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Kahawai /kàhaváiy/. Hawaiian. The flowing stream. It may include the bed or channel of the stream and may, also, include the portion of such channel covered only in times of high water or of freshets.

Kaiage, or **kaiagium** /kéyáj/keyéyj(iy)əm/. A wharfage-due.

Kalendar /kæləndər/. An account of time, exhibiting the days of the week and month, the seasons, etc. More commonly spelled "calendar."

Kalendarium /kæləndəriyəm/. In the civil law, a calendar; a book of accounts, memorandum-book, or debt-book; a book in which accounts were kept of moneys loaned out on interest. So called because the Romans used to let out their money and receive the interest on the calends of each month.

Kalends /kæləndz/. See Calends.

Kangaroo court. Term descriptive of a sham legal proceeding in which a person's rights are totally disregarded and in which the result is a foregone conclusion because of the bias of the court or other tribunal.

Kast-geld. Contribution for a jettison; average.

Katonia /kætətówn(i)yə/. See Insanity.

Kay. A quay, or key.

Kayage. See Cayagium.

K.B. Abbreviation for "King's Bench".

K.C. Abbreviation for "King's Counsel".

Keelage /kiyləj/. The right to demand money for the privilege of anchoring a vessel in a harbor; also the money so paid.

Keep, *v.* To continue. *People v. Roseberry*, 23 Cal. App.2d 13, 71 P.2d 944; *Briggs v. U. S.*, C.C.A.Mich., 45 F.2d 479, 480. To have or retain in one's power or possession; not to lose or part with; to preserve or retain. To maintain, carry on, conduct, or manage; as, to "keep" a bawdy house, gaming table, nuisance, or the like. To maintain, tend, harbor, feed, and shelter; as, to "keep" a dangerous animal.

To maintain continuously and methodically for the purposes of a record; as, to "keep" books. Thus to "keep" records of court means, not only to preserve the manual possession of the records, books, and papers, but to correctly transcribe therein the proceedings of the court.

To maintain continuously and without stoppage or variation; as, when a vessel is said to "keep her course,"

that is, continue in motion in the same general direction in which she was previously sailing. *The Britannia*, 153 U.S. 130, 14 S.Ct. 795, 38 L.Ed. 660. To maintain, to cause to continue without essential change of condition. To take care of and to preserve from danger, harm, or loss.

Keeper. A custodian, manager, or superintendent; one who has the care, custody, or management of any thing or place; one who has or holds possession of anything. See Bailment; Custodian; Depository.

Keeper of a bawdy house or house of ill fame. A person who has control, proprietorship, or management of the house in question. *State v. Weston*, 235 Iowa 148, 15 N.W.2d 922, 923.

Keeper of dog. A harbinger of a dog. *Elender v. White*, La.App., 14 So.2d 280, 282. Any person, other than owner, harboring or having in his possession any dog. *Hancock v. Finch*, 126 Conn. 121, 9 A.2d 811. One who, either with or without owner's permission, undertakes to manage, control, or care for it as dog owners in general are accustomed to do.

Keeper of the forest. In old English law, an officer (called also chief warden of the forest) who had the principal government of all things relating to the forest, and the control of all officers belonging to the same.

Keeper of the great seal. In English law, a high officer of state, through whose hands pass all charters, grants, and commissions of the king under the great seal.

Keeper of the king's conscience. A name sometimes applied to the chancellor of England, as being formerly an ecclesiastic and presiding over the royal chapel.

Keeper of the privy seal. In English law, an officer through whose hands pass all charters signed by the king before they come to the great seal. He is a privy councillor, and was anciently called "clerk of the privy seal," but is now generally called the "lord privy seal."

Keeper of the touch. The master of the assay in the English mint.

Keeping a gambling house or place. A proprietor is guilty if with his knowledge, acquiescence, and consent, express or implied, gambling is carried on upon premises in his possession as owner or lessee, or under his management or control, by his associates or subordinates who are likewise guilty if they are present aiding and assisting in carrying on such gambling operations for him. *Commonwealth v. Pinkenson*, 138 Pa.Super. 485, 11 A.2d 176, 179. A proprietor of a place not

kept for the purpose of gambling is guilty if he allows gambling to be carried on and participates in it or receives a benefit from it in some way. *People v. Dubinsky*, Sp.Sess., 31 N.Y.S.2d 234, 238. See *e.g.* 18 U.S.C.A. § 1955. See also *Gambling*.

Keeping a gambling table or bank. If one has possession or custody of a gaming table, and authority over its use, and supervises the gaming, he is guilty of such crime.

Keeping a lookout. Being watchful of movements of driver's own vehicle, as well as other vehicles and pedestrians. See *Lookout*.

Keeping books. Preserving an intelligent record of a merchant's or tradesman's affairs with such reasonable accuracy and care as may properly be expected from a person in that business. See *Accounting*.

Keeping the peace. Avoiding a breach of the peace; dissuading or preventing others from breaking the peace. See also *Articles of the peace*.

Keep in repair. When a lessee is bound to keep the premises in repair, he must have them in repair at all times during the term; and, if they are at any time out of repair, he is guilty of a breach of the covenant. See *Habitability*.

Kefauver-Cellar Act. Federal anti-merger statute enacted in 1950 prohibiting the acquisition of assets of one company by another (generally in the same line of business) when the effect is to lessen competition. 15 U.S.C.A. §§ 18, 21.

Keiki /kékíki/. Hawaiian. Popular meaning is child, but the meaning of that word in any particular instance depends on context in which it is used, and it can mean "descendant of any generation." In *re Kanoa's Trust Estate*, 47 Hawaii 160, 393 P.2d 753, 760; *Kalakaua v. Parke*, 8 Hawaii 620, 621.

Kelp-shore. The land between high and low water mark.

Kentucky Resolutions. A series of resolutions drawn up by Jefferson, and adopted by the legislature of Kentucky in 1799, protesting against the "alien and sedition laws," declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring "nullification" to be "the rightful remedy."

Kentucky Rule. In the allocation of dividends by trustees as between income and principal, all dividends whether paid in cash or stock are regarded as income though in most jurisdictions accepting this rule a dividend paid in the stock of the issuing corporation is considered principal and brings about an adjustment in the basis of such stock in the portfolio.

Keogh Plan. A designation for retirement plans available to self-employed taxpayers (also referred to as H.R.10 plans). Such plans extend to the self-employed tax benefits similar to those available to employees under qualified pension and profit sharing plans. Yearly contributions to the plan (up to a certain amount) are tax deductible. See also *Individual retirement account*.

Kerhere. A customary cart-way; also a commutation for a customary carriage-duty.

Kernellatus /kàrnələytəs/. Fortified or embattled.

Kernes /kàrnz/. In English law, idlers; vagabonds.

Ketubah. The Jewish "Ketubah" is a marriage contract or marriage settlement. *Hurwitz v. Hurwitz*, 216 App. Div. 362, 215 N.Y.S. 184, 185.

Key. A wharf for the lading and unlading of merchandise from vessels. More commonly spelled "quay."

An instrument for fastening and opening a lock.

Any descriptive words in a land contract which lead unerringly to the land. *Blumberg v. Nathan*, 190 Ga. 64, 8 S.E.2d 374, 375. Reference to something more definite by which an indefinite description of property is made certain.

Keyage. A toll paid for loading and unloading merchandise at a key or wharf.

Key man insurance. Type of insurance coverage purchased by companies to protect them on the death or disability of a valued employee or by partnership to provide for funds with which to buy out the interest of such partner on his death or disability.

Key number system. A standard legal research tool in which each point of law derived from reported cases is typically arranged in a digest and assigned a "key" number. Once the key number for a relevant point of law is determined, generally through a digest index, a researcher may look under that topic, in either a digest or on WESTLAW, for topically related cases. See also *Digest (American Digest System)*.

Keyus /kiyəs/. A guardian, warden, or keeper.

Kibei /kiybéy/. A Japanese-American (person born in the United States of Japanese parents) who has been educated in Japan, but has returned to the United States. See *Hohri v. U.S.*, C.A.D.C., 782 F.2d 227, 234; *McGrath v. Abo*, C.A., 186 F.2d 766, 772. [Japanese—*u.* to return to the United States; *ki* meaning "to return" and *bei* meaning "the United States"].

Kickback. Payment back by seller of a portion of the purchase price to buyer or public official to induce purchase or to improperly influence future purchases or leases. Such payments are not tax deductible as ordinary and necessary expenses. I.R.C. § 162.

Under federal statute kickbacks are a criminal offense in connection with a contract for construction or repair of a public building or a building financed by loans from the government. 18 U.S.C.A. § 874. Such acts are also generally prohibited by state commercial bribery statutes. See also *Bribery*.

Kiddie tax. A tax imposed on unearned income (in excess of a minimal amount) of a child under the age of 14. Such income is taxed at the parents' highest rate. The Tax Reform Act of 1986 instituted the "kiddie tax" in an effort to stop the shifting of income producing assets within families (*i.e.*, from parents to minor chil-

dren) which, prior to the TRA, resulted in substantial tax savings to upper bracket parents. I.R.C. § 1(i).

Kidnapping. At common law, the forcible abduction or stealing and carrying away of a person from own country to another. 4 Bl.Comm. 219. *Collier v. Vaccaro*, C.C.A.Md., 51 F.2d 17, 19; *State v. Berry*, 200 Wash. 495, 93 P.2d 782, 787, 792. The unlawful seizure and removal of a person from own country or state against his will. In American law, the intent to send the victim out of the country does not constitute a necessary part of the offense; the unlawful taking and carrying away of a human being by force or fraud or threats or intimidation and against his will being the essential elements. *State v. Roberts*, 210 S.E.2d 396, 404, 286 N.C. 265. At common law kidnapping was a misdemeanor, but under modern statutes such crime is a felony. 18 U.S.C.A. § 1201.

A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following purposes: (a) to hold for ransom or reward, or as a shield or hostage; or (b) to facilitate commission of any felony or flight thereafter; or (c) to inflict bodily injury on or to terrorize the victim or another; or (d) to interfere with the performance of any governmental or political function. Model Penal Code, § 212.1.

With respect to federal kidnapping act, see *Lindbergh Act*. See also *Abduction*; *Hostage*; *Parental Kidnapping Prevention Act*; *Ransom*.

Child-stealing. Child-stealing statutes commonly provide a penalty for any one who shall lead, take, entice or detain a child under a specified age with intent to keep or conceal it from its parent, guardian, or other person having lawful care or control thereof.

Kidnapping for ransom. One who detains another for the purpose of extorting money from him or from another person as the price of his release is guilty of the felony of kidnapping for ransom. 18 U.S.C.A. § 1201.

Simple kidnapping. Kidnapping which is not in some aggravated form, such as holding for ransom, is commonly referred to as "simple kidnapping."

Kilberg doctrine. In conflicts of law, a rule to the effect that the forum is not bound by the law of the place of the death as to the limitations on damages for wrongful death because such law is procedural and hence the law of the forum governs on this issue. *Kilberg v. Northeast Airlines, Inc.*, 9 N.Y.2d 34, 211 N.Y.S.2d 133, 172 N.E.2d 526.

Kilketh. An ancient servile payment made by tenants in husbandry.

Kill, v. To deprive of life; to destroy the life of an animal or person. The word "homicide" expresses the killing of a human being. See also *Homicide*; *Manslaughter*; *Murder*.

Killing by misadventure. Accidental killing of a person where the slayer is doing a lawful act, unaccompa-

nied by any criminal carelessness or reckless conduct. Excusable homicide occurring where one engaged in doing lawful act, without intention to do harm and, with proper precaution to avoid danger, unfortunately kills another. See also *Accidental killing*; *Manslaughter*.

Kind. Class, grade, or sort. *City of St. Louis v. James Braudis Coal Co.*, Mo.App., 137 S.W.2d 668, 670. Genus; generic class; description. See *In kind*; *Like-kind exchange*; *Sample*.

Kindred. See *Kin or kindred*; *Next of kin*.

King. The sovereign, ruler, or chief executive magistrate of a state or nation whose constitution is of the kind called "monarchical" is thus named if a man; if it be a woman, she is called "queen."

The word expresses the idea of one who rules singly over a whole people or has the highest executive power; but the office may be either hereditary or elective, and the sovereignty of the king may or may not be absolute, according to the constitution of the country.

King can do no wrong. This maxim means that the king is not responsible legally for aught he may please to do, or for any omission. It does not mean that everything done by the government is just and lawful, but that whatever is exceptionable in the conduct of public affairs is not to be imputed to the king. See *Sovereign immunity*; *Sovereignty*.

King-craft. The art of governing.

Kingdom. A country where an officer called a "king" exercises the powers of government, whether the same be absolute or limited. In some kingdoms, the executive officer may be a woman, who is called a "queen."

King-geld. A royal aid; an escuage (*q.v.*).

King's (Queen's) advocate. An English advocate who holds, in the courts in which the rules of the canon and civil law prevail, a similar position to that which the attorney general holds in the ordinary courts, *i.e.*, he acts as counsel for the crown in ecclesiastical, admiralty, and probate cases, and advises the crown on questions of international law. In order of precedence, he ranks after the attorney general.

King's (Queen's) Bench. One of the superior courts of common law in England, being so called because the king (or queen) used formerly to sit there in person, the style of the court being "*coram ipso rege*."

It was called the "queen's bench" in the reign of a queen, and during the protectorate of Cromwell it was styled the "upper bench." It consisted of a chief justice and three puisne justices, who were by their office the sovereign conservators of the peace and supreme coroners of the land. It was a remnant of the *aula regis*, and was not originally fixed to any certain place, but might follow the king's person, though for some centuries past it usually sat at Westminster. It had a very extended jurisdiction both in criminal and civil causes; the former in what was called the "crown side" or "crown office," the latter in the "plea side," of the court.

Its civil jurisdiction was gradually enlarged until it embraced all species of personal actions. By the Judicature Act of 1873 the jurisdiction of this court was assigned to the Queens Bench Division of the High Court of Justice. *See* Court of King's (Queen's) Bench.

King's (Queen's) coroner and attorney. In England, an officer of the court of king's (or queen's) bench, usually called "the master of the crown office," whose duty it was to file informations at the suit of a private subject by direction of the court. 4 Bl.Comm. 308, 309. The office is now merged in that of Master of the Crown Office.

King's (Queen's) counsel. Barristers or serjeants who have been called within the bar and selected to be the king's (or queen's) counsel. They answer in some measure to the *advocati fisci*, or advocates of the revenue, among the Romans. They could not formerly be employed in any cause against the Crown (*e.g.* in defending a prisoner) without special license. Now, however, by a general dispensation granted in 1920, they can appear against the Crown without such license. Called "Queen's" counsel when a queen holds the crown.

King's (Queen's) evidence. When several persons are charged with a crime, and one of them gives evidence against his accomplices, on the promise of being granted a pardon, he is said to be admitted king's or (in America) state's evidence. Called "Queen's" evidence when a queen holds the crown. *See also* State's evidence.

King's (Queen's) proctor. A proctor or solicitor representing the crown in the Family Division. In petitions for dissolution of marriage, or for declarations of nullity of marriage, the king's (or queen's) proctor may, under the direction of the attorney general, and by leave of the court, intervene in the suit for the purpose of proving collusion between the parties. Called "Queen's" proctor when a queen holds the crown.

King's (Queen's) remembrancer. An officer of the central office of the English supreme court. Formerly he was an officer of the exchequer, and had important duties to perform in protecting the rights of the crown; *e.g.*, by instituting proceedings for the recovery of land by writs of intrusion (*q.v.*), and for the recovery of legacy and succession duties; but of late years administrative changes have lessened the duties of the office. He was at the head of the department which had charge of all revenue suits, and of matters pertaining to the office of sheriff. He attended as the officer of the king's (queen's) bench when the lord mayor made his appearance on November 9th, and was representing the old court of exchequer when the city of London did suit and service in discharge of quit-rents for certain lands anciently held under the crown. Called a "Queen's" remembrancer when a queen holds the crown.

King's silver. In old English practice, a fine due the king *pro licentia concordandi* (for leave to agree), in the process of levying a fine.

King's widow. In feudal law, a widow of the king's tenant in chief, who was obliged to take oath in chancery that she would not marry without the king's leave.

Kin or kindred. Relation or relationship by blood or consanguinity. Relatives by blood; by birth. May be either lineal (ascending or descending) or collateral. *Poff v. Pennsylvania R. Co.*, D.C.N.Y., 57 F.Supp. 625, 626. *See also* Blood relations; Heirs; Next of kin.

Kinsfolk. Relations; those who are of the same family.

Kinship. Relationship by blood. *See* Kin or Kindred.

Kinsman /kɪnzˈmæn/. A man of the same race or family.

Kinswoman. A female relation.

Kintal, or kintle /k(w)ɪntəl/. A hundred pounds in weight. *See* Quintal or Kintal.

Kissing the book. The ceremony of touching the lips to a copy of the Bible, used in administering oaths. It is the external symbol of the witness' acknowledgment of the obligation of the oath.

Kist. In Hindu law, a stated payment; installment of rent.

Kiting. The wrongful practice of taking advantage of the float, the time that elapses between the deposit of a check in one bank and its collection at another. Method of drawing checks by which the drawer uses funds which are not his by drawing checks against deposits which have not yet cleared through the banks. "Kiting" consists of writing checks against a bank account where funds are insufficient to cover them, hoping that before they are presented the necessary funds will be deposited. *Sutro Bros. & Co. v. Indemnity Ins. Co. of North America*, D.C.N.Y., 264 F.Supp. 273, 283. *See also* Float.

Kleptomania /klɛptəˈmæni(ə)jə/. In medical jurisprudence, a species (or symptom) of mania, consisting of an irresistible propensity to steal.

Knave /néyv/. A rascal; a false, tricky, or deceitful person. The word originally meant a boy, attendant, or servant, but long-continued usage has given it its present signification.

Knight. In English law, the next personal dignity after the nobility. Of knights there are several orders and degrees. The first in rank are knights of the Garter, instituted by Richard I and improved by Edward III in 1344; next follows a knight banneret; then come knights of the Bath, instituted by Henry IV, and revived by George I; and they were so called from a ceremony of bathing the night before their creation. The last order are knights bachelors, who, though the lowest, are yet the most ancient, order of knighthood; for we find that King Alfred conferred this order upon his son Athelstan. Other degrees of knights include Knight of the Order of St. Michael and St. George (instituted in 1345), Knight of the Thistle (reestablished in 1703), and Knight of the Most Excellent Order of the British Empire (instituted in 1917). 1 Bl.Comm. 403.

Knighthood. The rank, order, character, or dignity of a knight.

Knight-marshal. In English law, an officer in the royal household who has jurisdiction and cognizance of offenses committed within the household and verge, and of all contracts made therein, a member of the household being one of the parties.

Knights bachelors. In English law, the most ancient, though lowest, order of knighthood. *See* Knight.

Knights banneret. In English law, those created by the sovereign in person on the field of battle. They rank, generally, after knights of the Garter. *See* Knight.

Knights fee. The determinate quantity of land (held by an estate of inheritance), or of annual income therefrom, which was sufficient to maintain a knight.

Knights of the Garter. *See* Garter; Knight.

Knights of the post. A term for hiring witnesses.

Knights of the shire. In English law, members of parliament representing counties or shires, in contradistinction to citizens or burgesses, who represent boroughs or corporations.

Knight's service. Upon the Norman conquest, all the lands in England were divided into knight's fees, in number above sixty thousand. For every knight's fee, a knight was bound to attend the king in his wars forty days in a year, in which space of time a campaign was generally finished. If a man only held half a knight's fee, he was only bound to attend twenty days; and so in proportion. But this personal service, in process of time, grew into pecuniary commutations, or aids; until at last, with the military part of the feudal system, it was abolished by the Tenures Abolition Act of 1660. 1 Bl.Comm. 410.

Knock and announce rule. This rule for execution of arrest and search warrants requires that police knock and announce their authority and purpose before entering into home. *Davenport v. State, Ind.*, 464 N.E.2d 1302, 1305. A peace officer, whether he arrests by virtue of warrant or by virtue of his authority to arrest without warrant on probable cause, can break door of house to effect arrest only after first stating his authority and purpose for demanding admission. *Miller v. U. S.*, 357 U.S. 301, 78 S.Ct. 1190, 2 L.Ed.2d 1332. The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant. 18 U.S.C.A. § 3109.

Knock down. To assign to a bidder at an auction by a knock or blow of the hammer. Property is said to be "knocked down" when the auctioneer, by the fall of his hammer, or by any other audible or visible announcement, signifies to the bidder that he is entitled to the property on paying the amount of his bid, according to the terms of the sale. "Knocked down" and "struck off" are synonymous terms.

Knot. In seamen's language, a "knot" is a division of the log-line serving to measure the rate of the vessel's motion. The number of knots which run off from the reel in half a minute shows the number of miles the vessel sails in an hour. Hence when a ship goes 8 nautical miles an hour she is said to go "8 knots."

Know. To have knowledge; to possess information, instruction, or wisdom. To perceive or apprehend; to understand. *International-Great Northern R. Co. v. Pence, Tex.Civ.App.*, 113 S.W.2d 206, 210. The word "familiar" is equivalent. *See* Knowingly; Knowledge; Notice; Scienter.

Know all men. A form of public address, of great antiquity, and with which many written instruments, such as bonds, letters of attorney, etc., still commence.

Knowingly. With knowledge; consciously; intelligently; willfully; intentionally. An individual acts "knowingly" when he acts with awareness of the nature of his conduct. *State v. Kroll, Mo.App.*, 682 S.W.2d 78, 81. Act is done "knowingly" or "purposely" if it is willed, is product of conscious design, intent or plan that it be done, and is done with awareness of probable consequences. *Horne v. State, Ind.*, 445 N.E.2d 976, 978.

A person acts knowingly with respect to a material element of an offense when: (i) if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist; and (ii) if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result. Model Penal Code, § 2.202.

The use of the word in an indictment is equivalent to an averment that the defendant knew what he was about to do, and, with such knowledge, proceeded to do the act charged.

See also Intent; Knowledge; Scienter.

Knowingly and willfully. This phrase, in reference to violation of a statute, means consciously and intentionally.

Knowledge. Acquaintance with fact or truth. *People v. Henry, 23 Cal.App.2d 155, 72 P.2d 915, 921.*

It has also been defined as act or state of knowing or understanding, *Witters v. U. S.*, 70 App.D.C. 316, 106 F.2d 837, 840; actual knowledge, notice or information, *New York Underwriters Ins. Co. v. Central Union Bank of South Carolina, C.C.A.S.C.*, 65 F.2d 738, 739; assurance of fact or proposition founded on perception by senses, or intuition; clear perception of that which exists, or of truth, fact or duty; firm belief, *Witters v. U. S.*, 70 App.D.C. 316, 106 F.2d 837, 840; guilty knowledge, *Goldsworthy v. Anderson*, 92 Colo. 446, 21 P.2d 718; information of fact, *Green v. Stewart*, 106 Cal.App. 518, 289 P. 940, 944; means of mental impression, *Howard v. Whittaker*, 250 Ky. 836, 64 S.W.2d 173; miscellaneous information and circumstances which engender belief to moral certainty or induce state of mind that one considers that he knows, *Wise v. Curdes*, 219 Ind. 606, 40 N.E.2d 122, 126; notice or knowledge sufficient to excite

attention and put person on guard and call for inquiry, *Iberville Land Co. v. Amerada Petroleum Corporation*, C.C.A.La., 141 F.2d 384, 389; personal cognizance or knowledge or means of knowledge, *The Chickie*, D.C.Pa., 54 F.Supp. 19, 20; state of being or having become aware of fact or truth, *Howard v. Whittaker*, 250 Ky. 836, 64 S.W.2d 173.

In commercial law, the level of a person's awareness of information at which the person actually knows the information. See U.C.C. § 1-201(25).

When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person is aware of a high probability of its existence, unless he actually believes that it does not exist. Model Penal Code, § 2.202.

Knowledge consists in the perception of the truth of affirmative or negative propositions, while "belief" admits of all degrees, from the slightest suspicion to the fullest assurance. The difference between them is ordinarily merely in the degree, to be judged of by the court, when addressed to the court; by the jury, when addressed to the jury.

See also Constructive knowledge; Imputed knowledge; Knowingly; Notice; Scienter.

Actual knowledge. Positive, in contrast to imputed or inferred, knowledge of a fact. *Roberts Const. Co. v. Brown*, 272 Ala. 440, 131 So.2d 710, 712. For notice purposes, "actual knowledge" embraces those things of which the one sought to be charged has express information and those things which a reasonably diligent inquiry and exercise of the means of information at hand would have disclosed. *Morris v. Reaves*, Tex.Civ.App., 580 S.W.2d 891, 893.

Agency relationship. Unless the parties have otherwise agreed, a principal or agent, with respect to the other, should know what a person of ordinary experience and intelligence would know, and in addition, what he would know if, having the knowledge and intelligence which he has or which he purports to have, he were to use due care in the performance of his duties to the other. Restatement, Second, Agency, § 10.

Carnal knowledge. See Carnal knowledge.

Knowledge of another's peril. One has "knowledge of peril of another," within doctrine of discovered peril, whenever it reasonably appears from the known facts and circumstances that the latter is pursuing a course which will probably terminate in serious bodily injury to him, and that he probably will pursue it to the end.

Personal knowledge. Knowledge of the truth in regard to a particular fact or allegation, which is original, and does not depend on information or hearsay. Personal knowledge of an allegation in an answer is personal knowledge of its truth or falsity; and if the allegation is a negative one, this necessarily includes a knowledge of the truth or falsity of the allegation denied. In the law of evidence means something which the witness actually saw or heard, as distinguished from something he learned from some other person or sources. *Hidalgo v. General Fire & Cas. Co.*, La.App., 254 So.2d 493, 496.

Reason to know. The words "reason to know" are used throughout the Restatement of Torts to denote the fact that the actor has information from which a person of reasonable intelligence or of the superior intelligence of the actor would infer that the fact in question exists, or that such person would govern his conduct upon the assumption that such fact exists. Restatement, Second, Torts, § 12.

Should know. The words "should know" are used throughout the Restatement of Torts to denote the fact that a person of reasonable prudence and intelligence or of the superior intelligence of the actor would ascertain the fact in question in the performance of his duty to another, or would govern his conduct upon the assumption that such fact exists. Restatement, Second, Torts, § 12.

Known. Familiar; perceived; recognized; understood; especially, when used absolutely, familiar to all; generally understood or perceived. Term may, according to context, refer to both actual and constructive knowledge.

Known heirs. In a statute relating to the sale of property of unknown heirs, it has been held to mean those persons who are known, and whose right to inherit, or the extent of whose right, to inherit, is dependent on the non-existence of other persons nearer or as near as the ancestor in the line of descent.

Ku Klux Act. Federal statute which creates civil liability for interfering with a person's civil rights. 42 U.S.C.A. § 1985(3).

Kuleana /kùwleyáno/. The Hawaiian term "kuleana" means a small area of land, such as were awarded in fee by the Hawaiian monarch, about the year 1850, to all Hawaiians who made application therefor.

Kyth /kíθ/. Sax. Kin or kindred.