

## V.

**V.** As an abbreviation, this letter may stand for "Victoria," "volume," or "verb;" also "*vide*" (see) and "*voce*" (word.)

It is also a common abbreviation of "*versus*," in the titles of causes, and reported cases.

**V. C.** An abbreviation for "vice-chancellor."

**V. C. C.** An abbreviation for "vice-chancellor's court."

**V. E.** An abbreviation for "*ventidioni exponas*," (*q. v.*)

**V. G.** An abbreviation for "*verbi gratia*," for the sake of example.

**VACANCY.** A place which is empty. The term is principally applied to an interruption in the incumbency of an office.

The term "vacancy" applies not only to an interregnum in an existing office, but it aptly and fitly describes the condition of an office when it is first created, and has been filled by no incumbent. 89 Pa. St. 426.

**VACANT POSSESSION.** An estate which has been abandoned, vacated, or forsaken by the tenant.

**VACANT SUCCESSION.** A succession is called "vacant" when no one claims it, or when all the heirs are unknown, or when all the known heirs to it have renounced it. Civil Code La. art. 1095.

**VACANTIA BONA.** Lat. In the civil law. Goods without an owner, or in which no one claims a property; escheated goods. Inst. 2, 6, 4; 1 Bl. Comm. 298.

**VACATE.** To annul; to cancel or rescind; to render an act void; as, to vacate an entry of record, or a judgment.

**VACATIO.** Lat. In the civil law. Exemption; immunity; privilege; dispensation; exemption from the burden of office. Calvin.

**VACATION.** That period of time between the end of one term of court and the beginning of another.

Vacation also signifies, in ecclesiastical law, that a church or benefice is vacant; *e. g.*, on the death or resignation of the incumbent, until his successor is appointed. 2 Inst. 359; Phillim. Ecc. Law, 495.

**VACATUR.** In practice. A rule or order by which a proceeding is vacated; a vacating.

**VACATURA.** An avoidance of an ecclesiastical benefice. Cowell.

**VACCARIA.** In old English law. A dairy-house. Co. Litt. 5*b*.

**VACCINATION.** Inoculation with the cow-pox. The English statute 30 & 31 Vict. c. 84, § 16, requires the vaccination of every child born in England, within three months of its birth.

**VACUA POSSESSIO.** The vacant possession, *i. e.*, free and unburdened possession, which (*e. g.*) a vendor had and has to give to a purchaser of lands.

**VACUUS.** Lat. In the civil law. Empty; void; vacant; unoccupied. Calvin.

**VADES.** Lat. In the civil law. Pledges; sureties; bail; security for the appearance of a defendant or accused person in court. Calvin.

**VADIARE DUELLUM.** L. Lat. In old English law. To wage or gage the *duellum*; to wage battel; to give pledges mutually for engaging in the trial by combat.

**VADIMONIUM.** Lat. In Roman law. Bail or security; the giving of bail for appearance in court; a recognizance. Calvin.

**VADIUM.** Lat. A pledge; security by pledge of property.

**VADIUM MORTUUM.** A mortgage or *dead pledge*; a security given by the borrower of a sum of money, by which he grants to the lender an estate in fee, on condition that, if the money be not repaid at the time appointed, the estate so put in pledge shall continue to the lender as dead or gone from the mortgagor. 2 Bl. Comm. 157.

**VADIUM PONERE.** To take bail for the appearance of a person in a court of justice. Tomlins.

**VADIUM VIVUM.** A species of security by which the borrower of a sum of money made over his estate to the lender until he had received that sum out of the issues and profits of the land. It was so called because neither the money nor the lands were lost, and were not left in dead pledge, but

**N** this was a *living* pledge, for the profits of the land were constantly paying off the debt. Litt. § 206; 1 Pow. Mortg. 3; Termes de la Ley.

**O** **VADLET.** In old English law. The king's eldest son; hence the valet or knave follows the king and queen in a pack of cards. Bar. Obs. St. 344.

**P** **VADUM.** In old records, a ford, or wading place. Cowell.

**VAGABOND.** One that wanders about, and has no certain dwelling; an idle fellow. Jacob.

**Q** Vagabonds are described in old English statutes as "such as wake on the night and sleep on the day, and haunt customable taverns and ale-houses and routs about; and no man wot from whence they came, nor whither they go." 4 Bl. Comm. 169.

**R** **Vagabundum nuncupamus eum qui nullibi domicilium contraxit habitationis.** We call him a "vagabond" who has acquired nowhere a domicile of residence. Phillim. Dom. 23, note.

**S** **VAGRANT.** A wandering, idle person; a strolling or sturdy beggar. A general term, including, in English law, the several classes of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues. 4 Steph. Comm. 308, 309.

**U** **VAGRANT ACT.** In English law. The statute 5 Geo. IV. c. 83, which is an act for the punishment of idle and disorderly persons. 2 Chit. St. 145.

**V** **VALE.** In Spanish law. A promissory note. White, New Recop. b. 3, tit. 7, c. 5, § 3.

Valeat quantum valere potest. It shall have effect as far as it can have effect. Cowp. 600; 4 Kent, Comm. 493; Shep. Touch. 87.

**VALEC, VALECT, or VADELET.** In old English law. A young gentleman; also a servitor or gentleman of the chamber. Cowell.

**VALENTIA.** The value or price of anything.

**VALESHERIA.** In old English law. The proving by the kindred of the slain, one on the father's side, and another on that of the mother, that a man was a Welshman. Wharton.

**VALET,** was anciently a name denoting young gentlemen of rank and family,

but afterwards applied to those of lower degree, and is now used for a menial servant, more particularly occupied about the person of his employer. Cab. Lawy. 800.

**VALID.** Of binding force. A deed, will, or other instrument, which has received all the formalities required by law, is said to be valid.

**VALIDITY.** This term is used to signify legal sufficiency, in contradistinction to mere regularity. "An official sale, an order, judgment, or decree may be regular,—the whole practice in reference to its entry may be correct,—but still invalid, for reasons going behind the regularity of its forms." 1 Flip. 487.

**VALOR BENEFICIORUM.** L. Lat. The value of every ecclesiastical benefice and preferment, according to which the first fruits and tenths are collected and paid. It is commonly called the "king's books," by which the clergy are at present rated. 2 Steph. Comm. 533; Wharton.

**VALOR MARITAGII.** Lat. Value of the marriage. In feudal law, the guardian in chivalry had the right of tendering to his infant ward a suitable match, without "disparagement," (inequality,) which, if the infants refused, they forfeited the value of the marriage (*valor maritagi*) to their guardian; that is, so much as a jury would assess, or any one would *bona fide* give, to the guardian for such an alliance. 2 Bl. Comm. 70; Litt. § 110.

A writ which lay against the ward, on coming of full age, for that he was not married, by his guardian, for the *value of the marriage*, and this though no convenient marriage had been offered. Termes de la Ley.

**VALUABLE CONSIDERATION.** The distinction between a *good* and a *valuable* consideration is that the former consists of blood, or of natural love and affection; as when a man grants an estate to a near relation from motives of generosity, prudence, and natural duty; and the latter consists of such a consideration as money, marriage which is to follow, or the like, which the law esteems an equivalent given for the grant. 2 Bl. Comm. 297.

A valuable consideration is a thing of value parted with, or a new obligation assumed, at the time of obtaining a thing, which is a substantial compensation for that which is obtained thereby. It is also called simply "value." Civil Code Dak. § 2121.

**VALUATION.** The act of ascertaining the worth of a thing. The estimated worth of a thing.

**VALUATION LIST.** In English law. A list of all the ratable hereditaments in a parish, showing the names of the occupier, the owner, the property, the extent of the property, the gross estimated rental, and the ratable value; prepared by the overseers of each parish in a union under section 14 of the union assessment committee act, 1862, (St. 25 & 26 Vict. c. 103,) for the purposes of the poor rate. Wharton.

**VALUE.** The utility of an object in satisfying, directly or indirectly, the needs or desires of human beings, called by economists "value in use;" or its worth consisting in the power of purchasing other objects, called "value in exchange." Also the estimated or appraised worth of any object of property, calculated in money.

The term is also often used as an abbreviation for "valuable consideration," especially in the phrases "purchaser for value," "holder for value," etc.

**VALUE RECEIVED.** A phrase usually employed in a bill of exchange or promissory note, to denote that a consideration has been given for it.

**VALUED POLICY.** A policy is called "valued," when the parties, having agreed upon the value of the interest insured, in order to save the necessity of further proof have inserted the valuation in the policy, in the nature of liquidated damages. 1 Duer, Ins. 97.

**VALUER.** A person whose business is to appraise or set a value upon property.

**VALVASORS, or VIDAMES.** An obsolete title of dignity next to a peer. 2 Inst. 667; 2 Steph. Comm. 612.

*Vana est illa potentia quæ nunquam venit in actum.* That power is vain [idle or useless] which never comes into action, [which is never exercised.] 2 Coke, 51.

*Vani timores sunt æstimandi, qui non cadunt in constantem virum.* Those are to be regarded as idle fears which do not affect a steady [firm or resolute] man. 7 Coke, 27.

*Vani timoris justa excusatio non est.* A frivolous fear is not a legal excuse. Dig. 50, 17, 184; 2 Inst. 483.

**VANTARIUS.** L. Lat. In old records. A fore-footman. Spelman; Cowell.

**VARDA.** In old Scotch law. Ward; custody; guardianship. Answering to "warda," in old English law. Spelman.

**VARENNA.** In old Scotch law. A warren. Answering to "warena," in old English law. Spelman.

**VARIANCE.** In pleading and practice. A discrepancy or disagreement between two instruments or two steps in the same cause, which ought by law to be entirely consonant. Thus, if the evidence adduced by the plaintiff does not agree with the allegations of his declaration, it is a variance; and so if the statement of the cause of action in the declaration does not coincide with that given in the writ.

**VARRANTIZATIO.** In old Scotch law. Warranty.

**VAS.** Lat. In the civil law. A pledge; a surety; bail or surety in a criminal proceeding or civil action. Calvin.

**VASSAL.** In feudal law. A feudal tenant or grantee; a feudatory; the holder of a fief on a feudal tenure, and by the obligation of performing feudal services. The correlative term was "lord."

**VASSALAGE.** The state or condition of a vassal.

**VASSELERIA.** The tenure or holding of a vassal. Cowell.

**VASTUM.** L. Lat. A waste or common lying open to the cattle of all tenants who have a right of commoning. Cowell.

**VASTUM FORESTÆ VEL BOSCI.** In old records. Waste of a forest or wood. That part of a forest or wood wherein the trees and underwood were so destroyed that it lay in a manner waste and barren. Paroch. Antiq. 351, 497; Cowell.

**VAUDERIE.** In old European law. Sorcery; witchcraft; the profession of the Vaudois.

**VAVASORY.** The lands that a vavasour held. Cowell.

**VAVASOUR.** One who was in dignity next to a baron. Britt. 109; Bract. lib. 1, c. 8. One who held of a baron. Enc. Brit.

**VEAL-MONEY.** The tenants of the manor of Bradford, in the county of Wilts, paid a yearly rent by this name to their lord,

**N** in lieu of veal paid formerly in kind. Whar-  
ton.

**VECORIN.** In old Lombardic law. The  
offense of stopping one on the way; fore-  
stalling. Spelman.

**O** **VECTIGAL JUDICIARIUM.** Lat.  
Fines paid to the crown to defray the ex-  
penses of maintaining courts of justice. 3  
**P** Salk. 33.

Vectigal, origine ipsa, jus Cæsarum  
et regum patrimoniale est. Dav. 12.  
Tribute, in its origin, is the patrimonial  
right of emperors and kings.

**Q** **VECTIGALIA.** In Roman law. Cus-  
toms-duties; taxes paid upon the importation  
or exportation of certain kinds of merchan-  
dise. Cod. 4, 61.

**R** **VECTURA.** In maritime law. Freight.

**S** **VEHICLE.** The word "vehicle" includes  
every description of carriage or other artifi-  
cial contrivance used, or capable of being  
used, as a means of transportation on land.  
Rev. St. U. S. § 4.

**VEHMGERICHT.** See FEHMGERICHT.

**T** **VEIES.** L. Fr. Distresses forbidden to  
be replevied; the refusing to let the owner  
have his cattle which were distrained. Kel-  
ham.

**U** **VEJOURS.** Viewers; persons sent by  
the court to take a view of any place in ques-  
tion, for the better decision of the right. It  
signifies, also, such as are sent to view those  
that *essoïn* themselves *de malo lecti*, (*i. e.*,  
excuse themselves on ground of illness)  
whether they be in truth so sick as that they  
cannot appear, or whether they do counter-  
feit. Cowell.

**V** **VELABRUM.** In old English law. A  
toll-booth. Cro. Jac. 122.

**VELITIS JUBEATIS QUIRITES?**  
Lat. Is it your will and pleasure, Romans?  
The form of proposing a law to the Roman  
people. Tayl. Civil Law, 155.

Velle non creditur qui obsequitur im-  
perio patris vel domini. He is not pre-  
sumed to consent who obeys the orders of his  
father or his master. Dig. 50, 17, 4.

**VELTRARIA.** The office of dog-leader,  
or courser. Cowell.

**VELTRARIUS.** One who leads grey-  
hounds. Blount.

**VENAL.** Something that is bought;  
capable of being bought; offered for sale;  
mercenary. Used in an evil sense, such pur-  
chase or sale being regarded as corrupt and  
illegal.

**VENARIA.** Beasts caught in the woods  
by hunting.

**VENATIO.** Hunting. Cowell.

**VEND.** To sell; to transfer the owner-  
ship of an article to another for a price in  
money. The term is not commonly applied  
to the sale of real estate, although its deriva-  
tives "vendor" and "vendee" are.

**VENDEE.** A purchaser or buyer; one to  
whom anything is sold. Generally used of the  
transferee of real property, one who acquires  
chattels by sale being called a "buyer."

Vendens eandem rem duobus falsarius  
est. He is fraudulent who sells the same  
thing twice. Jenk. Cent. 107.

**VENDIBLE.** Fit or suitable to be sold;  
capable of transfer by sale; merchantable.

**VENDITÆ.** In old European law. A  
tax upon things sold in markets and public  
fairs. Spelman.

**VENDITIO.** Lat. In the civil law. In a  
strict sense, sale; the act of selling; the con-  
tract of sale, otherwise called "*emptio  
venditio*." Inst. 3, 24. Calvin.

In a large sense. Any mode or species  
of alienation; any contract by which the  
property or ownership of a thing may be  
transferred. Id.

**VENDITION.** Sale; the act of selling.

**VENDITIONI EXPONAS.** Lat. You  
expose to sale. This is the name of a writ  
of execution, requiring a sale to be made,  
directed to a sheriff when he has levied upon  
goods under a *feri facias*, but returned  
that they remained unsold for want of buy-  
ers; and in some jurisdictions it is issued to  
cause a sale to be made of lands, seized  
under a former writ, after they have been  
condemned or passed upon by an inquisition.  
Frequently abbreviated to "*vend. ex.*"

**VENDITOR.** Lat. A seller; a vendor.  
Inst. 3, 24; Bract. fol. 41.

**VENDITOR REGIS.** In old English  
law. The king's seller or salesman; the  
person who exposed to sale those goods and  
chattels which were seized or distrained to  
answer any debt due to the king. Cowell.

**VENDITRIX.** Lat. A female vendor. Cod. 4, 51, 8.

**VENDOR.** The person who transfers property by sale, particularly real estate, "seller" being more commonly used for one who sells personalty.

He is the vendor who negotiates the sale, and becomes the recipient of the consideration, though the title comes to the vendee from another source, and not from the vendor. 53 Miss. 685.

**VENDOR AND PURCHASER ACT.** The act of 37 & 38 Vict. c. 78, which substitutes forty for sixty years as the root of title, and amends in other ways the law of vendor and purchaser. Mozley & Whitley.

**VENDOR'S LIEN.** A lien for purchase money remaining unpaid, allowed in equity to the vendor of land, when the statement of receipt of the price in the deed is not in accordance with the fact.

Also, a lien existing in the unpaid vendor of chattels, the same remaining in his hands, to the extent of the purchase price, where the sale was for cash, or on a term of credit which has expired, or on an agreement by which the seller is to retain possession. 1 Pars. Cont. 563; 93 U. S. 631.

**VENDUE.** A sale; generally a sale at public auction; and more particularly a sale so made under authority of law, as by a constable, sheriff, tax collector, administrator, etc.

**VENDUE MASTER.** An auctioneer.

**VENIA.** A kneeling or low prostration on the ground by penitents; pardon.

**VENIA ÆTATIS.** A privilege granted by a prince or sovereign, in virtue of which a person is entitled to act, *sui juris*, as if he were of full age. Story, Conf. Laws, § 74.

*Veniæ facilitas incentivum est delinquendi.* 3 Inst. 236. Facility of pardon is an incentive to crime.

**VENIRE.** Lat. To come; to appear in court. This word is sometimes used as the name of the writ for summoning a jury, more commonly called a "*venire facias*."

**VENIRE FACIAS.** Lat. In practice. A judicial writ, directed to the sheriff of the county in which a cause is to be tried, commanding him that he *cause to come* before the court, on a certain day therein mentioned, twelve good and lawful men of the body of his county, qualified according to law, by whom the truth of the matter may be the better known, and who are in no wise of kin either to the plaintiff or to the defendant, to

make a jury of the country between the parties in the action, because as well the plaintiff as the defendant, between whom the matter in variance is, have put themselves upon that jury, and that he return the names of the jurors, etc. 2 Tidd, Pr. 777, 778; 3 Bl. Comm. 352.

**VENIRE FACIAS AD RESPONDENDUM.** A writ to summon a person, against whom an indictment for a misdemeanor has been found, to appear and be arraigned for the offense. A justice's warrant is now more commonly used. Archb. Crim. Pl. 81; Sweet.

**VENIRE FACIAS DE NOVO.** A fresh or new *venire*, which the court grants when there has been some impropriety or irregularity in returning the jury, or where the verdict is so imperfect or ambiguous that no judgment can be given upon it, or where a judgment is reversed on error, and a new trial awarded.

**VENIRE FACIAS JURATORES** was a judicial writ directed to the sheriff, when issue was joined in an action, commanding him to cause to come to Westminster, on such a day, twelve free and lawful men of his county by whom the truth of the matter at issue might be better known. This writ was abolished by section 104 of the common-law procedure act, 1852, and by section 105 a precept issued by the judges of assize is substituted in its place. The process so substituted is sometimes loosely spoken of as a "*venire*." Brown.

**VENIRE FACIAS TOT MATRONAS.** A writ to summon a jury of matrons to execute the writ *de ventre inspiciendo*.

**VENIREMAN.** A member of a panel of jurors; a juror summoned by a writ of *venire facias*.

**VENIT ET DEFENDIT.** In old pleading. Comes and defends. The proper words of appearance and defense in an action. 1 Ld. Raym. 117.

**VENIT ET DICIT.** In old pleading. Comes and says. 2 Salk. 544.

**VENTE.** In French law. Sale; contract of sale.

**VENTE À RÉMÉRÉ.** In French law. A conditional sale, in which the seller reserves the right to redeem or repurchase at the same price.

**VENTER, VENTRE.** The belly or womb. The term is used in law as designating the maternal parentage of children. Thus, where in ordinary phraseology we should say that A. was B.'s child by his first

**N** wife, he would be described in law as "by the first *venter*." Brown.

**O** **VENTRE INSPICIENDO.** In old English law. A writ that lay for an heir presumptive, to cause an examination to be made of the widow in order to determine whether she were pregnant or not, in cases where she was suspected of a design to bring forward a supposititious heir. 1 Bl. Comm. 456.

**Q** **VENUE.** In pleading and practice. A neighborhood; the neighborhood, place, or county in which an injury is declared to have been done, or fact declared to have happened. 3 Bl. Comm. 294.

**R** Venue also denotes the county in which an action or prosecution is brought for trial, and which is to furnish the panel of jurors. To "change the venue" is to transfer the cause for trial to another county or district.

**S** In the common-law practice, the venue is that part of the declaration in an action which designates the county in which the action is to be tried. Sweet.

**T** **VERAY.** L. Fr. True. An old form of *vrai*. Thus, *veray*, or true, *tenant*, is one who holds in fee-simple; *veray tenant by the manner*, is the same as tenant by the manner, (*q. v.*) with this difference only: that the fee-simple, instead of remaining in the lord, is given by him or by the law to another. Ham. N. P. 393, 394.

**V** **Verba accipienda sunt cum effectu, ut sortiantur effectum.** Words are to be received with effect, so that they may produce effect. Bac. Max.

**Verba accipienda sunt secundum subjectam materiam.** 6 Coke. 62. Words are to be understood with reference to the subject-matter.

**Verba æquivoca, ac in dubio sensu posita, intelliguntur digniori et potentiori sensu.** Equivocal words, and such as are put in a doubtful sense, are [to be] understood in the more worthy and effectual sense. 6 Coke, 20a.

**Verba aliquid operari debent; debent intelligi ut aliquid operentur.** 8 Coke, 94. Words ought to have some operation; they ought to be interpreted in such a way as to have some operation.

**Verba artis ex arte.** Terms of art should be explained from the art. 2 Kent, Comm. 556, note.

**VERBA CANCELLARIÆ.** Words of the chancery. The technical style of writs framed in the office of chancery. Fleta, lib. 4, c. 10, § 3.

**Verba chartarum fortius accipiuntur contra proferentem.** The words of charters are to be received more strongly against the grantor. Co. Litt. 36; Broom, Max. 594.

**Verba cum effectu accipienda sunt.** Bac. Max. 3. Words ought to be used so as to give them their effect.

**Verba currentis monetæ, tempus solutionis designant.** Dav. 20. The words "current money" designate current at the time of payment.

**Verba debent intelligi cum effectu, ut res magis valeat quam pereat.** Words ought to be understood with effect, that a thing may rather be preserved than destroyed. 2 Smith, Lead. Cas. 530.

**Verba debent intelligi ut aliquid operentur.** Words ought to be understood so as to have some operation. 8 Coke, 94a.

**Verba dicta de persona intelligi debent de conditione personæ.** Words spoken of a person are to be understood of the condition of the person. 2 Rolle, 72.

**Verba fortius accipiuntur contra proferentem.** Words are to be taken most strongly against him who uses them. Bac. Max. 11, reg. 3.

**Verba generalia generaliter sunt intelligenda.** 3 Inst. 76. General words are to be generally understood.

**Verba generalia restringuntur ad habilitatem rei vel aptitudinem personæ.** General words must be narrowed either to the nature of the subject-matter or to the aptitude of the person. Broom, Max. 646.

**Verba illata (relata) inesse videntur.** Words referred to are to be considered as if incorporated. Broom, Max. 674, 677; 11 Mees. & W. 183.

**Verba in differenti materia per prius, non per posterius, intelligenda sunt.** Words on a different subject are to be understood by what precedes, not by what comes after. A maxim of the civil law. Calvin.

**Verba intelligenda sunt in casu possibili.** Words are to be understood in [of] a possible case. A maxim of the civil law. Calvin.

**Verba intentioni, non e contra, debent inservire.** 8 Coke, 94. Words ought to be made subservient to the intent, not the intent to the words.

**Verba ita sunt intelligenda, ut res magis valeat quam pereat.** The words [of an instrument] are to be so understood, that the subject-matter may rather be of force than perish, [rather be preserved than destroyed; or, in other words, that the instrument may have effect, if possible.] Bac. Max. 17, in reg. 3; Plowd. 156; 2 Bl. Comm. 380; 2 Kent, Comm. 555.

**Verba mere æquivoca, si per communem usum loquendi in intellectu certo sumuntur, talis intellectus præferendus est.** [In the case of] words merely equivocal, if they are taken by the common usage of speech in a certain sense, such sense is to be preferred. A maxim of the civil law. Calvin.

**Verba nihil operari melius est quam absurde.** It is better that words should have no operation at all than [that they should operate] absurdly. A maxim of the civil law. Calvin.

**Verba non tam intuenda, quam causa et natura rei, ut mens contrahentium ex eis potius quam ex verbis appareat.** The words [of a contract] are not so much to be looked at as the cause and nature of the thing, [which is the subject of it,] in order that the intention of the contracting parties may appear rather from them than from the words. Calvin.

**Verba offendi possunt, imo ab eis recedere licet, ut verba ad sanum intellectum reducantur.** Words may be opposed, [taken in a contrary sense,] nay, we may disregard them altogether, in order that the [general] words [of an instrument] may be restored to a sound meaning. A maxim of the civilians. Calvin.

**Verba ordinationis quando verificari possunt in sua vera significatione, trahi ad extraneum intellectum non debent.** When the words of an ordinance can be carried into effect in their own true meaning, they ought not to be drawn to a foreign intendment. A maxim of the civilians. Calvin.

**Verba posteriora propter certitudinem addita, ad priora quæ certitudine indigent, sunt referenda.** Subsequent words, added for the purpose of certainty, are to

be referred to the preceding words which require the certainty. Wing. Max. 167, max. 53; Broom, Max. 586.

**VERBA PRECARIA.** Lat. In the civil law. Precatory words; words of trust, or used to create a trust.

**Verba pro re et subjecta materia accipi debent.** Words ought to be understood in favor of the thing and subject-matter. A maxim of the civilians. Calvin.

**Verba quæ aliquid operari possunt non debent esse superflua.** Words which can have any kind of operation ought not to be [considered] superfluous. Calvin.

**Verba, quantumvis generalia, ad aptitudinem restringantur, etiamsi nullam aliam paterentur restrictionem.** Words, howsoever general, are restrained to fitness, (*i. e.*, to harmonize with the subject-matter,) though they would bear no other restriction. Spiegelius.

**Verba relata hoc maxime operantur per referentiam, ut in eis inesse videntur.** Related words [words connected with others by reference] have this particular operation by the reference, that they are considered as being inserted in those [clauses which refer to them.] Co. Litt. 9b, 359a. Words to which reference is made in an instrument have the same effect and operation as if they were inserted in the clauses referring to them. Broom, Max. 673.

**Verba secundum materiam subjectam intelligi nemo est qui nesciat.** There is no one who does not know that words are to be understood according to their subject-matter. Calvin.

**Verba semper accipienda sunt in mitiori sensu.** Words are always to be taken in the milder sense. 4 Coke, 13a.

**Verba strictæ significationis ad latam extendi possunt, si subsit ratio.** Words of a strict or narrow signification may be extended to a broad meaning, if there be ground in reason for it. A maxim of the civilians. Calvin.

**Verba sunt indices animi.** Words are the indices or indicators of the mind or thought. Latch, 106.

**VERBAL.** Parol; by word of mouth; as, verbal agreement; verbal evidence.

**VERBAL NOTE.** A memorandum or note, in diplomacy, not signed, sent when an affair has continued a long time without any

**N** reply, in order to avoid the appearance of an urgency which perhaps is not required; and, on the other hand, to guard against the supposition that it is forgotten, or that there is an intention of not prosecuting it any further. Wharton.

**VERBAL PROCESS.** In Louisiana. *Procès verbal*, (q. v.)

**P** *Verbis standum ubi nulla ambiguitas.* One must abide by the words where there is no ambiguity. Tray. Lat. Max. 612.

**Q** *Verbum imperfecti temporis rem adhuc imperfectam significat.* The imperfect tense of the verb indicates an incomplete matter. 6 Wend. 103, 120.

**R** **VERDEROR.** An officer of the king's forest, who is sworn to maintain and keep the assizes of the forest, and to view, receive, and enroll the attachments and presentments of all manner of trespasses of vert and venison in the forest. Manw. c. 6, § 5.

**S** **VERDICT.** In practice. The formal and unanimous decision or finding of a jury, impaneled and sworn for the trial of a cause, upon the matters or questions duly submitted to them upon the trial.

**T** A verdict is the honest accord of twelve intelligent minds upon the issue submitted to them. 26 Ind. 366.

**U** The word "verdict" has a well-defined signification in law. It means the decision of a jury, and it never means the decision of a court or a referee or a commissioner. In common language, the word "verdict" is sometimes used in a more extended sense, but in law it is always used to mean the decision of a jury; and we must suppose that the legislature intended to use the word as it is used in law. 25 Kan. 656.

**V** The verdict of a jury is either *general* or *special*. A general verdict is that by which they pronounce generally upon all or any of the issues, either in favor of the plaintiff or defendant; a special verdict is that by which the jury finds the facts only, leaving the judgment to the court. The special verdict must present the conclusions of fact as established by the evidence, and not the evidence to prove them; and those conclusions of fact must be so presented as that nothing shall remain to the court but to draw from them conclusions of law. Code Civil Proc. Cal. § 624; Gen. St. Minn. 1878, c. 66, § 235.

A general verdict is that by which the jury pronounce generally upon all or any of the issues, either in favor of the plaintiff or defendant. A special verdict is that by which the jury find the facts only, leaving the judgment to the court. Code N. Y. § 260. See

28 Conn. 144; 8 Ga. 208; 1 Litt. 376; Co. Litt. 228; 4 Bl. Comm. 461.

A verdict is also either *public* or *privy*. A public verdict is one delivered in open court. It is called a "privy verdict" when the judge has left or adjourned the court, and the jury, being agreed, in order to be delivered from their confinement obtain leave to give their verdict privily to the judge out of court, which privy verdict, however, is of no force unless afterwards affirmed by a public verdict given openly in court. Boote, Suit Law, 273.

A *partial* verdict, in criminal practice, is where the jury convict the prisoner on part of the indictment, and acquit him as to the residue. Archb. Crim. Pl. 170.

**VERDICT SUBJECT TO OPINION OF COURT.** A verdict returned by the jury, the entry of judgment upon which is subject to the determination of points of law reserved by the court upon the trial.

**VEREBOT.** Sax. In old records. A packet-boat or transport vessel. Cowell.

**VEREDICTUM.** L. Lat. In old English law. A verdict; a declaration of the truth of a matter in issue, submitted to a jury for trial.

*Veredictum, quasi dictum veritatis; ut iudicium quasi juris dictum.* Co. Litt. 226. The verdict is, as it were, the *dictum* of truth; as the judgment is the *dictum* of law.

**VERGE, or VIRGE.** The compass of the queen's court, which bounds the jurisdiction of the lord steward of the household; it seems to have been twelve miles about. Britt. 68. A quantity of land from fifteen to thirty acres. 28 Edw. I. Also a stick, or rod, whereby one is admitted tenant to a copyhold estate. Old Nat. Brev. 17.

**VERGELT.** In Saxon law. A mulct or fine for a crime. See WEREGILD.

**VERGENS AD INOPIAM.** L. Lat. In Scotch law. Verging towards poverty; in declining circumstances. 2 Kames, Eq. 8.

**VERGERS.** In English law. Officers who carry white wands before the justices of either bench. Cowell. Mentioned in Fleta, as officers of the king's court, who oppressed the people by demanding exorbitant fees. Fleta, lib. 2, c. 38.

**VERIFICATION.** In pleading. A certain formula with which all pleadings con-



taining new affirmative matter must conclude, being in itself an averment that the party pleading is ready to establish the truth of what he has set forth.

In practice. The examination of a writing for the purpose of ascertaining its truth; or a certificate or affidavit that it is true.

"Verification" is not identical with "authentication." A notary may verify a mortgagee's written statement of the actual amount of his claim, but need not authenticate the act by his seal. 19 Ohio St. 291.

**VERIFY.** To confirm or substantiate by oath; to show to be true. Particularly used of making formal oath to accounts, petitions, pleadings, and other papers.

The word "verify" sometimes means to confirm and substantiate by oath, and sometimes by argument. When used in legal proceedings it is generally employed in the former sense. 3 How. Pr. 284.

*Veritas, a quocunque dicitur, a Deo est.* 4 Inst. 153. Truth, by whomsoever pronounced, is from God.

*Veritas demonstrationis tollit errorem nominis.* The truth of the description removes an error in the name. 1 Ld. Raym. 303.

*Veritas habenda est in juratore; justitia et judicium in judice.* Truth is the desideratum in a juror; justice and judgment in a judge. Bract. fol. 185b.

*Veritas nihil veretur nisi abscondi.* Truth fears nothing but to be hid. 9 Coke, 206.

*Veritas nimium altercando amittitur.* Truth is lost by excessive altercation. Hob. 344.

*Veritas, quæ minime defensatur opprimitur; et qui non improbat, approbat.* 3 Inst. 27. Truth which is not sufficiently defended is overpowered; and he who does not disapprove, approves.

*Veritatem qui non libere pronunciat proditor est veritatis.* 4 Inst. Epil. He who does not freely speak the truth is a betrayer of truth.

**VERITY.** Truth; truthfulness; conformify to fact. The records of a court "import uncontrollable verity." 1 Black, Judgm. § 276.

**VERNA.** In the civil law. A slave born in his master's house.

**VERSARI.** Lat. In the civil law. To be employed; to be conversant. *Versari male in tutela*, to misconduct one's self in a guardianship. Calvin.

**VERSUS.** Lat. Against. In the title of a cause, the name of the plaintiff is put first, followed by the word "*versus*," then the defendant's name. Thus, "*Fletcher versus Peck*," or "*Fletcher against Peck*." The word is commonly abbreviated "*vs.*" or "*v.*"

**VERT.** Everything bearing green leaves in a forest.

Also that power which a man has, by royal grant, to cut green wood in a forest.

Also, in heraldry, green color, called "*venus*" in the arms of princes, and "*emerald*" in those of peers, and expressed in engravings by lines in bend. Wharton.

**VERUS.** Lat. True; truthful; genuine; actual; real; just.

**VERY LORD AND VERY TENANT.** They that are immediate lord and tenant one to another. Cowell.

**VESSEL.** A ship, brig, sloop, or other craft used in navigation. The word is more comprehensive than "ship."

The word "vessel" includes every description of water-craft or other artificial contrivances used, or capable of being used, as a means of transportation on water. Rev. St. U. S. § 3.

"Vessel," in the provision of the code of Louisiana that commercial partners are those who are engaged in "carrying personal property for hire in ships or other vessels," means any structure which is made to float upon the water, for purposes of commerce or war, whether impelled by wind, steam, or oars. 27 La. Ann. 607.

**VEST.** To accrue to; to be fixed; to take effect; to give a fixed and indefeasible right. An estate is vested in possession when there exists a right of present enjoyment; and an estate is vested in interest when there is a present fixed right of future enjoyment. Fearn, Rem. 2.

To clothe with possession; to deliver full possession of land or of an estate; to give seisin; to enfeoff. Spelman.

**VESTA.** The crop on the ground. Cowell.

**VESTED ESTATE or INTEREST.** Any estate, property, or interest is called "vested," whether in possession or not, which is not subject to any condition precedent and

**N** unperformed. The interest may be either a present and immediate interest, or it may be a future but uncontingent, and therefore transmissible, interest. Brown.

**D** VESTED IN INTEREST. A legal term applied to a present fixed right of future enjoyment; as reversions, vested remainders, such executory devises, future uses, conditional limitations, and other future interests as are not referred to, or made to depend on, a period or event that is uncertain. Wharton.

**Q** VESTED IN POSSESSION. A legal term applied to a right of present enjoyment actually existing.

**R** VESTED INTEREST. A future interest is vested when there is a person in being who would have a right, defeasible or indefeasible, to the immediate possession of the property, upon the ceasing of the intermediate or precedent interest. Civil Code Cal. § 694.

**S** VESTED LEGACY. A legacy is said to be vested when the words of the testator making the bequest convey a transmissible interest, whether present or future, to the legatee in the legacy. Thus a legacy to one to be paid when he attains the age of twenty-one years is a vested legacy, because it is given unconditionally and absolutely, and therefore vests an immediate interest in the legatee, of which the enjoyment only is deferred or postponed. Brown.

**V** VESTED REMAINDER. An estate by which a present interest passes to the party, though to be enjoyed *in futuro*, and by which the estate is invariably fixed to remain to a determinate person after the particular estate has been spent. 2 Bl. Comm. 168.

VESTED RIGHTS. In constitutional law. Rights which have so completely and definitively accrued to or settled in a person that they are not subject to be defeated or canceled by the act of any other private person, and which it is right and equitable that the government should recognize and protect, as being lawful in themselves, and settled according to the then current rules of law, and of which the individual could not be deprived arbitrarily without injustice, or of which he could not justly be deprived otherwise than by the established methods of procedure and for the public welfare.

VESTIGIUM. Lat. In the law of evidence, a vestige, mark, or sign; a trace, track,

or impression left by a physical object. Fleta, l. 1, c. 25, § 6.

VESTING ORDER. In English law. An order which may be granted by the chancery division of the high court of justice, (and formerly by chancery,) passing the legal estate in lieu of a conveyance. Commissioners also, under modern statutes, have similar powers. St. 15 & 16 Vict. c. 55; Wharton.

VESTRY. The place in a church where the priest's vestures are deposited. Also an assembly of the minister, church-wardens, and parishioners, usually held in the vestry of the church, or in a building called a "vestry-hall," to act upon business of the church. Mozley & Whitley.

VESTRY CESS. A rate levied in Ireland for parochial purposes, abolished by St. 27 Vict. c. 17.

VESTRY-CLERK. An officer appointed to attend vestries, and take an account of their proceedings, etc.

VESTRY-MEN. A select number of parishioners elected in large and populous parishes to take care of the concerns of the parish; so called because they used ordinarily to meet in the vestry of the church. Cowell.

VESTURA. A crop of grass or corn. Also a garment; metaphorically applied to a possession or seisin.

VESTURA TERRÆ. In old English law. The vesture of the land; that is, the corn, grass, underwood, sweepage, and the like. Co. Litt. 4b.

VESTURE. In old English law. Profit of land. "How much the *vesture* of an acre is worth." Cowell.

VESTURE OF LAND. A phrase including all things, trees excepted, which grow upon the surface of the land, and clothe it externally. Ham. N. P. 151.

VETERA STATUTA. Lat. Ancient statutes. The English statutes from *Magna Charta* to the end of the reign of Edward II. are so called; those from the beginning of the reign of Edward III. being contradistinguished by the appellation of "*Nova Statuta*." 2 Reeve, Eng. Law, 85.

VETITUM NAMIUM. Where the bailiff of a lord distrains beasts or goods of another, and the lord forbids the bailiff to deliver them when the sheriff comes to make replevin, the owner of the cattle may de-

mand satisfaction in *placitum de vetito namio*. 2 Inst. 140; 2 Bl. Comm. 148.

**VETO.** Lat. I forbid. The veto-power is a power vested in the executive officer of some governments to declare his refusal to assent to any bill or measure which has been passed by the legislature. It is either absolute or qualified, according as the effect of its exercise is either to destroy the bill finally, or to prevent its becoming law unless again passed by a stated proportion of votes or with other formalities. Or the veto may be merely suspensive.

**VETUS JUS.** Lat. The old law. A term used in the civil law, sometimes to designate the law of the Twelve Tables, and sometimes merely a law which was in force previous to the passage of a subsequent law. Calvin.

**VEX.** To harass, disquiet, annoy; as by repeated litigation upon the same facts.

**VEXARI.** Lat. To be harassed, vexed, or annoyed; to be prosecuted; as in the maxim, *Nemo debet bis vexari pro una et eadem causa*, no one should be twice prosecuted for one and the same cause.

**VEXATA QUÆSTIO.** Lat. A vexed question; a question often agitated or discussed, but not determined or settled; a question or point which has been differently determined, and so left doubtful. 7 Coke, 45b; 3 Burrows, 1547.

**VEXATION.** The injury or damage which is suffered in consequence of the tricks of another.

**VEXATIOUS.** A proceeding is said to be vexatious when the party bringing it is not acting *bona fide*, and merely wishes to annoy or embarrass his opponent, or when it is not calculated to lead to any practical result. Such a proceeding is often described as "frivolous and vexatious," and the court may stay it on that ground. Sweet.

**VEXED QUESTION.** A question or point of law often discussed or agitated, but not determined or settled.

**VI AUT CLAM.** Lat. In the civil law. By force or covertly. Dig. 43, 24.

**VI BONORUM RAPTORUM.** Lat. In the civil law. Of goods taken away by force. The name of an action given by the prætor as a remedy for the violent taking of another's property. Inst. 4, 2; Dig. 47, 8.

**VI ET ARMIS.** Lat. With force and arms. See TRESPASS.

**VIA.** Lat. In the civil law. Way; a road; a right of way. The right of walking, riding, and driving over another's land. Inst. 2, 3, pr. A species of rural servitude, which included *iter* (a footpath) and *actus*, (a driftway.)

In old English law. A way; a public road; a foot, horse, and cart way. Co. Litt. 56a.

**Via antiqua via est tuta.** The old way is the safe way. 1 Johns. Ch. 527, 530.

**VIA PUBLICA.** Lat. In the civil law. A public way or road, the land itself belonging to the public. Dig. 43, 8, 2, 21.

**VIA REGIA.** Lat. In English law. The king's highway for all men. Co. Litt. 56a. The highway or common road, called "the king's" highway, because authorized by him and under his protection. Cowell.

**Via trita est tutissima.** The trodden path is the safest. 10 Coke, 142; Broom, Max. 134.

**VIABILITY.** Capability of living. A term used to denote the power a new-born child possesses of continuing its independent existence.

**VIABLE.** Capable of life. This term is applied to a newly-born infant, and especially to one prematurely born, which is not only born alive, but in such a state of organic development as to make possible the continuance of its life.

**VIAE SERVITUS.** Lat. A right of way over another's land.

**VIAGÈRE RENTE.** In French law. A rent-charge or annuity payable for the life of the annuitant.

**VIANDER.** In old English law. A returning officer. 7 Mod. 13.

**VIATOR.** Lat. In Roman law. A summoner or apparitor; an officer who attended on the tribunes and ædiles.

**VICAR.** One who performs the functions of another; a substitute. Also the incumbent of an appropriated or impropriated ecclesiastical benefice, as distinguished from the incumbent of a non-appropriated benefice, who is called a "rector." Wharton.

**VICAR GENERAL.** An ecclesiastical officer who assists the archbishop in the discharge of his office.

**N** **VICARAGE.** In English ecclesiastical law. The living or benefice of a vicar, as a parsonage is of a parson. 1 Bl. Comm. 387, 388.

**D** **VICARIAL TITHES.** Petty or small tithes payable to the vicar. 2 Steph. Comm. 681.

**P** **VICARIO, etc.** An ancient writ for a spiritual person imprisoned, upon forfeiture of a recognizance, etc. Reg. Orig. 147.

**Q** **Vicarius non habet vicarium.** A deputy has not [cannot have] a deputy. A delegated power cannot be again delegated. Broom, Max. 839.

**R** **VICE.** A fault, defect, or imperfection. In the civil law, redhibitory vices are such faults or imperfections in the subject-matter of a sale as will give the purchaser the right to return the article and demand back the price.

**S** **VICE.** Lat. In the place or stead. *Vice mea*, in my place.

**T** **VICE-ADMIRAL.** An officer in the (English) navy next in rank after the admiral.

**U** **VICE-ADMIRALTY COURTS.** In English law. Courts established in the queen's possessions beyond the seas, with jurisdiction over maritime causes, including those relating to prize. 3 Steph. Comm. 435; 3 Bl. Comm. 69.

**V** **VICE-CHAMBERLAIN.** A great officer under the lord chamberlain, who, in the absence of the lord chamberlain, has the control and command of the officers appertaining to that part of the royal household which is called the "chamber." Cowell.

**VICE-CHANCELLOR.** In English law. A judge of the court of chancery, acting as assistant to the lord chancellor, and holding a separate court, from whose judgment an appeal lay to the chancellor. 3 Steph. Comm. 418.

**VICE-CHANCELLOR OF THE UNIVERSITIES.** See CHANCELLOR OF THE UNIVERSITIES.

**VICE-COMES.** A title formerly bestowed on the sheriff of a county, when he was regarded as the deputy of the count or earl.

*Vice-comes dicitur quod vicem comitis suppleat.* Co. Litt. 168. "*Vice-*

*comes*" [sheriff] is so called because he supplies the place of the "*comes*," [earl.]

**VICE-COMES NON MISIT BREVE.** The sheriff hath not sent the writ. The form of continuance on the record after issue and before trial. 7 Mod. 349; 11 Mod. 231.

**VICE-COMITISSA.** In old English law. A viscountess. Spelman.

**VICE-CONSTABLE OF ENGLAND.** An ancient officer in the time of Edward IV.

**VICE-CONSUL.** In international law. A commercial agent who acts in the place or stead of a consul, or has charge of a portion of his territory.

In old English law. The deputy or substitute of an earl, (*comes*,) who was anciently called "consul;" answering to the more modern "*vice-comes*." Burrill.

**VICE-DOMINUS.** A sheriff.

**VICE-DOMINUS EPISCOPI.** The vicar general or commissary of a bishop. Blount.

**VICE-GERENT.** A deputy or lieutenant.

**VICE-JUDEX.** In old Lombardic law. A deputy judge.

**VICE-MARSHAL.** An officer who was appointed to assist the earl marshal.

**VICE-PRESIDENT OF THE UNITED STATES.** The title of the second officer, in point of rank, in the executive branch of the government of the United States.

**VICE VERSA.** Lat. Conversely; in inverted order; in reverse manner.

**VICEROY.** A person clothed with authority to act in place of the king; hence, the usual title of the governor of a dependency.

**VICINAGE.** Neighborhood; near dwelling; vicinity. 2 Bl. Comm. 33; Cowell.

**VICINETUM.** The neighborhood; vicinage; the venue. Co. Litt. 158b.

*Vicini viciniora præsumentur scire.* 4 Inst. 173. Persons living in the neighborhood are presumed to know the neighborhood.

**VICIOUS INTROMISSION.** In Scotch law. A meddling with the movables of a deceased, without confirmation or probate of his will or other title. Wharton.

**VICIS ET VENELLIS MUNDANIS.** An ancient writ against the mayor or

bailiff of a town, etc., for the clean keeping of their streets and lanes. Reg. Orig. 267.

**VICOUNTIEL, or VICONTIEL.** Anything that belongs to the sheriffs, as *vicontiel writs*; i. e., such as are triable in the sheriff's court. As to vicontiel rents, see St. 3 & 4 Wm. IV. c. 99, §§ 12, 13, which places them under the management of the commissioners of the woods and forests. Cowell.

**VICOUNTIEL JURISDICTION.** That jurisdiction which belongs to the officers of a county; as sheriffs, coroners, etc.

**VICTUALLER.** In English law. A person authorized by law to keep a house of entertainment for the public; a publican. 9 Adol. & E. 423.

**VICTUS.** Lat. In the civil law. Sustenance; support; the means of living.

**VIDAME.** In French feudal law. Originally, an officer who represented the bishop, as the viscount did the count. In process of time, these dignitaries erected their offices into fiefs, and became feudal nobles, such as the *vidame* of Chartres, Rheims, etc., continuing to take their titles from the seat of the bishop whom they represented, although the lands held by virtue of their fiefs might be situated elsewhere. Brande; Burrill.

**VIDE.** Lat. A word of reference. *Vide ante*, or *vide supra*, refers to a previous passage, *vide post*, or *vide infra*, to a subsequent passage, in a book.

*Videbis ea sæpe committi quæ sæpe vindicantur.* 3 Inst. Epil. You will see these things frequently committed which are frequently punished.

**VIDELICET.** Lat. The words "to-wit," or "that is to say," so frequently used in pleading, are technically called the "*videlicet*" or "*scilicet*;" and when any fact alleged in pleading is preceded by, or accompanied with, these words, such fact is, in the language of the law, said to be "laid under a *videlicet*." The use of the *videlicet* is to point out, particularize, or render more specific that which has been previously stated in general language only; also to explain that which is doubtful or obscure. Brown.

*Videtur qui surdus et mutus ne poet faire alienation.* It seems that a deaf and dumb man cannot alienate. 4 Johns. Ch. 444; Brooke, Abr. "Eschete," pl. 4.

**VIDIMUS.** An *inspectimus*, (q. v.) Barring, Ob. St. 5.

**VIDUA REGIS.** In old English law. A king's widow. The widow of a tenant *in capite*. So called, because she was not allowed to marry a second time without the king's permission; obtaining her dower also from the assignment of the king, and having the king for her patron and defender. Spelman.

**VIDUITATIS PROFESSIO.** The making a solemn profession to live a sole and chaste woman.

**VIDUITY.** Widowhood.

**VIE.** Fr. Life; occurring in the phrases *cestui que vie*, *pur autre vie*, etc.

**VIEW.** The right of prospect; the outlook or prospect from the windows of one's house. A species of urban servitude which prohibits the obstruction of such prospect. 3 Kent. Comm. 448.

We understand by *view* every opening which may more or less facilitate the means of looking out of a building. *Lights* are those openings which are made rather for the admission of light than to look out of. Civil Code La. art. 715.

Also an inspection of property in controversy, or of a place where a crime has been committed, by the jury previously to the trial.

**VIEW AND DELIVERY.** When a right of common is exercisable not over the whole waste, but only in convenient places indicated from time to time by the lord of the manor or his bailiff, it is said to be exercisable after "view and delivery." Elton, Commons, 233.

**VIEW, DEMAND OF.** In real actions, the defendant was entitled to demand a *view*, that is, a sight of the thing, in order to ascertain its identity and other circumstances. As, if a real action were brought against a tenant, and such tenant did not exactly know what land it was that the demandant asked, then he might pray the view, which was that he might see the land which the demandant claimed. Brown.

**VIEW OF AN INQUEST.** A view or inspection taken by a jury, summoned upon an inquisition or inquest, of the place or property to which the inquisition or inquiry refers. Brown.

**VIEW OF FRANKPLEDGE.** In English law. An examination to see if every freeman above twelve years of age within the district had taken the oath of allegiance,

**N** and found nine freemen pledges for his peaceable demeanor. 1 Reeve, Eng. Law, 7.

**O** **VIEWERS.** Persons who are appointed by a court to make an investigation of certain matters, or to examine a particular locality, (as, the proposed site of a new road,) and to report to the court the result of their inspection, with their opinion on the same.

**P** In old practice. Persons appointed under writs of view to testify the view. Rosc. Real Act. 253.

**Q** **VIF-GAGE.** In old English law. A *vivum vadium* or living pledge, as distinguished from a *mortgage* or dead pledge. Properly, an estate given as security for a debt, the debt to be satisfied out of the rents, issues, and profits.

**R** **VIGIL.** The eve or next day before any solemn feast.

**S** **VIGILANCE.** Watchfulness; precaution; a proper degree of activity and promptness in pursuing one's rights or guarding them from infraction, or in making or discovering opportunities for the enforcement of one's lawful claims and demands. It is the opposite of *laches*.

**T** *Vigilantibus et non dormientibus jura subveniunt.* The laws aid those who are vigilant, not those who sleep upon their rights. 2 Inst. 690; 7 Allen, 493; Broom, Max. 892.

**U** **VIGOR.** Lat. Strength; virtue; force; efficiency. *Proprio vigore*, by its own force.

**V** **VIIS ET MODIS.** Lat. In the ecclesiastical courts, service of a decree or citation *viis et modis, i. e.*, by all "ways and means" likely to affect the party with knowledge of its contents, is equivalent to substituted service in the temporal courts, and is opposed to personal service. Phillim. Ecc. Law, 1258, 1283.

**VILL.** In old English law, this word was used to signify the parts into which a hundred or wapentake was divided. It also signifies a town or city.

*Villa est ex pluribus mansionibus vicinata, et collata ex pluribus vicinis, et sub appellatione villarum continentur burgi et civitates.* Co. Litt. 115. Vill is a neighborhood of many mansions, a collection of many neighbors, and under the term of "vills" boroughs and cities are contained.

**VILLA REGIA.** Lat. In Saxon law. A royal residence. Spelman.

**VILLAGE.** Any small assemblage of houses for dwellings or business, or both, in the country, whether they are situated upon regularly laid out streets and alleys or not, constitutes a village. 27 Ill. 48.

**VILLAIN.** An opprobrious epithet, implying great moral delinquency, and equivalent to knave, rascal, or scoundrel. The word is libelous. 1 Bos. & P. 331.

**VILLANIS REGIS SUBTRACTIS REDUCENDIS.** A writ that lay for the bringing back of the king's bondmen, that had been carried away by others out of his manors whereto they belonged. Reg. Orig. 87.

**VILLANUM SERVITIUM.** In old English law. Villein service. Fleta, lib. 3, c. 13, § 1.

**VILLEIN.** A person attached to a manor, who was substantially in the condition of a slave, who performed the base and servile work upon the manor for the lord, and was, in most respects, a subject of property and belonging to him. 1 Washb. Real Prop. 26.

**VILLEIN IN GROSS.** In old English law. A villein who was annexed to the person of the lord, and transferable by deed from one owner to another. 2 Bl. Comm. 93.

**VILLEIN REGARDANT.** A villein annexed to the manor of land; a serf.

**VILLEIN SERVICES.** In old English law. Base services, such as villeins performed. 2 Bl. Comm. 93. They were not, however, exclusively confined to villeins, since they might be performed by freemen, without impairing their free condition. Bract. fol. 24b.

**VILLEIN SOCAGE.** In feudal and old English law. A species of tenure in which the services to be rendered were certain and determinate, but were of a base or servile nature; *i. e.*, not suitable to a man of free and honorable rank. This was also called "privileged villeinage," to distinguish it from "pure villeinage," in which the services were not certain, but the tenant was obliged to do whatever he was commanded. 2 Bl. Comm. 61.

**VILLENAGE.** A servile kind of tenure belonging to lands or tenements, whereby the tenant was bound to do all such services as the lord commanded, or were fit for a villein to do. Cowell. See **VILLEIN**.

**VILLENOUS JUDGMENT.** A judgment which deprived one of his *libera lex*,

whereby he was discredited and disabled as a juror or witness; forfeited his goods and chattels and lands for life; wasted the lands, razed the houses, rooted up the trees, and committed his body to prison. It has become obsolete. 4 Bl. Comm. 136; 4 Steph. Comm. 230; 4 Broom & H. Comm. 153. Wharton.

**Vim vi repellere licet, modo fiat moderramine inculpatæ tutelæ, non ad sumendam vindictam, sed ad propulsandam injuriam.** It is lawful to repel force by force, provided it be done with the moderation of blameless defense, not for the purpose of taking revenge, but to ward off injury. Co. Litt. 162a.

**VINAGIUM.** A payment of a certain quantity of wine instead of rent for a vineyard. 2 Mon. Ang. p. 980.

**VINCULACION.** In Spanish law. An entail. Schm. Civil Law, 308.

**VINCULO.** In Spanish law. The bond, chain, or tie of marriage. White, New Recop. b. 1, tit. 6, c. 1, § 2.

**VINCULO MATRIMONII.** See A **VINCULO MATRIMONII**; **DIVORCE**.

**VINCULUM JURIS.** Lat. In the Roman law, an obligation is defined as a *vinculum juris, i. e.*, "a bond of law," whereby one party becomes or is bound to another to do something according to law.

**VINDEX.** Lat. In the civil law. A defender.

**VINDICARE.** Lat. In the civil law. To claim, or challenge; to demand one's own; to assert a right in or to a thing; to assert or claim a property in a thing; to claim a thing as one's own. Calvin.

**VINDICATIO.** Lat. In the civil law. The claiming a thing as one's own; the asserting of a right or title in or to a thing.

**VINDICATORY PARTS OF LAWS.** The sanction of the laws, whereby it is signified what evil or penalty shall be incurred by such as commit any public wrongs, and transgress or neglect their duty. 1 Steph. Comm. 37.

**VINDICTA.** In Roman law. A rod or wand; and, from the use of that instrument in their course, various legal acts came to be distinguished by the term; *e. g.*, one of the three ancient modes of manumission was by the *vindicta*; also the rod or wand intervened in the progress of the old action of

*vindictio*, whence the name of that action. Brown.

**VINDICTIVE DAMAGES.** Exemplary or punitive damages; damages given on the principle of punishing the defendant, over and above compensating the plaintiff.

**VIOL.** Fr. In French law. Rape. Barring, Ob. St. 139.

**VIOLATION.** Injury; infringement; breach of right, duty, or law. Ravishment; seduction. The statute 25 Edw. III. St. 5, c. 2, enacts that any person who shall *violate* the king's companion shall be guilty of high treason.

**VIOLATION OF SAFE CONDUCTS.** An offense against the laws of nations. 4 Steph. Comm. 217.

**VIOLENCE.** The term "violence" is synonymous with "physical force," and the two are used interchangeably, in relation to assaults, by elementary writers on criminal law. 31 Conn. 212.

**VIOLENT DEATH.** Death caused by violent external means, as distinguished from natural death, caused by disease or the wasting of the vital forces.

**VIOLENT PRESUMPTION.** In the law of evidence. Proof of a fact by the proof of circumstances which necessarily attend it. 3 Bl. Comm. 371. Violent presumption is many times equal to full proof. *Id.*

**VIOLENT PROFITS.** Mesne profits in Scotland. "They are so called because due on the tenant's forcible or unwarrantable detaining the possession after he ought to have removed." Ersk. Inst. 2, 6, 54; Bell.

*Violenta præsumptio aliquando est plena probatio.* Co. Litt. 6b. Violent presumption is sometimes full proof.

**VIOLENTLY.** By the use of force; forcibly; with violence. The term is used in indictments for certain offenses.

*Viperina est expositio quæ corrodit viscera textus.* 11 Coke, 34. It is a poisonous exposition which destroys the vitals of the text.

*Vir et uxor censentur in lege una persona.* Jenk. Cent. 27. Husband and wife are considered one person in law.

*Vir et uxor sunt quasi unica persona, quia caro et sanguis unus; res licet sit propria uxoris, vir tamen ejus custos, cum sit caput mulieris.* Co. Litt. 112.

**N** Man and wife are, as it were, one person, because only one flesh and blood; although the property may be the wife's, the husband is keeper of it, since he is the head of the wife.

**O** Vir militans Deo non implicetur secularibus negotiis. Co. Litt. 70. A man fighting for God must not be involved in secular business.

**P** VIRES. Lat. (The plural of "*vis*.") Powers; forces; capabilities; natural powers; powers granted or limited. See ULTRA VIRES.

**Q** Vires acquirit eundo. It gains strength by continuance. 1 Johns. Ch. 231, 237.

VIRGA. In old English law. A rod or staff; a rod or ensign of office. Cowell.

**R** VIRGA TERRÆ, (or VIRGATA TERRÆ.) In old English law. A yard-land; a measure of land of variable quantity, containing in some places twenty, in others twenty-four, in others thirty, and in others forty, acres. Cowell; Co. Litt. 5a.

VIRGATA REGIA. In old English law. The verge; the bounds of the king's household, within which the court of the steward had jurisdiction. Crabb, Eng. Law, 185.

VIRGATE. A yard-land.

**U** VIRGE, TENANT BY. A species of copyholder, who holds by the virge or rod.

VIRGO INTACTA. A pure virgin.

**V** VIRIDARIO ELIGENDO. A writ for choice of a verderer in the forest. Reg. Orig. 177.

VIRILIA. The privy members of a man, to cut off which was felony by the common law, though the party consented to it. Bract. l. 3, 144; Cowell.

VIRTUE. The phrase "by virtue" differs in meaning from "under color." For instance, the proper fees are received *by virtue* of the office; extortion is *under color* of the office. Any rightful act in office is by virtue of the office. A wrongful act in office may be under color of the office. Phil. Law, 380.

VIRTUTE CUJUS. Lat. By virtue whereof. This was the clause in a pleading justifying an entry upon land, by which the party alleged that it was in virtue of an order from one entitled that he entered. Whar-  
ton.

VIRTUTE OFFICII. Lat. By virtue of his office. By the authority vested in him as the incumbent of the particular office.

VIS. Lat. Any kind of force, violence, or disturbance relating to a man's person or his property.

VIS ABLATIVA. In the civil law. Ablative force; force which is exerted in taking away a thing from another. Calvin.

VIS ARMATA. In the civil and old English law. Armed force; force exerted by means of arms or weapons.

VIS CLANDESTINA. In old English law. Clandestine force; such as is used by night. Bract. fol. 162.

VIS COMPULSIVA. In the civil and old English law. Compulsive force; that which is exerted to compel another to do an act against his will; force exerted by menaces or terror.

VIS DIVINA. In the civil law. Divine or superhuman force; the act of God.

VIS ET METUS. In Scotch law. Force and fear. Bell.

VIS EXPULSIVA. In old English law. Expulsive force; force used to expel another, or put him out of his possession. Bracton contrasts it with "*vis simplex*," and divides it into expulsive force with arms, and expulsive force without arms. Bract. fol. 162.

VIS EXTURBATIVA. In the civil law. Exturbative force; force used to thrust out another. Force used between two contending claimants of possession, the one endeavoring to thrust out the other. Calvin.

VIS FLUMINIS. In the civil law. The force of a river; the force exerted by a stream or current; water-power.

VIS IMPRESSA. The original act of force out of which an injury arises, as distinguished from "*vis proxima*," the proximate force, or immediate cause of the injury. 2 Greenl. Ev. § 224.

VIS INERMIS. In old English law. Unarmed force; the opposite of "*vis armata*." Bract. fol. 162.

VIS INJURIOSA. In old English law. Wrongful force; otherwise called "*illicita*," (unlawful.) Bract. fol. 162.

VIS INQUIETATIVA. In the civil law. Disquieting force. Calvin. Bracton defines it to be where one does not permit



another to use his possession quietly and in peace. Bract. fol. 162.

**VIS LAICA.** In old English law. Lay force; an armed force used to hold possession of a church. Reg. Orig. 59, 60.

*Vis legibus est inimica.* 3 Inst. 176. Violence is inimical to the laws.

**VIS LICITA.** In old English law. Lawful force. Bract. fol. 162.

**VIS MAJOR.** A greater or superior force; an irresistible force. This term is much used in the law of bailments to denote the interposition of violence or coercion proceeding from human agency, (wherein it differs from the "act of God,") but of such a character and strength as to be beyond the powers of resistance or control of those against whom it is directed; for example, the attack of the public enemy or a band of pirates.

In the civil law, this term is sometimes used as synonymous with "*vis divina*," or the act of God. Calvin.

**VIS PERTUBATIVA.** In old English law. Force used between parties contending for a possession.

**VIS PROXIMA.** Immediate force. See **VIS IMPRESSA.**

**VIS SIMPLEX.** In old English law. Simple or mere force. Distinguished by Bracton from "*vis armata*," and also from "*vis expulsiva*." Bract. fol. 162.

**VISA.** An official indorsement upon a document, passport, commercial book, etc., to certify that it has been examined and found correct or in due form.

**VISCOUNT.** A degree of English nobility, next below that of earl.

An old title of the sheriff.

**VISÉ.** An indorsement made on a passport by the proper authorities, denoting that it has been examined, and that the person who bears it is permitted to proceed on his journey. Webster.

**VISIT.** In international law. The right of visit or visitation is the right of a cruiser or war-ship to stop a vessel sailing under another flag on the high seas, and send an officer to such vessel to ascertain whether her nationality is what it purports to be. It is exercisable only when suspicious circumstances attend the vessel to be visited; as

when she is suspected of a piratical character.

**VISITATION.** Inspection; superintendence; direction; regulation. A power given by law to the founders of all eleemosynary corporations. 2 Kent, Comm. 300-303; 1 Bl. Comm. 480, 481. In England, the visitation of ecclesiastical corporations belongs to the ordinary. Id.

**VISITATION BOOKS.** In English law. Books compiled by the heralds, when progresses were solemnly and regularly made into every part of the kingdom, to inquire into the state of families, and to register such marriages and descents as were verified to them upon oath; they were allowed to be good evidence of pedigree. 3 Bl. Comm. 105; 3 Steph. Comm. 724.

**VISITOR.** An inspector of the government of corporations, or bodies politic. 1 Bl. Comm. 482.

Visitor is an inspector of the government of a corporation, etc. The ordinary is visitor of spiritual corporations. But corporations instituted for private charity, if they are lay, are visitable by the founder, or whom he shall appoint; and from the sentence of such visitor there lies no appeal. By implication of law, the founder and his heirs are visitors of lay foundations, if no particular person is appointed by him to see that the charity is not perverted. Jacob.

The term "visitor" is also applied to an official appointed to see and report upon persons found lunatics by inquisition, and to a person appointed by a school board to visit houses and see that parents are complying with the provisions in reference to the education of their children. Mozley & Whitley.

**VISITOR OF MANNERS.** The ranger's office in the forest. Manw. i. 195.

**VISNE.** L. Fr. The neighborhood; vicinage; venue.

**VISUS.** Lat. In old English practice. View; inspection, either of a place or person.

**VITIATE.** To impair; to make void or voidable; to cause to fail of force or effect; to destroy or annul, either entirely or in part, the legal efficacy and binding force of an act or instrument; as when it is said that fraud *vitiates* a contract.

**VITILITIGATE.** To litigate cavilously.

**VITIOUS INTROMISSION.** In Scotch law. An unwarrantable intermeddling with the movable estate of a person deceased, without the order of law. Ersk. Prin. b. 3,

**N** tit. 9, § 25. The irregular intermeddling with the effects of a deceased person, which subjects the party to the whole debts of the deceased. 2 Kames, Eq. 327.

**O** VITIUM CLERICI. In old English law. The mistake of a clerk; a clerical error.

Vitium clerici nocere non debet. Jenk. Cent. 23. A clerical error ought not to hurt.

**P** Vitium est quod fugi debet, nisi, rationem non invenias, mox legem sine ratione esse clames. Ellesm. Post. N. 86. It is a fault which ought to be avoided, that if you cannot discover the reason you should presently exclaim that the law is without reason.

**R** VITIUM SCRIPTORIS. In old English law. The fault or mistake of a writer or copyist; a clerical error. Gilb. Forum Rom. 185.

**S** VITRICUS. Lat. In the civil law. A step-father; a mother's second husband. Calvin.

**T** VIVA AQUA. Lat. In the civil law. Living water; running water; that which issues from a spring or fountain. Calvin.

**U** VIVA PECUNIA. Lat. Cattle, which obtained this name from being received during the Saxon period as money upon most occasions, at certain regulated prices. Cowell.

**V** VIVA VOCE. Lat. With the living voice; by word of mouth. As applied to the examination of witnesses, this phrase is equivalent to "orally." It is used in contradistinction to evidence on affidavits or depositions. As descriptive of a species of voting, it signifies voting by speech or outcry, as distinguished from voting by a written or printed ballot.

VIVARIUM. Lat. In the civil law. An inclosed place, where live wild animals are kept. Calvin.; Spelman.

VIVARY. In English law. A place for keeping wild animals alive, including fishes; a fish pond, park, or warren.

VIVUM VADIUM. See VADIUM VIVUM.

Vix ulla lex fieri potest quæ omnibus commoda sit, sed si majori parti prospiciat, utilis est. Scarcely any law can be made which is adapted to all, but, if it provide for the greater part, it is useful. Plowd. 369.

VIZ. A contraction for *videlicet*, to-wit, namely, that is to say.

VOCABULA ARTIS. Lat. Words of art; technical terms.

Vocabula artium explicanda sunt secundum definitiones prudentum. Terms of arts are to be explained according to the definitions of the learned or skilled [in such arts.] Bl. Law Tracts, 6.

VOCARE AD CURIAM. In feudal law. To summon to court. Feud. Lib. 2, tit. 22.

VOCATIO IN JUS. Lat. A summoning to court. In the earlier practice of the Roman law, (under the *legis actiones*,) the creditor orally called upon his debtor to go with him before the prætor for the purpose of determining their controversy, saying, "*In jus eamus; in jus te voco.*" This was called "*vocatio in jus.*"

VOCIFERATIO. Lat. In old English law. Outcry; hue and cry. Cowell.

VOCO. Lat. In the civil and old English law. I call; I summon; I vouch. *In jus voco te*, I summon you to court; I summon you before the prætor. The formula by which a Roman action was anciently commenced. Adams, Rom. Ant. 242.

VOID. Null; ineffectual; nugatory; having no legal force or binding effect; unable, in law, to support the purpose for which it was intended.

"Void" does not always imply entire nullity; but it is, in a legal sense, subject to large qualifications in view of all the circumstances calling for its application, and the rights and interests to be affected in a given case. 50 N. H. 538, 552.

"Void," as used in statutes and by the courts, does not usually mean that the act or proceeding is an absolute nullity. 50 Mo. 284.

There is this difference between the two words "void" and "voidable:" *void* means that an instrument or transaction is so nugatory and ineffectual that nothing can cure it; *voidable*, when an imperfection or defect can be cured by the act or confirmation of him who could take advantage of it. Thus, while acceptance of rent will make good a voidable lease, it will not affirm a void lease. Wharton.

The true distinction between void and voidable acts, orders, and judgments is that the former can always be assailed in any proceeding, and the latter only in a direct proceeding. 42 Ala. 462.

The term "void," as applicable to conveyances or other agreements, has not at all times been used with technical precision, nor restricted to its peculiar and limited sense, as contradistinguished from "voidable;" it being frequently introduced,

even by legal writers and jurists, when the purpose is nothing further than to indicate that a contract was invalid, and not binding in law. But the distinction between the terms "void" and "voidable," in their application to contracts, is often one of great practical importance; and, whenever entire technical accuracy is required, the term "void" can only be properly applied to those contracts that are of no effect whatsoever, such as are a mere nullity, and incapable of confirmation or ratification. 6 Metc. (Mass.) 415.

**Void in part, void in toto.** 15 N. Y. 9, 96.

**Void things are as no things.** 9 Cow. 778, 784.

**VOIDABLE.** That may be avoided, or declared void; not absolutely void, or void in itself. Most of the acts of infants are *voidable* only, and not absolutely void. 2 Kent, Comm. 234. See VOID.

**VOIDANCE.** The act of emptying; ejection from a benefice.

**VOIR DIRE.** L. Fr. To speak the truth. This phrase denotes the preliminary examination which the court may make of one presented as a witness, where his competency, interest, etc., is objected to.

**VOITURE.** Fr. Carriage; transportation by carriage.

**VOLENS.** Lat. Willing. He is said to be willing who either expressly consents or tacitly makes no opposition. Calvin.

**Volenti non fit injuria.** He who consents cannot receive an injury. Broom, Max. 268, 269, 271, 395; Shelf. Mar. & Div. 449; Wing. Max. 482; 4 Term R. 657.

**Voluit, sed non dixit.** He willed, but he did not say. He may have intended so, but he did not say so. A maxim frequently used in the construction of wills, in answer to arguments based upon the supposed intention of a testator. 2 Pow. Dev. 625; 4 Kent, Comm. 538.

**VOLUMEN.** Lat. In the civil law. A volume; so called from its form, being *rolled* up.

**VOLUMUS.** Lat. We will; it is our will. The first word of a clause in the royal writs of protection and letters patent. Cowell.

**VOLUNTARIUS DÆMON.** A voluntary madman. A term applied by Lord Coke to a drunkard, who has voluntarily contracted madness by intoxication. Co. Litt. 247; 4 Bl. Comm. 25.

**VOLUNTARY.** Free; without compulsion or solicitation.

Without consideration; without valuable consideration; gratuitous.

**VOLUNTARY ANSWER,** in the practice of the court of chancery, was an answer put in by a defendant, when the plaintiff had filed no interrogatories which required to be answered. Hunt, Eq.

**VOLUNTARY ASSIGNMENT.** An assignment for the benefit of his creditors made by a debtor voluntarily; as distinguished from a compulsory assignment which takes place by operation of law in proceedings in bankruptcy or insolvency.

Presumably it means an assignment of a debtor's property in trust to pay his debts generally, in distinction from a transfer of property to a particular creditor in payment of his demand, or to a conveyance by way of collateral security or mortgage. 10 Paige, Ch. 445.

**VOLUNTARY CONFESSION.** A confession of guilt made spontaneously by an accused person, and not induced by either promises or threats.

**VOLUNTARY CONVEYANCE.** A conveyance without valuable consideration; such as a deed or settlement in favor of a wife or children.

**VOLUNTARY COURTESY.** A voluntary act of kindness; an act of kindness performed by one man towards another, of the free will and inclination of the doer, without any previous request or promise of reward made by him who is the object of the courtesy; from which the law will not imply a promise of remuneration. Holthouse.

**VOLUNTARY DEPOSIT.** In the civil law of bailment. A deposit arising from the mere consent and agreement of parties, as distinguished from a necessary deposit, which was made upon some sudden emergency, or from some pressing necessity. Dig. 16, 3, 2; Story, Bailm. § 44.

**VOLUNTARY ESCAPE.** In practice. An escape of a person from custody by the express consent of his keeper. 3 Bl. Comm. 415. An escape in consequence of the sheriff, or his officer, permitting a party to go at large. 1 Archb. Pr. K. B. 85.

**VOLUNTARY IGNORANCE.** This exists where a party might, by taking reasonable pains, have acquired the necessary knowledge, but has neglected to do so.

**N** VOLUNTARY JURISDICTION. In English law. A jurisdiction exercised by certain ecclesiastical courts, in matters where there is no opposition. 3 Bl. Comm. 66.

**O** The opposite of *contentious* jurisdiction, (*q. v.*)

In Scotch law. One exercised in matters admitting of no opposition or question, and therefore cognizable by any judge, and in any place, and on any lawful day. Bell.

**Q** VOLUNTARY MANSLAUGHTER. In criminal law. Manslaughter committed voluntarily upon a sudden heat of the passions; as if, upon a sudden quarrel, two persons fight, and one of them kills the other. 4 Bl. Comm. 190, 191.

**R** VOLUNTARY NONSUIT. In practice. The abandonment of his cause by a plaintiff, and an agreement that a judgment for costs be entered against him. 3 Bouv. Inst. no. 3306.

**S** VOLUNTARY OATH. Such as a person may take in extrajudicial matters, and not regularly in a court of justice, or before an officer invested with authority to administer the same. Brown.

**U** VOLUNTARY PAYMENT. A payment made by a debtor of his own will and choice, as distinguished from one exacted from him by process of execution or other compulsion.

**V** VOLUNTARY REDEMPTION, in Scotch law, is when a mortgagee receives the sum due into his own hands, and discharges the mortgage, without any consignment. Bell.

VOLUNTARY SALE. One made freely, without constraint, by the owner of the thing sold. 1 Bouv. Inst. no. 974.

VOLUNTARY SETTLEMENT. A settlement of property upon a wife or other beneficiary, made gratuitously or without valuable consideration.

VOLUNTARY TRUST. See TRUST.

VOLUNTARY WASTE. Active or positive waste; waste done or committed, in contradistinction to that which results from mere negligence, which is called "permissive" waste. 2 Bouv. Inst. no. 2394.

Voluntas donatoris in charta doni sui manifeste expressa observetur. Co. Litt. 21. The will of the donor manifestly expressed in his deed of gift is to be observed.

Voluntas est justa sententia de eo quod quis post mortem suam fieri velit. A will is an exact opinion or determination concerning that which each one wishes to be done after his death.

Voluntas et propositum distinguunt maleficia. The will and the proposed end distinguish crimes. Bract. fols. 2b, 136b.

Voluntas facit quod in testamento scriptum valeat. Dig. 30, 1, 12, 3. It is intention which gives effect to the wording of a will.

Voluntas in delictis, non exitus spectatur. 2 Inst. 57. In crimes, the will, and not the consequence, is looked to.

Voluntas reputatur pro facto. The intention is to be taken for the deed. 3 Inst. 69; Broom, Max. 311.

Voluntas testatoris est ambulatoria usque ad extremum vitæ exitum. 4 Coke, 61. The will of a testator is ambulatory until the latest moment of life.

Voluntas testatoris habet interpretationem latam et benignam. Jenk. Cent. 260. The intention of a testator has a broad and benignant interpretation.

Voluntas ultima testatoris est perimplenda secundum veram intentionem suam. Co. Litt. 322. The last will of the testator is to be fulfilled according to his true intention.

**VOLUNTEER.** In conveyancing, one who holds a title under a voluntary conveyance, *i. e.*, one made without consideration, good or valuable, to support it.

A person who gives his services without any express or implied promise of remuneration in return is called a "volunteer," and is entitled to no remuneration for his services, nor to any compensation for injuries sustained by him in performing what he has undertaken. Sweet.

In military law, the term designates one who freely and voluntarily offers himself for service in the army or navy; as distinguished from one who is compelled to serve by draft or conscription, and also from one entered by enlistment in the standing army.

**VOTE.** Suffrage; the expression of his will, preference, or choice, formally manifested by a member of a legislative or deliberative body, or of a constituency or a body of qualified electors, in regard to the decision to be made by the body as a whole upon

any proposed measure or proceeding, or the selection of an officer or representative. And the aggregate of the expressions of will or choice, thus manifested by individuals, is called the "vote of the body."

**VOTER.** One who has the right of giving his voice or suffrage.

**VOTES AND PROCEEDINGS.** In the houses of parliament the clerks at the tables make brief entries of all that is actually done; and these minutes, which are printed from day to day for the use of members, are called the "votes and proceedings of parliament." From these votes and proceedings the journals of the house are subsequently prepared, by making the entries at greater length. Brown.

**VOTUM.** Lat. A vow or promise. *Dies nuptiarum*, the wedding day. Fleta l. 1, c. 4.

**VOUCH.** To call upon; to call in to warranty; to call upon the grantor or warrantor to defend the title to an estate.

To vouch is to call upon, rely on, or quote as an authority. Thus, in the old writers, to vouch a case or report is to quote it as an authority. Co. Litt. 70a.

**VOUCHEE.** In common recoveries, the person who is called to warrant or defend the title is called the "vouchee." 2 Bouv. Inst. no. 2093.

**VOUCHER.** A receipt, acquittance, or release, which may serve as evidence of payment or discharge of a debt, or to certify the correctness of accounts. An account-book containing the acquittances or receipts showing the accountant's discharge of his obligations. 1 Metc. (Mass.) 218.

The term "voucher," when used in connection with the disbursements of moneys, implies some written or printed instrument in the nature of a receipt, note, account, bill of particulars, or something of that character which shows on what account or by what authority a particular payment has been made, and which may be kept or filed away by the party receiving it, for his own convenience or protection, or that of the public. 107 Ill. 504.

In old conveyancing. The person on whom the tenant calls to defend the title to the land, because he warranted the title to him at the time of the original purchase.

**VOUCHER TO WARRANTY.** The calling one who has warranted lands, by the

party warranted, to come and defend the suit for him. Co. Litt. 101b.

**Vox emissa volat; litera scripta manet.** The spoken word flies; the written letter remains. Broom, Max. 666.

**VOX SIGNATA.** In Scotch practice. An emphatic or essential word. 2 Alis. Crim. Pr. 280.

**VOYAGE.** In maritime law. The passing of a vessel by sea from one place, port, or country to another. The term is held to include the enterprise entered upon, and not merely the route. 113 Mass. 326.

**VOYAGE INSURED.** In insurance law. A transit at sea from the *terminus a quo* to the *terminus ad quem*, in a prescribed course of navigation, which is never set out in any policy, but virtually forms parts of all policies, and is as binding on the parties thereto as though it were minutely detailed. 1 Arn. Ins. 333.

**VRAIC.** Seaweed. It is used in great quantities by the inhabitants of Jersey and Guernsey for manure, and also for fuel by the poorer classes.

**VS.** An abbreviation for *versus*, (against,) constantly used in legal proceedings, and especially in entitling cases.

*Vulgaris opinio est duplex, viz., orta inter graves et discretos, quæ multum veritatis habet, et opinio orta inter leves et vulgares homines absque specie veritatis.* 4 Coke, 107. Common opinion is of two kinds, viz., that which arises among grave and discreet men, which has much truth in it, and that which arises among light and common men, without any appearance of truth.

**VULGARIS PURGATIO.** In old English law. Common purgation; a name given to the trial by *ordeal*, to distinguish it from the canonical purgation, which was by the oath of the party. 4 Bl. Comm. 342.

**VULGO CONCEPTI.** Lat. In the civil law. Spurious children; bastards.

**VULGO QUÆSITI.** Lat. In the civil law. Spurious children; literally, gotten from the people; the offspring of promiscuous cohabitation, who are considered as having no father. Inst. 3, 4, 3; Id. 3, 5, 4.