

**Q.**

Q.abbr.QUESTION(1). • This abbreviation is almost always used in deposition and trial transcripts to denote each question asked by the examining lawyer.

Q-AND-A

Q-and-A.abbr.QUESTION-AND-ANSWER.

Q.B.

Q.B.abbr.QUEEN'S BENCH.

Q.B.D.

Q.B.D.abbr.QUEEN'S BENCH DIVISION.

Q.C.

Q.C.abbr.QUEEN'S COUNSEL.

QCF

QCF.abbr.QUARE CLAUSUM FREGIT.

QD

QD.abbr.[Latin quasi dicat] As if he should say.

QDOT

QDOT.abbr.QUALIFIED DOMESTIC TRUST.

QDRO

QDRO (kwah-droh).abbr.QUALIFIED DOMESTIC-RELATIONS ORDER.

QED

QED.abbr.[Latin quod erat demonstrandum] Which was to be demonstrated or proved.

QEF

QEF.abbr.[Latin quod erat faciendum] Which was to be done.

QEN

QEN.abbr.[Latin quare executionem non] Why execution should not be issued.

QMCSO

QMCSO.abbr.QUALIFIED MEDICAL CHILD-SUPPORT ORDER.

## QPRT

QPRT.abbr.QUALIFIED PERSONAL-RESIDENCE TRUST.

## QQ.V.

qq.v. See Q.V.

## Q.S.

Q.S. See quarter session under SESSION(1).

## Q.T.

Q.T.abbr.QUI TAM ACTION.

## QTIP

QTIP (kyoo-tip).abbr.QUALIFIED-TERMINABLE-INTEREST PROPERTY.

## QTIP TRUST

QTIP trust.See TRUST.

## QUA

qua (kway or kwah). [Latin] In the capacity of; as <the fiduciary, qua fiduciary, is not liable for fraud, but he may be liable as an individual>.

## QUACUMQUE VIA DATA

quacumque via data (kway-k<<schwa>>m-kwee vI-<<schwa>> day-t<<schwa>>). [Latin] Whichever way given; whichever way you take it.

## QUADRAGESIMA

quadragesima (kwah-dr<<schwa>>-jes-i-m<<schwa>>), n.[Latin “fortieth”] Hist. 1.Lent — so called because it runs about 40 days. 2. The first Sunday in Lent — so called because it is about the 40th day before Easter.

## QUADRAGESIMALS

quadragesimals (kwah-dr<<schwa>>-jes-i-m<<schwa>>lz), n. pl.[fr. Latin quadragesima “the fortieth”] Hist. Offerings made on Mid-Lent Sunday by daughter churches to the mother church.

## QUADRIENNIUM

quadriennium (kwah-dree-en-ee-<<schwa>>m), n.[Latin fr. quatuor “four” + annus “year”] Roman law. The four-year course of study required of law students before they were qualified to study the Code or collection of imperial constitutions.

## QUADRIENNIUM UTILE

quadriennium utile (kwah-dree-en-ee-*<<schwa>>*m yoo-t*<<schwa>>*-lee). Scots law. A four-year period after the attainment of majority within which the young adult may seek to annul any contract made while the person was a minor.

#### QUADRIPARTITE

quadripartite, adj. Hist. (Of an indenture, etc.) drawn, divided, or executed in four parts.

quadripartite, n. A book or treatise divided into four parts.

#### QUADRUPLATOR

quadruplator (kwah-droo-pl*<<schwa>>*-tor), n. [Latin] Roman law. An informer who, by law, could institute criminal proceedings and then receive a reward of a fourth part of the thing informed against, usu. relating to frauds on the fiscus. Pl. quadruplatores (kwah-dr*<<schwa>>*-pl*<<schwa>>*-tor-eez).

#### QUADRUPLICATIO

quadruplicatio (kwah-dr*<<schwa>>*-pli-kay-shee-oh), n. [fr. Latin quadruplicatus "quadrupled"] 1. Roman law & civil law. A defendant's pleading, following the triplicatio and similar to the rebutter at common law; the third defensive pleading. — Also termed quadruplication; (in old Scots law) quadruply. 2. Roman law. A plaintiff's pleading, following the triplicatio, the replicatio, and the exceptio. Pl. quadruplicationes (kwah-dr*<<schwa>>*-pli-kay-shee-oh-nee-z).

#### QUAE CADIT IN VIRUM CONSTANTEM

quae cadit in virum constantem (kwee kay-dit in vI-r*<<schwa>>*m k*<<schwa>>*n-stan-t*<<schwa>>*m). [Latin] Hist. That which would overcome a man of firmness and resolution.

#### QUAE CADUNT IN NON CAUSAM

quae cadunt in non causam (kwee kay-d*<<schwa>>*nt in non kaw-z*<<schwa>>*m). [Law Latin] Hist. Those things that we lose on the cessation of the title by which we hold them.

#### QUAE EST EADEM

quae est eadem (kwee est ee-ay-d*<<schwa>>*m). [Law Latin] Hist. Which is the same. • This phrase was used by a defendant in a trespass action to show that the trespass the defendant was justified in committing was the same as that alleged in the plaintiff's pleading; that is, the plaintiff gave the defendant permission to enter, and so the defendant entered the property. — Formerly also termed que est le mesme.

#### QUAE FUNCTIONEM RECIPIUNT

quae functionem recipiunt (kwee fungk-shee-oh-n*<<schwa>>*m ri-sip-ee-*<<schwa>>*nt). [Law Latin] Hist. Things whose value depends on the class of things to which they belong (e.g., money, corn, etc.). • The phrase appeared in reference to fungibles — that is, things that could be

generically estimated by quantity or weight. Cf. QUAE NON RECIPIUNT FUNCTIONEM.

#### QUAE NON MENTE SED MANU TENENTUR

quae non mente sed manu tenentur (kwee non men-tee sed man-yoo t<<schwa>>-nen-t<<schwa>>r). [Law Latin “things that are held not by the mind but by hand”] Hist. The natural parental duties arising from affection for one's child, as distinguished from purely legal obligations.

#### QUAE NON RECIPIUNT FUNCTIONEM

quae non recipiunt functionem (kwee non ri-sip-ee-<<schwa>>nt fungk-shee-oh-n<<schwa>>m). [Law Latin] Hist. They that do not supply the place of others. • The phrase appeared in reference to goods that are unique, specific, or irreplaceable. Cf. QUAE FUNCTIONEM RECIPIUNT.

#### QUAE PERIMUNT CAUSAM

quae perimunt causam (kwee per-<<schwa>>-m<<schwa>>nt kaw-z<<schwa>>m). [Latin] Hist. Pleas (such as peremptory defenses) that take away the basis of an action.

#### QUAE PLURA

quae plura (kwee ploor-<<schwa>>). [Law Latin “what more”] Hist. A writ ordering the escheator, when it appeared that not all of a decedent's property had been located, to inquire about any additional lands and tenements the decedent held at the time of death.

#### QUAEQUIDEM

quaequidem (kwee-kwid-<<schwa>>m). [Law Latin “which indeed” or “accordingly”] Hist. The introductory words of a charter clause showing, among other things, the manner in which the grantor obtained title.

#### QUAERE

quaere (kweer-ee), vb.[Latin] Inquire; query; examine. • This term was often used in the syllabus of a reported case to show that a point was doubtful or open to question.

#### QUAERENS

quaerens (kweer-enz), n.[Law Latin] Hist. One who complains; a plaintiff.

#### QUAERENS NIHIL CAPIAT PER BILLAM

quaerens nihil capiat per billam (kweer-enz nI-hil kap-ee-<<schwa>>t p<<schwa>>r bil-<<schwa>>m). [Law Latin] Hist. Let the plaintiff take nothing by his bill. • This was a form of judgment for the defendant.

#### QUAERENS NON INVENIT PLEGIUM

quaerens non invenit plegium (kweer-enz non in-vee-nit plee-jee-<<schwa>>m). [Law Latin “the plaintiff did not find a pledge”] Hist. A sheriff's return to a writ requiring him to take security

from the plaintiff for prosecution of the plaintiff's claim.

#### QUAERITUR

quaeritur (kwee-ri-t<<schwa>>r orkwer-i-t<<schwa>>r), n. [Latin] Roman law. It is questioned. • This term introduced a doubtful legal problem.

#### QUAE SAPIUNT DELICTUM

quae sapiunt delictum (kwee say-pee-<<schwa>>nt di-lik-t<<schwa>>m). [Law Latin] Hist. Things that partake of the character of delict.

#### QUAE SEQUUNTUR PERSONAM

quae sequuntur personam (kwee si-kw<<schwa>>n-t<<schwa>>r p<<schwa>>r-soh-n<<schwa>>m). [Latin] Hist. Things that follow the person. • The phrase usu. referred to movable property.

#### QUAE SERVANDO SERVARI NEQUEUNT

quae servando servari nequeunt (kwee s<<schwa>>r-van-doh s<<schwa>>r-vair-inee-kwee-<<schwa>>nt). [Latin] Hist. Things that cannot be preserved uninjured by keeping. • The phrase usu. referred to perishable goods.

#### QUAESITA

quaesita. See QUAESTA.

#### QUAE SOLUM DEUM HABENT ULTOREM

quae solum Deum habent ultorem (kwee soh-l<<schwa>>m dee-<<schwa>>m hay-b<<schwa>>nt <<schwa>>l-tor-<<schwa>>m). [Latin] Hist. Acts that have only God as avenger; crimes that can be punished only by God.

#### QUAESTA

quaesta (kwees-t<<schwa>>), n.[Latin “demands”] Remissions of penance, authorized by the Pope to those who contributed a certain amount to the church. — Also termed quesita; quaesita.

#### QUAESTIO

quaestio (kwes-chee-oh orkwees-), n.[Latin fr. quaerere “to inquire”] Roman law. 1. A special commission of the Senate appointed to hear criminal cases involving the public interest, sometimes with the power to try all cases of a given class arising within a specified period. — Also termed quaestio extraordinare. 2.QUAESTIO PERPETUA. 3. An interrogation by inflicting torture. 4. The torture so inflicted. Pl. quaestiones (kews-chee-oh-nee or kwees-).

#### QUAESTIO EXTRAORDINAIRE

quaestio extraordinare.See QUAESTIO(1).

#### QUAESTIONARIUS

quaestionarius (kwes-chee-*<<schwa>>*-nair-ee-*<<schwa>>*s). See QUAESTOR.

#### QUAESTIO PERPETUA

quaestio perpetua (kwes-chee-oh-nee-z p*<<schwa>>*r-pech-oo-ee). [Latin “perpetual inquiry”] Roman law. A permanent commission to hear criminal cases; specif., a standing jury court created by statute to try and pass sentence on particular crimes. Pl. quaestiones perpetuae.

“Then in 149 the lex Calpurnia was passed, concerned not only with reparation but also punishment; it established a permanent court of senators as sworn jurors to deal with claims of provincial extortion. Thereafter, both the senatorial special commissions, and also the jurisdiction of the assemblies began in their turn to be superseded by the creation of quaestiones perpetuae, permanent jury courts, [which] provided, each for its own offence or range of offences a framework.” O.F. Robinson, *The Criminal Law of Ancient Rome* 1–2 (1995).

#### QUAESTIO VEXATA

quaestio vexata (kwes-chee-oh vek-say-t*<<schwa>>*). [Law Latin] See VEXED QUESTION .

#### QUAESTIO VOLUNTATIS

quaestio voluntatis (kwes-chee-oh vol-*<<schwa>>*n-tay-tis). [Latin] Hist. A question of intention.

#### QUAESTOR

quaestor (kwes-t*<<schwa>>*r orkwees-t*<<schwa>>*r), n. [Latin] 1. Roman law. A magistrate, subordinate to the consuls or provincial governors, who maintained and administered the public money, performing tasks such as making necessary payments, receiving revenues, keeping accurate accounts, registering debts and fines, supervising the accommodation of foreign ambassadors, and financing the burials and monuments of distinguished citizens. 2. Hist. An agent of the Pope who carried quaesita from door to door. — Also termed quaesitor; quaestionarius. See QUAESTA. Pl. quaestores. — quaestorial, adj. — quaestorship, n.

“The office of quaestor goes back at least to the beginning of the Republic. Each year two quaestors were nominated by the consuls, later elected by the comitia tributa, to assist the consuls in matters of finance. This continued to be their principal concern, but they enlarged their functions as their numbers increased.” R.W. Lee, *The Elements of Roman Law* 15 (4th ed. 1956).

#### QUAESTORES PARRICIDII

quaestores parricidii (kwes-tor-eez par-*<<schwa>>*-sI-dee-I), n. pl. [Latin “quaestors of parricide”] Roman law. Two officers of the early Republic who were deputized to search out and try all cases of parricide and other capital offenses. See LEX POMPEIA DE PARRICIDIIS.

#### QUAESTOR SACRI PALATII

quaestor sacri palatii (kwes-t*<<schwa>>*r say-krI p*<<schwa>>*-lay-shee-I). [Latin “quaestor of the sacred palace”] Roman law. An officer of the imperial court who acted as legal adviser to

the emperor.

“The quaestor sacri palatii was one of the highest civil functionaries in the later Empire, concerned with the preparation of enactments and legal decisions to be issued by the emperor. He was the principal legal adviser of the emperor and he was [often] chosen from among the persons with considerable legal training.” Adolf Berger, *Encyclopedic Dictionary of Roman Law* 664 (1953).

#### QUAESTUS

quaestus (kwes-t<<schwa>>s orkwee-st<<schwa>>s), n. [Latin] 1.Roman law. Profit, esp. from a business. 2.Hist. Acquisition; purchase. • This term refers to a purchased estate, as distinguished from hereditas, referring to an estate obtained by descent.

#### QUAE SUNT IN PATRIMONIO NOSTRO

quae sunt in patrimonio nostro (kwee s<<schwa>>nt in pa-tr<<schwa>>-moh-nee-oh nos-troh). [Latin] Hist. Things that form part of our possession.

#### QUAE TRANSEUNT PER COMMERCIIUM

quae transeunt per commercium (kwee tran-see-<<schwa>>nt [ortran-zee] p<< schwa>>r k<<schwa>>-m<<schwa>>r-shee-<<schwa>>m). [Law Latin] Hist. Things that pass through commerce; things that are bought and sold.

#### QUALE JUS

quale jus (kway-lee orkwah-lee j<<schwa>>s). [Latin “what kind of right”] Hist. A writ ordering an escheator to inquire into the extent of a religious person's right to a judgment, before its execution, to make sure that the judgment was not collusively made to avoid the mortmain statute.

#### QUALIFICATE

qualificate (kwah-li-fi-kay-tee). [Law Latin] Hist. Qualifiedly.

#### QUALIFICATION

qualification. 1. The possession of qualities or properties (such as fitness or capacity) inherently or legally necessary to make one eligible for a position or office, or to perform a public duty or function <voter qualification requires one to meet residency, age, and registration requirements>. [Cases: Officers and Public Employees 35. C.J.S. Officers and Public Employees § 58.] 2. A modification or limitation of terms or language; esp., a restriction of terms that would otherwise be interpreted broadly <the contract contained a qualification requiring the lessor's permission before exercising the right to sublet>.3.CHARACTERIZATION(1). — qualify,vb.

#### QUALIFIED

qualified,adj.1. Possessing the necessary qualifications; capable or competent <a qualified medical examiner>.2. Limited; restricted <qualified immunity>. — qualify,vb.

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**QUALIFIED ACCEPTANCE**

qualified acceptance. See ACCEPTANCE(1).

**QUALIFIED CORPORATION**

qualified corporation. See admitted corporation under CORPORATION.

**QUALIFIED DISCLAIMER**

qualified disclaimer. See DISCLAIMER.

**QUALIFIED DOMESTIC-RELATIONS ORDER**

qualified domestic-relations order. A state-court order or judgment that relates to alimony, child support, or some other state domestic-relations matter and that (1) recognizes or provides for an alternate payee's right to receive all or part of any benefits due a participant under a pension, profit-sharing, or other retirement benefit plan, (2) otherwise satisfies § 414 of the Internal Revenue Code, and (3) is exempt from the ERISA rule prohibiting the assignment of plan benefits.

- Among other things, the QDRO must set out certain facts, including the name and last-known mailing address of the plan participant and alternate payee, the amount or percentage of benefits going to the alternate payee, and the number of payments to which the plan applies. The benefits provided under a QDRO are treated as income to the actual recipient. IRC (26 USCA) § 414(p)(1)(A); 29 USCA § 1056(d)(3)(D)(i). — Abbr. QDRO. [Cases: Divorce 252.3(4); Internal Revenue 3587; Pensions 133. C.J.S. Divorce §§ 553–559, 564; Internal Revenue § 313; Pensions and Retirement Plans and Benefits §§ 72, 88.]

**QUALIFIED DOMESTIC TRUST**

qualified domestic trust. See TRUST.

**QUALIFIED ELECTOR**

qualified elector. See ELECTOR.

**QUALIFIED ESTATE**

qualified estate. See ESTATE(1).

**QUALIFIED FEE**

qualified fee. 1. See fee simple defeasible under FEE SIMPLE. 2. See fee simple determinable under FEE SIMPLE. 3. See base fee under FEE(2).

**QUALIFIED GENERAL DENIAL**

qualified general denial. See DENIAL.

**QUALIFIED IMMUNITY**

qualified immunity. See IMMUNITY(1).

**QUALIFIED INCOME TRUST**



qualified income trust.See Miller trust under TRUST.

#### QUALIFIED INDORSEMENT

qualified indorsement.See INDORSEMENT.

#### QUALIFIED INSTITUTIONAL BUYER

qualified institutional buyer.See BUYER.

#### QUALIFIED INVESTOR

qualified investor.See INVESTOR.

#### QUALIFIEDLY

qualifiedly (kwah-l<<schwa>>-fɪd-lee or -fɪ<<schwa>>d-lee), adv. In a fit or qualified manner <qualifiedly privileged>.

#### QUALIFIED MARTIAL LAW

qualified martial law.See MARTIAL LAW.

#### QUALIFIED MEDICAL CHILD-SUPPORT ORDER

qualified medical child-support order.A family-court order that enables a nonemployee custodial parent — without the employee parent's consent — to enroll the child, make claims, and receive payments as needed under the employee parent's group health plan, all at the employee parent's expense. • The group-health-plan administrator must find that the order meets the requirements of a QMCSO, which are established by § 609(a) of the Employee Retirement Income Security Act, 29 USCA § 1169(a). — Abbr. QMCSO.

#### QUALIFIED NUISANCE

qualified nuisance.See NUISANCE.

#### QUALIFIED OPINION

qualified opinion.An audit-report statement containing exceptions or qualifications to certain items in the accompanying financial statement.

#### QUALIFIED OWNERSHIP

qualified ownership.See OWNERSHIP.

#### QUALIFIED PENSION PLAN

qualified pension plan.See PENSION PLAN.

#### QUALIFIED PERSONAL-RESIDENCE TRUST

qualified personal-residence trust.See TRUST.

#### QUALIFIED PLAN

qualified plan.1. See qualified pension plan under PENSION PLAN. 2. See qualified profit-sharing plan under PROFIT-SHARING PLAN.

**QUALIFIED PRIVILEGE**

qualified privilege.See PRIVILEGE(1).

**QUALIFIED PROFIT-SHARING PLAN**

qualified profit-sharing plan.See PROFIT-SHARING PLAN.

**QUALIFIED PROPERTY**

qualified property.See PROPERTY.

**QUALIFIED RESIDENCE INTEREST**

qualified residence interest.See INTEREST(3).

**QUALIFIED STOCK OPTION**

qualified stock option.See STOCK OPTION.

**QUALIFIED-TERMINABLE-INTEREST PROPERTY**

qualified-terminable-interest property.See PROPERTY.

**QUALIFIED VETO**

qualified veto.See VETO.

**QUALIFIED VOTER**

qualified voter. 1. See qualified elector under ELECTOR. 2.VOTER(2).

**QUALIFIED WITNESS**

qualified witness.See WITNESS.

**QUALIFYING EVENT**

qualifying event.Any one of several specified occasions that, but for the continuation-of-coverage provisions under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), would result in a loss of benefits to a covered employee under a qualified benefit plan. • These occasions include employment termination, a reduction in work hours, the employee's separation or divorce, the employee's death, and the employer's bankruptcy. IRC (26 USCA) § 4980B(f)(3). [Cases: Pensions 47, 66.1. C.J.S. Pensions and Retirement Plans and Benefits §§ 31–33.]

**QUALIFYING SHARE**

qualifying share.See SHARE(2).

**QUALITY**

quality. 1. The particular character or properties of a person, thing, or act, often essential for a particular result <she has leadership quality> <greed is a negative quality>.2. The character or degree of excellence of a person or substance, esp. in comparison with others <the quality of work performed under the contract>.

#### QUALITY OF ESTATE

quality of estate. 1. The period when the right of enjoying an estate is conferred upon the owner, whether at present or in the future. 2. The manner in which the owner's right of enjoyment of an estate is to be exercised, whether solely, jointly, in common, or in coparcenary.

#### QUALITY-OF-PRODUCTS LEGISLATION

quality-of-products legislation. See LEMON LAW(2).

#### QUAMDIU

quamdiu (kwam-dee-yoo). [Latin] Hist. As long as; so long as. • This was a word of limitation formerly used in conveyances.

#### QUAMDIU BENE SE GESSERINT

quamdiu bene se gesserint (kwam-dee-yoo bee-nee see jes-<<schwa>>r-int). [Law Latin] As long as they shall conduct themselves properly. • This term refers to the holding of an office, specif. the Act of Settlement, 1700, ch. 2, which provided that a judge's tenure was no longer at the king's pleasure, but could continue until death or improper conduct. This protected judges against arbitrary dismissal. The singular form is quamdiu se bene gesserit "as long as he behaves himself properly." — Also written quamdiu se bene gesserint. Cf. GOOD BEHAVIOR; DURANTE BENE PLACITO; DUM SE BENE.

"But at present, by the long and uniform usage of many ages, our kings have delegated their whole judicial power to the judges of their several courts .... And, in order to maintain both the dignity and independence of the judges in the superior courts, it is enacted by the statute 13 W. III. c.2 that their commissions shall be made (not as formerly, durante bene placito, but) quamdiu bene se gesserint, and their salaries ascertained and established; but that it may be lawful to remove them on the address of both houses of parliament." 1 William Blackstone, Commentaries on the Laws of England 267 (1765).

#### QUAMDIU SUSTINUIT ISTAM FURIOSITATEM

quamdiu sustinuit istam furiositatem (kwam-dee-yoo s<<schwa>>s-tin-[y]oo-it is-t<<schwa>>m fyoor-ee-ahs-<<schwa>>-tay-t<<schwa>>m). [Law Latin] Hist. How long he has labored under that insanity.

#### QUAMPRIMUM

quamprimum (kwam-prī-m<<schwa>>m). [Latin] Hist. As soon as possible.

#### QUAMVIS NON POTUERIT DARE

quamvis non potuerit dare (kwam-vis non pah-tyoo-air-it [or pah-choo-] dair-ee). [Law Latin] Hist. Although he had not been able to give or administer it.

#### QUANDO ACCIDERENT

quando acciderent (kwahn-doh ak-si-deer-*<<schwa>>*nt). [Latin] A judgment entered against a decedent's personal representative, to be satisfied by the estate out of assets that the representative receives after judgment.

#### QUANDOCUNQUE

quandocunque (kwahn-doh-k*<<schwa>>*ng-kwee). [Latin] Hist. At any time.

#### QUANDOCUNQUE DECEDERIT

quandocunque decederit (kwahn-doh-k*<<schwa>>*ng-kwee di-see-d*<<schwa>>*r-it). [Latin] Hist. Whenever he died.

#### QUANGO

quango (kwang-goh). See QUASI-AUTONOMOUS NONGOVERNMENTAL ORGANIZATION.

#### QUANTI MINORIS

quanti minoris (kwon-ti mi-nor-is). [Latin “how much less”] Civil law. An action brought by a purchaser of an article to reduce the purchase price due to the article's defects. [Cases: Sales 188; Vendor and Purchaser 174, 334(1). C.J.S. Sales § 209; Vendor and Purchaser §§ 431, 640, 642–644, 648.]

#### QUANTITATIVE RULE

quantitative rule. An evidentiary rule requiring that a given type of evidence is insufficient unless accompanied by additional evidence before the case is closed. • Such a rule exists because of the known danger or weakness of certain types of evidence. — Also termed synthetic rule.

#### QUANTITY DISCOUNT

quantity discount. See volume discount under DISCOUNT.

#### QUANTUM

quantum (kwon-t*<<schwa>>*m). [Latin “an amount”] The required, desired, or allowed amount; portion or share <a quantum of evidence>. Pl. quanta (kwon-t*<<schwa>>*).

#### QUANTUM DAMNIFICATUS

quantum damnificatus (kwon-t*<<schwa>>*m dam-n*<<schwa>>*-fi-kay-t*<<schwa>>*s). [Latin “how much damnified”] Hist. The issue of damages submitted by a court of equity to the jury.

#### QUANTUM ET QUALE?

quantum et quale? (kwon-t*<<schwa>>*m et kway-lee orkwah-lee). [Latin] Roman & Scots law.

How much and of what kind?

“It is not unusual for parties to a submission to agree that, in the event of no final decree-arbitral being pronounced, the proof taken in the course of the submission shall be received as legal probation quantum et quale (i.e., to the same extent and as of the same quality or effect) in any after-submission or process at law between the same parties regarding the same matter.” John Trayner, *Trayner's Latin Maxims* 505 (4th ed. 1894).

#### QUANTUM MERUIT

quantum meruit (kwon-t<<schwa>>m mer-oo-it). [Latin “as much as he has deserved”] 1. The reasonable value of services; damages awarded in an amount considered reasonable to compensate a person who has rendered services in a quasi-contractual relationship. 2. A claim or right of action for the reasonable value of services rendered. [Cases: Implied and Constructive Contracts 30. C.J.S. Implied and Constructive Contracts § 24.] 3. At common law, a count in an assumpsit action to recover payment for services rendered to another person. • Quantum meruit is still used today as an equitable remedy to provide restitution for unjust enrichment. It is often pleaded as an alternative claim in a breach-of-contract case so that the plaintiff can recover even if the contract is unenforceable. See implied-in-law contract under CONTRACT.

#### QUANTUM NUNC VALENT

quantum nunc valent (kwon-t<<schwa>>m n<<schwa>>ngk vay-lent). [Law Latin] Hist. How much they (the lands) are now worth. Cf. ANTIQUUS ET NOVUS EXTENTUS ; QUANTUM VALUERUNT TEMPORE PACIS.

#### QUANTUM VALEBANT

quantum valebant (kwon-t<<schwa>>m v<<schwa>>-lee-bant or -b<<schwa>>nt). [Latin “as much as they were worth”] 1. The reasonable value of goods and materials. 2. At common law, a count in an assumpsit action to recover payment for goods sold and delivered to another. • Quantum valebant — although less common than quantum meruit — is still used today as an equitable remedy to provide restitution for another's unjust enrichment. [Cases: Implied and Constructive Contracts 31. C.J.S. Implied and Constructive Contracts § 25.]

#### QUANTUM VALUERUNT TEMPORE PACIS

quantum valuerunt tempore pacis (kwon-t<<schwa>>m val-yoo-air-<<schwa>>nt tem-p<<schwa>>-ree pay-sis). [Law Latin] Hist. How much they (the lands) were worth in peacetime. Cf. ANTIQUUS ET NOVUS EXTENTUS; QUANTUM NUNC VALENT.

#### QUARANTINA HABENDA

quarantina habenda. See DE QUARANTINA HABENDA.

#### QUARANTINE

quarantine. 1. The isolation of a person or animal afflicted with a communicable disease or the prevention of such a person or animal from coming into a particular area, the purpose being to

prevent the spread of disease. • Federal, state, and local authorities are required to cooperate in the enforcement of quarantine laws. 42 USCA § 243(a).

“Power to make quarantine regulations is one of the most frequent powers conferred on boards of health. Such regulations constitute a proper exercise of the police power, provided they are not in conflict with federal regulations on the subject or that legislation by Congress is absent, and that they do not abridge rights protected by the Fourteenth Amendment.” 39 Am. Jur. 2d Health § 59, at 529–30 (1999).

2. A place where a quarantine is in force. 3.Hist. A period of 40 days, esp. for the isolation and detention of ships containing persons or animals suspected of having or carrying a dangerous communicable disease, in order to prevent the spread of the disease.“Quarantine .... The name is drawn from the fact that the period was formerly commonly 40 (Ital. quaranta) days. In 1423 Venice established a lazaretto or quarantine station on an island to check the growth of disease brought in by ships. In the sixteenth century quarantine became widespread and there developed the system of bills of health, certificates that the last port was free from disease; a clean bill entitled a ship to use the port without subjection to quarantine.” David M. Walker, *The Oxford Companion to Law* 1022 (1980).

4.Hist. A widow's privilege to remain in her husband's house for 40 days after his death while her dower is being assigned. • This right was enforced by a writ de quarantina habenda. — Also spelled quarentine; quarentene. See DE QUARANTINA HABENDA. — quarantine,vb.“[I]t was provided by Magna Charta that the widow should give nothing for her dower, and that she should tarry in the chief house of her husband for forty days, (and which is called the widow's quarantine,) after the death of her husband, within which time her dower should be assigned her; and that, in the mean time, she should have reasonable estovers, or maintenance, out of the estate. The provision that the widow should pay nothing for the dower, was made with the generous intention of taking away the uncourtly and oppressive claim of the feudal lord, for a fine, upon allowing the widow to be endowed. This declaration of Magna Charta is, probably, the law in all the United States.” 4 James Kent, *Commentaries on American Law* \*61 (George Comstock ed., 11th ed. 1866).

#### QUARE

quare (kwair-ee). [Latin] Why; for what reason; on what account. • This was used in various common-law writs, esp. writs in trespass.

#### QUARE CLAUSUM FREGIT

quare clausum fregit (kwair-ee klaw-z<<schwa>>m free-jit). [Latin] Why he broke the close. — Abbr. qu. cl. fr.; q.c.f. See trespass quare clausum fregit under TRESPASS. [Cases: Trespass 10, 16. C.J.S. Trespass §§ 13–15, 62–64.]

#### QUARE CLAUSUM QUERENTIS FREGIT

quare clausum querentis fregit.See trespass quare clausum fregit under TRESPASS.

#### QUARE EJECIT INFRA TERMINUM

quare ejecit infra terminum (kwair-ee i-jee-sit in-fr<<schwa>> t<<schwa>>r-m<<schwa>>-n<<schwa>>m), n.[Law Latin “why he ejected within the term”] Hist. A writ for a lessee who was prematurely ejected, when the ejector was not actually in possession but one claiming under the ejector was.

“For this injury the law has provided him with two remedies ... the writ of ejectione firmæ; ... and the writ of quare ejecti infra terminum; which lies not against the wrongdoer or ejector himself, but his feoffee or other person claiming under him. These are mixed actions, somewhat between real and personal; for therein are two things recovered, as well restitution of the term of years, as damages for the ouster or wrong.” 3 William Blackstone, Commentaries on the Laws of England 199 (1768).

#### QUARE EXECUTIONEM NON

quare executionem non.[Latin] See Q.E.N.

#### QUARE IMPEDIT

quare impedit (kwair-ee im-p<<schwa>>-dit). [Latin “why he hinders”] Hist. Eccles. law. A writ or action to enforce a patron's right to present a person to fill a vacant benefice. — Also termed writ of quare impedit. See PRESENTATION(2); ADVOWSON.

“The writ of quare impedit commands the disturbers, the bishop, the pseudo-patron, and his clerk, to permit the plaintiff to present a proper person (without specifying the particular clerk) to such a vacant church, which pertains to his patronage; and which the defendants, as he alleges, do obstruct: and unless they so do, then that they appear in court to shew the reason why they hinder him.” 3 William Blackstone, Commentaries on the Laws of England 248 (1768).

#### QUARE INCUMBRAVIT

quare incumbavit (kwair-ee in-k<<schwa>>m-bray-vit), n.[Law Latin “why he encumbered”] Hist. A writ or action to compel a bishop to explain why he encumbered the church when, within six months after the vacation of a benefice and after a ne admittas was received, the bishop conferred the benefice on his clerk while other clerks were contending for the right of presentation in a quare impedit action. • The writ was abolished by the Real Property Limitation Act of 1833, ch. 27.

#### QUARE INTRUSIT

quare intrusit (kwair-ee in-troo-sit), n.[Law Latin “why he thrust in”] Hist. A writ allowing a lord to recover the value of a marriage, when the lord offered a suitable marriage to a ward but the ward rejected it and married someone else. • It was abolished by the Tenures Abolition Act, 1660, ch. 24.

#### QUARE NON PERMITTIT

quare non permittit (kwair-ee non p<<schwa>>r-mit-it), n.[Law Latin “why he does not permit”] Hist. A writ for one who has a right to present to a church, against the proprietor.

## QUARENTENA TERRAE

quarentena terrae (kwahr-en-tee-n<<schwa>> ter-ee), n.[Law Latin “a quantity of land”] Hist. A furlong.

## QUARENTINE

quarentine. See QUARANTINE.

## QUARE OBSTRUXIT

quare obstruxit (kwair-ee <<schwa>>b-str<<schwa>>k-sit), n.[Law Latin “why he obstructed”] Hist. A writ for one who could not enjoy a privilege to pass through a neighbor's land because the neighbor had obstructed the path.

## QUARREL

quarrel. 1. An altercation or angry dispute; an exchange of recriminations, taunts, threats, or accusations between two persons. 2.Archaic. A complaint; a legal action.

“Quarrels is derived from querendo, and extends not only to actions as well real as personal, but also to the causes of actions and suits: so that by the release of all quarrels, not only actions depending in suit, but causes of action and suit also are released; and quarrels, controversies and debates, are words of one sense, and of one and the same signification, Coke, lib. 8, fol. 153.” *Termes de la Ley* 330 (1st Am. ed. 1812).

## QUARTA DIVI PII

quarta divi Pii (kwor-t<<schwa>> dI-vIpI-I). [Latin “quarter of the deified Pius”] Roman law. The quarter portion of a testator's estate required to be left to an adrogated child who had been unjustly emancipated or disinherited.

## QUARTA FALCIDIANA

quarta Falcidiana (kwor-t<<schwa>> fal-sid-ee-an-<<schwa>>). [Latin “Falcidian fourth”] See FALCIDIAN PORTION.

## QUARTA TREBELLIANICA

quarta Trebellianica (kwor-t<<schwa>> tr<<schwa>>-bel-ee-an-<<schwa>>-k<< schwa>>). [Latin “the quarter due under Trebellianus's senatus consultum”] Hist. The fourth portion that an heir could retain from a succession after transferring the succession as directed by the testator under a fideicommissum. — Also termed quarta Trebelliana (tr<<schwa>>-bel-ee-ay-n<< schwa>> or -an-<<schwa>>). Cf. FALCIDIAN PORTION.

## QUARTER

quarter,n.1. In the law of war, the act of showing mercy to a defeated enemy by sparing lives and accepting a surrender <to give no quarter>.2. See quarter section under SECTION.

## QUARTER DAY



quarter day. See DAY.

#### QUARTERING

quartering, n. Hist. 1. The dividing of a criminal's body into quarters after execution, esp. as part of the punishment for a crime such as high treason. See HANGED, DRAWN, AND QUARTERED. 2. The furnishing of living quarters to members of the military. • The Third Amendment generally protects people from being forced to use their homes to quarter soldiers. U.S. Const. amend. III. 3. The dividing of a shield into four parts to show four different coats of arms. — quarter, vb.

#### QUARTERLY REPORT

quarterly report. A financial report issued by a corporation (and by most mutual funds and investment managers) every three months.

#### QUARTERMASTER

quartermaster. See TREASURER.

#### QUARTER SEAL

quarter seal. See SEAL.

#### QUARTER SECTION

quarter section. See SECTION.

#### QUARTER SESSION

quarter session. See SESSION(1).

#### QUARTER SESSIONS COURT

Quarter Sessions Court. See COURT OF GENERAL QUARTER SESSIONS OF THE PEACE.

#### QUARTERS OF COVERAGE

quarters of coverage. The number of quarterly payments made by a person into the social-security fund as a basis for determining the person's entitlement to benefits. [Cases: Social Security and Public Welfare 135, 140.5. C.J.S. Social Security and Public Welfare §§ 36–38, 42, 48–49, 58–59, 61.]

#### QUARTO DIE POST

quarto die post (kwor-toh dI-ee pohst), n. [Law Latin “on the fourth day after”] The defendant's appearance day, being four days (inclusive) from the return of the writ.

#### QUASH

quash (kwahsh), vb. 1. To annul or make void; to terminate <quash an indictment> <quash proceedings>. 2. To suppress or subdue; to crush <quash a rebellion>.

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**QUASHAL**

quashal (kwahsh-*<<schwa>>l*), n. The act of quashing something <quashal of the subpoena>. [Cases: Witnesses 16. C.J.S. Witnesses §§ 21, 32–52.]

**QUASI**

quasi (kway-sIorkway-zIalsokwah-zee). [Latin “as if”] Seemingly but not actually; in some sense; resembling; nearly.

“QUASI. A Latin word frequently used in the civil law, and often prefixed to English words. It is not a very definite word. It marks the resemblance, and supposes a little difference, between two objects, and in legal phraseology the term is used to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are also intrinsic and material differences between them. It negatives the idea of identity, but implies a strong superficial analogy, and points out that the conceptions are sufficiently similar for one to be classed as the equal of the other.” 74 C.J.S. Quasi, at 2 (1951).

**QUASI-ADMISSION**

quasi-admission. See **ADMISSION**(1).

**QUASI-AFFINITY**

quasi-affinity. See **AFFINITY**.

**QUASI-AUTONOMOUS NONGOVERNMENTAL ORGANIZATION**

quasi-autonomous nongovernmental organization. A semipublic administrative body (esp. in the United Kingdom) having some members appointed and financed by, but not answerable to, the government, such as a tourist authority, a university-grants commission, a price-and-wage commission, a prison or parole board, or a medical-health advisory panel. • This term is more commonly written as an acronym, quango (kwang-goh), without capital letters.

**QUASI COMMITTEE OF THE WHOLE**

quasi committee of the whole. See **COMMITTEE**.

**QUASI-COMMUNITY PROPERTY**

quasi-community property. See **COMMUNITY PROPERTY**.

**QUASI-CONTRACT**

quasi-contract. See implied-in-law contract under **CONTRACT**.

**QUASI-CORPORATION**

quasi-corporation. See **CORPORATION**.

**QUASI-CRIME**

quasi-crime. See **CRIME**.

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**QUASI-CRIMINAL PROCEEDING**

quasi-criminal proceeding. See PROCEEDING.

**QUASI-DELICT**

quasi-delict. See DELICT.

**QUASI-DEPOSIT**

quasi-deposit. See DEPOSIT(5).

**QUASI-DERELICT**

quasi-derelict. See DERELICT.

**QUASI-DEVIATION**

quasi-deviation. See DEVIATION.

**QUASI-DOMICILE**

quasi-domicile. See commercial domicile under DOMICILE.

**QUASI-DWELLING HOUSE**

quasi-dwelling house. See DWELLING HOUSE.

**QUASI-EASEMENT**

quasi-easement. See EASEMENT.

**QUASI-ENCLAVE**

quasi-enclave. See ENCLAVE.

**QUASI-ENTAIL**

quasi-entail. See ENTAIL.

**QUASI-ESTOPPEL**

quasi-estoppel. See ESTOPPEL.

**QUASI EX CONTRACTU**

quasi ex contractu (kway-sI [or -zI] eks k<<schwa>>n-trak-t[y]oo). [Latin] Hist. Arising as if from contract.

**QUASI EX DELICTO**

quasi ex delicto (kway-sI [or -zI] eks di-lik-toh). [Latin] Hist. Arising as if from delict. See DELICT.

**QUASI-FEE**

quasi-fee. See FEE(2).

#### QUASI FEUDUM

quasi feudum (kway-sI [or -zI] fyoo-d<<schwa>>m). [Law Latin “as if a (heritable) fee”]  
Hist. A heritable right, usu. in money.

#### QUASI-GOVERNMENTAL AGENCY

quasi-governmental agency. See AGENCY(3).

#### QUASI-GUARANTEE TREATY

quasi-guarantee treaty. See guarantee treaty under TREATY(1).

#### QUASI-GUARDIAN

quasi-guardian. See GUARDIAN.

#### QUASI-INDIVIDUAL

quasi-individual. See private corporation under CORPORATION.

#### QUASI IN REM

quasi in rem. See IN REM.

#### QUASI-IN-REM JURISDICTION

quasi-in-rem jurisdiction. See JURISDICTION.

#### QUASI-INSURER

quasi-insurer. See INSURER.

#### QUASI-JUDICIAL

quasi-judicial, adj. Of, relating to, or involving an executive or administrative official's adjudicative acts. • Quasi-judicial acts, which are valid if there is no abuse of discretion, often determine the fundamental rights of citizens. They are subject to review by courts. [Cases: Administrative Law and Procedure 108. C.J.S. Public Administrative Law and Procedure §§ 10–11.]

“Quasi-judicial is a term that is ... not easily definable. In the United States, the phrase often covers judicial decisions taken by an administrative agency — the test is the nature of the tribunal rather than what it is doing. In England quasi-judicial belongs to the administrative category and is used to cover situations where the administrator is bound by the law to observe certain forms and possibly hold a public hearing but where he is a free agent in reaching the final decision. If the rules are broken, the determination may be set aside, but it is not sufficient to show that the administration is biased in favour of a certain policy, or that the evidence points to a different conclusion.” George Whitecross Paton, *A Textbook of Jurisprudence* 336 (G.W. Paton & David P. Derham eds., 4th ed. 1972).

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**QUASI-JUDICIAL ACT**

quasi-judicial act. 1. A judicial act performed by an official who is not a judge. [Cases: Officers and Public Employees 110. C.J.S. Officers and Public Employees §§ 234–245.] 2. An act performed by a judge who is not acting entirely in a judicial capacity. See judicial act under ACT.

**QUASI-JUDICIAL DUTY**

quasi-judicial duty. See DUTY(1).

**QUASI-JUDICIAL POWER**

quasi-judicial power. See POWER(3).

**QUASI-LEGISLATIVE**

quasi-legislative, adj. (Of an act, function, etc.) not purely legislative in nature <the administrative agency's rulemaking, being partly adjudicative, is not entirely legislative — that is, it is quasi-legislative>. [Cases: Administrative Law and Procedure 106, 381. C.J.S. Public Administrative Law and Procedure §§ 10, 87, 91.]

**QUASI-LEGISLATIVE POWER**

quasi-legislative power. See POWER(3).

**QUASI-MAIN MOTION**

quasi-main motion. See incidental main motion under MOTION(2).

**QUASI-MUNICIPAL CORPORATION**

quasi-municipal corporation. See quasi-corporation under CORPORATION.

**QUASI-NATIONAL DOMICILE**

quasi-national domicile. See DOMICILE.

**QUASI-OFFENSE**

quasi-offense. See OFFENSE(2).

**QUASI-PARTNER**

quasi-partner. See PARTNER.

**QUASI-PERSONALTY**

quasi-personalty. See PERSONALTY.

**QUASI-POSSESSION**

quasi-possession. See incorporeal possession under POSSESSION.

**QUASI-POSTHUMOUS CHILD**

quasi-posthumous child. See CHILD.

#### QUASI-PUBLIC CORPORATION

quasi-public corporation. See CORPORATION.

#### QUASI-PUPILLARY SUBSTITUTION

quasi-pupillary substitution. See SUBSTITUTION(5).

#### QUASI-REALTY

quasi-realty. See REALTY.

#### QUASI-RENT

quasi-rent. (often pl.) Law and economics. Value over and above one's opportunity cost or next best alternative; the excess of an asset's value over its salvage value. • In the economic theory of marriage, a quasi-rent is a spouse's excess value of the marriage over the value of the next best option of not being in that specific marriage. The next best option may be separation, divorce, or divorce and remarriage, depending on the spouse's preferences and opportunities.

#### QUASI-SEISIN

quasi-seisin. See SEISIN.

#### QUASI-SUSPECT CLASSIFICATION

quasi-suspect classification. See SUSPECT CLASSIFICATION.

#### QUASI-TENANT

quasi-tenant. See TENANT.

#### QUASI-TORT

quasi-tort. See TORT.

#### QUASI TRADITIO

quasi traditio (kway-sI [or -zI] tr<<schwa>>-dish-ee-oh). [Latin "as if transfer"] Roman law. A party's acquisition of a servitude by using it with the informal permission or acquiescence of the owner.

"According to the civil law again a servitude — that is, a limited right of user in respect of a thing not one's own, e.g. a usufruct or a right of way — could only be created by means of certain definite legal forms. The praetorian law, on the other hand, allowed a servitude to be created by a so-called quasi traditio servitutis; that is, it was satisfied if one party gave the other, without any form, permission to exercise the right of user in question." Rudolph Sohm, *The Institutes: A Textbook of the History and System of Roman Private Law* 82 (James Crawford Ledlie trans., 3d ed. 1907).

#### QUASI-TRUSTEE

quasi-trustee. See TRUSTEE(1).

#### QUASI-USUFRUCT

quasi-usufruct. See USUFRUCT.

#### QUATOR TEMPORA JEJUNII

quator tempora jejunii. See EMBER DAYS.

#### QUATTUOR PEDIBUS CURRIT

quattuor pedibus currit (kwah-too-or ped-*<<schwa>>*-b*<<schwa>>*s k*<<schwa>>*r-it). [Law Latin] It runs upon four feet; it runs upon all fours. • The term commonly described a precedent that was extremely close to a point being decided. See ON ALL FOURS.

#### QUAYAGE

quayage (kee-*<<schwa>>*j). A toll or fee charged for lading or unloading goods on a quay or wharf. — Also written keyage.

#### QUAYLE ACTION

Quayle action. Patents. An office action telling the patent applicant that the claims are allowable on the merits but that the form of the application still needs to be amended. *Ex parte Quayle*, 25 USPQ 74, 1935 C.D. 11, 453 O.G. 213 (Comm'r Pat. 1935). • The applicant generally has two months to respond. A Quayle action ends the prosecution on the merits, and amendments that affect the merits will be treated in a manner similar to amendments after final rejection. — Also termed *Ex parte Quayle* action. [Cases: Patents 109. C.J.S. Patents §§ 152–155.]

#### QU. CL. FR.

qu. cl. fr. abbr. QUARE CLAUSUM FREGIT.

#### QUEEN

queen. 1. A woman who possesses, in her own right, the sovereignty and royal power in a monarchy. • Among the more famous English queens are Queen Mary I, Queen Elizabeth I, Queen Victoria, and Queen Elizabeth II. — Also termed queen regnant. 2. The wife of a reigning king. • She has some royal prerogatives (such as having her own officers), but is in many ways legally no different from the rest of the king's subjects. — Also termed queen consort. 3. A woman who rules in place of the actual sovereign (e.g., if the sovereign is a child). — Also termed queen regent. 4. DOWAGER-QUEEN.

#### QUEEN ANNE'S BOUNTY

Queen Anne's Bounty. See FIRST FRUITS(2).

#### QUEEN DOWAGER

queen dowager. See DOWAGER-QUEEN.

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**QUEEN MOTHER**

queen mother. A queen who has children, esp. a dowager-queen whose child is the reigning monarch. See DOWAGER-QUEEN.

**QUEEN'S BENCH**

Queen's Bench. Historically, the highest common-law court in England, presided over by the reigning monarch. • The jurisdiction of this court now lies with the Queen's Bench Division of the High Court of Justice; when a king begins to reign, the name automatically changes to King's Bench. — Abbr. Q.B. — Also termed Court of Queen's Bench. Cf. KING'S BENCH.

**QUEEN'S BENCH DIVISION**

Queen's Bench Division. The English court, formerly known as the Queen's Bench or King's Bench, that presides over tort and contract actions, applications for judicial review, and some magistrate-court appeals. — Abbr. Q.B.D.

**QUEEN'S COUNSEL**

Queen's Counsel. In the United Kingdom, Canada, and territories that have retained the rank, an elite, senior-level barrister or advocate. • Originally, a Queen's Counsel was appointed to serve as counsel to the reigning monarch. — Also termed senior counsel. — Abbr. Q.C. Cf. KING'S COUNSEL.

**QUEEN'S EVIDENCE**

Queen's evidence. See EVIDENCE.

**QUEEN'S PRISON**

Queen's prison. A prison established in 1842 in Southwark, to be used for debtors and criminals confined under authority of the superior courts at Westminster, the highest court of admiralty, and the bankruptcy laws. • It replaced the Queen's Bench Prison, Fleet Prison, and Marshalsea Prison but was closed in 1862.

**QUEEN'S PROCTOR**

Queen's proctor. A solicitor that represents the Crown in domestic-relations, probate, and admiralty cases. • For example, in a suit for divorce or nullity of marriage, the Queen's proctor might intervene to prove collusion between the parties. — Also termed (when a king reigns) King's proctor.

**QUE EST LE MESME**

que est le mesme (kyoo ay l<<schwa>> mem). [Law French] See QUAE EST EADEM.

**QUEM NUPTIAE DEMONSTRANT**

quem nuptiae demonstrant (kwem n<<schwa>>p-shee-ee di-mon-strant). [Latin] Roman & Scots law. Whom the marriage indicates. • The phrase refers to the rebuttable presumption that a



husband is the father of a child that his wife gives birth to. See presumed father, putative father under FATHER.

#### QUEM REDDITUM REDDIT

quem redditum reddit (kwem red-*<<schwa>>*-t*<<schwa>>*m red-it), n.[Law Latin “which return he made”] Hist. A writ for a grantee of a rent (not a rent service) to force the tenant to consent to the transfer.

#### QUERELA

querela (kw*<<schwa>>*-ree-l*<<schwa>>*), n. [Law Latin fr. Latin *queri* “to complain”] Hist. 1.A complaint founding an action; the plaintiff's count or declaration. 2. A cause of action. 3. An action.

#### QUERELA CORAM REGE A CONCILIO DISCUTIENDA ET TERMINANDA

querela coram rege a concilio discutienda et terminanda (kw*<<schwa>>*-ree-l*<<schwa>>* kor-*<<schwa>>*m ree-jee ay k*<<schwa>>*n-sil-ee-oh dis-k*<<schwa>>*-shee-en-d*<<schwa>>* et t*<<schwa>>*r-m*<<schwa>>*-nan-d*<<schwa>>*), n.[Law Latin “a dispute to be discussed and resolved by the council in front of the king”] Hist. A writ ordering someone to appear before the king to answer to a trespass.

#### QUERELA INOFFICIOSI TESTAMENTI

querela inofficiosi testamenti (kw*<<schwa>>*-ree-l*<<schwa>>* in-*<<schwa>>*-fish-ee-oh-sI tes-t*<<schwa>>*-men-tI). [Latin “complaint of an undutiful will”] Roman law. An action allowing a descendant, ascendant, or sibling who was unjustly disinherited or passed over by a parent's will to have the will set aside as undutifully made.

“By far the most important is due to the querela inofficiosi testamenti. By this procedure, though the forms had been complied with, near relatives with obvious claims (the classes of those entitled having been gradually widened) might attack the will as contrary to natural duty (inofficiosum) and get it set aside.” W.W. Buckland, *A Manual of Roman Private Law* 199 (2d ed. 1953).

#### QUERENS

querens (kweer-enz), n.[Latin fr. *queri* “to complain”] Hist. A plaintiff; the complaining party.

#### QUESTA

questa (kwes-t*<<schwa>>*), n.[Law Latin] Hist. A quest; an inquest or inquiry upon the oaths of an impaneled jury.

#### QUESTION

question. 1. A query directed to a witness. — Abbr. Q. [Cases: Witnesses 236. C.J.S. Witnesses § 406.]

categorical question. 1.LEADING QUESTION. 2. (often pl.) One of a series of questions, on

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a particular subject, arranged in systematic or consecutive order.

cross-question. A question asked of a witness during cross-examination. — Abbr. XQ. [Cases: Witnesses 266–284. C.J.S. Witnesses §§ 445–498, 500–507.]

direct question. A question asked of a witness during direct examination. [Cases: Witnesses 236. C.J.S. Witnesses § 406.]

hypothetical question. See HYPOTHETICAL QUESTION.

leading question. See LEADING QUESTION.

2. An issue in controversy; a matter to be determined.

certified question. See CERTIFIED QUESTION.

federal question. See FEDERAL QUESTION.

judicial question. See JUDICIAL QUESTION.

mixed question. See MIXED QUESTION.

mixed question of law and fact. See MIXED QUESTION OF LAW AND FACT.

nonjusticiable question. See POLITICAL QUESTION.

political question. See POLITICAL QUESTION.

question of fact. See QUESTION OF FACT.

question of law. See QUESTION OF LAW.

ultimate question. See ultimate issue under ISSUE(1).

3. Parliamentary law. A motion that the chair has stated for a meeting's consideration in a form that the meeting can adopt or reject; a pending motion. • A question is technically only a “motion” until the chair states it for the meeting's consideration. But for most purposes, the parliamentary terms “motion” and “question” are interchangeable. See MOTION(2); PUT THE QUESTION; STATE THE QUESTION.

privileged question. A privileged motion that the chair has stated for a meeting's consideration. See privileged motion under MOTION(2). Cf. question of privilege.

question of consideration. See OBJECTION(2).

question of information. See point of information under POINT.

question of order. See point of order under POINT.

question of privilege. Any question that concerns the deliberative assembly's or a member's rights or privileges. See PRIVILEGE(6); RAISE A QUESTION OF PRIVILEGE. Cf. privileged question.

QUESTION-AND-ANSWER

question-and-answer. 1. The portion of a deposition or trial transcript in which evidence is developed through a series of questions asked by the lawyer and answered by the witness. — Abbr. Q-and-A. 2. The method for developing evidence during a deposition or at trial, requiring the witness to answer the examining lawyer's questions, without offering unsolicited information. [Cases: Witnesses 236, 247. C.J.S. Witnesses §§ 406, 429.] 3. The method of instruction used in many law-school classes, in which the professor asks questions of one or more students and then follows up each answer with another question. — Also termed Socratic method. See SOCRATIC METHOD .

#### QUESTION OF CONSIDERATION

#### QUESTION OF FACT

question of fact. 1. An issue that has not been predetermined and authoritatively answered by the law. • An example is whether a particular criminal defendant is guilty of an offense or whether a contractor has delayed unreasonably in constructing a building. 2. An issue that does not involve what the law is on a given point. 3. A disputed issue to be resolved by the jury in a jury trial or by the judge in a bench trial. — Also termed fact question. See FACT-FINDER. 4. An issue capable of being answered by way of demonstration, as opposed to a question of unverifiable opinion.

#### QUESTION OF LAW

question of law. 1. An issue to be decided by the judge, concerning the application or interpretation of the law <a jury cannot decide questions of law, which are reserved for the court>.2. A question that the law itself has authoritatively answered, so that the court may not answer it as a matter of discretion <under the sentencing guidelines, the punishment for a three-time offender is a question of law>.3. An issue about what the law is on a particular point; an issue in which parties argue about, and the court must decide, what the true rule of law is <both parties appealed on the question of law>.4. An issue that, although it may turn on a factual point, is reserved for the court and excluded from the jury; an issue that is exclusively within the province of the judge and not the jury <whether a contractual ambiguity exists is a question of law>. — Also termed legal question; law question.

#### QUESTION OF PRIVILEGE

question of privilege. See QUESTION(3).

#### QUESTMAN

questman. Hist. 1. An instigator of a lawsuit or prosecution. 2. A person who was chosen to inquire into abuses, esp. those relating to weights and measures. 3. A churchwarden; SIDESMAN. — Also termed questmonger.

#### QUESTUS EST NOBIS

questus est nobis (kwes-t<<schwa>>s est noh-bis), n. [Law Latin “hath complained to us”] Hist. By 1287, a writ against someone who continued a nuisance that existed before inheritance or purchase. • The former law provided recovery only against the party who had first caused the

nuisance.

#### QUIA

quia (kwI-⟨schwa⟩ orkwee-⟨schwa⟩). [Latin] Hist. Because; whereas. • This term was used to point out the consideration in a conveyance.

#### QUIA ALIMENTA LIBERIS NON DEBENTUR NISI IN SUBSIDIUM

quia alimenta liberis non debentur nisi in subsidium (kwI-⟨schwa⟩ orkwee-⟨schwa⟩ al-i-men-t⟨schwa⟩ lib-⟨schwa⟩r-is non di-ben-t⟨schwa⟩r nI-sI in s⟨schwa⟩b-sid-ee-⟨schwa⟩m). [Law Latin] Scots law. Because aliment (alimony) is not due to children except in aid. • A parent was not required to support a child for whom another source, such as a separate estate, provided.

#### QUIA EMPTORES

Quia Emptores (kwI-⟨schwa⟩ orkwee-⟨schwa⟩ emp-tor-eez). [Latin “since purchasers”] Hist. A statute giving fee-simple tenants (other than those holding directly of the Crown) the power to alienate their land and bind the transferee to perform the same services for the lord as the transferor had been obliged to perform. • The statute, enacted in 1290, tended to concentrate feudal lordships in the Crown by eliminating multiple layers of fealty. 18 Edw., ch. 1. — Also termed Quia Emptores Terrarum.

“Edward I and his lords wished, for political reasons, to prevent the growth of subinfeudation, and in 1290 the Statute Quia Emptores was enacted. It took its name from the beginning of its preamble — ‘Since purchasers ....’ ” L.B. Curzon, *English Legal History* 300 (2d ed. 1979).

#### QUIA ERRONICE EMANAVIT

quia erroneice emanavit (kwI-⟨schwa⟩ i-roh-n⟨schwa⟩-see em-⟨schwa⟩-nay-vit). [Law Latin] Hist. Because it issued erroneously.

#### QUIA ITA LEX SCRIPTA EST

quia ita lex scripta est (kwI-⟨schwa⟩ orkwee-⟨schwa⟩ I-t⟨schwa⟩ leks skrip-t⟨schwa⟩ est). [Latin “because the law is so written”] Hist. Because that is the text of the statute.

#### QUIA SUCCEDUNT IN UNIVERSUM JUS QUOD DEFUNCTUS HABUIT

quia succedunt in universum jus quod defunctus habuit (kwI-⟨schwa⟩ orkwee-⟨schwa⟩ s⟨schwa⟩k-see-d⟨schwa⟩nt in yoo-ni-v⟨schwa⟩r-s⟨schwa⟩m j⟨schwa⟩s kwod di-f⟨schwa⟩ngk-t⟨schwa⟩s hab-yoo-it). [Latin] Roman & Scots law. Because they succeed to every right that the decedent had. • The phrase appeared in reference to the position of heirs-at-law.

#### QUIA SURROGATUM SAPIT NATURAM SURROGATI

quia surrogatum sapit naturam surrogati (kwI-⟨schwa⟩ orkwee-⟨schwa⟩ s⟨schwa⟩

schwa>>r-<<schwa>>-gay-t<<schwa>>m say-pit n<<schwa>>-t[y]oor-<<schwa>>m s<<schwa>>r-<<schwa>>-gay-tl). [Law Latin] Hist. Because the substitute partakes of the character of that for which it is substituted.

#### QUIA TIMET

quia timet (kwI-<<schwa>> tI-m<<schwa>>t orkwee-<<schwa>> tim-et). [Latin “because he fears”] A legal doctrine that allows a person to seek equitable relief from future probable harm to a specific right or interest. [Cases: Equity 17. C.J.S. Equity § 55.]

“A second class of cases where equity courts act to prevent injury are known as ‘quia timet’ cases. The name comes from the two Latin words, once used when asking relief in this class of cases; the words mean, ‘whereas he fears’ that some injury will be inflicted in the future unless the court of equity assists him in advance, the plaintiff asks the assistance of the court to do this, that, or the other thing with respect to the defendant.” Charles Herman Kinnane, *A First Book on Anglo-American Law* 648 (2d ed. 1952).

“Quia timet is the right to be protected against anticipated future injury that cannot be prevented by the present action. The doctrine of ‘quia timet’ permits equitable relief based on a concern over future probable injury to certain rights or interests, where anticipated future injury cannot be prevented by a present action at law, such as where there is a danger that a defense at law might be prejudiced or lost if not tried immediately.” 27A Am. Jur. 2d Equity § 93, at 581 (1996).

#### QUIA-TIMET INJUNCTION

quia-timet injunction. See INJUNCTION.

#### QUIBUS DEFICIENTIBUS

quibus deficientibus (kwib-<<schwa>>s di-fish-ee-en-ti-b<<schwa>>s). [Latin] Hist. Scots law. Who failing. • In a disposition, this phrase appeared in reference to one or more who succeeded to an estate and then died. Cf. QUIBUS NON EXISTENTIBUS .

#### QUIBUS NON EXISTENTIBUS

quibus non existentibus (kwib-<<schwa>>s non ek-si-sten-t<<schwa>>-b<<schwa>>s). [Latin] Scots law. Whom failing. • In a disposition, this phrase appeared in reference to one or more who never existed. Cf. QUIBUS DEFICIENTIBUS.

#### QUI CEDIT FORO

qui cedit foro (kwIsee-dit for-oh). [Latin] Hist. One who stops payment; one who becomes bankrupt.

#### QUICK ASSET

quick asset. See ASSET.

#### QUICK-ASSET RATIO

quick-asset ratio. The ratio between an entity's current or liquid assets (such as cash and accounts receivable) and its current liabilities. — Also termed quick ratio; acid-test ratio.

**QUICK CONDEMNATION**

quick condemnation. See CONDEMNATION.

**QUICK DISPATCH**

quick dispatch. See DISPATCH.

**QUICKENING**

quicken. The first motion felt in the womb by the mother of the fetus, usu. occurring near the middle of the pregnancy.

**QUICKIE DIVORCE**

quickie divorce. See DIVORCE.

**QUICKIE STRIKE**

quickie strike. See wildcat strike under STRIKE.

**QUICK RATIO**

quick ratio. See QUICK-ASSET RATIO.

**QUICK-TAKE**

quick-take. See quick condemnation under CONDEMNATION.

**QUID ACTUM EST**

quid actum est (kwid ak-t<<schwa>>m est). [Latin] Hist. What has been done.

**QUIDAM**

quidam (kwI-d<<schwa>>m), n. [Latin] Hist. Somebody. • This term has esp. been used in French law to designate a person whose name is unknown.

**QUID JURATUM EST**

quid juratum est (kwid juu-ray-t<<schwa>>m est). [Law Latin] Hist. What has been sworn. — Also termed quid juravit.

**QUID JURAVIT**

quid juravit. See QUID JURATUM EST.

**QUID JURIS?**

quid juris? (kwid joor-is). [Latin] Scots law. What is the law? • This question was posed in difficult cases.

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**QUID PRO QUO**

quid pro quo (kwid proh kwoh), n.[Latin “something for something”] An action or thing that is exchanged for another action or thing of more or less equal value; a substitute <the discount was given as a quid pro quo for the extra business>. See RECIPROCITY(2). Cf. CONSIDERATION. [Cases: Contracts 50. C.J.S. Contracts § 87.]

**QUID PRO QUO SEXUAL HARASSMENT**

quid pro quo sexual harassment.See SEXUAL HARASSMENT.

**QUID VALET NUNC**

quid valet nunc (kwid vay-let n<<schwa>>ngk). [Latin] Hist. What it is now worth.

**QUIET**

quiet,vb.1. To pacify or silence (a person, etc.).2. To make (a right, position, title, etc.) secure or unassailable by removing disturbing causes or disputes.

**QUIETA NON MOVERE**

quieta non movere (kwI-ee-t<<schwa>> non moh-veer-ee). [Latin] Not to unsettle things that are established. See STARE DECISIS.

**QUIETARE**

quietare (kwI-<<schwa>>-tair-ee), vb.[Law Latin] Hist. To acquit, discharge, or hold harmless. • This term was used in conveyances.

**QUIET DIPLOMACY**

quiet diplomacy.See secret diplomacy under DIPLOMACY.

**QUIETE CLAMANTIA**

quiete clamantia (kwI-ee-tee kl<<schwa>>-man-shee-<<schwa>>), n.[Law Latin] Hist. Quitclaim.

**QUIETE CLAMARE**

quiete clamare (kwI-ee-tee kl<<schwa>>-mair-ee), vb.[Law Latin] Hist. To quitclaim or renounce all pretensions of right and title.

**QUIET ENJOYMENT**

quiet enjoyment.See ENJOYMENT.

**QUIET-TITLE ACTION**

quiet-title action.See action to quiet title under ACTION.

**QUIETUS**

quietus (kwI-ee-t<<schwa>>s), adj.[Law Latin] Quit; acquitted; discharged, esp. from a debt or obligation, or from serving as an executor. • In England, this term was formerly used by the Clerk of the Pipe, in a discharge given to an accountant, usu. concluding with *abinde recessit quietus* (“hath gone quit thereof”), called *quietus est*. 2.Hist. The removal of a judge from the bench.

#### QUIETUS REDDITUS

quietus redditus (kwI-ee-t<<schwa>>s red-<<schwa>>-t<<schwa>>s). [Law Latin] See QUIT RENT.

#### QUI IMPROVIDE

qui improvide (kwI im-prov-<<schwa>>-dee). [Latin “who unforeseeably”] Hist. A supersedeas granted when a writ is erroneously sued out or wrongfully awarded.

#### QUI JUSTUS ESSE DEBET

qui justus esse debet (kwIj<<schwa>>s-t<<schwa>>s es-ee dee-bet ordeb-et). [Latin] Hist. Who is bound to be just.

#### QUINQUAGINTA DECISIONES

Quinquaginta Decisiones.See FIFTY DECISIONS.

#### QUINQUEPARTITE

quinquepartite (kwin[g]-kw<<schwa>>-pahr-tIt). [Latin “in five parts”] Hist. Consisting of five parts; divided into five parts.

#### QUINTAL

quintal (kwin-t<<schwa>>l).Hist. A weight of 100 pounds. — Also termed kintal.

#### QUINTESSENTIAL PUBLIC FORUM

quintessential public forum.See traditional public forum under PUBLIC FORUM.

#### QUINTO EXACTUS

quinto exactus (kwin-toh eg-zak-t<<schwa>>s). [Latin “exacted the fifth time”] Hist. A sheriff's return made after a defendant had been called to five county courts but failed to appear. • The county coroners then ordered that the defendant be deprived of the benefits of the law.

“And, if a non est inventus is returned upon all of them, a writ of exigent or *exigi facias* may be sued out, which requires the sheriff to cause the defendant to be proclaimed, required, or exacted, in five county courts successively, to render himself; and, if he does, then to take him, as in a *capias*: but if he does not appear, and is returned *quinto exactus*, he shall then be outlawed by the coroners of the county.” 3 William Blackstone, *Commentaries on the Laws of England* 283 (1768).

#### QUIRITARIAN



Quiritarian (kwI-r<<schwa>>-tair-ee-<<schwa>>n), adj. Roman law. (In the context of ownership, with the full right available to citizens) legal as opposed to equitable; LEGAL(3). — Also termed Quiritary. Cf. BONITARY.

#### QUI SIBI VIGILAVIT

qui sibi vigilavit (kwI sib-I vij-i-lay-vit). [Latin] Hist. Who has looked after his own interest.

#### QUIT

quit,adj. (Of a debt, obligation, or person) acquitted; free; discharged.

quit,vb.1. To cease (an act, etc.); to stop <he didn't quit stalking the victim until the police intervened>.2. To leave or surrender possession of (property) <the tenant received a notice to quit but had no intention of quitting the premises>.

#### QUI TAM ACTION

qui tam action (kwI tam). [Latin qui tam pro domino rege quam pro se ipso in hac parte sequitur “who as well for the king as for himself sues in this matter”] An action brought under a statute that allows a private person to sue for a penalty, part of which the government or some specified public institution will receive. — Often shortened to qui tam (Q.T.). — Also termed popular action. See FALSE CLAIMS ACT. [Cases: United States 122. C.J.S. United States §§ 212–215, 242, 272.]

#### QUITCLAIM

quitclaim,n.1. A formal release of one's claim or right. 2. See quitclaim deed under DEED.

quitclaim,vb.1. To relinquish or release (a claim or right).2. To convey all of one's interest in (property), to whatever extent one has an interest; to execute a quitclaim deed. [Cases: Deeds 25, 121. C.J.S. Deeds §§ 17, 261.]

#### QUITCLAIM DEED

quitclaim deed.See DEED.

#### QUIT RENT

quit rent.Hist. A payment to a feudal lord by a freeholder or copyholder, so called because upon payment the tenant goes “quit and free” (discharged) of all other services. — Also spelled quitrent. — Also termed quietus redditus.

#### QUITTANCE

quittance. 1. A release or discharge from a debt or obligation. 2. The document serving as evidence of such a release. See ACQUITTANCE.

#### QUI UTUNTUR COMMUNI JURE GENTIUM

qui utuntur communi jure gentium (kwI yoo-t<<schwa>>n-t<<schwa>>r <<schwa>>-myoo-nIjoor-ee jen-shee-<<schwa>>m). [Law Latin] Hist. Those who use the

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common law of nations; those who conform to international law.

**QUOAD**

quoad (kwoh-ad). [Latin] As regards; with regard to <with a pledge, the debtor continues to possess quoad the world at large>.

**QUOAD CIVILIA**

quoad civilia (kwoh-ad s<<schwa>>-vil-ee-<<schwa>>). [Latin] Hist. With regard to civil rights and benefits.

**QUOAD CREDITOREM**

quoad creditorem (kwoh-ad kred-i-tor-<<schwa>>m). [Latin] Hist. With regard to the creditor.

**QUOAD DEBITOREM**

quoad debitorem (kwoh-ad deb-i-tor-<<schwa>>m). [Latin] Hist. With regard to the debtor.

**QUOAD EXCESSUM**

quoad excessum (kwoh-ad ek-ses-<<schwa>>m). [Latin] Hist. With regard to the excess.

“Where a husband makes a postnuptial provision in favour of his wife commensurate with his circumstances and natural duty, it is not subject to revocation by him as a donation. But if the provision be immoderate, it may be revoked quoad excessum, in so far as it is excessive.” John Trayner, *Trayner's Latin Maxims* 525–26 (4th ed. 1894).

**QUOAD FISCUM**

quoad fiscum (kwoh-ad fis-k<<schwa>>m). [Latin] Hist. With regard to the fisc; as regards the Crown's rights.

**QUOAD HOC**

quoad hoc (kwoh-ad hok). [Latin] As to this; with respect to this; so far as this is concerned. • A prohibition quoad hoc is a prohibition of certain things among others, such as matters brought in an ecclesiastical court that should have been brought in a temporal court.

**QUOAD MARITUM**

quoad maritum (kwoh-ad m<<schwa>>-rI-t<<schwa>>m). [Latin] Hist. With regard to the husband.

**QUOAD MOBILIA**

quoad mobilia (kwoh-ad moh-bil-ee-<<schwa>>). [Latin] Hist. With regard to movable property.

**QUOAD NON EXECUTA**

quoad non executata (kwoh-ad non ek-s<<schwa>>-kyoo-t<<schwa>>). [Law Latin] Scots law. With regard to the acts not done. • A second executor may be appointed quoad non executata upon the death of the first.

#### QUOAD POTEST

quoad potest (kwoh-ad poh-test). [Latin] Hist. Insofar as one is able.

#### QUOAD RELIQUUM

quoad reliquum (kwoh-ad rel-<<schwa>>-kw<<schwa>>m). [Latin] Hist. With regard to the remainder.

“When a debtor, in an action brought against him by his creditor, pleads compensation to a certain extent of the debt sued for, quoad the sum due to him ... the creditor's right of action falls; but quoad reliquum, after making deduction of the sum pled in compensation, the creditor's right of action remains.” John Trayner, *Trayner's Latin Maxims* 526 (4th ed. 1894).

#### QUOAD SACRA

quoad sacra (kwoh-ad say-kr<<schwa>>). [Latin] As to sacred things; for religious purposes. • This term often referred to property that was located so far from the parish to which it belonged that it was annexed quoad sacra to another parish, allowing the inhabitants to attend the closer parish's services. But the land continued to belong to the original parish for all civil purposes.

#### QUOAD ULTRA

quoad ultra (kwoh-ad <<schwa>>l-tr<<schwa>>). [Law Latin] Hist. With regard to the rest. • This reference was commonly used in pleading when a defendant admitted part of the plaintiff's claim and quoad ultra denied it.

#### QUOAD VALET SEIPSUM

quoad valet seipsum (kwoh-ad vay-let see-ip-s<<schwa>>m). [Latin] Hist. With regard to its real value.

#### QUOAD VALOREM

quoad valorem (kwoh-ad v<<schwa>>-lor<<schwa>>m). [Latin] Hist. With regard to the value.

#### QUO ANIMO

quo animo (kwoh an-<<schwa>>-moh), adv.[Latin] With what intention or motive. See ANIMUS.

#### QUOCUMQUE MODO VELIT, QUOCUMQUE MODO POSSIT

quocumque modo velit, quocumque modo possit (kwoh-k<<schwa>>m-kwee moh-doh vel-it, kwoh-k<<schwa>>m-kwee moh-doh pahs-it). [Latin] In any way he wishes; in any way he can.

#### QUODAMMODO JURISDICTIONIS VOLUNTARIAE

quodammodo jurisdictionis voluntariae (kwoh-dam-<<schwa>>-doh joor-is-dik-shee-oh-nis vol-<<schwa>>n-tair-ee-ee). [Law Latin] Hist. Belonging in some measure to voluntary jurisdiction.

#### QUOD BILLA CASSETUR

quod billa cassetur (kwod bil-<<schwa>> k<<schwa>>-see-t<<schwa>>r), n.[Latin “that the bill be quashed”] The common-law form of a judgment sustaining a plea in abatement that proceeds from a bill instead of an original writ. See CASSETUR BILLA.

#### QUOD CLERICI NON ELIGANTUR IN OFFICIO BALLIVI, ETC

quod clerici non eligantur in officio ballivi, etc.(kwod kler-<<schwa>>-sI non el-<<schwa>>-gan-t<<schwa>>r in <<schwa>>-fish-ee-oh bal-II-vI), n.[Law Latin “that clerks are not chosen in the office of a bailiff, etc.”] Hist. A writ exempting a clerk, who was to be appointed as a bailiff, beadle, reeve, or other officer, from serving in the office.

#### QUOD COMPUTET

quod computet (kwod kom-py<<schwa>>-tet). [Law Latin “that he account”] The first judgment in an action of account, requiring the defendant to give an accounting before auditors. — Also termed judgment quod computet.

“In this action, if the plaintiff succeeds, there are two judgments: the first is, that the defendant do account (quod computet) before auditors appointed by the court; and, when such account is finished, then the second judgment is, that he do pay the plaintiff so much as he is found in arrear.” 3 William Blackstone, Commentaries on the Laws of England 163 (1768).

#### QUOD CUM

quod cum (kwod k<<schwa>>m). [Law Latin] For that; whereas. • In common-law pleading, this phrase introduced explanations for the claims alleged, as in assumpsit actions.

#### QUOD EI DEFORCEAT

quod ei deforceat (kwod ee-I di-for-see-<<schwa>>t), n.[Law Latin “that he deforces him”] Hist. A writ allowed by St. Westm. 2, 13 Edw., ch. 4 for the owners of a particular estate (such as a life estate or fee tail) who had lost land unwittingly by default in a possessory action. • Up to that time, only owners in fee simple could recover property after such a default.

#### QUOD ERAT DEMONSTRANDUM

quod erat demonstrandum (kwod er-<<schwa>>t dem-<<schwa>>n-stran-d<<schwa>>m). See Q.E.D.

#### QUOD ERAT FACIENDUM

quod erat faciendum (kwod er-<<schwa>>t fay-shee-en-d<<schwa>>m). See Q.E.F.

#### QUOD FUIT CONCESSUM

quod fuit concessum (kwod f[y]oo-it k<<schwa>>n-ses-<<schwa>>m). [Law Latin] Which was granted. • This phrase was used in old reports to indicate that an argument or point made by counsel was approved or allowed by the court.

#### QUOD JUSSU

quod jussu (kwod j<<schwa>>s-[y]oo). [Latin “which was done by order”] Roman law. See actio quod jussu under ACTIO.

#### QUOD NON FUT NEGATUM

quod non fuit negatum (kwod non f[y]oo-it ni-gay-t<<schwa>>m). [Law Latin] Hist. Which was not denied. • This phrase usu. signifies that an argument or proposal is not denied or controverted by the court.

#### QUOD NOTA

quod nota (kwod noh-t<<schwa>>). [Latin] Hist. Which note; which mark. • This is a reporter's note directing attention to a point or rule.

#### QUOD PARTES REPLACITENT

quod partes replacitent (kwod pahr-teez ri-plas-i-t<<schwa>>nt), n.[Law Latin “that the parties do plead”] Hist. The judgment ordering replader when an issue is formed on so immaterial a point that the court does not know for whom to give a judgment. • The parties must then reconstruct their pleadings.

#### QUOD PARTITIO FIAT

quod partitio fiat (kwod pahr-tish-ee-oh fi-<<schwa>>t). [Latin “that partition be made”] Hist. In a partition suit, a judgment granting the partition.

#### QUOD PERMITTAT

quod permittat (kwod p<<schwa>>r-mit-it), n.[Latin “that he permit”] Hist. A writ to prevent an interference in the exercise of a right, such as a writ for the heir of someone disseised of a common of pasture against the heir of the disseisor.

#### QUOD PERMITTAT PROSTERNERE

quod permittat prosternere (kwod p<<schwa>>r-mit-it proh-st<<schwa>>r-n<<schwa>>-ree), n.[Law Latin “that he permit to abate”] Hist. A writ to abate a nuisance, similar in nature to a petition of right. • This writ was abolished by the Real Property Limitation Act of 1833.

“This is a writ commanding the defendant to permit the plaintiff to abate, quod permittat prosternere, the nuisance complained of; and, unless he so permits, to summon him to appear in court, and shew cause why he will not. And this writ lies as well for the alienee of the party first injured, as against the alienee of the party first injuring; as hath been determined by all the judges. And the plaintiff shall have judgment herein to abate the nuisance, and to recover damages against the defendant.” 3 William Blackstone, Commentaries on the Laws of England 222 (1768).

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**QUOD RECUPERET**

quod recuperet (kwod ri-k[y]oo-p<<schwa>>r-it), n.[Law Latin “that he do recover”] Hist. The ordinary judgment for a plaintiff in an action at law. • The judgment might be either final or interlocutory depending on whether damages had been ascertained at the time the judgment was rendered. — Also termed judgment quod recuperet.

**QUOD SI CONTINGAT**

quod si contingat (kwod sI kon-ting-at). [Law Latin] Hist. That if it happen. • These words were used to create a condition in a deed.

**QUOD VIDE**

quod vide (kwod vI-dee orvee-day). See Q.V.

**QUOD VOLUIT NON DIXIT**

quod voluit non dixit (kwod vol-yoo-it non dik-sit). [Latin] Hist. That he did not say what he intended. • This phrase was sometimes used in an argument concerning the intention of a lawmaker or testator.

**QUO JURE**

quo jure (kwoh joor-ee). [Law Latin “by what right”] Hist. A writ for someone holding land to which another claimed a common, to compel the latter to prove title.

**QUOMINUS**

quominus (kwoh-m<<schwa>>-n<<schwa>>s or kwoh-mI-n<<schwa>>s). [Latin quo minus “by which the less”] Hist. A 14th-century Exchequer writ alleging that the plaintiff had lent the defendant a sum of money and that the plaintiff was unable to repay a debt of similar amount to the Crown because of the debt to the defendant. • In effect, the plaintiff pleaded the fiction that he was a debtor of the king who could not repay that debt because of the defendant's failure to repay him. — Also termed writ of quominus.

“[W]hat in the beginning had been permitted as a means of collecting the royal revenue came in the end to be nothing more or less than permitting any citizen to sue in the court of the king in order to collect a private debt. The old pretense that the matter concerned the royal revenue had to be kept up, and accordingly A had to allege that he was ‘less able’ to pay the king when his debtors would not pay him. But everyone, even the court itself, recognized this as a mere fiction, and that since the suit was in fact between A and B, B was not permitted to bring in other matters, such for example as a defense on the ground that A did not actually owe any taxes to the crown. This fiction came to be known as the ‘quo minus’ fiction, because these were the Latin words used in the litigation, which meant that A was ‘less able’ to pay the king.” Charles Herman Kinnane, *A First Book on Anglo-American Law* 265–66 (2d ed. 1952).

**QUOMODO CONSTAT**

quomodo constat (kwoh-m<<schwa>>-doh kon-stat). [Latin] Hist. As it appears (from the

record, the pleadings, etc.).

#### QUOMODO DESIIT POSSIDERE

quomodo desiit possidere (kwoh-m<<schwa>>-doh des-ee-it pos-<<schwa>>-dee-ree). [Law Latin] Scots law. In what way he ceased to possess. • In an action to reclaim possession, the plaintiff was required to prove previous possession and quomodo desiit possidere (as by theft, etc.).

#### QUONDAM

quondam (kwon-d<<schwa>>m), adj. Having been formerly; former <the quondam ruler>.

quondam,n. Archaic. A person who once held an office or a position, esp. one who was involuntarily removed or deposed.

#### QUORUM

quorum,n. Parliamentary law. The minimum number of members (usu. a majority of all the members) who must be present for a deliberative assembly to legally transact business. Pl. quorums.[Cases: Courts 101. C.J.S. Courts § 137.]

constituency-based quorum.See interest-based quorum.

disappearing quorum.A quorum whose presence may be more presumptive than actual. See presumption of a quorum under PRESUMPTION.

interest-based quorum.A quorum determined according to the presence or representation of various constituencies. — Also termed constituency-based quorum.

notice-based quorum.A quorum determined according to how far in advance of the meeting its call was circulated. • Under a notice-based quorum, the later the call gets sent out, the larger the quorum grows.

proportional quorum.A quorum calculated with reference to some defined or assumed set, usu. either the number of seats (including vacancies) or the number of sitting members (excluding vacancies).

registration-based quorum.A quorum determined according to how many members have checked in at the meeting, either at some fixed time or throughout the time since the meeting began.

#### QUORUM BONORUM

quorum bonorum (kwor-<<schwa>>m b<<schwa>>-nor-<<schwa>>m). [Latin] Roman law. A praetorian interdict by which a person was allowed to take possession of an estate. See BONORUM POSSESSIO CONTRA TABULAS.

#### QUORUM CALL

quorum call.See CALL(1).

## QUORUMLESS

quorumless,adj. Lacking a quorum. — quorumlessness,n.

## QUORUM USUS CONSISTIT IN ABUSU

quorum usus consistit in abusu (kwor-*<<schwa>>*m yoo-s*<<schwa>>*s [oryoo-z*<< schwa>>*s] k*<<schwa>>*n-sis-tit in *<<schwa>>*-byoo-s[y]oo). [Law Latin] Scots law. The use of which consists in consuming them. • The phrase appeared in reference to fungibles.

## QUOT

quot.Hist. Scots law. Formerly, the 20th part of an estate's movables, calculated before the decedent's debts are paid, owed to the bishop of the diocese.

## QUOTA

quota. 1. A proportional share assigned to a person or group; an allotment <the university's admission standards included a quota for in-state residents>. [Cases: Colleges and Universities 9.15. C.J.S. Colleges and Universities § 30.] 2. A quantitative restriction; a minimum or maximum number <Faldo met his sales quota for the month>.

export quota.A restriction on the products that can be sold to foreign countries. • In the United States, export quotas can be established by the federal government for various purposes, including national defense, price support, and economic stability.

import quota.A restriction on the volume of a certain product that can be brought into the country from a foreign country. • In the United States, the President may establish a quota on an item that poses a threat of serious injury to a domestic industry.

## QUOT ARTICULI TOT LIBELLI

quot articuli tot libelli (kwot ahr-tik-y*<<schwa>>*-II taht li-bel-I). [Law Latin] Hist. As many points of dispute as libels.

## QUOTATION

quotation. 1. A statement or passage that is exactly reproduced, attributed, and cited. 2. The amount stated as a stock's or commodity's current price.

market quotation.The most current price at which a security or commodity trades. [Cases: Exchanges 13.]

3. A contractor's estimate for a given job. — Sometimes shortened to quote. [Cases: Contracts 229(1). C.J.S. Contracts § 379.]

## QUOT GENERATIONES TOT GRADUS

quot generationes tot gradus (kwot jen-*<<schwa>>*-ray-shee-oh-neeZ taht gray-d*<< schwa>>*s). [Law Latin] Hist. As many generations as degrees (of relationship). • The phrase



appeared in reference to degrees of relationship.

#### QUOTIENT VERDICT

quotient verdict. See VERDICT.

#### QUOUSQUE

quousque (kwoh-*<<schwa>>*s-kwee). [Latin] Hist. As long as; how long; until; how far. • This term was used in conveyances as a limitation.

#### QUOVIS MODO

quovis modo (kwoh-vis moh-doh). [Latin] In whatever manner.

#### QUOVIS TEMPORE

quovis tempore (kwoh-vis tem-p*<<schwa>>*-ree). [Latin] Hist. At whatever time.

#### QUO WARRANTO

quo warranto (kwoh w*<<schwa>>*-ran-toh also kwoh wahr-*<<schwa>>*n-toh). [Law Latin “by what authority”] 1. A common-law writ used to inquire into the authority by which a public office is held or a franchise is claimed. — Also termed writ of quo warranto. [Cases: Quo Warranto 9. C.J.S. Quo Warranto §§ 14, 16–20.] 2. An action by which the state seeks to revoke a corporation's charter. • The Federal Rules of Civil Procedure 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 therefore conformed to the practice in civil actions.” Fed. R. Civ. P. 81(a)(2). [Cases: Quo Warranto 15. C.J.S. Quo Warranto §§ 30–33.]

“There are two modes of proceeding judicially to ascertain and enforce the forfeiture of a charter for default or abuse of power. The one is by scire facias; and that process is proper where there is a legal existing body, capable of acting, but who have abused their power. The other mode is by information in the nature of a quo warranto; which is in form a criminal, and in its nature a civil remedy; and that proceeding applies where there is a body corporate de facto only, but who take upon themselves to act, though, from some defect in their constitution, they cannot legally exercise their powers. Both these modes of proceeding are at the instance of and on behalf of the government. The state must be a party to the prosecution, for the judgment is that the parties be ousted, and the franchises seized into the hands of the government.” 2 James Kent, Commentaries on American Law \*313 (George Comstock ed., 11th ed. 1866).

“Quo warranto means ‘by what warrant?’ — or authority? — and was a proceeding to inquire whether authority existed to justify or authorize certain acts of a public character or interest. Originally the proceeding of quo warranto was a criminal one instituted by the crown, the purpose of which was to find out, in the course of a formal inquiry, whether or not persons or corporations were exercising a privilege or franchise illegally, or if persons who had no right to do so were occupying some public office. If it were found that the person or corporation was in fact illegally interfering with the prerogative power of the crown, or was in fact doing some other illegal act, it was ousted from the illegal practice or office. Accordingly, it can be seen at once that the

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proceeding on quo warranto was not one to be used by private parties in the conduct of ordinary litigation.” Charles Herman Kinnane, *A First Book on Anglo-American Law* 662 (2d ed. 1952).

Q.V.

q.v.abbr.[Latin quod vide] Which see — used in non-Bluebook citations for cross-referencing.  
Pl. qq.v.