common types of writ but innumerable forms exist, as listed in Palgrave's *Parliamentary Writs* (1827, 1834).[1] In its earliest form a writ was simply a written order made by an English monarch to a specified person to undertake a specified action; for example, in the feudal era a military summons by the king to one of his tenants-in-chief to appear dressed for battle with retinue at a certain place and time.[2] An early usage survives in the United Kingdom and Canada in a writ of election, which is a written order issued on behalf of the monarch (in Canada, the Governor General) to local officials (High Sheriffs of every county in the historical UK) to hold a general election. Writs were used by the medieval English kings to summon persons to Parliament (then consisting of the House of Lords alone) whose advice was considered valuable or who were particularly influential, who were thereby deemed to have been created "barons by writ".

Prerogative Writ : A prerogative writ is a writ (official order) directing the behaviour of another arm of government, such as an agency, official, or other court.

writ of attachment : Is a court order to "attach" or seize an asset; issued by a court to a law enforcement officer or sheriff. The writ of attachment is issued in order to satisfy a judgement issued by a court. A pre judgement writ of attachment may be used to freeze assets of a defendant while a legal action is pending. Common grounds for obtaining a prejudgment writ of attachment are that a defendant has committed fraud or that a defendant is prepared to hide assets from a court.

writ of certiorari : An order from a higher court to a lower court to send the record of that lower court to it for review.

writ of execution : legally it is a writ, or order in New South Wales used for the recovery of a debt against the property of a debtor which is similar in some respects to a lien. [uk.practicallaw.thomsonreuters.com] More broadly it is a document issued by a court requiring or giving authority to put in force the judgement or decree of a court. These are typically given to a sheriff or other officer of the law, or directly to the person who is the subject of the judgement or decree. Examples of writs of execution issued under Canadian federal statutes and Ontario provincial statutes are writs of seizure and sale and writs of possession.

For the purposes of [common law](#) a writ of execution can be used in comparison as an order, or with distinction; in which case an outline for the purpose and nature of the writ should be clearly defined in the separate notices and orders issued from the claimant's court. In these cases the writ of execution is generally used to direct a government department or official to correct an error on record or for any other purpose deemed to be lawful i.e. the recovery of compensation due for a debt etc.

writ of mandamus : Is a prerogative writ giving way to an order from a court to a government

official or department ordering the government official to properly fulfill their official duties or correct an abuse of discretion. US

writ of procedendo : The writ of procedendo is merely an order from a court of superior jurisdiction to one of inferior jurisdiction to proceed to judgment. It does not in any case attempt to control the inferior court as to what that judgement should be.

writ of prohibition : [wikipedia] A writ of prohibition is a writ directing a subordinate to stop doing something the law prohibits. In practice, the Court directs the Clerk to issue the Writ, and directs the Sheriff to serve it on the subordinate, and the Clerk prepares the Writ and gives it to the Sheriff, who serves it. This writ is often issued by a superior court to the lower court asking it not to proceed with a case which does not fall under its jurisdiction.

writ of quo warranto : (Medieval Latin for "By what warrant?") It is a prerogative writ directing a person to show by what authority they exercise a right, power, or authority. In NSW and QLD the need for the writ has been obviated by the Judicial review act, however unrelated to the title or position he holds; any man can be compelled to give an account of his actions before another man where relating to a trespass involving the delinquent discharge of his duty as a public officer there is resultant harm, injury, or loss.

writ of restitution : Mainly applies to US jurisdictions authorising the U.S. Marshals service to schedule and carry out the eviction of a tenant; however, in New South Wales reference is made to the writ from within a Notice of Motion to the Supreme Court, as in the US, generally to restore the possession of land i.e. Form 61 (version 3) relating to UCPR 39.1 - 39.3 which [references](#) a writ of execution and the circumstances in which leave of court must be sort in order for the issuance of the writ. In terms of the [common law](#) and having already received a Judgement a man would issue an order in a separate hearing for the enforcement of the Judgement [cf. Writ of restitution, or writ of execution.]

wrong : [[common law](#) mini dictionary] (n.) "that which is improper or unjust," late Old English, from 'wrong' (adj.) Meaning "an unjust action" is recorded from 12th century (v.) "to do wrong to," early 14th century, from 'wrong' (adj) Related Wrongdoer, Wronged, wronging [sic].

The adjective was originally from late Old English meaning "twisted, crooked, wry," with a sense of "not right, bad, immoral, or unjust" being the opposite of what is *right* from Latin *rectus*, literally "straight." In an unlawful sense vide(see) [lawful](#), and for the purposes of [common law](#) a wrong is a trespass as a matter of right being "the deliberate and wanton intent wether by action or inaction; to cause harm, injury, or loss to another man". The word wrong in a court of law carries a lot of weight; a wrongdoer prosecuted in a lawful claim as opposed to a Defendant in a legal complaint is subject to a claim for trespass relating to harm, injury or loss that is distinctly unambiguous. Defendants however are given more leeway where things can be interpreted and presented so as to mitigate the complaint against them before the court.

[Websters 1828] Whatever deviates from moral rectitude; any injury done to another; a trespass; a violation of right. Legally; Wrongs are private or public. Private wrongs are civil injuries, immediately affecting individuals; public wrongs are crimes and misdemeanors which affect the community. [etymonline] (n.) "that which is improper or unjust," late Old English, from wrong (adj.). Meaning "an unjust action" is recorded from c. 1200. Wrong-doer is from late 14c. (v.) to do wrong to

you : In an address 'you' can be plural or singular, It can mean you the 'man', you the 'woman', or you the 'legal person'. In court it is a general form of address that when accepted bares liability. 'You' can also be used to gain or move jurisdiction to the [common law](#), or claims side of the court. In [common law](#) when asking questions of any member of the public service ie. "do 'you' believe such and such is true" and if they choose to answer they have accepted or given an answer that bares liability as a man. The words *you*, *You* and *your* are also used with reference to a legal fiction found not written in proper English but in all capital letters on automatically generated billing statements issued by corporate entities such as banks, debt collectors, utility companies, and by

government departments. When answering correspondence in these circumstances one has to be careful to address the distinctions between *you* the man, and *you* the legal fiction to maintain standing in [common law](#). For more information on capitalised names see *capitis diminitio maxima*.

[[common law](#) mini dictionary] "a fictional title, plural referring to Fictional Title & [wo]man, in a court sense a general form of address usually bearing liability if accepted" [sic].