

### 300 Words to get an understanding of the LAWS and what form of Government we are under.

1. **ACCESS:** Opportunity to come and go from premises. An easement of way, whether arising from express or implied grant, express or implied reservation. The right of a person to a designated benefice which is temporarily in abeyance. The opportunity of a husband for sexual intercourse with his wife.
2. **ACTION AGAINST THE STATE:** An action which, because of the immunity of a state from suit under the 11th Amendment to the Constitution of the United States and established principles of jurisprudence, can be had only with the consent of the state. 49 Am J1st States § 91.  
A suit to restrain state officers from taking steps by means of a judicial proceeding in execution of a state statute to which they do not hold any special relation, is a suit against the state within the meaning of the prohibition of the 11th Amendment. *State v Southern Railway Co.*, 145 NC 495, 59 SE 570.
3. **AGGRIEVED; Deprived** of one's legal rights or having suffered an invasion of one's legal rights. **Denied** one's personal or property right. *Glass v People*, 259 111 332, 102 NE 763.
4. **AGGRIEVED PARTY:** One who is injuriously affected by the act or omission of another. Anno: 13 ALR 301. One whose personal interests are or may be affected adversely. Anno: 74 ALR 1221 (review of refusal to abate a tax.) One, within the meaning of the statute governing appeals, who has an interest recognized by law in the subject matter which is injuriously affected by the judgment, or one whose property rights or personal interests are directly affected by the operation of the judgment or decree. 4 Am J2d A & E § 183.
5. **ARTICLE:** Noun: A division of a constitution, statute, contract, charter, or of any other written or printed statement of principles, terms or conditions. A material or substance, natural artificial or manufactured in whole or in part. *Junge v Hedden*, 146 US 233, 238, 36 L Ed 953, 956, 13 S Ct 88. The adjective "a" or "an," known as the indefinite article. Verb: To bind by contract or agreement; to enter into a written contract containing several clauses or divisions.
6. **ARTICLES OF THE PEACE:** The complaint in a proceeding to compel a person to give bond to keep the peace.
7. **ATTEMPT:** Any overt act done with the intent to commit a crime and which, but for the interference of some cause preventing the carrying out of the intent, would have resulted in the commission of the crime.  
It consists of two important elements: first, an intent to commit the crime; and second, a direct ineffectual act done towards its commission. 21 Am J2d Crim L § 110.  
No definite line can be drawn between an "attempt" and "preparations" to commit a crime; the question is one of degree. *United States v Coplion*, (CA2 NY) 185 F2d 629, 28 ALR2d 1041.
8. **ATTEMPT TO COMMIT BURGLARY:** An act performed with the intent to effectuate a burglary, carried beyond mere preparation but falling short of the actual commission of a burglary. 13 Am J2d Burgl § 29.
9. **BY DUE COURSE OF LAW:** An open court and an available remedy under the law for all injuries or wrongs. 16 Am J2d Const L § 384.
10. **WRONG:** The infringement of a legal right belonging to a definite specific person. *Kamm v Flink*, 113 NJL 582, 175 A 62, 99 ALR 1. In common usage, an act in violation of a moral principle.
11. **FORGIVENESS:** See condonation; reconciliation.
12. **PARDON: Forgiveness**, release, or remission. An act of grace proceeding from the power entrusted with the execution of laws, which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed. 39 Am J1st Pard § 4. A declaration on record by the chief magistrate of a state or country that a person named is relieved from the legal consequences of a specific crime. *Biddle v Perovich*, 274 US 480, 71 L Ed 1161 47 S Ct 664, 52 ALR 832; *Lime v Bfagg*, 345 Mo 1, 131 SW2d 583.  
A complete release from the control of the state imposed because of the offense. *Re Anderson*, 191 Or 49, 229 P2d 633, 230 P2d 770, 29 ALR2d 1051, 1073.
13. **PARDONING POWER:** The power to grant pardons; an executive power, as it usually exists, but a power within the control of the people and to be conferred by them upon such officer or officers as they see fit. 39 Am J1st Pard § 12.
14. **CONDONABLE OFFENSE:** A single act or series of acts of misconduct constituting a ground for divorce which in theory may be forgotten or forgiven, or a species of misconduct which considerate and affectionate treatment might serve to obliterate. 24 Am J2d Div & S § 204.
15. **CONDONATION:** The forgiveness, either express or implied, by a husband of his wife, or by a wife of her husband, of a breach of marital duty, with an implied condition that the offense shall not be repeated. 24 Am J2d Div & S § 204.
16. **OBLITERATION:** A blotting out of letters, words, or figures on a written instrument. The effacing of a clause in a will by eraser or inking. 57 Am J1st Wills § 502.  
**The END may be accomplished by any erasure which shall be partial or Complete.** It may be done by drawing a pen through the words, or by burning or tearing, and it is not essential for obliteration that the words be rendered illegible, provided it is done with intent to cancel or revoke the instrument. *Re Glass' Estate*, 14 Colo App 377, 60 P 186.
17. **MALA IN SE:** Inherently wicked, naturally evil, as adjudged by the sense of a civilized community; illegal from the very nature of the transaction, upon principles of natural, moral, and public law; immoral in its nature and injurious in its consequences, without regard to the fact of its being noticed or punished by the law of the state. 21 Am J2d Crim L § 25. A wrong involving moral turpitude or delinquency. *Horrabin v Des Moines*, 198 Iowa 549, 199 NW 988, 38 ALR 544. Offenses involving moral turpitude. *Du Vall v Board of Medical Examiners*, 49 Ariz 329, 66 P2d 1026. See contracts mala in se.

18. **CONTRACTS MALA IN SE:** Contracts which are absolutely void because the acts to be performed thereunder are immoral, iniquitous, and contrary to a sound public policy, as well as in violation of statute. 17 Am J2d Contr § 167.
19. **CONTRACTS MALA PROHIBITA:** Contracts which are not absolutely void in all instances because the acts to be performed thereunder are prohibited by statute, but are void or voidable according to the nature and effect of the act prohibited. 17 Am J2d Contr § 167. It is to be noted, however, that substantial authority supports the elimination of distinction based upon theories playing upon the terms "mala in se" and "mala prohibita. 17 Am J2d Contr § 167.
20. **MALICE IN LAW:** The intentional performance of an act harmful to another without just or lawful cause or excuse. Brown v Guaranty Estates Corp. 239 NC 595, 80 SE2d 645, 40 ALR2d 1094. The intent unlawfully to take human life in cases where the law neither mitigates nor justifies the killing. Mann v State. 124 Ga 760, 53 SE 324. The wilful violation of a known contract right. 30 Am J Rev ed Interf § 27. A wicked or mischievous intention; a wanton inclination to mischief; an intention to do wrong or injury to another; a depraved inclination to disregard the rights of others. Morasca v Item Co. 126 La 426, 52 So 565. As an ingredient of libel or slander;—a presumption of malice arising from the use of certain words, not necessarily inconsistent with an honest or even laudable purpose, implying neither ill will, personal malice, hatred, nor a purpose to injure. 33 Am J1st L & S § 111.
21. **MALICIOUS:** Actuated by malice. Wicked and perverse. Commonwealth v York. 50 Mass 93. Intentional in reference to the commission of a wrongful act by one person toward another, without legal justification or excuse. 34 Am J1st Mal § 2.
22. **MALICIOUSLY:** With harmful motive and in wilful disregard of the rights of others. 34 Am J1st Mal § 2. For some purposes the equivalent of "wilfully and unlawfully." Chapman v Commonwealth, (Pa) 5 Wharton 427; 27 Am J1st Indict § 67.
23. **MALICIOUS MISCHIEF:** The wilful and unlawful injury to or destruction of the property of another with the malicious intent to injure the owner; a malicious physical injury to the rights of another, which impairs utility or materially diminishes value; a malicious or mischievous physical injury, either to the rights of another or to those of the public in general. 34 Am J1st Mal Mis § 2. As used in an insurance policy; wilful or malicious physical injury to or destruction of the insured property; a reckless disregard of the owner's rights in deliberately injuring his property. General Acci. Fire & Life Assur. Corp. v Azar. 103 Ga App 215, 119 SE2d 82.
24. **MALICIOUS PROSECUTION:** A criminal prosecution begun in malice, without probable cause to believe it can succeed, and finally ending in failure. 34 Am J1st Mal Pros § 2. An action for damages brought by one against whom a criminal prosecution, civil suit, or other legal proceeding has been instituted maliciously and without probable cause, after the termination of such prosecution, suit, or other proceeding in favor of the defendant therein. Shedd v Patterson, 302 Ill 355, 134 NE 705, 26 ALR 1004; 34 Am J1st Mal Pros § 2. An action for the wrong of instituting a civil action without probable cause, especially where there is in such action a seizure of property or of the person of the defendant or other circumstances giving rise to special damages. 34 Am J1st Mal Pros § 10.
25. **MALO ANIMO:** With bad intent; with a wicked or evil heart.
26. **MALO SENSU:** In a bad sense; with an evil or wicked meaning.
27. **MALPRACTICE:** The violation of a professional duty to act with reasonable care and in good faith without fraud or collusion, as in the case of a public accountant, 1 Am J2d Accts § 15, or a beautician. Ocean Acci. & Guarantee Corp. v Herzberg's Inc. (CA8 Neb) 100 F2d 171. By an attorney at law;—the failure to exercise on behalf of his client the knowledge, skill, and ability ordinarily possessed and exercised by members of the legal profession, whereby an actual loss is caused the client. 7 Am J2d Attys §§ 167 et seq. By physician or surgeon;—the wrong, for which a physician or surgeon is answerable to his patient where it results in injury to the patient, consisting in the want of that reasonable degree of learning, skill, and experience which ordinarily is possessed by others of his profession, the omission to exercise reasonable care and diligence in the exertion of his skill and the application of his knowledge, or his failure to exert his best judgment in the case entrusted to him. 41 Am J1st Phys & S §§ 79, 82. A cause of action predicated by law on the relation which exists between physician and patient, although supported by some cases on the theory of liability under a contract implied by law. 41 Am J1st Phys & S § 79.
28. **PROBABILITY:** Likelihood, but coupled with some uncertainty, of occurrence. To instruct the jury that they may act on probabilities means simply that they may act on less than convincing evidence, or without that moral certainty required by law. People v O'Brien, 130 Cal 1, 8, 62 P 297, 299. See in all probability.
29. **IN ALL PROBABILITY:** The highest degree of probability; with reasonable certainty. Coppinger v Broderick, 37 Ariz 473, 295 P 780, 81 ALR 419.
30. **PROBABLE:** Likely to occur, but involving an element of uncertainty. Green v Catawaba Power Co. 75 SC 102, 55 SE 125. With a greater weight of evidence in support than against. State v Trout, 74 Iowa 545, 38 NW 405.
31. **PROBABLE CAUSE FOR STATEMENT OTHERWISE TORTIOUS AS DEFAMATORY:** A reasonable ground of suspicion, supported by circumstances sufficient to warrant a cautious man in believing in the truth of the statement pleaded as the basis of a cause of action for defamation. Coates v Wallace, 4 Pa Super 253, 257.
32. **DEFAMATION:** Libel or slander. The publication of anything which is injurious to the good name or reputation of another person, or which tends to bring him into disrepute. Hollenbeck v Hall, 103 Iowa 214, 72 NW 518. Words which produce any perceptible injury to the reputation of another; a false publication likely to bring another in disrepute. Mosnat v Snyder. 105 Iowa 500, 504, 75 NW 356.
33. **DEFAMATORY:** Slandorous; libelous; injurious to reputation. Hollenbeck v Hall, 103 Iowa 214, 72 NW 518. A publication is "defamatory" when it tends to injure one's reputation in the community and to expose him to hatred, ridicule, and contempt. Muchnick v Post Publishing Co. 332 Mass 304, 123 NE2d 137, 51 ALR2d 547.
34. **DEFAMATORY ADVERTISING:** An advertisement which is libelous or disparaging of a product. 3 Am J2d Advertg § 2.
35. **BENEFICE:** A church living or preferment. In feudal times, an estate held by the Church of Rome in feudal tenure.
36. **BILL IN EQUITY:** The declaration or complaint of the plaintiff where the relief demanded is such as is granted by a court of equity; a petition for relief addressed to a court of equity which states the facts on which the claim for relief is based. 27 Am J2d Eq § 179.

37. **BILL OBLIGATORY:** A bond without a condition: differing from a promissory note in nothing but the seal which is affixed to it. Farmers' & Mechanics' Bank & Greiner (Pa) 2 Serg & R 114, 115. Often called a single bill. A written acknowledgment of indebtedness in a certain sum to be paid on a certain day, and having a seal affixed to it. Osborne & Co. v Hubbard, 20 Or 318, 25 P 1021.
38. **BILL OF ADVOCATION:** (Scotch.) A petition praying the Supreme Court to transfer to itself a cause pending in a lower court.
39. **BILL OF PEACE:** A bill filed to procure repose from repeated litigation and one of the earliest instances in which chancery courts entertained jurisdiction on the ground of preventing a multiplicity of suits. 19 Am J1st Eq § 81.
40. **BILL TO REMOVE CLOUD ON TITLE:** See cloud on title.
41. **BIND:** To create a definite legal obligation upon one's self or upon another. Such an obligation may be created by contract, by statute, by common law, by a judgment or decree, by the act of an agent, wife, child, etc.
42. **BREACH OF PEACE:** Such a violation of the public order as amounts to a disturbance of the public tranquility, by act or conduct either directly having this effect, or by inciting or tending to incite such a disturbance of the public tranquility. 12 Am J2d Breach P § 4.
43. **CITIZEN:** One who has acquired citizenship by birth, naturalization, or other lawful means; in a popular but nonetheless appropriate sense of the term, one, who by birth, naturalization, or other means, is a member of an independent political society. 3 Am J2d Aliens § 1.
44. **CONSTITUTION:** A system of fundamental laws or principles for the government of a nation, state, society, corporation, or other aggregation of individuals. 16 Am J2d Const L § 1.  
Although a constitution, in the broad sense of the term, may be written or unwritten, in the United States, the word as applied to the organization of the federal and state governments, always implies a writing. 16 Am J2d Const L § 1.  
"A written constitution is not only the direct and basic expression of the sovereign will, but is the absolute rule of action and decision for all departments and offices of government in respect to all matters covered by it, and must control as it is written until it shall be changed by the authority that established it." Wright v Hart, 182 NY 330, 75 NE 404.  
A constitution differs from a statute in that a statute must provide at least to a certain degree, the details of the subject of which it treats, whereas a constitution usually states general principles and builds the substantial foundation and general framework of the law and government. 16 Am J2d Const L § 3
45. **CONSTITUTIONAL RIGHT:** A Right guaranteed to a person by the Constitution of the United States or a state constitution, and so guaranteed as to prevent legislative interference with that right. 16 Am J2d Const L § 328.
46. **CORPORATE CITIZENSHIP:** Citizenship attributed to a corporation for some specific purpose, such as the obtaining of a liquor license. 30 Am J Rev ed Intox L § 126:  
A corporation of a state is a "citizen of the United States," within the meaning of the Act of Congress providing for the adjudication of claims of citizens of the United States for property taken or destroyed by Indians. United States v Northwestern Express, Stage & Transp. Co. 164 US 686, 41 L Ed 599, 17 S Ct 206.
47. **CORPORATION:** An ARTIFICIAL being, invisible, intangible, and existing only in contemplation of law; an association of persons to whom the sovereign has offered a franchise to become an artificial juridical person, with a name of its own, under which they can act and contract and sue and be sued, and who have either accepted the offer and effected a corporation in substantial conformity with its terms (in which case a corporation de jure has been constituted) or have done acts indicating a purpose to accept such offer and effected an organization designed to be, but, in fact not, in substantial conformity with its terms (in which case a corporation De Jure De Facto has been constituted). 18 Am J2d Corp § 1. For some purposes, as in a venue statute, the term "corporation" includes unincorporated associations or at least special forms of them, such as joint stock companies. 56 Am J1st Ven § 7. For the purposes of the Federal income tax, the term "corporation" includes associations, joint-stock companies, and insurance companies. 33 Am J2d Fed Tax ¶ 2005. As defined by the Bankruptcy Act the term "corporation" includes all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnership and further includes partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association, joint stock companies, unincorporated companies and associations, and any business conducted by a trustee or trustees wherein beneficial interest or ownership is evidenced by certificate or other written instrument. Bankr Act § 1(8); 11 USC § 1(8). Business trusts have frequently been held to be subject to statutory regulations of corporations and to provisions aimed primarily at corporations. Hemphill v Orloff, 277 US 537, 72 L Ed 978, 48 S Ct 577.
48. **CLOUD ON TITLE:** An outstanding instrument, record, claim unreleased encumbrance, or defectively executed deed in the chain of title, which superficially renders the title doubtful but is actually illegal or unenforceable for want of equity in enforcement and of which equity will take cognizance in a suit for cancellation of the offending instrument or the quieting of the title against the defect or imperfection. 13 Am J2d Cane Inst § 50; 44 Am J1st Quiet T § 11; a semblance of title, either legal or equitable, or a claim of a right in lands, appearing in some legal form, but which is, in fact, invalid, or which it would be inequitable to enforce. 44 Am J1st Quiet T § 11.
49. **REMOVABLE CLOUD ON TITLE:** A cloud on the title to property which, although apparently valid, is in fact invalid. 44 Am J1st Quiet T § 11.
50. **CONFUSION OF RIGHTS AND OBLIGATIONS:** A merger of the obligor and the obligee in one person; the concurrence of two adverse rights to the same thing in one and the same person; the concurrence of the character of the sole debtor and the sole creditor in the same person, thereby extinguishing the debt. Woods v Ridley, 30 Tenn (11 Humph) 195, 198.
51. **OBLIGEE:** A promisee. The person to whom an obligation has been incurred. The person to whom a bond is made payable. The person entitled to enforce a guaranty. 24 Am J1st Guar § 30.

Within the meaning of the Uniform Reciprocal Enforcement of Support Act—any person to whom a duty of support is owed, including a state or political subdivision. Uniform Reciprocal Enforcement of Support Act § 2(h).

52. **OBLIGOR:** A promisor. One who has incurred an obligation to another. The person, natural or artificial, liable on a bond. Within the meaning of the Uniform Reciprocal Enforcement of Support Act—any person owing a duty of support. Uniform Reciprocal Enforcement of Support Act § 2(g).
53. **DISSOLUTION:** The separation of a thing into its component parts; a breaking up.
54. **DISSOLUTION BOND:** A bond given by the defendant in an action in which property has been attached, for the purpose of obtaining an entire dissolution of the attachment, the condition of the bond being that the defendant will perform or satisfy whatever judgment is obtained against him in the action. 6 Am J2d Attach § 523.
55. **DISSOLUTION OF ATTACHMENT OR GARNISHMENT:** The termination of an attachment or garnishment upon the happening of certain events or contingencies after the levy, upon the entry or receipt of security, or as the result of some act or proceeding taken for the express purpose of defeating or nullifying the attachment or garnishment. There is a distinction between the "dissolution" of an attachment and the quashing of a levy; in a proper case a levy may be set aside and the writ of attachment stand. 6 Am J2d Attach § 408.
56. **DISSOLUTION OF CORPORATION:** The termination of the existence of the corporation and its utter extinction and obliteration as an entity or body. 19 Am J2d Corp § 1586.
57. **DISSOLVE:** To effect a dissolution; as to dissolve a partnership or a corporation.
58. **DIVERSITY OF PERSON:** A plea interposed after a judgment of conviction denying the identity of the prisoner with that of the convicted defendant.
59. **DOMESTIC:** Adjective: Belonging to the household or home; inhabiting the house. *Thurston v Carter*, 112 Me 361, 92 A 295. Local as distinguished from foreign.
60. **DOMESTIC CITIZENSHIP:** Citizenship of a state as distinguished from citizenship of the United States. *Dred Scott v Sanford (US)* 19 How 393, 15 L Ed 691. This case was decided in 1857. The Fourteenth Amendment declaring citizens of the United States to be "citizens of the State wherein they reside," was adopted in 1868.
61. **FINAL:** Conclusive; terminating all controversy, doubt or dispute: the End, ultimate, or LAST. *Saylor v Ducl*, 236 Ill 429, 86 NE 119.
62. **FINAL SUBMISSION:** As the ending of the period within which a case may be dismissed, or otherwise voluntarily terminated, without prejudice:—in a jury case, the moment when the court directs the jury to retire in charge of an officer for their consideration of the case, or to enter upon consideration of the case without retiring, 24 Am J2d Dism § 33; in a trial before the court without a jury, the moment when the court takes the case under advisement, the evidence having been presented, the arguments made, and the briefs filed, 24 Am J2d Dism § 34.
63. **FUNDAMENTAL LAW:** Those principles, some in the form of declaration, others by way of implied or express provision, and some in the form of grant, deemed supposed to be limitations essential to conserve human liberty, security, equality and happiness, and not to be subject to change except in a way calculated to arouse the highest judgment and the most efficient, deliberate, and considered choice. *State ex rel. Mueller v Thompson*, 149 Wis 488, 137 NW 20.
64. **FUNDAMENTAL RIGHTS AND PRIVILEGES:** Life, liberty and property, except as such may be declared to be forfeited by the judgment of one's peers of the law of the land; the inherent rights common to all citizens. 16 Am J2d Const L § 328. Freedom of religion, freedom of speech and press, due process, etc. Individual rights immutable against all hostile legislation not required by considerations of public health or safety. *National Mut. Ins. Co. v Tidewater Transfer Co.* 337 US 582, 93 L Ed 1556, 69 S Ct 1173. See bill of rights. The preservation of fundamental rights by principle is primarily an Anglo-American concept. *Conger v Pierce County*, 116 Wash 27, 198 P 377, 18 ALR 393.
65. **GIFT:** A voluntary transfer of property by one to another without any consideration or compensation therefor; anything given or bestowed, or any piece of property voluntarily transferred by one person to another. 24 Am J1st Gifts § 2.
66. **INDIAN TRIBE:** A separate and distinct community OR body of the aboriginal Indian race of men found in the United States. 2. Such a tribe, situated within the boundaries of a state, and exercising the powers of government and, sovereignty, under the national government, is deemed politically a State; that is, a distinct political society, capable of self-government; but it is not deemed a foreign state, in the sense of the constitution. It is rather a domestic dependent nation. Such a tribe may properly be deemed in a state of pupillage and its relation to the United States resembles that of a ward to a guardian. 5 Pet. R. 1, 16, 17; 20 John. R. 193; 3 Kent, Com. 308 to 318; Story on Const. 1096; 4 How. U. S. 567; 4 Melcan. 254; 6 Hill, 546; 8 Ala. R. 48.
67. **INDIANS:** The aborigines of this country are so called.  
2. In general, Indians have no political rights in the United States; they cannot vote at the general elections for officers, nor hold office. In New York they are considered as citizens and not as aliens, owing allegiance to the government and entitled to its protection. 20 John. 188, 633. But it was ruled that the Cherokee nation in Georgia was a distinct community. 6 Pet. 515. See 8 Cowen. 189; 9 Wheat. 673; 14 John. 181, 332 18 John. 506.
68. **INHERENT:** An inseparable quality or part of a thing or a person; intrinsic to a thing or a person. Anno: 23 ALR 1095.
69. **INHERENT JURISDICTION:** The jurisdiction of a court existing under a grant of general jurisdiction to the court, not by a grant of jurisdiction for a specific purpose. *Kelly v Conner*, 122 Tenn 339, 123 SW 622.

70. **INHERENT POWER.** The doctrine that the federal government has sovereign and inherent powers in addition to the powers given to it expressly or impliedly by the United States Constitution; a doctrine refused recognition as law by the United States Supreme Court. *Kansas v Colorado*, 206 US 46, 51 L Ed 956, 27 S Ct 655.
71. **INHERENT POWER OF COURT:** A power essential to the very existence of the court or its ability to function in dispensing justice; the power to punish contempt, 17 Am J2d Contpt § 62; the power to grant a continuance in the interest of justice. *State ex rel. Buck v McCabe*, 140 Ohio St 535, 24 Ohio Ops 552, 45 NE2d 763. A power included within the scope of a court's jurisdiction which a court possesses irrespective of specific grant by constitution or legislation; a power which can neither be taken away nor abridged by the legislature. *State ex rel. Ricco v Biggs*, 198 Or 413, 255 P2d 1055, 38 ALR2d 720.
72. **INHERENT RIGHT:** A term denoting the functional character of rights of members of a community in an unorganized state. *State ex rel. McGracl v Phelps*, 144 Wis 1, 128 NW 1041. See **fundamental rights and privileges**.
73. **INSULA:** An island; a detached building; a building let out to several poor families.
74. **INSULA:** Latin. An island. In the Roman law the word is applied to a house not connected with other houses, but separated by a surrounding space of ground. *Calvini Lex; Vicat. Vocab. ad voc.*
75. **INSULAR COURTS:** Courts established by Congress and invested with jurisdiction to be exercised in insular possessions of the United States.
76. **CONFUSION OF RIGHTS AND OBLIGATIONS:** A merger of the **obligor** and the **obligee** in one person; the concurrence of two adverse rights to the same thing in one and the same person; the concurrence of the character of the **sole debtor** and the **sole creditor** in the same person, thereby **extinguishing the debt**. *Woods v Ridley*, 30 Tenn (11 *Humph*) 195, 198.
77. **UNLAWFULLY INSULATED:** To SEPARATE two Lawful persons from being able to use each other; therefore used to prevent the lawful passage or transfer of monetary energy from one body source to the other thereby **forcing** the Creditor to use an "Unlawful Ab Initio" foreign alternative monetary energy to exist. (The following actions were used to create an unlawful Membership Corporation as an **insular possession** "an Unlawful Accumulation" for the belligerent UNITED STATES and STATE OF Corporations [**an Independent Political Society**] to commercially blockade and control the Creditor, while using the Debtor as collateral and a taxing base for their own corporate benefits.)
78. **COMMERCIAL BLOCKADE:** An instrumentality of naval warfare by which the forces of one belligerent interdict commerce between the other belligerent and neutral nations by investing the ports of the other belligerent with such forces as effectively to prevent ingress and egress. 56 Am J1st War § 171.
79. **UNLAWFUL AB INITIO:** **Unlawful from the beginning.** In cases of total divorce, the marriage is declared null, as having been absolutely unlawful ab initio (from the beginning); and the parties are therefore separated *pro salute animarum* (for the welfare of their souls). See 1 Bl Comm 440. See **trespass ab initio**.
80. **TRESPASS AB INITIO:** A trespass from the beginning. A trespass by retrospective operation, the principle being that where an entry, authority, or license is conferred by law under which conduct otherwise constituting a trespass may be justified, an abuse of such authority will destroy the privilege and render the act done in excess of authority, a trespass from the beginning, that is, from the time of the entry. 52 Am J1st Tresp § 19.
81. **UNLAWFUL ACCUMULATION:** An accumulation of an estate in violation of the rule against perpetuities or unlawful accumulation. An accumulation of an estate in violation of the rule against **perpetuities** or in violation of statutes comparable to the **Thellusson Act** of England. 41 Am J1st Perp § 44.
82. **PERPETUITY:** Literally, something that lasts forever. In an artificial sense of the term, as used in the law of property, a limitation of a contingent future interest in violation of the rule against perpetuities. A limitation, whether executory or by way of remainder, of either real or personal property, which is not to vest until after expiration of, or will not necessarily vest within, the period fixed and prescribed by law for the creation of future estates and interests, and which is not destructible by persons for the time being entitled to the property subject to the future limitation, except with the concurrence of the individual interested under that limitation. 41 Am J1st Perp § 7. See **rule against perpetuities**.
83. **RULE AGAINST PERPETUITIES:** The rule which prohibits the creation of future interests or estates which by possibility may not become vested within a life or lives in being at the time of the testator's death or the effective date of the instrument creating the future interest, and twenty-one years thereafter, together with the period of gestation when the inclusion of the latter is necessary to cover cases of posthumous birth. 41 Am J1st Perp § 3.
84. **THELLUSSON ACT:** An English statute by which all persons are prohibited from settling property by deed or will so that the rents and profits shall be wholly or partially accumulated for a longer term than the life of the settlor, or 21 years after his death, or during the minority of a person or persons living at the time of the death of the settlor, or during the minority or respective minorities only of a person or persons who, if of full age, would have been absolutely entitled under the settlement. Act of 39 and 40 Geo III, Ch 98; 41 Am J1st Perp § 44.
85. **UNJUST:** Contrary to right and justice, or to the enjoyment of his rights by another, or to the standards of conduct furnished by the laws.
86. **UNJUST ENRICHMENT:** The circumstances which give rise to the obligation of restitution, that is, the receiving and retention of property, money, or benefits which in justice and equity belong to another. *Herrmann v Gleason* (CA6 Mich) 126 F2d 936; *Straube v Bowling Green Gas Co.* 360 Mo 132, 227 SW2d 666, 18 ALR2d 1335. See **restitution**.
87. **RESTITUTION:** The restoration to a person of that of which he has been wrongly deprived. Relief against the unjust enrichment of one person at the expense of another. Relief for one who has been compelled to pay money under a judgment since reversed. 5 Am J2d A & E §§ 997 et seq. The restoration of property of which one has been deprived under a judgment since reversed. 5 Am J2d A &

E § 1004. The ordinary form of judgment for the plaintiff in an action for forcible entry and detainer, awarding restitution of the premises to him, with costs. 22 Am J1st Fore E & D § 48. In the modern sense of the term, compensation, reimbursement, indemnification or reparation for benefits derived from, or for loss or injury caused to another. *Holloway v People's Water Co.* 100 Kan 414, 167 P 265, 2 ALR 161.

88. **RESTORATION RULE:** The rule that the plaintiff in an action for an injury to his real property is entitled to recover the cost of repairing the real estate so as to restore it to its condition immediately prior to the injury. *Cattin v Omaha*, 149 Neb 434, 31 NW2d 300.
89. **RESTORATION OF RECORD:** The restoring of a lost or destroyed public record through procedure prescribed by statute. 34 Am J1st Lost Papers §§ 27 et seq. The replacement of a judicial record which has been lost, stolen, or destroyed, also the replacement in its original condition of a judicial record **Improperly Altered**. 20 Am J2d Cts § 63.
90. **IMPROPERLY:** Acting in a manner which is **unsuitable, unfitting, or wrong**, especially in reference to the time, place, and circumstances. In connection with the conduct of a person, acting in a manner much different from that which a man of ordinary and reasonable care and prudence would have followed under the circumstances of the case. *Cairnes v Hillman Drug Co.* 214 Ala 545, 547, 108 So 362.
91. **ALTERATION:** A change of a thing from one form or state to another—that is, making a thing different from what it was, but without destroying its identity. 4 Am J2d Alt of Inst § 1.
92. **ALTERATION OF INSTRUMENT:** A change in the sense or language of the instrument effected by an intentional act performed on the instrument by a party entitled to the instrument. In the legal sense of the term "alteration of instrument" it does not include an act performed on the instrument by a stranger thereof. 4 Am J2d Alt of Inst § 1. In order to constitute a **forgery**, an alteration must be such as to make the instrument speak a language different in legal effect from that which it originally spoke, **or which carries with it some change in the rights, interest, or obligations of the parties** to the writing. 23 Am J2d 683 Forg § 16.
93. **FORGERY:** A criminal offense at common law and under statutes defining the term variously. 36 Am J2d Forg § 1. Essentially, the false making or **material alteration, with intent to defraud**, or, under some statutes, **intent to injure**. (*Green v State (Fla)* 76 So 2d 645, 49 ALR2d 847), of any writing which, if genuine, might apparently be of legal efficacy or the foundation of a legal liability. 36 Am J2d Forg § 1.
94. **ILLEGAL BRANDING:** The statutory offense of branding or marking cattle without the consent of the owner, and with **intent to defraud**. *State v Hall*, 27 Tex 333. **The misbranding of a product for the purpose of deceiving the public**. 56 Am J1st Wts & L § 64.
95. **INTENT TO DEFRAUD:** An intent to commit a fraud. The words as used in a statute making it an offense to pretend to be an officer or employee acting under the authority of the United States, do not require more than that the person charged has, by artifice and deceit, sought to cause the deceived person to follow some course he would not have pursued but for the deceitful conduct. *United States v Lepowitch*, 318 US 702, 87 L Ed 1091, 63 S Ct 914.
96. **INFRINGEMENT:** A violation of a **right** or privilege; an encroachment.
97. **INFRINGEMENT OF NAME:** The adoption by a corporation of a name so similar to that of another corporation, association, or firm as will result in confusion or deception. 18 Am J2d Corp § 156.
98. **INFRINGEMENT OF TRADENAME:** Such a colorable imitation of a **tradename** that the general public, in the exercise of reasonable care, might think that it is **the name of the one first appropriating it**. 52 Am J1st Tradem §§ 127 et seq.
99. **ILLEGAL CONTRACT:** An agreement contrary to law, morality, or public policy. 17 Am J2d Contr § 156. A contract founded upon a consideration contrary to good morals, against the principles of sound public policy, in fraud, or in contravention of the provisions of some statute. *Goodrich v Tenney*, 144 Ill 422, 33 NE 44; *Ovitt v Smith*, 68 Vt 35, 33 A 769. Precisely, an agreement, the intent of which conflicts with a statute, a well-clarified rule of the law set forth by judicial decision, **or the recognized rights of others** so as to threaten the life, **disturb the Peace**, or **endanger the safety or morals** of other citizens. *Win. Lindeke Land Co. v Kalman*, 190 Minn 601, 252 NW 650, 93 ALR 1393.
100. **RESTORATIVE REMEDIES:** Those remedies in equity by which the plaintiff is restored to the full enjoyment of the right, property, or estate to which he is entitled, but which use and enjoyment have been hindered, interfered with, prevented, or withheld by the wrongdoer. See 1 Pomeroy's Equity Jurisprudence § 112.
101. **UNLAWFUL BELLIGERENT:** An enemy not entitled to the protection of the laws of war, because of the want of a lawful war or of the violation by it of the laws of war. 56 Am J1st War §§ 3 et seq.
102. **UNLAWFUL DETAINER:** The unlawful withholding or detention of real property after the acquisition of a peaceable and actual, but unlawful, possession. 35 Am J2d Fore E & D § 32.
103. **UNLAWFUL ENTRY:** A trespass. A going upon the property of another without right or authority. As an element of burglary, the intrusion of any part of the body for the purpose of committing a felony upon the premises. Anno: 23 ALR 289; 13 Am J2d Burgl § 10.
104. **IMPLICATION:** Something implied. The evident consequence, or some necessary consequence resulting from the law, or the words of an instrument, in the construction of which the words, the subject, the context, the intention of the person using them, are all to be taken into view. *Rhode Island v Massachusetts (US)* 12 Pet 657, 723, 9 L Ed 1233, 1260. The matter of being involved, as in a crime.
105. **IMPLIED: Accepted** as that which was intended although not stated expressly. Understood. **Suggested**.

106. **IMPLIED ACCEPTANCE:** An acceptance understood from acts and circumstances where not expressly stated. The acceptance of an offer implied from acts or conduct, including performance by the offeree of his undertaking. *Cole-McIntyre-Norfleet Co. v Holloway*, 141 Tenn 679, 214 SW 817, 7 ALR 1683. *Duquesne Lumber Co. v Keystone Mfg. Co.* 90 W Va 673, 112 SE 219. An acceptance of an offer of dedication through positive conduct on the part of the authorized public officers evincing their consent on behalf of the public. *Blowing Rock v Gregorie*, 243 NC 364, 90 SE2d 898; *Henry v Ionic Petroleum Co.* (Okla) 391 P2d 792. An acceptance of a deed implied where the intention to accept is manifested by conduct such as that of retaining possession of the deed, conveying the property, or otherwise exercising the rights of an owner, provided the grantee had, at the time he acted, knowledge of the conveyance. 23 Am J2d Deeds § 128. The acceptance of a gift operating entirely to the benefit of the donee. 24 Am J1st Gifts § 117. Of a draft or bill of exchange: —an acceptance by the drawee implied from circumstances such as his retention or destruction of the instrument, 11 Am J2d B & N § 509; a concept at variance with the provision of the Uniform Commercial Code that the signed engagement of the acceptor must be written on the bill or draft. 11 Am J2d B & N § 510. [588] benefit of the donee. 24 Am J1st Gifts § 117. Of a draft or bill of exchange: —an acceptance by the drawee implied from circumstances such as his retention or destruction of the instrument. 11 Am J2d B & N § 509; a concept at variance with the provision of the Uniform Commercial Code that the signed engagement of the acceptor must be written on the bill or draft. 11 Am J2d B & N § 510.
107. **IMPLIED ASSIGNMENT:** An assignment by operation of law, for example, the passing of a decedent's personal assets to the executor or administrator of his estate. 6 Am J2d Assign § 2.
108. **IMPLIED BANKER'S LIEN:** A lien of a bank for the balance owing upon a general account upon the securities of the customer or depositor in the possession of the bank, implied from the usages of the banking business or the law merchant. 10 Am J2d Banks § 660.
109. **IMPLIED BEQUEST OR DEVISE:** A bequest or devise inferred from expressions in a will raised for the purpose of carrying out what the testator appears on the whole to have really meant, but failed to express as distinctly as he should have done. *O'Hearn v O'Hearn*. 114 Wis 428, 90 NW 450.
110. **IMPLIED BIAS:** Presumed bias; bias which is supposed to exist on account of the relation which the juror bears either to the cause or to some of the parties thereto. 31 Am J Rev ed Jury § 171.
111. **IMPLIED COERCION:** Existing where a person is induced to do an act contrary to his will in consequence of his legal subjection to another. *Fluharty v Fluharty*. 38 Del 487, 193 A 838.
112. **IMPLIED CONSTITUTIONAL PROVISION:** A condition implied in a constitution, whether the Constitution of the United States or a state constitution, because deemed within the meaning and intention of the constitution on judicial inspection thereof. 16 Am J2d Const L § 72.
113. **IMPLIED CONTRACT:** A contract inferred from the conduct of the parties, although not expressed in words. *Corriveau v Jenkins Bros.* 144 Conn 383, 132 A2d 67. Implied in fact:—a real contract but one inferred from the circumstances, the conduct, acts, or relation of the parties, rather than from their spoken words. *Gleason v Salt Lake City*, 94 Utah 1, 74 P2d 1225. A contract to pay the reasonable value of services performed by one person for another, where there is no express agreement as to the compensation, but the circumstances, particularly the conduct of the person for whom the work was done, is such as to justify an understanding by the person performing the work that the former intended to pay for it. Anno: 54 ALR 549; 58 Am J1st Wk & L § 3. Implied in law:—a quasi or constructive contract implied by law on the grounds of justice and equity, usually to prevent unjust enrichment. 58 Am J1st Wk & L § 2. implied contract. A contract inferred from the conduct of the parties, although not expressed in words. *Corriveau v Jenkins Bros.* 144 Conn 383, 132 A2d 67. Implied in fact:—a real contract but one inferred from the circumstances, the conduct, acts, or relation of the parties, rather than from their spoken words. *Gleason v Salt Lake City*, 94 Utah 1, 74 P2d 1225. A contract to pay the reasonable value of services performed by one person for another, where there is no express agreement as to the compensation, but the circumstances, particularly the conduct of the person for whom the work was done, is such as to justify an understanding by the person performing the work that the former intended to pay for it. Anno: 54 ALR 549; 58 Am J1st Wk & L § 3. Implied in law:—a quasi or constructive contract implied by law on the grounds of justice and equity, usually to prevent unjust enrichment. 58 Am J1st Wk & L § 2.
114. **IMPLIED DEDICATION:** An acquiescence by the owner of land in a public use thereof; acts or conduct of the owner of land manifesting an intent to devote the property to public use. 23 Am J2d Ded § 1.
115. **IMPLIED DELIVERY:** A constructive delivery to bailee, meaning all those acts which, although not truly comprising real possession of the goods transferred, have been held, by legal construction, equivalent to actual delivery, including, in this sense, symbolical or substituted delivery. 8 Am J2d Bailm § 55.
116. **IMPLIED FORCE:** The employment of words or conduct to put another in fear of bodily harm if he does not give way or submit. See 35 Am J2d Fore E & D § 58.
117. **IMPLIED POWERS:** The powers necessary to effectuate the powers expressly conferred. *Re Munger*, 168 Iowa 372, 150 NW 447 (powers of executor or administrator). Sometimes in loose usage referred to as inherent powers. *Re Berman*, 245 NC 612, 97 SE2d 232. The powers of a public officer which, although incidental and collateral, are germane to, or serve to promote or benefit, the accomplishment of the principal purposes of the office. *Moore v Nation*, 80 Kan 672, 103 P 107. Federal powers under an implied grant in the United States Constitution. 16 Am J2d Const L § 199. The powers of a corporation to effectuate the powers expressly granted and to accomplish the purposes for which the corporation was formed, except as the particular act is prohibited by law or by the charter. 19 Am J2d Corp § 953. The implied powers which a corporation has in order to carry into effect those expressly granted and to accomplish the purposes of the creation of the corporation are not limited to such as are indispensable for these purposes, but comprise all that are necessary, in the sense of appropriate and suitable, including the right of reasonable choice of means to be employed. 19 Am J2d Corp § 953. See implied authority.

118. **SUGGEST:** To bring an idea to the attention of another for consideration. A word which may or may not be precatory, depending upon the context in which it appears and the circumstances under which it occurs. Where the word is used in a will, without any qualifying or explanatory words or circumstances to affect its ordinary meaning, it has been held merely to place a matter before another for consideration, and, under ordinary circumstances, in no wise to carry with it an expression of desire, will or entreaty. When so used, it is not a precatory word and is insufficient to create a trust. *Williams v Baptist Church of Baltimore*, 92 Md 497, 48 A 930.
119. **SUGGESTIO FALSI:** A suggestion of that which is false or untrue; a misrepresentation. 37 Am J2d Fraud § 144.
120. **INSURE:** To contract to indemnify a person against loss from stated perils; to enter into a contract of insurance as insurer.
121. **ISLAND:** A body of land surrounded by water. 56 Am J1st Wat § 504. To constitute an island in a river, the formation or body must be of a permanent character, not merely surrounded by water when the river is high, but permanently surrounded by a channel of the river, and not a sand bar subject to overflow by the rise of the river and connected with the main land when the river is low, but it is not necessary that the formation on the bed of the river and extending above its surface be suitable for agricultural purposes in order to constitute it an island. *Howler v Wood*, 73 Kan 511, 85 P 763.
122. **ISLAND:** A piece of land surrounded by water.  
 2. Islands are in the sea or in rivers. Those in the sea are either in the open sea, or within the boundary of some country.  
 3. When new islands arise in the open sea, they belong to the first OCCUPANT: but when they are newly formed so near the shore as to be within the boundary of some state, they belong to that state.  
 4. Islands which arise in rivets when in the middle of the stream, belong in equal parts to the riparian proprietors when they arise, mostly on one side, they will belong to the riparian owners up to the middle of the stream. *Bract. lib. 2, c. 2; Fleta, lib. 3, c. 2, s. 6; 2 Bl. 261; 1 Swift's Dig. 111; Schult. Aq. R. 117; Woolr. on Waters: 38; 4 Pick. R. 268; Dougl. R. 441; 10 Wend. 260; 14 S. & R. 1.* For the law of Louisiana, see Civil Code. art. 505, 507.  
 5. The doctrine of the common law on this subject, founded on reason, seems to have been borrowed from the civil law. *Vide Inst. 2, l. 22; Dig. 41. l. 7; Code. 7: 41, 1.*
123. **INCORPORATING STATE:** The state wherein a corporation was created by law and became an entity. 36 Am J2d For Corp § 85.
124. **INCORPORATION:** The creation of a corporation whether directly by special legislative act, or by compliance with general laws. 18 Am J2d Corp §§ 24 et seq. An incorporated company; a corporation. The combining of one thing with another. The addition of a material to a building or other structure. 36 Am J1st Mech L § 72.
125. **INCORPORATION BY REFERENCE:** The doctrine that a will, duly executed and witnessed according to statutory requirements, may incorporate into itself by an appropriate reference a written paper or document which is in existence at the time of the execution of the will, irrespective of whether such document is one executed by the testator or a third person, whether it is executed and attested as a will, or whether it is in and of itself a valid instrument, provided the document referred to is identified by clear and satisfactory proof. 57 Am J1st Wills § 233. The permissible practice of referring to; and thereby making a part of one count or defense, the whole or a part of the allegations of another count or defense in the same pleading. 41 Am J1st Pl § 58. Making a map, plat, or writing a part of a deed by reference thereto in the deed, particularly for the purpose of furnishing a description of the property conveyed. 23 Am J2d Deeds § 232. Making prior certificates in an abstract of title a part of the last certificate by a reference in the latter. 1 Am J2d Abstr T § 20. Making a separation agreement a part of decree of divorce by reference thereto in the decree. 24 Am J2d Div & S § 907. Making an extraneous writing a part of a written contract by reference thereto in the contract in terms of making it a part of the contract. 17 Am J2d Contr § 263.
126. **INCORPORATION FEES:** Fees the payment of which is required by the constitutions and statutes of many states as a prerequisite to the exercise of corporate powers. 18 Am J2d Corp § 41.
127. **INCORPORATION UNDER GENERAL LAWS:** The usual method of incorporation, calling for compliance with statutes imposing requirements generally relative to the formation of a corporation and the exercise of powers thereby. 18 Am J2d Corp §§ 23 et seq.
128. **INCORPORATION UNDER SPECIAL LAWS:** Acquiring corporate status under a special act conferring upon designated persons and their associates the right to be a corporation and exercise corporate powers. 18 Am J2d Corp § 26.
129. **INCORPORATOR:** Same as corporator.
130. **CORPORATOR:** A person who joins in the formation of a corporation; a promoter; a stockholder; a shareholder; a member. 18 Am J2d Corp § 35.
131. **MEMBER:** One who belongs to an organization, such as cooperative association, fraternal order, or membership corporation. *Smith v Iron M.T. Terminal Co.*, 46 Mont 13, 125 P 649. An incorporator or the successor of an incorporator of a corporation which has no capital stock. 18 Am J2d Corp § 460. A hand, foot, arm, leg, finger, toe, testicle, or other organ of the body. See 4 Bl Comm 205.
132. **MEMBERSHIP:** A condition or status of being a member. In reference to a building and loan association, a matter of contract and ordinarily acquired by taking and holding stock, such being evidenced by the issuance and delivery of a certificate or certificates of stock to the member and the inscription of his name on the books of the association. 13 Am J2d B & L Assoc § 16.
133. **MEMBERSHIP CERTIFICATE:** See certificate of membership.
134. **CERTIFICATE OF MEMBERSHIP:** Sometimes called a benefit certificate, issued to a member of a mutual benefit society, constituting the contract between him and the corporation, but construed and governed by its charter constitution, and bylaws.
135. **MEMBERSHIP CORPORATION:** A distinct kind of corporation authorized under the statutes of most jurisdictions, existing for purposes other than profit, often for charitable, fraternal, social, or religious purposes, in which the participants acquire the status of members rather than stockholders. 18 Am J2d Corp § 460.

136. **MUNICIPAL CORPORATION:** A body politic and corporate constituted by the incorporation of the inhabitants of a city or town for the purposes of local government thereof. A city or town or the local government thereof. Anno: 108 ALR 577 (within meaning of tax exemption statute.) A territorial or political subdivision established by the state for the purpose of administering local government. Lane v Minnesota State Agri. Soc. 62 Minn 175, 64 NW 382. The body politic created by organizing the inhabitants of a prescribed area, under the authority of the legislature, into a corporation with all the usual attributes of a corporate entity, but endowed with a public character by virtue of having been invested by the legislature with subordinate legislative powers to administer local and internal affairs of the community, and established as a branch of the state government to assist in the civil government of the state. 37 Am J1st Mun Corp § 3.
137. **MUNICIPAL CORPORATION BY PRESCRIPTION:** A municipal corporation which has exercised its powers so long without objection upon the part of the state government that, although no charter is in existence, it is presumed that it was duly incorporated in the first place and that the charter has been lost. 37 Am J1st Mun Corp § 10.
138. **MUNICIPAL CORPORATION DE FACTO:** The kind of municipal corporation which results when the people of a city, town or village have attempted to incorporate themselves under a statute which authorized such action, and have actually used and exercised the franchise of a municipal corporation by virtue of such proceedings, although the proceedings were so irregular that the validity of the corporation can be successfully attacked in a proceeding brought for that purpose by the state. 37 Am J1st Mun Corp § 13.
139. **ONEROUS:** Burdensome; not without consideration.
140. **ONEROUS DEED:** A deed which was executed by the grantor for a valuable consideration.
141. **PARTY:** A person who has engaged in a transaction or made an agreement. UCC § 1-201(29). One of the opposing litigants in a judicial proceeding—a person seeking to establish a right or one upon whom it is sought to impose a corresponding duty or liability, including any person by whom or against whom a suit, either at law or in equity, is brought. 39 Am J1st Parties § 4. For the purposes of a right to appeal, persons named as parties in the original pleadings and persons who subsequently come or are brought into the action for the purpose of seeking relief or of being subjected to relief. 4 Am J2d A & E §§ 174, 175. For some purposes, a person interested in the litigation, as well as a party of record, for example, the disqualification of a judge. Anno: 10 ALR2d 1312, or incompetency to testify to a transaction had with a person since deceased. 58 Am J1st Witn § 283. For the purpose of the rule of res judicata, any person who has a direct interest in the subject matter of the suit and has a right to control the proceedings, defend, examine the witnesses, and appeal if an appeal lies. Vanc v C. Hoffberger Co. 196 Md 450, 77 A2d 152, 22 ALR2d 1450.
142. **PEACE:** The Tranquility enjoyed by members of a community where good order reigns. 12 Am J2d Breach P § 4. That invisible sense of security which every person feels so necessary to his comfort, and for which all governments are instituted. Miles v State, 30 Okla Crim 302, 236 P 57, 44 ALR 129. The termination of a war, of hostilities between nations. 56 Am J1st War § 13.
143. **PEOPLE:** The state; the nation; any consolidated political body. United States v Three Friends, 166 US 1, 41 L Ed 897, 17 S Ct 495. The subjects or inhabitants of a nation. The Pizarro (US) 2 Wheat 227, 246, 4 L Ed 226, 231.  
"The popular leaders, who in all ages have called themselves the people." etc. See 4 Bl Comm 438.
144. **PEOPLE OF THE STATE:** The representatives of the state itself; the state itself, as where a criminal prosecution is entitled as by "The People of the State."  
As the expression is used in some connections, such as with reference to enjoyment of the public waters within the state, it includes all people lawfully within the state, whether of the state, in the sense of being residents thereof or otherwise. Rossmiller v State, 114 Wis 169, 89 NW 839.
145. **PEOPLE OF THE UNITED STATES:** The sovereign people. Citizens. Boyd v Nebraska, 143 US 135, 36 L Ed 103, 12 S Ct 375.
146. **Per the Constitution:** Preamble:  
WE, the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America  
Article I, Section 8:  
To borrow money on the credit of the United States.  
To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.
147. **PRAYER:** A supplication addressed to God.  
That part of a pleading which designates and asks for the relief sought by the party. The prayer is no part of a plaintiff's cause of action and it cannot aid in curing a defective complaint, but it may serve to show what kind of a case the plaintiff supposes he has made and the kind of relief to which he conceives himself to be entitled, and may indicate the object which he seeks to accomplish. See 41 Am J1st Pl §§ 109 et seq.  
An appropriate prayer should be incorporated in a bill or petition for equitable relief. 27 Am J2d Eq. § 182.
148. **PRAYER FOR PROCESS:** A technical requirement of a bill in equity that the plaintiff, as the last formal part of his bill, name the defendant, so that he may be brought into court. 27 Am J2d Eq. § 182.
149. **PREAMBLE:** A prefatory statement most aptly illustrated by the fifty-two words at the beginning of the Constitution of the United States. A clause in a statute, following the title and preceding the enacting clause, explanatory of the reasons for the enactment and the objects sought to be accomplished. 50 Am J1st Stat § 152. A statement at the beginning of a municipal ordinance by way of a finding of fact by the council and the reasons, purpose, or occasion of or for the enactment. Continental Oil Co. v Santa Fe, 25 NM 94, 177 P 742, 3 ALR 398.  
The preamble to the Constitution of the United States indicates the general purposes for which the people ordained and established the Constitution, but the preamble itself has never been regarded as the source of any substantive power conferred on the Federal Government or on any of its departments. Although one of the declared objects of the Constitution, as stated in the preamble, was to

secure the blessings of liberty to all under the jurisdiction and authority of the United States, no power can be exerted to that end by the United States unless, apart from the preamble, it is found in some express delegation of power or in some power to be properly implied therefrom, in the body of the Constitution. *Jacobson v Massachusetts*, 197 US 11, 49 L Ed 643, 25 S Ct 358.

150. **PRECARIOUS RIGHT:** A granted right which is revocable at the will of the person who granted it.
151. **PRE-EMPTION LAWS:** Federal statutes beginning with the Act of September 4, 1841, under which a settler upon public lands of the United States, surveyed and subject to private entry, might acquire title.  
The pre-emption laws differ from the homestead law in that under the former, claims might be initiated prior to record notice, three months being allowed the settler within which to file his declaratory statement with the register of the proper district, while under the homestead law, the rights of the settler only attached to the land from the date of the entry in the proper land office. *St. Paul, M. & M. R. Co. v Donohue*, 210 US 21, 52 L Ed 941, 28 S Ct 600; *Maddox v Burnham*, 156 US 544, 39 L Ed 527, 15 S Ct 448.
152. **PREFERENCE:** The right of one person over other persons, to be appointed administrator, for example, the right of a surviving spouse. 31 Am J2d Ex & Ad §§ 50 et seq. A right given to a stockholder of a corporation to subscribe at a stated price for shares of a new issue in proportion to the shares already held by him. *Miles v Safe Deposit & Trust Co.* 259 US 247, 66 L Ed 923, 42 S Ct 483. A provision in a succession or inheritance tax statute which for the purposes of exemptions and rates divides recipients into classifications based upon relationship to decedent. 28 Am J Rev ed Inher T § 302. A term often confused with "priority," but distinguishable by considering a priority as legal and a preference as something which the law may make voidable. The act of a debtor in preferring one or more of his creditors to others by paying him or them without favoring the others with payment. 37 Am J2d Fed Conv § 89.
153. **PREMISES:** The grounds of an argument or dissertation. In an instrument, something written before in the same instrument. *Alaska Improv. Co. v Hirsch*, 119 Cal 249, 255, 47 P 124, 51 P 340. A formal part of a deed, otherwise known as the caption, preceding the habendum clause, containing recitals of the grantor's motive for the conveyance, the names and designations of the parties, the consideration expressed for the deed, words of grant, and the description of the property conveyed. 23 Am J2d Deeds § 33. The part of a bill in equity which embraces the real substance of the suit, setting out all the essential facts on which the plaintiff relies as grounds of relief. 27 Am J2d Eq § 181. Real estate, particularly real estate with buildings. *Meador v Blonde*, 34 Wyo 397, 244 P 222.
154. **PRESENTATION:** An offering by one entitled to do so of a qualified person to be installed in a benefice.
155. **PRESUMED GRANT:** A theoretical basis of the acquisition of title by adverse possession or of a prescriptive right by adverse possession or adverse user. 3 Am J2d Adv P § 3; 25 Am J2d Eas § 39.
156. **PRESUMPTION:** A rule of law that attaches definite probative value to specific facts or draws a particular inference as to the existence of one fact, not actually known, arising from its usual connection with other particular facts which are known or proved. 29 Am J2d Ev § 160. The assumption or taking for granted of the existence of a fact, permitted or required under the law as a self-evident result of human reason and experience. *Ward v Metropolitan Life Ins. Co.* 66 Conn 227, 238, 33 A 902. An effect of an evidentiary fact from which the trier of fact must find the existence of another fact unless and until evidence is introduced which will support a finding of its nonexistence. UCC § 1-201(31). A rule of law attaching definite probative value to a specific fact, as distinguished from an inference which is a permissive conclusion by a trier of fact, unaided by any rule or theory of law directly applicable. *People v Hillebrandt*, 308 NY 397, 126 NE2d 377 49 ALR2d 449; *Stumpf v Montgomery*, 101 Okla 257, 226 P 65, 32 ALR 1490, 1496.
157. **PUBLIC AND DOMESTIC TRANQUILLITY:** Public peace. The expression means nothing more than the public peace, which is made up of the aggregate of individual peace and domestic peace, and is nothing more than a subdivision of the one and an aggregation of the other. One cannot lawfully disturb the quiet of domestic life by that same kind of offensive and tumultuous carriage which would anywhere constitute a breach of public peace, although no one but the family of which he is a member is present. Anno: 1 ALR 591.
158. **PUBLIC DEBT:** In a narrow sense, national or state obligations; in a broader sense, national obligations, state obligations, county obligations, town obligations, in fact the obligations of any public body. 43 Am J1st Pub Sec § 3.
159. **PUBLIC DEBTOR:** Broadly, the nation, a state, county, town, municipal corporation, or political subdivision obligated under outstanding indebtedness. A municipal corporation, school district, local improvement district, county, or other political subdivision eligible for relief by the composition of its indebtedness under provisions of the Bankruptcy Act. 9 Am J2d Bankr § 1416.
160. **PURGE OF WRONG:** An adequate and effective renunciation and repudiation by a person of his prior unconscionable or wrongful conduct. *Dickerson v Murfield*, 173 Or 662, 147 P2d 194. The assumption of responsibility for a tortious act committed by another person.
161. **PURGING USURY:** Removing the taint of usury, as by abandoning the usurious agreement and the execution of a new obligation for the amount of the actual debt, free from the usury, and bearing legal interest. 55 Am J1st Usury § 97.
162. **QUIETING TITLE:** An action or suit in court designed to effect a removal of a cloud or clouds on title to real property, known in older times as a bill qui timet. *Sharon v Tucker*, 144 US 533, 36 L Ed 532, 12 S Ct 720. A remedy, originating in equity, enlarged and supplemented in many jurisdictions by statute, having for its purpose an adjudication that a claim of title to or an interest in property, adverse to that of the plaintiff, is invalid, so that the plaintiff and those claiming under him may be forever afterward free from any danger of the hostile claim. 44 Am J1st Quiet T § 1.
163. **REMOVAL:** A moving of something. A change of residence. A change of domicile. *Barstow v Stone*, 10 Colo App 296, 52 P 48. A person's departure to and settlement in a foreign country. *Jones v McMasters (US)* 20 How 8, 22, 15 L Ed 805, 810.
164. **REMOVAL FOR CAUSE:** The removal of a public officer from office for reasons which the law and sound public policy recognize as sufficient warrant for removal, that is, legal cause, not merely cause which the appointing power in the exercise of discretion may deem sufficient. 43 Am J1st Pub Off § 205.

165. **REMOVAL FROM OFFICE:** Divesting an incumbent of the powers and emoluments of office. An incident of the sovereign power which creates an office, the title to office being held subject to the conditions imposed by the sovereign power in constitution or statute. 43 Am J1st Pub Of §§ 181, 182. The divesting of the power, authority, and position of a person as an executor or administrator of a decedent's estate. 31 Am J Ex & Ad § 109.  
As used in a constitutional provision providing that an officer unless "removed" holds office until his successor qualifies, the word refers to ouster from office under the statute authorizing removals for misconduct, and does not refer to ouster by quo warranto proceedings, which are invoked only where a person is usurping an office to which he has no legal title. See *Haymaker v State ex rel. McCain*, 22 NM 400, 163 P 248.  
Removal from office also applies to corporate officers, removal being accomplished as provided for and regulated by statute or provision of the charter of the corporation. 19 Am J2d Corp § 1105.
166. **RIGHT OF APPROACH:** The right of a belligerent to visit a ship at sea to determine her nationality. The right to visit and search merchant ships on the high seas, whatever be the ships, the cargoes, the destinations, is an incontestable right of the lawfully commissioned cruisers of a belligerent nation, but it should be exercised with as much regard to the safety of the vessel detained as is consistent with a thorough examination of her character and voyage. 56 Am J1st War § 152.
167. **RIGHT OF PRIVATE PROPERTY:** A right which consists in the free use, enjoyment and disposal of all acquisitions, without any control or diminution, save only by the laws of the land. *Evans v Reading Chemical Fertilizing Co.* 160 Pa 209, 218, 28 A 702.
168. **RIGHT OF RE-ENTRY:** See re-entry for condition broken.
169. **RIGHTS OF THINGS:** Such rights as a man may acquire over external objects, or things unconnected with his person. See 1 Bl Comm 122.
170. **RIGHT OF WAY BY NECESSITY:** A Right of way founded upon an implied grant or implied reservation, the implication arising from the necessity of a way for use of premises granted or premises retained by the grantor. 25 Am J2d Ease § 34.
171. **RIGHT OF WAY BY RESERVATION:** A Right of way created by a deed reserving in the premises conveyed an easement therefor. 25 Am J2d Ease § 21.
172. **SOVEREIGN IMMUNITY:** The principle that the sovereign cannot be sued in its own courts or in any other court without its consent and permission; a principle which applies with full force to the several states of the Union. 49 Am J1st States § 91. The principle that the United States is immune from suit except where it consents thereto, as by a statute such as the Federal Tort Claims Act. 28 USC §§ 1491 et seq.; 20 Am J2d Cts § 152. The principle that a sovereign state is bound to respect the independence of every other sovereign state, so that the courts of one country will not sit in judgment on the acts of the government of another, done within its own territory. 20 Am J2d Cts § 152.
173. **SOVEREIGN PEOPLE:** See people of the state; people of the United States.
174. **SOVEREIGN POWER:** The power to make and enforce laws. "By the sovereign power is meant the making of laws; for wherever that power resides, all others must conform to, and be directed by it, whatever appearance the outward form and administration of the government may put on. For it is at any time in the option of the legislature to alter that form and administration by a new edict or rule, and to put the execution of the laws into whatever hands it pleases; by constituting one or a few, or many executive magistrates, and all the other powers of the state must obey the legislative power in the execution of their several functions, or else the constitution is at an end." See 1 Bl Comm 49. See inherent power.
175. **SOVEREIGN STATE:** A people permanently occupying a fixed territory, bound together by common laws, habits, and customs into one body politic, exercising through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace, and of entering into international relations with other communities. 30 Am J Rev ed Internat L § 10.  
In the United States, each state constitutes a distinct and independent sovereignty, and consequently the laws of one state do not operate of their own force in any other state. 16 Am J2d Confl L § 4.
176. **SOVEREIGNTY:** The power to govern; supreme political authority. That public authority which commands in civil society, and orders and directs what each citizen is to perform to obtain the end of his institution.
177. **STATE:** A body politic or society of men united together for the purpose of promoting their mutual safety and advantage by their combined strength, occupying a definite territory, and politically organized under one government. *McLaughlin v Poucher*, 127 Conn 441, 17 A2d 767. People, territory, and government considered in combination. *Texas v White (US)* 7 Wall 700, 19 L Ed 227, overrd on other grounds 113 US 476, 28 L Ed 1044, 5 S Ct 588. A complete body of free persons united together for their common benefit, to enjoy peaceably what is their own, and to do justice to others. *Chisholm v Georgia (US)* 2 Dall 419, 1 L Ed 440.  
Under the United States Constitution: a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanction and limited by a written constitution, and established by the consent of the governed. *Coyle v Smith*, 221 US 559, 55 L Ed 853, 31 S Ct 688. For the purposes of the Fair Labor Standards Act, any state of the United States, the District of Columbia, or any territory or possession of the United States. 29 USC § 203(c).
178. **STATE CONSTITUTION:** A compact made by and between the citizens of a state to govern themselves in a certain manner, constituting the paramount and supreme law of the state so far as consistent with the United States Constitution. 16 Am J2d Const L § 2. A fundamental act of legislation by the people of the state acting in their sovereign capacity. *Sage v New York*, 154 NY 61, 47 NE 1096. An act of extraordinary legislation by which the people establish the structure and mechanism of their government. *Ellingham v Dye*, 178 Ind 336, 99 NE 1, app dismd 231 US 250, 58 L Ed 206, 34 S Ct 92.
179. **SURRENDER OF CHARTER:** The dissolution or termination of the existence of a corporation by a formal act on the part of the corporation in yielding its charter to the sovereignty under which the corporation was created and the acceptance of the same by the government. 19 Am J2d Corp § 1591.

180. **THINGS:** Inanimate objects. *Gayer v Whelan*, 59 Cal App 255, 139 P2d 763. As the subject matter of a bequest, effects, goods, assets, or property, dependent upon the intent of the testator as such appears from the will. *Arnolds Estate*, 240 Pa 261, 87 A 590.
181. **THINGS PERSONAL:** Goods, money, and all other movables, which may attend the owner's person wherever he cares to go. *Transcontinental Oil Co. v Emmerson*, 298 Ill 394, 131 NE 645, 16 ALR 507, 512.
182. **THINGS REAL:** Such things as are permanent, fixed, and immovable, which cannot be carried out of their place, as lands and tenements. *Transcontinental Oil Co. v Emmerson*, 298 Ill 394, 131 NE 645, 16 ALR 507, 512.
183. **TRANQUILITY:** Serenity; a state of undisturbed emotions. See public and domestic tranquility.
184. **TREATY OF PEACE:** A treaty of peace is an agreement or contract made by belligerent powers, in which they agree to lay down their arms, and by which they stipulate the conditions of peace, and regulate the manner in which it is to be restored and supported. *Vatt. lib. 4. c. 2, §9.*
185. **UNITED STATES CITIZEN:** The antithesis of alien. **FIRST:** A person born or naturalized in the United States and subject to the jurisdiction thereof. US Const Art 14, cl 1. **SECOND:** One who by birth, naturalization, or other means is a member of the Independent Political Society (presently in a Corporate Citizenship Bondage) of the United States of America. 3 Am J2d Aliens § 1.
186. **POLITICAL:** Pertaining to the government. *Re Kemp*, 16 Wis 359, 396. Pertaining to the establishment of a form of government. *Commonwealth v McCarthy*, 281 Mass 253, 183 NE 495, 85 ALR 1141. Pertaining to the activity of, or work for, a political party; pertaining to anything connected with candidacy for office or the support of a candidate for office.
187. **SOCIETY:** The community. The people of the community or considered as a whole in state or nation. The associates which one has. A voluntary association, sometimes a corporation, organized and existing for the mutual benefit of its members in patriotic, religious, charitable, or professional pursuits or for providing benefits in case of illness or disability of a member or for his widow or children in the event of his death.
188. **VACATE:** To annul or set aside. To cease the occupancy of premises, leaving them empty. To vacate, in its English form, has acquired an active sense through a long period of transition, by popular usage and in consequence of its early adoption as a technical and legal term, although it was originally used only as a passive verb. To leave empty; to cease from occupying; to annul; to make void, express the different meanings which it has acquired. Originally it meant to be empty, void or vacant; to be void of, free from, or without; to lack or want a thing. *Walsh v Commonwealth*, 89 Pa 419.
189. **ANNUL:** To nullify; to set at naught; to make void; to reduce to nothing. "The word is not a technical word and there is nothing which prevents the idea conveyed by it from being expressed in equivalent words." *Woodson v Skinner*, 22 Mo 13, 24.
190. **NULL AND VOID:** That which binds no one; that which is incapable of giving rise to any rights or obligations under any circumstances: that which is of no effect. But there are cases where the expression means voidable merely, that is, capable of being avoided. *Ewell v Daggs*, 108 US 143, 149. 27 L Ed 682, 684, 2 S Ct 408.
191. **NULLITY:** Something without legal effect, being null. A proceeding of no effect whatsoever because of a defect therein. *Salter v Hilgen*, 40 Wis 363, 365.
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192. **WAR BOND:** A bond issued by the United States government in time of war for the purpose of obtaining funds for the conduct of the war. 43 Am J1st Pub Sec § 15.
193. **WAR:** A civil war is one which takes place between a state, as such, and a party, class, or section of its own citizens. It is public on the part of the established government, and private on the part of the people resisting its authority, but both the parties are entitled to all the rights of war as against each other, and even as respects neutral nations. *Dana's Wheat. Int. Law, § 296.*
194. **RECEIPT FOR TRANSPORTATION.** In effect, a bill of lading. *Empire Transp. Co. v Wallace*, 68 Pa 302. If the payment was not by way of compromise or settlement of a disputed claim, such a Receipt is no bar to a recovery of any balance actually due the CREDITOR. *Ryan v Ward*, 48 NY 204.
195. **BOND:** Noun: The obligation secured by a mortgage or deed of trust; a corporate obligation. 19 Am J2d Corp § 1059; at common law, a sealed instrument or specialty. 34 Am J1st Lim Ac § 82; an obligation in writing which binds a signatory to pay a sum certain upon the happening of an event and carries a seal, except where controlled by a statute which dispenses with the necessity of a seal. 12 Am J2d Bonds § 1. So defined, the term is generic, embracing investment bonds, penal bonds, indemnity, fidelity, and surety bonds. 12 Am J2d Bonds § 1. Less frequently, the term is used for a bail or a surety. Verb: To give a bond as security. bond. Noun: The obligation secured by a mortgage or deed of trust; a corporate obligation. 19 Am J2d Corp § 1059; at common law, a sealed instrument or specialty. 34 Am J1st Lim Ac § 82; an obligation in writing which binds a signatory to pay a sum certain upon the happening of an event and carries a seal, except where controlled by a statute which dispenses with the necessity of a seal. 12 Am J2d Bonds § 1. So defined, the term is generic, embracing investment bonds, penal bonds, indemnity, fidelity, and surety bonds. 12 Am J2d Bonds § 1. Less frequently, the term is used for a bail or a surety. Verb: To give a bond as security.
196. **BONDHOLDER:** A person who is the holder or owner of a government bond, mortgage bond, debenture, or other investment bond.
197. **BOND ISSUE:** The entire process of executing and delivering the instruments, known as bonds, and having the effect of obligations of indebtedness of the corporation or public body which issues them, to the purchasers, holders, or owners, *Vans Agnew v Ft. Myers Drainage Dist.* (CA5 Fla) 69 F2d 244; *Turner v Roseberry Irrig Dist.* 33 Idaho 746, 198 P 465; *Joint School Dist. v Dabney*, 127 Okla 234, 260 P 486; the aggregate of bonds issued by a corporation or public body under one authorization.
198. **CONSTITUTIONAL RIGHT:** A right guaranteed to a person by the Constitution of the United States or a state constitution, and so guaranteed as to prevent legislative interference with that right. 16 Am J2d Const L § 328.

199. **CONSTRUCTIVE ASSIGNMENT:** An assignment for the benefit of creditors arising by operation of law, as where a preferential or fraudulent transfer is converted by statute into an assignment for the benefit of creditors. 6 Am J2d Assign for Crs § 47.
200. **CONSTRUCTIVE ATTACHMENT:** An attempt to perfect an attachment without seizure and removal of personal property. 6 Am J2d Attach §§ 296, 297.
201. **CONSTRUCTIVE BREAKING:** In the law of burglary, such a breaking as is effected where the entry is accomplished by means of fraud or threats, or by confederacy with the servants in the house. 13 Am J2d Burgl § 13.
202. **CONSTRUCTIVE DELIVERY:** A symbolic delivery whereby the party to whom delivery is made is clothed with all the usual muniments of title and indicia of ownership, as in the case of the deposit of a warehouse receipt or bill of lading for goods in store or in transit. 46 Am J1st Sales §434. By carrier: -the disposition of a shipment where the carrier agrees with the consignee or some person entitled under the latter to hold the goods for some purpose other than that of carriage to and delivery at the destination directed by the shipper. State v Intoxicating Liquors, 104 Me 463, 72 A 331. Of life insurance policy: -an unconditional acceptance of the terms of the contract by the insured, coupled with both insurer and insured treating the policy as in force, although the policy remains in the possession of the agent of the insurer. 29 Am J Rev ed Ins § 215.
203. **CONSTRUCTIVE FRAUD:** Legal fraud as distinguished from actual fraud, being presumed from the relation of the parties to a transaction or from the circumstances under which it takes place, not necessarily a matter of conscious wrongdoing. 37 Am J2d Fraud § 4.  
In its generic sense, "constructive fraud" comprises all acts, omissions, and concealments involving a breach of legal or equitable duty, trust or confidence which result in damage to another. Constructive fraud exists in cases in which conduct, although not actually fraudulent, ought to be so treated-that is, in which such conduct is a constructive or quasi fraud which has all the actual consequences and legal effects of actual fraud. Re Arbuckle's Estate 98 Cal App 2d 562, 220 P2d 950, 23 ALR2d 372.
204. **CONSTRUCTIVE NOTICE:** Not actual notice; such circumstances as the law deems the equivalent of actual notice since they are such as, under the law, put a party upon inquiry. 55 Am J1st V & P § 697. The substitute in law for actual notice, being based upon a presumption of notice which is so strong that the law does not permit it to be controverted. 39 Am J1st Notice § 7. Sometimes confused with "implied notice" which is a matter of actual notice rather than legal inference. 39 Am J1st Notice § 6. A recorded deed is an instance of notice. It is of no consequence whether the second purchaser has actual notice of the prior deed or not. He is bound to take, and is presumed to have the requisite notice. Legal notice is the same as constructive notice, and cannot be controverted by proof. Cooper v Flesner, 24 Okla 47, 103 P 1016. Recording statutes are intended ordinarily to make a recorded instrument effective to give constructive notice to all with whom the person in possession may undertake to deal. But the protection is not entirely one-sided or absolute. The statute has another function, namely, to provide an opportunity for investigation of the title. The opportunity to investigate is the foundation of constructive notice. But the statute is a bulwark, not a trap, and such notice may be negated by the fraud or misrepresentations of the party recording the instrument. Fogle v General Credit, 74 App DC 208, 122 P2d 45, 136 ALR 814.
205. **CONSTRUCTIVELY RECEIVED:** For income tax purposes: -a dividend which, although not actually received by the stockholder, has been made unqualifiedly subject to his demand. Anno: 120 ALR 1282.
206. **CONSTRUCTIVE TAKING:** A taking by fraud, trick, or deception. 32 Am J1st Larc § 12.
207. **CONSTRUCTIVE TRUST:** A trust by operation of law which arises contrary to intention and against the will, declared against one who, by fraud, actual or constructive, by duress or abuse of confidence, by commission of wrong, or by any form of unconscionable conduct, artifice, concealment, or questionable means, either has obtained or holds the legal right to property which he ought not, in equity and good conscience, hold and enjoy. 54 Am J1st Trusts § 218.
208. **NEUTRAL:** A country, observing neutrality, as to a war between two or more other nations. 56 Am J1st War §§ 217 et seq. The position of the gears in a motor vehicle at which the engine is disengaged so as not to be applying force in the movement of the vehicle.
209. **NEUTRALITY:** Taking no part in a dispute between others. Abstinence of a nation from any participation in a public, private, or civil war, and impartiality of conduct toward both parties. The Three Friends, 166 US 1, 41 L Ed 897, 17 S Ct 495.  
While a neutral yields to other nations the unobstructed exercise of their sovereign or belligerent rights, her own dignity and security require of her the vindication of her own sovereign right to remain a peaceable and impartial spectator of the war. The Santissima Trinidad (US) 7 Wheat 283, 5 L Ed 454.
210. **FREEDOM OF SPEECH AND OF THE PRESS:** A constitutional guaranty under the First Amendment, (under a Republic form of government) and the due process clause of the Fourteenth Amendment, to the Constitution of the United States and provisions in many state constitutions, embracing the concept that free discussion is essential to the growth, development, and well being of our free society under a democratic form of government and should be limited by regulation only to prevent abuse of the right. 16 Am J2d Const L §§ 341 et seq.  
Liberty and freedom of speech under the Constitution do not mean the unrestrained right to do and say what one pleases at all times and under all circumstances, and certainly they do not mean that, contrary to the will of Congress, one may make of the post office establishment an agency for the publication of his views of the character and conduct of others, as distinguished from the carriage of the mails. Warren v United States (CA8 Kan) 183 F 718.
211. **CONCEAL:** To keep facts secret or withhold them from the knowledge of another; to hide or secrete physical objects from sight or observation. Gerry v Dunham, 57 Me 334, 339. As the word appears in a statute prescribing a ground for attachment, to "conceal" property is to hide it or put it where an officer of the law will be unable to find it. 6 Am J2d Attach § 236. As used in a statute against concealing stolen goods, knowing them to have been stolen, to "conceal" means to secrete with intent to deprive the owner of his property. Bailey v State, 115 Neb 77, 80, 211 NW 200. For the purposes of the Bankruptcy Act, to "conceal" means to secrete, falsify, and mutilate. Bankr Act § 1(7); 11 USC § 1(7). The criminal offense of concealment of property belonging to the estate of a bankrupt

is not limited to physical sequestration, but includes the preventing of discovery by the withholding of knowledge through refusing to divulge information as to the location of the property. 9 Am J2d Bankr § 1715. For some purposes, as in the case of executing process in a claim and delivery action, to refuse the demand of an officer holding process for the property in suit is to "conceal" it. State v Pope, 4 Wash 2d 394, 103 P2d 1089, 129 ALR 240.

212. **CONCEALER:** A person who was employed to discover lands which had been secretly kept from the king.
213. **CONCEALMENT:** A suppression of or neglect to disclose facts which a person knows and which he ought to communicate; the nondisclosure of a fact which should be revealed. 37 Am J2d Fraud § 2; the designed and intentional withholding of any fact material to the risk which the insured in honesty and good faith ought to communicate to the insurer. 29 Am J Rev ed Ins § 689.
214. **DISCRIMINATION:** Failure to treat everyone alike according to the standards and rule of action prescribed, that is, unreasonable and arbitrary action. 2 Am J2d Admin L § 193. Class legislation and the denial of equal protection of the laws. Arbitrary inclusions or exclusions of persons from the list for jury duty. 31 Am J Rev ed Jur § 93. A purposeful and systematic exclusion of persons from the jury list on the basis of race or color. 31 Am J Rev ed Jur § 12. The denial of suffrage on the basis of a classification according to race. 25 Am J2d Elect § 55.
215. **UNJUST:** Unfair. Contrary to justice. All human actions are either just or unjust as they are in conformity to or in opposition to law. Borden v State, 11 Ark 519.
216. **IMPARTIAL:** Being indifferent as between parties. Sunderland v United States (CA8 Neb) 19 F2d 202.
217. **IMPARTIALITY:** Absence of bias or prejudice. Indifference as between the parties.
218. **IMPARTIBLE FEUD:** A feud or fee which was so conditioned in its creation that it could only descend to the eldest son. See 2 Bl Comm 215.
219. **TREATY:** A written contract between nations executed with the formality customary in dealings and transactions between nations, although not necessarily in a particular and prescribed form. A contract between nations for which the consent of the contracting parties is given expressly or tacitly, verbally or in writing. 52 Am J1st Treat § 5. A contract of reinsurance.
220. **TREATY TRADER:** An alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of an existing treaty between the country of which he is a national and the United States. Susuki v Harris (DC Tex) 29 F Supp 46.
221. **VINDICATORY:** The part of a statute which imposes punishment or penalty for violation. 50 Am J1st Stat § 151.
222. **VOIDABLE:** Defective but capable of confirmation or ratification. 50 Am J1st Stat § 287. Obligatory as to other persons until disaffirmed by the person entitled to confirm or disaffirm. Anno: 31 ALR 1002.
223. **VOIDABLE ASSIGNMENT:** An assignment by a debtor which is fraudulent as to creditors hindered or delayed thereby in reference to realization upon their claims. 6 Am J2d Assign for Crs § 63.
224. **VOIDABLE CONTRACT:** A contract which, although defective so as to be avoided by one of the parties, is valid and binding until it is avoided by a disaffirmance. Williston, Contracts 3d ed § 15; Restatement, Contracts § 113; 17 Am J2d Contr § 7. The view of some authorities that an executory contract of an infant is invalid until confirmed has been adversely criticized, and in some jurisdictions there are statutes to the effect that both executed and executory agreements of an infant are valid until disaffirmed. 27 Am J1st Inf § 12.
225. **VOIDABLE DEED:** An instrument which, although defective, is operative to convey the property until set aside by the Court. 23 Am J2d Deeds § 137.
226. **DEED:** Broadly defined, a writing sealed and delivered by the parties; in the modern sense, an instrument conveying real property or an interest therein. 23 Am J2d Deeds § 1.
227. **DEED INTER PARTES:** A deed executed by Grantor and Grantee. Smith v Emery, 12 NJL 53, 60. A deed executed by the persons named therein as grantor and grantee, as distinguished from a deed executed by the agent or attorney of one of the parties or by the agent of each of them, acting in their behalf. Abbey v Chase, 60 Mass (6 Cush) 54.
228. **DEED OF PARTITION:** A deed to one joint tenant from the others or to one tenant in common from his cotenants, whereby an estate in severalty is created in the grantee.
229. **DEED OF TRUST:** A conveyance creating a trust in real estate; a conveyance given as security for the performance of an obligation, which is generally regarded as containing the elements of a valid mortgage. 36 Am J1st Mtg § 16. A species of deed which is in the nature of a mortgage and is a conveyance in trust for the purpose of securing a debt, subject to a defeasance. It differs from an assignment for creditors, which is more than a security for the payment of debts, being an absolute appropriation of money for their payment. Union Nat. Bank v Bank of Kansas City, 136 US 223, 232, 34 L Ed 341, 344, 10 S Ct 1013. The difference between a deed of trust and a mortgage is essentially one of form, the former being executed in favor of a disinterested third person as trustee, while the latter is executed directly to the creditor to be secured.
230. **DEED TO SUPPORT:** A deed made in consideration of the grantor's future support. 50 Am J1st Sup of Per § 2.
231. **DISAFFIRMANCE:** The repudiation of a voidable obligation or deed, sometimes by the subsequent conveyance of the same premises to a third person. Searcy v Hunter. 81 Tex 644.
232. **REPUDIATION:** A denial of validity or of authority. Refusal to recognize an obligation asserted as binding one. A denial of responsibility or obligation. State Sav. Bank v Black, 91 Iowa 490, 59 NW 282. A certain, definite, unequivocal, and timely denial by one person of the authority of another who has purported to act for him as his agent in incurring a liability. Sullivan v Bennett, 261 Mich 232, 246 NW 90, 87 ALR 791.

233. **REPUDIATION OF CONTRACT:** Refusal to recognize the existence of a contract or the doing of something inconsistent with its existence; **renunciation** of liability under a contract. 17 Am J1st Contr § 443. A refusal or declination to perform in accordance with the contract. Lane v Chantilly Corp. 251 NY 435, 167 NE 578, 68 ALR 653.
234. **RELINQUISHMENT.** An abandonment; a yielding up of all claim to a thing. See **release**; **renunciation**.
235. **RENOUNCE:** To waive or **relinquish**; as, to renounce a right. The term as used in the Uniform Limited Partnership Act providing that a person erroneously believing himself to be a limited partner is not liable as a general partner "provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business," means the giving up of a right or claim; the object of the provision is to put creditors in the position they would have occupied if there had been no limited partner at the time their debts were contracted. Gilman Paint & Varnish Co. v Legum, 197 Md 665, 80 A2d 906, 29 ALR2d 286. See **renunciation**.
236. **RENUNCIATION:** A definite giving up or casting off of something. A legal act by which a person abandons a right acquired, but without transferring it to another. Johnston's Estate, 186 Wis 599, 203 SW 376. A disclaimer of interest by succession made after the ancestor's death, which, if effective, relates back to the time of death and avoids the succession. Bostian v Milens, 239 Mo App 555, 193 SW2d 797, 170 ALR 424. Refusal to accept a gift. Gottstein v Hedges, 210 Iowa 272, 228 NW 93, 67 ALR 1218. A method of discharging a negotiable instrument consisting of the holder's express disclaimer of rights in the instrument. 11 Am J2d B & N § 948. The refusal by a person designated trustee to act as such. 15 Am J2d Char § 40. The refusal of one entitled to appointment as an executor or administrator to accept the appointment. 31 Am J2d Ex & Ad § 77. An agent's termination of the agency relationship. 3 Am J2d Agency § 40. See **repudiation**.
237. **RENUNCIATION OF CITIZENSHIP:** See **expatriation**; oath of allegiance.
238. **DECLARATION OF HOMESTEAD:** A statement of the fact of claiming a **homestead exemption describing the property selected** and filed with the **county recorder** for the purpose of **showing the world** that the occupants claim their homestead exemption rights in the property. 26 Am J1st Home § 90.
239. **FREE:** Without restraint or coercion; **not enslaved**; **not bound**; **exonerated**. Thrown open, or made accessible to all; to be enjoyed without limitations; unrestricted; not obstructed, engrossed, or appropriated; **open for use or enjoyment without charge**. Flaherty v Fleming, 58 W Va 669, 52 SE 857. Not subject to customs duty. 21 Am T2d Cust D § 36.
240. **GOOD AND INDEFEASIBLE TITLE:** A title which enables the owner to exercise absolute and exclusive control as against all others. Adams v Henderson, 168 US 573, 42 L Ed 584, 18 S Ct 179.
241. **GOOD TITLE:** A valid title and a marketable title. 55 Am J1st V & P § 166. Not merely a title which is valid in fact, but a marketable title which can again be sold to a reasonable purchaser, or mortgaged to a person of reasonable prudence as security for the loan of money. Moore v Williams, 115 NY 586, 22 NE 233. A title free from litigation, palpable defects, and grave doubts, and fairly deducible of record. Reynolds v Borel, 86 Cal 538, 25 P 67.
242. **OCCUPANCY:** Possession in fact. The use of premises. 29A Am J Rev ed Ins § 895. The taking possession of those things which before belonged to nobody. 42 Am J1st Prop § 34. In reference to the rights of an occupying claimant:—such an occupancy as under the rules of the common law would entitle one to acquire a title by adverse possession, that is actual, open, and peaceable occupancy, but not necessarily occupancy as of one's dwelling place. 27 Am J1st Improv § 8.
243. **OCCUPANT:** One in enjoyment of the occupancy of premises. One in actual possession, the tenant as distinguished from the landlord who has possession but not occupancy. Parsons v Prudential Real Estate Co. 86 Neb 271, 125 NW 521.
244. **PRE-EMPTION LAWS:** Federal statutes beginning with the Act of September 4, 1841, under which a settler upon public lands of the United States, surveyed and subject to private entry, might acquire title. The pre-emption laws differ from the homestead law in that under the former, claims might be initiated prior to record notice, **three months being allowed the settler** within which to file his declaratory statement with the register of the proper district, while under the homestead law, the rights of the settler only attached to the land from the date of the entry in the proper land office. St. Paul, M. & M. R. Co. v Donohue, 210 US 21, 52 L Ed 941, 28 S Ct 600; Maddox v Burnham, 156 US 544, 39 L Ed 527, 15 S Ct 448.
245. **IMPLIED FORCE:** The employment of words or conduct to put another in fear of bodily harm if he does not give way or submit. See 35 Am J2d Fore E & D § 58.
246. **NEMO ALIENO NOMINE LEGE AGERE POTEST:** (Civil law.) **NO ONE can SUE in the name of another.**
247. **NEMO DARE POTEST QUOD NON HABET:** **NO ONE** is able to give that which he has **not**.
248. **NEMO DUOBUS UTATUR OFFICIIS:** **NO ONE** should occupy two offices.
249. **NEMO EST SUPRA LEGES:** **NO ONE** is above the laws.
250. **NEMO INVITUS COMPELLITUR AD COMMUNIONEM:** **NO ONE who is unwilling** is forced into a joint possession. See 2 Bl Comm 185.
251. **NEMO JUS SIBI DICERE POTEST:** **NO ONE can establish law for himself.**
252. **NEMO MILES ADIMATUR DE POSSESSIONE SUI BENEFICII, NISI CONVICTA CULPA, QUAE SIT LAUDANDA PER JUDICIUM PARIUM SUORUM:** **NO SOLDIER** is to be deprived of the possession of his benefice, unless convicted of wrongdoing, which must be declared by the judgment of his peers. 2 Bl Comm 285.
253. **NEMO POTEST ESSE ET DOMINOS ET TENENS:** **NO ONE** can be both **LANDLORD** and **TENANT**. Liebschutz v Moore, 70 Ind 142.
254. **NEMO PRUDENS PUNIT UT PRAETERITA REVOCENTUR, SED UT FUTURA PRAEVENIANTUR:** No prudent person punishes in order that past transactions may be revoked, **but he does so in order that future acts may be prevented.**
255. **NEMO PUNITUR PRO ALIENO DELICTO:** No one is punished for the crime of another.

256. **NEMO TENETUR AD IMPOSSIBILIA.** **NO ONE** is bound to do things which are **impossible**.
257. **NEMO TENETUR ARMARE ADVERSARIUM CONTRA SE.** **NO ONE** is bound to arm his adversary against himself.
258. **NEMO TENETUR EDERE INSTRUMENTA CONTRA SE.** (Roman law.) **No one** is bound to produce instruments or writings which are **against him-self**.
259. **LANDLORD: A LESSOR.** One under whom another holds premises as a **Tenant or Lessee**. 32 Am J1st L & T § 2.
260. **REGISTRAR: One having the duty of REGISTERING A TRANSFER of corporate stock.** 18 Am J2d Corp § 408. Broadly, any person whose duty it is to keep a register.
261. **REGISTRATION: The act of registering.** The act of a guest at a hotel in signing his name and giving his address upon engaging accommodations. Anno: 19 ALR 533, s. 53 ALR 988; 29 Am J Rev ed Innk § 17. See filing; recording; register, also phrases beginning "registration"
262. **REGISTRATION FOR MILITARY SERVICE.** The enrollment of a person subject to call under statutes rendering military service compulsory. 36 Am J1st Mil § 24.
263. **ADHESION:** Adherence. The uniting of tissues of the body which normally are separate, sometimes occurring as the aftermath of surgery. Acquiring relations with another nation by treaty or compact. 52 Am J1st Treat § 3.
264. **ADHESION CONTRACT:** A contract that is drafted unilaterally by the dominant party and then presented on a take it or leave it basis to the weaker party, who has no real opportunity to bargain about its terms. Restatement Second, Conflict of Laws § 332a. Comment e.
265. **SUBORN:** To engage in subornation. See **subornation**.
266. **SUBORNATION:** The crime of procuring another person to commit a crime. The procurement of the commission of an unlawful act.
267. **SUBORNER:** One who suborns.
268. **SUBROGATION:** The substitution of one person in the place of another with reference to a lawful claim or right against a third person. The principle that when one person has been compelled to pay a debt which ought to have been paid by another, he becomes entitled to exercise all the remedies which the creditor possessed against that other person. 50 Am J1st Subro § 2. Sometimes referred to as the doctrine of substitution.  
It is a device adopted or invented by equity to compel the ultimate discharge of a debt or obligation by him who in **good conscience** ought to pay it. It is the machinery by which the equity of one man is worked out through the legal rights of another. 50 Am J1st Subro §§ 2 et seq.  
This is a substitution of another person in place of the creditor to whose rights he succeeds in relation to the debt, and gives to the substitute all the rights, priorities, remedies, liens, and securities of the person for whom he is substituted. The principle of subrogation is broad enough to cover every instance in which one person is required to pay a debt for which another is primarily answerable, and which in equity and good conscience ought to be discharged by the latter. United States Fidelity & G. Co. v Bramwell, 108 Or 261, 217 P 332, 32 ALR 829.
269. **SUBROGEE:** A person who by subrogation acquires the rights of another person.
270. **SUBROGOR:** One whose rights are acquired by another through subrogation.
271. **ls.** Abbreviation of locus sigilli, the place of the seal. As to the effect of the letters "L.S." appearing on an instrument, as a seal, see 47 Am J1st Seals § 4.
272. **RACKETEER:** Using one's position, especially a position as officer of a labor union, to extort or obtain money by fraud. Hazelton v Murray, 21 NJ 115, 121 A2d 1. The organized use of threats, coercion intimidation, and violence to compel the payment for actual or alleged services of arbitrary or excessive charges under the guise of membership dues, protection fees, royalties, or service rates. United States v McGione (DC Pa) 19 F Supp 285, 286.
273. **EXTORTION:** Oppression under color or right; the criminal offense of obtaining money or other valuable thing by compulsion, actual force, or force of motives applied to the will; more technically defined as the unlawful taking by an officer of the law, by color of his office, of any money or thing of value that is not due to him, or the taking of more than is due, or the taking of money before it is due. Bush v State, 19 Ariz 195, 168 P 508; 31 Am J2d Extort § 1. A method of abuse of process. 1 Am J2d Abuse P § 12.
274. **RACKETEERING:** An organized conspiracy to commit the crimes of extortion or coercion, or attempts to commit extortion or coercion. From the standpoint of extortion, it is the obtaining of money or property from another, with his consent, induced by the wrongful use of force or fear. The fear which constitutes the legally necessary element in extortion is induced by oral or written threats to do an unlawful injury to the property of the threatened person by means of explosives, fire, or otherwise; and to kill, kidnap, or injure him or a relative of his or some member of his family. From the standpoint of coercion, it usually takes the form of compelling by use of similar threats to person or property a person to do or abstain from doing an act which such other person has the legal right to do or abstain from doing, such as joining a so-called protective association to protect his right to conduct a business or trade. United States v. McGione, D.C. Pa., 19 F. Supp. 285, 287.
275. **ENEMY:** Another nation with which the country is in a state of war; more broadly defined for the purposes of some statutes, as including the individuals and **corporations** of a nation with which the country is at war. 56 Am J1st War § 83. Narrowly interpreted, an "enemy" is **always the subject of a foreign power**, who owes no allegiance to our government or country. United States v Greathouse (CC Cal) 4 Sawy 457, 466, F Cas No 15254. Reasonably, a person engaged against the United States in a rebellion or civil war is an "enemy." 56 Am J1st War § 62. **The status of a person as an "enemy" for the purposes of the application of the Trading with the Enemy Act is determined with reference to domicile or residence in the territory of the nation which is a belligerent against the United States rather than according to nationality.** 56 Am J1st War § 83. For the purposes of such statute, an "**enemy**" may be a partnership, **corporation**, or other body of individuals. 56 Am J1st War § 83.

276. **ENEMY PROPERTY:** All property within enemy territory. If suffered to remain in the hostile country after the war breaks out, it becomes impressed with the national character of the belligerent where it is situated without regard to the owner's sentiments or political opinions, or whether he is an enemy or a friend. *The Peterhoff* (US) 5 Wall 28, 18 L Ed 564. Under the Trading with the Enemy Act, money and all kinds of property of enemies, both tangible and intangible, including patents, copyrights, applications therefor, trademarks, choses in action, and claims of every character and description, owing to, belonging to, or held for, by, or on account of, or for the benefit of, the enemy may be sequestered. 56 Am J1st War § 85.
277. **SEQUESTER:** To seize property under a writ of sequestration. (Civil law.) To renounce or relinquish a right or claim; to disclaim. See sequestration.
278. **SEQUESTRATION:** An equitable writ or process and the remedy thereunder by which property is taken into the possession of the court in order to assure obedience to a decree. 47 Am J1st Seques § 2. Equitable relief in aid of a party to an action of ejectment by a seizure of the rents and profits for preservation during the pendency of the action. 25 Am J2d Eject § 78. The seizure of the husband's property as a remedy in a matrimonial action in order to prevent a delinquent husband or father from escaping his liability for alimony or support by leaving the state. *Smith v Smith*, 255 App Div 652, 9 NYS2d 188. A doctrine of equity which originated in the doctrine of equitable election, and under which, when the widow elects to take against the will of her husband, the general rule is that the property given to her by such instrument will be sequestered for the benefit of those whose gifts under the will are disturbed by the action of the widow in electing to take against it. 57 Am J1st Wills § 1552.
279. **SEQUESTRATION RECEIVERSHIP:** A receivership established in a sequestration proceeding against a corporation. 45 Am J1st Rec § 3.
280. **SEQUESTRATOR:** A party at whose instance a sequestration proceeding is prosecuted in a court of equity.
281. **RECEIVER'S CERTIFICATE:** A certificate or evidence of indebtedness, issued under order of the court by a receiver in possession of property in payment for goods or services purchased or engaged by the receiver payable out of a particular fund in the receivership, and usually constituting a first lien on the property in the receivership. 45 Am J1st Rec § 366.
282. **RECEIVERSHIP:** The means of reaching a legitimate end through the exercise of the equitable power of the court or under statutory authorization by appointing one known as a receiver with property to seize and take custody of property. An ancillary remedy, sometimes in the nature of a provisional remedy, whereby the preservation of property in litigation is accomplished by placing it in the possession of a receiver appointed by the court. *Pereira v Wulf*, 83 Mont 343, 272 P 532. All equitable remedy for the dissolution or reorganization of a corporation in financial distress.
283. **DISCLAIMER:** A renunciation or refusal to accept. A refusal to recognize the existence of an obligation. A refusal to retain title obtained as the grantee of a deed not accepted by the grantee. 23 Am J2d Deeds § 127. The object of a deed is to transfer property, but the object of a disclaimer is to prevent a transfer. *Watson v Watson*, 13 Conn 83, 85.  
In patent law procedure, a statement filed by the patentee for the surrender of a separate claim in the patent, or some other distinct and separable matter, which can be excised without mutilating or changing what is left standing. 40 Am J1st Pat § 105.  
A pleading filed by a defendant in a suit in equity, setting forth that he has no interest in the subject matter of the suit. 27 Am J2d Eq § 196.
284. **DISRATIONARE:** To exonerate one's self; to establish innocence.
285. **EXONERARE:** To exonerate; to discharge; to release from liability; to free.
286. **EXONERATION:** Absolving of a charge or imputation of guilt; the lifting of a burden; a discharge; a release from liability; the application of the personal property of an intestate to the payment of his debts and the relief of his real property therefrom. 21 Am J2d Ex & Ad § 391. See **contribution; indemnity.**
287. **CONTRIBUTE:** To make a gift with others, as to a community chest; to help to cause, or to furnish some aid in causing, the result. *Broschart v Tuttle*, 59 Conn 1, 21 A 925. In the ordinary signification of the word, one thing is understood "to contribute" to a given result when such thing has some share or agency in producing such result, and is not understood to convey the idea that such thing was the efficient cause of such result in the sense that without it such result would not have occurred; for it is possible that such result may have occurred, even in the absence of the thing which is supposed to have had some share or agency in producing such result. *Wragge v South Carolina & Georgia Railroad Co.* 47 SC 105, 25 SE 76.
288. **NEMO TENETUR ARMARE ADVERSARIUM CONTRA SE:** No One is Bound to ARM his adversary against himself.
289. **COMMUNISM:** In the pristine sense, the ownership of the means of production by the community, each member of the community participating in production according to his ability and sharing in the products according to his need; in common usage of the present day, suggestive of the theories of Marx and Lenin and the politics and authoritarian rule of Stalin and his successors in Russia and the leaders in China since the People's Republic was proclaimed in 1949.
290. **COMMUNIST:** One who believes in communism; a member of the Communist Party. See communism.
291. **COMMUNISTIC TENURE:** The tenure in which land is held by a religious or other incorporated or unincorporated society, where the members have surrendered to it their property to be held in common for the benefit of all. See 45 Am J1st Reli Soc § 52.
292. **COMMUNIST PARTY:** A political party, often the only political party, in various countries, supporting communism in theory, although not absolutely in practice, and upholding authoritarian forms of government; a political party in the United States, numerically weak, but now operating with legality.
293. **RED:** In modern parlance, a characterization of a **communist** or one who favors the creation of a socialist state such as prevails in Russia and its satellite countries. A term susceptible to construction as a person who believes in disobedience to the laws of private property and the appropriation of all such property by the state. *Toomey v Jones*, 124 Okla 167, 254 P 736, 51 ALR 1066.

294. **BLACKLIST:** A generic term that may be defined as a list of persons marked out for special avoidance on the part of those among whom the list is intended to circulate, but which, as the term is now most generally understood, refers to lists of discharged employees sent by the discharging employer to other employers. 31 Am J Rev ed Lab § 83; and to the listing of names with information transmitted by a union member or agent to others with the intention that the result will be to prevent or terminate the employment of the workmen against whom the information is directed, and to make it impossible for them to obtain other employment within the jurisdiction of the union. Anno: 46 ALR2d 1125.
295. **BLACKMAIL:** A criminal offense as a form of **extortion**; usually, **extortion** by threat of exposure of a criminal offense by, or of some conduct or act of, the victim which, if made public, will operate to his disadvantage; occasionally applied to **extortion** by threat of violence to the victim or members of his family. 31 Am J2d Extor § 18. Another meaning of the term is **black rents**.
296. **BLACK RENTS:** Rents, also called "reditus nigri" and "blackmail," payable in work, grain, or money **baser** than silver, as distinguished from white rent, which was payable in silver or white money. See 2 Bi Comm 42.
297. **DE FACTO CORPORATE OFFICER:** An officer of a corporation in possession of, and exercising the powers of, the office under the claim and color of an election or appointment, although he is not an officer de jure and may be removed by proper proceedings. 19 Am J2d Corp § 1100.
298. **DE FACTO CORPORATION:** A corporation in fact, an apparent corporate organization, asserted to be a corporation by its members, and actually acting as such, but lacking the creative fiat of the law—an organization with color of law, exercising corporate rights and franchises, the right of which to corporate functions and attributes is complete as against all the world, except the sovereign. 18 Am J2d Corp § 49.
299. **DE FACTO DISSOLUTION:** That dissolution of a corporation which takes place, in substance and in fact, in the case of corporations organized for pecuniary gain, when the corporation, **by reason of insolvency or for other reason, suspends all its operations and goes into liquidation.** Youree v Home Town Mut. Ins. Co. 180 Mo 153, 164, 79 SW 175.
300. **DE FACTO GOVERNMENT:** A new government which exercises undisputed sway over the entire country, the former established government having been nullified by successful rebellion or **having lost the support of the people.** A **de facto government** arises where the established government has been subverted by rebellion, so that the new government exercises undisputed sway for the time being over the entire country, or where the people of any portion of a country subject to the same government throw off their allegiance to that government and establish one of their own, and show not only that they have established a government, but also their ability to maintain it. 30 Am J Rev ed Internat L § 12.