

Glossary of Legal Terms:

Ab inconvenienti : From inconvenience or hardship. A term applied in those cases where from inconvenience or practical impossibility the prosecution can't establish a fact which is part of the prosecution. Thus, where a person wears a military discharge button, the accused must prove that he is entitled to wear same, because it would be almost impossible for the prosecution to consult all of the discharge records of the various services.

Ab initio : From the beginning. A term used to refer back to the first act or in the inception. Thus, a void marriage is of no effect ab initio, or from the beginning.

ABA : American Bar Association.

Abandonment : The act of putting an end to, or of making less. To quash or put an end to a nuisance or act which is capable of being suppressed.

Abduction : In criminal law, the offense of taking a wife, child or ward by fraud and persuasion, or open violence; kidnaping.

Abet : To encourage, to incite or set another on to commit a crime; to assist in the perpetration of a crime as "aid and abet."

Abode : One's home; habitation; place of dwelling; or residence.

Abrogate : To annul, repeal or destroy - to repeal a former law by legislative act, or by usage.

Abscond : To go out of the jurisdiction of the courts; to hide, conceal or absent oneself with intent to avoid legal process. To go in a clandestine manner out of the jurisdiction of the courts, or to lie concealed, in order to avoid their process.

Abstract: To take or withdraw from; as to abstract the funds of a bank.

Abstract of Record: A complete history in short, abbreviated form of the case as found in the record, complete enough to show that the questions presented for review have been properly reserved. abbreviated accurate and authentic history of proceedings.

Acceptance An official recognition of authority or of a claim.

Accession Coming into possession of a right of office; the right to all that one's property produces.

Accessory Every person, who, after a felony has been committed harbors, conceals or aids a principal in such felony with the intent that said principal may avoid or escape from arrest, trial, conviction or punishment having knowledge that said principal has committed such felony or has been charged with such felony or convicted thereof, is an accessory to such felony.

Accident citation A traffic ticket given to the driver who caused or contributed to an accident by violating a vehicle law.

Accomplice A person who knowing, voluntarily, and with common intent with the principal offender unites in the commission of a crime. One who is liable to prosecution for the same offense charged against the defendant on trial in the cause in which the testimony of the accomplice is given.

Accord An agreement between two persons whereby one who owes an obligation will give a substitute of money or performance and the other, upon receipt of such substitute, will give up his right to bring suit for the unpaid obligation: an out-of-court settlement. The fulfillment of the agreement is termed a satisfaction.

Accroach To exercise power without due authority.

Accrued In sense of due and payable; vested; means to increase, to augment; to come by way of increase to be added as an increase, profit or damage.

Accused A generic name for the defendant in a criminal case. Used interchangeably with "prisoner" or "defendant." The person against whom an accusation is made; one who is charged with a crime or misdemeanor.

Acquire To gain by any means, usually by one's own exertions.

Acquitted Set free - discharged; found not guilty of a crime.

Acknowledge To own, avow, or admit; to confess; to recognize one's acts, and assume the responsibility therefor.

Acknowledgment To "acknowledge" is to admit, affirm, declare, testify, avow, confess, or own as genuine.

Acquiesce To give an implied consent to a transaction, to the accrual of a right, or to any act, by one's mere silence, or without express assent or acknowledgment.

Acquiescence The state of giving consent by failing to make objections.

Acquire To gain by any means, usually by one's own exertions.

Acquisition The act by which a person gains possession of property.

Act of God An inevitable accident.

Action An ordinary proceeding in a court of justice by which one party prosecutes another for the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense.

Action in personam An action against the person, founded on a personal liability.

Action in rem An action for a thing; an action for the recovery of a thing possessed by another.

Actionable That which furnishes legal grounds for an action.

Actuary An officer of an insurance company who calculates risks and premiums.

Acquit To set free, release or discharge as from an obligation, burden or accusation.

Ad Hoc For this; for this special purpose.

Ad infinitum Without limit; indefinitely.

Ad Litem For the suit; for the purpose of the suit; pending the suit. A guardian appointed

to prosecute or defend a suit on behalf of a party incapacitated by infancy or otherwise.

Addict One who has acquired the habit of using spiritous liquors or narcotics to such an extent as to deprive him of reasonable self control.

Adduce To present, bring forward, offer, introduce. Used particularly with reference to evidence.

Adjective law That category of law that designates the proper what, when and how to bring a legal issue into judicial consideration and judgment.

Adjourn To put off, defer, postpone. To postpone action of a convened court or body until another time specified.

Adjudge To pass on judicially, to decide, settle, or decree, or to sentence or condemn.

Adjunct Something added to another.

Administrative codes
Regulation established by administration agencies relating to their specific bureau or department of government and having the full force and effect of law.

Administrator In the most usual sense of the word, is a person to whom letters of administration, that is, an authority to administer the estate of a deceased person, have been granted by the proper court. A representative of limited authority, whose duties are to collect assets of estate, pay its debts, and distribute residue to those entitled.

Admissible Pertinent and proper to be considered in reaching a decision. Used with reference to the issues to be decided in any judicial proceeding. Evidence capable or worthy of being considered by the trier of fact.

Admission A statement by a person that can be used in evidence against him. A voluntary or implied acknowledgment, confession, or concession of the existence of a

fact, or of the truth of an allegation, made by a party to the case. An admission is an exception to the rule against hearsay evidence.

Admonish To caution or advise.

Adolescence The period of age between puberty and majority, commencing for males at 14 and for females at 12, and continuing until 21 years is reached.

Adopt To accept, appropriate, choose, or select; to make one's own which was not so originally.

Adultery Sexual intercourse between parties, at least one of whom is married to someone else.

Adversary A litigant - opponent, the opposite party in a writ or action.

Adversary Proceeding One having opposing parties; contested, as distinguished from an ex parte application; one of which the party seeking relief has given legal warning to the other party, and afforded the latter an opportunity to contest it.

Adverse possession The possession of real property, continued for a certain number of years, which gives the holder undeniable right of possession.

Advice View; opinion; the counsel given by lawyers to their clients; an opinion expressed as to wisdom of future conduct.

Advise To give an opinion or counsel or recommend a plan or course of action; also to give notice.

Advised Prepared to give judgment after examination and deliberation. "The court took time to be advised."

Advisedly With deliberation; intentionally.

Advisement Consideration; deliberation, consultation.

Advocate (Verb) To speak in favor; defend by argument.

Advocate (Noun) One who assists, defends, or pleads for another; one who renders legal advice and aid and pleads the cause of another before a court or tribunal, a counselor.

Affiance To assure by a pledge, such as a mutual promise or agreement between a man and a woman that they will marry together.

Affiant One who makes or signs an affidavit. It is sometimes used interchangeably with "deponent" but the latter term rightly refers to one who makes a deposition.

Affidavit A written declaration under oath, made without notice to the adverse party. A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath, or affirmation of the party making it, taken before an officer having authority to administer such oath.

Affidavit of prejudice

A legal document requesting the court to schedule a different judge for a trial other than the one previously scheduled. Sets forth a reason why a trial cannot be held before a particular judge.

Affinity A relationship between parties arising by marriage as distinguished from consanguinity, which denotes relationship by blood.

Affirm To ratify, make firm, confirm, establish, reassert.

Affirmation A solemn declaration made before an authorized magistrate by persons who conscientiously decline taking an oath, which declaration is in law equivalent to an oath.

Affirmative Defense A defense the defendant must prove which will defeat the plaintiff's or prosecution's case as a matter of law.

Affray The fighting of two or more persons in a public place, to the terror of others.

Aforesaid Before, or already said, mentioned, or recited; premised.

Agent A person authorized by another to act for him; a substitute or a deputy, appointed by a person and given discretionary power to act in his behalf.

Aggrieved party One whose legal right is invaded by an act complained of, or whose pecuniary interest is directly affected by a decree or judgment.

Aid and abet Includes all assistance rendered, such as by words, acts, encouragement, support or presence, actual or constructive. Help, assist, or facilitate the commission of a crime, promote the accomplishment thereof, help in advancing or bringing it about, or encourage, counsel, or incite as to its commission.

Alcoholic beverage The term is distinguished from the term "intoxicating liquor," in that a beverage may be alcoholic in that it contains some alcohol, and yet not be intoxicating.

Alcoholic liquors "Alcoholic, spiritous and malt liquors" means intoxicating liquors which can be used as a beverage, and which, when drunk to excess, will produce intoxication.

Alcoholism A morbid condition resulting from the inordinate or excessive use of alcoholic beverages.

Alia Other things (Latin).

Alias Otherwise, in another manner. A fictitious name assumed by a person is colloquially termed an "alias."

Alibi In another place; elsewhere. A defense to an accusation - (accused in another place at the time of commission of a crime).

Alienate To transfer the title to property; to convey.

Alienist One who specializes in the study of mental diseases.

Alimony Money paid by a spouse for the support of the other legally separated.

Allege To make a statement of fact; to state positively.

Allegation The assertion, declaration or statement of a person setting out what the party to an action expects to prove. Made in a pleading.

Alleged State; recited; claimed; asserted; charged.

Alleged violation A violation of the law which has been claimed by the officer in the form of a traffic ticket, but has not been proved in court.

Allonge A piece of paper, attached to a bill of exchange or promissory note, on which to write endorsements for which there is no room on the instrument itself.

Ambiguity Doubtfulness; doubleness of meaning.

Amend To correct an error or deficiency. To improve. To change for the better by removing defects or faults.

Amenable Subject to answer to the law.

Amentia In medical jurisprudence: Insanity, idiocy.

Amicable action An action entered into by free agreement of the parties.

Amicus curiae A friend of the court. A bystander, usually an attorney, who volunteers to assist the court in some respect.

Amnesty An act by which a government grants a general pardon for an offense.

Amortize To provide for the payment of a debt by creating a sinking fund or paying installments.

Analogy Inference that if two or more things agree with one another in some respects they will probably agree in others. A resemblance in some particulars between things otherwise unlike: Similarity. Likeness.

Ancillary Aiding; attendant upon; describing a proceeding attendant upon or which aids another proceeding considered as principal.

Androgynous A hermaphrodite. Uniting the characteristics of both sexes.

Animus Mind; intention; design; will.

Animus furandi With intent to steal.

Annexed Attached as an attribute – an executor may be granted Letters of Administration with Will Annexed.

Anno Domini In the year of the Lord, commonly abbreviated A.D. The computation of dates from the birth of Christ.

Annotated Vehicle Code Vehicle code which contains updates on the most current court decisions and definitions by the Attorney General in addition to the complete text of the law.

Annotation A remark, note, or commentary on some passage of a book, intended to illustrate its meaning. Annotations are often found in the State's Code books after a particular statute. The publishers list several cases previously decided in that State which interpret what the statute means or how it has been applied. Annotations are also found in volumes of case books which reprint decisions of the State's highest appellate court or the United States Supreme Court. The annotations will discuss the case and give a history of other cases related to the one printed.

Annuitant One who is entitled to a series of equal payments made annually.

Annul To cancel; make void, destroy or nullify. In annulment of marriage the action is based on the theory that for some cause existing at the time of the marriage no valid or legal marriage ever existed.

Anonymous Nameless or unsigned. Abbreviated as "Anon" or "An."

Answer As a verb, the word denotes an assumption of liability, as to "answer" for the debt or default of another. A pleading by the defendant in a civil case that contests the plaintiff's allegations of facts set forth in the complaint.

Ante Before.

Anthropometry In criminal law and medical jurisprudence, the measurements of the human

body for the purpose of comparison with corresponding measurements of other individuals. Also known as the Bertillon system.

Appeal The request of a party to a higher court to review the rulings made in a lower court for possible errors that would justify overruling the lower court's judgment and perhaps granting a new trial.

Appeal bond Set by the court and filed by the appellant to stay issuance of execution until cause can be passed upon and disposed of by the superior court.

Appeal in forma pauperis A privilege given indigent persons to prosecute an appeal without payment of fees and costs.

Appearance The formal proceeding by which a defendant submits himself to the jurisdiction of the court.

Appellant The party who takes an appeal from one court or jurisdiction of the court.

Appellate Court A court having jurisdiction of review and appeal.

Appellee The party in a proceeding against whom an appeal is taken. Refers to the party who has an interest adverse to setting aside or reversing the judgment. Sometimes called the "respondent."

Appurtenance That which belongs to something else, such as an accessory or a garage belonging to an adjoining house.

Arbitration The submission for determination of disputed matter to private unofficial persons selected in manner provided by law or agreement.

Archives The rolls; any place where records, charters and evidences are kept.

Argument An effort to establish belief by a course of reasoning.

Arraign Arraignment of a defendant consists of calling upon him by name, and reading to him the indictment, and demanding of him whether he be guilty or not guilty and entering his plea.

Arraignment Calling a defendant to court to answer an accusation. The procedure by which a court informs an accused person of the charges against him; determines that he is the proper person wanted; tells him his legal rights and asks for his plea.

Arrest The taking of a person into custody in a case and in a manner authorized by law. To deprive a person of his liberty by legal authority.

Arson The malicious burning of the property of another. The crime of deliberately setting a fire with criminal intent.

Asportation The removal of things from one place to another. The carrying away of goods such as is required in the offense of larceny.

Assault An unlawful offer or attempt with force or violence to do a corporeal hurt to another. Attempt must be coupled with the ability or apparent present ability to execute it. An intentional, unlawful offer of corporeal injury to another by force, or force unlawfully directed toward person of another, under such circumstances as create well-founded fear of imminent peril.

Assignee A person to whom an assignment is made; grantee.

Assignment A transfer or making over to another some property or interest. A transfer to another of the whole of any property, real or personal, in possession or in action, or of any estate or rights therein. A transfer by writing as distinguished from one by delivery.

Assignor One who makes an assignment; one who assigns or transfers property; grantor. One who makes an assignment to another.

Assumption of the risk An affirmative defense in a negligence case which alleges that the plaintiff knew of the danger involved in what he was doing, did nothing to prevent his own injury and therefore as a result must bear the consequences of the action, and cannot ask for the defendant to pay for his injury.

At issue Status of a case when a particular point of fact is alleged by one party and denied by the other party. A case is most commonly at

issue when a complaint and an answer have been filed.

Attachment The act or process of taking, apprehending or seizing persons or property, by virtue of a writ, summons or other judicial order, and bringing the same into the custody of the law; used either for the purpose of bringing a person before the court, of acquiring jurisdiction over the property seized, to compel an appearance to furnish security for debt or costs, or to arrest a fund in the hands of a third party who may become liable to pay it over. Also a remedy ancillary to an action by which plaintiff is enabled to acquire a lien upon property or effects of defendant for satisfaction of judgment which plaintiff may obtain.

Attempt A "try" to commit a crime, often the attempt alone is punishable. An intention to do harm is the very essence of an assault.

Attest To affirm to be true or genuine; to bear witness to.

Attestation The act or witnessing the signature or execution of a deed or other instrument and subscribing the name of the witness in testimony of such fact.

Attorney In the most general sense this term denotes an agent or substitute, or one who is appointed and authorized to act in the place or stead of another.

Attorney at law An advocate, counsel, or official agent employed in preparing, managing, and trying cases in the courts. An officer in a court of justice, who is employed by a party in a cause to manage it for him.

Attorney of record Attorney whose name appears in the permanent records or files of a case.

Autopsy The dissection of a dead human body by an authorized person in order to determine the cause of death.

Avow In pleading. To acknowledge and justify an act done.

Axiom In logic, a self evident truth; an indisputable truth.

Bail Security required to guarantee appearance for trial at a later date.

Bail bond An obligation signed by the accused with other persons as sureties, to secure his presence in court.

Bail forfeiture (Forfeiture of security amount)

a. Cash - A sum of money forfeited, such amount imposed as a punishment for an offense.

b. Bond Forfeiture - Upon failure of a defendant to appear in court on a date previously set after release from jail on a bail bond, the bonding company is advised to produce defendant or cash bail shall be due and payable in the court as set on the bond.

Bailiff An officer of the court whose function is to maintain order and to assist with the proceedings by ushering witnesses to the stand. One to whom some authority, care, guardianship or jurisdiction is delivered, committed or entrusted; a keeper, protector, such as a sheriff's officer or deputy.

Bankruptcy The state or condition of one who is a bankrupt. The term is used in a looser sense as synonymous with "insolvency," inability to pay one's debts; the stopping and breaking up of a business because the trader is broken down, insolvent, ruined.

Barratry The offense of frequently exciting and stirring up quarrels and suits. (Note: Common barratry is the practice of inciting groundless judicial proceedings.) In maritime law, barratry refers to any fraudulent act of the master or mariners to the injury of the owner

Barrister A counsel (attorney) admitted to plead at the bar (court).

Bastard An illegitimate child, a child born of an unlawful intercourse, and before the lawful marriage of its parents. A child born after marriage, but under circumstances which render it impossible that the husband of his mother can be his father.

Battery The unlawful use of force by one person upon another; beating, wounding, including every touching, however trifling, of another's person or clothes, in an

angry, insolent or hostile manner. Legally, the offense may be a civil wrong, or tort, or a criminal offense.

Bench warrant A warrant issued by or from a bench, or court. A process for the arrest of the party against whom an indictment has been found. Generally issued by the judge when an individual fails to appear in answer to a Court request.

Beneficiary One for whose benefit a trust is created. A person having the enjoyment of property of which a trustee, executor, etc. has the legal possession. The person to whom a policy of insurance is payable. One receiving benefit or advantage, or one who is in receipt of benefits, profits, or advantage.

Bequeath Bestow by will - to give personal property by will.

Bias To foster prejudice, prejudicial - tendency to favor and support a certain point of view.

Bigamy The act of marrying one person while married to another.

Bill of particulars A written statement or specification of the particulars of the demand for which an action at law is brought, or of a defendant's set-off against such demand, (including dates, sums and items in detail) furnished by one of the parties to the other, either voluntarily or in compliance with a judge's order for that purpose.

Binding instruction One in which jury is told if they find certain conditions to be true, they must find for the plaintiff, or defendant, as case might be.

Bind over To hold on bail for trial.

Blackmail To extort money by threats of exposure to public accusation, censure, or disgrace. Money extorted from one by threats of exposure, ill treatment, etc.

Bogus Not genuine.

Bona fide In or with good faith - honestly, openly and sincerely; without deceit or fraud.

Bondsman A surety; one who has entered into a bond as surety.

Bounty A gratuity, or an unusual or additional benefit, given as inducement or reward for some act.

Breach The breaking or violating of a law, right, or duty, either by commission or omission.

Breach of the peace A violation or disturbance of a public tranquility and order. The offense of breaking or disturbing the public peace by any riotous, forcible or unlawful proceeding.

Bribery Act of giving or taking a favor with view to corrupt the conduct of a person in a position of trust.

Brief A written or printed document prepared by counsel to file in court usually setting forth both facts and law in support of a case.

Burden of Proof The necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between the parties in a case. For example, in a criminal case, the prosecutor has the duty (burden of proof) to prove that the defendant is guilty beyond a reasonable doubt.

Burglary Entering any building, house, bar, shop, etc., with the intent to commit Grand or Petit Theft or any felony. Mere act of entry with intent constitutes crime. Entry can be made with a fishpole, wire, hook, etc.

Burglary - 1st degree

The unlawful entering or remaining in a dwelling with the intent to commit a crime (misdemeanor or felony) therein. Or entering or remaining in a building other than a dwelling if armed with burglar's tools or a deadly weapon, or if physical injury is caused or attempted; or if use is threatened or made with a dangerous weapon.

Burglary - 2nd degree

"Any person who, with intent to commit some crime therein shall, under circumstances not amounting to burglary in the first degree, enter the dwelling

house of another or break and enter; or, having committed a crime therein, shall break out of, any building or part thereof, or a room or other structure wherein any property is kept for use, sale or deposit, shall be guilty of burglary in the second degree and shall be punished by imprisonment in the state penitentiary."

Calendar List of cases set down specially for arraignment, hearing, trial or argument.

Capias A writ issued for the purpose of arresting a person who is a defendant in a civil action.

Capital The seat of government of a state; a total amount of money possessed by a person or business.

Capital punishment The taking of a person's life by the state as a legal penalty for a criminal offense.

Capitol A statehouse; place where legislature convenes.

Caption The heading or title of a legal document. The caption of a pleading, or other papers connected with a case in court, is the heading or introductory clause which shows the names of the parties, name of the court, number of the case, etc.

Carnal knowledge Coitus; copulation; the act of a man in having sexual bodily connection with a woman; sexual intercourse. There is "carnal knowledge" if there is the slightest penetration of the sexual organ of the female by the sexual organ of the male.

It is not necessary that the vagina be entered or that the hymen be ruptured; the entering of the vulva or labia is sufficient.

Case Action, cause, suit, or controversy.

Catalepsy A seizure in which consciousness is lost and the muscles become rigid.

Catch-line headings Title or a rule or statute.

Causa causans The immediate cause; the last link in the chain of causation.

Causa mortis That consideration which is dependent upon a death. Causa is a Roman term used as "consideration" as used in American law.

Cause A suit, litigation or action – civil or criminal.

Caveat emptor "Let the buyer beware!" or "Take care!" Under this rule the purchaser of an article must examine, judge and test it for himself, being bound to discover any obvious defects or imperfections.

Caveat venditor "Let the seller beware!"

Certify To testify in writing; to make known or establish as a fact. To vouch for a thing in writing.

Certiorari (Lat.) The name of a writ of review of inquiry. It is a discretionary means by which an appellate court accepts cases for re-examination. A writ issued by a higher court directing an inferior court to send up to the former some pending proceeding, or all the records and proceedings for a review or trial of the pending issues. Note: The distinction between "mandamus" and "certiorari" is that the former issues to compel, and the latter to review, official or judicial action.

Challenge for cause The removal of a potential juror by a party because the juror has an interest in the case, or a bias or prejudice against the party or his cause.

Chambers Private office or room of a judge.

Champertry The carrying on of a suit in the name of another, but at one's own expense, with the view of receiving as compensation a certain share of the avails of the suit.

Chancery Equitable jurisdiction; the system of jurisprudence administered by courts of equity.

Change of venue The removal of a suit begun in one county or district to another county or district for trial. Also sometimes applied to the removal of a suit from one court to another court of the same county or district.

Chaste Never voluntarily have had unlawful sexual intercourse. In the seduction statutes it means actual virtue in conduct and principle. It is generally held that one who falls from virtue, and afterward reforms is chaste within the meaning of the statutes covering seduction.

Chattel An article of personal property; a thing personal and movable.

Chattel mortgage A conditional sale of personal property as security for the payment of a debt or the performance of some obligation.

Chief clerk The principal clerical officer of a bureau or department, who is generally charged, subject to the direction of his superior officer, with the superintendence of the administration of the business of the office.

Chief judge In some states, the presiding judge.

Chief justice The presiding, eldest, or principal judge of a court of justice.

Chose in action A personal right not reduced to possession but recoverable by a suit at law.

Circumstantial evidence

Evidence of conditions and surroundings from which the existence of a principal fact may be inferred. Evidence directed to the surrounding circumstances whereby existence of the principal fact in issue may be inferred by the exercise of logical reasoning.

Citation 1) An order of summons by which a defendant is notified of judicial proceedings against him and which directs him to appear before a magistrate or judge at a specific time. 2) A reference to the text of a statute, ordinance or judicial opinion by the use of identifying numbers such as section, volume, or page numbers. A reference to the place where a quotation is to be found in a statute, case record, or other authority to support a position that it is desired to establish; a court writ commanding a person therein named to do something therein mentioned.

Civil It indicates the private rights and remedies of men.

Civil action A personal action which is instituted to compel payment, or the doing of some other thing which is purely civil. An action wherein an issue is presented for trial formed by averments of complaint and denials of answer or replication to new matter.

Claim A demand for something due.

Claim and delivery Action at law for recovery of specific personal chattels wrongfully taken and detained, with damages which the taking or detention has caused; a modification of common-law action or replevin.

Clandestine Secret; hidden; concealed.

Class action An action brought on behalf of other persons similarly situated. A civil suit brought by one person on behalf of others with similar claims who are too numerous to join as individual plaintiffs.

Clerk of court An officer of a court of justice who has charge of the clerical part of its business, who keeps its records and seal, issues process, enters judgments and orders, gives certified copies from the records, etc. An assistant whose

principal duty is to make correct memorial of court's orders and directions.

Client A person who employs or retains an attorney, or counselor, to appear for him in courts, advise, assist, and defend him in legal proceedings, and to act for him in any legal business.

Code A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index, and promulgated by legislative authority. A collection of the laws published in one or more volumes systematically arranged into chapters and sections with a table of contents and index.

Codicil An addition or supplement to a will, either to add to, to take from, or to alter the provisions of the will.

Coerce Compelled to compliance; constrained to obedience, or submission in a vigorous or forcible manner.

Coercion Compulsion; constraint; compelling by force of arms. Compulsion or force, as coercion to commit a crime.

Cognizance Judicial notice or knowledge; the judicial hearing of a cause; acknowledgment; confession; recognition.

Cognomen A man's family name; a surname.

Cohabit or cohabitation

Dwelling together. Living, or abiding or residing together as man and wife.

Living together as husband and wife: refers to having the same habitation, a habit of visiting or remaining for a time; there must be more than mere meretricious intercourse.

Collateral That which is in addition to a thing. Collateral security is additional security.

Collusion A deceitful agreement or compact between two or more persons for the one party to bring an action against the other for some evil purpose or to defraud a third party of his right.

Comity Courtesy; respect; a willingness to grant a privilege, not as a matter of right, but out of deference and good will.

Commission A group of people appointed or elected with authority to perform certain acts of public nature or relation.

Commit To send a person to prison, an asylum, workhouse, or reformatory by lawful authority.

Commitment An official court order or warrant direct the taking of a person to a jail, prison,

hospital, etc. The warrant by which a court or magistrate directs an officer to take a person to prison. Authority for holding in prison one convicted of crime.

Common law Law created not by statute, but by judicial opinions, recognizing the authority of customs and practices dating from ancient English times that are still in effect today. Common law is invalid if it conflicts with federal or state constitutions or statutes. That body of law and juristic theory which was originated, developed and formulated and is administered in England and usually referred to as "the unwritten law" of England as distinguished from law created by the enactment of legislatures.

Community A society or body of people living in the same place, under the same laws and regulations, who have common rights, privileges or interests.

Commutation The change of a punishment from a greater degree to a lesser degree, as from death to life imprisonment.

Comparative negligence

The doctrine by which acts of the opposing parties are compared in the degrees of "slight," "ordinary" and "gross" negligence.

Compensatory damages

Payment for sustained loss that is in direct proportion to the amount of value lost. A payment of money to an injured party by a wrongdoer to restore the injured party to the position he had prior to the injury.

Competent Legally qualified; able; fit. Duly qualified; possessing the requisite natural or legal qualifications; legally fit.

Complainant Person who seeks to initiate court proceedings against another person. In a civil case the complainant is the plaintiff; in a criminal case the person who completes a complaint form and delivers it to a magistrate prior to the issuance of an arrest warrant. One who applies to the courts for legal redress; one who exhibits a bill of complaint. This is the proper designation of one suing in equity though "plaintiff" is often used in equity proceedings as well as at law.

Complaint A complaint consists of the allegations made by one who institutes suit at law.

Complaint - civil Initiatory pleading on the part of the plaintiff in a civil action. Its purpose is to give defendant information of all material facts on which plaintiff relies to support this demand.

Complaint - criminal A charge preferred before a magistrate having jurisdiction, that a person named has committed a specified offense.

Compounding a crime

The offense of taking a reward for forbearing to prosecute a crime.

Con A slang or cant abbreviation for confidence, as a con man or con game.

Conceal To hide; secrete; withhold from the knowledge of others; to withdraw from observation; to withhold from utterance or declaration; to cover or keep from sight.

Conclusive evidence

That which is incontrovertible, either because the law does not permit it to be contradicted, or because it is so strong and convincing as to overbear all proof to the contrary and establish the proposition in question beyond any reasonable doubt.

Concurrent sentence

Sentences for more than one crime in which the time of each is to be served concurrently (at the same time), rather than consecutively.

Condemnation In real property law, the course by which private land is taken for public use.

Conditional sale A sale wherein the seller reserves the title to the goods, though the possession is delivered to the buyer, until the purchase price is paid in full.

Confess To admit as true; to assent to; to concede.

Confession A statement by a person that he committed a crime. Acknowledgment of guilt. A voluntary statement made by a person charged with the commission of a crime, communicated to another person, wherein he acknowledges himself to be guilty of the offense charged, and discloses the circumstances of the act or the share and participation which he had in it.

Confession of

judgment

An act of a defendant in a civil case whereby he admits liability and offers to pay a sum of money to the plaintiff without going to trial.

Connivance The secret or indirect consent or permission of one person to the commission of an unlawful or criminal act by another.

Consanguinity Kinship; blood relationship. Distinguished from "affinity," which is the connection existing in consequence of marriage between each of the married persons and the kindred of the other.

Consecutive Successive; succeeding one another in regular order.

Consecutive sentences

Sentences for more than one crime which are to be served one after the end of another instead of concurrently.

Conservator A person appointed by the court to manage and have the charge of such incapable or incompetent person and his estate.

Consideration Something which is of value given to one party to a contract by the other party, either of benefit to the recipient or of detriment to the giver. An essential of a valid contract – money or privilege. It consists of either a benefit to the promisor or a detriment to the promisee.

Consign To give over to another's care. To give, transfer, or deliver into the hands or control of another.

Consignee A person to whom goods are consigned, or otherwise transmitted either for sale or for safekeeping.

Conspiracy A combination of two or more persons to commit a crime.

Constitution The fundamental organic law or principles of government of a nation, state, society, or other organized body of men, embodied in written instrument embodying such law.

Contempt Willful disregard of the orders or process of a court or a crime against the dignity of a court.

Contempt of court Any act calculated to embarrass, hinder or obstruct a court in the administration of justice, or calculated to lessen its authority or dignity.

Contempts are of two kinds: direct and indirect. Direct contempts are those committed in the immediate presence of the court; indirect is the term chiefly

used with reference to the failure or refusal to obey a lawful order.

Continuance The postponement of a hearing or trial pending in a court to a subsequent day.

Continuation sheets Pages of a letter beyond the first page or letter sheet (not duplicates of the first sheet.)

Contraband Goods that the law forbids to be sold or bought or imported or exported.

Contract A promissory agreement between two or more persons that creates, modifies or destroys a legal relation.

Contributory negligence

Indicates a failure to do that which a prudent and reasonable person would do.

A negligent act or omission by the plaintiff, which when combined with the defendant's negligent act or omission, proximately caused the plaintiff's injury; an affirmative defense in a negligence suit.

Contusion A bruise.

Conversion Any distinct act of dominion wrongfully exerted over another's personal property in denial or against his rights therein. An unauthorized taking and exercise of the right of ownership over goods belonging to another person.

Conveyance A common carrier such as a taxi, bus, etc. Also, in law, an instrument in writing, by which property or the title to the property is transferred from one person to another.

Convict (noun) One who has been finally condemned by a court. One who has been adjudged guilty of a crime. Usually spoken of condemned felons or the prisoners in penitentiaries.

Convict (verb) To condemn after judicial investigation; to find a man guilty of a criminal charge.

Conviction A finding by a court that a person is guilty of a crime.

Coram nobis Literally, before us ourselves – applied to writs of error directed to another branch of the same court.

Coroner's inquest An inquisition or examination into the causes and circumstances of any death that may have been the result of a crime, held by the coroner and a jury.

Corporal punishment

Physical punishment as distinguished from pecuniary punishment or a fine.

Corpse The dead body of a human being.

Corpus delicti The elements of a crime that must be proved to convict a defendant.

Sometimes the term is loosely used to mean only the dead body in homicide cases. Also defined as the substantial and fundamental fact of an offense having been committed. Corpus being used in its ordinary sense of a material substance such a house burned; body slain.

Corpus Juris The body of the law; the name of an exhaustive encyclopedia of the law of the country.

Corroborating evidence

Evidence supplementary to that already given and tending to strengthen or confirm it; additional evidence of a different character to the same point.

Corroboration Additional evidence - usually to confirm or support the testimony of a witness.

Cost bill A certified, itemized statement of the amount of costs in an action or suit.

Costs An allowance for expenses in prosecuting or defending a suit. May or may not include attorney's fees. There are often "court costs" in a case which are the expenses incurred by the court which may be assessed against one of the parties appearing in the case.

Counsel An advocate, counselor, or pleader. One who assists his client with advice, and pleads for him in open court. One who has been admitted as an attorney and counselor at law.

Count (verb) In pleading. To declare; to recite; to state a case; to narrate the facts constituting a plaintiff's cause of action. In a special sense, to set out the claim or count of the demandant in a real action. To plead orally; to plead or argue a case in court; to recite or read in court; to recite a count in court.

Counterclaim A claim presented by a defendant in opposition to or deduction from the claim of the plaintiff.

Counterfeit An imitation of that which is genuine.

County The largest division of a state for local government. This division is called a parish.

Court An officially designated place where justice is administered. A court is presided

over by a judge who is sometimes referred to as the court.

Court administrator A manager or conductor of non-judicial affairs of the court.

Court docket A listing kept by the clerk of a court of all cases to be heard by the court, with calendar notations inserted.

Court en banc A meeting of all the judges of a court, usually for the purpose of hearing arguments on demurrers, points reserved, motions for new trial, etc., as distinguished from sessions of the same court presided over by a single judge or justice.

Court not of record - inferior

An inferior court is a court whose judgments or decrees can be reviewed, on appeal or writ of error, by a higher tribunal, whether that tribunal be the Superior or Supreme Court. Proceedings are not transcribed.

Court of appeals A court that reviews the proceedings and findings of a court of lesser jurisdiction.

Court of equity A court that is legally qualified to hear and act in equity those cases based on the natural law of fairness and justice.

Court of law Governed by rules and principles of common law. One distinguished from a court of equity – hears cases based on written law and court decisions that are used as precedents.

Court of limited jurisdiction

In Oregon, district, circuit, court of appeals, or superior Courts; trial Courts with limited or restricted criminal and civil jurisdiction.

Courthouse The building occupied for the public sessions of a court, with its various offices. The building occupied and appropriated according to law for the holding of courts.

Courts of Record Courts whose proceedings are permanently recorded by a court reporter. Courts not of record are those of lesser authority whose proceedings are not permanently recorded.

Credibility That quality in a witness which renders his or her testimony worthy of belief. The extent of worthiness of belief.

Crime A positive or negative act in violation of penal law; an offense against the state.

Criminal (noun) One who has committed a criminal offense; one who has been legally

convicted of a crime; one adjudged guilty of a crime.

Criminal (adj.) That which pertains to or is connected with the law of crimes, or the administration of penal justice, or which relates to or has the character of crime.

Criminal insanity Lack of mental capacity to do or abstain from doing a particular act; inability to distinguish right from wrong.

Criminate To charge one with a crime; to furnish ground for a criminal prosecution; to expose a person to a criminal charge.

Cross-claim A "cross-claim" is one brought by a defendant against a plaintiff in the same action or against a co-defendant or both concerning matters in question in the original petition, and its purposes are to discover facts in aid of defense, to obtain some affirmative relief concerning matters in issue, to obtain full relief for all parties and a complete determination of all controversies arising out of matters alleged in original petition, and to have affirmative relief against either plaintiff or co-defendant in the nature of an original petition.

Cross-Examination The examination of a witness by the side that did not call him. The examination of a witness upon a trial or hearing, or upon taking a deposition, by the party opposed to the one who produced him, upon his evidence given in chief, to test its truth, to further develop it, or for other purposes.

Cross reference The reference made to another part of the file. Cross references are used when it is advisable to file a paper under more than one heading. In such cases, the original is filed in the most significant place and a duplicate copy or sheet, identifying the paper, is filed in another place with each item carrying a reference to the other.

Culpable Deserving censure or blame; involving breach of legal duty; fault rather than guilt.

Culprit A person who is indicted for a criminal offense, but not yet convicted.

Cumulative sentence

A sentence additional to others, imposed at the same time for several distinct offenses; one sentence to begin at the expiration of another.

Curator A legally appointed custodian of property.

Custody The detaining of a man's person by virtue of lawful process or authority; actual imprisonment.

Damages Money which may be recovered in the courts by any person who has suffered loss, detriment, or injury to his person, property or rights, through the unlawful act or negligence of another. Pecuniary compensation which may be recovered in the courts by any person who has suffered loss, detriment or injury to his person, property or rights, through the unlawful act or negligence of another.

Day Certain A fixed or appointed day.

Day in court The time appointed for one whose rights are called judicially in question, or liable to be affected by judicial action, to appear in court and be heard in his own behalf.

Days of grace Additional days allowed beyond the due date for the payment of a debt or obligation.

DBA Doing Business As.

Deadly Weapon Such weapons or instruments as are made and designed for offensive or defensive purposes, or for the destruction of life or the infliction of injury.

Debenture A written acknowledgment of a debt; an instrument under seal for the payment of money lent.

Decedent A deceased person.

Deceit A fraudulent and cheating misrepresentation, artifice or device, used to deceive and trick a person who is ignorant of the truth.

Declaration A "declaration" is a statement made out of court. An unsworn statement or narration of facts made by a party to the transaction or by one who has an interest in the existence of the facts recounted.

An unsworn statement or narration of facts made by a party to the transaction, or by one who has an interest in the existence of the facts recounted.

Also, similar statements made by a person since deceased, which are admissible in evidence in some cases, contrary to the general rule, "dying declarations."

Declaratory judgment

One which declares the rights of the parties or expresses the opinion of the

court on a question of law, without ordering anything to be done.

Decree A decree, as distinguished from an order, is final and is made at the hearing of the cause. An order or a sentence of a court of equity. The judgment of a court of equity or admiralty, answering for most purposes to the judgment of a court of common law. A decree in equity is a sentence or order of the court, pronounced on hearing and understanding all the points in issue, and determining the rights of all the parties to the suit, according to equity and good conscience.

Defalcation The word embodies both embezzlement and misappropriation and is a broader term than either.

Defamation of character

An attack upon the good name of a person; harming the reputation of a person; slander.

Default Omission; neglect or failure of any party to take steps required of him in progress of cause when a defendant in an action at law omits to plead within the time allowed him for that purpose, or fails to appear on the trial.

Default Judgment A judgment entered by the court in a civil case in favor of the plaintiff and against the defendant when the defendant has failed to file some appearance in response to a summons. Defendant's failure to so file is deemed to be an admission that the demands of plaintiff's complaint are valid.

Defendant The person defending or denying; the party against whom relief or recovery is sought in an action or suit. In common usage, this term is applied to the party put upon his defense or summoned to answer a charge or complaint, in any species of action, civil or criminal, at law or in equity.

Deferred sentence A sentence, the pronouncement of which has been postponed. It does not operate as a suspension of sentence.

Defraud To practice fraud; to cheat or trick
Deliberate To weigh ponder, discuss, regard upon, consider. As applied to a jury, the weighing of the evidence and the law for the purpose of determining the guilt or innocence of a defendant.

Deliberately Willfully; with premeditation; intentionally; purposely; in cold blood.

Demeanor In respect to a witness or other person, relates to physical appearance. It embraces such facts as tone of voice in which a witness' statement is made, the hesitation or readiness with which his answers are given, the look of the witness, his carriage, his evidences of surprise, his gestures, his zeal, his bearing, his expression, his yawns, the use of his eyes, his furtive or meaning glances, or his shrugs, the pitch of his voice, his self-possession or embarrassment, his air of candor or seeming levity.

Demurrer An answer to a complaint alleging that even if the facts alleged in the complaint are true, they don't create any liability and therefore do not warrant any further proceeding in the matter. The formal mode of disputing the sufficiency in law of the pleading of the other side. In effect, it is an allegation that admits the facts as stated but denies that their legal consequences are of any effect.

Denial A traverse in the pleading of one part of an allegation of fact set up by the other; a defense.

De novo Anew; afresh, a second time.

Deponent One who testifies or makes an oath to the truth of certain facts; sometimes referred to as an "affiant." One who gives under oath testimony which is reduced to writing; one who makes oath to a written statement. The party making an affidavit is generally so called, though in the United States the term "affiant" is also commonly applied to such party, the terms, when used with reference to one making an affidavit, are synonymous.

Deposition The testimony of a witness taken before trial, reduced to writing and duly authenticated, and intended to be used at the trial. A written statement signed and sworn to and obtained by the questions and answers given.

Deputy A person subordinate to a public officer whose business and object is to perform the duties of his principal.

Deputy clerk One appointed to act in the place and stead of the clerk in the official business of the court.

Derelict Forsaken, abandoned; deserted; cast away. Neglected of duties. Abandoned by an owner; abandoned property.

Destitute Not possessing the necessaries of life and in a condition of extreme want.

Detainer (Unlawful detainer) The act of withholding real estate or chattels from a person lawfully entitled to possession of them.

Devise To give real property by means of a will.

Devisee A person given real property under a will.

Dewey decimal system

A system devised by Melvil Dewey. It is used primarily in library cataloging. All assembled units are in groups of ten. The system permits an almost unlimited volume of classification.

Dictum A gratuitous or voluntary representation; one which a party is not bound to make. Generally used as an abbreviation of "obiter dictum," meaning "by the way," a statement made by the judge merely by the way of illustration, argument, analogy or suggestion.

Digest A collection of summaries of court opinions arranged under headings of various legal topics.

Direct evidence Proof of facts by witnesses who saw acts done or heard words spoken, as distinguished from circumstantial evidence, which is called indirect.

Direct examination The first interrogation or examination of a witness by the party on whose behalf he is called. Examination of a witness by the side that calls him.

Directed verdict An instruction by the judge to the jury to return a specific verdict.

Disbursements Amounts of money expended or paid out.

Discharge A court order to cancel, dismiss or to set aside the obligation of a contract.

Discharge in Bankruptcy

The release of a person who has been adjudged bankrupt from the obligation to pay his former debts.

Disclaimer The renunciation of an interest, right or obligation imputed to a person or alleged to be his; a vendor's disavowal of any promises relating to the quality of the item sold.

Discovery The disclosure by a party of facts, titles, documents, or other things in his exclusive knowledge or possession, which are necessary to the party seeking

the information as part of a case or action pending in a court. A proceeding whereby one party to an action may be informed as to facts known by other parties or witnesses.

Discretion A liberty or privilege allowed to a judge, within the confines of right and justice, but independent of narrow and unbending rules of law, to decide and act in accordance with what is fair, as determined upon the peculiar circumstances of the case, and as discerned by his personal wisdom and experience, guided by the spirit and principles of the law.

Dismissal An order disposing of an action, suit, etc., without trial.

Dismissal with prejudice

An adjudication on the merits, and final disposition, barring the right to bring or maintain an action on the same claim or cause.

Dismissal without prejudice

Dismissal of a complaint without prejudice to the right of the plaintiff to sue again on the same cause of action. The effect of the words "without prejudice" is to prevent the decree of dismissal from operating as a bar to subsequent suit.

Disorderly conduct A term of loose and indefinite meaning (except as occasionally defined in statutes), but signifying generally any behavior that is contrary to law, and more particularly such as tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality. Conduct offensive to good morals and public decency.

Disposition Determination of a charge; termination of any legal action.

Disqualify To render ineligible or unfit; as in speaking of the "disqualification of a judge by reason of his interest in the case."

District attorney A public officer, elected or appointed, whose chief duty is to prosecute suits on behalf of the state.

District courts In Washington, district justice courts with limited criminal and civil jurisdiction as well as traffic violations.

Docket A book kept by court clerks containing a list of the cases to be tried. A brief entry or the book containing such entries of any proceeding in a court of justice

in the docket.

Document An official paper, written or printed, that gives information or proof of some fact. Any matter expressed or described on any substance intended to be used for the purpose of recording the matter.

Documentary evidence

Evidence supplied by writings and documents of all kinds, as distinguished from "oral" evidence.

Jane Doe A fictitious name frequently used to indicate a person for the purpose of argument or illustration, or in the course of enforcing a fiction in the law. The name which was usually given to the fictitious lessee of the plaintiff in the mixed action of ejectment.

Jane Doe and John Doe have been used in legal proceedings as fictitious names to designate a party until his or her real name can be ascertained.

John Doe Same as Jane Doe only represents male.

Domain The ownership of land; immediate or absolute ownership. The public lands of a state are frequently termed the public domain.

Domicile That place where a man has his true, fixed and permanent home and principal establishment and to which whenever he is absent, he has the intention of returning.

Double jeopardy The constitution prohibits more than one prosecution for the same crime against the same person, i.e., a person cannot be put in jeopardy of being prosecuted more than once for the same crime. The fact of being for the second time officially accused and on trial for the same offense.

Duces Tecum Bring with you. The name of certain species of writs, of which the subpoena duces tecum is the most usual. From the Latin "bring with you." Used to indicate a writ "subpoena duces tecum" which requires a party who is summoned to appear in court to bring with him some document, piece of evidence, or other thing to be used or inspected by the court.

Due process of law Law according to settled course of judicial proceedings. The conduct of legal proceedings according to those rules and principles which have been

established in our system of law for the enforcement and protection of private rights. Its most essential elements are a court with proper jurisdiction over the subject matter and the defendant, notice to each party, the opportunity for each party to present evidence and to challenge the opposing party's evidence, orderly procedures and a neutral and unbiased trier of fact who determines the facts and decides the issues only on the basis of the persuasiveness of relevant evidence properly admitted. Due process is a safeguard against unreasonable, arbitrary, and capricious decisions.

Duly In due or proper form or manner; according to legal requirements.

Duress Coercion upon a person to do something against his will. Unlawful constraint exercised upon a man whereby he is forced to do some act that he otherwise would not have done.

Edict The issuance of a law or rule of conduct made by a competent authority, usually relating to affairs of state.

Emancipation The act by which one who was unfree, or under the power and control of another, is rendered free or set at liberty by his own master.

Embargo The hindering or detention by any government of ships or goods in its ports. An order by a common carrier or public regulatory agency prohibiting or restricting freight transportation.

Embezzlement The fraudulent appropriation of property and/or money, by a person to whom it has been entrusted.

Embracery An attempt corruptly to influence a juror by promises, persuasions, entreaties, promises of reward or the like.

Eminent domain The power of the government to take private property for public use.

En banc The judges as a whole.

Encumbrance A claim, lien, charge or liability attached to and binding real property. A mortgage, a mechanic's lien; unpaid taxes are examples.

Emolument The profit arising from office or employment such as compensation from services rendered.

Enjoin To command or forbid by injunction, from a court of equity. To forbid; restrain; to order; command.

Entrapment The act of officers or agents of the government in inducing or persuading a

person to commit a crime not contemplated by him, for the purpose of prosecuting him. But the mere act of an officer in furnishing the accused an opportunity to commit the crime, where the criminal intent was already present in the accused's mind, is not ordinarily entrapment.

Equal protection When the government, courts, and laws of a state are open and available to all persons of a state under the same conditions with like rules of procedure and evidence.

Equitable Just, fair or right as applied to the facts and circumstances of the individual case.

Equity Ordinarily, law actions have for their object the assessment of damages, but a court of equity goes further. It tempers the strict letter of the law by basing its decisions on what is fair, just and proper.

Equivocal Having double meaning.

Errata A list of errors with their corrections inserted on a separate page (errata page) of a published work.

Escrow The deposit of an instrument, such as a deed, by a grantor with a third person, to be delivered to another person on the performance of a condition. Such things as a writing, deed, or money may be delivered by one person (the grantor) into the hands of a third person, to be held by the third person until the happening of a contingency or performance of a condition. If the contingency happens or the condition is performed, the third person will deliver the writing, deed or money to some other person who was designated by the grantor.

Estate An interest in property. It also designates the property in which he has a right or interest. The interest a person has in real or personal property; property left when a person dies.

Estate in fee simple An estate of inheritance in which the owner is entitled to the entire property with unconditional power of disposition during his life and descending to his heirs upon his death intestate (without a valid will).

Estoppel A man's own act or acceptance which keeps him from alleging or pleading the truth or anything to the contrary of what he has accepted. The doctrine by which a person who has said or done something may not later say or do

something inconsistent that will cause loss or injury to another.

Et al "And others;" an abbreviation of et alii.

Et alius "And another."

Et seq. "And the following."

Et ux. "And wife."

Et vir. "And husband."

Evidence The means by which a fact is established or disproved. It usually consists of testimony of witnesses, documents and other things that can be seen, and the knowledge of the court. The word "evidence" and legal acceptance, includes all the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved. Proof be it testimony of men, records or writings. Any species of proof, or probative matter, legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention.

Evidentiary motion Hearings to determine the admissibility of evidence to be presented at trial.

Ex contractu In both civil and common law, rights and causes of action are divided into two classes: Those arising ex contractu (from a contract) and ex delicto (from a wrong or tort).

Ex officio By virtue or because of an office.

Ex parte On one side only; by or for one party; done for, in behalf of, or on the application of, one party only. Done for, in behalf of, or on the application of, one party, and without notice or participation by any adverse party.

Ex post facto law A law passed after the occurrence of a fact or act, which retrospectively changes the legal consequences thereof. Under the U.S. Constitution, Article I, Section 10, the states are forbidden to pass "an ex post facto law."

Execution The means of carrying out the orders of court usually against a person's body or goods. Also applied to the formal killing of a person as a punishment for crime. The process of putting the judgment into effect, either by collecting the money from the other party through garnishment or sale or obtaining a court order to start or stop the other side's activities that were the subject of the judgment.

Exception A formal objection to an action of the court, during the trial of a case, in refusing a request or overruling an objection; implying that the party excepting does not acquiesce in the decision of the court, but will seek to procure its reversal.

Executor A person appointed by a testator to carry out the directions and requests in his will, and to dispose of the property according to his testamentary provisions after his decease.

Executrix A woman who has been appointed by will to execute such will or testament.

Exemption Freedom or release from a liability, obligation, or legal requirement, where others are not so released.

Exhibit A paper, document or other article produced and exhibited to a court during a trial or hearing. A writing or other article marked for identification and shown to the trier of fact during court proceedings.

Exoneration The removal of a burden charge, or duty. Particularly, the act of relieving a person or estate from a charge or liability by casting the same upon another person or estate.

Expatriation The voluntary act of abandoning one's country, and become the citizen or subject of another.

Expert evidence Testimony given in relation to some scientific, technical, or professional matter by experts, i.e., persons qualified to speak authoritatively by reason of their special training, skill, or familiarity with the subject such as a doctor giving his opinion about a medical problem.

Expose To show publicly; to display; to offer to the public view; as, to "expose" goods to sale, to "expose" a tariff or schedule of rates, to "expose" the person.

Expunge The act of physically removing information – including criminal records, in files, computers and other depositories. Extenuating circumstances Circumstances which render a crime less aggravated, heinous, or reprehensible than it would otherwise be.

Extortion The obtaining of property from another, with his consent, or the obtaining of an official act of a public officer induced by a wrongful use of force, or fear, or under color of official right.

Extradition The surrender by one state to another of an individual accused or convicted of

an offense outside its own territory and within the territorial jurisdiction of the other, which, being competent to try and punish him demands the surrender.

Facsimile An exact copy, preserving all the marks of the original.

Fact A thing done; an action performed; an event or circumstance; an actual occurrence.

Fair and impartial trial

One in which accused's legal rights are safeguarded and respected.

Fair comment A term used in libel, applying to statements made by a writer in an honest belief of their truth, relating to official acts, even though the statements are not true in fact.

False arrest Any unlawful physical restraint by one of another's liberty.

False imprisonment Any unlawful detention of a person for any length of time, whereby he is deprived of his personal liberty.

False pretenses False statements or representations made with intent to defraud, for the

purpose of obtaining money or property. Designed misrepresentation of existing fact or condition whereby person obtains another's money or goods.

Feasance A doing; the doing of an act; a performance.

Fee A charge fixed by law for services of public officers or for use of a privilege under control of government.

Feigned accomplice One who pretends to consult and act with others in the planning for commission of a crime, but only for the purpose of discovering their plans and securing evidence against them.

Felonious Malignant, malicious, done with intent to commit a crime; proceeding from an evil heart or purpose. In the law of larceny, "felonious" is synonymous with fraudulent and means done "animo furandi," that is with intent to steal.

Felony A major crime. A crime punishable by death or imprisonment in a state prison. Generally, a crime of a more serious nature than those designated as misdemeanors. Usually an offense punishable by imprisonment in a penitentiary for a year or more, rather than for a few months in a county or city jail as in the case of misdemeanors.

Fence A party who receives stolen property for the purpose of selling it.

Fictitious Pretended; counterfeit. Feigned, imaginary, not real, false, non-existent.

Fiduciary A person is a fiduciary who is invested with rights and powers to be exercised for the benefit of another person. A trustee; one who has the duty to act primarily for the benefit of another with respect to the subject matter of a trust.

Filiation proceeding A special statutory proceeding, criminal in form, but in the nature of a civil

action to enforce a civil obligation or duty specifically for the purpose of establishing parentage and the putative father's duty to support his illegitimate child.

Filing The act of recording the various legal documents pertaining to a suit with the clerk of the court.

Filing fees Sums of money which must be paid to the clerk of the court before a civil action may start.

Finding The result of the deliberations of a jury or a court.

Fine Money penalty for committing an unlawful act. The sum of money paid as part of a penalty of conviction for a particular offense.

First appearance Defendant's first appearance in court at which time he is advised of the charge

against him, a plea is entered (except on a felony) and trial date is set, or upon plea of guilty, proof may be presented at that time. This may be defendant's first appearance upon being booked on probable cause and a complaint may not yet have been filed. Determination as to bail or release to be made.

Fiscal year An accounting period of 12 months without regard to the calendar year.

Foreign judgment A judgment rendered in a court located outside your jurisdiction, which when filed in your court, has the same effect as one of your judgments.

Forfeit To lose, or lose the right to, by some error, fault, offense, or crime, or to subject, as property, to forfeiture or confiscation. To incur a penalty, to become liable to the payment of a sum of money, as the consequence of a certain act.

Forfeiture The loss of goods or other property as a punishment for a criminal act.

Forfeiture of bond A failure to perform the condition upon which obligor was to be excused from the penalty in the bond.

Forgery The falsely making or materially altering, with intent to defraud, of any writing which, if genuine, might apparently be of legal efficacy or the foundation of legal ability.

Forthwith Immediately; without delay, directly, hence within a reasonable time under the circumstances of the case; promptly and with reasonable dispatch.

Fraud An intentional perversion of truth; deceitful practice or device resorted to with intent to deprive another of property or other right, or in some manner to do him injury.

Friend of the court "Amicus curiae." A bystander (usually a counselor) who interposes and volunteers information upon some matter of law in regard to which the judge is doubtful or mistaken. Also, a person who has no right to appear in a suit but is allowed to introduce argument.

Fugitive from justice

A person who, having committed a crime, flees from jurisdiction of court where crime was committed or departs from his usual place of abode and conceals himself within the district.

Gaming A contract between persons by which they will gamble with dice, cards or other contrivances.

Garnishee A party in whose hands money or property is attached by the creditor of another and who has had warning of garnishment not to pay or deliver it to the defendant. One garnished; a person against whom process of garnishment is issued; one who has money or property in his possession belonging to a defendant, or who owes the defendant a debt, which money, property, or debt is attached in his hands, with notice to him not to deliver or pay it over until the result of the suit be ascertained.

Garnishment A statutory proceeding in which the plaintiff seeks to reach money or property due the defendant by a third person. A warning to a person in whose hands the effects of another are attached, not to pay the money or deliver the

property of the defendant in his hands to him, but to appear and answer the plaintiff's suit.

Genetics The study of origins. In biology, the study of the transmission of characteristics of organisms by heredity.

Good will The good reputation for a business.

Grand jury A body of persons sworn to inquire into crime and bring accusations against the suspected criminals.

Grand larceny Larceny is theft, and the law sometimes distinguishes between petit larceny and grand larceny according to the value of the property stolen.

Grantee Receiver of a grant. The person to whom a grant is made.

Grantor Giver of a grant. The person who makes a grant or conveyance.

Gratuitous Without valuable or legal compensation.

Gross negligence Great negligence.

Guardian A person lawfully invested with the power, and charged with the duty, of taking care of the person and managing the property and rights of another person, who, for some peculiarity of status, or defect of age, understanding, or selfcontrol, is considered incapable of administering his own affairs. A person who has the legal duty and power to take care of the person and property of another, who because of some disability, usually age or incompetence, is considered incapable of administering his or her own affairs.

Guardian ad litem A guardian appointed by a court of justice to prosecute or defend for an infant in any suit to which he may be a party. This kind of guardian has no right to interfere with the infant's person or property. A guardian appointed by a court to prosecute or defend for a child any suit to which the child may be a party.

Guilty Having committed a crime or tort; the word used by a prisoner in pleading to an indictment when he confesses the crime of which he is charged, and by the jury in convicting.

Habeas corpus Latin: "You have the body." A writ by which a court directs the body of a person to be brought before it, upon an accusation of unlawful detention. Every person who is detained in jail or otherwise has a right to be brought

before the court to have that court determine whether or not that detention shall continue.

Habitual criminal A person sentenced to prison for a long time or for life because of two or more previous convictions.

Harmless error In appellate practice an error committed by lower court during a trial, but not prejudicial to the rights of the party and for which the court will not reverse the judgment.

Headnotes Synopses printed preceding a decision of court.

Hearsay Evidence not proceeding from the personal knowledge of the witness, but from the mere repetition of what he has heard others say.

Hearsay evidence Evidence not personally known to the person giving it but heard by him from someone else; anything uttered out of court.

Heirs Those who inherit by right of relationship.

Hereditaments Every kind of property capable of being inherited.

Holder in due course

A bona fide holder for value without notice; the holder of a bill, note or check who is legally entitled to receive payment.

Holograph A will or deed written entirely by the testator or grantor with his own hand.

Homicide The killing of one human being by another, whether or not the killing is lawful or justifiable.

Hostile witness A witness who manifests so much hostility or prejudice under examination in chief that the party who has called him, or his representative, is allowed to cross-examine him, i.e., to treat him as though he had been called by the opposite party.

Hung jury A jury so irreconcilably divided in opinion that they cannot agree upon any verdict.

Hypothesis A supposition set up by the prosecution, on a criminal trial as a ground for inferring guilt or innocence or as indicating a possible motive for the crime.

Hypothetical question

A combination of facts and circumstances, assumed or proved, stated in such a form as to constitute a coherent state of facts upon which the opinion of an expert can be asked by way of evidence in a trial. A question based on facts

previously admitted into evidence at trial, put to an expert witness to elicit his opinion regarding those facts.

Ibid In the same place. Latin derivation.

Identity In the Law of Evidence. Sameness; the fact that a subject, person, or thing before a court is the same as it is represented, claimed, or charged to be.

Idiot A person who has been without understanding from birth.

Illusory Deceiving or intending to deceive, as by false appearance.

Immunity Exemption from obligation.

Impartial jury Within constitutional provision, an impartial jury is one which is of impartial frame of mind at beginning of trial; is influenced only by legal and competent evidence produced during trial, and bases its verdict upon evidence connecting defendant with the commission of the crime charged.

Impeachment Reduction of a witness' credibility by cross-examination of that witness and by introduction of evidence against that witness that shows the witness should not be believed or has a reason or motive not to tell the truth.

Impeachment of witness

An attack on the credibility of a witness by the testimony of other witnesses.

Implied contract A contract in which the promise made by the obligor is not express, but inferred by his conduct or implied in law.

Imputed negligence Negligence which is not directly attributable to the person himself, but which is the negligence of a person who is in privity with him, and with whose fault he is chargeable.

In lieu of Instead of; in place of; in substitution of.

Inadmissible That which, under the established rules of evidence, cannot be admitted or received. An adjective describing evidence or testimony which, under the established rules of evidence, cannot be considered by the trier of fact.

Incarceration Imprisonment; confinement in a jail or penitentiary.

Incendiary Pertaining to the malicious burning of property; one guilty of arson; a person who stirs up trouble.

Inchoate Recently begun, incomplete, contracts are inchoate until they are executed.

Incite To arouse; urge; provoke; encourage; spur on; goad; stir up; instigate; set in motion.

Incompetent Unfit, ineligible.

Incompetency Lack of ability, legal qualification, or fitness to discharge a required duty or understand certain events.

(1) The legal status of a person who is unable or unfitted to manage his own affairs by reason of insanity, imbecility, or feeble-mindedness, and for whom, therefore, a guardian or committee may be appointed.

(2) The status of a potential witness prohibited from testifying by statute.

(3) The status of a potential witness prohibited from testifying after a magistrate or judge determines that the person cannot recall or relate the events accurately, cannot distinguish between truth and falsehood, or cannot understand the obligation to tell the truth.

Inconclusive That which may be disproved or rebutted; not shutting out further proof or consideration.

Incorporeal Having no body or substance, intangible, without physical existence.

Incriminate To charge with crime; to expose to an accusation or charge of crime; to involve oneself or another in a criminal prosecution or the danger thereof; as, in the rule that a witness is not bound to give testimony which would tend to incriminate him.

Incumbent Imposed as a duty, obligatory; one holding an office.

Incur To have liabilities cast upon one by act or operation of law, as distinguished from contract, where the party acts affirmatively.

Indenture A deed to which two or more parties are mutually agreed to certain grants or obligations.

Indictment An indictment is an accusation founded on legal testimony of witnesses and the concurring judgment of at least 12 of Grand Jury. A formal accusation of crime, presented by the District Attorney and officers, and/or witnesses, testimony. If approved by the Grand Jury, it is given to the Court as a "True Bill." An accusation in writing by a grand jury charging that a person therein named has done some act, or been guilty of some omission, which by law, is prohibited, i.e., is a crime.

Indigent In a general sense, one who is needy and poor, or one who does not have sufficient property to furnish him a living nor anyone able to support him or to whom he is entitled to look for support.

Infanticide The murder or killing of an infant, soon after its birth. The fact of the birth distinguishes this act from "feticide" or "procuring abortion" which terms denote the destruction of the fetus in the womb.

Information An accusation in the nature of an indictment, from which it differs only in being presented by a competent public officer on his oath of office, instead of by a grand jury on their oath. A criminal information is a formal accusation of the commission of a felony. An information is signed by the District Attorney, a police officer, or a complainant and is filed with the clerk of the court.

Inherent power An authority possessed without its being derived from another. A right, ability, or faculty of doing a thing, without receiving that right, ability, or faculty from another.

Inherent powers of a court

Those reasonably necessary for administration of justice.

Inhibiting Obstructing, restraining, a prohibition which the law makes or a judge ordains to an individual.

Injunction An injunction is a writ or order requiring a person to refrain from a particular act. It may be granted by the court in which the action is brought, or by a judge thereof, and when made by a judge it may be enforced as an order of the court. A prohibitive writ or order issued by a court as an equitable remedy on behalf of a party complainant, directed to a party defendant in the action, or to a party made a defendant for that purpose, forbidding the defendant to do some act, or to permit his servants or agents to do some act, which he is threatening or attempting to commit, or restraining him in the continuance thereof.

In propria persona In his person; himself; as, the defendant appeared in propria persona; the plaintiff argued the cause in propria persona.

Inquest The inquiry by a coroner, termed a "coroner's inquest," into the manner of the death of anyone who has been slain, or has died suddenly.

Insanity In law, such a want of reason, memory, and intelligence as prevents a man from comprehending the nature and consequences of his acts or from distinguishing between right and wrong conduct.

Instruction A direction given by the judge to the jury concerning the law of the case.

Intent Purpose; formulated design; a resolve to do or forbear a particular act; aim; determination. In its literal sense, the directing of the mind or will toward a particular object.

Inter alia Among other things.

Inter alios Among other persons; among others.

Interest (1) A right to have an advantage accruing from something, such as a title to a share of ownership.

(2) A rate of compensation for the use of forbearance of money, such as interest on a loan; a rate of compensation which must be paid by a judgment debtor.

(3) A relation to the matter in controversy, in the nature of a possible gain or loss, which might incline a person such as a juror, witness or judge to favor one party to a suit.

Interlineation The act of writing between the lines of an instrument; also what is written between lines.

Interlocutory Provisional, not final, temporary. Refers to orders and decrees of a court.

Something intervening between the commencement and the end of a suit which decides some point or matter, but is not a final decision of the whole controversy.

Interpleader When two or more persons claim the same thing (or fund) of a third, and he, laying no claim to it himself, is ignorant which of them has a right to it, and fears he may be prejudiced by their proceedings against him to recover it, he may file a bill in equity against them, the object of which is to make them litigate their title between themselves, instead of litigating it with him, and such a bill is called a "bill of interpleader." A legal action enabling a person to force two or more persons having competing or conflicting claims against him for the same thing to dispute the matter among themselves.

Interpolation The act of inserting words in a complete document.

Interrogatories A series of formal written questions used in the judicial examination of a party or a witness. In taking evidence on depositions, the interrogatories are usually prepared and settled by counsel, and reduced to writing in advance of the examination. A set or series of written questions drawn up for the purpose of being answered by a party before a trial to discover certain evidence.

Intestate A person is said to die intestate when he dies without making a will. Dying without having made a valid will.

Irrelevant Evidence not relating or applicable to the matter in issue; not supporting the issue. Not relevant. Evidence is irrelevant where it has no tendency to prove or disprove any issue involved.

Irrevocable That which cannot be changed; unalterable.

Jail A prison; a building designated by law, or regularly used, for the confinement of persons held in lawful custody.

Jeopardy Danger, peril, hazard, the danger of convicting a defendant in a criminal action occurs when a valid indictment is found.

Jointly and severally

Persons who are "jointly and severally" in a bond or note may all be sued together, or the creditor may select any one or more as the object of a suit.

Joint tenancy When two or more persons own property with equal right to share in its use.

Judgment The official declaration by a court of the result of a lawsuit. The official decision of a court upon the respective rights and claims of the parties to an action.

Judicial notice (cognizance)

The notice which a judge will take of facts of common knowledge without the necessity of proving them. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence.

Judicial review A reconsideration or review by a higher court of a case tried in a lower court. Used especially to describe the examination of a case by an appellate court.

Jurat The clause written at the foot of an affidavit stating when, where and before whom such affidavit was sworn.

Jurisdiction The express Constitutional or legislative determination of what types of cases

may be heard by certain courts. Before a court has jurisdiction, e.g., in order for the court to invoke its authority to try a case, the legislative criteria prescribing the class of cases which may be heard must be satisfied. This criteria encompasses fixed geographical boundaries, the amount of money involved in a civil action, those parties which may lawfully be brought before the court, the types of civil claims which may be acted upon, and those criminal proceedings which may be conducted. Jurisdiction is the power to hear and determine the subject matter in controversy between parties and to the suit; to adjudicate or exercise any judicial power over them.

"Concurrent Jurisdiction" - The authority of several different courts to deal with the same subject matter.

"Jurisdiction of the person" - The court's power to subject parties in a particular case to decisions and rulings made in the case.

"Subject-matter jurisdiction" - Jurisdiction over the class of cases to which a particular case belongs.

Jurisprudence The philosophy of law, or the science which treats of the principles of positive law and legal relations.

Jury A certain number of persons, selected according to law, and sworn to inquire of certain matters of fact, and declare the truth upon evidence laid before them

Grand Jury - A jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence and find bills of indictment in cases where they are satisfied that there is probable cause that a crime was committed and that a trial ought to be held.

Petit Jury - The ordinary jury of twelve (or fewer) persons for trial of a civil or criminal case. So called to distinguish it from the grand jury.

Justice of the peace A judicial officer of inferior rank having (usually) civil jurisdiction limited to that

prescribed by statute in civil cases and in criminal proceedings, prosecutions and commitments of offenders.

Kidnaping The forcible stealing, taking, enticing or carrying away of a human being for the purpose of extorting money or property.

Kite To secure the temporary use of money by issuing or negotiating worthless

papers and then redeeming such paper with the proceeds of similar paper.

The word is also used as a noun meaning the worthless papers thus employed.

Kleptomania A form of mania, consisting of an irresistible propensity to steal.

Laches Omission to assert a right for an unreasonable and unexplained length of time, under circumstances prejudicial to the adverse party.

Lack of jurisdiction The phrase may mean lack of power to act in a particular manner or to give certain kinds of relief. It may consist in court's total want of power to act at all, or lack of power to act in particular cases because conditions essential to exercise of jurisdiction have not been complied with.

Landlord and tenant A phrase used to denote the familiar legal relationship existing between lessor and lessee of real estate.

Larceny The crime of the intentional taking of the property of another person against his will.

Lawsuit - Case - Action

All mean the same thing. All refer to a legal dispute brought into court for trial.

Leading question One which instructs a witness how to answer or puts into his mouth words to

be echoed back; one which suggests to the witness the answer desired.

Prohibited on direct examination.

Legal age The age at which one acquires full capacity to make his own contracts and deed and transact business.

Lessee Tenant.

Lessor Landlord.

Letters rogatory A request by one court of another court in an independent jurisdiction that a

witness be examined upon interrogatories sent with the request.

Lewdness Gross and wanton indecency in sexual relations.

Levy A seizure; the obtaining of money by legal process through seizure and sale of property; the raising of money for which an execution has been issued.

Libel A malicious publication, using signs or pictures tending to blacken the memory of a dead person or the reputation of a living person. Anything written, printed

or published that is intended to expose another to public hatred or ridicule.

Defamatory language expressed in print, writing pictures, or symbols tending to injure another's reputation, business or means of livelihood: a civil suit for such defamation.

License Permission granted by the owner of real property to a person who entered the property: an affirmative defense to a suit for trespass.

Lien A hold or claim which one person has upon the property of another as a security for some debt or charge. A charge or security or encumbrance upon property arising from some debt, obligation or duty.

Limitation A certain time allowed by statute in which litigation must be brought.

Lineal heirs Heirs who are related to the deceased in a direct ascending or descending line, as children and grandchildren, parents and grandparents.

Liquidate To settle the accounts of a business; clear up the affairs of a bankrupt – determine the amount of damages or indebtedness.

Lis pendens Notice of lis pendens. A notice filed for the purpose of warning all persons that the title to certain property is in litigation, and that if they purchase the defendant's claim to the same, they are in danger of being bound by an adverse judgment.

Litigate To contest a suit in court. To test the validity of a claim by action. To dispute or contend in form of law; to carry on a suit; to try a case in court.

Litigant A party to a lawsuit; one engaged in litigation; usually spoken of active parties.

Loiter To be dilatory; to be slow in movement; to stand around or move slowly about; to stand idly around; to spend time idly; to saunter; to delay; to idle; to linger; to lag behind.

Lottery A scheme for the distribution of prizes by chance among the buyers of the chances.

Lucrative Profitable.

Lynching The taking by means of riot of any person from the lawful custody of any peace officer.

Magistrate In Oregon, a magistrate is defined as an officer having power to issue a warrant for the arrest of a person charged with the commission of a crime.

Magna Charta The Great Charter. The name of a charter (or constitutional enactment) granted by King John of England to the barons, at Runnymede, on June 15, 1215, and afterwards, with some alteration, confirmed in Parliament by Henry III and Edward I.

Maker A person who makes or executes an instrument; the signer of an instrument.

Mala in se Wrongs in themselves; acts morally wrong; offenses against conscience.

Malfeasance The wrongful or unjust doing of some act which the doer has no right to perform, or which he has stipulated by contract not to do.

Malice "Malice" in its common acceptance, means ill will toward some person. An evil intent; the state of mind that makes an act criminal.

Malice aforethought A predetermination to commit an act without legal justification or excuse.

Malicious mischief Maliciously injuring or destroying any real or personal property.

Malicious prosecution

A prosecution begun without probable cause and with the intent of injuring the defendant, in which the defendant is acquitted; a civil suit for such a procedure.

Malum in se A wrong in itself; an act or case involving illegality from the very nature of the transaction, upon principles of natural, moral and public law.

Malum prohibitum A wrong prohibited, a thing which is wrong because it is prohibited; an act which is not inherently immoral, but becomes wrong because its commission is expressly forbidden by positive law.

Mandamus We command – a command issuing from a competent jurisdiction. A writ issued by a court directing the performance of specific acts. This is a type of writ issued from a court to command performance of specific duties which the complainant is entitled to have performed. It is generally directed to government officials or to a court of lesser jurisdiction.

Manslaughter The unlawful killing of a person without malice; usually through negligence or in heat of passion. The unlawful killing of another person without malice, either express or implied, which may be either voluntarily, upon a sudden heat, or

involuntarily, but in the commission of some unlawful act.

Marijuana A drug, the use of which results in a "sense of exhilaration; pleasurable intoxication; peculiar prolongation of time; sense of double consciousness followed by drowsiness; anesthesia; loss of power, particularly of the lower extremities; pupils dilated; pulse rapid; respiration slow..."

Material (Referring to evidence offered at a trial) Important; more or less necessary; having influence or effect; going to the substantial issues in dispute.

Matter of fact That which is to be ascertained by the senses, or by the testimony of witnesses describing what they have perceived. Distinguished from matter of law and matter of opinion.

Mayhem The crime of depriving another person of a part of his body.

Mechanic's lien A species of lien created by statute in most of the states, which exists in favor of persons who have performed work or furnished material.

Memorandum An informal writing of short length and simple language used to record some information or to pass on some information or instruction. This word is used in the statute of frauds as the designation of the written agreement, or note, or evidence thereof, which must exist in order to bind the parties in the cases provided. The memorandum must be such as to disclose to the parties, the nature and substance of the contract, the consideration and promise and be signed by the party to be bound or his authorized agent.

Mens rea A guilty mind; a guilty or wrongful purpose; a criminal intent.

Meretricious Of or relating to a prostitute; having the nature of prostitution, gaudy.

Merger An absorption of one estate or interest in another, or of a minor in a greater offense.

Miranda Refers to a United States Supreme Court decision, *Miranda v. Arizona*, 349 U.S. 436 (1966), from which the rules governing "the right to remain silent" were taken.

Miranda warning A warning given prior to custody, advising or informing an individual of his

rights. For example, right to remain silent, right to an attorney, etc.

Misdemeanor Offenses lower than felonies and generally those punishable by fine or imprisonment otherwise than in penitentiary.

Misdemeanant A person guilty of a misdemeanor.

Mistrial An erroneous or invalid trial; a trial which cannot stand in law because of lack of jurisdiction, wrong drawing of jurors, disregard of some other fundamental requisite or because of a hung jury.

Mitigating circumstance

Facts, conditions or circumstances which do not constitute a justification or excuse for an offense, but which may be considered as reducing the degree of moral culpability or blame.

Mittimus An Order of the Court to an officer directing him to take a person to a jail.

Modus operandi The manner or method of operation of a criminal.

Moiety One-half of anything. Joint tenants are said to hold by moieties.

Monogamy A marriage contracted between one man and one woman. The term is used in opposition to "bigamy" and "polygamy."

Moot (adj.) A subject for argument, unsettled; undecided. A moot point is one not settled by judicial decisions. A moot case is one which seeks to determine an abstract question which does not arise upon existing facts or rights.

Moral turpitude Conduct contrary to justice, honesty, modesty, or good morals.

Mortgage A conveyance of property to secure the performance of some obligation. A lien on real property to secure the performance of some obligation, and to be discharged upon payment or performance as stipulated.

Mortgagee One who holds a mortgage.

Mortgagor The maker of a mortgage.

Motion A motion addressed to the discretion of the court, and which must be heard and determined; as distinguished from one which may be granted of course. An application to a magistrate or judge for an order or ruling.

Motion to strike A motion to the magistrate or judge requesting that objectionable testimony of a witness be ruled inadmissible, i.e., that the judge strike the testimony from the record or instruct the jury to strike a statement from their consideration.

Motion to suppress Application to the court before a trial, asking that a certain fact as evidence not be brought out during trial.

Motive The inducement, cause, or reason, why a thing is done. "Motive" and "intent" are not identical, and an intent may exist where a motive is wanting. Motive is the moving power which impels to action for a definite result; intent is the purpose to use a particular means to effect such result.

Moulage A cast used to preserve evidence as of a tire track, footprint.

Multiplicity of actions

Numerous and unnecessary attempts to litigate the same right.

Multiplicity courts Courts whose territorial authority is confined to the city; in Washington and Oregon, jurisdiction limited to criminal and traffic offenses arising from local ordinances.

Murder The unlawful killing of a human being by another with malice aforethought, expressed or implied. The law recognizes degrees of murder.

Ne exeat A writ which forbids the person to whom it is addressed to leave the country, the state, or the jurisdiction of the court.

Negligence The omission to do something which a reasonable man, guided by those ordinary considerations that ordinarily regulate human affairs, would do, or the doing of something that a reasonable and prudent man would not do.

Negotiable instrument

Those instruments that not only carry the legal title with them by indorsement or delivery, but carry as well, when transferred before maturity, the right of the transferee to demand the full amounts that their faces call for. A negotiable instrument is a written promise or request for the payment of a certain sum of money to order or bearer.

Nisi prius Courts for the initial trial of issues of fact, as distinguished from appellate courts.

Nolle prosequi A formal entry upon the record, by the plaintiff in a civil suit or by the prosecuting officer in a criminal action, by which he declares that he "will no

further prosecute" the case, either as to some of the counts, or some of the defendants, or altogether.

Nolo contendere Latin: "I will not contest it."

The name of a plea in a criminal action, having the

same legal effect as a plea of guilty, so far as regards all proceedings on the indictment, and on which the defendant may be sentenced. Like a demurrer

this plea admits, for the purposes of the case, all the facts that are well

pleaded, but is not to be used as an admission elsewhere. A plea by the

defendant in a criminal case which has the effect of admitting guilt but which

does not bar him from denying liability in a civil suit brought upon the same

facts.

Nominal damages A trifling sum awarded to a plaintiff in an action, where there is no substantial

loss or injury to be compensated, but the law recognizes a technical invasion

of his rights or a breach of the defendant's duty, or in cases where, although

there has been real injury, the plaintiff's evidence entirely fails to show its

amount.

Nominal party One who is joined as a party or defendant merely because the technical rules of pleading require his presence in the record.

Non compos mentis Not of sound mind; insane. This is a very general term, embracing all varieties of mental derangement.

Non-found return of service

A written notice by a sheriff or process server that the defendant could not be found to be served with a legal process directed to him.

Non obstante veredicto

Notwithstanding the verdict. A judgment entered by order of court for one party, although there has been a jury verdict against him.

Non prosequitur Does not follow up or pursue.

Non suit A suit that is dismissed for failure to asset specific facts.

Notice (civil) It proceeds from the plaintiff, and warns the defendant that he must plead to the declaration or complaint within a prescribed time.

Nuisance A condition that is annoying or that interferes with the use of property by others – such as smell, a health hazard, traffic blockade, etc.

Nunc pro tunc Latin: “Now for then.” A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done.

Oath Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully.

Obiter dictum A remark made, or opinion expressed, by a judge, in his decision upon a cause, “by the way,” that is, incidentally or collaterally, and not directly upon the question before him.

Objection Act of objecting; that which is, or may be presented in opposition, an adverse reason or argument; a reason for objecting or opposing. A feeling of disapproval. The act of a party who takes exception to some matter or proceeding in the course of a trial.

Obscene Disgusting to the senses; repulsive; abhorrent to morality or virtue; designed to incite to lust or depravity.

Obstructing justice Impeding or obstructing those who seek justice in a court, or those who have duties or powers of administering justice therein. The crime of interfering with the activities of those who seek justice in a court, or of those who have the power or duty of administering justice or enforcing law.

Offense A breach of the criminal laws. Infractions, violations, and crimes are all offenses

Once in jeopardy A phrase used to express the condition of a person charged with crime, who has once already, by legal proceedings, been put in danger of conviction and punishment for the same offense.

Onus A burden or an obligation.

Op. cit. Cited before.

Opening statement of counsel

A statement made by a party or his attorney at the beginning of a trial whose purpose is to advise the jury of facts which will be relied upon and of issues in the case in order to give the trier of fact a general picture of the facts.

Opinion The opinion of the court represents merely the reason for its judgment, while the decision of the court is the judgment itself. The statement by a judge or appellate court of the decision reached in regard to a case tried before them, expounding the law as applied to the case, and detailing the reasons upon which the judgment is based.

Option A contract whereby the owner of property agrees with another person that he shall have the right to buy the property at a fixed price within a certain time – there are qualifying provisions.

O.R. See personal recognizance.

Order A written direction of a court or court office that is not included in a judgment. Every direction of a magistrate or judge to a person, made or entered in writing and not included in a judgment.

Order of publication A court order directing a newspaper of general circulation to publish, for a specific number of issues, an advertisement of a civil summons, as a means of giving notice to a defendant upon whom personal service cannot be made.

Order of removal An order by a court directing the transfer of a cause to another court.

Ordinance A law of local application, usually that of a city or county.

Original Primitive; first in order; bearing its own authority, and not deriving authority from an outside source. As applied to documents, the original is the first copy.

Original jurisdiction Jurisdiction in the first instance; jurisdiction to take cognizance of a cause at its

inception, try it, and pass judgment upon the law and facts.

ORS Oregon Revised Statutes.

Ostensible Implied; pretended; professed.

Overrule To supersede; annul, make void; reject by subsequent action or decision. To refuse to sustain, or recognize as sufficient, an objection made in the course of a trial.

Overt act An open act from which intent to commit a crime can be implied. In criminal law, an open, manifest act from which criminality may be implied. An outward act done in pursuance and manifestation of an intent or design. An open act which must be manifestly proved.

Oyer “To hear;” a copy of a document, given to the opposite party instead of being read to him, as was formerly done.

Pact Bargain; agreement.

Panel A list of jurors to serve in a particular court, or for the trial of a particular action; denotes either the whole body of persons summoned as jurors for a particular term of court or those selected by the clerk by lot.

Par Equal.

Parol Oral; verbal; by word of mouth; spoken as contrasted to written.

Parole A release given to a convicted criminal upon certain conditions and after having served part of his sentence in a state or federal institution.

Parole evidence rule A rule of evidence which denies admissibility to any testimony concerning any

oral agreements made prior to, or contemporaneous with, a written agreement, when the written agreement was intended to be the final agreement between the parties and when the alleged oral agreements are offered to vary the terms of the written agreement.

Part payment The reduction of any debt or demand by the payment of a sum less than the whole amount originally due.

Parties The persons who take part in the performance of any act, or who are directly interested in any affair, contract or conveyance, or who are actively concerned in the prosecution and defense of any legal proceeding. Parties can be individuals, businesses, organizations, or governments.

Paternity suit A type of court suit in which a mother tries to prove that a certain man is the father of her illegitimate child.

Pauper A person so poor that he must be supported at public expense; also a suitor who, on account of poverty, is allowed to sue or defend without being chargeable with costs.

Pauper oath An oath taken before the court, declaring poverty, so this suitor, who on account of poverty is allowed to sue or defend without being chargeable with costs. Person declaring he is so poor that he must be supported at public expense.

Peace officer This term is variously defined by statute in the different states; but generally it includes sheriffs and their deputies, constables, marshals, members of the police force of cities, and other officers whose duty is to enforce and preserve

the public peace.

Pecuniary Relating to money. A pecuniary interest would be a financial interest, i.e., a person may gain or lose money because of some event, action, or judgment in a court case.

Penal A word denoting punishment for crime. In some states the criminal law is embodied in the "penal code." Relating to punishment.

Pendente lite That period between the filing of the suit and the disposition of the issues by trial or hearing. Usually refers to a motion to have some rights or assets or action, relevant to the suit, acted on by the court before the whole suit is finally settled.

Per curiam By the court. A phrase used in the reports to distinguish an opinion of the whole court from an opinion written by any one judge. Sometimes it denotes an opinion written by the chief justice or presiding judge.

Per diem By the day; an allowance or amount of so much per day.

Per se By himself, or itself; in itself; taken alone; inherently; in isolation; not connected with other matters.

Peremptory challenge

A challenge which a party is allowed to have against a certain number of potential jurors, without needing any legal or other sound basis. Such a challenge disqualifies a person from serving on the jury in that particular case.

Perjury Giving false evidence while under oath. The willful assertion as to a matter of fact, opinion, belief, or knowledge, made by a witness in a judicial proceeding as part of his evidence, under oath, whether such evidence is given in open court or in an affidavit, when such assertion being given is known to such witness to be false.

Personal recognizance

Release of a defendant from jail by the court without the necessity of posting bail, but with some conditions imposed.

Personal service Delivery of a writ, summons or notice to the person named therein by handing it to him.

Pertinent Applicable; relevant. Evidence is "pertinent" when it is directed to the issue or

matters in dispute, and legitimately tends to prove the allegations of the party offering it; otherwise it is called "impertinent." A pertinent hypothesis is one which, if sustained, would logically influence the issue.

Petit Small; minor; inconsiderable. Used in several compounds, and sometimes written "petty."

Petit jury A trial jury, as distinguished from a grand jury. The ordinary jury of twelve (or fewer, often six) persons for the trial of a civil or criminal case, so called to distinguish it from the grand jury.

Petition The word petition is generally used in judicial proceedings to describe an application in writing, in contradistinction to a motion, which may be "viva voce." The principal distinction between motions and petitions lies in the fact that motions though usually made in writing, may sometimes be made orally while a petition is always in writing. An application made in writing to the court.

Plaintiff A person who brings an action; the party who complains or sues in a personal action and is so named on the record.

Plea The answer that the accused person makes to the charge against him such as Guilty. Not guilty, etc. Statement made by the defendant either as to his guilt or innocence to the charge made against him.

Pleadings The formal allegations by the parties of their respective claims and defenses, for the judgment of the court. Most common forms of pleadings are the complaint and answer.

Plenipotentiary One who has full power to do a thing.

Police power The broad power under which the state can restrain private rights for the general welfare.

Polling the jury A practice whereby the jurors are asked individually whether they assented, and still assent, to the verdict. To poll a jury is to call the names of the persons who compose a jury and require each juror to declare what his verdict is before it is recorded.

Polygamy In criminal law: The offense of having several wives or husbands at the same time, or more than one wife or husband at the same time.

Posse A number of persons summoned to assist a sheriff, usually in pursuing a criminal.

Posse comitatus The power or force of the county. The entire population of a county above the age of fifteen, which a sheriff may summon to his assistance in certain cases; as to aid him in keeping the peace, in pursuing and arresting felons, etc.

Posthumous Born after the death of the father; published after the death of the author; being or continued after death.

Post mortem After death, usually refers to an examination to determine the cause of death.

Power of attorney An instrument authorizing another to act as one's agent or attorney. A letter of attorney.

Praecipe An original writ commanding the defendant to do the thing required; also, an order addressed to the clerk of a court, requesting him to issue a particular writ. In some courts, this form is used to confirm that the hearing on the motion is seriously requested and is a necessary precondition to bringing the scheduled hearing about.

Precedent An adjudged case or decision of a court, considered as furnishing an example or authority for an identical or similar case afterwards arising on a similar question of law. A principle, application or interpretation of law declared by an appellate court which serves as a rule for deciding future cases with the same legal issues.

Prejudice A forejudgment; bias; preconceived opinion. A leaning toward one side of a cause for some reason other than a conviction of its justice.

Prejudicial error Synonymous with "reversible error;" an error which warrants the appellate court to reverse the judgment before it.

Preliminary examination

One held before a magistrate to determine whether or not an accused person should be held on a criminal charge and whether or not a crime was actually committed.

Preliminary hearing The hearing given to a person accused of crime, by a judge, to ascertain whether there is evidence to warrant the binding over of the felony charge to the Circuit Court for further proceedings.

Premise That which is put before; that which precedes; the foregoing statement.

Preponderance Greater weight of evidence, or evidence which is more credible and convincing to the mind. There is generally a "weight" of evidence on each side in case of contested facts. But juries cannot properly act upon the weight of evidence in favor of the one having the "onus" unless it overbear, in some degree, the weight upon the other side. Evidence with a superiority of persuasion. A trier of fact cannot properly render verdict upon evidence in favor of the one having the burden of proof, unless such evidence overbears, in some degree, the persuasiveness of the other side's evidence. This is the burden required in civil cases. A higher standard is required of the prosecution in a criminal case.

Prerogative An exclusive or peculiar privilege.

Presentment The notice of and consideration of crime by a grand jury.

Presumption In the law of evidence, an assumption that an act is so until the contrary is proved, such as the presumption of innocence. An inference that a fact exists because other facts have been proved to exist, and because in common experience it always logically follows unless evidence is introduced by the opposing party to prove that it does not exist.

Pretrial conference Hearing between judge and attorneys to discuss any matters that can be resolved prior to trial to assist in expediting or simplifying the trial.

Prima facie Evidence which, unless contradicted, is sufficient to maintain a proposition. So far as can be judged from the first disclosure. A prima facie case is one in which all necessary elements have been established by the plaintiff's or prosecution's evidence so that a verdict can be given for that party, and which can be overturned only by rebuttal evidence presented by the defendant.

Principal All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense or aid and abet in its commission, or, not being present have advised and encouraged its commission, and all persons counseling, advising, or encouraging children under the age of 14 years, lunatics, or idiots, to commit

any crime, or who, by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, or who by threats, menaces, command, or coercion, compel another to commit any crime, are principals in any crime so committed.

Principle Rule.

Privileged communication

One that need not be given in evidence, as a communication between a spouse, a priest, doctor, lawyer.

Pro per This refers to a person who represents himself in court without the aid of an attorney.

Pro se Latin. For himself; in his own behalf; without a lawyer.

Pro tempore For the time being; temporarily; provisionally.

Probable cause Reasonable cause. Having more evidence for than against. A reasonable ground for belief in the existence of facts warranting the proceedings complained of.

Probate The act of process of proving a will. Now a general name or term used to include all matters of which probate courts have jurisdiction. The process of reviewing and distributing through court, the decedent's assets either with or without a will.

Probation A system of letting a convicted man go free instead of imprisoning him on condition that he observe certain terms of that probation in lieu of, or after county jail sentence.

Procedural law That which prescribes method of enforcing rights or obtaining redress for their invasion; machinery for carrying on a suit. As relating to crimes, that which provides or regulates the steps by which one who violates a criminal statute is punished.

Proceeding In a general sense, the form and manner of conducting judicial business before a court or judicial officer; regular and orderly progress in form of law; including all possible steps in an action from its commencement to the execution of judgment.

Process The summons and other written orders issuing from a court. A court order to appear in court. Subpoenas and summonses are examples of process.

Process server A person employed to deliver a summons or complaint to a person being sued or to deliver a subpoena to a witness.

Promulgate To publish; to announce officially; to make public as important or obligatory.

Prosecute To follow up; to carry on an action or other judicial proceeding; to proceed against a person criminally.

Prosecuting attorney

The name of the public officer who is elected in each county, to conduct criminal prosecutions on behalf of the state or people.

Prosecuting witness The private person upon whose complaint or information a criminal accusation is founded and whose testimony is mainly relied upon to secure a conviction at the trial; in a more particular sense, the person who was chiefly injured, in person or property, by the act constituting the alleged crime.

Prosecution The court proceedings for convicting a criminal; sometimes also used for the group of persons so concerned, such as the staff of the District Attorney as distinguished from the "defense."

Prosecutor An officer of government (such as state's attorney) whose function is the prosecution of criminal actions, or suits partaking of the nature of criminal actions.

Prospectus A proposal for a contract; setting forth the nature and objects of an issue of securities created by the company or corporation.

Protest A formal declaration of disapproval.

Proximate cause That which, in a natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury, and without which the result would not have occurred. The most probable cause.

Psychotic A person having a serious mental disorder.

Punitive damages Damages awarded in punishment of the person who is to pay them; more than ordinary damages. Often a large money judgment against a defendant to pay the plaintiff more than his actual loss, intended to punish the defendant for his willful misconduct and to deter the defendant and other person from similar

wrongful conduct in the future; sometimes referred to as "smart money."

Purport (noun) Meaning; import; substantial meaning; substance; legal effect. The "purport" of

an instrument means the substance of it as it appears on the face of the instrument.

Purport (verb) To convey, imply, or profess outwardly; to have the appearance of being, intending, claiming, etc.

Purview Enacting part of a statute, in contradistinction to the preamble. That part of a statute commencing with the words, "Be it enacted," and continuing as far as the repealing clause; and hence; the design, contemplation, purpose, or scope of the act.

Putative The alleged or reputed father of an illegitimate child.

Quitclaim deed A release of whatever title one may or may not have in the ownership of real estate or of a right therein.

Quorum The number of members of any organized body required to make that body, when duly assembled, legally competent to do business.

Quash To overthrow; vacate; to annul or void a summons, an indictment or a warrant. To dismiss or get rid of.

Quasi As if; almost as it were; analogous to. This term is used in legal phraseology to indicate that on subject resembles another, with which it is compared, in certain characteristics, but that there are intrinsic and material differences between them.

Quasi legal Has some legal implications, but not genuinely legal.

Quantum meruit As much as he deserved.

Quid pro quo What for what; something for something. Used in law for the giving one valuable thing for another. It is nothing more than the mutual consideration which passes between the parties to a contract, and which renders it valid and binding.

Ratification The subsequent approval of an act which previously had not been binding.

Reasonable doubt An accused person is entitled to acquittal if, in the minds of the jury, his guilt

has not been proved beyond a "reasonable doubt." That state of the minds of jurors in which they cannot say they feel an abiding conviction as to the truth of

the charge. The state of mind in the trier of fact in a criminal trial who does not have an abiding conviction to a moral certainty that the evidence has proved the defendant's guilt.

Rebuttal The introduction of rebutting evidence; the showing that statements of witnesses as to what occurred is not true; the stage of a trial at which such evidence may be introduced. The state in a trial where a party introduces new evidence to contradict the evidence and affirmative defenses presented by the opposing party.

Receiver A person who with knowledge takes stolen goods from a thief.

Recess In the practice of the courts, a short interval or period of time during which the court suspends business, but without adjourning.

Recidivist A habitual criminal; one who has been convicted more than once of a crime, misdemeanor, or delinquency; a confirmed criminal; a repeater.

Reckless driving Operation of an automobile manifesting reckless disregard of possible consequences and indifference to others' rights.

Recognizance An obligation entered into before a court to do a certain thing; as to keep the peace; to pay a bond.

Recoupment A right to hold back something that is due, because there is an equitable reason the defendant's right to have a deduction from the amount of the plaintiff's damages, because the plaintiff has not complied with his obligations under the same contract.

Recrimination A countercharge against the accuser.

Redemption A repurchase; the buying back of one's property after it has been sold.

Redirect examination

Follows cross-examination and is exercised by the party who first examined the witness. Examination of a witness by the party who called the witness, conducted after cross-examination, to rehabilitate the witness or amplify matters discussed in cross-examination.

Referee A person to whom a cause pending in a court is referred by the court to take testimony, hear the parties, and report thereon to the court. He is an officer exercising judicial powers and is an arm of the court for a specific purpose.

Refund To repay or restore; to return money in restitution or repayment.

Rehabilitation Restoring to a former capacity, right or authority.

Reimburse To pay back.

Release A writing that surrenders a right, estate. The relinquishment of a right or claim against a person; an affirmative defense in a civil case.

Relevancy Quality of evidence which bears directly on a fact in issue and tends to prove the existence or non-existence of a fact.

Relevant In the law of evidence – having to do with, or relating the case in hand; pertinent, as relevant testimony.

Remand Sending a cause back to the same court from which it came, for the purpose of having some action taken on it there; to send back.

Remedy The legal means to recover a right or obtain redress for a wrong.

Remittitur The returning or sending back by a court of appeal of the record and proceedings in a cause, after its decision thereon, to the court whence the appeal came, in order that the cause may be tried anew (where it is so ordered) or that the judgment may be entered in accordance with the decision on appeal, or execution be issued or any other necessary action be taken in the court below.

Removal, order of An order by a court directing the transfer of a cause to another court.

Render judgment To pronounce, state, declare, or announce the judgment of the court in a given case or on a given set of facts; not used the reference to judgments by confession, and not synonymous with "entering," "docketing," or "recording" the judgment.

Replevin The recovery by a person of goods claimed to have been wrongfully seized.

To take or get back by a writ, or order of court.

Reply When a case is tried or argued in court, the argument of the plaintiff in answer to that of the defendant; a pleading in response to an answer.

Repression The act of rechecking or keeping under restraint or control; the state of being kept under restraint.

Reprieve A delay in the execution of a sentence; to grant a delay in punishment.

Repudiate To reject; to refuse to acknowledge or to pay; renounce.

Res; re The thing; the subject matter of the suit.

Res gestae Acts incidental to a main fact and explanatory of it. The words and acts done immediately after an accident are considered to be part of it in the law of evidence.

Res ipsa loquitur The thing speaks for itself; rebuttable presumption that defendant was negligent, which arises upon proof that instrumentality causing injury was in defendant's exclusive control, and that the accident was one which ordinarily does not happen in absence of negligence.

Res judicata A matter that is adjudicated, that is legally settled.

Residual Relating to part remaining.

Rest A party is said to "rest" or "rest his case" when he has presented all the evidence he intends to offer.

Resisting an officer In criminal law, the offense of obstructing, opposing, and endeavoring to prevent a peace officer in the execution of a writ, or in the lawful discharge of his duty while making an arrest or otherwise enforcing the peace.

Restitution The giving back of a thing, or its value, to the lawful owner.

Restraining order In equity practice. An order which may issue upon the filing of an application for an injunction forbidding the defendant to do the threatened act until a hearing on the application can be had.

Return The act of a sheriff, constable, or other ministerial officer, in delivering back to the court a writ, notice, or other paper, which he was required to serve or execute, with a brief account of his doings under the mandate, the time and mode of service or execution, or his failure to accomplish it, as the case may be. Also the indorsement made by the officer upon the writ or other paper, stating what he has done under it, the time and mode of service, etc.

Revocation A withdrawal; an annulment; repudiation. The recall of some power or thing granted.

Rigor mortis The stiffening of muscles after death.

Riot Any use of force or violence, disturbing the public peace, or any threat to use such force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot. In criminal law – a tumultuous disturbance of the peace by three persons or

more, assembling together of their own authority, with an intent mutually to assist each other against any one who shall oppose them, in the execution of some enterprise of a private nature, and afterwards actually executing the same in violent and turbulent manner, to the terror of the people, whether the act intended were of itself lawful or unlawful.

Robbery The felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.

Rogare In Roman law. To ask or solicit. Rogare legem, to ask for the adoption of a law; to propose it for adoption. Derivatively, to vote for a law so proposed.

Rout Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed, such assembly is a rout.

Rules of court The rules for regulating the practice of the different courts, which the judges are empowered to frame and put in force as occasion may require. Orders made by a court having competent jurisdiction. Rules of court are either general or special: The former are the regulations by which the practice of the court is governed; the latter are special orders made in particular cases.

Ruling A decision rendered by a judicial officer on a procedural or evidentiary issue.

Sadism That state of sexual perversion in which the sexual inclination manifests itself by the desire to beat, to maltreat, to humiliate and even to kill the person for whom the passion is conceived.

Sans Without.

Schedule in bankruptcy

An inventory filed by the bankrupt in bankruptcy proceedings, containing a list of all his property and creditors.

Scienter Knowingly. In cases of fraud and deceit, the word is used in signifying an assertion that the person making the representations knew that they were false.

Scilicet "ss": " To wit; that is to say. An introductory word to a statement of matters previously mentioned in general terms.

Seal Design stamped on to show ownership or authenticity; a paper, circle, mark, etc., representing it; the mark of a seal is evidence of authenticity or confirmation.

Search warrant A written order, by a justice or other magistrate, in the name of the state, directed to a sheriff, constable or other officer, commanding him to search a specified house, shop or other premises, for personal property alleged to have been stolen, or for unlawful goods and to bring the same when found, before the magistrate, and usually also the body of the person occupying the premises, to be dealt with according to law. A written order commanding a peace officer to search for certain personal property and bring to the judge or magistrate.

Secrete To conceal or hide away.

Sedition An offense against the government of a country, not capital, and not amounting to treason, consisting of attempts made by meeting, or by speeches or publications to disturb the tranquility of the State or excite discontent against the government.

Seisin In a legal sense, the word means possession of premises with the intention of asserting a claim to a freehold estate therein – practically, the same thing as ownership.

Self-defense The protection of one's person or property against some injury attempted by another. The law of "self defense" justifies an act done in the reasonable belief of immediate danger. When acting in justifiable self-defense, a person may not be punished criminally nor held responsible for civil damages.

Sentence The penalty pronounced upon a person convicted of a crime.

Civil The terms judgment, decision, award, finding, are used.

Suspended Postponing of the execution of the sentence after it has been pronounced upon certain conditions.

Deferred Postponing of the execution of the sentence or deferred finding for a period of time upon certain conditions. Does not operate as a suspension of sentence.

Sequester To set apart; segregate.

Service by publication

Service of a summons or other process upon an absent or non-resident defendant, by publishing the same as an advertisement in a designated newspaper, with such other efforts to give him actual notice as the particular statute may prescribe.

Set-off A set-off, both at law and in equity, is that right which exists between two parties, each of whom, under an independent contract, owes an ascertained amount to the other, to set off their respective debts by way of mutual deduction, so that, in any action brought for the larger debt, the residue only, after such deductions, shall be recovered.

Severable contract A contract which is not entire or indivisible.

Severalty Property held by one person.

Show cause Against a rule, an order, decree, execution, etc., is to appear as directed, and present to the court such reasons and considerations as one has to offer why it should not be confirmed, take effect, be executed, or as the case may be.

Signatory A signer bound by the terms of a signed agreement.

Sine qua non Latin: "Without which, none." An indispensable requisite.

Slander The speaking of base and defamatory words tending to prejudice.

Smuggling The offense of importing prohibited articles, or of defrauding the revenue by the introduction of articles into consumption without paying the duties chargeable upon them.

Squatter One who settles on another's land without title or authority.

Stare decisis To stand by decided cases; to uphold precedents; to maintain former adjudications. The doctrine of stare decisis rests upon the principle that law by which men are governed should be fixed, definite, and known, and that when the law is declared by a court of competent jurisdiction authorized to construe it, such declaration, in absence of palpable mistake, or error, is itself evidence of the law until changed by competent authority.

Statute An act of the legislature of a state (declaring) commanding or prohibiting something. Statute law is the express written will of the legislature, rendered authentic by certain prescribed forms.

Statute of limitations

Statute setting time limit; declaring that no suit shall be maintained in such causes of action unless brought within a specified period after the right occurred.

Statutory Pertaining to a written law established by legislative enactment.

Stay of execution A postponement of execution based on the likelihood of justification of further adjudication. Usually as a privilege to the debtor to furnish bail costs or interest.

Stipulation A material article in an agreement. Stipulations are of two types. First, those relating to merely procedural matters, and second, those which have all essential characteristics of mutual contract.

Striking a jury The selecting or nominating a jury of six or twelve people out of the whole number returned as jurors on the panel.

Submission When the court reserves judgment.

Subornation The offense of procuring another to commit perjury.

Subpoena A process to cause a witness to appear and give testimony, commanding him to lay aside all pretenses and excuses and appear before a court or magistrate therein named at a time therein mentioned to testify for the party named under a penalty therein named: "HEREIN FAIL NOT AT YOUR PERIL."

Subpoena duces tecum

A process by which the court, at the instances of a suitor, commands a witness who has in his possession or control some document or paper that is pertinent to the issues of a pending controversy, to produce it at the trial.

Subrogation The substitution of one person in the place of another as a creditor with a succession to the rights of the latter.

Subscribed Literally, to write underneath, as one's name, or to write below a documentary statement; and its popular meaning is usually limited to a signature at the end of a printed or written instrument.

Substantive law That part of the law which creates, defines and regulates rights, as opposed to adjective or remedial law, which prescribes the method of enforcing rights or obtaining redress for their invasion.

Succession The taking of property by inheritance or will.

Sue To commence or to continue legal proceedings for recovery of a right.

Summary judgment A judgment in certain type actions which is rendered on the motion of one of

the parties when the pleadings show there is no real issue to be decided or that no valid defense has been offered. When it is established that there is no controversy as to any material fact in the case, and that only a question of law needs to be decided, either party may move the court for summary judgment, based upon supporting material showing why the court should make a decision on the law in favor of the moving party. The supporting material could be by affidavit, memorandum of authorities or brief.

Summons A writ, directed to the sheriff or other proper officer, requiring him to notify the person named that an action has been commenced against him in the court whence the writ issues, and that he is required to appear, on a day named and answer the complaint in such action.

Supersedeas The name of a writ containing a command to stay the proceedings at law.

Suppress To rule that evidence is inadmissible because it was obtained illegally.

Supra Above; upon. The word refers the reader to a previous part of the document. It is also the initial word of several Latin phrases.

Supreme Court of the USA

The highest judicial authority of the United states. The Supreme Court hears cases only on appeal. It is a privilege rather than a right to take a case to the Supreme Court.

Surety One who promises to answer for a debt on behalf of a second person to a third person. One who undertakes to pay money or to do any other act in event that his principal fails therein.

Surrogate Substitute.

Suspend To interrupt; to cause to cease for a time; to postpone; to stay, delay, or hinder; to discontinue temporarily, but with an expectation or purpose of resumption.

Suspended sentence

A sentence which is not put into effect, although, since it may take effect at a later date, it is not considered vacated.

Sustain To carry on; to maintain. To support or uphold a verdict, decision, objection, etc.

Syllabus A brief statement of the main points of a written article. Brief statement of the rulings of a court upon the point or points decided in the case.

Syndicate A combination of persons or companies to carry out some undertaking, especially one requiring a large investment of capital.

Synopsis A brief statement giving a general view of some subject; summary.

Tacit law That law which arises out of the silent consent and the custom and usages of the people without legislative enactment.

Talesman A person summoned to act as a juror from among the bystanders in a court.

Tenancy A holding or mode of holding an estate; the period of a tenant's occupancy or possession.

Tenant The one who occupies property legally.

Testamentary Pertaining to a will or testament. An instrument is said to be "testamentary" when it is written or made so as not to take effect until after the death of the person making it.

Testimony Evidence given by a competent witness, under oath or affirmation, as distinguished from evidence derived from writings and other sources.

Theft A popular name for larceny.

Tort In modern practice, tort is constantly used as an English word to denote a wrong or wrongful act, for which an action will lie, as distinguished from a contract. A private or civil wrong or injury to another person, independent of a contract. Three elements of every tort action are: existence of a legal duty from defendant to plaintiff, breach of duty, and damage as a proximate result.

Tortfeasor A person who commits a tort; a wrongdoer.

Township An administrative division of a county. In U.S. Surveys of public land, a region or district of 36 square miles.

Toxic In medical jurisprudence: Poisonous; having the character of, or producing the effects of poison; referable to a poison; produced by or resulting from a poison.

Trade acceptance A bill of exchange drawn by the seller on the purchaser of goods sold, and accepted by such purchaser.

Trademark A distinctive mark that a manufacturer attaches to his goods in order to identify them in the market.

Tranquility Peacefulness, quiet, calmness.

Transcript An official copy of certain proceedings in a court. Thus, any person interested in a judgment or other records of a court can obtain a transcript of it.

Trespass Invasion of another person's rights or territory to enter unlawfully upon another person's land.

Trial A judicial examination. In criminal procedure, "trial" means the proceedings in open court after the pleadings are finished and the prosecution is otherwise ready, down to and including the rendition of the verdict.

Trial de novo A new trial or retrial held in a higher court in which the whole case is gone into as if no trial had been held in a lower court.

Tribunal The seat of a judge. The body of judges who compose a jurisdiction; a judicial court.

True bill An indictment containing the signature of the grand jurors; commonly used as a synonym for indictment.

Trust A nominal owner of property who holds, uses, or disposes of it for the benefit of another.

Turpitude Anything done contrary to right, honesty or modesty.

Ultra vires act The modern technical designation in the law of corporations, of acts beyond the scope of the powers of a corporation, as defined by its charter or act of incorporation.

Under sheriff An officer who acts directly under the sheriff, and performs all the duties of the sheriff's office, a few only excepted where the personal presence of the highsheriff is necessary. The sheriff is civilly responsible for the acts or omissions of his under-sheriff.

Uniform

Commercial Code

A statute prepared by a commission for the purpose of securing uniformity in the rules and principles applicable to sales in the U.S., and has been adopted by a majority of the state legislatures.

Unilateral One-sided; having relation to only one of two or more persons or things.

Unlawful detainer The unjustifiable retention of the possession of lands by one whose original entry was lawful and of right, but whose right to the possession has terminated and who refuses to quit, as in the case of a tenant holding over after the termination of the lease in spite of a demand for possession by the landlord.

Unlawful entry An entry upon real estate effected peaceably and without force, but which is without right or title and is accomplished by means of fraud or some other willful wrong. Also, the failure to leave the premises when required even though the original entry was legal.

Unreasonable search and seizure

An examination or inspection by an agency of the government, without authority of law, of one's premises or person and the seizure of some evidence of guilt to be used in prosecution for crime.

Usury Unlawful interest. Payment of excessive rate of interest established by law.

Utter To utter, as used in a statute against forgery and counterfeiting, means to offer, whether accepted or not, a forged instrument, with the representation by words or actions, that the same is genuine. "Uttering" or "publishing" a check consists in presenting it for payment, and the act is then done although no money may be obtained.

Vagrant Wandering or going about from place to place by idle person who has no lawful or visible means of support and who subsists on charity and does not work, though able to do so.

Valid Effective, legally sufficient. Having legal strength or force, executed with proper formalities, incapable of being rightfully overturned or set aside.

Validate To test the validity of; to make valid; to confirm.

Valuation The estimated worth of a thing.

Vehicle That in or on which a person or thing is or may be carried from one place to another, especially along the ground, also through the air; any moving support or container fitted or used for the conveyance of bulky objects; a means of conveyance.

Vendee Purchaser or buyer.

Vendor The person who transfers property by sale, particularly real estate, "seller" being more commonly used for one who sells personally. The latter, may, however, with entire propriety, be termed a vendor.

Venire To come; to appear in court. Sometimes used as the name of the writ for summoning a jury, more commonly called a "venire facias."

Venue "Venue" means the place at which an action is tried and not merely the judge or court by whom it is tried. "Jurisdiction" of the court means the inherent power to decide a case, whereas "venue" designates the particular county or city in which a court with jurisdiction may hear and determine the case.

Veracity Truthfulness; the power of conveying or perceiving truth.

Verbatim Word for word in the same words.

Verbiage Superfluity of words in proportion to sense or content; wordiness; manner of expressing oneself in words.

Verbose Abounding in words, containing more words than necessary.

Verdict The finding of a jury in favor of one or the other party to an action at law. The formal and unanimous decision or finding made by a jury.

Verification Confirmation of correctness, truth, or authenticity by affidavit, oath or deposition.

Verify To confirm or substantiate by oath.

Versus Against. The name of the plaintiff is put first followed by the word "versus," "vs," "v," and the defendant's name.

Viva voce With the living voice; by word of mouth.

Void Of no force, or effect; absolutely null; that cannot be confirmed, or made effectual.

Voir dire To speak the truth. This phrase denotes the preliminary examination which the court may make of one presented as a witness or juror, where his competency, interest, etc., is objected to.

Voucher A receipt, acquittance, or release which may serve as evidence of payment or discharge of a debt, or to certify the correctness of accounts.

Vulgar Lack of cultivation or refinement.

Waive To abandon, throw away, renounce, repudiate, or surrender a claim, a privilege, a right, or the opportunity to take advantage of some defect,

irregularity or wrong.

Waiver The intentional relinquishment of a known right.

Wanton Reckless, heedless, malicious, characterized by extreme recklessness, foolhardiness, recklessly disregarding of the rights or safety of others or of consequences.

Ward A person under the care of a guardian or of a court.

Warrant A writ from an authority in pursuance of law directing the doing of an act; an order authorizing a payment of money by another person to a third party.

Bench warrant - Process issued by the court itself, or "from the bench," for the attachment or arrest of a person; either in case of contempt, or where an indictment has been found, or to bring in a witness who does not obey the subpoena. So called to distinguish it from a warrant issued by a justice of the peace or commissioner.

Search warrant - An order in writing, issued by a justice or other magistrate, in the name of the state, directed to a sheriff, constable, or other officer commanding him to search for property alleged to have been stolen, or for unlawful goods, and to bring the same, when found, before the magistrate, and usually also the body of the person occupying the premises to be dealt with according to law.

Whereas When in fact. It is but an introductory or prefatory statement meaning, "considering that," or, "that being the case."

Willful Voluntary. A "willful" act may be described as one done intentionally, knowingly, and purposely, without justifiable cause. Done intentionally as distinguished from carelessly, inadvertently or accidentally.

With prejudice The term, as applied to judgment of dismissal is as conclusive of rights of parties as if action had been prosecuted to final adjudication adverse to the plaintiff.

Without prejudice Where an offer or admission is made "without prejudice" or a motion is denied or a suit dismissed, "without prejudice;" it is meant as a declaration that no rights or privileges of the party concerned are to be considered as thereby

waived or lost except insofar as may be expressly conceded or decided.

Witness A person whose declaration under oath (or affirmation) is received as evidence for any purpose, whether such declaration be made on oral examination or by deposition or affidavit. One who testifies to what he has seen, heard, or otherwise observed.

Writ A judicial instrument by which a court commands some act to be done by the person to whom it is directed.

Writ of attachment A provisional remedy; issued to seize property to insure that any judgment awarded will be recovered.

Writ of certiorari The writ used by a higher court which directs the lower court to "send us the record" of a case or proceeding so that it can be reviewed by the higher court.

Most appeals involve the use of the writ of certiorari.

Writ of error coram nobis

A procedure by which the record of the trial court may be expanded with newly discovered evidence and reviewed by an appellate court after the time for appeal expires. The tendency on the part of the courts, however, has been to limit and restrict the use of this remedy.

Writ of execution Issued to seize property to satisfy a civil judgment.

Writ of habeas corpus

The writ, which Blackstone described as "the most celebrated writ in English law," whereby any person confining another is ordered to bring the person confined before the court so that the judge can inquire into the legal ground for the confinement. If the confinement is found to be illegal, the judge orders the prisoner released. The writ may be directed to police officers, a jailor, a warden of a prison or to a private person. It orders him to have the body of his prisoner before the court at a given time and place. The term means, "You have the body."

Writ of injunction A court order directing that some activity stop or not be commenced. A willful disobedience of this order may be punished as contempt of court.

Writ of mandamus "We command;" "We order."

A writ used by a court directing some official to perform the specific act described in the writ. It is classed as an extraordinary remedy and will not issue if the official has discretionary powers which permit him to decide whether or not the act should be performed.

Writ of mittimus A writ or court order directed to the officers in charge of a prisoner ordering the prisoner to be taken to and confined in jail.

Writ of possession Places plaintiff in possession of premises with the assistance of a sheriff.

Writ of procedendo Writ by which a case is returned from a higher court to a lower court after the appellate court has decided that there were not sufficient grounds to bring the case up on a writ of certiorari.

Writ of prohibition The name of an extraordinary writ issued by a superior court to the judge and parties in a case before an inferior court ordering them to terminate the case in that court. It is used to prevent an inferior court from exceeding its jurisdiction.

Writ of supersedeas A writ which has the effect of staying a judicial proceeding.

Writ of venire facias Writ directed to the sheriff ordering him to bring in a panel of jurors for the trial of a case or of the cases at a term of court.

Writ of quo warranto

"By what authority?" A writ which questions the authority of some official to take the action he proposes or is presently engaged in. It is an extraordinary remedy.