

GLOSSARIUM

A COMPILATION

OF

LATIN

WORDS AND PHRASES

GENERALLY USED

IN LAW

WITH ENGLISH TRANSLATIONS

COMPILED BY

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PREFACE

The purpose of this booklet is to provide a compilation of Latin words and phrases with English translations to serve as a quick and concise reference and guide. The *Glossarium* contains most of the Latin words and phrases generally used in legal text books and law reports. Lawyers, students and paralegals should therefore find it very useful. It should further be a useful source for law students and practitioners who wish to understand Latin without actually knowing the language.

ACKNOWLEDGEMENTS

In the process of compiling this *Glossarium* I have consulted various other sources, *inter alia* Burke Osborn's *Concise Law Dictionary* 6th ed (1976) and Scholtemeijer and Hasse *Legal Latin: A Basic Course* (1993).

I am also indebted to the Deans and professors of the faculties of law of the following universities who responded to my request and supplied me with lists of Latin words and phrases given to students in their respective faculties:

The University of South Africa

The University of Pretoria

Rhodes University

Rand Afrikaans University

The University of Stellenbosch

Vista University

The major part of this compilation was obtained from references, translations and quotations in Hiemstra and Gonin's *Trilingual Legal Dictionary* (3rd edition 2001 Juta).

I would like to quote the following extract from the 2nd edition:

"Absolute perfection is presumably unattainable, especially since divergences of opinion are bound to arise; but we hope that we have produced a work that will prove useful in practice."

Since the *Glossarium* is just a brief guide, I would recommend that anyone in need of more information should consult the above dictionary.

This compilation was edited by Professor Rena van den Bergh of the University of South Africa.

I trust that this work will be of great benefit and use to all legal practitioners, paralegals as well as present and future law students.

Totus tuus

Dr Theo Rood

A handwritten signature in black ink, appearing to read "Dr Theo Rood". The signature is fluid and cursive, with a large, sweeping flourish on the right side.

A

<i>a contrario</i>	by way of contrast, opposite, on the other hand
<i>a dato</i>	from the date, ie from the date of issue/announcement
<i>a fortiori</i>	more conclusively, with stronger reason, so much more
<i>a limine</i>	from the start
<i>a mensa et toro</i>	separation from board and bed, judicial separation
<i>a posteriori</i>	reasoning from the effect to the cause, inductive reasoning, empirical reasoning
<i>a priori</i>	from the cause to the effect, prior to investigating the case, deductive reasoning [an <i>a priori</i> agreement is an argument based on axioms and not on experience, it is thus not empirical and involves a mode of reasoning from general propositions to particular conclusions]
<i>a quo</i>	from which, whence [the judgment of the court <i>a quo</i> means a judgment of a court of first instance, that is the court before which the matter was heard before it was brought to the present court]
<i>a tempore morae</i>	from the moment the debtor is in default

<i>a verbis legis non recedendum est</i>	the words of a statute must not be departed from
<i>a vinculo matrimonii</i>	from the bond of marriage
<i>ab antiquo</i>	from old times
<i>ab initio</i>	from the beginning, from the start
<i>ab intestato</i>	from a person who had not made a will
<i>abusus non tollit usum</i>	misuse of a thing does not rule out its proper use
<i>ac etiam</i>	and also
<i>accedere ad negotium</i>	come into the case
<i>accessio</i>	accession, increase, addition, accessory [thing]
<i>accessio cedit [rei] principali</i>	the accessory follows the principal thing
<i>actio</i>	action, claim, lawsuit
<i>actio ad exhibendum</i>	action for the production of property
<i>actio auctoritatis</i>	action following a breach of warranty in a sale
<i>actio bonae fidei</i>	equitable action
<i>actio calumniae</i>	action for damages for malicious prosecution
<i>actio commodati</i>	action upon loan for use

<i>actio commodati contraria</i>	counterclaim, action of the borrower
<i>actio commodati directa</i>	action of the lender
<i>actio communi dividundo</i>	action for the division of joint property
<i>actio conducti</i>	action of hiring instituted by the lessee against the lessor for enforcement of the contract
<i>actio damni iniuria</i>	action for damages
<i>actio de constituta pecunia</i>	action to enforce the payment of money by a person who has undertaken to discharge the liability
<i>actio de pauperie</i>	action relating to damage or injury caused to someone by the domestic animal of another
<i>actio directa</i>	direct action [flowing from the words and tenure of a statute or of a manifest and established law]
<i>actio doli</i>	action resulting from fraud
<i>actio in personam</i>	personal action, action against a specific person
<i>actio in rem</i>	real action
<i>actio legis Aquiliae</i>	Aquilian law, action for damages, claim for compensation
<i>actio mandati</i>	action on mandate

<i>actio mixta</i>	mixed action
<i>actio negatoria</i>	action by which the owner of property claims a declaration denying that such property is subject to an alleged servitude
<i>actio negotiorum gestorum</i>	action resulting from the [unauthorized management of the affairs of another
<i>actio perpetua</i>	perpetual action [not limited by any period of prescription]
<i>actio personalis</i>	personal action
<i>actio personalis moritur cum persona</i>	a personal action dies with the person
<i>actio pro socio</i>	action upon partnership
<i>actio Publiciana</i>	action available to a non-owner who obtained possession legally to keep possession of the thing
<i>actio quanti minoris</i>	action for reduction of the purchase price
<i>actio redhibitoria</i>	claim for the return of the purchase price in return for the goods
<i>actio utilis</i>	equitable action, modified, adapted, adjusted or analogous action
<i>actio venditi</i>	action by which the seller is entitled to claim the purchase price
<i>actus curiae nemini nocet</i>	an act of the court prejudices no one

<i>actus legis nemini facit iniuriam</i>	an act of the law injures no one
<i>actus legitimus</i>	legal act
<i>actus non facit reum nisi mens sit rea</i>	the act does not render the perpetrator culpable [criminally responsible] unless he was conscious of its illegality
<i>actus reus</i>	element of action in a crime, guilty action
<i>ad absurdum</i>	to be absurd, ie until it becomes absurd
<i>ad arbitrium iudicis</i>	subject to the discretion of the court
<i>ad curiam</i>	at a court
<i>ad damnum</i>	towards the attainment of financial loss, clause in which the litigant asks the court for money damages
<i>ad diem</i>	to the day appointed
<i>ad factum praestandum</i>	[order] to perform an act
<i>ad fundandam iurisdictionem</i>	[attachment] to found jurisdiction in a court which would otherwise not have jurisdiction
<i>ad hoc</i>	for a special purpose or occasion
<i>ad hominem</i>	pertaining to the person
<i>ad idem</i>	unanimous, of the same mind, agreed
<i>ad infinitum</i>	indefinitely, for ever, unending

<i>ad interim</i>	provisionally, in the meanwhile
<i>ad libitum</i>	at pleasure, to any extent
<i>ad litem</i>	for the purpose of the [pending] suit or case
<i>ad mandatum</i>	as commissioned
<i>ad medium filum viae [aquaee]</i>	to the middle of the road [stream]
<i>ad nauseam</i>	to a disgusting extent
<i>ad pecuniam solvendam</i>	[order] for the payment of money
<i>ad quod damnum</i>	to what damage
<i>ad referendum</i>	for further consideration
<i>ad rem</i>	to the point, on the merits, relevant
<i>ad sectam</i>	at the suit of
<i>ad summam</i>	in conclusion
<i>ad valorem</i>	according to the value
<i>adagium</i>	legal maxim
<i>addendum</i>	something added, to be added
<i>aditio</i>	adiate [acceptance of inheritance]
<i>adversus fiscum usu- capiο non procedit</i>	prescription does not run against the treasury

<i>aedificatum solo, solo cedit</i>	what is built on the land is regarded as becoming part of the land
<i>ager publicus</i>	public land
<i>alia enormia</i>	other wrongs
<i>alias</i>	false or assumed name
<i>alibi</i>	somewhere else, proof that the accused was elsewhere when the crime was committed
<i>alieni iuris</i>	limited or no contractual capacity as opposed to <i>sui iuris</i>
<i>aliter</i>	otherwise
<i>aliunde</i>	from elsewhere, from another place
<i>allocatum</i>	it is allowed
<i>alluvio</i>	alluvium/alluvion deposit of soil from a river or sea
<i>altera pars</i>	the other party in the suit
<i>alteri stipulari nemo potest</i>	no one can stipulate on behalf of another
<i>amicus curiae</i>	friend of the court
<i>animus</i>	design, desire, intention, purpose, motive
<i>animus cancellandi</i>	intention of cancelling
<i>animus contrahendi</i>	intention to conclude a contract

<i>animus domini</i>	intention of being owner
<i>animus donandi</i>	intention of making a gift
<i>animus et factum</i>	combination of the intention with the act
<i>animus furandi</i>	intention of stealing
<i>animus iniuriandi</i>	intention of harming, injuring, offending somebody
<i>animus nocendi</i>	intention of causing harm or damage
<i>animus novandi</i>	intention of renewing a debt
<i>animus quo</i>	intention with which
<i>animus revertendi</i>	intention of returning
<i>animus revocandi</i>	intention to revoke
<i>animus testandi</i>	intention to make a will
<i>animus vicino nocendi</i>	intention of harming your neighbour
<i>anno domini [ad]</i>	in the year of our Lord
<i>annus</i>	year
<i>annus continuus</i>	uninterrupted year
<i>annus luctus</i>	year of mourning [widow]
<i>ante</i>	in advance, prior to, before
<i>ante meridiem [am]</i>	before noon
<i>ante omnia</i>	first of all

<i>antenatus</i>	child born prior to certain event/marriage
<i>appellationis fatalia</i>	period for lodging appeals
<i>approbare</i>	approve, prove
<i>arbitris remotis</i>	in the absence of witnesses
<i>argumentum ab auctoritate est fortissimum in lege</i>	argument from authority [= binding precedent/s] is the strongest in law
<i>argumentum ad hominem</i>	argument directed at a person
<i>argumentum ex iure</i>	legal argument
<i>artifex</i>	artisan
<i>ascendentes</i>	ancestors
<i>auctoritas</i>	authority
<i>audi alteram partem</i>	hear the other side
<i>authentica si qua mulier</i>	a woman is not liable as surety for her husband [Roman law provision no longer in force in South Africa]

B

<i>beneficium</i>	privilege, favour or benefit
<i>beneficium ceden-darum actionum</i>	benefit of cession of actions
<i>beneficium competen-tiae</i>	benefit of competency [to insure subsistence]
<i>beneficium de duo-bus vel pluribus reis debendi</i>	benefit of simultaneous citation and division of debt
<i>beneficium divisionis</i>	benefit of division of debt
<i>beneficium excusso-nis</i>	benefit of prior excussion
<i>beneficium iuris</i>	benefit conferred by law
<i>beneficium restitutio-nis in integrum</i>	benefit of restoring to previous legal condition
<i>beneficium separa-tionis</i>	having a clear separation made between property of testator and heir
<i>bona</i>	property
<i>bona adespota</i>	property without an owner
<i>bona errantia</i>	property of which the owner is unknown
<i>bona fide</i>	in good faith
<i>bona fide possessor</i>	possessor in good faith

<i>bona fides</i>	good faith, honesty
<i>bona fides praesumitur</i>	there is a presumption in favour of good faith
<i>bona gestura</i>	good behaviour
<i>bona mobilia et immobilia</i>	movable and immovable property
<i>bona publica</i>	public property
<i>bona vacantia</i>	goods without an apparent owner, unclaimed property, goods without an heir
<i>boni mores</i>	good morals
<i>bonorum cessio</i>	assignment [of an estate]
<i>bonorum communio</i>	community of property
<i>bonorum possessio</i>	possession of property
<i>bonum et aequum</i>	justice and fairness
<i>bonus/diligens paterfamilias</i>	reasonable man, prudent, diligent, careful, circumspect head of a family
<i>brevia testata</i>	early forms of deeds of conveyance
<i>brutum fulmen</i>	a threat to which effect cannot be given

C

<i>cadit quaestio</i>	the question falls away, there is no room for further argument
<i>caeteris paribus</i>	other things being equal
<i>calamitas virtutis occasio est</i>	misfortune is virtue's opportunity
<i>capita selecta</i>	selected chapters
<i>captatio benevolentiae</i>	currying favour
<i>carpe diem</i>	make full use of today
<i>casus</i>	occasion, chance, accident, case
<i>casus omissus</i>	omitted case, omission [contingency] not provided for by the statute
<i>causa</i>	cause, motive
<i>causa causans</i>	immediate cause
<i>causa criminalis non praeiudicat civili</i>	the criminal case [cause] does not prejudice the civil
<i>causa debendi</i>	cause of debt
<i>causa falsa</i>	untrue or false ground or motive
<i>causa iusta</i>	true or just cause, means, motive or ground
<i>causa mortis</i>	because of death

<i>causa perpetua</i>	perpetual or continuous benefit or use [servitude]
<i>causa petendi</i>	ground for a claim
<i>causa piae</i>	charitable purpose
<i>causa remota</i>	remote cause
<i>cautio de damno infecto</i>	security for apprehended, anticipated, speculative damage
<i>cautio de restituendo</i>	security for repayment
<i>caveat</i>	warning, caution
<i>caveat emptor</i>	let the buyer beware
<i>caveat vendor</i>	let the seller beware
<i>cedere foro</i>	become insolvent
<i>certa pecunia</i>	specific sum of money
<i>certus</i>	certain, indubitable
<i>cessante causa, cessat effectus</i>	the cause ceasing, the effect ceases
<i>cessante ratione legis cessat et ipsa lex</i>	after the reason for a law has fallen away, the law itself also falls away
<i>cessat executio</i>	suspending or pending execution
<i>cessio</i>	transfer, cession of a right
<i>circa</i>	about

<i>cives</i>	[Roman] citizens
<i>civilis obligatio</i>	enforceable obligation
<i>civiliter modo</i>	in a civil/reasonable way
<i>clam</i>	stealthily
<i>claudicans negotium</i>	one-sided contract
<i>clavium traditio</i>	delivery by handing over the keys to the purchaser
<i>codicillus</i>	codicil
<i>cognatio</i>	blood relationship
<i>cognitio</i>	judicial inquiry, trial
<i>cognitio extraordinaria</i>	legal procedure during the Principate controlled by the emperor's officials
<i>coitus</i>	sexual intercourse
<i>collega</i>	colleague
<i>collegium</i>	corporate body
<i>colloquium</i>	background, introductory statement [in pleadings in a libel suit] to prepare the ground for an innuendo in words, which as such will not be defamatory
<i>collusio</i>	collusion
<i>commendatarius</i>	one to whom something is entrusted
<i>commendatio in specie</i>	express warranty

<i>commixtio</i>	mixture, mixing, particularly of non-fluids as distinct from <i>confusio</i> [2]
<i>commodum</i>	advantage
<i>communio pro partibus indivisis</i>	joint ownership in undivided shares
<i>communis error</i>	common error
<i>communis opinio</i>	current view, prevailing opinion
<i>compensatio lucri cum damno</i>	set-off of profit and loss
<i>compos mentis</i>	of sound mind, sane, in one's right mind
<i>concursus creditorum</i>	simultaneous claim by several creditors
<i>[condicio] sine qua non</i>	essential condition
<i>conductio</i>	action by which things are reclaimed
<i>conductio furtiva</i>	suit for the recovery of stolen property
<i>conductio indebiti</i>	suit for return of a sum not owing but paid
<i>conductio sine causa</i>	suit for repayment of a sum of money paid without [valid] consideration

<i>confusio</i>	[1] mixture of debts, merger of rights [where juristic qualities are merged or combined in the same person, eg debtor and creditor, or the owner of the dominant and servient tenements] [2] intermixture [of fluids]
<i>consensus</i>	agreement, consent
<i>consensus ad idem</i>	agreement as to the same thing, unanimity
<i>consensus facit legem</i>	consent makes law, parties to a contract are legally bound to do what they have agreed to
<i>consensus tollit errorem</i>	consent eliminates an error
<i>considerans</i>	preamble [of a law]
<i>consignatio</i>	payment into court
<i>consortium</i>	technical term for the marriage relationship
<i>constante matrimonio</i>	during the subsistence of the marriage
<i>constitutum possessorium</i>	transfer of possession where A, with the intention of transferring his ownership in a thing to B, declares that he will henceforth hold the thing for B
<i>consuetudinis magna vis est</i>	the influence of custom is great

contra	against, opposing
contra bonos mores	contrary to good morals, immoral
contra naturam [suam]	contrary to its own nature
contra naturam sui generis	against the nature of its kind
contra non valentem agere non currit praescriptio	prescription does not run against a party who cannot take action
contradictio in terminis	contradiction in terms in the words/wording of a phrase, statement or regulation
contrectatio	removal, illegal appropriation
contumelia	insult, contempt
coram	before, in the presence of
coram iudice rei sitae	before the court of the place where the property is situated
corpus	body, thing, person's body
corpus delicti	facts which constitute the tangible object of the crime, eg the corpse
crimen falsi	fraud, deceit
crimina dolosa	crimes for which intent is a requirement
cui bono	to whose advantage, who stood to gain

<i>cuius est solum eius est caelum</i>	the owner of the property is the owner of the sky above it
<i>culpa</i>	wrongful default, negligence
<i>culpae auctor</i>	the negligent party
<i>culpae reus</i>	guilty of negligence
<i>culpam committere</i>	commit a reprehensible act
<i>cura et diligentia</i>	care and circumspection
<i>curator ad litem</i>	curator for the conduct of litigation
<i>curator bonis</i>	curator of property
<i>curia</i>	the court, the bench
<i>curia advisari vult [cur adv vult]</i>	the court wishes to consider its verdict, to reserve judgment
<i>curriculum vitae [cv]</i>	biographical sketch of one's life, usually containing details of educational qualifi- cations, experience and achievements
<i>custodes pacis</i>	keepers of the peace

D

<i>damnosa hereditas</i>	unprofitable inheritance [not viable]
<i>damnum</i>	damage, loss, prejudice

<i>damnum culposum</i>	damage resulting from negligence
<i>damnum emergens</i>	actual damage suffered through breach of contract, loss arising
<i>damnum iniuria</i>	unlawful damage [resulting] from delict,
<i>datum</i>	wrongful damage
<i>damnum irreparabile</i>	irreparable damage
<i>de bene esse</i>	subject to review
<i>de bonis propriis</i>	from personal funds, out of own pocket
<i>de die in diem</i>	from day to day
<i>de facto</i>	in fact, indeed, judged according to the factual position, actual, as a matter of fact
<i>de fide et officio iudicis non recipitur quaestio</i>	the integrity of a judge may not be called in question
<i>de homine libero exhibendo</i>	a court order requiring a detained person to be brought before the court to investigate the lawfulness of the detention, a writ requiring a person to be brought before a judge to investigate the lawfulness of his restraint
<i>de industria</i>	purposely, intentionally
<i>de integro</i>	anew, afresh, as before
<i>de iure</i>	to the law, in law by right and just title, of right, judged according

<i>de iure suo decadere</i>	waive one's right
<i>de lege ferenda</i>	concerning the law as it ideally should be [in contrast to what the law is]
<i>de lege lata</i>	concerning the law already passed
<i>de manu in manum</i>	from the one hand to the other
<i>de minimis non curat lex</i>	the law does not concern itself with trivialities
<i>de momento in momentum</i>	from moment to moment
<i>de novo</i>	anew, afresh
<i>de restituendo</i>	concerning the return of
<i>debitor principalis</i>	principal debtor
<i>debitum</i>	debt
<i>debitum certum</i>	specific debt
<i>debitum connexum</i>	debt giving rise to a lien
<i>debitum in praesenti, solvendum in futuro</i>	owed at present and payable or to be performed in the future
<i>debitum liquidum</i>	indisputable, liquid debt
<i>defraudare</i>	deceive, defraud
<i>dei gratia</i>	by the grace of God
<i>delatio</i>	charge, accusation
<i>delator</i>	accuser, informer

<i>delegatus delegare</i>	a delegate cannot delegate
<i>non potest</i>	
<i>delictum</i>	delict, crime
<i>deminutio iuris</i>	invasion or encroachment of a right
<i>depositum</i>	deposit, bailment
<i>destinatio</i>	determining, fixing, appointment
<i>detentio</i>	detention of a thing
<i>detentor</i>	holder, possessor
<i>detrimentum</i>	damage, prejudice, loss
<i>dicta et promissa</i>	express warranties
<i>dictum</i>	observation
<i>dies</i>	day, term
<i>dies indutiae</i>	court day, time to enter appearance
<i>dies non indutiae</i>	non-court day
<i>dies venit</i>	day on which the debt becomes claimable or due
<i>difficultas praestandi</i>	difficulty of performance
<i>dignitas</i>	dignity
<i>diligentia</i>	diligence, care, caution
<i>doli capax</i>	capable of being liable for criminal and unlawful acts, answerable, accountable, responsible

<i>doli incapax</i>	incapable of crime, not answerable, irresponsible, unaccountable
<i>dolus</i>	fraud, wilful injury, deceit, intention
<i>dolus directus</i>	actual intent, design
<i>dolus eventualis</i>	intention imputed because of an awareness of possibility
<i>dolus ex proposito</i>	deliberate fraud, deceit
<i>dolus generalis</i> [indeterminatus]	indeterminate intention [not directed to a specific person as victim]
<i>dolus praemeditatus</i>	premeditated intention
<i>domicilium citandi et executandi</i>	domicile of summons and execution
<i>dominium</i>	ownership
<i>dominus</i>	owner
<i>dominus habetur qui possidet donec contrarium probetur</i>	the possessor is regarded as the owner till the opposite is proved
<i>dominus litis</i>	the principal in a suit
<i>donatarius</i>	donee
<i>donatio</i>	gift
<i>donatio inter virum et uxorem</i>	gift between spouses

<i>donatio mortis causa</i>	gift of personal property in anticipation of death
<i>donatio non prae-sumitur</i>	a gift is not presumed
<i>donatio propter nuptias</i>	settlement made on the wife by a husband
<i>dubii iuris</i>	of doubtful law, moot point
<i>duces tecum</i>	writ, subpoena to appear and bring along an exhibit, eg a document
<i>dum sola</i>	unmarried
<i>duplum</i>	for double the amount
<i>durante vita</i>	during life

E

<i>eadem duobus nupta esse non potest</i>	a woman cannot be married to two men at the same time
<i>ebriosus</i>	alcoholic
<i>ebrius</i>	drunken person
<i>edictum</i>	edict
<i>effectus</i>	legal effect, validity
<i>efficax obligatio</i>	enforceable obligation

<i>efficio</i>	accomplish, perform, effect
<i>eiusdem generis</i>	of the same kind, identical
<i>emancipatus</i>	emancipated person, one set free from guardianship
<i>emptio venditio</i>	contract of sale
<i>enormis</i>	unusual, immoderate
<i>eo ipso</i>	by that very act/fact, [and therefore] automatically
<i>eo nomine</i>	in that name
<i>eodem modo quo quid constituitur, eodem modo destruitur</i>	a thing is made and destroyed by one and the same means
<i>ergo</i>	therefore
<i>erogare pecuniam</i>	spend money
<i>errare humanum est</i>	to err is human
<i>error</i>	error, mistake, oversight
<i>error calculi</i>	error in calculation
<i>error facti</i>	error of fact
<i>error in corpore</i>	error regarding the identity of a thing
<i>error in persona</i>	error regarding the person
<i>error in qualitate</i>	error regarding the quality

<i>error in substantia</i>	fundamental error, error regarding a vital [material, essential] quality of the thing sold
<i>error iuris</i>	error of law
<i>essentialia</i>	essential elements
<i>et sequentes [et seq]</i>	and those following
<i>evictio</i>	eviction
<i>ex abundanti cautela</i>	for the sake of greater caution, make doubly sure
<i>ex aequo et bono</i>	in fairness and justice
<i>ex animo</i>	sincerely
<i>ex arbitrio iudicis</i>	in accordance with the discretion of the judge
<i>ex asse heres institutus</i>	appointed as sole heir
<i>ex capite fraudis/doli</i>	on the ground of fraud, fraudulently
<i>ex cathedra</i>	from the chair
<i>ex causa lucrativa</i>	gratuitously
<i>ex causa mandati</i>	by reason of mandate
<i>ex contemptu vel contumacia</i>	from contempt or stubborn resistance, insubordination
<i>ex contractu</i>	arising from contract
<i>ex decreto iudicis</i>	pursuant to an order of court

<i>ex delicto</i>	arising from delict, tort
<i>ex empto</i>	arising from a purchase or sale
<i>ex facie</i>	evidently, on the face of it, as would appear [from the document]
<i>ex gratia</i>	as a favour, out of goodwill
<i>ex hypothesi</i>	in accordance with the hypothesis, upon the supposition
<i>ex industria</i>	intentionally
<i>ex integro</i>	anew, afresh
<i>ex lege</i>	according to law, as a matter of law, by operation of law, by force of law
<i>ex maleficio non oritur contractus</i>	a contract cannot arise out of an illegal act, no contract arises from crime
<i>ex mandato</i>	as instructed
<i>ex mero motu</i>	spontaneously, voluntarily, of own accord, of own free will
<i>ex mora</i>	by reason of default
<i>ex nihilo nihil fit</i>	from nothing, nothing comes into being
<i>ex nudo pacto non oritur actio</i>	no action arises from a nude contract [contract without consideration]
<i>ex officio</i>	by virtue of his office
<i>ex pacto</i>	as agreed, by agreement

<i>ex parte</i>	as the sole interested party, by or from one party, an application in judicial proceedings
<i>ex post facto</i>	by hindsight, arising from a subsequent event, judging retrospectively
<i>ex proprio motu</i>	of his own accord [by the judge]
<i>ex tempore</i>	impromptu, off the cuff, unprepared
<i>ex usu</i>	sprung from custom
<i>exactissima diligentia</i>	strictest diligence
<i>exceptio</i>	exception [plea in defence]
<i>exceptio dolii</i>	exception of fraud
<i>exceptio errore calculi</i>	exception of an error of miscalculation
<i>exceptio ex iure tertii</i>	exception based on the rights of a third party
<i>exceptio litis pendentis</i>	exception of suit pending
<i>exceptio non adimpleti contractus</i>	exception of unfulfilled contract, exception that the plaintiff, too, is in default
<i>exceptio non numeratae pecuniae</i>	exception of non-payment of loan, plea of default of payment
<i>exceptio plurium litis consortium</i>	exception on the ground that others should be made parties to the suit

exceptio probat the exception proves the rule
regulam

***exceptio rei venditae
 ac traditae*** defence that the thing was sold and delivered

exceptio res iudicatae exception [plea] of matter adjudged

excessus mandati overstepping or exceeding limits of mandate

exempli gratia [eg] for example

existit condicio the condition is being fulfilled

expensae expenses, costs

expensae litis expenses of the cause [case]

expropriatio expropriation

F

facilitas inclination, readiness, frivolity

facio damnum incur loss, damage

facio furtum commit theft

facta probanda facts to be proved to establish the cause of action, what needs to be proved

<i>facta probantia</i>	facts proving the <i>facta probanda</i> , facts proving the facts that need to be proved
<i>factum</i>	act, deed
<i>factum infectum fieri nequit</i>	a thing done cannot be undone
<i>facultas</i>	ability, faculty, assets, capacity
<i>falsum</i>	forgery
<i>falsus in uno falsus in omnibus</i>	false in one thing, false in everything
<i>fama</i>	good name, public opinion
<i>familia</i>	family
<i>favendum est libertati</i>	the court should lean in favour of freedom
<i>festina lente</i>	hurry slowly
<i>fiat</i>	let it be done
<i>fiat experimentum in corpore vili</i>	try your skill in gilt first and then in gold
<i>fiat iustitia</i>	let justice be done
<i>fiat lux</i>	let there be light
<i>fideicommissarius</i>	beneficiary under <i>fideicommissum</i>
<i>fideicommissum</i>	<i>fideicommissum</i> , bequest in trust

fideicommissum resi- dui	<i>fideicommissum</i> of the remainder
fideiussio	suretyship, bail
fides bona contraria est fraudi et dolo	good faith is opposed to fraud and deceit
filius nullius	bastard, illegitimate child
finis finem litibus imponit	a fine puts an end to legal proceedings
flagitium	disgraceful act
fons et origo	source and origin
forum	court [of justice]
forum competens	competent court
forum delicti commis- si	court of the place where the crime was committed
forum domicilii	court or forum of domicile
forum rei sitae	court or forum of place where the thing in question is situated
fractionem diei non recipit lex	the law does not recognize any fraction of a day
fronti nulla fides	appearances are deceptive
fructus	fruits, produce
fructus pendentes	fruits not yet harvested

<i>fructus pendentes</i>	ungathered fruits are regarded as part of the land
<i>fugam fecit</i>	he has made flight, fled
<i>functus officio</i>	no longer in office officiating, having discharged his duty
<i>furandi animus</i>	intention of stealing
<i>furious</i>	insane person
<i>furor</i>	insanity, mental discord
<i>furtum</i>	theft
<i>furtum possessionis</i>	theft of possession
<i>furtum usus</i>	theft of the use [of a thing]

G

<i>generalia specialibus non derogant</i>	general words do not derogate from the particular
<i>generalibus specialia derogant</i>	special things derogate from the general
<i>genus</i>	class, origin, stock
<i>glossa</i>	gloss, word or note inserted between lines or margins as an explanatory equivalent of a foreign or difficult word

<i>gratia</i>	favour, thanks
<i>gratis</i>	free of charge
<i>gratis dictum</i>	said to no purpose
<i>gravamen</i>	material point of a submission [assertion]
<i>gravantia</i>	aggravating circumstances

H

<i>habeas corpus</i>	writ requiring a person to be brought before a judge or into court to investigate the lawfulness of his restraint [have the body]
<i>habitatio</i>	the right of free residence [in the house of another]
<i>heredes</i>	heirs
<i>heredes proximi</i>	closest heirs
<i>hereditas</i>	inheritance, estate
<i>hereditas testamentaria</i>	testamentary inheritance, succession
<i>hic et nunc</i>	here and now
<i>homicidium</i>	manslaughter, homicide
<i>homicidium culposum</i>	negligent killing

<i>homicidium dolosum</i>	murder, intentioned killing
<i>homicidium necessarium</i>	unavoidable homicide, homicide in self defence
<i>homo sapiens</i>	wise man [scientific name for man]
<i>honoris causa</i>	honours [degree]

|

<i>ibidem [ibid]</i>	in the same passage [quoted], in the same place
<i>idem</i>	the same
<i>id est [ie]</i>	that is
<i>ignominia</i>	disgrace, dishonour
<i>ignorantia</i>	ignorance
<i>ignorantia facti</i>	ignorance of fact
<i>ignorantia iuris</i>	ignorance of the law
<i>ignorantia iuris non excusat</i>	ignorance of the law excuses no one
<i>illata et invecta</i>	things brought into the house [by tenant]
<i>illegitimus</i>	illegitimate child

<i>immobilia situm sequuntur</i>	immovables follow their site, immovables are governed by the law of the place where they are situated
<i>imperitia culpae adnumeratur</i>	want of skill is regarded as a fault [an artisan is reckoned to ply his trade with skill]
<i>impossibilis condicio pro non scripto habetur</i>	an impossible condition is considered as not written
<i>imprimatur</i>	let it be printed
<i>impune</i>	with impunity
<i>in absentia</i>	in his absence, by default
<i>in arbitrium iudicis</i>	to the discretion of the judge, for the judge to decide
<i>in articulo mortis</i>	at death's door
<i>in camera</i>	in private, hearing of a case in chambers, behind closed doors
<i>in casu</i>	in the case in question, in the present case
<i>in commendam</i>	in trust
<i>in consimili casu</i>	in a similar case
<i>in continenti</i>	immediately, forthwith
<i>in curia</i>	in open court
<i>in custodia legis</i>	in the custody of the law

<i>in diem addictio</i>	sale under a suspensive condition [that no better offer be made within a given time]
<i>in esse</i>	in being, actually, existing [as against <i>in fieri</i>]
<i>in extenso</i>	at full length, from beginning to end, extensively
<i>in extremis</i>	at the point of death, in the last extremity, at death's door
<i>in fieri</i>	coming into being, coming about [see <i>in esse</i>]
<i>in fine</i>	at the end
<i>in forma pauperis</i>	in the character of a pauper, may sue without being liable for costs
<i>in forma specifica</i>	by way of specific performance
<i>in foro</i>	in a [the] court
<i>in fraudem creditorum</i>	to the prejudice of [his] creditors
<i>in futuro</i>	in the future
<i>in futurum</i>	with a view to the future
<i>in imperio esse</i>	to hold a high office
<i>in infinitum</i>	without limit
<i>in integrum</i>	to its former or original state
<i>in invitum</i>	against a reluctant person

<i>in iudicio</i>	before a judge, in the course of a trial
<i>in iure cessio</i>	transfer [of ownership]
<i>in ius vocare</i>	call to court, summons
<i>in ius vocatio</i>	summons [to appear]
<i>in limine</i>	at the very outset of the hearing, initially, at the beginning [of a case]
<i>in loco</i>	in the place of
<i>in loco parentis</i>	in the place of a parent, in the position of a parent
<i>in longum tempus</i>	for a long term [leases of ten years plus]
<i>in memoriam</i>	in memory of
<i>in mora</i>	in default
<i>in natura</i>	in kind [as opposed to money]
<i>in nomine</i>	in the name of
<i>in nuce</i>	in short
<i>in pari delicto potior est condicio defendantis</i>	in a case of equal wrong [delict] by both parties the defendant is in the stronger position
<i>in pari materia</i>	in an analogous case, concerning a similar subject
<i>in perpetuum</i>	forever, in perpetuity
<i>in pleno</i>	in full

<i>in praesenti</i>	at the present time
<i>in propria persona</i>	in his own person, in person
<i>in re</i>	in the matter of, in the case of
<i>in rem</i>	real right against the whole world
<i>in rem suam</i>	concerning [in] one's own affairs
<i>in securitatem debiti</i>	to secure a debt
<i>in situ</i>	in its original place or position
<i>in solidum</i>	for the full amount, joint and several liability
<i>in solutum datio</i>	tendering in payment
<i>in spe</i>	in expectation
<i>in specie</i>	specific, in its own form and essence, not its equivalent
<i>in statu quo [ante]</i>	in its previous condition
<i>in stricto sensu</i>	in the strict sense, strictly speaking
<i>in subsidium</i>	in support, in aid of
<i>in summa</i>	in short
<i>in suspenso</i>	pending
<i>in tantum</i>	to that extent
<i>in toto</i>	completely, entirely, as a whole
<i>in totidem verbis</i>	in so many words

<i>in transitu</i>	on the way, in transit
<i>in utero</i>	in the womb, unborn child
<i>in vacuo</i>	in an empty space
<i>in vino veritas</i>	the truth [dwells] in wine
<i>incola</i>	resident
<i>incuria</i>	carelessness, negligence
<i>index</i>	list of names/subjects
<i>indicia</i>	directions, proof
<i>indicta causa</i>	without a hearing
<i>indutiae</i>	days of grace
<i>infantes</i>	children under the age of seven years
<i>infirmare</i>	render void
<i>infra</i>	below
<i>infra dignitatem</i>	beneath one's dignity
<i>inhonestus</i>	immoral, disgraceful
<i>iniuria</i>	injury to personal dignity
<i>iniuria non excusat iniuriam</i>	one wrong does not justify another
<i>iniurias persequi</i>	to avenge an insult
<i>inops consilii</i>	without advice
<i>inquisitio</i>	inquiry

<i>insignia</i>	badges of rank/honour
<i>intendere actionem</i>	institute an action
<i>intentio</i>	declaration, part of the formula containing the claim
<i>inter absentes</i>	between parties not present
<i>inter alia</i>	among other things
<i>inter nos</i>	between ourselves
<i>inter partes</i>	between parties
<i>inter se</i>	as to one another, each other
<i>inter vivos</i>	between living persons
<i>intercedere</i>	be surety for
<i>interest reipublicae</i> <i>ne maleficia</i> <i>remaneant impunita</i>	it is in the interest of the state that crimes should not go unpunished
<i>interim</i>	in the meantime, meanwhile
<i>interponere fidem suam</i>	become surety
<i>interruptio</i>	interruption [of prescription]
<i>intestabilis</i>	incapable of testifying
<i>intestatus</i>	intestate
<i>intra vires</i>	within the powers of, within the authority

<i>ipse dixit</i>	"he himself said it": this could mean either that the statement is authoritative or it could mean the statement is a bare assertion
<i>ipsissima verba</i>	the identical words, the very words
<i>ipsissimis verbis</i>	in the identical terms [the very selfsame words]
<i>ipso facto</i>	by the very fact, by the mere fact, obviously
<i>ipso iure</i>	by the law as such, by unquestioned right, by operation of law
<i>irritus</i>	null and void, invalid
<i>iudex a quo</i>	the judge against whose finding an appeal is noted
<i>iudex ad quem</i>	the judge to whom an appeal is taken
<i>iudex loci</i>	the competent local judge
<i>iudicis est ius dicere non dare</i>	it is the province of a judge to expound [interpret] the law and not to make it
<i>iudicium</i>	judgement, finding of court
<i>iura publica ante-ferenda privatis</i>	public rights are to be preferred to private rights
<i>iure belli</i>	by the right [law] of war
<i>iurisprudentia</i>	jurisprudence

<i>ius</i>	[1] (subjective) right, claim [2] the (objective/positive) law, a legal system
<i>ius accrescendi</i>	right of accrual or accretion
<i>ius aequum</i>	equitable law, equity
<i>ius civile</i>	civil law, private law
<i>ius commercii</i>	commercial law
<i>ius commune</i>	common law
<i>ius controversum</i>	controversial point of law, moot point
<i>ius criminale</i>	criminal law
<i>ius disponendi</i>	the right of disposal [alienation]
<i>ius divinum</i>	divine law
<i>ius ex non scripto</i>	unrecorded customary law
<i>ius gentium</i>	law of nations
<i>ius in personam</i>	personal right
<i>ius in re</i>	real right, right to a thing
<i>ius in re aliena</i>	right to the thing of another
<i>ius in re propria</i>	right to one's own thing
<i>ius in rem</i>	right against the world at large
<i>ius mariti</i>	right of a husband, marital power
<i>ius possessionis</i>	right of possession
<i>ius scriptum</i>	written part of law [statutes]

<i>ius tertii</i>	right of a third party
<i>iusta causa</i>	just cause, lawful ground
<i>iustitia</i>	justice
<i>iustus error</i>	reasonable, pardonable error
<i>iustus titulus</i>	just title

L

<i>lacuna</i>	gap, omission, loss
<i>laesio enormis</i>	enormous loss, sold for less than half its value or purchased for more than double
<i>lapsus</i>	slip, blunder
<i>lapsus calami</i>	clerical error, slip of the pen
<i>lapsus linguae</i>	slip of the tongue
<i>lapsus memoriae</i>	slip of memory
<i>latro</i>	robber
<i>lectori salutem</i>	to whom it may concern
<i>legare</i>	bequeath
<i>legatum</i>	legacy
<i>legatum nominis</i>	legacy of debt

<i>legem abrogare</i>	replace an old law by a new law
<i>legem antiquare</i>	reject a bill
<i>legem iubere</i>	ratify a law
<i>legem perferre</i>	carry a law
<i>legem tollere</i>	abolish a law
<i>legis actio</i>	statutory procedure, litigation in accordance with the provisions of the statute [= Twelve Tables]
<i>legis auctoritas</i>	authority of the law
<i>legis vigor</i>	force of law
<i>legitimus</i>	legal, legitimate
<i>lex</i>	[1] any rule of law [2] a law [3] condition [4] objective or positive law
<i>lex Aquilia</i>	Aquilian law providing for compensation for damage to property
<i>lex causae</i>	the system of law governing the case [suit]
<i>lex civilis</i>	positive (objective) law
<i>lex commissoria</i>	resolutive condition in a contract of sale or of letting and hiring to the effect that in the event of default at the expiry of the agreed term the other party shall be entitled to cancel or resile from the sale

<i>lex delicti commissi</i>	law of the place where the crime or delict was committed
<i>lex domicilii</i>	law of personal domicile
<i>lex fori</i>	law of the court in which a case is tried
<i>lex generalis</i>	general legal rule as distinct from <i>lex specialis</i>
<i>lex imperfecta</i>	legal rule lacking a sanction, unenforceable rule
<i>lex loci celebrationis</i>	law of the place where the marriage was concluded
<i>lex loci contractus</i>	law of the place where the contract was concluded, alternatively the law by which it was agreed that the contract should be governed
<i>lex loci executionis</i>	law of the place of performance or payment
<i>lex loci rei sitae</i>	law of the place where the thing is situated
<i>lex mercatoria</i>	law merchant, mercantile law
<i>lex non cogit ad impossibilia</i>	the law does not compel the impossible
<i>lex non curat de minimis</i>	the law does not regard trifles
<i>lex non scripta</i>	unwritten law, common law, customary law

<i>lex patriae</i>	positive law, national and municipal law
<i>lex posterior</i>	subsequent law
<i>lex posterior derogat priori</i>	a later act repeals an earlier one
<i>lex scripta</i>	written law, statute law
<i>lex situs</i>	law of the place where the property is situated
<i>lex specialis</i>	special legal rule, exception to the general rule
<i>lex talionis</i>	law of retaliation
<i>libellus famosus</i>	defamatory publication, libel
<i>liberare</i>	release from, set free
<i>libertas</i>	freedom
<i>linea directa</i>	direct line of descent
<i>lis</i>	suit, dispute, action at law
<i>lis alibi pendens</i>	suit pending elsewhere
<i>lis finita</i>	concluded action
<i>lis sub iudice</i>	case not yet decided
<i>lite pendente</i>	pending the suit or action
<i>lites componere</i>	settle suits

<i>litis contestatio</i>	the moment when the suit is instituted between the parties, close of pleadings, joining issue
<i>locatio conductio</i>	lease agreement, contract of letting and hiring
<i>locatio conductio fortior est emptione</i>	lease goes before sale, lease overrides sale
<i>loco citato</i>	in the place/passage quoted
<i>locum tenens</i>	substitute, deputy, holding the place
<i>locus</i>	place
<i>locus classicus</i>	authoritative or leading case
<i>locus contractus regit actum</i>	the law of the place of the contract governs the act
<i>locus criminis</i>	place where the crime was committed
<i>locus delicti</i>	place where the delict occurred
<i>locus in quo</i>	the place where
<i>locus rei sitae</i>	the place where the [real] thing is situated
<i>locus standi in iudicio</i>	standing in court, right of appearance in court as an interested party, capacity to litigate, right to be heard in court
<i>luce clarus</i>	crystal clear
<i>lucidum intervallum</i>	temporary sanity
<i>lucri causa</i>	lucrative consideration, for profit

<i>lucrum cessans</i>	gain lost [forfeited, forgone]
<i>luctus</i>	mourning
<i>lustrum</i>	period of five years
<i>lusus naturae</i>	freak of nature
<i>luxuria</i>	luxury, luxuriance

M

<i>magna cum laude</i>	with great distinction
<i>magna neglegentia</i>	gross negligence is fault; gross fault is
<i>culpa est; magna culpa dolus est</i>	fraud
<i>magnum opus</i>	great work, main or major work/publication
<i>mala</i>	acts morally wrong, offences against the conscience, wrongs in themselves
<i>mala fide</i>	in bad faith
<i>male fide possessor</i>	possessor in bad faith
<i>mala fides</i>	bad faith
<i>mala fides super- veniens non nocet</i>	subsequent bad faith causes no prejudice
<i>mala mens</i>	evil intention, malice

<i>maleficia</i>	wrongful deeds
<i>malo animo</i>	with evil intent, with malice
<i>mancipatio</i>	formal juristic act which served to transfer ownership
<i>mandamus</i>	court order compelling or commanding someone to do something
<i>mandatarius</i>	mandatary
<i>mandatarius terminos sibi positos transgredi non potest</i>	a mandatary cannot exceed the limits imposed upon him
<i>mandator</i>	mandator
<i>manes manium</i>	ghosts
<i>manu propria</i>	with his own hand
<i>mare</i>	the sea
<i>mare liberum</i>	the open sea
<i>mater non habet nothos</i>	a mother makes no bastard
<i>matrimonium</i>	marriage
<i>matrimonium ratum</i>	marriage formally concluded
<i>matrimonium subsequens</i>	subsequent marriage
<i>me iudice</i>	in my opinion
<i>mea culpa</i>	my fault

<i>medicina forensis</i>	forensic medicine
<i>medium se gerere</i>	be neutral
<i>memorabilia</i>	things to be remembered
<i>mens rea</i>	guilty mind, evil or criminal intention or purpose, wrongful intent
<i>mens sana in corpore sano</i>	a sound mind in a sound body
<i>mente captus</i>	[habitually] insane
<i>mero motu</i>	spontaneously, voluntarily
<i>millennium</i>	a thousand years
<i>minima circumstantia variat causam</i>	each case must be determined according to its own circumstances
<i>minutiae</i>	details, trifles
<i>mirabile dictu</i>	wonderful to relate
<i>miserabilis persona</i>	destitute, infirm, indigent, needy person
<i>mobilia</i>	movables
<i>mobilia non habent sequelam</i>	movables cannot be followed up [cannot be vindicated from third parties]
<i>mobilia non habent situm</i>	movables have no locality
<i>moderatio</i>	moderation
<i>modus</i>	[1] way, method [2] measure [3] mode

<i>modus operandi</i>	manner of operation, procedure
<i>modus procedendi</i>	procedure in court, [manner of] procedure at law
<i>modus vivendi</i>	compromise with a view to peaceful co-existence or to promote harmony
<i>montes auri polliceri</i>	make extravagant promises
<i>mora</i>	default, [culpable] delay
<i>mora creditoris</i>	default of the creditor
<i>mora creditoris [vel debitoris] perpetuat obligationem</i>	default on the part of the creditor [or debtor] perpetuates the obligation
<i>mora debitoris</i>	default of the debtor
<i>moratorium</i>	suspension of legal remedies against debtors
<i>mortis causa</i>	in contemplation of death
<i>mutatis mutandis [mm]</i>	the necessary changes being made [in points of detail], with the necessary alterations, the things to be changed having been changed
<i>mutua petitio</i>	counterclaim
<i>mutuum</i>	loan for consumption, loan of fungibles
<i>mutuus dissensus</i>	arrangement to cancel an agreement

N

<i>nasciturus</i>	child conceived but not yet born
<i>naturalia contractus</i>	natural elements or components of a contract
<i>naturalis</i>	natural
<i>naturalis obligatio</i>	natural [or unenforceable] obligation
<i>ne bis in idem</i>	no double jeopardy for an accused person
<i>ne plus ultra</i>	the last word, perfection
<i>nec vi, nec clam, nec precario</i>	neither by violence, nor secretly, nor by sufferance
<i>necessariae impen- sae</i>	necessary expenses
<i>necessitas</i>	necessity
<i>neglegentia</i>	negligence
<i>negotiorum gestio</i>	spontaneous agency [without a mandate or authority], gratuitous intervention
<i>nemine contradicente</i>	no one saying otherwise, unanimously, no one voting against
<i>nemine dissentiente</i>	no one dissenting
<i>nemini res sua servit</i>	no one can have a servitude over his own thing

<i>nemo agit in seipsum</i>	no one can take proceedings against himself
<i>nemo censetur legem ignorare</i>	no one is considered to be ignorant of the [criminal] law
<i>nemo dat quod non habet</i>	no one can give what he does not possess
<i>nemo debet bis puniri pro uno delicto</i>	no one should be punished twice for one fault
<i>nemo debet esse iudex in propria causa</i>	no man ought to be a judge in his own cause
<i>nemo est heres viventis</i>	no one is heir of a person still alive
<i>nemo est supra leges</i>	no one is above the law
<i>nemo penitus</i>	no one at all
<i>nemo potest in alium transferre plus quam ipse habet</i>	no one can transfer a greater right to another than he himself has
<i>nescit vox missa reverti</i>	a word spoken cannot be recalled
<i>nexus</i>	link
<i>nihil simul inventum est et perfectum</i>	nothing was invented and perfected at the same time

<i>nisi</i>	a decree, order, rule, declaration or other adjudication of the court is said to be made <i>nisi</i> when it is not to take effect unless the person affected by it fails to show cause against it within a certain time
<i>nobile officium</i>	noble duty or function of the court as upper guardian
<i>nolens volens</i>	whether willing or not, consenting or not, willy-nilly
<i>nolle</i>	refuse to
<i>nolle prosequi</i>	refusal to prosecute
<i>nomine alicuius</i>	on behalf of someone
<i>nomine culpae tenetur</i>	he is guilty of negligence
<i>nomine officii [no]</i>	by virtue of his office, in his official capacity
<i>non compos mentis</i>	insane, not of sound mind
<i>non constat</i>	it does not follow, it is not certain, not evident
<i>non culpabilis</i>	not guilty
<i>non est factum</i>	it is not his deed
<i>non est inventus</i>	he has not been found
<i>non fatetur qui errat</i>	a confession founded on error is meaningless

<i>non iure</i>	element of wrongfulness
<i>non liquet</i>	it is not clear, apparent, established by evidence
<i>non obstante</i>	notwithstanding
<i>non placet</i>	it does not please me, I do not like it
<i>non sequitur</i>	it does not follow [logically]
<i>non usus</i>	non user [servitude]
<i>normaliter</i>	according to the rule
<i>noscitur a sociis</i>	the meaning of a word can be gathered from the context
<i>nota bene</i>	please note
<i>nova causa interveniens</i>	a new cause intervening
<i>novatio</i>	novation, renewal of existing obligation, intervening
<i>novitas</i>	novelty, a new thing
<i>nuda cogitatio</i>	mere intention
<i>nuda detentio</i>	mere detention
<i>nuda habitatio</i>	mere [right of free] residence
<i>nuda possessio</i>	mere possession
<i>nudum pactum</i>	naked agreement, contract without consideration

<i>nulla bona</i>	no goods
<i>nulla poena sine lege</i>	no punishment except in accordance with the law
<i>nullum crimen sine lege</i>	no crime without a law (prescribing a punishment)
<i>nullum damnum sine iniuria</i>	there is no claim for damages without an actionable wrong
<i>numerus clausus</i>	restricted number
<i>nunc pro tunc</i>	now for then [with retrospective validity]
<i>nuntius</i>	messenger
<i>nuptiae</i>	marriage
<i>nuptiae iustae</i>	legal marriage
<i>nuptias non concubitus sed consensus facit</i>	it is consent not cohabitation which makes a marriage

O

<i>obaeratus</i>	insolvent person
<i>obiter dictum</i>	remark in passing [unnecessary for the decision of the case], hence not binding on subsequent court cases, a saying by the way, remark in passing

<i>obligatio</i>	obligation
<i>obligatio civilis</i>	obligation enforceable by action
<i>obligatio ex contractu</i>	obligation arising from contract
<i>obligatio ex delicto</i>	obligation founded on delict
<i>obtentu</i>	under the pretence or pretext of
<i>occasio legis</i>	reason for proposing a law
<i>occupare</i>	[1] occupy [2] appropriate [ownerless property]
<i>occupatio</i>	appropriation of ownerless property
<i>odium</i>	hatred, unpopularity
<i>officium</i>	duty
<i>omissio</i>	offence consisting in failure to act
<i>omne maius continet in se minus</i>	the greater always includes the lesser
<i>omne quod inae dificatur solo cedit</i>	everything built upon the soil belongs to the soil
<i>omni iure</i>	with every right
<i>omnis exceptio est ipsa quoque regula</i>	every exception itself also constitutes a rule
<i>omnium consensu</i>	with the concurrence (consent) of all
<i>onus</i>	burden
<i>onus probandi</i>	burden of proof

<i>opere citato [op cit]</i>	in the work cited
<i>optimo iure</i>	quite rightly
<i>orare causam</i>	argue a case, plead

P

<i>pace</i>	by permission of
<i>pacta dotalia</i>	antenuptial contract
<i>pacta sunt servanda</i>	agreements are to be observed
<i>pactum</i>	agreement, pact, compact
<i>pactum antichreosos</i>	agreement granting right of user to holder of pledge
<i>pactum commissorium</i>	see <i>lex commissoria</i>
<i>pactum de emendo</i>	agreement to buy
<i>pactum de non compensando</i>	agreement that there shall be no set-off
<i>pactum de vendendo</i>	option to buy
<i>pactum displicentiae</i>	cancellation clause [or agreement]
<i>pactum successorium</i>	agreement concerning the devolution of an estate, succession pact

<i>pari passu</i>	[1] simultaneously and in equal measure [2] without preference or favouritism
<i>paroemia</i>	legal maxim, rule of conduct
<i>particeps criminis</i>	accessory, accomplice
<i>paterfamilias</i>	father, head of the family
<i>patria carere</i>	be in exile
<i>patria potestas</i>	paternal authority or power
<i>paucis verbis</i>	in brief, in short
<i>peculatus</i>	embezzlement of public money
<i>pecunia</i>	money
<i>pecunia non numerata</i>	money not paid
<i>pecunia praesens</i>	cash money
<i>pedetemptim</i>	gradually, step by step
<i>per ambages</i>	in a round-about way
<i>per annum</i>	per year
<i>per aspera ad astra</i>	through trials to glory
<i>per capita</i>	individually, per person, per head
<i>per contra</i>	on the contrary
<i>per curiam [per cur]</i>	by the court

<i>per diem</i>	per day
<i>per incuriam</i>	through an oversight, through want of care, through inadvertence
<i>per mensem</i>	by the month
<i>per omnia</i>	in every respect
<i>per procurationem</i> [pp]	as an agent, on behalf of another, by proxy
<i>per quod</i>	whereby
<i>per se</i>	by himself, on its own, by its very nature, intrinsically
<i>per stirpes</i>	by representation [succession laws]
<i>per totam curiam</i>	by the whole court
<i>per vim legis</i>	by force of a law
<i>peregrinus</i>	foreigner, litigant not residing within the jurisdiction of the court
<i>periculum</i>	hazard, risk
<i>persona</i>	person, human being, being capable of legal rights
<i>persona grata</i>	desirable person
<i>persona non grata</i>	undesirable person
<i>persona publica</i>	public officer, notary
<i>persuadeo</i>	persuade someone to, prevail upon

<i>petitio</i>	claim [before the court]
<i>petitio principii</i>	begging the question [assumption that the proof has been established of what has yet to be proven], acceptance of what still has to be proved
<i>pignus</i>	[1] pledge [delivered to creditor] [2] contract of pledge
<i>plagiarius</i>	kidnapper
<i>poena</i>	[1] penalty, [2] punishment
<i>portorium</i>	toll charge, customs duties
<i>possessio</i>	possession
<i>post item motam</i>	after the suit has commenced
<i>post meridiem [pm]</i>	after midday
<i>post mortem</i>	after death
<i>post scriptum</i>	postscript, written afterwards
<i>postea</i>	later, afterwards, thereafter
<i>posteri</i>	descendants
<i>potestas</i>	power, authority
<i>potestas maritalis</i>	marital power
<i>praedium</i>	estate, land, tenement
<i>praedium dominans</i>	dominant tenement or land, the land in favour of which a servitude existed over the land of another

<i>praedium rusticum</i>	rustic or rural land
<i>praedium serviens</i>	servient tenement or land, land subject to a servitude in favour of another tenement or land
<i>praedium urbanum</i>	urban tenement
<i>praerogativa</i>	preference, privilege, prerogative
<i>praescriptio</i>	prescription
<i>praesumptio iuris</i>	presumption of law, legal or rebuttable presumption
<i>pretium</i>	price, value
<i>pretium succedit in locum rei</i>	the price stands in the place of the thing sold [lost]
<i>prima facie</i>	on the face of it, at first sight
<i>primo loco</i>	in the first place
<i>primus inter pares</i>	first among peers>equals
<i>prior in tempore, potior in iure</i>	priority is given to him who establishes a right first
<i>privatus</i>	private person, citizen
<i>pro amico</i>	for the sake of friendship, for a friend
<i>pro bono publico</i>	for the public weal
<i>pro deo</i>	referring to the defence at state cost of an accused appearing on a capital charge and lacking funds to brief counsel

<i>pro et con</i>	for and against
<i>pro forma</i>	as a matter of form
<i>pro hac vice</i>	for this particular occasion
<i>pro non scripto haberi</i>	regarded as if not written
<i>pro parte</i>	in part, partly
<i>pro rata</i>	in proportion
<i>pro tanto</i>	to that extent, in so far
<i>pro tempore</i>	temporarily, provisionally, for the time being
<i>probabilis</i>	reasonable, plausable
<i>probabilis causa</i> <i>litigandi</i>	reasonable cause of action
<i>probandum</i>	what must be proved
<i>procurator</i>	agent acting for principal
<i>procurator ad causas</i>	attorney employed to assist a litigant in the conduct of his lawsuit
<i>procurator ad negotia</i>	attorney assisting his client in transacting other business
<i>procurator in rem suam</i>	holder of an irrevocable power of attorney
<i>prodigus</i>	spendthrift
<i>provisione legis</i>	by provision of a law

<i>provocatio</i>	appeal
<i>prudens futuri</i>	mindful of the future
<i>prudentia</i>	sound sense, legal knowledge, juris-prudence
<i>pure</i>	unconditionally
<i>putare</i>	think, be of the opinion

Q

<i>qua</i>	as, in the capacity of
<i>quae invito te acta</i>	acts performed without your consent
<i>sunt tibi non</i>	do not prejudice you
<i>praeiudicant</i>	
<i>quaere</i>	query, problematical, uncertain, doubtful
<i>quaestio facti</i>	question of fact
<i>quaestio iuris</i>	question of law
<i>qualitate qua [qq]</i>	in the given capacity
<i>quando acciderint</i>	when it happens
<i>quantum</i>	size, volume, amount of its value, quantity
<i>quantum meruit</i>	amount of enrichment, as much as he has earned

<i>quantum ramificatus</i>	amount of damage suffered
<i>quasi</i>	as if it were, seemingly, as if
<i>qui facit per alium facit per se</i>	he who acts through another is deemed to act in person, a principal is liable for the acts of his agents
<i>quia timet</i>	because he fears
<i>quicquid plantatur solo, solo cedit</i>	whatever is fixed to the soil belongs to the soil
<i>quid pro quo</i>	something for something, mutual consideration
<i>quietare</i>	to quit, discharge
<i>quo ligatur eo dissolvitur</i>	whatever binds can also release
<i>quo vadis</i>	where are you going?
<i>quod cito acquiritur cito perit</i>	easy come easy go
<i>quod erat demonstrandum [qed]</i>	which was to be proved
<i>quod metus causa</i>	on the ground of fear or intimidation
<i>quod non apparent non est</i>	what does not appear does not exist [law of evidence]
<i>quod per me non possum, nec per alium</i>	what I cannot do in person I cannot do by proxy

quod vide [qv]	see
quorum	minimum number of competent persons present at a meeting to transact business, <i>quorum</i>
quota litis	proportionate share [in the proceeds of a suit]
quota pars	share, proportion

R

rara avis	rare bird, rare phenomenon
ratam rem habere	to ratify a matter
ratio	ground, reason, cause, motive
ratio decidendi	ground for decision, the reason for a judicial decision, decisive [underlying] ground for the court's ruling
ratio legis	reason for passing a law
ratione soli	by reason only
re	in the matter of, in the case of, in connection with
recedere ab emptione	resile/withdraw from the sale
rectus in curia	litigant with an honest cause
recusare	reject, decline

<i>reditus</i>	return, revenue, income, profit
<i>regula</i>	rule
<i>rei vindicatio</i>	vindicatory action [recovery of property by the owner from any person in possession of it]
<i>religio</i>	oath, respect, conscientiousness
<i>relocatio</i>	renewal of lease
<i>remedium iuris</i>	legal remedy
<i>requiescat in pace</i>	may he/she rest in peace
<i>res</i>	thing, case, object of rights
<i>res accessoria</i>	accessory thing follows the principal thing
<i>sequitur rem principalem</i>	
<i>res alicuius</i>	thing belonging to someone [as against <i>res nullius</i>]
<i>res communes omnium</i>	things common to all
<i>res corporalis</i>	corporeal thing
<i>res decisa</i>	decided case
<i>res derelicta</i>	abandoned thing
<i>res extra commercium</i>	thing not being capable of being owned, not falling within the province of trade
<i>res furtiva</i>	stolen thing

<i>res habilis</i>	thing susceptible of ownership, capable of being held in ownership
<i>res in commercio</i>	thing susceptible of private ownership
<i>res integra</i>	a point, governed neither by any decision nor by any rule of law, which must be decided upon principle, an open question
<i>res ipsa loquitur</i>	it [the thing] speaks for itself, stands to reason
<i>res iudicata</i>	the matter has been judged and the case therefore closed, matter settled by judgment
<i>res nova</i>	a new case [not yet decided]
<i>res nullius</i>	thing which has no owner, property of nobody, ownerless thing
<i>res publicae</i>	public property
<i>res sic stantibus</i>	things standing so, remaining the same
<i>reservatio</i>	reservation, proviso
<i>restitutio in integrum</i>	return or restoration to the previous legal position, act of rescission
<i>retentio</i>	right of lien
<i>rigore iuris</i>	according to the strict interpretation of the law

S

<i>sacrosanctus</i>	sacrosanct, inviolable
<i>saeculum</i>	century, one hundred years
<i>salva rerum substantia</i>	without impairment of the essential qualities of the things
<i>salvo iure</i>	without prejudice
<i>salvo officio</i>	without neglecting one's duty
<i>satisfactio</i>	payment, settlement, compliance
<i>scienter</i>	knowingly and wilfully, of set purpose
<i>scilicet</i>	namely, that is to say
<i>scribere est agere</i>	to write is to act
<i>senatus consultum Velleianum</i>	decree declaring women incompetent to stand surety (abolished)
<i>sententia</i>	opinion, judgment
<i>separatio a mensa et toro</i>	judicial separation, separation from bed and board
<i>sequester</i>	to take (property) out of possession of owner until a debt has been settled
<i>seriatim</i>	individually, severally, point by point
<i>servitus</i>	servitude
<i>servitus itineris</i>	servitude of passage

<i>servitus ne luminibus officiatur</i>	servitude of unobstructed lights
<i>servitus oneris ferendi</i>	servitude for the support of a burden [of a house]
<i>servitus servitutis esse non potest</i>	there cannot be a servitude of a servitude
<i>servitus tigni immittendi</i>	servitude of letting in a beam, right of inserting beams in a neighbour's walls
<i>servitus viae</i>	servitude of right of way
<i>si bene se gesserit</i>	subject to good behaviour
<i>sic</i>	[just like that], inserted in or after a quotation to draw attention to some error of grammar, spelling or fact
<i>sic utere tuo ut alienum non laedas</i>	use your own property so as not to injure that of another
<i>simul ac semel</i>	simultaneously, all together
<i>sine</i>	without
<i>sine causa</i>	without good cause or reason
<i>sine die</i>	without fixing a day, without fixing a date
<i>sine qua non</i>	indispensable condition
<i>singuli et in solidum</i>	jointly and severally
<i>societas</i>	partnership

<i>socius criminis</i>	accomplice
<i>solvitur ambulando</i>	the question is resolved by action
<i>specificatio</i>	specification, creation of a thing
<i>spes</i>	hope, expectation
<i>sponsalia</i>	engagement to marry, betrothal
<i>stante matrimonio</i>	during the existence of a marriage
<i>stare decisis</i>	adhere to, abide by, decided cases remain authoritative
<i>status</i>	the legal position or condition of a person
<i>status quo</i>	the state in which things are, present condition
<i>status quo ante</i>	the state in which things were, the previous situation
<i>stet</i>	let it stand [in proofreading]
<i>stricto sensu</i>	in the strict sense
<i>strictum ius</i>	strict law
<i>stuprum</i>	illicit intercourse, fornication
<i>sub iudice</i>	in course of trial, the matter is still under consideration, pending litigation
<i>sub modo</i>	subject to restriction or condition
<i>sub voce</i>	under the title

<i>sublocatio</i>	sublease
<i>substitutio</i>	substitution
<i>successio</i>	succession [as heir]
<i>successor</i>	successor
<i>sui generis</i>	only one of its kind, peculiar
<i>sui iuris</i>	having legal or contractual capacity
<i>summa cum lauda</i>	with the greatest distinction
<i>summa ratio</i>	decisive, strongest ground
<i>summum bonum</i>	the highest good, the best
<i>suo tempore</i>	in due course
<i>superficies solo cedit</i>	buildings form part of the land
<i>supplicium sumere de aliquo</i>	to execute the death sentence
<i>suppressio veri</i>	suppression of the truth
<i>supra</i>	above
<i>suspicio</i>	suspicion

T

<i>tabernarius</i>	shopkeeper
<i>tabula rasa</i>	clean slate, complete obliteration, a blank
<i>tabularius</i>	notary public
<i>tacitus consensus</i>	tacit agreement
<i>tale quale</i>	just as it is
<i>tempus fugit</i>	time flies
<i>terminus a quo</i>	starting point
<i>terminus ad quem</i>	finishing point, terminal point
<i>terra</i>	land
<i>testamentum</i>	last will
<i>testamentum destitutum</i>	abandoned will, rendered void by refusal of heir to adiate
<i>testamentum ordinare</i>	execute a will
<i>testator</i>	one who makes a will
<i>testimonium</i>	evidence, statement by witness
<i>testimonium de auditu</i>	hearsay evidence
<i>testis</i>	witness [in court]
<i>totidem verbis</i>	in so many words

<i>totis viribus</i>	with all one's might
<i>toto caelo</i>	entirely, totally
<i>totus tuus</i>	yours sincerely, entirely yours
<i>transactio</i>	settlement of a matter in dispute [by the parties themselves]
<i>tunica propior pallio est</i>	charity begins at home
<i>turpis</i>	mean, disgraceful, vile
<i>tutor</i>	guardian

U

<i>uberrima fides</i>	the utmost/absolute good faith
<i>ubi ius ibi remedium</i>	where there is a right there is a remedy
<i>ubi lex ibi poena</i>	where there is a law there is a penalty
<i>ultra vires</i>	beyond the scope of powers conferred, in excess of authority
<i>uno flato</i>	with one breath
<i>usque ad filum aquae</i>	up to the middle of the stream
<i>usucapio</i>	prescription
<i>usus magister est optimus</i>	practice makes perfect

<i>uti possidetis</i>	as you possess
<i>uxor</i>	wife
<i>uxor sequitur domicilium viri</i>	a wife follows the domicile of her husband

V

<i>vacua possessio</i>	vacant or undisturbed possession
<i>vagabundus</i>	person of no certain domicile or fixed abode
<i>vanus</i>	frivolous, groundless, idle
<i>venalis</i>	for sale
<i>venditioni exponas</i>	that which you expose for sale
<i>vendor</i>	seller
<i>verba ipsissima</i>	the very or exact words
<i>verbatim</i>	word for word, verbatim
<i>verberare</i>	whip, flog
<i>verborum obligatio</i>	verbal obligation
<i>veritatis simplex oratio est</i>	the language of the truth is simple
<i>versus [vs]</i>	against
<i>verus</i>	genuine, true

vexata quaestio	moot point
vi	by force
via	way, street
vice mutua	in turn, reciprocally
vice versa	the other way around, conversely
vicissim	in turn, alternately
vide	see
videlicet [viz]	namely, that is to say
vigilantibus non dormientibus iura subveniunt	the laws help those who are watchful and not those who sleep
vigor legis	force of law
vilis	cheap, common, worthless
vinculum	bond
vinculum iuris	bond of law [obligation]
vis	[1] duress, force, compulsion [2] power, violence, strength [3] legal effect, force, validity [4] purport, tenor
vis legis	power of the law
vis maior	irresistible force [earthquake], act of God
vitium	defect, flaw, imperfection

<i>vitium latens</i>	latent defect
<i>viva voce</i>	verbally, orally
<i>vocatio in ius</i>	to summon before a magistrate
<i>volenti non fit iniuria</i>	consent to injury removes unlawfulness, he who consents cannot receive an injury
<i>voluntas in delictis, non exitus spectatur</i>	in crime the intention [or will] is looked to and not the result
<i>voluntas testatoris servanda est</i>	the will of a testator must be upheld
<i>vox nihili</i>	group of letters making no sense