

Latin Terms found in law

<i>ab initio</i>	From the beginning: from the first act; entirely, as to all the acts done; in the inception.
<i>cancellatura</i>	A canceling.
<i>estoppel</i>	A man's own act or acceptance stops or closes his mouth to allege or plead the truth.
<i>et al</i>	An abbreviation for <i>et alii</i> , "and others."
<i>expatriation</i>	The voluntary act of abandoning one's country, and becoming the citizen or subject of another.
<i>ex-post facto law</i>	A law passed after the occurrence of a fact or commission of an act, which retrospectively changes the legal consequences or relations of such fact or deed.
<i>fraus dans locum contactui</i>	A misrepresentation or concealment of some fact that is material to the contract, and had the truth regarding which been known the contract would not have been made as made. A fraud occasioning the contract or giving place or occasion for the contract.
<i>idem sonans</i>	Sounding the same or alike; having the same sound. A term applied to names which are substantially the same, though slightly varied in the spelling, as "Lawrence" and Lawrance," and the like. Two names are said to be <i>idem sonantes</i> if the attentive ear finds difficulty in distinguishing them when pronounced, or if common and long-continued usage has by corruption or abbreviation made them identical in pronunciation.
<i>in itinere</i>	In eyre: on a journey or circuit. In old English law, the justices <i>in itinere</i> were those who made a circuit through the kingdom once in seven years for the purposes of trying causes.
<i>in rem</i>	A technical term used to designate proceedings or actions instituted <i>against the thing</i> , in contradistinction to personal action, which are said to be <i>in personam</i> .
<i>in personam</i>	In the Roman law, from which they are taken, the expressions <i>in rem</i> and <i>in personam</i> were always opposed to one another, an act or proceeding <i>in personam</i> being one done or directed against or with reference to a specific person, while an act or proceeding <i>in rem</i> was one done or directed with reference to no specific person, and consequently against or with reference to all whom it might concern, or "all the world."
<i>quasi in rem</i>	A term applied to proceedings which are not strictly and purely <i>in rem</i> , but are brought against the defendant personally, though the real object is to deal with a particular property or subject property to the discharge of claims asserted; for example, foreign attachment, or proceedings to foreclose a mortgage, remove a cloud from title, or effect a partition.
<i>mandamus</i>	We command. This is the name of a writ (formerly a high prerogative writ) which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official, or ministerial duty, or direction the restoration of the complainant to rights or privileges of which he has been illegally deprived.
<i>prohibition</i>	In practice: The name of a writ issued by a superior court, directed to the judge and parties of a suit in an inferior court, commanding them to cease from the prosecution of the same, upon a suggestion that the cause originally, or some collateral matter arising therein, does not belong to that jurisdiction, but to the cognizance of some other court.
<i>res judicata</i>	A matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment. A phrase of the civil law, constantly quoted in the books.
<i>sic</i>	Thus; so; in such manner.
<i>sui juris</i>	Of his own right; possessing full social and civil rights; not under any legal disability or the power of another or guardianship. Having capacity to manage one's own affairs; not under legal disability to act for one's self.
<i>writ</i>	A precept in writing, couched in the form of a letter, running in the name of the king, president, or state, issuing from a court of justice, and sealed with its seal, addressed to a sheriff or other officer of the law, or directly to the person whose action the court desires to command, either as the commencement of a suit or other proceeding or as incidental to its progress, and requiring the performance of a specified act, or giving authority and commission to have it done.
<i>writ of execution</i>	A writ to put in force the judgment or decree of a court.