

Q

Q.B. An abbreviation of "Queen's Bench."

Q.B.D. An abbreviation of "Queen's Bench Division."

Q.C. An abbreviation of "Queen's Counsel."

Q.C.F. An abbreviation of "*quare clausum fregit*" (*q.v.*).

Q.D. An abbreviation of "*quasi dicat*," as if he should say.

Q.E.N. An abbreviation of "*quare executionem non*," wherefore execution [should] not [be issued].

Q.S. An abbreviation for "Quarter Sessions."

Q.T. An abbreviation of "*qui tam*" (*q.v.*).

Qua /kwéy/. Lat. Considered as; in the character or capacity of. For example, "the trustee *qua* trustee [that is, in his character as trustee] is not liable," etc.

Quack. A pretender to medical skill which he does not possess; one who practices as a physician or surgeon without adequate preparation or due qualification.

Quacunque via data /kweykákwíy váyá déydá/. Lat. Whichever way you take it.

Quadragesima /kwòdrájézámá/. Lat. The fortieth. The first Sunday in Lent is so called because it is about the fortieth day before Easter.

Quadragesimals /kwòdrájézámálz/. Offerings formerly made, on Mid-Lent Sunday, to the mother church.

Quadrant /kwódránt/. An angular measure of ninety degrees. One of the quarters created by two intersecting roads or streets.

Quadrenniium /kwòdr(iy)én(i)yəm/. Lat. In the civil law, the four-year course of study required to be pursued by law-students before they were qualified to study the Code or collection of imperial constitutions.

Quadrupartite /kwòdrápártayt/. Divided into four parts. A term applied in conveyancing to an indenture executed in four parts.

Quadruplicatores /kwòdráplétóriyz/. Lat. In Roman law, informers who, if their information were followed by conviction, had the fourth part of the confiscated goods for their trouble.

Quadruplicatio /kwòdráplékéysh(iy)ow/. Lat. In the civil law, a pleading on the part of a defendant, corresponding to the *rebutter* at common law. The third pleading on the part of the defendant.

Quadruplication /kwòdráplékéyshən/. A pleading in admiralty, third in order after a replication; now obsolete. Formerly this word was used instead of *surrebutter*.

Quæ ab hostibus capiuntur, statim capientium fiunt /kwíy æb (h)óstábəs kápiyántər, stéydəm kápiyénsh(iy)əm fáyánt/. Things which are taken from enemies immediately become the property of the captors.

Quæ ab initio inutilis fuit institutio, ex post facto convalescere non potest /kwíy æb ənish(iy)ow inyúwdələs f(y)úwəd instat(y)úwsh(iy)ow, éks pówst fáktow konválésəriy nòn pówdəst/. An institution which was at the beginning of no use or force cannot acquire force from after matter.

Quæ ab initio non valent, ex post facto convalescere non possunt /kwíy æb ənish(iy)ow nòn vélánt, éks pówst fáktow kónválésəriy nòn pósánt/. Things invalid from the beginning cannot be made valid by subsequent act.

Quæ accessionum locum obtinent, extinguuntur cum principales res peremptæ fuerint /kwíy əksèsiyównəm lówkəm óbtánənt, ékstingwántər kəm prín(t)səpéyliyz ríyz pərəm(p)tiy f(y)úwərínt/. Things which hold the place of accessories are extinguished when the principal things are destroyed.

Quæ ad unum finem loquuta sunt, non debent ad alium detorqueri /kwíy æd yúwnəm fáynəm ləkyúwdə sánt, nòn débənt æd éyliyəm díytorkwíray/. Those words which are spoken to one end ought not to be perverted to another.

Quæ coherent personæ a persona separari nequeunt /kwíy kəhírənt pərsówniy èy pərsównə sèpəréray nəkwiyant/. Things which cohere to, or are closely connected with, the person, cannot be separated from the person.

Quæ communi lege derogant stricte interpretantur /kwíy kəmyúwnay líjy dérgənt stríktiy əntəprətántər/. [Statutes] which derogate from the common law are strictly interpreted.

Quæ contra rationem juris introducta sunt, non debent trahi in consequentiam /kwíy kóntrə rəshiyównəm júras intrédáktə sánt, nòn débənt tréyhay in kónsə-

kwénsh(iy)əm/. Things introduced contrary to the reason of law ought not to be drawn into a precedent.

Quæcunque intra rationem legis inveniuntur intra legem ipsam esse judicantur /kwiykákkwiy intræ ræshiyównám líyjas invinyiántar intræ líyjam ípsám ésiy júwdakéntar/. Things which are found within the reason of a law are supposed to be within the law itself.

Quæ dubitationis causa tollendæ inseruntur communem legem non lædunt /kwiy d(y)úwbátèyshiyównás kóza toléndiy insérántar, kamyúwnám líyjam nòn líydánt/. Things which are inserted for the purpose of removing doubt hurt not the common law.

Quæ dubitationis tollendæ causa contractibus inseruntur, jus commune non lædunt /kwiy d(y)úwbátèyshiyównás toléndiy kóza kontráktabas insérántar, jáš kamyúwniy nòn líydánt/. Particular clauses inserted in agreements to avoid doubts and ambiguity do not prejudice the general law.

Quæ est eadem /kwiy èst iyéydám/. Lat. Which is the same. Words used for alleging that the trespass or other fact mentioned in the plea is the same as that laid in the declaration, where, from the circumstances, there is an apparent difference between the two.

Quæ incontinenti fiunt inesse videntur /kwiy inkòntánéntay fáyánt inésiy védéntar/. Things which are done incontinently [or simultaneously with an act] are supposed to be inherent [in it; to be a constituent part of it].

Quæ in curia regis acta sunt rite agi præsumuntur /kwiy in kyúriya riyjas ækta sánt ráydiy éyjay priyz(y)ámántar/. Things done in the king's court are presumed to be rightly done.

Quæ in partes dividi nequeunt solida a singulis præstantur /kwiy in pártiyz daváyday nékwiyánt sólada èy síngyálas præstántar/. Services which are incapable of division are to be performed in whole by each individual.

Quæ inter alios acta sunt nemini nocere debent, sed prodesse possunt /kwiy intéar æliyows ækta sánt némánay nósariy débánt, séd prówdésiý pósánt/. Transactions between strangers ought to hurt no man, but may benefit.

Quæ in testamento ita sunt scripta ut intelligi non possint, perinde sunt ac si scripta non essent /kwiy in téstaméntow áyda sánt skrípta æd intélajay nòn pósánt, póríndiy sánt æk sáy skrípta nòn ésánt/. Things which are so written in a will that they cannot be understood, are the same as if they had not been written at all.

Quæ legi communi derogant non sunt trahenda in exemplum /kwiy líyjay kamyúwnay dérégánt nòn sánt tráhéndá in agzémplám/. Things derogatory to the common law are not to be drawn into precedent.

Quæ legi communi derogant stricte interpretantur /kwiy líyjay kamyúwnay dérégánt striktyiý intärprétántar/. Those things which are derogatory to the common law are to be strictly interpreted.

Quælibet concessio domini regis capi debet stricte contra dominum regem, quando potest intelligi duabus

vils /kwíylabət kansésh(iy)ow dómánay riyjas kápay débət striktyiý kóntra dómánam riyjam, kwóndow pówdast intélajay d(y)uwéybas váyas/. Every grant of our lord the king ought to be taken strictly against our lord the king, when it can be understood in two ways.

Quælibet concessio fortissime contra donatorem interpretanda est /kwíylabət kansésh(iy)ow fortísamiy kóntra dównatóram intärprétándá èst/. Every grant is to be interpreted most strongly against the grantor.

Quælibet jurisdictio cancellos suos habet /kwíylabət júrasdiksh(iy)ow kánsélows s(y)úwows héybat/. Every jurisdiction has its own bounds.

Quælibet pardonatio debet capi secundum intentionem regis, et non ad deceptionem regis /kwíylabət párdanéysh(iy)ow débət kápay sakándam inténshiyównám riyjas èt nòn æd dasépshiyównám riyjas/. Every pardon ought to be taken according to the intention of the king, and not to the deception of the king.

Quælibet pœna corporalis, quamvis minima, major est qualibet pœna pecuniaria /kwíylabət píyna kórpórèyálas, kwæmvis mínama, méyjar èst kwéylabət píyna pákyúwniyériya/. Every corporal punishment, although the very least, is greater than any pecuniary punishment.

Quæ mala sunt inchoata in principio vix bono peraguntur exitu /kwiy mæla sánt inkowéyda in prin(t)sípiyow viks bównow pærégántar égzət(y)uw/. Things bad in principle at the commencement seldom achieve a good end.

Quæ nihil frustra /kwiy náy(h)əl frástrá/. Lat. Which [does or requires] nothing in vain. Which requires nothing to be done, that is, to no purpose.

Quæ non fieri debent, facta, valent /kwiy nòn fáyaray débánt, fákta, válánt/. Things which ought not to be done are held valid when they have been done.

Quæ non valeant singula, juncta juvant /kwiy nòn væliyant síngyala, jánkta júwvánt/. Things which do not avail when separate, when joined avail.

Quæ plura /kwiy pl(y)úrá/. Lat. In old English practice, a writ which lay where an inquisition had been made by an escheator in any county of such lands or tenements as any man died seised of, and all that was in his possession was imagined not to be found by the office; the writ commanding the escheator to inquire *what more (quæ plura)* lands and tenements the party held on the day when he died, etc.

Quæ præter consuetudinem et morem majorum fiunt neque placent neque recta videntur /kwiy priydar kónswət(y)úwdánám èt móram majóram fáyant nékwiy plásánt nékwiy rékta védéntar/. Things which are done contrary to the custom of our ancestors neither please nor appear right.

Quæ propter necessitatem recepta sunt, non debent in argumentum trahi /kwiy próptar násésatéydam rasépta sánt, nòn débánt in argyaméntám tréyhay/. Things which are admitted on the ground of necessity ought not to be drawn into question.

Quæras de dublis legem bene discere si vis /kwíras diy d(y)úwbíyas, líyjam bíyniy dísaríy sáy vís/. Inquire

into doubtful points if you wish to understand the law well.

Quære /kwíry/. A query; question; doubt. This word, occurring in the syllabus of a reported case or elsewhere, shows that a question is propounded as to what follows, or that the particular rule, decision, or statement is considered as open to question.

Quære de dubiis, quia per rationes pervenitur ad legitimum rationem /kwíry diy d(y)úwbíyəs, kwáyə pər rəshíyówníyz pərvénədər æd ləjídəməm rəshíyównəm/. Inquire into doubtful points, because by reasoning we arrive at legal reason.

Quærens /kwíren(d)z/. Lat. A plaintiff; the plaintiff.

Quærens nihil capiat per billam /kwíren(d)z náy(h)əl kəpiyət pər bílam/. The plaintiff shall take nothing by his bill. A form of judgment for the defendant.

Quærens non invenit plegium /kwíren(d)z nòn invíynət pléj(iy)əm/. L. Lat. The plaintiff did not find a pledge. A return formerly made by a sheriff to a writ requiring him to take security of the plaintiff to prosecute his claim.

Quærere dat sapere quæ sunt legitima vere /kwíræry dət səpəriy kwíy sánt ləjídəmə víry/. To inquire into them, is the way to know what things are truly lawful.

Quæ rerum natura prohibentur nulla lege confirmata sunt /kwíy rírəm nəchúra pròw(h)əbéntər nálə líjijy kònfərméydə sánt/. Things which are forbidden by the nature of things are [can be] confirmed by no law. Positive laws are framed after the laws of nature and reason.

Quæ singula non prosunt, juncta juvant /kwíy síngyələ nòn pròwsənt, jəŋktə júwvənt/. Things which taken singly are of no avail afford help when taken together.

Quæsta /kwíystə/. An indulgence or remission of penance, authorized by the Pope.

Quæstio /kwés(h)ch(iy)ow/. *Medieval law*. The question; the torture; inquiry or inquisition by inflicting the torture.

Roman law. Anciently a species of commission granted by the *comitia* to one or more persons for the purpose of inquiring into some crime or public offense and reporting thereon. In later times, the *quæstio* came to exercise plenary criminal jurisdiction, even to pronouncing sentence, and then was appointed periodically, and eventually became a permanent commission or regular criminal tribunal, and was then called. "*quæstio perpetua*."

Cadit quæstio. The question falls; the discussion ends; there is no room for further argument.

Quæstio vexata. A vexed question or mooted point; a question often agitated or discussed but not determined; a question or point which has been differently decided, and so left doubtful.

Questionarii /kwés(h)ch(iy)ənériyay/. Those who carried *quæsta* about from door to door.

Questiones perpetuæ /kwés(h)chíyówníyz pərpéchu-wíy/. In Roman law, were commissions (or courts)

of inquisition into crimes alleged to have been committed. They were called "*perpetuæ*," to distinguish them from *occasional* inquisitions, and because they were permanent courts for the trial of offenders.

Quæstor /kwéstor/. Lat. A Roman magistrate, whose office it was to collect the public revenue.

Quæstores classici /kwéstóriyz klæssay/. Lat. In Roman law, officers entrusted with the care of the public money. Their duties consisted in making the necessary payments from the *ærarium*, and receiving the public revenues. Of both they had to keep correct accounts in their *tabulæ publicæ*. Demands which any one might have on the *ærarium*, and outstanding debts were likewise registered by them. Fines to be paid to the public treasury were registered and exacted by them. They were likewise to provide proper accommodations for foreign ambassadors and such persons as were connected with the republic by ties of public hospitality. Lastly, they were charged with the care of the burials and monuments of distinguished men, the expenses for which had been decreed by the senate to be paid by the treasury. Their number at first was confined to two; but this was afterwards increased as the empire became extended. There were *quæstores* of cities and of provinces, and *quæstores* of the army; the latter were in fact paymasters.

Quæstores parricidii /kwéstóriyz pə-rəsáydiyay/. See **Quæstores parricidii**.

Quæstor sacri palatii /kwéstor səkray pələyshiyay/. *Quæstor* of the sacred palace. An officer of the imperial court at Constantinople, with powers and duties resembling those of a chancellor.

Quæstus /kwéstəs/. L. Lat. That estate which a man has by acquisition or purchase, in contradistinction to "*hereditas*," which is what he has by descent.

Quæ sunt minoris culpæ sunt majoris infamie /kwíy sánt mənó-rəs kálpiy sánt məjórəs inféymiyiy/. [Offenses] which are of a lower grade of guilt are of a higher degree of infamy.

Quaker. In England, the statutory, as well as the popular, name of a member of a religious society, by themselves denominated "Friends."

Quale jus /kwóliy jəs/. Lat. In old English law, a judicial writ, which lay where a man of religion had judgment to recover land before execution was made of the judgment. It went forth to the escheator between judgment and execution, to inquire what *right* the religious person had to recover, or whether the judgment was obtained by the collusion of the parties, to the intent that the lord might not be defrauded.

Qualification. The possession by an individual of the qualities, properties, or circumstances, natural or adventitious, which are inherently or legally necessary to render him eligible to fill an office or to perform a public duty or function. Thus, a "qualified voter" is one who meets the residency, age, and registration requirements.

Also, a modification or limitation of terms or language; usually intended by way of restriction of expressions which, by reason of their generality, would carry a larger meaning than was designed.

See also **Qualified**.

Qualified. Adapted; fitted; entitled; susceptible; capable; competent; fitting; possessing legal power or capacity; eligible; as a "qualified voter" (q.v.). Applied to one who has taken the steps to prepare himself for an appointment or office, as by taking oath, giving bond, etc. Also limited; restricted; confined; modified; imperfect, or temporary. See also **Capacity; Competency; Duly qualified.**

Qualified acceptance. See **Acceptance.**

Qualified elector. A person who is legally qualified to vote. See also **Qualified voter.**

Qualified estate. See **Estate.**

Qualified fee. See **Fee.**

Qualified indorsement. See **Indorsement.**

Qualified oath. See **Oath.**

Qualified pensions. See **Pension plan.**

Qualified privilege. In the law of libel and slander, the same as conditional privilege. "Absolute privilege" renders defendant absolutely immune from civil liability for his defamatory statements, while "qualified privilege" protects defendant from liability only if he uttered defamatory statements without actual malice. *Martinez v. Cardwell*, 25 Ariz.App. 253, 542 P.2d 1133, 1135. See also **Privilege.**

Qualified property. See **Property.**

Qualified voter. A legal voter. A person qualified to vote generally; i.e. one who meets the residency, age, and registration requirements. One having constitutional qualifications for privilege, who is duly registered pursuant to law, and has present right to vote at election being held. *State ex rel. Burke v. Campbell*, Mo.App., 542 S.W.2d 355, 357.

Qualify. To make one's self fit or prepared to exercise a right, office, or franchise. To take the steps necessary to prepare one's self for an office or appointment, as by taking oath, giving bond, etc. Also to limit; to modify; to restrict. Thus, it is said that one section of a statute qualifies another.

Qualitas quæ inesse debet, facile præsumitur /kwólatàs kwíy inésiy débət, fæsliy præz(y)úwmədər/. A quality which ought to form a part is easily presumed.

Quality. Quality is descriptive of organic composition of substance, expressed in definite quantitative units, and definitive of character, nature and decree of excellence of an article. *Dean Rubber Mfg. Co. v. U. S.*, C.A.Mo., 356 F.2d 161, 163. In respect to persons, this term denotes comparative rank; state or condition in relation to others; social or civil position or class. In pleading, it means an attribute or characteristic by which one thing is distinguished from another. Adoptiveness, suitability, fitness; grade; condition. Within food adulteration statute means character or nature, as belonging to or distinguishing a thing, or character with respect to excellence, fineness, etc., or grade of excellence. *People v. Enders*, 38 Misc.2d 746, 237 N.Y.S.2d 879, 888, 889.

Quality of estate. The period when, and the manner in which, the right of enjoying an estate is exercised. It

is of two kinds: (1) The period when the right of enjoying an estate is conferred upon the owner, whether at present or in future; and (2) the manner in which the owner's right of enjoyment of his estate is to be exercised, whether solely, jointly, in common, or in coparcenary.

Quamdiu /kwæmdiyuw/. Lat. As long as; so long as. A word of limitation in old conveyances.

Quamdiu se bene gesserit /kwæmdiyuw siy bíyniy jésərat/. As long as he shall behave himself well; during good behavior; a clause frequent in letters patent or grants of certain offices, to secure them so long as the persons to whom they are granted shall not be guilty of abusing them, the opposite clause being "*durante bene placito*" (during the pleasure of the grantor).

Quam longum debet esse rationabile tempus non definitur in lege, sed pendet ex discretione justiciariorum /kwæm lóngəm débəd ésiy ræshənébəliy tēmpəs nɔn dəfinədər in líjijiy, səd pэндэд əks dəskrəshiyówniy jəstishiyəriyóram/. How long *reasonable time* ought to be is not defined by law, but depends upon the discretion of the judges.

Quam rationalis debet esse finis, non definitur, sed omnibus circumstantiis inspectis pendet ex justiciariorum discretione /kwæm ræshənébəlas débəd ésiy fáynəs, nɔn dəfinədər, səd ómnəbəs sərkməstənsniyas ənspéktəs pэндэд əks jəstishiyəriyóram dəskrəshiyówniy/. What a reasonable fine ought to be is not defined, but is left to the discretion of the judges, all the circumstances being considered.

Quamvis aliquid per se non sit malum, tamen, si sit mali exempli, non est faciendum /kwæmvis ələkwid pər síy nɔn sit mələm, təmən, sáy sit mələy əgzémpləy, nɔn sit fəshiyéndəm/. Although a thing may not be bad in itself, yet, if it is of bad example, it is not to be done.

Quamvis lex generaliter loquitur, restringenda tamen est, ut, cessante ratione, ipsa cessat /kwæmvis léks jənərəylədər lókwədər, rəstrinjəndə təmən ɛst, ət, səsəntiy rəshiyówniy ípsə səsət/. Although a law speaks generally, yet it is to be restrained, so that when its reason ceases, it should cease also.

Quando abest provisio partis, adest provisio legis /kwóndow əbest prəvív(h)(i)yow párdəs, ədest prəvív(h)(i)yow líjijəs/. When the provision of the party is wanting, the provision of the law is at hand.

Quando aliquid mandatur, mandatur et omne per quod pervenitur ad illud /kwóndow ələkwid mændéydar, mændéydar ɛd ómniy pər kwód pərvénədər əd íləd/. When anything is commanded, everything by which it can be accomplished is also commanded.

Quando aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum /kwóndow ələkwid pər síy nɔn sit mələm, təmən sáy sit mələy əgzémpləy, nɔn ɛst fəshiyéndəm/. When anything by itself is not evil, and yet may be an example for evil, it is not to be done.

Quando aliquid prohibetur ex directo, prohibetur et per obliquum /kwóndow ələkwid prów(h)əbíydar əks dəréktow, prów(h)əbíydar ɛt pər əbláykwm/. When

anything is prohibited directly, it is prohibited also indirectly.

Quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud /kwóndow ælakwid prów(h)æbyðdar, prów(h)æbyðdar èd ómniy pâr kwód dávénæðar æd ilæð/. When anything is prohibited, everything by which it is reached is prohibited also. That which cannot be done directly shall not be done indirectly.

Quando aliquis aliquid concedit, concedere videtur et id sine quo res uti non potest /kwóndow ælakwis ælakwid kænsýðæt, kænsýðæriy væðýðar èd id sáyniy kwòw ríyz yúwday nòn pówdæst/. When a person grants anything, he is supposed to grant that also without which the thing cannot be used. When the use of a thing is granted, everything is granted by which the grantee may have and enjoy such use.

Quando charta continet generalem clausulam, posteaque descendit ad verba specialia quæ clausulæ generali sunt consentanea, interpretanda est charta secundum verba specialia /kwóndow kárðæ kóntinat jénaréylam klóz(y)ælám, pówstiyékwiy dáséndæd æd vërbæ spëshiyéyl(i)yæ kwíy klózyaliy jénaréylay sânt kón(t)-sentéyn(i)yæ, intärrpætænda èst kárðæ sákándam vërbæ spëshiyéyl(i)yæ/. When a deed contains a general clause, and afterwards descends to special words which are agreeable to the general clause, the deed is to be interpreted according to the special words.

Quando de una et eadem re duo onerabiles existunt, unus, pro insufficientia alterius, de integro onerabitur /kwóndow diy yúwnæ èd iyéyðam ríy d(y)úwów ównaréybaliy ægzístant, yúwnas, prów insáfishiýénsh(i)yæ óltíriyæs, diy intégrów ównaréybæðar/. When there are two persons liable for one and the same thing, one of them, in case of default of the other, shall be charged with the whole.

Quando dispositio referri potest ad duas res ita quod secundum relationem unam vitetur et secundum alteram utilis sit, tum facienda est relatio ad illam ut valeat dispositio /kwóndow dispözísh(i)yow rafáray pówdæst æd d(y)úwæs ríyz áyðæ kwòd sákándam raléyshiyównám yúwnám vishiyíðar èt sákándam óltëram yúwdælæs sit, tàm féyshiyéndæ èst raléysh(i)yow æd ilám át væliyat dispözísh(i)yow/. When a disposition may refer to two things, so that by the former it would be vitiated, and by the latter it would be preserved, then the relation is to be made to the latter, so that the disposition may be valid.

Quando diversi desiderantur actus ad aliquem statum perficiendum, plus respicit lex actum originalem /kwóndow dávërsay dësídäræntär æktæs æd ælakwæm stéyðäm pørfíshiyéndäm, plás rëspëæt léks æktäm ærijanéylám/. When different acts are required to the formation of any estate, the law chiefly regards the original act. When to the perfection of an estate or interest divers acts or things are requisite, the law has more regard to the original act, for that is the fundamental part on which all the others are founded.

Quando duo jura concurrunt in una persona, æquum est ac si essent in diversis /kwóndow d(y)úwów júrà kánkæréd in yúwnæ pørsównæ, iykwæm èst æk sáy ésánt in dávërsæs/. When two rights concur in one person, it is the same as if they were in two separate persons.

Quando jus domini regis et subditi concurrunt, jus regis præferri debet /kwóndow jás dómanay ríyæs èt sòbdæday kánkæránt, jás ríyæs præfáray débæt/. When the right of king and of subject concur, the king's right should be preferred.

Quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsæ esse non potest /kwóndow léks ælakwid ælak(w)ay kænsýðæt, kænsýðæriy væðýðar èd id sáyniy kwòw ríyz ípsiy ésiy nòn pówdæst/. When the law gives a man anything, it gives him that also without which the thing itself cannot exist.

Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur /kwóndow léks ælakwid ælak(w)ay kænsýðæt, ómn(i)yæ insädéns(i)yæ tæsædiy kónsädántär/. When the law gives anything to any one, all incidents are tacitly given.

Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda /kwóndow léks èst spëshiyéylæs, réysh(i)yow óðám jénaréylæs, jénaréylæðar léks èst intèljéndæ/. When a law is special, but its reason [or object] general, the law is to be understood generally.

Quando licet id quod majus, videtur et licere id quod minus /kwóndow láysæd id kwòd méyæs, væðýðar èt lísríy id kwòd máynæs/. When the greater is allowed, the less is to be understood as allowed also.

Quando mulier nobilis nupserit ignobili, desinit esse nobilis nisi nobilitas nativa fuerit /kwóndow myúwliyar nówbælæs nápsërät ignówbæláy, désénad ésiy nówbælæs náysay nowbílætæs natáyvæ f(y)úwërät/. When a noble woman marries a man not noble, she ceases to be noble, unless her nobility was born with her.

Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est /kwóndow plás fit kwæm fáyaray débæt, væðýðar ésh(i)yám ilæð fáyaray kwòd fæshiyéndäm èst/. When more is done than ought to be done, that at least shall be considered as performed which should have been performed [as, if a man, having a power to make a lease for ten years, make one for twenty years, it shall be void only for the surplus].

Quando quod ago non valet ut ago, valeat quantum valere potest /kwóndow kwód éygow nòn vælæd æd éygow, væliyat kwóntám valíriy pówdæst/. When that which I do does not have effect as I do it, let it have as much effect as it can.

Quando res non valet ut ago, valeat quantum valere potest /kwóndow ríyz nòn vælæd æd éygow, væliyat kwóntám valíriy pówdæst/. When a thing is of no effect as I do it, it shall have effect as far as [or in whatever way] it can.

Quando verba et mens congruunt, non est interpretandi locus /kwóndow vërba èt mén(d)z kóngruwant, nòn èst èntärrpætéyshiyównay lówkæs/. When the words and the mind agree, there is no place for interpretation.

Quando verba statuti sunt specialia, ratio autem generalis, generaliter statutum est intelligendum /kwóndow vërba statýúwday sânt spëshiyéyl(i)yæ, réysh(i)yow óðám jénaréylæs, jénaréylæðar statýúwdäm èst

antélajéndam/. When the words of a statute are special, but the reason or object of it general, the statute is to be construed generally.

Quantum minoris /kwóntay mánóras/. Lat. The name of an action in the civil law (and in Louisiana), brought by the purchaser of an article, for a reduction of the agreed price on account of defects in the thing which diminish its value.

Quantum damnificatus /kwóntam dæmnafakéydæs/. How much damnified? The name of an issue directed by a court of equity to be tried in a court of law, to ascertain the amount of compensation to be allowed for damage.

Quantum meruit /kwóntam méhruwat/. Expression "quantum meruit" means "as much as he deserves" and it is an expression that describes the extent of liability on a contract implied by law. *Nardi & Co., Inc. v. Allabastro*, 20 Ill.App.3d 323, 314 N.E.2d 367, 370. An equitable doctrine, based on the concept that no one who benefits by the labor and materials of another should be unjustly enriched thereby; under those circumstances, the law implies a promise to pay a reasonable amount for the labor and materials furnished, even absent a specific contract therefor. *Swiftships, Inc. v. Burdin*, La.App., 338 So.2d 1193, 1195. Essential elements of recovery under quantum meruit are: (1) valuable services were rendered or materials furnished, (2) for person sought to be charged, (3) which services and materials were accepted by person sought to be charged, used and enjoyed by him, and (4) under such circumstances as reasonably notified person sought to be charged that plaintiff, in performing such services, was expected to be paid by person sought to be charged. *Montes v. Naismith & Trevino Const. Co.*, Tex.Civ.App., 459 S.W.2d 691, 694. See also **Unjust enrichment, doctrine of**.

The common count in an action of *assumpsit* for work and labor, founded on an implied *assumpsit* or promise on the part of the defendant to pay the plaintiff *as much as he* reasonably deserved to have for his labor. 3 Bl.Comm. 161. It refers to class of obligations imposed by law, without regard to intention or assent of parties bound, for reasons dictated by reason and justice; such obligations not being contracts though form of action is contract. *Carpenter v. Josey Oil Co.*, C.C.A.Okla., 26 F.2d 442, 443. Amount of recovery being only the reasonable value of the services rendered regardless of any agreement as to value. *Smith v. Bliss*, 44 Cal.App.2d 171, 112 P.2d 30, 33.

Quantum tenens domino ex homagio, tantum dominus tenenti ex dominio debet præter solam reverentiam; mutua debet esse dominii et homagii fidelitatis conexio /kwóntam ténan(d)z dómánow èks (h)áméyj(iy)ow, tántam dómánas ténéntay èks dæmín(i)yow débat priyðr sówlm rêvèrénsh(iy)am; myúwchuwæ débæd èsiy dæmíniyay èt (h)áméyj(iy)ay fædèlætéydæs kænéksh(iy)ow/. As much as the tenant by his homage owes to his lord, so much is the lord, by his lordship, indebted to the tenant, except reverence alone; the tie of dominion and of homage ought to be mutual.

Quantum valebant /kwóntam valíybænt/. As much as they were worth. The common count in an action of

assumpsit for goods sold and delivered, founded on an implied *assumpsit* or promise, on the part of the defendant, to pay the plaintiff *as much as* the goods were reasonably worth.

Quarantine. A period of time during which a vessel, coming from a place where a contagious or infectious disease is prevalent, is detained by authority in the harbor of her port of destination, or at a station near it, without being permitted to land or to discharge her crew or passengers. Quarantine is said to have been first established at Venice in 1484.

Isolation of person afflicted with contagious disease. To keep persons, when suspected of having contracted or having been exposed to an infectious disease, out of a community, or to confine them to given place therein, and to prevent intercourse between them and people generally of the community. *Application of Halko*, 246 Cal.App.2d 553, 54 Cal. Rptr. 661, 664.

A provision or interest given in law to the widow in her husband's estate, such as the privilege of occupying the mansion house and curtilage without charge until her dower is assigned, and technically is a dower right, or more broadly is a part of the dower estate.

Quare /kwériy/kwohriy/. Lat. Wherefore; for what reason; on what account. Used in the Latin form of several common-law writs.

Quare clausum fregit /kwériy klózam fríyjat/. Lat. Wherefore he broke the close. That species of the action of trespass which has for its object the recovery of damages for an unlawful entry upon another's land is termed "trespass *quare clausum fregit*;" "breaking a close" being the technical expression for an unlawful entry upon land. The language of the declaration in this form of action is "that the defendant, with force and arms, broke and entered the close" of the plaintiff. The phrase is often abbreviated to "*qu. cl. fr.*" or "*q.c.f.*"

Quare ejectit infra terminum /kwériy èjijysæd ínfra tærmánam/. Wherefore he ejected within the term. In old practice, a writ which lay for a lessee where he was ejected before the expiration of his term, in cases where the wrong-doer or ejector was not himself in possession of the lands, but his feoffee or another claiming under him. 3 Bl.Comm. 199, 206.

Quare impedit /kwériy ímpíyðæt/. Wherefore he hinders. In old English practice, a writ or action which lay for the patron of an advowson, where he had been disturbed in his right of patronage; so called from the emphatic words of the old form, by which the disturber was summoned to answer *why he hinders* the plaintiff. 3 Bl.Comm. 246, 248.

Quare incumbravit /kwériy ínkæmbreyvat/. In old English law, a writ which lay against a bishop who, within six months after the vacation of a benefice, conferred it on his clerk, while two others were contending at law for the right of presentation, calling upon him to show cause why he had incumbered the church. Abolished by 3 & 4 Wm. IV, c. 27.

Quare intrusit /kwériy íntrúwzæt/. In old English law, a writ that formerly lay where the lord proffered a suitable marriage to his ward, who rejected it, and entered into the land, and married another, the value

of his marriage not being satisfied to the lord. Abolished by 12 Car. II, c. 24.

Quare non permittit /kwériy nón pærmíðæt/. An ancient writ, which lay for one who had a right to present to a church for a turn against the proprietary.

Quarentena terræ /kwòrəntíynə téhriy/. A furlong.

Quare obstructit /kwériy əbstráksət/. Wherefore he obstructed. In old English practice, a writ which lay for one who, having a liberty to pass through his neighbor's ground, could not enjoy his right because the owner had so obstructed it.

Quarrel. An altercation, an angry dispute, an exchange of recriminations, taunts, threats or accusations between two persons.

Quart. A liquid measure, containing one-fourth part of a gallon.

Quarta divi pili /kwórdə dáyvay páyay/. In Roman law, that portion of a testator's estate which he was required by law to leave to a child whom he had adopted and afterwards emancipated or unjustly disinherited, being one-fourth of his property.

Quarta falcidia /kwórdə fòlsíðiə/. In Roman law, that portion of a testator's estate which, by the Falcidian law, was required to be left to the heir, amounting to at least one-fourth.

Quarter. The fourth part of anything, especially of a year. A quarter section (*q.v.*) of land. Stations, buildings, lodgings, etc., of military personnel (usually referred to as "quarters").

Quarter-day. The four days in the year upon which, by law or custom, moneys payable in quarter-yearly installments are collectible (payable).

Quarter-eagle. A gold coin of the United States, of the value of two and a half dollars.

Quartering. In old English criminal law, the dividing a criminal's body into quarters, after execution. A part of the punishment of high treason. 4 Bl.Comm. 93.
Furnishing of living quarters to military personnel.

Quarterization. Quartering of criminals.

Quarterly. Quarter yearly; once in a quarter year.

Quarter seal. See Seal.

Quarter section. The quarter of a section of land according to the divisions of the government survey, laid off by dividing the section into four equal parts by north-and-south and east-and-west lines, and containing 160 acres. A quarter of a square mile of land. Amount of land originally granted to homesteader.

Quarter session courts. Courts formerly established in some of the states, to be holden four times in the year, invested with criminal jurisdiction, usually of offenses less than felony, and sometimes with the charge of certain administrative matters, such as the care of public roads and bridges.

In England, all quarter session courts were abolished. The Courts Act of 1971, with the jurisdiction of such transferred to the Crown Court.

Quarters of coverage. Social Security benefits are dependent on number of quarters in which person made contributions (*i.e.* payments) into social security fund.

Quarto die post /kwórdow dáiyi pówst/. Lat. On the fourth day after. Appearance day, in the former English practice, the defendant being allowed four days, inclusive, from the return of the writ, to make his appearance.

Quash /kwósh/. To overthrow; to abate; to vacate; to annul; to make void; *e.g.* to quash an indictment.

Quasi /kwéysay/kwóziy/. Lat. As if; almost as it were; analogous to. This term is used in legal phraseology to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are intrinsic and material differences between them. Cannon v. Miller, 22 Wash.2d 227, 155 P.2d 500, 503, 507. A term used to mark a resemblance, and supposes a difference between two objects. It is exclusively a term of classification. It implies that conception to which it serves as index is connected with conception with which comparison is instituted by strong superficial analogy or resemblance. Moreover it negatives idea of identity, but points out that the conceptions are sufficiently similar for one to be classed as the equal of the other. South Discount Foods, Inc. v. Retail Clerks Union Local 1552, Com. Pl., 14 Ohio Misc. 188, 235 N.E.2d 143, 147. It is often prefixed to English words, implying mere appearance or want of reality.

As to quasi Affinity; Contract; Corporation; Crime; Delict; Deposit; Derelict; Easement; Entail; Fee; In rem; Municipal corporation; Offense; Partner; Personality; Possession; Posthumous child; Purchase; Realty; Tenant; Tort; Traditio; Trustee; and Usufruct, see those titles.

Quasi admission. An act or utterance, usually extrajudicial, which creates an inconsistency with and discredits to a greater or lesser degree, present claim or other evidence of person creating the inconsistency, and person who enacted or uttered it may nevertheless disprove its correctness by introduction of other evidence. Sutherland v. Davis, 286 Ky. 743, 151 S.W.2d 1021, 1024.

Quasi contract. An obligation which law creates in absence of agreement; it is invoked by courts where there is unjust enrichment. Andrews v. O'Grady, 44 Misc.2d 28, 252 N.Y.S.2d 814, 817. Function of "quasi contract" is to raise obligation in law where in fact the parties made no promise, and it is not based on apparent intention of the parties. Fink v. Goodson-Todman Enterprises, Limited, 9 C.A.3d 996, 88 Cal. Rptr. 679, 690. See also Contract.

Quasi estoppel. The principle which precludes a party from asserting, to another's disadvantage, a right inconsistent with a position previously taken by him.

"Equitable estoppel" and "estoppel in pais" are convertible terms embracing "quasi estoppel" and embody doctrine that one may not repudiate an act done or position assumed by him where such course would work injustice to another rightfully relying thereon. Brown v. Corn Exchange Nat. Bank & Trust Co., 136 N.J.Eq. 430, 42 A.2d 474, 480.

See Equitable estoppel.

Quasi in rem. Type of jurisdiction of a court based on a person's interest in property within the jurisdiction of the court. There must be a connection involving minimum contact between the property and the subject matter of the action for a state to exercise quasi in rem jurisdiction. *Shaffer v. Heitner*, 433 U.S. 186, 97 S.Ct. 2569, 53 L.Ed.2d 683. "Quasi in rem proceedings" is generally defined as affecting only interest of particular persons in specific property and is distinguished from proceedings in rem which determine interests in specific property as against the whole world. *Avery v. Bender*, 124 Vt. 309, 204 A.2d 314, 317. See also **Jurisdiction**.

Quasi judicial. A term applied to the action, discretion, etc., of public administrative officers or bodies, who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature.

Quasi judicial act. A judicial act performed by one not a judge. *State Tax Commission of Utah v. Katsis*, 90 Utah 406, 62 P.2d 120, 123.

Quasi-traditio /kwéysay trədish(iy)ow/. Lat. In civil law, a term used to designate that a person is in the use of the property of another, which the latter suffers and does not oppose. It also signifies the act by which the right of property is ceded in a thing to a person who is in possession of it; as, if I loan a boat to Paul, and deliver it to him, and afterwards I sell him the boat, it is not requisite that he should deliver the boat to me to be again delivered to him: there is a *quasi-tradition* or delivery.

Quater cousin. See **Cousin**.

Quatuor pedibus currit /kwóduwor pédabás káhrət/. Lat. It runs upon four feet; it runs upon all fours. See **All-fours**.

Quean /kwíyn/. A worthless woman; a strumpet. Obsolete.

Queen. A woman who possesses the sovereignty and royal power in a country under a monarchical form of government. The wife of a king.

Queen regnant. In English law, a queen who holds the crown in her own right; as the first Queen Mary, Queen Elizabeth, Queen Anne, and Queen Victoria.

For the titles and descriptions of various officers in the English legal system, called "Queen's Advocate," "Queen's Coroner," "Queen's Counsel," "Queen's Proctor," "Queen's Remembrancer," etc., during the reign of a female sovereign, see terms under **King** and also the following titles.

Queen's bench. The English court of king's bench is so called during the reign of a queen. See **King's bench**.

Queen's counsel. See **King's counsel**.

Queen's evidence. See **King's evidence**.

Queen's prison. A jail which used to be appropriated to the debtors and criminals confined under process or by authority of the superior courts at Westminster, the high court of admiralty, and also to persons imprisoned under the bankrupt law.

Queen's proctor. See **King's proctor**.

Que estate /kwíy əstéy/. L. Fr. Whose estate. A term used in old pleading, particularly in claiming prescription, by which it was alleged that the plaintiff and those former owners whose estate he had had immemorially exercised the right claimed. This was called "prescribing in a *que estate*."

Que est le mesme /kwíy èy læ mém/. L. Fr. Which is the same. A term used in actions of trespass, etc. See **Quæ est eadem**.

Quemadmodum ad questionem facti non respondent iudices, ita ad questionem juris non respondent juratores /kwemædmədəm æd kwëshchíyównəm fáktay nòn rəspəndənt júwdəsiyz, áydə æd kwëshchíyównəm júras nòn rəspəndənt júrətóriyz/. In the same manner that judges do not answer to questions of fact, so jurors do not answer to questions of law.

Quem redditum reddit /kwém rédədəm rédat/. L. Lat. An old English writ which lay where a rent-charge or other rent which was not rent service was granted by fine holding of the grantor. If the tenant would not attorn, then the grantee might have had this writ.

Querela /kwəríylə/. Lat. An action preferred in any court of justice. The plaintiff was called "*querens*," or complainant and his brief, complaint, or declaration was called "*querela*."

Querela coram rege a concilio discutienda et terminanda /kwəríylə kórəm ri:jijy èy kənsil(i)yow daskəshiyéndə èt tərminəndə/. A writ by which one is called to justify a complaint of a trespass made to the king himself, before the king and his council.

Querela inofficiosi testamenti /kwəríylə inəfíshiyówsay tɛstəméntay/. Lat. In the civil law, a species of action allowed to a child who had been unjustly disinherited, to set aside the will, founded on the presumption of law, in such cases, that the parent was not in his right mind.

Querens /kwírən(d)z/. Lat. A plaintiff; complainant; inquirer.

Querulous /kwéhr(y)ələs/. Apt to find fault; habitually complaining; disposed to murmur. Expressing, or suggestive of complaint; fretful; whining.

Quæsta /kwéstə/. A quest; an inquest, inquisition, or inquiry, upon the oaths of an impaneled jury.

Question. A subject or point of investigation, examination or debate; theme of inquiry; problem; matter to be inquired into, as subject matter of civil or criminal discovery. A point on which the parties are not agreed, and which is submitted to the decision of a judge and jury. See also **Issue**.

An interrogation put to a witness, for the purpose of having him declare the truth of certain facts as far as he knows them; e.g. direct or cross examination of witness at trial. See also **Discovery**; **Interrogation**.

Categorical question. One inviting a distinct and positive statement of fact; one which can be answered by "yes" or "no." In the plural, a series of questions, covering a particular subject-matter, arranged in a systematic and consecutive order.

Federal question. See **Federal**.

Hypothetical question. See that title.

Judicial question. See **Judicial**.

Leading question. See that title.

Political question. See **Political**.

Question of fact. An issue involving the resolution of a factual dispute and hence within the province of the jury in contrast to a question of law.

Question of law. An issue which involves the application or interpretation of a law and hence within the province of the judge and not the jury.

Questman /kwéstmæn/, or **questmonger** /kwéstmõngær/. In old English law, a starter of lawsuits, or prosecutions; also a person chosen to inquire into abuses, especially such as relate to weights and measures; also a church-warden.

Questores parricidii /kwéstóriyz pærásádiyay/. Lat. In Roman law, certain officers, two in number, who were deputed by the *comitia*, as a kind of commission, to search out and try all cases of parricide and murder. They were probably appointed annually.

Questus est nobis /kwéstas èst nõwbæs/. Lat. A writ of nuisance, which, by 15 Edw. I, lay against him to whom a house or other thing that caused a nuisance descended or was alienated; whereas, before that statute the action lay only against him who first levied or caused the nuisance to the damage of his neighbor.

Quia /kwáyæ/. Lat. Because; whereas; inasmuch as.

Qui abjurat regnum amitit regnum, sed non regem; patriam, sed non patrem patriæ /kwáy æbjúrat régnam, eymidat régnam, séd nõn ríyjãm; pætríyãm, séd nõn pætrãm pætríyíy/. He who abjures the realm leaves the realm, but not the king; the country, but not the father of the country.

Qui accusat integræ famæ sit, et non criminus /kwáy ækyúwzad íntagríy féymíy sit, èt nõn krimånówsæs/. Let him who accuses be of clear fame, and not criminal.

Qui acquirit sibi acquirit hæredibus /kwáy ækwráyræt síbay ækwáyrat hariydábæs/. He who acquires for himself acquires for his heirs.

Quia datum est nobis intelligi /kwáyæ déydãm èst nõwbæs íntélajay/. Because it is given to us to understand. Formal words in old writs.

Qui admit medium dirimit finem /kwáy ædãmæt míyd(i)yãm díhrãmæt fáynãm/. He who takes away the mean destroys the end. He that deprives a man of the mean by which he ought to come to a thing deprives him of the thing itself.

Quia emptores /kwáyæ em(p)tóriyz/. Lat. "Because the purchasers." The title of the statute of Westm. 3, (18 Edw. I, c. 1). This statute took from the tenants of common lords the feudal liberty they claimed of disposing of part of their lands to hold of themselves, and, instead of it, gave them a general liberty to sell all or any part, to hold of the next superior lord, which they could not have done before without con-

sent. The effect of this statute was twofold: (1) To facilitate the alienation of fee-simple estates; and (2) to put an end to the creation of any new manors, *i.e.*, tenancies in fee-simple of a subject.

Quia erronee emanavit /kwáyæ arównásiy èmanéyvat/. Because it issued erroneously, or through mistake. A term in old English practice.

Qui aliquid statuerit, parte inaudita altera æquum licet dixerit, haud æquum fecerit /kwáy ælakwid statýúwærat, párdíy ínóðədə óltaræ íykwãm lísat díksærat, hód íykwãm fésaræt/. He who determines any matter without hearing both sides, though he may have decided right, has not done justice.

Qui alterius jure utitur, eodem jure uti debet /kwáy óltíryas júryí yúwdædar, íyówdãm júryí yúwday débæt/. He who uses the right of another ought to use the same right.

Quia non refert aut quis intentionem suam declaret, verbis, aut rebus ipsis vel factis /kwáyæ nõn réfærd òt kwís íntènsíyównãm s(y)úwãm ðaklérat, várþæs, òt ríybæs ípsæs vél fáektæs/. It is immaterial whether the intention be collected from the words used or the acts done. *Tocci v. Nowfall*, 220 N.C. 550, 18 S.E.2d 225, 228.

Qui approbat non reprobat /kwáy æpræbat nõn répræbat/. He who approbates does not reprobate, [*i.e.*, he cannot both accept and reject the same thing].

Quia timet /kwáyæ táymæt/. Lat. Because he fears or apprehends. In equity practice, the technical name of a bill filed by a party who seeks the aid of a court of equity, because he fears some future probable injury to his rights or interests, and relief granted must depend upon circumstances.

Quibble. A cavilling or verbal objection. A slight difficulty raised without necessity or propriety.

Qui bene distinguit bene docet /kwáy býnyíy ðástíngwæt býnyíy dósæt/. He who distinguishes well teaches well.

Qui bene interrogat bene docet /kwáy býnyíy íntéhrægat býnyíy dósæt/. He who questions well teaches well. Information or express averment may be effectually conveyed in the way of interrogation.

Qui cadit a syllaba cadit a tota causa /kwáy kæðəd èy sílæbæ kæðəd èy tówdæ kózæ/. He who fails in a syllable fails in his whole cause.

Quick. Living; alive. See **Quickening**.

Quick asset ratio. Ratio of cash, accounts receivable and marketable securities to current liabilities. Also called the "acid test."

Quick assets. Liquid assets such as cash, marketable securities and accounts receivable which can be converted into cash without delay.

Quick child. One that has developed so that it moves within the mother's womb. *State v. Timm*, 244 Wis. 508, 12 N.W.2d 670, 671. See also **Quickening**.

Quickening. The first motion of the fetus in the womb felt by the mother, occurring usually about the middle of the term of pregnancy.

Quick with child. Having conceived.

Qui concedit aliquid, concedere videtur et id sine quo concessio est irrita, sine quo res ipsa esse non potuit /kwáy kansýdád ælakwid, kansýdaryí vadydár èd íd sáynyí kwòw kansésh(iy)ow èst íhræda, sáynyí kwòw ríyz ípsá ésiy nòn póduwæt/. He who concedes anything is considered as conceding that without which his concession would be void, without which the thing itself could not exist.

Qui concedit aliquid concedit omne id sine quo concessio est irrita /kwáy kansýdád ælakwid kansýdád ómnyí íd sáynyí kwòw kansésh(iy)ow èst íhræda/. He who grants anything grants everything without which the grant is fruitless.

Qui confirmat nihil dat /kwáy kánfármæt náy(h)æl dæt/. He who confirms does not give.

Qui contemnit præceptum contemnit præcipientem /kwáy kántémnæt prásepætám kántémnæt prásepíyéntám/. He who contemns [contemptuously treats] a command contemns the party who gives it.

Quicquid acquiritur servo acquiritur domino /kwíkwid ækwáyrædár sárvow ækwáyrædár dómánow/. Whatever is acquired by the servant is acquired for the master. Whatever rights are acquired by an agent are acquired for his principal.

Quicquid demonstratæ rei additur satis demonstratæ frustra est /kwíkwid dèmánstréydiy ríyay sádædár sádæs dèmánstréydiy frástræ èst/. Whatever is added to demonstrate anything already sufficiently demonstrated is surplusage.

Quicquid est contra normam recti est injuria /kwíkwid èst kóntræ nórnmám réktay èst injúriya/. Whatever is against the rule of right is a wrong.

Quicquid in excessu actum est, lege prohibetur /kwíkwid ín æksés(y)uw æktám èst, líyjiy pròw(h)ábíydár/. Whatever is done in excess is prohibited by law.

Quicquid iudicis auctoritati subicitur novitati non subicitur /kwíkwid júwdasæs októratéyday sábjísædár nówvætéyday nòn sábjísædár/. Whatever is subject to the authority of a judge is not subject to innovation.

Quicquid plantatur solo, solo cedit /kwíkwid plántéydar sówlow, sówlow síydat/. Whatever is affixed to the soil belongs to the soil.

Quicquid recipitur, recipitur secundum modum recipientis /kwíkwid rásípædár, rásípædár sákándám mówdám rásípíyéntas/. Whatever is received is received according to the intention of the recipient.

Quicquid solvitur, solvitur secundum modum solventis; quicquid recipitur, recipitur secundum modum recipientis /kwíkwid sólvædár, sólvædár sákándám mówdám sólvéntas; kwíkwid rásípædár, rásípædár sákándám mówdám rásípíyéntas/. Whatever money is paid, is paid according to the direction of the payer; whatever money is received, is received according to that of the recipient.

Qui cum alio contrahit, vel est, vel esse debet non ignarus conditionis ejus /kwáy kám éyl(i)yow kántrý(h)æt, vèl èst, vèl ésiy débæt nòn ígnéræs kándshiyównæs íyjas/. He who contracts with another

either is or ought to be not ignorant of his condition.

Quicumque habet jurisdictionem ordinariam est illius loci ordinarius /kwaykákkwíy héybæt júrasdikshiyównám órdánériyam èst íláyas lówsay órdánériyas/. Whoever has an ordinary jurisdiction is ordinary of that place.

Quicumque jussu iudicis aliquid fecerit non videtur dolo malo fecisse, quia parere necesse est /kwaykákkwíy jás(y)uw júwdasæs ælakwid féseræt nòn vadydár dówlow mælow fasísíy, kwáya páríry nasésíy èst/. Whoever does anything by the command of a judge is not reckoned to have done it with an evil intent, because it is necessary to obey.

Quidam /kwáydam/. Lat. Somebody. This term is used in the French law to designate a person whose name is not known.

Qui dat finem, dat media ad finem necessaria /kwáy dæt fáynám, dæt míyd(i)yæ æd fáynám nésésériya/. He who gives an end gives the means to that end.

Qui destruit medium destruit finem /kwáy déstruwæt míyd(i)yám déstruwæt fáynám/. He who destroys the mean destroys the end.

Quid juris clamat /kwíd júras klámæt/. In old English practice, a writ which lay for the grantee of a reversion or remainder, where the particular tenant would not attorn, for the purpose of compelling him.

Qui dicit inherere al pere dicit inherere al fitz /kwáy dóyd inhéradær æl pér dóyd anhéradær æl fíts/. He who would have been heir to the father shall be heir to the son.

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

Quidquid enim sive dolo et culpa venditoris accidit in eo venditor securus est /kwídkwid énám sáyviy dówlow èt kálpæ vèndátóras æksædád ín íyow vèndædár sakyúras èst/. For concerning anything which occurs without deceit and wrong on the part of the vendor, the vendor is secure.

Quid sit jus, et in quo consistit injuria, legis est definire /kwíd sit jás, èd ín kwów kánsístæd injúriya, líyjas èst dèfánáyriy/. What constitutes right, and what injury, it is the business of the law to declare.

Quid turpi ex causa promissum est non valet /kwíd tárpay èks kóza prómísam èst nòn vèlát/. A promise arising out of immoral circumstances is invalid.

Quiet, v. To pacify; to render secure or unassailable by the removal of disquieting causes or disputes.

Quiet, adj. Unmolested; tranquil; free from interference or disturbance.

Covenant of quiet enjoyment. A covenant, usually inserted in leases and conveyances on the part of the grantor, promising that the tenant or grantee shall enjoy the possession of the premises in peace and without disturbance.

Quieta non movere /kwáyfyða nòn mavíry/. Not to unsettle things which are established.

Quietare /kwáyotéry/. L. Lat. To quit, acquit, discharge, or save harmless. A formal word in old deeds of donation and other conveyances.

Quiete clamantia /kwáyfydiy klámæنش(íy)ə/. L. Lat. In old English law, quitclaim.

Quiete clamare /kwáyfydiy kláméry/, L. Lat. To quitclaim or renounce all pretensions of right and title.

Quiet title action. A proceeding to establish the plaintiff's title to land by bringing into court an adverse claimant and there compelling him either to establish his claim or be forever after estopped from asserting it. See also **Action to quiet title**.

Quietus /kwáyfyðas/. In old English law, quit; acquitted; discharged. A word used by the clerk of the pipe, and auditors in the exchequer, in their acquittances or discharges given to accountants; usually concluding with an *abinde recessit quietus* (hath gone quit thereof), which was called a "*quietus est*."

A final discharge or acquittance, as from a debt or obligation; that which silences claims. State ex rel. Jones v. Edwards, 203 La. 1039, 14 So.2d 829, 834.

Quietus redditus /kwáyfyðas réððas/. In old English law, quitrent. See **Quitrent**.

Qui evertit causam, evertit causatum futurum /kwáy avórdat kózam, avórdat kozéydam fyuwchúram/. He who overthrows the cause overthrows its future effects.

Qui ex damnato coitu nascuntur inter liberos non computentur /kwáy èks dæmnéydow kówatyuw næskántar íntar líberows nòn kòmpyuwténtar/. Those who are born of an unlawful intercourse are not reckoned among the children.

Qui facit id quod plus est, facit id quod minus est, sed non convertitur /kwáy féysəd íd kwòð plás èst, féysəd íd kwòð máynas èst, sèd nòn kånvórdàdar/. He who does that which is more does that which is less, but not *vice versa*.

Qui facit per alium facit per se /kwáy féysət pàr éyl(i)yəm féysət pàr síy/. He who acts through another acts himself [*i.e.*, the acts of an agent are the acts of the principal].

Qui habet jurisdictionem absolventi, habet jurisdictionem ligandi /kwáy héybat júràdikshiyównəm æbsolvénday, hæbat júràdikshiyównəm lægænday/. He who has jurisdiction to loosen, has jurisdiction to bind. Applied to writs of prohibition and consultation, as resting on a similar foundation.

Qui hæret in litera hæret in cortice /kwáy hírad in líðara hírad in kórdásiy/. He who considers merely the letter of an instrument goes but skin deep into its meaning.

Qui ignorat quantum solvere debeat, non potest improbus videre /kwáy ignórət kwóntəm sólvəriy débiyət, nòn pówdast ímprówbas víðríy/. He who does not know what he ought to pay, does not want probity in not paying.

Qui improvide /kwáy ímpróvædiy/. A *supersedeas* granted where a writ was erroneously sued out or misawarded.

Qui in jus dominiumve alterius succedit jure ejus uti debet /kwáy in jás dæminiyámvíy óltíriyas sæksíyðət júriy íyjas yúwday débat/. He who succeeds to the right or property of another ought to use his right, [*i.e.*, holds it subject to the same rights and liabilities as attached to it in the hands of the assignor].

Qui in utero est pro jam nato habetur, quoties de ejus commodo queritur /kwáy in yúwdarow èst pròw jám néyðow hæbíyðar, kwówshíiyiy díy íyjas kómòdow kwíradàr/. He who is in the womb is held as already born, whenever a question arises for his benefit.

Qui jure suo utitur, nemini facit injuriam /kwáy júriy s(y)úwòw yúwdàdar, némanay féysəd ínjúriyəm/. He who uses his legal rights harms no one.

Qui jussu judicis aliquod fecerit non videtur dolo malo fecisse, quia parere necesse est /kwáy jás(y)uw júwdasəs ælakwòð fésarət nòn vadíyðar dòwlow mælow fæsísíy, kwáyə pàríriy nasésíy èst/. Where a person does an act by command of one exercising judicial authority, the law will not suppose that he acted from any wrongful or improper motive, because it was his bounden duty to obey.

Quilibet potest renunciare juri pro se introducto /kwáylibət pówdast rənànshiyéry júray pròw síy índáktow/. Every one may renounce or relinquish a right introduced for his own benefit.

Qui male agit odit lucem /kwáy mæliy éyjdə ówdət l(y)úwsəm/. He who acts badly hates the light.

Qui mandat ipse fecissit videtur /kwáy mændəd ípsiy fásísay vadíyðar/. He who commands [a thing to be done] is held to have done it himself.

Qui melius probat melius habet /kwáy míyl(i)yəs prówbət míyl(i)yəs héybat/. He who proves most recovers most.

Qui molitur insidias in patriam id facit quod insanus nauta perforans navem in qua vehitur /kwáy móladər ínsídiyas in pàtriym id féysət kwòð inséynas nóðə pàrfaræn(d)z néyvəm in kwéy víy(h)èðar/. He who betrays his country is like the insane sailor who bores a hole in the ship which carries him.

Qui nascitur sine legitimo matrimonio, matrem sequitur /kwáy násədər sáyniy læjídəmow mætrəmówn(i)yow, mætrəm sèkwàdar/. He who is born out of lawful matrimony follows the condition of the mother.

Qui non cadunt in constantem virum vani timores sunt æstimandi /kwáy nòn kədənt in kånstántəm váyrəm véynay tímóriy sánt èstəmænday/. Those fears are to be esteemed vain which do not affect a firm man.

Qui non habet, ille non dat /kwáy nòn héybəd, íliy nòn dàt/. He who has not, gives not. He who has nothing to give, gives nothing. A person cannot convey a right that is not in him. If a man grant that which is not his, the grant is void.

Qui non habet in ære, luat in corpore, ne quis peccetur impune /kwáy nòn héybəd in ériy, l(y)úwəd in kórpəriy, níy kwís pæksíyðar ímpyúwníy/. He who

cannot pay with his purse must suffer in his person, lest he who offends should go unpunished.

Qui non habet potestatem alienandi habet necessitatem retinendi /kwáy nòn héybat pówdastéydam æliyanænday héybat nasèsatéydam rëdånénday/. He who has not the power of alienating is obliged to retain.

Qui non improbat, approbat /kwáy nòn imprëbat, æprëbat/. He who does not blame, approves.

Qui non libere veritatem pronunciat proditor est veritatis /kwáy nòn libariy vëhrëtéydam prånánshiyat prówdædar èst vëhrëtéydas/. He who does not freely speak the truth is a betrayer of the truth.

Qui non negat fatetur /kwáy nòn négat fætýdär/. He who does not deny, admits. A well-known rule of pleading.

Qui non obstat quod obstare potest, facere videtur /kwáy nòn óbstat kwód óbsteriy pówdæst, fæsëriy vädýdar/. He who does not prevent [a thing] which he can prevent, is considered to do [as doing] it.

Qui non prohibet id quod prohibere potest assentire videtur /kwáy nòn prów(h)ábëd id kwód prów(h)ábëriy pówdæst æsantáyriy vädýdar/. He who does not forbid what he is able to prevent, is considered to assent.

Qui non propulsat injuriam quando potest, infert /kwáy nòn prëpúlsæd ænjúr(i)yam kwóndow pówdæst, infart/. He who does not repel an injury when he can, induces it.

Quinquepartite /kwinkwápártayt/. Consisting of five parts; divided into five parts.

Quintal, or kintal /kwíntäl/. A weight of one hundred pounds.

Quinto exactus /kwíntow ægzæktas/. In old English practice, called or exacted the fifth time. A return made by the sheriff, after a defendant had been proclaimed, required, or exacted in five county courts successively, and failed to appear, upon which he was outlawed by the coroners of the county. 3 Bl.Comm. 283.

Qui obstruit aditum, destruit commodum /kwáy óbstruwæd ædædam, dëstruwat kómædam/. He who obstructs a way, passage, or entrance destroys a benefit or convenience. He who prevents another from entering upon land destroys the benefit which he has from it.

Qui omne dicit nihil excludit /kwáy ómniy díset náy(h)äl ækskl(y)úwdat/. He who says all excludes nothing.

Qui parcat nocentibus innocentes punit /kwáy pársæt naséntabæs inaséntiyz pyúwnat/. He who spares the guilty punishes the innocent.

Qui peccat ebrius luat sobrius /kwáy pékad íybriyas l(y)úwat sówbriyas/. He who sins when drunk shall be punished when sober.

Qui per alium facit per seipsum facere videtur /kwáy pär éyl(i)yam féysæt pär siyípsam fæsëriy vädýdar/. He who does a thing by an agent is considered as doing it himself.

Qui per fraudem agit frustra agit /kwáy pär fródam éyjat frástræ éyjat/. What a man does fraudulently he does in vain.

Qui potest et debet vetare, jubet /kwáy pówdæst èt débæt vatëriy, júwbæt/. He who can and ought to forbid a thing [if he do not forbid it] directs it.

Qui primum peccat ille facit rixam /kwáy práymam pékat íliy féysæt ríksæm/. He who sins first makes the strife.

Qui prior est tempore potior est jure /kwáy práyar èst témpariy pówsh(iy)ær èst júriy/. He who is before in time is the better in right. Priority in time gives preference in law. A maxim of very extensive application, both at law and in equity.

Qui pro me aliquid facit mihi fecisse videtur /kwáy prów míy ælækwid féysæt máy(h)ay fæsísiy vädýdar/. He who does anything for me appears to do it to me.

Qui providet sibi providet heredibus /kwáy próvdæt síbay próvdæt hærédabæs/. He who provides for himself provides for his heirs.

Qui rationem in omnibus quaerunt rationem subvertunt /kwáy ræshiyównæm in ómnabæs kwírant ræshiyównæm sãbvárdant/. They who seek a reason for everything subvert reason.

Quiritarian ownership /kwíhrëtér(i)yæn ównërship/. In Roman law, ownership held by a title recognized by the municipal law, in an object also recognized by that law, and in the strict character of a Roman citizen.

Qui sciens solvit indebitum donandi consilio id videtur fecisse /kwáy sáyæn(d)z sólvæd indëbëdam donænday kån(t)sil(i)yow id vädýdar fæsísiy/. One who knowingly pays what is not due is supposed to have done it with the intention of making a gift.

Qui semel actionem renunciaverit amplius repetere non potest /kwáy sémal ækshiyównæm rånánshiyévrvæt æmpliyas rapëdariy nòn pówdæst/. He who has once relinquished his action cannot bring it again. A rule descriptive of the effect of a *retraxit* and *nolle prosequi*.

Qui semel est malus, semper praesumitur esse malus in eodem genere /kwáy sémal èst mælæs, sémpær práz(y)úwrmædar ésiy mælæs in iyówdam jénariy/. He who is once criminal is presumed to be always criminal in the same kind or way.

Qui sentit commodum sentire debet et onus /kwáy séntæt kómædam sentáyriy débæt èd ównæs/. He who receives the advantage ought also to suffer the burden.

Qui sentit onus sentire debet et commodum /kwáy séntad ównæs sentáyriy débæt èt kómædam/. He who bears the burden of a thing ought also to experience the advantage arising from it.

Quisquis erit qui vult juris-consultus haberi continuet studium, velit a quocunque doceri /kwískwis éhræt kwáy vält júrskånstãtæs hábíray kántínyuwæt st(y)úwd(i)yam, vélæd èy kwowkånkwiy dosiray/. Whoever wishes to be a juris-consult, let him continually study, and desire to be taught by every one

Quisquis præsuntur bonus; et semper in dublis pro eo respondendum /kwískwis práz(y)úwmæðar bównás; èt sémpær in d(y)úwbwiyás pròw ríyow ræspòndéndæm/. Every one is presumed good; and in doubtful cases the resolution should be ever for the accused.

Quit, v. To leave; remove from; surrender possession of; as when a tenant "quits" the premises or receives a "notice to quit."

Notice to quit. A written notice given by a landlord to his tenant, stating that the former desires to repossess himself of the demised premises, and that the latter is required to quit and remove from the same at a time designated, either at the expiration of the term, if the tenant is in under a lease, or immediately, if the tenancy is at will or by sufferance.

Quit, adj. Clear; discharged; free; also spoken of persons absolved or acquitted of a charge.

Qui tacet, consentire videtur /kwây tâsæt, kònsentáryiy vædíydær/. He who is silent is supposed to consent. The silence of a party implies his consent.

Qui tacet consentire videtur, ubi tractatur de ejus commodo /kwây tâsæt kònsentáryiy vædíydær, yúwbay træktíydær diy íyjas kómæðow/. He who is silent is considered as assenting, when his interest is at stake.

Qui tacet non utique fatetur, sed tamen verum est eum non negare /kwây tâsæt nòn yúwdækwiyy fatíydær, sèd tæmæn víræm èst íyæm nòn nægériy/. He who is silent does not indeed confess, but yet it is true that he does not deny.

Qui tam action /kwây tæm ækshæn/. Lat. "Who as well _____." An action brought by an informer, under a statute which establishes a penalty for the commission or omission of a certain act, and provides that the same shall be recoverable in a civil action, part of the penalty to go to any person who will bring such action and the remainder to the state or some other institution, is called a "qui tam action"; because the plaintiff states that he sues *as well* for the state as for himself.

Qui tardius solvit, minus solvit /kwây tárdiyás sólvæt, máynás sólvæt/. He who pays more tardily [than he ought] pays less [than he ought].

Quitclaim, v. In conveyancing, to release or relinquish a claim; to execute a deed of quitclaim. See **Quitclaim, n.**

Quitclaim, n. A release or acquittance given to one man by another, in respect of any action that he has or might have against him. Also acquitting or giving up one's claim or title.

Quitclaim deed. A deed of conveyance operating by way of release; that is, intended to pass any title, interest, or claim which the grantor may have in the premises, but not professing that such title is valid, nor containing any warranty or covenants for title. Under the law of some states the grantor warrants in such deed that neither he nor anyone claiming under him has encumbered the property and that he will defend the title against defects arising under and through him, but as to no others.

Qui timent, cavent vitant /kwây táymænt, kævænt vædyænt/. They who fear, take care and avoid.

Qui totum dicit nihil excipit /kwây tówdæm díæt náy(h)æl éksæpæt/. He who says all excepts nothing.

Quit rent. A rent paid by the tenant of the freehold, by which he goes quit and free,—that is, discharged from any other rent. 2 Bl.Comm. 42.

Quittance /kwítæn(t)s/. An abbreviation of "acquittance;" a release (q.v.).

Qui vult decipi, decipiatur /kwây vält désæpy, dasípíyédær/. Let him who wishes to be deceived, be deceived.

Quoad hoc /kwówæð hók/. Lat. As to this; with respect to this; so far as this in particular is concerned. A prohibition *quoad hoc* is a prohibition as to certain things among others. Thus, where a party was complained against in the ecclesiastical court for matters cognizable in the temporal courts, a prohibition *quoad* these matters issued, *i.e.*, as to such matters the party was prohibited from prosecuting his suit in the ecclesiastical court.

Quoad sacra /kwówæð séykræ/. Lat. As to sacred things; for religious purposes.

Quo animo /kwòw ænæmow/. Lat. With what intention or motive. Used sometimes as a substantive, in lieu of the single word "*animus*," design or motive. "The *quo animo* is the real subject of inquiry."

Quocumque modo velit; quocumque modo possit /kwowkámkwíyy mówdow vélæt; kwowkámkwíyy mówdow pòsæt/. In any way he wishes; in any way he can.

Quod ab initio non valet in tractu temporis non convalescet /kwód æb ænìsh(iy)ow nòn vælæt in trækt(y)uw tæmpæræs nòn kònvalésæt/. That which is bad in its commencement improves not by lapse of time.

Quod ad jus naturale attinet omnes homines æquales sunt /kwód æd jés næchæréyliyy ætænæð ómniyy hómæniyy iykwéyliyy sânt/. All men are equal as far as the natural law is concerned.

Quod ædificatur in area legata cedit legato /kwód èdæfækéydær in ériyæ lægéyðæ síydæt lægéyðow/. Whatever is built on ground given by will goes to the legatee.

Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur /kwód èyliyyás bównæm èt jéstæm èst, sáy pær vím vél fróðæm pætéyðær, mæləm èd ínjestæm æfíshæðær/. What otherwise is good and just, if it be sought by force and fraud, becomes bad and unjust.

Quod alias non fuit licitum, necessitas licitum facit /kwód èyliyyás nòn f(y)úwæt lísæðæm, næsésætæs lísæðæm féysæt/. What otherwise was not lawful, necessity makes lawful.

Quod approbo non reprobó /kwód æpræbow nòn répræbow/. What I approve I do not reject. I cannot approve and reject at the same time. I cannot take the benefit of an instrument, and at the same time repudiate it.

Quod a quoque pænæ nomine exactum est id eidem restituere nemo cogitur /kwód èy kwówkwíyy pínyiy

nómány ægzæktam èst íd iyáydám rèstæt(y)úwariy niýmow kójadar/. That which has been exacted as a penalty no one is obliged to restore.

Quod attinet ad jus civile, servi pro nullis habentur, non tamen et jure naturali, quia, quod ad jus naturale attinet, omnes homines æquales sunt /kwód ædænød æd jás sívaliy, sárvay pròw nólas hæbentar, nòn tæmøn èt júriy næchæréylay, kwáya, kwód æd jás næchæréyliy ædanæt, ómniyz hómányz iykwéyliyz sènt/. So far as the civil law is concerned, slaves are not reckoned as persons, but not so by natural law, for, so far as regards natural law, all men are equal.

Quod billa cassetur /kwód bíla kásiydar/. That the bill be quashed. The common-law form of a judgment sustaining a plea in abatement, where the proceeding is by bill, i.e., by a *capias* instead of by original writ.

Quod clerici beneficiati de cancellaria /kwód kléhrasay bènáfshiyéyday diy kæn(t)salériya/. A writ to exempt a clerk of the chancery from the contribution towards the proctors of the clergy in parliament, etc.

Quod clerici non eligantur in officio ballivi, etc. /kwód kléhrasay nòn èlagèntar in æfish(iy)ow bæláyvay/. A writ which lay for a clerk, who, by reason of some land he had, was made, or was about to be made, bailiff, beadle, reeve, or some such officer, to obtain exemption from serving the office.

Quod computet /kwód kómpyðat/. That he account.

Judgment quod computet. A preliminary or interlocutory judgment given in the action of account-render (also in the case of creditors' bills against an executor or administrator), directing that accounts be taken before a master or auditor.

Quod constat clare non debet verificari /kwód kónstæt klériy nòn débæt vèhrèfækéray/. What is clearly apparent need not be proved.

Quod constat curiæ opere testium non indiget /kwód kónstæt kyúriyiy ówporiy téstiyám nòn índajæt/. That which appears to the court needs not the aid of witnesses.

Quod contra legem fit pro infecto habetur /kwód kóntrè líyjam fit pròw inféktow hæbýdar/. That which is done against law is regarded as not done at all.

Quod contra rationem juris receptum est, non est producendum ad consequentias /kwód kóntrè ràshiyównám júres ræséptám èst, nòn èst pròwdaséndám æd kónsákwénsh(iy)æs/. That which has been received against the reason of the law is not to be drawn into a precedent.

Quod cum /kwód kám/. In common law pleading, for that whereas. A form of introducing matter of inducement in certain actions, as *assumpsit* and case.

Quodcumque aliquis ob tutelam corporis sui fecerit, jure id fecisse videtur /kwódkánkwiy ælakwæs ób t(y)uwtylám kórperas s(y)úway fésaræt, júriy íd fásisiy vädýdar/. Whatever any one does in defense of his person, that he is considered to have done legally.

Quod datum est ecclesiæ, datum est deo /kwód déydám èst æklízyiyiy, déydám èst díyow/. What is given to the church is given to God.

Quod demonstrandi causa additur rei satis, demonstrata, frustra fit /kwód dèmanstrénday kóza ædèdar ríyay séydas, dèmanstréydiy, frástrè fit/. What is added to a thing sufficiently palpable, for the purpose of demonstration, is vain.

Quod dubitas, ne feceris /kwód d(y)úwbèdas, niy fésaræs/. What you doubt of, do not do. In a case of moment, especially in cases of life, it is safest to hold that in practice which hath least doubt and danger.

Quod ei de forceat /kwód íyay dáfórsiyæt/. In old English law, the name of a writ given by St. Westm. 2, 13 Edw. I, c. 4, to the owners of a particular estate, as for life, in dower, by the curtesy, or in fee-tail, who were barred of the right of possession by a recovery had against them through their default or nonappearance in a possessory action, by which the right was restored to him who had been thus unwarily deforced by his own default. 3 Bl.Comm. 193.

Quod enim semel aut bis existit, prætereunt legislatores /kwód ènim sémæl ót bis ægzístat, prátéhriyønt lèjáslatóriyz/. That which never happens but once or twice, legislators pass by.

Quod est ex necessitate nunquam introducitur, nisi quando necessarium /kwód èst èks næsésatéydiy náþkwám intrəd(y)úwsədər, náysay kwóndow næsésériyám/. That which is of necessity is never introduced, unless when necessary.

Quod est inconveniens aut contra rationem non permisum est in lege /kwód èst inkánviyn(iy)en(djz) ót kóntrè ràshiyównám nòn pærmísám èst in líyjiy/. That which is inconvenient or against reason is not permissible in law.

Quod est necessarium est licitum /kwód èst næsésériyám èst lísədám/. What is necessary is lawful.

Quod factum est, cum in obscuro sit, ex affectione cujusque capit interpretationem /kwód fáktám èst, kám in obsk(y)úrow sit, èks æfèkshiyówniy k(y)uw-jáskwiy kæpəd antàrprétèyshiyównám/. When there is doubt about an act, it receives interpretation from the (known) feelings of the actor.

Quod fieri debet facile præsumitur /kwód fáyaray débæt fæséliy préz(y)úwmədər/. That which ought to be done is easily presumed.

Quod fieri non debet, factum valet /kwód fáyaray nòn débæt, fáktám vèlat/. That which ought not to be done, when done, is valid.

Quod fuit concessum /kwód f(y)úwæt kánsésám/. Which was granted. A phrase in the reports, signifying that an argument or point made was conceded or acquiesced in by the court.

Quod inconsulto fecimus, consultius revocemus /kwód inkánsóltow fésmas, kánsólsh(iy)æs révæsíymæs/. What we have done without due consideration, upon better consideration we may revoke.

Quod initio non valet, tractu temporis non valet /kwód anísh(iy)ow nòn vèlat, træk(t)yuw témpæras nòn vèlat/. A thing void in the beginning does not become valid by lapse of time.

Quod initio vitiosum est non potest tractu temporis convalescere /kwòd anish(iy)ow vishiyówsəm èst nòn pòwdəst trəkt(y)uw tēmpərəs kònvələsəriy/. That which is void from the beginning cannot become valid by lapse of time.

Quod in jure scripto "jus" appellatur, id in lege anglie "rectum" esse dicitur /kwòd in jūriy skriptow jəs əpəlédər, id in lījij ənglijiy réktəm ésiy dísədər/. What in the civil law is called "jus," in the law of England is said to be "rectum" (right).

Quod in minori valet valebit in majori; et quod in majori non valet nec valebit in minori /kwòd in mənóray vələt vəlībəd in mājóray; èt kwòd in mājóray nòn vələt nèk vəlībəd in mənóray/. That which is valid in the less shall be valid in the greater; and that which is not valid in the greater shall neither be valid in the less.

Quod in uno simillium valet valebit in altero /kwòd in yúwnow səmlīyəm vələt vəlībəd in óltərow/. That which is effectual in one of two like things shall be effectual in the other.

Quod ipsis qui contraxerunt obstat, et successoribus eorum obstat /kwòd ípsəs kwáy kònrəksírənt óbstət, èt səkseórábəs iyóram óbstébət/. That which bars those who have made a contract will bar their successors also.

Quod jussu /kwòd jəs(y)uw/. Lat. In the civil law, the name of an action given to one who had contracted with a son or slave, *by order* of the father or master, to compel such father or master to stand to the agreement.

Quod jussu alterius solvitur pro eo est quasi ipsi solum esset /kwòd jəs(y)uw óltíriyas sólvədər pròw íyow èst kwéysay ípsay səl(y)úwdəm ésat/. That which is paid by the order of another is the same as though it were paid to himself.

Quod meum est sine facto meo vel defectu meo amitti vel in alium transferri non potest /kwòd míyəm èst sáyniy fəktow míyow vəl dəfəkt(y)uw míyow smíday vəl in éyl(i)yəm trənsfəray nòn pòwdəst/. That which is mine cannot be lost or transferred to another without my alienation or forfeiture.

Quod meum est sine me auferri non potest /kwòd míyəm èst sáyniy míy ófəhray nòn pòwdəst/. That which is mine cannot be taken away without me [without my assent].

Quod minus est in obligationem videtur deductum /kwòd máynəs èst in óbləgəyshiyównəm vədíyər dədáktaṃ/. That which is the less is held to be imported into the contract; (e.g., A. offers to hire B.'s house at six hundred dollars, at the same time B. offers to let it for five hundred dollars; the contract is for five hundred dollars).

Quod naturalis ratio inter omnes homines constituit, vocatur jus gentium /kwòd nəcharéylas réysh(iy)ow íntər ómniy hómāniy kənstíchuwat, vovkéyər jəs jəns(iy)əm/. That which natural reason has established among all men is called the "law of nations."

Quod necessarie intelligitur non deest /kwòd nəsasəriy íntəlījədər nòn díyèst/. That which is necessarily understood is not wanting.

Quod necessitas cogit, defendit /kwòd nəsesətəs kó(w)jət, dəféndət/. That which necessity compels, it justifies.

Quod non apparet non est; et non apparet judicialiter ante iudicium /kwòd nòn əpərat nòn èst èt nòn əpərat juwdishiyéylədər éntiy juwdísh(iy)əm/. That which appears not is not; and nothing appears judicially before judgment.

Quod non capit christus, capit fiscus /kwòd nòn kəpət krístas kəpət fískəs/. What Christ [the church] does not take the treasury takes. Goods of a *felo de se* go to the king. A maxim in old English law.

Quod non fuit negatum /kwòd nòn f(y)úwət nəgédəm/. Which was not denied. A phrase found in the old reports, signifying that an argument or proposition was not denied or controverted by the court.

Quod non habet principium non habet finem /kwòd nòn héybət prənsíp(i)yəm nòn héybət fáynəm/. That which has not beginning has not end.

Quod non legitur, non creditur /kwòd nòn léjədər nòn krédədər/. What is not read is not believed.

Quod non valet in principali, in accessorio seu consequenti non valebit; et quod non valet in magis propinquo non valebit in magis remoto /kwòd nòn vələd in prin(t)səpéylay, in əksasóriyow syúw kòn(t)səkwen-tay nòn vəlībət; èt kwòd nòn vələd in méyjas prəpínkwow nòn vəlībəd in méyjas rəmówdow/. That which is not good against the principal will not be good as to accessories or consequences; and that which is not of force in regard to things near it will not be of force in regard to things remote from it.

Quod nota /kwòd nówdə/. Which note; which mark. A reporter's note in the old books, directing attention to a point or rule.

Quod nullius esse potest id ut alicujus fieret nulla obligatio valet efficere /kwòd náláyəs ésiy pòwdəst id əd ələkyúwjas fáyarət nála óbləgəysh(iy)ow vələd əfísəriy/. No agreement can avail to make that the property of any one which cannot be acquired as property.

Quod nullius est, est domini regis /kwòd náláyəs èst, èst dómənay ríyjas/. That which is the property of nobody belongs to our lord the king.

Quod nullius est, id ratione naturali occupanti conceditur /kwòd náláyəs èst, id rəshiyówniy nəcharéylay ókyəpəntay kənsíyədər/. That which is the property of no one is, by natural reason, given to the [first] occupant. Adopted in the common law.

Quod nullum est, nullum producit effectum /kwòd náləm èst, náləm prəd(y)úwsəd əfəktəm/. That which is null produces no effect.

Quod omnes tangit ab omnibus debet supportari /kwòd ómniy tənjd əb ómnəbəs débət səpòrtəray/. That which touches or concerns all ought to be supported by all.

Quod partes replacent /kwòd párdiyz rəpləsədənt/. That the parties do plead.

Judgment quod partes replacent. A judgment for replacer which is given if an issue is formed on so

- immaterial a point that the court cannot know for whom to give judgment. The parties must then reconstruct their pleadings.
- Quod partitio fiat** /kwòd partísh(iy)ow fáyət/. That partition be made. The name of the judgment in a suit for partition, directing that a partition be effected.
- Quod pendet non est pro eo quasi sit** /kwòd péndət nòn èst pròw iyow kwéysay sit/. What is in suspense is considered as not existing during such suspense.
- Quod per me non possum, nec per alium** /kwòd pər míy nòn pòsəm, nèk pər éyl(i)yəm/. What I cannot do by myself, I cannot by another.
- Quod permittat** /kwòd pərmídət/. That he permit. In old English law, a writ which lay for the heir of him that was disseised of his common of pasture, against the heir of the disseisor.
- Quod permittat prosternere** /kwòd pərmídəriy prəstərnəriy/. That he permit to abate. In old practice, a writ, in the nature of a writ of right, which lay to abate a nuisance. 3 Bl.Comm. 221.
- Quod per recordum probatum, non debet esse negatum** /kwòd pər rəkòrdəm prəbéydəm, nòn débəd èsiy nəgéydəm/. What is proved by record ought not to be denied.
- Quod persona nec prebendaril, etc.** /kwòd pərsównə nèk prəbèndəriyay/. A writ which lay for spiritual persons, distrained in their spiritual possessions, for payment of a fifteenth with the rest of the parish.
- Quod populus postremum jussit, id jus ratum esto** /kwòd póp(y)ələs pəstriyməm jəsəd, id jəs réydəm èstow/. What the people have last enacted, let that be the established law. A law of the Twelve Tables, the principle of which is still recognized. 1 Bl.Comm. 89.
- Quod primum est intentione ultimum est in operatione** /kwòd práyəm èst intènsiyówniy éltaməm èst in òpərəyshiyówniy/. That which is first in intention is last in operation.
- Quod principi placuit, legis habet vigorem; ut pote cum lege regia, quæ de imperio ejus lata est, populus ei et in eum omne suum imperium et potestatem conferat.** The will of the emperor has the force of law; for, by the royal law which has been made concerning his authority, the people have conferred upon him all its sovereignty and power.
- Quod prius est verius est; et quod prius est tempore potius est jure** /kwòd práyəs èst véhriyəs èst; èt kwòd práyəs èst tēmpəriy pówsh(iy)əs èst júriy/. What is first is true; and what is first in time is better in law.
- Quod pro minore licitum est et pro majore licitum est** /kwòd pròw mənóriy lísədəm èst èt pròw mājóriy lísədəm èst/. That which is lawful as to the minor is lawful as to the major.
- Quod prostravit** /kwòd prostréyvət/. That he do abate. The name of a judgment upon an indictment for a nuisance, that the defendant abate such nuisance.
- Quod pure debetur presenti die debetur** /kwòd pyúriy dábíydər prəzéntay dáyiy dábíydər/. That which is due unconditionally is due now.
- Quodque dissolvitur eodem modo quo ligatur** /kwòd-kwiy dazólvədər iyówdəm mówdow kwòw ləgéydər/. In the same manner that a thing is bound, in the same manner it is unbound.
- Quod quis ex culpa sua damnum sentit non intelligitur damnum sentire** /kwòd kwís èks kálpə s(y)úwə dæmnm séntət nòn intəlíjdər dæmnm séntáyriy/. The damage which one experiences from his own fault is not considered as his damage.
- Quod quisquis norit in hoc se exerceat** /kwòd kwískwis nórad in hók síy əgzársiyət/. Let every one employ himself in what he knows.
- Quod quis sciens indebitum debet hac mente, ut postea repeteret, repeterere non potest** /kwòd kwís sáyən(d)z indébədəm débət hæk méntiy, àt pówstiyə rapédərət, rəpətiriy nòn pówdast/. That which one has given, knowing it not to be due, with the intention of redeeming it, he cannot recover back.
- Quod recuperet** /kwòd rək(y)úwpərət/. That he recover. The ordinary form of judgments for the plaintiff in actions at law.
- Judgment of quod recuperet.* When an issue in fact, or an issue in law arising on a peremptory plea, is determined for the plaintiff, the judgment is "that the plaintiff do recover," etc., which is called a judgment quod recuperet. It is either final or interlocutory, according as the quantum of damages is or is not ascertained at the rendition of the judgment.
- Quod remedio destituitur ipsa re valet si culpa absit** /kwòd rəmiyd(i)yow dèstat(y)úwədər ípsə riy vələt sáy kálpə əbsit/. That which is without remedy avails of itself, if there be no fault in the party seeking to enforce it.
- Quod semel meum est amplius meum esse non potest** /kwòd séməl míyəm èst əmpliyəs míyəm èsiy nòn pówdast/. What is once mine cannot be more fully mine.
- Quod semel placuit in electione, amplius displicere non potest** /kwòd séməl plæk(y)uwəd in əlèkshiyówniy, əmpliyəs displicəriy nòn pówdast/. What a party has once determined, in a case where he has an election, cannot afterwards be disavowed.
- Quod si contingat** /kwòd sáy kontəngət/. That if it happen. Words by which a condition might formerly be created in a deed.
- Quod solo inædificatur solo cedit** /kwòd sówlow inədəfəkéydər sówlow síydət/. Whatever is built on the soil is an accessory of the soil.
- Quod sub certa forma concessum vel reservatum est non trahitur ad valorem vel compensationem** /kwòd səb sərda fórmə kənsésəm vəl rəzərvéydəm èst nòn tréy(h)ədər əd valóram vəl kəmpənséyshiyównəm/. That which is granted or reserved under a certain form is not [permitted to be] drawn into valuation or compensation. That which is granted or reserved in a certain specified form must be taken as it is granted, and will not be permitted to be made the subject

QUOD

- of any adjustment or compensation on the part of the grantee.
- Quod subintelligitur non deest** /kwòd sàbinteljédar nòn díyest/. What is understood is not wanting.
- Quod tacite intelligitur deesse non videtur** /kwòd tásediy inteljédar díyésiý nòn vèdíýdər/. What is tacitly understood is not considered to be wanting.
- Quod vanum et inutile est, lex non requirit** /kwòd véýnam èd inyúwdəliý èst, léks nòn rəkwáyrat/. The law requires not what is vain and useless.
- Quod vero contra rationem juris receptum est, non est producendum ad consequentias** /kwòd vírow kóntrə rəshiyównam júras rəséptam èst, nòn èst pròwdəséndəm əd kòn(t)səkwénsh(iy)əs/. But that which has been admitted contrary to the reason of the law, ought not to be drawn into precedents.
- Quod vide** /kwòd váýdiy/. Which see. A direction to the reader to look to another part of the book, or to another book, there named, for further related information. Usually abbreviated "q.v."
- Quod voluit non dixit** /kwòd vól(y)uwət nòn díksət/. What he intended he did not say, or express. An answer sometimes made in overruling an argument that the lawmaker or testator *meant* so and so.
- Quo jure** /kwòw júriý/. Lat. In old English practice, a writ which lay for one that had land in which another claimed common, to compel the latter to show by *what title* he claimed it.
- Quo ligatur, eo dissolvitur** /kwów lagéýdər, iyow dazólvədər/. By the same mode by which a thing is bound, by that is it released.
- Quo minus** /kwów máynəs/. Lat. A writ upon which all proceedings in the court of exchequer were formerly grounded. In it the plaintiff suggests that he is the king's debtor, and that the defendant has done him the injury or damage complained of, *quo minus sufficiens existit*, by which *he is less able* to pay the king's debt. This was originally requisite in order to give jurisdiction to the court of exchequer; but now this suggestion is a mere form. 3 Bl.Comm. 46.
- Quo modo quid constituitur eodem modo dissolvitur** /kwów mówdow kwíd kónstət(y)úwdər iyówdəm mówdow dazólvədər/. In the same manner by which anything is constituted by that it is dissolved.
- Quorum** /kwóram/. A majority of the entire body; e.g., a quorum of a state supreme court. The number of members who must be present in a deliberative body before business may be transacted. In both houses of Congress a quorum consists of a majority of those chosen and sworn.
- Such a number of the members of a body as is competent to transact business in the absence of the other members. The idea of a quorum is that, when that required number of persons goes into a session as a body, such as directors of a corporation, the votes of a majority thereof are sufficient for binding action. *Benintendi v. Kenton Hotel*, 294 N.Y. 112, 60 N.E.2d 829, 831. When a committee, board of directors, meeting of shareholders, legislature or other body of persons cannot act unless a certain number

at least of them are present, that number is called a "quorum." In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act.

Quorum prætectu nec auget nec minuit sententiam, sed tantum confirmat præmissa /kwóram prətékst(y)uw nèk ógant nèk mín(y)uwət sánténsh(iy)əm, sèd tántəm kənfərmət prəmisə/. "*Quorum prætectu*" neither increases nor diminishes a sentence, but only confirms that which went before.

Quota /kwówdə/. A proportional part or share, the proportional part of a demand or liability, falling upon each of those who are collectively responsible for the whole.

An assigned goal, as a sales quota; a limiting number or percentage such as the quota of immigrants from a particular country.

See also **Export quotas; Import quota.**

Quotation. The production to a court or judge of the exact language of a statute, precedent, or other authority, in support of an argument or proposition advanced.

The verbatim transcription of part of a literary composition into another book or writing.

A statement of the market price of one or more securities or commodities; or the price specified to a correspondent. Often shortened to "quote." The highest bid to buy and the lowest offer to sell a security or commodity in a given market at a given time.

Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit /kwówsh(iy)en(d)z d(y)úwbiýə intəprətéýsh(iy)ow libértéýdas èst, səkándəm libértéýdam rəspondéndəm éhrət/. Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty.

Quotiens idem sermo duas sententias exprimit, ea potissimum accipiatur, quæ rei gerendæ aptior est /kwówsh(iy)en(d)z áýdəm sərmow d(y)úwəs sánténsh(iy)əs éksprəmət, iyə pətisəməm əksipiýéýdər, kwíý riýaw jərənday əpshiyər èst/. Whenever the same words express two meanings, that is to be taken which is the better fitted for carrying out the proposed end.

Quotient verdict /kwówshənt várdikt/. A "quotient verdict" is one resulting from agreement whereby each juror writes down amount of damages to which he thinks party is entitled and such amounts are then added together and divided by number of jurors. *Index Drilling Co. v. Williams*, 242 Miss. 775, 137 So.2d 525, 530. A verdict arrived at by agreement by jurors to be bound by quotient in advance of figuring amount of quotient; using quotient merely as a point for discussion is not improper. *Womble v. J. C. Penney Co.*, D.C.Tenn., 47 F.R.D. 350, 355. A chance verdict such that no juror knows what the verdict will be when he submits his vote on damages because the final amount is calculated by a preagreed formula. *Freight Terminals, Inc. v. Ryder System, Inc.*, C.A.Tex., 461 F.2d 1046, 1053.

Quoties dubia interpretatio libertatis est, secundum libertatem respondendum erit /kwówshiy(iy)z

d(y)úwbiya intärprätéysh(iy)ow libertéydas èst, sákándam libertéydam rəspöndéndəm èst/. Whenever the interpretation of liberty is doubtful, the answer should be on the side of liberty.

Quoties idem sermo duas sententias exprimit, ea potissimum excipiatur, quæ rei gerendæ aptior est /kwówshiy(iy)z áydám sármow d(y)úwəs sánténsh(iy)əs ékspřəmət, iyə pəfísəməm ékspřəmət, kwiy řiyay jərənday əpshiyər èst/. Whenever the same language expresses two meanings that should be adopted which is the better fitted for carrying out the subject-matter.

Quoties in stipulationibus ambigua oratio est, commo-dissimum est id accipi quo res de qua agitur in tuto sit /kwówshiy(iy)z in stípalyəshiyównəbəs əmbíg(y)uwə oréysh(iy)ow èst, kómədísəməm èst íd əksəpay kwów řiyz diy kwéy éyjədar in t(y)úwdow sít/. Whenever the language of stipulations is ambiguous, it is most fitting that that [sense] should be taken by which the subject-matter may be protected.

Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba fienda est /kwówshiy(iy)z in vərbəs nála èst əmbíg(y)úwətəs, áybay nála ékspřəzish(iy)ow kóntrə vərbə fayéndə èst/. When in the words there is no ambiguity, then no exposition contrary to the words is to be made.

Quousque /kwowáskwiy/. Lat. How long; how far; until. In old conveyances it is used as a word of limitation.

Quovis modo /kwówvis mówdow/. Lat. In whatever manner.

Quo warranto /kwów wəřəntow/. In old English practice, a writ in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire *by what authority* he supported his claim, in order to determine the right. It lay also in case of non-user, or long neglect of a franchise, or misuser or abuse of it; being a writ commanding the defendant to show *by what warrant* he exercises such a franchise, having never had any grant of it, or having forfeited it by neglect or abuse. 3 Bl.Comm. 262.

An extraordinary proceeding, prerogative in nature, addressed to preventing a continued exercise of authority unlawfully asserted. *Johnson v. Manhattan Ry. Co.*, N.Y., 289 U.S. 479, 53 S.Ct. 721, 77 L.Ed. 1331. It is intended to prevent exercise of powers that are not conferred by law, and is not ordinarily available to regulate the manner of exercising such powers.

The remedy of "quo warranto" belongs to the state, in its sovereign capacity, to protect the interests of the people as a whole and guard the public welfare, and it is a preventative remedy addressed to preventing a continuing exercise of an authority unlawfully asserted, rather than to correcting what has already been done under that authority. *Citizens Utilities Co. of Cal. v. Superior Court, Alameda County*, 56 Cal. App.3d 399, 128 Cal.Rptr. 582, 588. "Quo warranto" is legal action whereby legality of exercise of powers by municipal corporation may be placed in issue. *People ex rel. City of Des Plaines v. Village of Mount Prospect*, 29 Ill.App.3d 807, 331 N.E.2d 373, 377.

The federal rules are applicable to proceedings for quo warranto "to the extent that the practice in such proceedings is not set forth in statutes of the United States and has heretofore conformed to the practice in civil actions." Fed.R. Civil P. 81(a)(2). Any remedy that could have been obtained under the historic writ of quo warranto may be obtained by a civil action of that nature. *U. S. v. Nussbaum, D.C.Cal.*, 306 F.Supp. 66.

Quum de lucro duorum quæritur, melior est causa possidentis /kám diy l(y)úwkrow d(y)uwóram kwéréydar, míl(i)yər èst kóza pəsidiyéntəs/. When the question is as to the gain of two persons, the title of the party in possession is the better one.

Quum in testamento ambigue aut etiam perperam scriptum est, benigne interpretari et secundum id quod credible et cogitatum, credendum est /kám in tɛstəməntow əmbígyuwiy ðt ésh(iy)əm pəpřəram skřiptəm èst, bənígniy intärprətəray èt sákándəm íd kwòd krədíbaliy èt kòjətéydam, krədéndəm èst/. When in a will an ambiguous or even an erroneous expression occurs, it should be construed liberally and in accordance with what is thought the probable meaning of the testator.

Quum principalis causa non consistit ne ea quidem quæ sequuntur locum habent /kám prin(t)səpéylas kóza nón kənsístat nìy iyə kwáydam kwiy səkwántər lówkəm héyban/. When the principal does not hold, the incidents thereof ought not to obtain.

Quum quod ago non valet ut ago, valeat quantum valere potest /kám kwòd éygow nòn vələd ðd éygow, vələiyət kwóntəm vəliriy pówdəst/. When what I do is of no force as to the purpose for which I do it, let it be of force to as great a degree as it can.

Q.V. An abbreviation of "*quod vide*," meaning "which see".