

J

J. An abbreviation of judge, also of **justice**.

J. A. An abbreviation of **judge advocate**.

ja. Now; yet. Yes, in German.

Jac. I. An abbreviation of Jacobus 1, meaning **James I**.

Jac. II. An abbreviation of Jacobus 11, meaning **James II**.

jacens. Lying down; in abeyance.

jacens haereditas. An estate which is lying in abeyance.

jacet in ore. It lies in the mouth.

jack. A male, especially a male jackass.

See **lifting jack; standing jacks**,

jackass. A male donkey, one of the characteristics of which is the making of a loud noise called braying. 4 Am J2d Ani § 22. A silly or stupid person; a person whose purposes of accomplishment are ill-conceived and unfortunate in result.

jacket. A cover, especially the cover on a book to protect it while on shelf for sale. A coat.

See **straightjacket**.

Jack Ketch. A name sometimes given to an English hangman or executioner.

jackknifing. A familiar cause of highway accidents, being a movement of a trailer contrary to the movement of the tractor, so that, joined together, they bend in the middle. 8 Am J2d Auto § 715.

The movement known as jackknifing will result from the application of brakes to the tractor without putting on the brakes of the trailer. *Fruehauf Trailer Co. v Gusewelle* (CA8 Mo) 190 F2d 248, cert den 342 US 866, 96 L Ed 651, 72 S Ct 105.

Jack of lent. An effigy personifying the lenten season.

jackpot. A game of chance. Anno: 135 ALR 129. The stake in a game of chance, particularly a game of cards in which the stake is cumulative with the progression in the betting. The amount in a slot machine which may be released to a winner.

jactitation. A false boast. In medical terminology, any involuntary convulsive muscular movement. *Leman v Manhattan Life Ins. Co.* 46 La Ann 1189, 15 So 388.

jactitation of marriage. The wrongful boasting or giving out by a person that he or she is married to a certain person, contrary to the fact, whereby a common rumor of their marriage may ensue. See 3 Bl Comm 93.

jactitation of tithes. A person's false boasting of his right to take tithes.

jactitation of title. An action, the object of which is to force a party who is not in possession, but who asserts a right to the property out of court, to come into court and disclaim or assert the right judicially. The procedure used in some jurisdictions to recover damages for slander of title. 33 Am J1st L & S § 354.

jactivus. Thrown away; cast away; lost.

jactura. A word used in the civil law with the same meaning as the English word **jettison**.

jactura evitanda. See **de jactura evitanda**.

jactus. A throwing; a cast; a throw. *Jettison*. *Barnard v Adams (US)* 10 How 270, 303, 13 L Ed 417, 431.

jactus lapilli. Throwing down a stone.

Under the civil law this was an act which was symbolic of an assertion of right or title in land and was employed to bar the acquisition of a prescriptive right or title by adverse possession.

jail. A prison pertaining to a county or municipality in which are confined for punishment persons convicted of misdemeanors committed in the county or municipality; also a place in which persons accused of crime, who are not able to furnish bail, or are not entitled to furnish bail, pending action by the grand jury, or the filing of an information, are confined, prior to being brought on for trial. 41 Am J1st Pris & P § 2.

See **common jail; lockup; state jail**.

jail breaking. The offense of breaking out of a jail through any confining wall by force or violence.

A mere constructive breaking, as by walking out through an open door, or an escape accomplished by stratagem is not a jail breaking, unless accompanied by force, but force used to overcome a jailer or turnkey is sufficient. *State v Clark*, 121 Kan 816, 250 P 300.

jail delivery. The clearing out or ridding a jail of the persons committed there to await their trials, by disposing of their cases. See 4 Bl Comm 270.

jail delivery judges. See **judges of gaol delivery**.

jailer. The custodian or keeper of a jail. 41 Am J1st Pris & P § 5. A public officer subject to the commands of courts to receive and retain prisoners committed to their custody by legal process. 41 Am J1st Pris & P § 10.

jail liberties. See **liberties of the jail**.

jail limits. See **liberties of the jail**.

jake. A slang term for Jamaica ginger. 30 Am J Rev ed Intox L § 19.

Jamaica ginger. An extract of ginger with an alcoholic content. *State v Intoxicating Liquors & Vessels*, 118 Me 98, 106 A 711, 4 ALR 1128. Generally regarded as an intoxicating liquor because of its use as an intoxicant. 30 Am J Rev ed Intox L § 19.

James I. James the First, the king of England from March 24th, 1603, to March 27th, 1625.

James II. James the Second, the king of England from February 6th, 1685, to 1689.

jamundilingi. Same as **jamunlingi.**

jamunlingi. Freeman who voluntarily placed themselves and their property under the duties of subjection and service of a man of wealth in order to secure his protection.

janitor. A person who cares for a building, such as an apartment house, in respect of keeping it clean and orderly. A doorkeeper.

Japanese curfew. A restriction in the form of a curfew established by executive order against all persons of Japanese ancestry residing in the West Coast Military Area during the war between the

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United States and Japan. *Yasui v United States*, 320 US 115, 87 L Ed 1793, 63 S Ct 1392.

Japanese evacuation. The evacuation of Japanese from certain areas on the West Coast and their relocation elsewhere at the beginning of the war with Japan, as authorized by Act of March 21, 1942 and Executive Orders 9066, 9102.

Japanese exclusion. A policy, since abrogated, of excluding Japanese, along with other members of the yellow race, from immigration. *Japanese Immigrant Case (Yamataya v Fisher)* 189 US 86, 47 L Ed 721, 23 S Ct 611. The former policy, since abrogated, of excluding Japanese, along with other members of the yellow race, from naturalization. *Re Yamashita*, 30 Wash 234, 70 P 482. The exclusion of Japanese from certain areas on the West Coast at the beginning of the war with Japan, as authorized by Act of March 21, 1942 and Executive Order 9066.

jar. A container, usually earthenware. A shock. The technical name for a tool used by oil well drillers to dislodge objects which have become fastened in a well. *Raymond v Wickersham*, 27 Cost & Pat App 1079, 110 F2d 863.

Jason Clause. A clause in a maritime bill of lading, the effect of which is to invest the master of the carrying vessel with authority and responsibility to act directly for cargo in relation to contribution in general average. *Aktieselskabet Cuzco v The Sucarseco*, 294 US 394, 79 L Ed 942, 55 S Ct 467.

jaundice. A disease characterized by the presence of bile in the blood; sometimes resulting from transfusions of blood following an injury. *Duvall v T. W. A.* 98 Cal App 2d 106, 219 P2d 463. Often developing as a direct result of injuries. *Helms v Leonard* (DC Va) 170 F Supp 143.

javelour. A jailer.

jaw-strap. An iron bar on a railroad car used for hauling coal, running below and between the ends of the axles under the body of the car. *Coates v Boston & Maine Railroad*, 153 Mass 297, 26 NE 864.

jaywalking. A pedestrian crossing a street diagonally, or at other than right angles, or crossing at a place other than an intersection or designated crossing. 7 Am J2d Auto § 243.

J. C. D. Abbreviation of Doctor of Civil Law.

J. D. Abbreviation of Doctor of Laws.

Jedburgh justice. An ancient name for modern lynch law, under which a prisoner is put to death without a trial.

Sir Walter Scott refers to a species of lynching when he refers to what was called "Jedwood" justice, "hang in haste and try at leisure." *State v Lewis*, 142 NC 626, 55 SE 600.

Jeddart justice. Same as **Jedburgh justice**.

Jedwood justice. Apparently the same as **Jedburgh justice**.

jeep. A small but sturdy motor vehicle adaptable to the purposes of a small truck as well as to the carrying of passengers, but not a passenger automobile of the pleasure-car type. *Pennell v United Ins. Co.* 150 Tex 541, 243 SW2d 572.

Jehovah's Witnesses. A religious sect, the practices of which in living up to the precepts of their belief have brought them into litigation repeatedly, particularly criminal prosecutions.

The Witnesses claim and are entitled to the constitutional guaranties of freedom of speech and of religion within the conditions of the application of such guaranties. 12 Am J2d Breach P § 14.

Jencks Act. A federal statute the major concern of which is with limiting and regulating defense access to government papers, the provision being that in any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a government witness or prospective government witness (other than the defendant) to an agent of the government shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case. 18 USC § 3500; *Palermo v United States*, 360 US 343, 3 L Ed 2d 1287, 79 S Ct 1217.

jennet. A female donkey.

jeofail. A mistake or error in a pleading.

jeofaile. Same as **jeofail**.

jeofail statute. A statute curing imperfections in pleading, civil or criminal. *Witte Iron Works v Holmes*, 62 Mo App 372.

jeopardy. Danger. In a criminal case, the danger of punishment which the defendant incurs when brought to trial before a court of competent jurisdiction, on an indictment, presentment, or information which is sufficient in form and substance to sustain a conviction, and a jury has been charged with his deliverance. 21 Am J2d Crim L §§ 169 et seq.

See **prior jeopardy**.

jepardy. Same as **jeopardy**.

jerguer. An English customs officer.

jerk. A sudden movement of a railroad car occurring as a result of the stress produced by a sudden start or stop of the train. *Foley v Boston & Maine R. Co.* 193 Mass 339, 79 NE 765. A sudden moving of the body or a part of the body by an abrupt application of force, as where a motor vehicle in which a person is riding suddenly stops. A slang term for a silly person.

See **lurch**.

Jerusalem assizes. See **assizes of Jerusalem**.

jest. A joke. A remark made in a taunting manner.

jet. An airplane propelled by jets of gas and developing great speed as compared with an airplane powered by the conventional piston engine.

jet routes. The routes prescribed by the Federal Aviation Agency for jet planes. 14 CFR §§ 600.1 et seq.

jetsam. Goods cast into the sea in order to save a ship, or by shipwreck, which sink and remain under water. 48 Am J1st Ship § 647. A subject of salvage. 47 Am J1st Salv § 3.

jetsom. Same as **jetsam**.

jetsome. Same as **jetsam**.

jettage. A tax laid on incoming ships.

jetting. A technical term of the construction industry for the process of filling an excavation with the same material as that removed in excavating and soaking the fill with water. *Leo F. Piazza Paving Co. v Bebek & Brkich*, 141 Cal App 2d 226, 296 P2d 368, 369, footnote.

jettison. The voluntary casting overboard of part of the cargo in order to relieve the ship in

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distress. 48 Am J1st Ship § 633. A peril of the sea within the meaning of a marine insurance policy. 29A Am J Rev ed Ins § 1314.

jetty. A structure, usually in the form of a wall, sometimes a dam built and extending into a river or other body of water for the purpose of deflecting the current, thereby protecting a harbor by deepening the channel and strengthening the banks of the stream. *Morton v Oregon Short Line Railroad Co.* 48 Or 444, 87 P 151.

jeux de bourse. (French.) Speculations in stocks or futures.

jewelry. Ornaments used for personal adornment. Anno: 40 ALR2d 871. Inclusive also of useful articles such as a watch, tie-clasp, etc. *Rains v Maxwell House Co.* 112 Tenn 219, 79 SW 114. Including gems, whether mounted or unmounted. *Automobile Ins. Co. v Denny* (CA8 Mo) 206 F2d 401, 40 ALR2d 865.

Jewish interest. An expression, common in England in an older day, for usury.

Jews. The chosen people of the Old Testament. Persons whose ancestors were the ancient Hebrews.

See **Judaism**.

jigsaw puzzle. A puzzle in the assembling of the severed parts of a picture, presenting a problem requiring ingenuity in solution; not a game within the meaning of a tax on games. *White v Aronson*, 303 US 16, 82 L Ed 20, 58 S Ct 95.

Jim Crow car. A car provided by a carrier for the carriage of colored passengers only, such passengers not being permitted to ride in coaches with whites; an instrumentality of unlawful segregation. 15 Am J2d Civ R § 35.

jim-jams. A slang term for delirium tremens, also slang for a nervousness, even for a belly-ache.

jimmy. A prying-bar used by burglars for opening doors and windows. United States ex rel. Guarino v Uhl (CA2 NY) 107 F2d 401.

jitney. An automobile which carries passengers on a regular route for a relatively small fare. Memphis v State, 133 Tenn 83, 179 SW 631. A competitor of the streetcar in an older day. Columbia v Alexander, 125 SC 530, 119 SE 241, 32 ALR 746. A slang expression for a nickle.

jitney bus. Same as **jitney.**

jitters. A slang term for nervousness.

JJ. An abbreviation of "**judges.**"

J. K. B. An abbreviation of "**justice of the king's bench.**"

jobber. A middleman, a dealer in merchandise who buys from the manufacturer, wholesaler, or importer and sells to retailers. Steward v Winters (NY) 4 Sandf Ch 587, 590. One who does piece work.

See **piece work.**

jobbers' association. An association by the jobbers of a locality for the purpose of obtaining cooperation in purchasing and distribution of commodities. Arkansas Brokerage Co. v Dunn (CA8) 173 F 899.

jobbery. A form of extortion; the misuse of a public office for private gain.

job differential. A circumstance such as undesirable hours, disagreeable work, or danger in the work, for which wages are paid at premium rates. Bay Ridge Operating Co. v Aaron, 334 US 446, 92 L Ed 1502, 68 S Ct 1186.

job lot. A commercial term for goods of various kinds or of various makes brought together for sale in one lot. 46 Am J1st Sales § 361.

job printing. The business or occupation of furnishing special printed matter upon orders from customers, such as letterheads, calling cards, circulars, mail-order catalogues, printed briefs of attorneys, etc.

job selling. A term of the profession for fee-splitting.

See **division of fees.**

jocalia. Jewels.

joclet. A small farm.

jockey. Verb: To maneuver for position or advantage. Noun: A person employed by the owner to ride a horse in a race. Moore v Clarke, 171 Md 39, 187 A 887, 107 ALR 924.

jocus. A game of chance.

jocus partitus. An ancient means of deciding a case by chance.

John. The king of England from May 27th, 1199, to October 19th, 1216.

John XXIII. His Holiness, The Pope, 1958-1963, revered by Roman-Catholic, Protestant, and Jew alike, as an enlightened, progressive, and gracious spiritual leader.

John Doe. A fictitious name of a person which is often substituted in an action or proceeding for a party's real name until the latter can be ascertained.

John Doe action. An action brought against "John Doe" as an unknown uninsured motorist. 7 Am J2d Auto Ins § 137. Any action in which the defendant is designated as "John Doe," his real name being unknown to the plaintiff.

John Doe summons. A summons in which the name of the defendant being unknown to the plaintiff at time of issuance, the defendant is designated as John Doe, his true name to be added after service. 42 Am J1st Proc § 16.

John Doe warrant. A warrant for the arrest of a person designated as John Doe or by some other fictitious name because his real name is unknown. 5 Am J2d Arr § 9.

Johnson Act. A federal statute which limits the jurisdiction of the federal courts in state tax cases to cases where the state courts do not give a plain, speedy and efficient remedy. 28 USC § 1341.

join. To unite; to act jointly with another person or with other persons; to act together; as where a husband and wife join or act together in the execution of a deed. Nolan v Moore, 96 Tex 341, 72 SW 583.

joinder. Acting jointly with one or more other persons; joining.

joinder in demurrer. The formal acceptance by the adverse party to an action of the issue of law which is tendered by a party's demurrer to such adverse party's pleading.

joinder in issue. A party's formal acceptance of the tender of an issue of fact which is made by the pleadings on file in the action.

See **joinder of issue.**

joinder of actions. See **consolidation of actions; joinder of causes of action.**

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joinder of causes of action. Union of two or more causes of action, each of which could be made the basis of a separate suit, in the same complaint, declaration, bill, or petition. Linseott v Linscott, 243 Iowa 335, 51 NW2d 428, 30 ALR2d 789. An impropriety in joining in one and the same count different causes of action of the same nature or of different natures in support of a single right of recovery. 41 Am J1st Pl § 44.

See **joinder of counts.**

joinder of counts. The inclusion in a complaint, declaration, or petition, of two or more counts intended to present separate causes of action or to plead the same count in different ways in order to meet any possible phase of the evidence. 41 Am J1st Pl § 106. The joinder of distinct offenses by including separate counts in an indictment or information, each count being in legal effect a separate indictment or information. 27 Am J1st Indict § 129.

joinder of defenses. Different and distinct defenses set up in the same plea or answer. 41 Am J1st Pl § 161.

joinder of issue. The raising and presentation for trial of an issue of fact. 41 Am J1st Pl § 362. In a criminal case, a plea of not guilty in response to an indictment information or complaint. 21 Am J2d Crim L § 458.

joinder of motions. Presenting two or more motions as one, sometimes resulting in a combination of demands for relief of a different nature, depending on different facts and circumstances wholly unrelated. 37 Am J1st Motions § 68.

joinder of offenses. The charging of two or more offenses in separate counts in a single indictment, information or presentment. 27 Am J1st Indict § 129. Duplicity in the joinder of two or more distinct and separate offenses in the same count of an indictment or information. 27 Am J1st Indict § 124.

joinder of parties. The uniting of two or more parties as plaintiffs or as defendants in an action or suit. See 39 Am J1st Parties §§ 24 et seq.

See **fraudulent joinder.**

joined. United.

joint. Adjective: Operating or acting in unity. *Merrill v Pepperdine*, 9 Ind App 416, 36 NE 921. Noun: Slang for a restaurant, cigar store, pool hall, or similar place, of an inferior quality, especially one frequented by criminals, narcotic addicts, pimps, or prostitutes. *State v Shoaf*, 179 NC 744, 102 SE 705, 9 ALR 426, 428.

joint action. An action which is prosecuted or defended by two or more persons acting for their common interest.

joint administrators. Two or more persons duly appointed, qualified, and acting in the administration of a decedent's estate. 31 Am J2d Ex & Ad §§ 624 et seq.

joint adventure. The relationship created when two or more persons combine in a joint business enterprise for their mutual benefit with the understanding that they are to share in the profits or losses and that each is to have voice in its management. *Chisholm v Gilmer* (CA4 Va) 81 F2d 120, *affd* 299 US 99, 81 L Ed 63, 57 S Ct 65, *reh den* 299 US 623, 81 L Ed 458, 57 S Ct 229. An association of persons in a single business enterprise for profit, for which purpose they combine their property, money, effects, skill, and knowledge, without forming a partnership or corporation. *Summers v Hoffman*, 341 Mich 686, 69 NW2d 198, 48 ALR2d 1033; *Brooks v Brooks*, 357 Mo 343, 208 SW2d 279, 4 ALR2d 826. More precisely, an association of persons with intent, by way of contract, express or implied, to engage in and carry out a single business adventure for joint profit, for which purpose they combine their efforts, property, money, skill, and knowledge, but without creating a partnership in the legal or technical sense of the term, or a corporation, and they agree that there shall be a community of interest among them as to the purpose of the undertaking, and that each coadventurer shall stand in the relation of principal, as well as agent, as to each of the other coadventurers, with an equal right of control of the means employed to carry out the common purpose of the adventure. 30 Am J Rev ed Jut Adv § 2.

See **joint enterprise.**

joint agency. An agency conferred on two or more persons which is to be exercised jointly by the designated agents, the principal having bargained for and obtained the combined personal ability, experience, judgment, integrity, and other personal qualities of the agents. *Egner v States Realty Co.* 223 Minn 305, 26 NW2d 464, 170 ALR 500.

joint and mutual will. A will executed jointly by two persons, the provisions of which are reciprocal, and which shows on its face that the devises are made one in consideration of the other. 57 Am J1st Wills §§ 680 et seq.

joint and several. A term importing unity, as distinguishing from separate or several which implies division or distribution. *Merrill v Pepperdine*, 9 Ind App 416, 36 NE 921.

joint and several bond. A bond in which the obligors are, by its terms, bound both jointly and individually to pay the full amount of the bond.

The rule is that where an instrument worded in the singular is executed by several, the obligation is a joint and several one, and those who so execute it may be sued either separately or together. It is not necessary to use the technical words "joint and several" in the bond in order to make the obligation thereunder a joint and several one; it is sufficient for this purpose if any of the terms import the meaning of a joint and several obligation. 12 Am J2d Bonds § 29.

joint and several contract. A contract with two or more contracting parties on one side, presenting distinct engagements and rights, each contractor being liable and entitled individually and the two or more of them being liable and entitled jointly. 17 Am J2d Contr § 298.

The use of the pronoun "we" usually creates a joint obligation, although despite the use of that word, the language of some contracts permits of a construction that the parties were intended to be bound severally as well as jointly. If an instrument worded in the singular is executed by several parties, the obligation is a joint and several one. 17 Am J2d Contr § 298.

joint and several covenant. A covenant under which the two or more covenantees on one side bear the burden or receive the benefit not only jointly, but severally. 20 Am J2d Cov § 10.

joint and several demurrer. A demurrer in which the parties demurring to a pleading assail it both collectively and individually.

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A demurrer may be joint, several, or both joint and several as to the parties demurring; for the defendants may assail the complaint collectively or individually, or collectively and individually. *Merrill v Pepperdine*, 9 Ind App 416, 36 NE 921.

joint and several judgment. A judgment against two or more parties and each of them. *Tucker v Gautier*, 196 Okla 267, 164 P2d 613. A judgment in the ordinary form as taken against two or more defendants.

joint and several liability. The liability of joint tortfeasors. 52 Am J1st Torts § 110. The liability of the two or more contracting parties on one side under an agreement in such terms as to engage the two or more jointly and each one individually.

See **joint and several bond; joint and several contract; joint tortfeasors.**

joint and several note. A promissory note which is the note of all and of each of the makers as to its legal obligation between the parties to it.

A promissory note in the form, "I promise to pay," etc., and signed by two persons is as much a joint and several note as one which reads, "We jointly and severally promise to pay," similarly signed. *Ladd v Baker*, 26 NH 76; UCC § 118(e) and Comment 6; Uniform Negotiable Instruments L § 17(7).

joint and survivorship annuity. An annuity contract providing for payments to be made during the lives of two annuitants and to continue, after the death of one, for the life of the surviving annuitant. 4 Am J2d Annu § 6.

joint and survivorship estate. A joint tenancy; an estate held by two or more jointly to continue during their joint lives and to vest upon the death of one in the remaining joint tenant or joint tenants, and so on, in a case of more than two joint tenants, until the survivor of all of them takes the entire estate.

joint appeal. A proceeding on appeal or in error in which two or more parties join. 4 Am J2d A & E § 276.

joint authorship. Joint participation in the production of a literary work giving rise to joint ownership. *Silverman v Sunrise Pictures Corp.* (CA2 NY) 273 F 909, 19 ALR 289.

joint bank account. A bank account in the names of two or more persons which may or may not embrace a survivorship feature. A bank account so created that two persons shall be joint owners during their mutual lives, and the survivor take the whole on the death of the other. 10 Am J2d Bks § 369.

joint bill of exceptions. A bill of exceptions filed by appellant in which the respondent has incorporated his exceptions. 4 Am J2d A & E § 440.

joint bond. A bond on which the obligors are only liable in combination, that is, jointly, and not severally. Municipal Court v Whaley, 25 RI 289, 55 A 750.

See **joint and several bond.**

joint cause of action. A cause of action pleaded by the obligees under a joint contract, also a cause pleaded by two or more persons upon claims presenting a single question of law or fact common to all the plaintiffs. Commodores Point Terminal Co. v Hudnall (DC Fla) 283 F 150.

Joint Chiefs of Staff. A body in the Department of Defense headed by a chairman and made up as follows:—Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

Joint Committee on Atomic Energy. A committee of Congress established by the Atomic Energy Act, with the authority and duty to make continuing studies of activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy, and to conduct hearings on the state of the atomic energy industry. 42 USC § 2252.

joint contract. A contract under which an obligation is incurred by or a right given to two or more persons, there being absent any distinct word of severance indicating or producing a several responsibility or right. Dean v Dean, 229 SC 430, 93 SE2d 206.

See **joint and several contract.**

joint covenant. A covenant made with two or more covenantees who carry the burden or receive the benefit as one person. 20 Am J2d Cov § 10.

See **joint and several covenant.**

joint creditors. Creditors who can only enforce their claims by acting together; the obligees under a contract giving them joint rights.

See **joint contract.**

joint debtors. Persons who are jointly indebted. Walsh v Miller, 51 Ohio St 462, 487, 38 NE 381. The obligors under a contract joint as to them.

See **joint contract.**

joint debtors' acts. Statutes found in most jurisdictions which permit the rendition of judgment against one or more of joint obligors. 30 A Am J Rev ed Judgm § 78.

joint defense. A defense in which two or more defendants in an action join. 41 Am J1st Pl § 119.

joint demurrer. A demurrer in which two or more parties unite to raise an objection to the sufficiency in law of a pleading. 41 Am J1st Pl § 230.

joint deposit. See **joint bank account.**

joint donees. Two or more persons holding a single power of appointment. 41 Am J1st Pow § 29. Two or more persons designated to receive together the whole of a specific item of property.

joint donors. Two or more persons who unite in making a gift.

joint drawees. Two or more persons upon whom a bill of exchange is drawn. 11 Am J2d B & N § 502.

joint enterprise. A term pertinent in the law of imputed negligence. The pursuit of an undertaking by two or more persons having a community of interests in the objects and purposes of the undertaking, and an equal right to direct and govern the movements and conduct of each other. *St. Louis & San Francisco Railroad Co. v Bell*, 58 Okla 84, 159 P 336; *Fox v Lavender*, 89 Utah 115, 56 P2d 1049, 109 ALR 105.

Persons riding in an automobile are not, within the law of negligence, engaged in a joint enterprise unless there is a community of interest in the object and purposes of the undertaking and an equal right to direct and govern the driving of the car, and to determine the point of destination. *Sizemore v Hall*, 148 Kan 233, 80 P2d 1092; *Gardner v Hobbs*, 69 Idaho 288, 206 P2d 539, 14 ALR2d 478.

joint execution. An execution against all defendants against whom the judgment rendered. 30 Am J2d Exec § 66.

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joint executors. Two or more persons acting jointly as executors in the administration of a decedent's estate. 31 Am J2d Ex & Ad §§ 624 et seq.

joint feasons in pari delicto. See **in pari delicto**; **joint tortfeasors.**

joint fiat. See **joint order.**

joint fine. An anomaly, since two or more defendants, although jointly charged, are sentenced separately upon both or all having been found guilty. 21 Am J2d Crim L § 533.

joint gift. See **joint donees**; **joint donors.**

joint grantees. Two or more persons named in a deed as the persons to receive the grant.

joint grantors. The two or more persons named in a deed as the persons conveying.

joint guarantors. Two or more guarantors of the same obligation by the same contract of guaranty.

joint guardians. Two or more persons appointed, qualified, and acting with joint and several authority as guardians over the same fund, property, or person. 25 Am J1st G & W § 214.

joint heir. A co-heir; a person who inherits jointly with another heir or other heirs.

joint indictment. An indictment charging two or more persons as defendants, such being a permissible finding and return where the offenses arise wholly out of the same joint act or where the same evidence as to the act constituting the crime applies to all the persons indicted. 27 Am J1st Indict § 123.

jointist. A person who runs a joint. A Kansas concept of a bootlegger, not an ordinary bootlegger, but one who has risen above his class by maintaining a place of business wherein he may obtain support for the little woman and wee bairns at home by selling intoxicating liquors, albeit unlawfully. *Scriven v Lebanon*, 99 Kan 602, 162 P 307, 309.

See **joint**.

joint letters of administration. Letters of administration granted and issued to two or more persons jointly. 31 Am J2d Ex & Ad § 45.

joint liability. The liability of two or more persons as one, so that, in the absence of statute, where one of them is sued, the other or others liable with him must be joined as defendants if living and within the jurisdiction. 39 Am J1st Parties § 37.

See **joint and several liability**.

joint lives. A period of time which will terminate upon the death of any one of two or more specified persons.

jointly. Unitedly; sharing together; in unity of interest or liability. *Soderberg v Atlantic Lighterage Corp.* (DC NY) 15 F2d 209. Appearing in the habendum of a deed, not necessarily indicative of a joint tenancy. 20 Am J2d Coten § 13. As a matter of ownership of property within the meaning of the ownership clause of an insurance policy:—an affirmation that the insureds together own the property and that no other person is interested in it, not a representation that the insureds are tenants in common. *Webster v Dwelling House Ins. Co.* 53 Ohio St 558, 42 NE 546.

jointly and severally. See **in solido; joint and several liability**.

joint maker. A person who with another, or with others signs a negotiable instrument on the face thereof and thereby becomes primarily liable for its payment. *First Nat. Bank v Guardian Trust Co.* 187 Mo 494, 86 SW 109. As to the status of an irregular indorser as a comaker, see 11 Am J2d B & N § 522.

joint mine. A term of uncertain origin that has not been widely accepted.

For convenience, a mine served by one carrier is called a "local mine," and a mine served by two or more carriers is called a "joint mine." *United States v New River Co.* 265 US 533, 68 L Ed 1165, 44 S Ct 610.

joint negligence. See **joint tortfeasors**.

joint obligor. One of two or more persons bound by a joint obligation or a joint and several obligation. One of two or more persons jointly liable upon a negotiable instrument as makers, indorsers, accommodation indorsers, etc.

joint offenders. Participants in the same criminal offense. 21 Am J2d Crim L § 115.

joint offense. A criminal offense committed by two or more persons participating as joint offenders. *State ex rel. Flaherty v Ermston*, 209 Ind 117, 197 NE 908.

See **joint offenders**.

joint order. An order directed against two or more persons.

joint owners. Co-owners.

See **cotenancy**.

joint parties. Parties to an action on the same side, as either plaintiffs or defendants.

joint patent. A patent issued to two or more persons jointly where both have participated in the process of discovery and invention. 40 Am J1st Pat § 66.

joint payees. The persons to whom a negotiable instrument drawn payable to the order of two or more persons jointly is payable. Uniform Negotiable Instruments L § 8(4); 11 Am J2d B & N § 117.

The Commercial Code declares that an instrument payable to order may be payable to the order of two or more payees together or in the alternative, eliminating the word "jointly" as used by the NIL in order to avoid any implication of survivorship. Comment 1 to UCC § 3-110.

joint policy. An adaption of the tontine plan, being a policy on the lives of two or more persons, the proceeds payable to the survivor.

See **tontine policy.**

joint possession. A possession of premises held by two or more persons jointly, as by tenants in common, coparceners partners, and the like.

Such persons are seized for themselves and for each other. All are equally entitled to possession, and the possession of any one of them is the possession of all. Knapp v Reed, 88 Neb 754, 130 NW 430.

joint rate. The freight rate for a through shipment by connecting carriers, often called a through rate. 13 Am J2d Car § 206.

Such charge is so apportioned to the separate carriers that each shall receive a just and reasonable part of the joint charge. Burlington, Cedar Rapids & Northern Railroad Co. v Dey, 82 Iowa 312, 48 NW 98.

A through rate is not necessarily a joint rate. It may be an aggregation of separate rates fixed independently by the carriers involved in the through transportation. St. Louis Southwestern Railway Co. v United States, 245 US 136, 139, note, 62 L Ed 199, 205, note, 38 S Ct 49.

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joint resolution. A resolution concurred in by both houses of a legislative body, but which, in most jurisdictions, does not have the effect of a statute, at least not without the approval of the executive. 50 Am J1st Stat § 4.

joint return. A single return for income tax made by husband and wife, reporting their combined incomes, deductions, and exemptions.

joint sentence. A sentence of two or more defendants under a joint indictment, which imposes the punishment jointly against them. Ex parse Gafford, 25 Nev 101, 57 P 484. An anomaly, since two or more defendants, although jointly charged, are sentenced separately upon both or all having been found guilty. 21 Am J2d Crim L § 533.

joint session. A meeting of the upper and lower houses of a legislative body in combination, usually for ceremonial purposes or the reception of the executive and the reading of his message or other communication to the legislature. Snow v Hudson, 56 Kan 378, 43 P 260.

joint-stock association. Same as **joint-stock company.**

joint stock bank. See **joint-stock land bank.**

joint-stock company. An unincorporated association of individuals for the purpose of carrying on business and making profits, having a capital stock contributed by the members, which is commonly divided into shares of which each member possesses one or more and which are transferrable by the owner; governed by articles of association which, subject to statutory and other limitations, prescribe its objects, organization, and the rights and liabilities of its members, and usually provide that its business

shall be under the control of selected individuals called "managers" or "directors." *Earlsboro Gas Co. v Vern H. Brown Drilling Co.* 175 Okla 320, 52 P 730.

A joint-stock company created solely by agreement of its members and in which their individual rights and liabilities are not merged as in the case of a corporation is not a stock corporation. *People, ex rel. Winchester v Coleman*, 133 NY 279, 31 NE 96.

joint-stock land bank. A federal bank authorized by and created under the Federal Farm Loan Act. 10 Am 12d Bks § 21.

joint tenancy. An estate held by two or more persons jointly, with equal rights to share in its enjoyment during their lives, and having as its distinguishing feature the right of survivorship, or *jus accrescendi*, by virtue of which the entire estate, upon the death of a joint tenant, goes to the survivor (or, in the case of more than two joint tenants, to the survivors, and so on to the last survivor), free and exempt from all charges made by his deceased cotenant or cotenants in which he did not concur. 20 Am J2d Coten § 3.

See **joint bank account**.

joint tenant. Precisely, one of two or more tenants under a joint tenancy. In loose usage, a cotenant.

See **joint tenancy**.

joint through rate. See **joint rate**.

joint tort. See **joint tortfeasors**.

joint tortfeasors. Two or more persons who unite in committing a tort, or whose acts concur in contributing to and producing a single indivisible injury upon a third person. 52 Am J1st Torts §§ 110 et seq. Two or more persons jointly or severally liable in tort for the same injury to person or property, whether or not judgment has been recovered against all or some of them. Anno: 34 ALR2d 1108 (referring to Joint Tortfeasor Act of the Uniform Laws.)

To make tortfeasors liable jointly, there must be some sort of community in the wrongdoing, and the injury must be in some way due to their joint work, but it is not necessary that they be acting together or in concert if their concurring negligence occasions the injury. *Brow v Twin Falls Land & Water Co.* 24 Idaho 266, 133 P 673.

All the tortfeasors are jointly and severally liable for all the damages done the injured party where the tort is committed by two or more persons jointly by force applied directly, or in the pursuit of a common purpose or design, or by concert, or in the advancement of a common interest, or as the result of joint concurrent negligence, although the wrongful conduct or negligence of some may have contributed less than that of others to the injury. *Hale v Knoxville*, 189 Tenn 491, 226 SW2d 265, 15 ALR2d 1283.

A tort jointly committed by several may be treated as joint or several at the election of the aggrieved party. 52 Am J1st Torts § 110.

jointress. A married woman upon whom a jointure has been settled.

See **jointure**.

joint trespass. A trespass committed by the united action of two or more persons, or by the action of one or more of them with the authority or assent of the others. *Bonte v Postell*, 109 Ky 64, 58 SW 536.

See **joint trespassers**.

joint trespassers. Two or more persons who unite in the act of committing a trespass; two or more persons, one or more of whom commit a trespass with the authority, encouragement, advice, countenance, cooperation, or aid of the others. 52 Am J1st Tresp § 31.

joint trial. See **consolidation of actions.**

joint trustees. See **cotrustees.**

jointure. A provision made for a wife by way of a marriage settlement. 26 Am J1st H & W § 308. Precisely, the settlement on the wife before marriage, in satisfaction of dower, of a competent livelihood by way of a freehold in the husband's property, to take effect in possession immediately after his death and to continue at least for the life of the wife. 25 Am J2d Dow § 114.

jointuress. Same as **jointress.**

joint venture. See **joint adventure; joint enterprise.**

joint will. A single testamentary instrument which contains the wills of two or more persons, is executed jointly by them, and disposes of property owned jointly, in common, or in severalty by them. Anno: 169 ALR 12.

See **joint and mutual will; mutual wills; reciprocal wills.**

joists. Heavy bases that hold up the floor of a building, being tied into the frame in such manner as to take up the stress. 13 Am J2d Bldgs § 13.

joke. See **jest; practical joke.**

joker. One who jests. A slang term for an inefficient person.

See **practical joke.**

jolt. See **jerk.**

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Jones Act. A federal statute which enlarges the rule of liability under the maritime law by providing that any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, and that in such action, all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply. 46 USC § 688; 48 Am J1st Ship § 179.

jostling. Crowding a person. 4 Am J2d Amuse § 60.

jour. A day.

jour en banc. A day in bank.

See **in bank.**

journal. A publication, such as a magazine. A formal record of court proceedings. A court record in which judgments are entered. 30A Am J Rev ed Judgm § 91. The book in which the proceedings of a house of a state legislature are recorded, particularly the proceedings in the enactment of a law. 49 Am J1st States § 37; 50 Am J1st Stat § 137. The record in which the minutes of a city council meeting are recorded. 37 Am J1st Mun Corp §§ 64, 65. In bookkeeping, a daybook, but, more precisely, the record to which original entries are transferred.

journal entry. An entry on a journal.

See **entry of judgment; journal.**

journal entry rule. The rule that courts have recourse to journals of either house of the state legislature for ascertaining whether a law has in fact been passed in accordance with constitutional requirements. 49 Am J1st States § 37.

Journal of Congress. See **Congressional Record.**

journée. A court day; a day for holding court.

journey. A trip. Traveling from place to place.

The original meaning of the word was a day's travel. It is now applied to travel from place to place without restriction to time, but when thus applied, it is employed to designate a traveling which is outside the ordinary habits, business, or duties of the person, to a distance from his home, and beyond the circle of his friends and acquaintances. This is held to be the meaning of the word as it is used in a statute prohibiting the carrying of concealed weapons, except when traveling or setting out on a "journey." *Gholson v State*, 53 Ala 519.

journeyman. A worker who has learned the trade, having progressed beyond the status of an apprentice. One who has become qualified at his trade or occupation, for example, a journeyman plumber. *Re Means*, 14 Cal 2d 254, 93 P2d 105, 123 ALR 1378.

journeys account. A common-law rule often said to have been the origin of statutes which operate to prevent the bar by statute of limitations of a new action commenced after the expiration of the limitation period, following the failure of an action commenced within such period. 34 Am J1st Lim Ac § 279.

An ancient common-law practice or doctrine under which the plaintiff might in certain cases cause a suit which had abated to be revived by the issuance of a new writ. At one time the plaintiff had as many days within which to apply to the court of chancery for the new writ as he was days' journeys from the court, allowing twenty miles for each day, but this time was later arbitrarily fixed at thirty days. The practice was referred to as being "antiquated" in 1814. *Richards v Maryland Ins. Co. (US)* 8 Cranch 84, 3 L Ed 496.

journey-work. The work of a journeyman.

joyride. A ride taken in an automobile purely for pleasure, often in the vehicle of another person taken without his consent. *Fredericksen v Employers Liability Assur. Corp. (CA9 Cal)* 26 F2d 76; *United States Fidelity & Guaranty Co. v Brann*, 297 Ky 381, 180 SW2d 102. A ride in a motor vehicle at a dangerously high rate of speed, for the purpose merely of enjoying the exhilarating and pleasurable sensations incident to the swirl and dash of rapid transit. *Farmers' Bank & Trust Co. v Henderson*, 179 Ky 220, 200 SW 330.

JP. Abbreviation for **Justice of the Peace**. 1 Am J2d Abbr § 5.

J. Q. B. An abbreviation of "**justice of the queen's bench.**"

Jr. Abbreviation of **Junior**. No part of a man's name. *Foshier v Narver*, 24 Or 441, 34 P 21.

jubere. (Civil law.) To order; to command.

jubilacion. (Spanish.) The retirement of a government officer without depriving him of either his title of office or his salary.

J. U. D. An abbreviation of **juris utrius doctor**.

Judaism. The religion of the Jews. *Hale v Everett*, 53 NH 9.

Judaismo. See **de Judaismo.**

Judaismus. Same as **Judaism.**

judex. A judge.

judex ad quem. A judge to whom; that is, a judge to whose court a cause has been removed by appeal.

Judex aequitatem semper spectare debet. A judge ought always to regard equity.

Judex ante oculos aequitatem semper habere debet. A judge ought always to have equity before his eyes.

judex a quo. A judge from whom; that is, a judge from whose court a cause has been removed by an appeal.

Judex bonus nihil ex arbitrio suo faciat, nee propositione domesticae voluntatis, sed juxta leges et jura pronunciet. A good judge should do nothing of his own choice, nor from the prompting of his private wish, but he should pronounce judgment according to laws and justice.

Judex damnatur cum nocens absolvitur. A judge is condemned when a guilty man is acquitted.

judex datus. (Roman law.) An appointed judge; that is, a judge appointed by the praetor to try a case.

Judex debet judicare secundum allegata et probata. A judge ought to decide according to the pleadings and the proofs.

judex delegatus. A delegated judge, a judge specially appointed.

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Judex est lex loquens. The judge is the law speaking; that is, he is the mouthpiece of the law.

judex fiscalis. A judge with jurisdiction in matters pertaining to the fiscus or public treasury.

Judex habere debet duos sales, salem sapientiae ne sit insipidus, et salem conscientiae, ne sit diabolus. A judge ought to have two salts, the salt of wisdom, that he be not foolish, and the salt of conscience, that he be not diabolical.

Judex non potest esse testis in propria causa. A judge cannot be a witness in his own case.

Judex non potest injuriam sibi datam punire. A judge cannot punish a wrong which has been inflicted upon himself.

Judex non reddit plus quern quod petens ipse requirit. A judge should not render judgement for a larger sum than the plaintiff himself demands.

judex ordinarius. (Civil law.) An ordinary judge; that is, a judge having jurisdiction in his own right as judge, as distinguished from a judge appointed or delegated for the trial of a particular case.

judex pedaneus. (Roman law.) A judge appointed by the praetor to try a case of lesser importance.

judex selectus. Singular of **judices selecti**.

judge. A public officer who, by virtue of his office, is clothed with judicial powers. Better understood as one who conducts or presides over a court of justice. 30A Am J Rev ed Judges § 2. Clearly to be distinguished from "court" but often used interchangeably and indiscriminately with the latter term, even in some statutes. *Broadfoot v Florence*, 253 Ala 455, 45 So 2d 311. A title applied in some states to members of a so-called "county court" or board of supervisors or county commissioners who are in no proper sense judicial officers or charged with judicial duties.

Within the meaning of the rule that words spoken by a judge in the course of a judicial proceeding over which he is presiding, and in relation to the subject of the proceeding are absolutely privileged, the following officers have been held to be included within the term "judge," for the purpose of enjoying this protection from suits for libel or slander, when in the discharge of judicial duties; magistrates, justices of the peace, judges in other courts of inferior and superior jurisdiction, equity judges, coroners, members of courts-martial, and receivers in making reports to the courts appointing them. 33 Am J1st L & S § 177.

See **justice; justice of the peace**.

judge ad quem. The judge to which,—the judge of the court to which a case comes on appeal from a lower court,—from a judge a quo.

Judge Advocate. See **Judge Advocate General; staff judge advocate**.

Judge Advocate General. Severally, the Judge Advocates General of the Army, Navy, and Air Force, and except when the Coast Guard is operating as a service in the Navy, the General Counsel of the Department of the Treasury. 10 USC § 801(1).

Judge Advocate General's Department. A department of the Army, Navy, and Air Force, headed by a Judge Advocate General.

judge a quo. The judge from which,—the judge of the court from which the case is appealed to the judge ad quem,—of the higher court.

judge de facto. See **de facto judge**.

judge in chambers. A judge of a court of record acting out of court. *Frawley v Cosgrove*, 83 Wis 441, 53 NW 689.
See **chambers decision; chambers judgment; chambers order**.

judge-made law. See **judicial legislation**.

judgement. Another spelling for judgment.

judge ordinary. A judge of the English court of probate for divorce and matrimonial causes.

judge pro tem. A temporary judge; a substitute judge.

judge's calendar. A calendar of cases prepared for the use of a judge, often with room on the separate sheets for the individual cases for the writing of his minutes.

See **judge's minutes**.

judge's certificate. A statement signed by the judge before whom a case was tried awarding a party his costs in the action. Any certificate given by a judge in his official capacity.

judge's chambers. See **chambers.**

judge's minutes. The entries made by a judge upon his calendar or other book or sheet in reference to the proceedings taken in the cases brought before him as the court or in chambers, particularly the granting of orders for judgments. 30A Am J Rev ed Judgm § 93.

judge's notes. Same as judge's minutes.

judges of elections. Officers conducting elections and assisting in the canvassing of returns. 25 Am J2d Elect § 39.

judges of gaol delivery. Judges who were specially commissioned to hear and determine the cases of persons imprisoned in a jail.

judgment. The final consideration and determination by the court of the rights of the parties, as those rights presently exist, upon matters submitted to it in an action or proceeding. The judicial determination or sentence of the court upon a matter within its jurisdiction. 30A Am J Rev ed Judgm § 2. More precisely, the conclusion of the law upon the matters contained in the record, or the application of the law to the pleadings and to the facts as they appear from the evidence in the case, and as found by the court or jury, admitted by the parties, or as deemed to exist upon their default in the course of judicial proceedings. *State ex rel. McDonald v Louis*, 326 Mo 644, 33 SW2d 98. In a criminal case, the action of a court of criminal jurisdiction formally declaring to the accused the legal consequences of the guilt which he has confessed or of which he has been convicted. 21 Am J2d Crim L § 525. Sometimes synonymous with decision, as where both words are used in a statute requiring a liberal construction. 30A Am J Rev ed Judgm § 14. In theory, a determination sought by a motion.

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In common parlance, the formation of an opinion or notion concerning something by exercising the mind upon it.

The word is distinguished from desire which imports a wish of more or less intensity. *Cleveland Clinic Foundation v Humphreys* (CA6 Ohio) 97 F2d 849.

See **decree.**

judgment book. A court record in which judgments are entered. 30A Am J Rev ed Judgm § 91.

judgment by *cognovit actionem*. A judgment rendered, after service of process upon the defendant, upon his acknowledgment and confession that the plaintiff's cause of action is just and rightful. 30A Am J Rev ed Judgm § 156.

judgment by confession. A judgment entered by confession of the defendant. 30A Am J Rev ed Judgm § 156.

judgment by *confession relicta verificatione*. A judgment rendered against the defendant where, after pleading and before trial, he has both confessed the plaintiff's cause of action and withdrawn or abandoned his plea or other allegations, the judgment being entered upon such confession. 30A Am J Rev ed Judgm § 156.

judgment by consent. See **consent judgment.**

judgment by default. See **default judgment.**

judgment by default and inquiry. A judgment which establishes a right of action in the plaintiff as declared in the complaint, the precise character, extent, and amount of which remains to be determined by a hearing in damages and a final judgment thereon. *De Hoff v Black*, 206 NC 687, 175 SE 179.

judgment by default final. A default judgment in final form, effective by way of estoppel and res judicata, upon the allegations of the complaint. *De Hoff v Black*, 206 NE 687, 175 NE 179.

judgment by nil dicit. Same as **judgment nihil dicit**.

judgment by non sum informatus. A judgment rendered when, instead of entering a plea or answer, the defendant's attorney says he is not informed of any answer to be given to the action. 30A Am J Rev ed Judgm § 119.

judgment by one's peers. See **judgment of his peers**.

judgment creditor. A creditor who has secured a judgment against his debtor for the amount of his debt; a person in whose favor a judgment has been entered, which has not been satisfied.

judgment creditor's action. As usually understood, an action in equity or of an equitable nature to enforce the payment of the judgment out of property or interests of the debtor which cannot be reached by ordinary legal process. 21 Am J2d Cred B § 1.

judgment debitum sine brevi. He owes without declaration filed; debt evidenced by confession of judgment without suit. 30A Am J Rev ed Judgm § 156.

judgment de bonis intestati. A judgment affecting the property of the intestate,—a proper form of judgment in all cases where an administrator is a party defendant and the estate of his deceased intestate is liable for the debt. 31 Am J2d Ex & Ad § 759.

judgment de bonis testatoris. A judgment affecting the property of the testator,—a proper form of judgment in all cases where an executor is a party defendant and the estate of his decedent is liable for the debt. 31 Am J2d Ex & Ad § 759.

judgment debt. An indebtedness evidenced by a judgment; a debt owing on a judgment.

judgment debtor. A person against whom a judgment has been entered and which has not been satisfied.

judgment debtor summons. A summons issued against a debtor under the English Bankruptcy Act.

judgment de melioribus damnis. A judgment for the highest amount found by the jury, where its verdict differs in amounts as to the different defendants who are liable as cotortfeasors.

judgment de tarris. A judgment obtained on a dower charge on land. *Byers v Byers*, 339 Pa 146, 14 A2d 93.

judgment docket. A book kept and prepared in the office of the clerk of court wherein there is noted the facts respecting judgments entered and recorded, such as the date of entry, the parties, satisfaction, execution taken and returned, the page of the complete record of the court upon which a particular judgment appears, etc. 30A Am J Rev ed Judgm § 91.

judgment d. s. b. Same as **judgment debitum sine brevi**.

judgment for want of prosecution. See **judgment of nolle prosequi**; **judgment of non pros**.

judgment fund statute. A statute which provides an indemnity fund for losses caused by uninsured or unknown motorists. 7 Am J2d Auto § 301.

judgment index. An index of the judgments entered in a court, alphabetically arranged, usually under the names of both plaintiff and defendant.

judgment in error. The judgment of the higher court rendered on a writ of error.

judgment in personam. A judgment, necessarily on a personal obligation, which follows the person wherever he may be, and which may be enforced by action or levy, wherever he may be found, binding the person of the defendant. A money judgment which is rendered in an action in personam, which proceeds, not against the property, but against the person; and binds only those who are parties to the action, and those in privity with them. *Bardwell v Anderson*, 44 Minn 97, 46 NW 315.

judgment in rem. A judgment pronounced upon the status of some particular subject matter, or rendered in a proceeding instituted against property, or brought to enforce a *jus in re*, with no cognizance taken of the owner or persons having a beneficial interest in the property. *Combs v Combs*, 240 Ky 155, 60 SW2d 368, 89 ALR 1095.

judgment lien. Security for the judgment debt. 30A Am J Rev ed Judgm § 480. A lien predicated upon the rendition or entry of judgment, the same being the right given the judgment creditor to subject by levy or seizure the property of the judgment debtor to the satisfaction of the judgment. *Jones v Hall*, 177 Va 658, 15 SE2d 108.

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judgment nihil. A judgment against a party taken upon his failure to plead. *Graves v Cameron, Castles & Storey*, 77 Tex 273, 275, 14 SW 59. Substantially the same as a judgment by default. *Wilbur v Maynard*, 6 Colo 483, 485; *Stevens v State*, 100 Vt 214, 136 A 387.

judgment nisi. A rule to show cause why judgment should not be rendered. *Young v M'Pherson*, 3 NJL 895, 897.

See **decree nisi**.

judgment non obstante veredicto. See **judgment notwithstanding the verdict**.

judgment non sum informatus. Same as **judgment by non sum informatus**.

judgment note. Same as **cognovit note**.

judgment notwithstanding the verdict. A judgment rendered upon a motion made after verdict but before rendition of judgment on the verdict in which the applicant prevails in showing that he is entitled to judgment under the law notwithstanding the verdict returned against him by the jury. 30A Am J Rev ed Judgm § 292.

Although the motion for judgment notwithstanding the verdict was available only to the plaintiff at common law, it is now generally available to both parties, either as a result of judicial relaxation of the common-law rule confining the remedy to the plaintiff, or as a result of express statutory provisions granting the remedy to defendants. 30A Am J Rev ed Judgm § 292.

judgment nunc pro tunc. See **nunc pro tunc judgment**.

judgment of affirmance. See **affirmance**.

judgment of assets in futuro. A judgment which is enforceable against a future interest of the defendant in real property.

judgment of cassetur bills. A decree of a court of equity ordering a dismissal of the bill.

judgment of cassetur breve. Same as **judgment of cassetur bills**.

judgment of conviction. A judgment against the defendant in a criminal case; a judgment denoting the action of a court of criminal jurisdiction formally declaring to the accused the legal consequences of the guilt which he has confessed or of which he has been convicted. *Ellis v State*, 100 Fla 27, 129 So 106, 69 ALR 783.

judgment of dismissal. See **dismissal**; **dismissal without prejudice**; **dismissal with prejudice**.

judgment of God. See **judicium Dei**.

judgment of his peers. A trial by a jury who are the peers of the party accused, being of like condition and equality in the state. 31 Am J Rev ed Jur § 7.

judgment of interpleader. Same as **decree of interpleader**.

judgment of nil capiat. A judgment that he (the plaintiff) take nothing.

A judgment which is entered when the defendant has pleaded in bar and the plaintiff's demurrer to the plea is overruled. Such a judgment should be entered, although there may be also one or more issues of fact; because, upon the whole, it appears that the plaintiff had no cause of action. *La Tourette v Burton (US)* 1 Wall 25, 53, 17 L Ed 604, 609.

judgment of nil capiat per billam. Same as **judgment of nil capiat per breve**.

judgment of nil capiat per breve. A judgment rendered in favor of the defendant on an issue raised by a plea in bar or by a plea in abatement.

judgment of nolle prosequi. A judgment rendered in favor of the defendant upon the formal refusal of the plaintiff to proceed with the action; sometimes styled nol. pros. *Commonwealth v Casey*, 94 Mass (12 Allen) 214, 218. A type of judgment superseded in many jurisdictions by judgment of nonsuit. *Steele v Beaty*, 215 NC 680, 2 SE2d 854.

judgment of nol. pros. Same as **judgment of nolle prosequi**.

judgment of non pros. Abbreviation of **judgment of non prosequitur**.

judgment of non prosequitur. A judgment entered when the plaintiff at any stage of the proceedings fails to prosecute his action, or any part of it, in due time. 24 Am J2d Dism § 4. An old form of judgment displaced by the more modern form of involuntary nonsuit. *Steele v Beaty*, 215 NC 680, 2 SE2d 854.

judgment of nonsuit. See **nonsuit**.

judgment of ouster. See **ouster judgment**.

judgment of repleader. See **repleader**.

judgment of respondeat ouster. A judgment rendered against a defendant upon an issue of law raised by his dilatory plea, the effect of which is to overrule the plea and require the defendant to answer to the merits of the action.

A judgment on demurrer against the defendant should be respondeat ouster. *Cooke v Crawford*, 1 Tex 9. judgment of restitution. See restitution.

judgment of retraxit. A judgment rendered against a plaintiff who has withdrawn his action.

See **retraxit**.

judgment of the iron. See **judicium ferri**.

judgment of water. See **judicium aquae**.

As used in a statute giving a right to a new trial in ejectment when the judgment is rendered on either default or verdict, it has been held that the term "judgment on a verdict" was intended to embrace all cases where the decision upon which the judgment was rendered had been given on contestation, as distinguished from a "judgment on default," and that such statute applies in cases where judgment is entered on the mandate of an appellate court. *Smalles v Mitchell*, 143 US 99, 36 L Ed 90, 12 S Ct 353.

judgment on demurrer. The judgment rendered upon the determination made by the court after hearing a demurrer.

For conclusiveness of judgment rendered upon sustaining or overruling a demurrer, see 41 Am J1st Pl §§ 251 et seq.

judgment on the merits. A judgment based on legal rights as distinguished from mere matters of practice, procedure, jurisdiction, or from-in other words, a judgment that determines, on an issue

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either of law or fact, which party is right. *Rosenthal v McMann*, 93 Cal 505, 29 P 121.

judgment on the pleadings. A judgment rendered on motion:—in favor of the defendant for failure of the plaintiff to state a good cause of action in his complaint declaration, or petition; in favor of the plaintiff where the defendant fails to state in his answer a defense sufficient in law to the cause of action alleged by the plaintiff or fails to tender any real issue of facts in the case. 41 Am J1st Pl § 335.

judgment on the verdict. A judgment rendered on a verdict of a jury as distinguished from a judgment rendered on a decision by the court in a trial to the court without a jury.

judgment paper. The paper on which the final judgment of the court in an action is written and signed.

See **judgment roll**.

judgment par contumace. In French law, a judgment condemning a person to death. *President of United States v Kelly* (CA2 NY) 96 F2d 787.

judgment pro confesso. A judgment by confession.

judgment pro retorno habendo. A judgment ordering a restoration of goods.

judgment quando acciderint. A judgment rendered against an heir or an executor which can only be enforced against assets which may afterwards come into his hands.

judgment quasi in rem. A judgment, the object of which is to determine as between particular persons, the title to particular property or the right to possession of particular property, or to subject certain property of a particular person to the payment of a particular obligation of such person, either because such personal obligation is secured by a lien on the property, or because jurisdiction over the person of the obligor cannot be acquired. Sometimes regarded as a qualified judgment in personam rather than a qualified judgment in rem. 30A Am J Rev ed Judgm § 126.

judgment quod computet. A judgment ordering the defendant to render an account.

judgment quod eat inde quietus. Judgment that he go hence acquitted,—a judgment of acquittal on a criminal charge. *State v Buchanan* (Md) 5 Harr & J 317.

judgment quod partes replacitent. A judgment that the parties replead.
See **repleader**.

judgment quod partitio fiat. A judgment that a partition be made, a judgment ordering a partition of property.

judgment quod recuperet. A judgment that he should recover, that is, a judgment rendered in favor of the plaintiff otherwise than on a dilatory plea.

judgment record. The record of a judgment.

judgment rendered. A judgment by judicial action. *Dieffenbach v Roch*, 112 NY 621, 20 NE 560.
See **rendition of judgment**.

judgment rendered and satisfied. Indicating for the purpose of a limitation provision in a liability insurance policy, the time when a final judgment is paid and satisfied. Anno: 83 ALR 759; 29A Am J Rev ed Ins § 1798.

judgment roll. A collection of papers including every part of the action or proceeding, or such parts as the statute may specify, to be preserved where the action or proceeding is in a court of record, usually the summons, affidavit of service, pleadings, instructions to the jury, minutes of the verdict or findings, the decision, if the trial was to the court, and judgment, the common practice being to include all the papers that would be printed upon an appeal. *Peerson v Mitchell*, 205 Okla 530, 239 P2d 1028, 26 ALR2d 1362, cert den 342 US 866, 96 L Ed 652, 72 S Ct 106.

judgment satisfied. An entry on the record indicating payment and satisfaction of a judgment.

The entry of "judgment satisfied" is not a part of the judgment of the court. It is an entry of record to be used as evidence in case there is a question about the plaintiff's right afterwards to collect the judgment. The entry has no effect on the plaintiff's right to appeal from the judgment itself. *Preston v Henshaw*, 192 Mass 34, 77 NE 1153.

judgment setoff. See **setoff of judgments**.

judgment vacated, verdict set aside, and new trial granted. The formal order for a new trial to be entered in the court record. *Fisher v Hestonville, Mantua & Fairmount Passenger Railway Co.* 185 Pa 602, 40 A 97.

Judicandum est legibus, non exemplis. We must judge by the laws, not by examples. See 4 Bl Comm 405.

judicare. To judge; to decide; to determine.

judicata. See **doctrine of res judicata**.

judicatio. (Civil law.) The announcement or rendition of a judgment; the passing of a sentence.

judicatores terrarum. Tenants in certain parts of England who, under their tenure, performed judicial functions.

judicatories. See **church judicatory; judicatory**.

judicatory. A court of justice. *Macon v Shaw*, 16 Ga 172, 185.

See **church judicatory**.

judicato solvendo. See **de judicato solvendo**.

judicature. Judicial power; jurisdiction; a judicatory; a court of justice.

judicature acts. Statutes which were enacted in the reign of Victoria providing for the reorganization of the courts of England.

Judicature Commission. An instrumentality of judicial reform created to make recommendations for improvement in judicial procedure and the administration of the business of the courts.

judices delegati. Plural of **judex delegatus**.

Judices non tenentur exprimere causam sententiae suae. Judges are not bound to give the reasons for their decisions.

judices ordinarii. Plural of **judex ordinarius**.

judices pedanei. Plural of **judex pedaneus**.

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judices selecti. (Civil law.) Selected or chosen judges; judges chosen by the praetor to try and decide questions of fact in criminal cases, bearing remarkable resemblances to the jury of the common law. See 3 Bl Comm 366.

judicia. (Roman law.) Trials; lawsuits; judgments; decisions.

Judicia in curia regis non adnihilentur, sed stent in robore suo quosque per errorem aut attinctum annullentur. Judgments in the king's court are not to be ignored, but they stand in force until they are annulled by error or attain.

Judicia in deliberationibus crebro maturescunt, in accelerato processu nunquam. Judgments often mature through deliberations, never through hurried proceedings.

judicial. Characterizing whatever emanates from a judge as such, or whatever proceeds from courts of justice. *State of Indiana ex rel. Hovey v Noble*, 118 Ind 350, 21 NE 244; *Merchants' Nat. Bank v Jaffray*, 36 Neb 218, 54 NW 258. Pertaining to courts and their functions. Well-considered; decided or determined upon facts and the law.

judicial act. The act of a judge in applying the law to the situation presented, as distinguished from a legislative act which predetermines what the law shall be for future cases. *Wulzen v Board of Supervisors*, 101 Cal 15, 35 P 353. The act of a judge, or an officer other than a judge, performing a duty which is judicial or quasi judicial in nature. *Motor Credit Co. v Tremper*, 121 NJL 91, 1 A2d 301. An act performed in the exercise of judicial power. *People ex rel. Riordan v Hersey*, 69 Colo 492, 196 P 180, 14 ALR 631, 635.

judicial action. An adjudication upon the rights of parties who, in general, appear or are brought before the court by notice or process, and upon whose claims some decision or judgment is rendered.

See **judicial act**.

judicial admission. An admission made by a party in the course of judicial proceedings. 29 Am J2d Ev § 615.

judicial branch. See **judiciary.**

judicial business. The business transacted by courts.

See **judicial act.**

judicial circuit. See **circuit.**

Judicial Code. Title 28 of the United States Code, covering the Federal Courts and Judicial Procedure.

judicial comity. See **comity.**

judicial committee of the privy council. An English tribunal which had jurisdiction of appeals in admiralty and lunacy cases until 1873.

Judicial Conference of the United States. A conference of judges of the United States courts on a representative basis, held pursuant to statute, the primary functions of which are to consider measures for expediting the business of the federal courts and to maintain a continuous study of the general rules of practice and procedure now or hereafter in use in such courts. 28 USC § 331.

judicial confession. A confession made before a committing magistrate or in a court in the due course of legal proceedings. 29 Am J2d Ev § 524. Narrowly defined as a plea of guilty made by the accused in a fit state of mind to plead, before a court which is competent to try him for the offense charged and which, upon the entry of the plea, is competent to enter judgment and fix the penalty. 29 Am J2d Ev § 524.

judicial contempt. Same as **contempt of court.**

judicial control. The control by a court of its own officers, such as receivers, referees, masters, etc., in the exercise of their duties. The exercise of jurisdiction to declare legislative or executive acts void as unconstitutional.

judicial convention. An agreement entered into between the parties to an action pursuant to an order of the court. A convention of delegates meeting for the nomination of candidates for judicial offices.

Judicial Council. A permanent instrumentality of judicial reform, created to study the organization and operation of the judicial system and to suggest improvements in procedure and administration.

Judicial Council of the Circuit. A council of the circuit judges for the circuit, held pursuant to statute in each federal circuit to consider the necessity of and to make orders in the interest of the effective and expeditious administration of the business of the federal courts in the circuit. 28 USC § 332.

judicial cy pres. See **cy pres.**

judicial day. A day upon which court is in session. *State v C.C.A. Judges*, 48 La Ann 1079, 20 So 282. (Civil law.) One of the twenty-eight days which were allowed in each year to the praetor for deciding cases.

These days were called triverbial days, because on these days the praetor announced his jurisdiction in the words: do, dico, addico,—I give, I say, I adjudge. See 3 Bl Comm 424.

judicial decision. A decision by the court.

See **decision.**

judicial decree. See **decree.**

judicial definition. The definition of a term as made by a court. *Robinson v Rogers*, 237 NY 467, 143 NE 647, 33 ALR 1291.

judicial department. One of the three independent departments of government which derives none of its power from either the legislative or executive departments but directly from the Constitution.

This is true of both the National Government of the United States and also of the state governments.

judicial department of the United States. The department created by article III of the Federal Constitution, consisting of one Supreme Court and of such inferior courts as Congress shall, from time to time, ordain and establish.

In these courts is vested the judicial power of the United States. This power of Congress to create inferior courts does not make it a matter of discretion to create them or not at its pleasure, but is rather a duty to vest the whole judicial power. *Martin v Hunter (US)* 1 Wheat 304, 4 L Ed 97.

judicial dicta. An expression of opinion by a court on a point not necessary to a decision but deliberately passed upon by the court. *Scovill Mfg. Co. v Cassidy*, 275 111 462, 114 NE 181. Sometimes given effect as a holding of the court. 20 Am J2d Cts § 190.

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judicial discretion. A discretion to be exercised judicially rather than arbitrarily. A discretion founded upon the facts and circumstances presented to the court, from which it must draw a conclusion governed by the law. *People v Rosner*, 78 Cal App 497, 248 P 683.

The discretion conferred by statute upon courts with respect to the vacation of judgments is a legal discretion to be exercised in conformity with the spirit of the law and in a manner to subserve and not defeat the ends of justice. *King v Mitchell*, 188 Or 434, 214 P2d 993, 216 P2d 269, 16 ALR2d 1128.

A statutory provision authorizing a public functionary to act in his "discretion" may be construed to mean judicial discretion or not, according to the subject matter involved. *Re Anderson*, 191 Or 409, 229 P2d 633, 230 P2d 770, 29 ALR2d 1051, 1073.

judicial district. A division of a state for judicial purposes, sometimes as a matter of jurisdiction, at other times as a matter of venue. *State ex ref. Brockmeier v Ely*, 16 ND 569, 113 NW 711. The territorial unit of a federal district court.

judicial divorce. A dissolution of the marriage contract by decree of court after a judicial inquiry to ascertain the breach of the contract. *Starr v Pease*, 8 Conn 540, 546. A divorce granted by the court as distinguished from a legislative divorce.

judicial documents. Documents in the files of a court, constituting proof of its proceedings in particular cases. *Hammatt v Emerson*, 27 Me 308, 337.

judicial duty. Such a duty as legitimately pertains to an officer in the department of the government designated by the Constitution as "judicial," that is, an officer of the judiciary. *State ex ref. Hovey, v Noble*, 118 Ind 350, 21 NE 244.

See **judicial act.**

Judicial equity. Equity administered by a court of justice, decreeing the *aequum et bonum* of the case, let who or what be the parties before them. *Rhode Island v Massachusetts (US)* 12 Pet 657, 738, 9 L Ed 1233, 1266.

judicial error. An error into which the court itself falls. *State v District Court*, 55 Mont 324, 176 P 608. An error in the decision as distinguished from an error in entering the decision or making it of record. Anno: 14 ALR2d 233.

judicial estoppel. An estoppel arising from sworn statements made in the course of judicial proceedings. *Helfer v Mutual Ben Health & Acci. Asso.* 170 Tenn 630, 96 SW2d 1103, 113 ALR 921. Otherwise known as "estoppel by oath."

judicial ethics. Canons adopted by the American Bar Association, published in *Am J2d Desk Book*, Document 67.

judicial foreclosure. Foreclosure of a mortgage or lien by an action, as distinguished from foreclosure by seizure and sale.

The function of a judicial foreclosure is to declare judicially the forfeiture for condition broken, to obtain an order for sale, and to perfect a transfer of title to the purchaser. *Larson v Anderson*, 97 Wash 484, 166 P 774.

judicial function. A function exercised by the employment of judicial powers. *People ex ref. Riordan v Hersey*, 69 Colo 492, 196 P 180, 14 ALR 631, 635.

Counting, weighing, and measuring are not judicial functions, they are ministerial functions. *Dickering v Moore*, 67 NH 533, 32 A 828.

See **judicial power; quasi-judicial function.**

judicial immunity. The freedom of a judicial officer from personal liability for his decisions or acts.

judicial immunity of witness. An exemption from criminal prosecution promised a witness by the court in consideration of his giving testimony that may tend to incriminate him. 58 Am J1st Witn § 93.

judicial inquiry. An inquiry which investigates, declares, and enforces liabilities as they stand on present or past facts and under laws supposed already to exist. *Keller v Potomac Electric Power Co.* 261 US 428, 67 L Ed 731, 43 S Ct 445.

judicial intervention. A court review of an administrative determination or a restraint by the court of an administrative act.

judicial knowledge. See **judicial notice.**

judicial legislation. An uncomplimentary term applied to certain decisions. Encroachment by the court upon the function of the legislature; making law rather than declaring, construing, or enforcing the law. 16 Am J2d Const L § 225.

judicial location. The determination of the location of an easement by a court of equity. 25 Am J2d Ease § 68.

judicially. Belonging to, or emanating from, a judge. *Commonwealth ex ref. Bressler v Gane (Pa)* 3 Grant Cas 447, 459.

judicial mortgage. Same as **judgment lien.**

judicial notice. The cognizance of certain facts which a judge under rules of legal procedure or otherwise may properly take or act upon without proof because they are already known to him or because of that knowledge which a judge has, or is assumed to have by virtue of his office. *Riley v Wallace*, 188 Ky 471, 222 SW 1085, 11 ALR 337.

Judicial notice takes the place of proof and is of equal force. It displaces evidence, since it stands for the same thing. 29 Am J2d Ev § 14.

Judicial Notice of Foreign Law Act. One of the uniform laws.

judicial oath. An oath authorized by law and administered in the due and regular course of judicial proceedings. *State v Bowman*, 90 Me 363. The qualifying oath of a judge.

judicial office. An office constituting a part of the judicial department of government. *People v Ransom*, 58 Cal 558. An office, the duties and functions of which are principally judicial. *People v Jackson*, 191 NY 293, 84 NE 65. An office for the administration of justice by the person appointed or elected to the office, not by one acting under delegated authority. *Twenty Per Cent Cases (United States v Fitzpatrick)* (US) 13 Wall 568, 20 L Ed 707.

judicial officer. A judge; an incumbent of a judicial office.

See **judge; judicial office.**

judicial opinion. See **opinion of court.**

judicial partition. A compulsory partition in action by which co-owners of property cause it to be divided into as many shares as there are owners, according to their interests therein, or, if that cannot be done equitably, to be sold for the best obtainable price and the proceeds distributed. *Michael v Sphier*, 129 Or 413, 272 P 902, 73 ALR 1.

judicial power. That power which is granted to a court or judicial tribunal. *Rhode Island v Massa-*

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chusetts (US) 12 Pet 657, 738, 9 L Ed 1233, 1266. That part of the sovereign power which belongs to the courts or, at least, does not belong to the legislative or executive department. 16 Am J2d Const L § 222. A power which a regularly constituted court exercises in matters which are brought before it in the manner prescribed by statute or established rules of practice, and which do not come within the powers granted to the executive or vested in the legislative department of the government. 16 Am J2d Const L § 220. The power of a court to decide and pronounce a judgment and carry it into effect between persons who bring a case before it for decision. *Muskrat v United States*, 219 US 346, 55 L Ed 246, 31 S Ct 250; *People ex rel. Riordan v Hersey*, 69 Colo 492, 196 P 180, 14 ALR 631, 635.

The term is not capable of more precise definition but it is to be said that the common source of the power and authority of every court, and all questions concerning jurisdiction of a court must be determined according to the constitution, with the exception of certain inherent powers belonging to all courts. *Re Buckles*, 331 Mo 405, 53 SW2d 1055.

See **quasi judicial power.**

judicial power of the United States. The power vested in the United States Supreme Court, and such inferior courts as Congress shall from time to time ordain and establish, under and in accordance with Article III of the United States Constitution. *Martin v Hunter* (US) 1 Wheat 304, 4 L Ed 97.

judicial precedent. See **precedent.**

judicial proceedings. Proceedings before a court of justice or before a judge acting in a judicial capacity.

As to what constitutes a judicial proceeding within the rule of privilege as to defamatory matter published in the course of such proceedings, see 33 Am J1st L & S § 147.

judicial process. A part of the legal system, contrasting with the administrative process. I Am J2d Adm Law § 16. Broadly, all the acts of the court from the beginning of an action or proceeding to the end. *Blair v Maxbass Secur. Bank*, 44 ND 12, 176. In a more narrow sense, the means of acquiring jurisdiction over person or thing or the means of enforcing and carrying out the judgment of the court, in other words the ordinary concept of process.

See **process.**

judicial proof. A clear and evident declaration and demonstration of a matter which was before doubtful, conveyed in a judicial manner. *Powell v State*, 101 Ga 9, 29 SE 309. Broadly, evidence admissible under the rules of evidence. In another sense of the term, sufficient proof under the rules which determine the weight of evidence.

See **juridical proof**.

judicial question. A question within the province of the court to decide.

See **question of law**.

judicial record. See **court record**.

judicial remedy. A remedy to be pursued in a court rather than before an administrative body.

judicial review. The review of administrative action by an action or proceeding in court.

See **appeal**.

judicial sale. A sale made under the judgment or order of a court of competent authority by the sheriff or other legally appointed and commissioned to sell, the court being the vendor, while the officer appointed to sell is a mere ministerial agent. *Hayes v Betts*, 227 Ala 630, 151 So 692, 95 ALR 1484.

See **bid; execution sale; redemption; reserved price; stifling bids; upset price**.

judicial separation. An establishment by a decree or judgment of a competent court of the right of one spouse to live apart from the other and of the rights of property and the custody of their children, without divorce. In effect, a divorce a mensa et thoro.

judicial visit. See **visitation**.

judicial writs. Writs which were issued in an action subsequently to the issuance of the original writ or summons, and which issued under the private seal of the court and not under the great seal of England.

They were not tested in the king's name, but in the name of the chief justice if there was one, and in the name of the senior justice if there was not. See 3 Bl Comm 282.

Judicia posteriora sunt in lege fortiora. The more recent decisions are the stronger in law.

judiciary. A judge; a justice. A court; the system of courts in a state or nation. A department of justice. *Re Davies*, 168 NY 89, 61 NE 118.

Judiciary Act. An act of Congress passed in 1789, which under the Federal Constitution created the courts which were to exercise the judicial functions of the government. *United States v Holliday (US)* 3 Wall 407, 18 L Ed 182.

judiciary court. The principal criminal court of Scotland.

judiciary police. Members of the police department, especially magistrates, whose function it is to prevent crimes by punishing criminals. *State ex rel. Walsh v Hine*, 59 Conn 50, 21 A 1024.

Judicia sunt tanquam juris dicta, et pro veritate accipiuntur. Judgments are, as it were, the sayings of the law, and are received as truth. *Latin v Kipp*, 155 Wis 347, 145 NW 183, 5 ALR 655, 668.

Judiciis posterioribus fides est adhibenda. Confidence should be reposed in the more recent decisions.

Judici officium suum excedenti non paretur. A judge need not be obeyed when he exceeds his jurisdiction.

judiciously. With the exercise of good judgment. *Cotes & Patchin v Davenport*, 9 Iowa 227, 236.

Judici satis poena est quod Deum habet ultorem. It is a sufficient punishment for a judge that he has God as his avenger.

Judicis est in pronuntiando sequi regulam, exceptione non probata. The exception not having been proved, it is the duty of the judge to follow the rule.

Judicis est judicare secundum allegata et probata. It is the duty of the judge to decide in conformity with the pleadings and the proofs.

Judicis est jus dicere non dare.

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It is the duty of the judge to administer justice and not to make law.

Judicis officium est opus diei in die suo perficere. It is the duty of the judge to complete the day's work within the day.

Judicis officium est ut res ita tempora rerum, quarere; quaesito tempore tutus eris. It is as much the duty of the judge to inquire into the times of things as into the things themselves; by inquiring into the time you will be safe.

judicium. A trial; an action; a decision; an opinion; a judgment; a proceeding before a "judex" or judge. *State ex rel. Moreland v Whitford*, 54 Wis 150, 157.

Judicium anon suo judice datum nullius est momenti. A judgment rendered by a person who is not a judge is of no avail.

judicium aquae. The judgment of water.

This judgment represented the outcome of a trial by water-ordeal which was performed either by plunging the defendant's bare arm up to the elbow in boiling water, or by casting him into a pool of water. If he escaped harm from the boiling water, or sank in the plunge, he was deemed innocent and acquitted, but if he was scalded by the hot water, or if he floated when thrown into the pool, he was adjudged guilty. See 4 Bl Comm 343.

judicium capitale. A judgment or sentence of death.

judicium Dei. The judgment of God,—the judgment which was the culmination of a trial by ordeal of fire or water, and was sometimes called *vulgaris purgatio*—common purgation—to distinguish it from the canonical purgation which was by the oath of the party. See 4 Bl Comm 342.

Judicium est quasi juris dictum. A judgment is, as it were, a command of the law.

judicium ferri. The judgment of the iron.

This judgment was the culmination of a trial by fire-ordeal, which was performed either by taking up in the hand a piece of red-hot iron of from one to three pounds weight, or else by walking barefoot and blindfold over nine red-hot ploughshares, laid lengthwise at equal distances. If the accused escaped unhurt, he was acquitted, but if otherwise, as was usually the case, he was adjudged guilty. See 4 Bl Comm 342.

judicium ignis. The judgment of fire.

See **judicium ferri.**

Judicium non debet esse illusorium; suum effectum habere debet. A judgment ought not to be illusory; it ought to have its effect.

judicium parium. The judgment of his peers.

judicium pro rege. A judgment in favor of the king.

Judicium redditur in invitum. A judgment is rendered against one's will. It is not a contract and is not to be so considered. O'Brien v Young, 95 NY 428.

Judicium redditur in invitum in praesumptione legis. In presumption of law, a judgment is rendered against one's will.

Judicium semper pro veritate accipitur. A judgment is always accepted as true.

jug. An earthenware, plastic, or glass container of liquids, having a small mouth. Slang for jail or prison.

jugerum. A Roman land measure which was equivalent to a little more than half a modern acre, and specifically, measured 240 by 120 feet.

jugulator. A cutthroat; an assassin; a murderer.

jugum. (Civil law.) An ox-yoke; a yoke of land, being a quantity which was ploughable by one ox-team in a day.

jugum terrae. A yoke of land. See **yoke.**

juicio. (Spanish.) An action; a suit; a trial; a judgment.

juicio de apeo. (Spanish.) A decree establishing a boundary.

juicio de concurso de acreedores. (Spanish.) A judgment against an insolvent debtor directing a pro rata payment to his creditors out of the assets of his estate.

juke box. A record player, found in restaurants and saloons, which operates upon the dropping of a coin in a slot; expressly declared an amusement by statute in some jurisdictions. *Fierri v Williamsport*, 384 Pa 568, 120 A2d 889.

Julian calendar. The calendar instituted by Julius Caesar in 46 B. C., dividing the year into twelve months to consist alternately of thirty and thirty-one days, with the exception of February, which was to have twenty-nine days in ordinary years and thirty in leap years, and every third year was a leap year.

The Julian Calendar assumed the length of the year to be 365-1/4 days, whereas it is eleven minutes and some seconds shorter, making an error of three fourths of a day in a century. The Gregorian Calendar reduced this error to one day in thirty centuries.

See **Gregorian Calendar.**

Julian law of treason. See **lex Julia majestatis.**

jument. A plough ox.

jumenta. (Civil law.) Beasts of burden; animals used for carrying or draughting.

jump bail. To flee while released on bail.

jumper. A technical term for a wire used to intercept or cut out a part of an electric circuit. *Ballard v State*, 68 Okla Crim 39, 95 P2d 239. A wire used in starting the motor of an automobile without a key to the ignition. *Edwards v Hartford*, 145 Conn 141, 139 A2d 599.

jumper wire. See **jumper**.

Jun. An abbreviation of junior, infrequently used.

Juncta juvant. United, they flourish. Things which are void severally may be valid jointly.

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junction. In its ordinary acceptation as applied to railroads, the point or locality where two or more lines of railway meet.

Two lines of distinct companies, or separate roads of the same company, or a main line and a branch road of the same company, may have points of union or meeting, styled junctions, but this can hardly be predicated of a single continuous road from one point to another. *United States v Oregon & California Railroad Co.* 164 US 526, 41 L Ed 541, 17 S Ct 165.

See **intersection**.

junior. Adjective: Younger; of secondary consequence, standing, or rank; that is junior over which something else stands prior in right. Noun: A suffix appended to a name to indicate a person as the son of a person of the same name; no part of the legal name, being nothing more than a mere title. *Huff v State Election Board*, 168 Okla 277, 32 P2d 920, 93 ALR 906. Abbreviated "Jr." and "Jun." *Carleton v Townsend*, 28 Cal 219. No part of a man's name; not essential to the docketing of the judgment against a son, although his father has the same name and resides in the same county. *Foshier v Narver*, 24 Or 441, 34 P 21.

junior college. A school offering courses of instruction on the level of difficulty for the first two years above high school level, irrespective of the breadth or variety of the field of education covered. *Nixon-Clay Commercial College v Woods* (Tex Civ App) 176 SW2d 1015, error ref. Best understood as a college providing instruction equivalent to the first two years of an ordinary college, intended to provide a general education so far as the period of study and instruction permits, also to qualify graduates to transfer to other colleges and universities for further work. *Pollitt v Lewis*, 269 Ky 680, 108 SW2d 671, 113 ALR 691. Not a common school or a public school. An no: 113 ALR 711.

junior creditor. A creditor whose claim is subject to the claim or claims of another creditor or creditors which have priority by force of law.

junior encumbrance. A mortgage or other lien which is inferior in point of priority in law to another mortgage or lien.

junior encumbrancer. A person holding a lien or encumbrance which is in point of priority in law to another lien or encumbrance.

junior equities. Equitable interests in real estate which are junior in point of priority in law to other equities. 55 Am J1st V & P §§ 678 et seq.

See **inferior equity**.

junior execution. An execution levied after a levy on the same property under another execution issued upon a different judgment. 30 Am J2d Exec § 515. A writ of execution bearing a date subsequent to that of an execution against the same defendant issued upon a different judgment. *Continental Distributing Co. v Hays*, 86 Wash 300, 150 P 416.

junior high. See **high school**.

junior incumbrance. See **junior encumbrance**.

junior incumbrancer. See **junior encumbrances**.

junior judgment. A judgment which is inferior in point of priority in law to another judgment entered against the same defendant.

junior mortgage. A mortgage over which another mortgage has priority in law.

junior operator's license. A license for the operation of a motor vehicle, with restrictions in reference to the hours of driving, the presence of an adult licensed driver in the vehicle, etc., imposed due to the youth of the licensee. 7 Am J2d Auto § 97.

junior-right. Also called borough-English,—the right of the youngest son to inherit the estate of his deceased father.

junior widow. The surviving spouse of a decedent, claiming dower in lands to which the surviving spouse Of an ancestor Of the decedent is entitled to dower. 25 Am J2d Dow § 87.

juniperus sabina. A plant sometimes called "savin," the product of which is employed in producing abortions.

junk. A word of nautical origin, meaning old or condemned cable and cordage cut into small pieces, which, when untwisted, were used for various purposes on the ship. 47 Am J1st Sec H D § 2. Articles of no value except for the reclaimable material in them. Worn-out or discarded material that still may be turned to some use, especially old metals, ropes, rags, glass, paper, or clothing. *State v Shapiro*, 131 Md 168, 101 A 703.

Secondhand furniture is not junk. *Duluth v Bloom*, 55 Minn 97, 56 NW 580.

junk dealer. A person who makes it his business to buy or sell junk as a trader. *State v Rosenbaum*, 80 Conn 327, 68 A 250; *State v Shapiro*, 131 Md 168, 101 A 703.

junking motor vehicles. The business of buying up used cars and placing them in a junk yard where they will be available for the removal and sale of their parts or for sale as mere junk. 47 Am J1st Sec H D § 11.

junk shop. A building or room in which junk is sold. *Duluth v Bloom*, 55 Minn 97, 56 NW 580.

junk yard. A place where junk is stored or stored and sold.

junta. Same as **junto**.

junto. A secret political council; a political faction.

jura. Rights. Laws.

jura ad personam. Rights in personam, rights against the person.

Jura ad rem. Rights in rem; rights against the thing.

jura coronae. Private rights of the crown. *Geiger v Filor*, 8 Fla 325, 337.

Jura ecclesiastica limitata sunt infra limites separator. Ecclesiastical laws are limited within distinct confines.

Jura eodem modo destituuntur quo constituuntur. Laws are repealed in the same manner in which they are enacted.

jura fiscalia. Fiscal rights,—rights in the royal revenue. See 3 Bl Comm 45.

jura in re. Rights in a thing.

jura in re aliena. (Civil law.) Rights in property belonging to another person. See Mackeldey's Roman Law § 237.

jural. Pertaining or relating to law or to legal matters.

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jura majestatis. (Civil law.) The rights of sovereignty.

Among these rights is the *jus eminens*, or the supreme power of the state over its members and whatever belongs to them. When applied to property alone, it is called *dominium eminens*, or the right of eminent domain; that is, the right of the sovereignty to use the property of its members for the public good or public necessity. *Gilmer v Lime Point*, 18 Cal 229, 251.

juramenta. Plural of **juramentum.**

juramentum. (Civil law.) An oath.

juramentum calumniae. (Civil law.) The oath of calumny,—an oath disclaiming malice, which was required of each of the parties to an action before trial.

Juramentum corporalis. A corporal oath, an oath taken by swearing on the Bible.

Juramentum est affirmatio vel negatio de aliquo, attestazione sacrae rei firmata. An oath is an affirmation or a denial concerning any matter, confirmed by the attestation of a sacred thing.

Juramentum est indivisibile; et non est admittendum in parte verum et in parte falsam. An oath is indivisible; and it is not to be accepted as partly true and partly false.

juramentum fidelitatis. The oath of fealty, which was the oath which bound the tenant to his lord's service under feudal tenure. See 2 Bl Comm 45.

juramentum necessarium. (Civil law.) A necessary oath,—an oath as to the truth of any matter which a party was required to make on the demand of the other party, and which when so made was binding on such other party.

juramentum voluntarium. (Civil law.) The voluntary oath,—an oath which a party to an action was not required to make, but when made, the other party was required to answer it under oath.

Jura naturae sicut immutabilia. The laws of nature are unchangeable. *Anderson v Wilkins*, 142 NC 154, 55 SE 272.

jura personarum. The rights of persons,—such rights as belong to every person. See 1 BI Comm 122.

jura praediorum. (Civil law.) The rights of landed estates.

jura publica. Public rights, also called "jura communia," among which are the rights of navigation and fishery; so called in contradistinction to *jura coronae*, the private rights of the crown. *Geiger v Eilor*, 8 Fla 325, 337.

Jura publica anteferenda privatis. Public rights are to be preferred to private rights.

Jura publica ex privato promiscue decidi non debent. Public rights ought not to be decided promiscuously with private right.

jurare. To swear; to make oath; to affirm on oath.

Jurare est Deum in testum vocare, et est actus divini cultus. To swear is to call upon God to witness, and it is an act of divine reverence.

jura regalia. Royal rights,—a term comprehending not only those rights which pertain to the political character and authority of the king, but also those rights which are incidental to his regal dignity, and may be severed at his pleasure from the crown and vested in his subjects.

jura regia. Same as **jura regalia.**

Jura regis specialia non conceduntur per generalia verba. Special rights are not granted by the crown in general terms.

jura rerum. The rights of things, such rights as a man may acquire over external objects, or things unconnected with his person. See 1 BI Comm 122.

jura sanguinis nullo jure civili dirimi possum. The rights of blood cannot be destroyed by any provisions of the civil law. *Jackson v Phillips*, 96 Mass (14 Allen) 539, 562.

jura summi imperii. The rights of sovereignty.

jurat. The evidence that an affidavit has been duly sworn by the affiant; a certificate evidencing the fact that the affidavit was properly made before a duly authorized officer, the usual and proper form being "Subscribed and sworn to before me," followed by the date, signature, and title of the officer. 3 Am J2d Affi § 16.

Although it has been said that, strictly speaking, the jurat is not a part of the affidavit, common prudence dictates that a properly executed jurat be attached to every affidavit. *Cox v Stern*, 170 Ill 442, 48 NE 906.

See **jurats.**

jurata. A jury; a trial jury.

juration. The taking of an oath; the administration of an oath by one authorized.

Jurato creditor in judicio. A person who is sworn is to be believed in a judicial proceeding.

jurator. A juror or member of a jury; a compurgator.

See **distringas juratores.**

juratores. Plural of **jurator.**

Juratores debent esse vicini, sufficientes et minus suspecti. Jurors ought to be of the vicinage, sufficiently well off, and free from suspicion.

Juratores sunt iudices facti. The jurors are the judges of fact.

juratory. Relating or pertaining to an oath.

See **caution juratory.**

jurats. Sworn officers who formed the governing body in certain communities in England.

Plural of **jurat.**

jure. In right; in law; by right; by law.

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jure alluvionis. By the right of alluvion,—by the right to land formed by the gradual washing up of sand and earth on the shore of a river.

jure alterius. See **in jure alterius.**

jure belli. By the law of war.

See **prize goods.**

jure civile. By the civil law of the Romans.

jure coronae. By right of the crown; by royal right. *Arnold v Mundy*, 6 NJL 1.

jure divino. By divine right.

jure ecclesiae. By right of the church; by the ecclesiastical law.

jure emphyteutico. (Roman law.) By right of emphyteusis.

See **emphyteusis.**

jure gentium. By the law of nations.

jure mariti. By the right of a husband.

jure naturae. By the law of nature.

Jure naturae aequum est neminem cum alterius detrimento et injuria fieri locupletiolem. By natural law it is just that no one be enriched through the loss or injury of another. *Berry v Stigall*, 253 Mo 690, 162 SW 126.

jure propinquitatis. By right of relationship.

jure proprio. See **in jure proprio.**

jure representationis. By right of representation.

"There is no difference between the descent to George and the descent to John his son, who, jure representationis, is the same with the father." Lessee of Levy v M'Cartee, (US) 6 Pet 102, 115, 8 L Ed 334, 339.

jure uxoris. In the right of the wife.

jure uxoris estate. The common-law freehold estate of a husband in real property of which his wife is, at the time of the marriage, seised in fee or in which she has a life estate; also extending to real estate of which the wife becomes seised after the marriage. An estate in the right of the wife, entitling the husband to the possession, use, income, and usufruct of the property, but not continuing beyond the death of either of the spouses. Hopper v Gurtman, 126 NJL 263, 18 A2d 245, 133 ALR 624.

judicial. Pertaining to the law; pertaining to the administration of justice.

judicial days. Days which are legal for the holding of court.

judicial proof. A clear and evident declaration or demonstration of a matter which before was doubtful, conveyed in a judicial manner. Powell v State, 101 Ga 9, 21.

See **judicial proof.**

judicis. Same as **judicial.**

Juri non est consonum quod aliquis accessorius in curia regis convincatur antequam aliquis de facto fuerit attinctus. It is not consonant with the law that any accessory should be convicted in the king's court before anyone has been attainted of the fact.

juris consultus. Learned in the law.

jurisdictio. Same as **jurisdiction.**

Jurisdictio est potestas de publico introducta, cum necessitate juris dicendi. Jurisdiction is a power introduced for the public welfare, through the necessity of administering the law.

jurisdiction. A term used in two senses as it applies to a court: (1) In a general sense, the abstract right of a court to exercise its powers in causes of a certain class; (2) in a particular sense, the right of a tribunal to exercise its power with respect to a particular matter. In other words, the power of the court over the subject matter, over the res or property in contest, and for the rendition of the judgment or decree the court assumes to make. 20 Am J2d Cts §§ 87, 88. Summarily stated, the power to act judicially. Industrial Addition Assn. v Commissioner, 323 US 310, 89 L Ed 260, 65 S Ct 289; Monarch Anthracite Mining Co. (CA3 Pa) 102 F2d 337. The power to hear, determine, and adjudicate. Mellette County v Arnold, 76 SD 210, 75 NW2d 641, 644. In criminal case, the jurisdiction which exists for the punishment of crimes; the power of a court to inquire into the fact, to apply the law, and to declare the punishment, in a regular course of judicial proceeding, embracing every kind of judicial action on the subject matter, from finding the indictment to pronouncing the sentence. State v Smith, 29 RI 513, 72 A 710.

Sometimes referring to the power or authority of administrative or executive agencies, even to the power of the state. 20 Am J2d Cts § 87. Sometimes referring to the territorial area, national or state, by way of indicating the law applicable to a case or the place where a cause was tried.

jurisdictional. Vital or essential to the jurisdiction of the court or other tribunal before which a matter is pending.

jurisdictional amount. See **amount in controversy.**

jurisdictional defect. A defect, whether of omission or commission, in process, pleading, parties, or procedure which deprives the court of jurisdiction.

Neither the fact that an action is brought in the wrong county, nor that other persons should have been joined as parties is necessarily a jurisdictional defect. *Stratton v Beaver Farmers' Canal & Ditch Co.* 82 Colo 118, 257 P 1077.

jurisdictional dispute. Conflicting claims by labor unions over representation of employees or over the right to do certain types of work. 31 Am J Rev ed Labor § 391.

jurisdictional fact doctrine. The principle that even though supported by evidence, an administrative determination of certain fundamental facts bearing upon a constitutional or jurisdictional issue is not conclusive upon the courts, and that, with respect to such a determination, the courts have the power and duty to exercise their own independent judgment. 2 Am J2d Admin L § 692.

jurisdictional plea. A plea in contest of the jurisdiction of the court; either a plea in abatement or a plea in bar, according to whether the objection is to a particular court or to the subject matter in

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controversy whatever the particular court may be. *United States v J. L. Hopkins & Co.* (DC NY) 288 F 173.

jurisdiction clause. That essential clause in a bill in equity upon which the complainant bases his claim of the jurisdiction of the court in which the suit is brought.

jurisdiction in equity. See **equity jurisdiction.**

jurisdiction in personam. Jurisdiction over the person of the defendant which can be acquired only by service of process upon the defendant in the state to which the court belongs or by his voluntary submission to jurisdiction. *Pennoier v Neff*, 95 US 714, 24 L Ed 565.

jurisdiction in rem. Jurisdiction over a res or thing situated in the state, which may be property or a status or relation. *Hamm v Hamm*, 30 Tenn App 122, 204 SW2d 113, 175 ALR 523. That jurisdiction of the property in contest in an action which is obtained by a seizure under process of the court, whereby it is held to abide such order as the court may make concerning it. *Cooper v Reynolds' Lessee* (US) 10 Wall 308, 19 L Ed 931, 932.

jurisdiction of federal courts. The power of the court to hear and determine the subject matter in controversy between parties to a suit—the power to decide a justiciable controversy. *Binderup v Pathe Exchange*, 263 US 291, 68 L Ed 308, 44 S Ct 96. Jurisdiction as conferred by the United States Constitution and acts of Congress enacted under the authority of the Constitution and in conformity therewith. *Lockerty v Phillips*, 319 US 182, 87 L Ed 1339, 63 S Ct 1019.

jurisdiction of the cause. In the broader sense, the power of the court to proceed to the administration of justice in a particular case, considered from any angle affecting such power, be it want of service of process, the absence of the requisite amount in controversy, etc. In a more precise sense, the power over the subject matter, given by the law of the sovereignty in which the tribunal exists. *Re Taylor*, 7 SD 382, 64 NW 253.

jurisdiction of the person. See **jurisdiction in personam.**

jurisdiction of the res. See **jurisdiction in rem.**

jurisdiction of the subject matter. The power of a court to hear and determine cases of the general class to which the action in question belongs. *Schillerstrom v Schillerstrom*, 75 ND 667, 32 NW2d 106, 2 ALR2d 271. A jurisdiction not dependent upon the state of facts which may appear in a particular case, or the ultimate existence of a good cause of action in the plaintiff therein. *Parker Bros. v Fagan* (CA5 Fla) 68 F2d 616.

jurisdiction quasi in rem. Jurisdiction neither strictly in personam nor strictly in rem; an action in personam where a thing or res is indirectly affected by the decision. *Hanson v Denekla*, 357 US 235, 2 L Ed 1283, 78 S Ct 1228, reh den 358 US 858, 3 L Ed 2d 92, 79 S Ct 10. Jurisdiction in a proceeding affecting a status or relation, for example, a marital status. *Hamm v Hamm*, 30 Tenn App 122, 204 SW2d 113, 175 ALR 523.

Juris effectus in executione consistit. The effectiveness of the law lies in its execution. An execution is the end of the law. *Central Nat Bank v Stevens*, 169 US 432, 465, 42 L Ed 807, 819, 18 S Ct 403.

juris et de jure. Of law and by or from law.

The expression is one which is applied to conclusive presumptions; that is presumptions of law which the law does not permit to be disputed or disproved.

juris et seisinæ conjunctio. The union of right and seism, that is the double right, of possession joined with the right of property, which is essential to every good and complete title to real property. See 2 Bl Comm 199.

juris gentium. Of the law of nations.

Juris ignorantia est, cum jus nostram ignoramus. It is ignorance of the law when we are ignorant of our own rights. *Haven v Foster*, 26 Mass (9 Pick) 112.

juris jurando. See **exceptio juris jurando.**

jurisperitus. Skilled or learned in the law.

juris positivi. Of positive law.

Juris praecepta sunt haec, honeste vivere, alterum non laedere, suum cuique tribuere. The precepts of the law are these, to live honestly, not to injure another, and to give to each one his due.

juris privati. Of private right; not clothed with a public interest. *Munn v Illinois*, 94 US 113, 24 L Ed 77.

jurisprudence. The science of law. A division of law, such as admiralty. A treatise on the law or particular subjects of the law, such as American Jurisprudence or Ohio Jurisprudence.

jurisprudentia. Same as **jurisprudence.**

Jurisprudentia est divinarum atque humanarum rerum notitia; justī atque injustī scientia. Jurisprudence is the knowledge of things divine and human; it is the science of justice and injustice.

Jurisprudentia legis communis Angliae est scientia, socialis et copiosa. The jurisprudence of the common law of England is a science, social and rich.

juris publici. Of public or common right.

jurist. A person who is learned in the law.

juristic act. An act which is calculated to have legal effect.

juris utrius doctor. Doctor of both laws; that is, doctor of civil and canon law, a university degree, abbreviated **J. U. D.**

juris utrum. A writ sometimes called the parson's writ of right, which lay for an incumbent parson or prebendary at common law and for a vicar by statute, to recover land alienated by his predecessor. See 3 Bl Comm 252.

juro. A kind of pension which is granted by the king of Spain in recognition of public service.

juror. A person on the jury list or roll—any person in a county, city, district, or other venue listed for jury service for a definite period, such as a year, or

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for an indefinite period. A person whose name has been drawn from the jury list or roll and placed in the jury wheel or box. In common usage, a venireman—a person whose name has been drawn from the wheel for a venire or special venire and who has been summoned by a writ of venire and is thereby upon the jury panel for a term of court, or part of a term, or a panel from which jurors are to be selected for a particular case. 31 Am J Rev ed Jur § 3. Most narrowly defined, a member of a jury which has been sworn to try a case. Anno: 34 ALR 1119.

jury. A body of laymen selected by lot, or by some other fair and impartial means, to ascertain, under the guidance of a judge, the truth in questions of fact arising in either a civil or criminal proceeding. 31 Am J Rev ed Jur § 2. A body of 12 jurors at common law. 31 Am J Rev ed Jur § 121.

See **challenge for cause; demand for a jury; grand jury; hung jury; instructions to jury; packing a jury; peremptory challenge; separation of jury; special jury; struck jury; talesmen; traverse jury; venire; voir dire examination.**

jury box. That portion of the court room in which the jury are seated during the trial of a case.

See **jury wheel.**

jury commissioner. An officer having administrative duties in reference to the compiling of a jury list, the drawing of jurors for a panel, and the summoning of jurors on the panel for duty.

jury de medietate linguae. A jury seldom, if ever, known to American Jurisprudence, but existing in England from 1353 until abolished by the statute, 33 Victoria, Chapter 14, composed one-half each of English speaking persons and of persons speaking the language of the accused, a foreigner, on trial. *Respublica v Mesca (Pa)* 1 Dall 73, 1 L Ed 42.

jury list. A list of names of all persons in a county, city, district, or other venue subject to call for jury service. 31 Am J Rev ed Jur § 3.

juryman. See **juror.**

jury of annoyance. A special jury which was summoned to investigate and return a report upon public nuisances alleged to exist within the county.

jury of coroner. See **inquest jury.**

jury of inquest. See **inquest jury.**

jury of jealous women. A jocose expression for a jury composed of women, or of women for the most part, in a case where a beautiful girl or young woman is a party, especially where the reputation of such party is drawn in issue.

jury of matrons. A jury employed in England until well into the 19th century, and on rare occasions in the United States, to determine the pregnancy of a woman condemned to death, also to determine the fact of pregnancy where a woman was under suspicion of feigning pregnancy by her deceased husband as a reason for withholding land from the next heir. *Union Pacific R. Co. v Botsford*, 141 US 250, 35 L Ed 734, 11 S Ct 1000. **jury of peers.** See **peer.**

jury of physicians. A jury to inquire into the pregnancy of a woman sentenced to punishment by death. New York Criminal Code § 500.

jury of sheriff. See **sheriffs jury.**

jury of the country. A jury of peers of the accused, being persons of like condition and quality. 31 Am J Rev ed Jur § 7.

jury of the county. A jury drawn from the entire area of venue, as distinguished from an ancient jury drawn from the immediate vicinity of the event giving rise to the action or criminal prosecution. *State v Brown*, 103 Vt 312, 154 A 579, 76 ALR 1029.

jury of view. A jury in condemnation proceedings and proceedings to vacate certain ways as nuisances. 31 Am J Rev ed Jur § 2.

See **view by jury.**

jury panel. The jury list. The jury empaneled for the trial of a particular case.

See **jury list.**

jury process. The process of a court employed to summon jurors to attend court and to compel their attendance.

See **venire.**

jury roll. Same as **jury list.**

jury room. The room in a courthouse wherein the jury conduct their deliberations.

jury tampering. See **tampering with jury.**

jury trial. See **trial by jury.**

jury view. See **view by jury.**

jury wheel. A receptacle from which the names of persons on the jury list are drawn for summoning as jurors for a term of court, or a part of a term, or for service in a particular case. 31 Am J Rev ed Jur § 3.

jurywoman. A woman serving as a juror.

See **jury of matrons.**

jus. Right; justice; law. *Freichnecht v Meyer*, 39 NJ Eq 551, 560.

jus abstinendi. (Civil law.) The right of renouncing, also called *potestas abstinendi* (the power of renouncing),—that is, the right which an heir had to renounce his paternal inheritance. See *Mackeldey's Roman Law* § 733.

jus abutendi. The right of abusing; that is the right of doing what one pleases with his own; hence, full ownership.

jus accrescendi. The right of survivorship, which vests in the remaining joint-tenants upon the death of one of their number. See 2 Bl Comm 184.

Jus accrescendi inter mercatores locum non habet, pro beneficio commercii. The right of survivorship has no place among merchants, which is for the benefit of commerce.

Jus accrescendi praefertur oneribus. The right of survivorship is preferred to incumbrances.

Jus accrescendi praefertur ultimae voluntati. The right of survivorship is given preference over the last will. See 2 Bl Comm 186 and note.

jus ad rem. See **jus in rem.**

jus aesneiciae. The right of esneicy, the right of the first-born to have the first choice on a division of an inheritance between coparceners.

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jus albinatus. Also called the "*droit d'aubaine*,"—the right of the king, under the law of France, to all the property of a deceased alien, unless he had a peculiar exemption. See 1 Bl Comm 372.

jus alluvionis. The right to an increase of land by the natural process of alluvion. *Fowler v Wood*, 73 Kan 511, 85 P 763.

jus angariae. The right of the lord of the manor to exact service of a vassal.

jus Anglorum. The law of the Anglo-Saxons.

jus aquam ducendi. Same as **jus aqueductus.**

jus aqueductus. The right of drainage which existed under the civil law, and which is an easement giving the owner of land the right to bring down water through or from the land of another, either from its source or from any other place. *Nellis v Munson*, 108 NY 453, 459, 15 NE 739.

jus banci. The right of bench,—the right of particular judges to have an elevated seat.

jus belli. The law of war; the right of war.

jus bellum dicendi. The right to declare war, or to proclaim war.

jus canonicum. The canon law.

The term is applied to both the canon or ecclesiastical law of England and to the ancient law of the church of Rome.

jus civile. The civil law.

Jus civile est quod quisque sibi populus constituit. Municipal or civil law is that which a people establishes for itself.

This was Justinian's definition of municipal law, and although strictly municipal law refers to the particular customs of one single free town, or "municipium," yet it may properly be applied to any one state or nation, which is governed by the same laws and customs. See 1 Bl Comm 44.

Jus civile est quod sibi populus constituit. The civil law is that law which the people establish for themselves. Jackson v Jackson (NY) 1 Johns 424, 426.

jus civitatis. (Roman law.) The right of citizenship.

jus cloacae. The right of sewage or drainage.

jus commune. The common or public law. The common law of England, of the United States, and other countries who have derived it from England.

jus commune, et quasi gentium. The common law, and as it were the law of nations.

Jus constitui oportet in his quae ut plurimum accidunt, non quae ex inopinato. Law ought to be established in respect to those matters which occur most frequently, and not in respect to those which are not to be expected.

jus coronae. The right of succession to the throne. See 1 Bl Comm 191.

jus cudendae monetae. The right of coining money.

jus curialitatis. The right of curtesy.

jus dare. To make or enact the law. The Pedro, 175 US 354, 44 L Ed 195, 175 S Ct 138.

jus deliberandi. (Civil law.) The right of deliberating,—the right of an heir to take sufficient time for determining whether he will take or reject the estate of the deceased person.

Jus descendit, et non terra. The right descends, and not the land.

jus dicere. The right to speak. To declare or state the law; to expound the law. The Pedro, 175 US 354, 44 L Ed 195, 175 S Ct 138.

Jus dicere, et non jus dare. To declare the law, and not to make the law. State ex rel. Barker v Chicago & Alton Railroad Co. 265 Mo 646, 178 SW 129.

Jus dicere, non jus dare. To declare the law, not to make the law. Barry v Mandell (NY) 10 Johns 563, 566.

jus disponendi. The right of disposing; that is, the right which a man has to dispose of his property as he pleases. Vanderbilt v Mitchell, 72 NJ Eq 910, 67 A 97.

jus dividendi. The right to devise one's real property by will.

jus duplicatum. A double right, particularly the right of possession joined with the right of property or title.

jus eminens. (Civil law.) The supreme power of the state over its members and whatever belongs to them; the basis of the right of eminent domain. *Gilmer v Lime Point*, 18 Cal 229, 251.

jus est ars boni et aequi. Law is the science of that which is good and just.

Jus est norma recti; et quicquid est contra normam recti est injuria. Law is the rule of right; and whatever is contrary to the rule of right is an injury.

Jus et fraus nunquam cohabitant. Right and fraud never live together.

jus et seisinam. The right and the seisin.

Jus ex injuria non oritur. A right cannot spring from a wrong.

jus feciale. Feacial law,—the ancient Roman law governing relations with other nations and declarations of war.

jus fiduciarum. (Roman law.) A right in trust, for which there was a remedy in conscience. See 2 Bl Comm 328.

jus fluminum. (Civil law.) The right of using rivers.

jus fodiendi. The right to dig in the land of another.

jus futurum. (Civil law.) A right expected to be acquired.

jus gentium. The law of nations.

See **international law; private international law.**

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jus gladii. The right of the sword,—the executory power of the law, to prosecute criminal offenses, which resides in the sovereign power. See 4 Bl Comm 177.

jus habendi. The right of having possession of property.

jus habendi et retinendi. The right of having and retaining,—the right of having and keeping the rewards and fruits of a rectory or parsonage.

jus haereditatis. The right of inheritance; the right to succeed as heir.

jus hauriendi. (Civil law.) The right or servitude of drawing water.

jus honorarium. (Roman law.) The law which was instituted by the edicts of the magistrates. See Mackeldey's Roman Law § 37.

jus immunitatis. (Civil law.) The right of immunity from service in public office.

jus incognitum. An unknown law.

jus individuum. An indivisible right; a right which cannot be separated into parts; an individual right.

jus in personam. A right against a person, such as a right arising out of a personal obligation.

jus in re. A right in a thing; a right of property; a property right.

See **jus in rem.**

jus in re aliena. A right in the property of another person.

Jus in re inhaerit ossibus usufructuarii. The right in anything clings to the (bones) person of him who has the right to use it, the usufructuary.

jus in rem. A right in rem or in re, which implies the absolute dominion over property, the ownership of it independently of any particular relation with another person.

The jus ad rem, the right to a thing, is a right which has its foundation in an obligation incurred by another person. The assignment of a bill of lading transfers the jus ad rem, but not necessarily the jus in rem. *The Carlos F. Roses*, 177 US 655, 666, 44 L Ed 929, 933, 20 S Ct 803.

jus in re propria. A right in the thing itself; complete ownership.

jus Italicum. (Roman law.) The common right or rights of the people of Italy outside of Rome; the common right or rights of Roman colonists.

Jusjurandi forma verbis differt, re convenit; hone enim sensum habere debet, ut Deus invocetur. The form of an oath differs in wording, but agrees in the substance; for it ought to have this meaning,—that God is invoked.

jus jurandum. Same as **jusjurandum.**

jusjurandum. An oath.

Jusjurandum inter alios factum nee nocere nee prodesse debet. An oath made between other parties ought neither to harm nor profit.

jus Latii. (Roman law.) The law of Latium (the district of Italy in which Rome was situated), exclusive of the law which governed the city of Rome.

jus legitimum. (Roman law.) A legal right, a violation of which was remedied by the ordinary course of law. See 2 Bl Comm 328.

jus mariti. The right of a husband.

jus merum. A mere right. A mere right of property, the jus proprietatis, without either possession or even the right of possession. See 2 Bl Comm 197.

jus naturae. The law of nature.

jus naturale. Natural law; law the principles of which accord with natural reason.

Jus naturale est quod spud homines eandem habet potentiam. Natural law is the law which has the same power among all mankind.

jus naturalis aut divini. Natural or divine law.

jus navigandi. The right of navigation.

jus necis. The right of death,—the right which a Roman father had of putting his children to death.

Jus non habenti, tote non paretur. He who has no right is safely disobeyed.

Jus non patitur ut idem his solvatur. The law does not suffer the same thing to be paid twice.

jus non scriptum. The unwritten law,—the law which is expressed or sanctioned by the tacit and unwritten customs and consent of men; the common law. See 1 Bl Comm 64.

jus pascendi. The right to pasture cattle.

jus patronatus. (Ecclesiastical law.) A commission from the bishop, directed usually to his chancellor and others of competent learning, who were to summon a jury of six clergymen and six laymen, to inquire into and examine as to who was the rightful patron of a living. See 3 Bl Comm 246.

jus personarum. Singular of **jura personarum.**

jus possessionis. The right of possession. See 3 Bl Comm 177.

jus postliminii. The right under which persons and things taken by an enemy in war are restored to their former state on coming again into the power of the nation to which they belonged. *Leitensdorfer v Webb*, 1 NM 34, 44.

jus praesens. (Civil law.) A present or existing right; a right which has been completely acquired, as distinguished from *jus futurum*, which is a right expected to be acquired, but which has not been completely acquired. See Mackeldey's Roman Law § 191.

jus praetorium. (Civil law.) The discretion of the praetor,—the power to pronounce the rule of law, and to apply it to particular cases by the principles of equity. See 3 Bl Comm 49.

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jus precarium. (Roman law.) A right obtained by begging or asking for it; that is, a right in courtesy, for which the remedy was only by entreaty or request. See 2 Bl Comm 328.

jus presentationis. (Ecclesiastical law.) The right of a patron to present a clergyman to a benefice. See 3 Bl Comm 246.

jus privatum. A private right.

Any right held by the king of England in his individual capacity was known as *jus privatum*. Any right which he held in a representative capacity was known as *jus publicum*, a public right. *Lewis Blue Point Oyster Cultivation Co. v Briggs*, 198 NY 287, 91 NE 846.

jus projiendi. (Civil law.) The servitude or right to build a projection, such as a balcony or gallery, from one's house over the land of his neighbor. See Mackeldey's Roman Law § 317.

jus proprietatis. See ***jus merum***.

Jus prosequendi in judicio, quod alicui debetur. The right of prosecuting to judgment, which is due to everyone. See 3 Bl Comm 116.

jus protegendi. (Civil law.) The right to construct a shed on one's house in such manner that it projected over his neighbor's land. See Mackeldey's Roman Law § 317.

jus publicum. A public right; a right held by the king in a representative capacity. *Lewis Blue Point Oyster Cultivation Co. v Briggs*, 198 NY 287, 91 NE 846.

Jus publicum et privatum quod ex naturalibus praeceptis aut gentium aut civilibus est collectum; et quod in jure scripto jus appellatur, id in lege Angliae rectum esse dicitur. Law, both public and private, is that which is collected from natural precepts either of nations or states; and that which in the written law is called "*jus*," in the law of England is called "right."

Jus publicum privatorum pactis mutari non potest. A public law or right cannot be altered by the agreements of individuals. *Mitchell v First National Bank*, 180 US 471, 476, 45 L Ed 627, 630, 21 S Ct 418.

jus quaesitum. The right of demanding or recovering a thing.

jus quiritorium. (Roman law.) The law of Rome, which at first extended only to the patricians, but later to the whole of the Roman people.

Jus quo universitates utuntur est idem quod habent privati. The law which governs corporations is the same as that which governs private persons.

jus regium. Royal right.

That right of the people of a state, as the sovereign of the state, to regulate, improve, and secure for the common benefit of every individual citizen, is nothing more than what is called the *jus regium*. *Arnold v Mundy*, 6 NJL 1.

jus relictæ. The right of a widow in the personal property which belonged to her deceased husband.

Jus respicit aequitatem. Law regards equity.

jus sacrum. (Roman law.) The law relating to public worship.

jus sanguinis. The law of the place of one's descent or parentage. The rule of descent or blood. *United States v Wong Kim Ark*, 169 US 649, 42 L Ed 890, 18 S Ct 456.

jus scriptum. The written law,-the statutes, acts, or edicts, made by the king's majesty, by and with the consent of parliament, the oldest of which, extant and printed in the English statute-books, is the famous *Magna Charta*. See 1 Bl Comm 85.

jus singulare. A peculiar rule of law established for a special occasion or special reason.

jus soli. The right of the soil or the land. The law of the place of one's birth.

jus stapulae. The right of staple,—an ancient right of some English towns to force the sale of imports to their own people, exclusively.

jus strictum. Strict law; the law enforced with precision and severity.

Jus superveniens auctori accrescit successori. A right coming to the holder of an estate accrues to his successor.

just. Right or fair according to law. Legally right, lawful.

All human actions are either just or unjust as they are in conformity to or in opposition to law. *Borden v State*, 11 Ark 519.

justa causa. (Civil law.) A just cause; a lawful or proper motive; a lawful claim. See Mackeldey's Roman Law § 283.

just and unextinguished title. A title to land good upon its face, not manifestly frivolous, but not necessarily one which shall be determined to be valid in the ultimate test. *United States v Conway*, 175 US 60, 44 L Ed 72, 20 S Ct 13 (phrase appearing in a private land claim act).

just beyond. Barely beyond; a very little space beyond. *Carroll v Cave Hill Cemetery Co.* 172 Ky 204, 189 SW 186.

just cause. A legal cause; a fair cause relied upon in good faith. For the removal, discharge or demotion of an officer or employee in the classified civil service:—legal cause or a cause based upon acts or omissions detrimental to the public service. *People ex rel. Polen v Hoehler*, 405 Ill 322, 90 NE2d 729.

See **justification.**

just cause of provocation. See **provocation.**

just claim. A claim or demand enforceable in a court of justice. *Bostwick v Mutual Life Ins. Co.* 116 Wis 392, 92 NW 246.

just compensation. A familiar term in constitutional provisions and statutes granting or regulating the exercise of the power of eminent domain in the condemnation and taking of private property. Reasonable compensation. A compensation which is just, not merely to the individual whose property is taken, but to the public which is to pay for it. 27 Am J2d Em D § 266. The full and perfect

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equivalent of the property taken and the damages inflicted by the taking. 27 Am J2d Em D § 266.

It is not the investment, but the "value of the interest" in land taken by eminent domain that is guaranteed to the owner; the government may neither confiscate the owner's bargain, nor be required to assume his loss. *Kinter v United States* (CA3 Pa) 156 F2d 5, 172 ALR 232.

just consideration. A consideration legally sufficient. *Moruzzi v Federal Life & Casualty Co.* 42 NM 35, 75 P2d 320, 115 ALR 407.

Under a statute requiring a chattel mortgage when filed to be accompanied by an affidavit stating inter alia that the mortgage is "just," a statement that the mortgage is given "for value received" and "in good faith" is not sufficient. A consideration

may well be for value and yet not "just," and that the mortgage is given in good faith merely indicates that it is not collusive or fraudulent and a denial of collusion or fraud is not an affirmation that the claim due the creditor is just. *Schuster v Wendling* (CA6 Ohio) 116 F2d 596.

just debts of decedent. All claims which could have been enforced by action against the decedent in his lifetime. 31 Am J2d Ex & Ad § 276. Not estate or inheritance taxes or claims upon indebtedness incurred by personal representative of the decedent. Anno: 37 ALR2d 136.

jus tertii. The right of a third person. 11 Am J2d B & N § 655.

Jus testamentorum pertinet ordinario. The right of testaments belongs to the ordinary.

justice. That end which ought to be reached in a case by the regular administration of the principles of law involved as applied to the facts. *Sioux Falls v Marshall*, 48 SD 378, 204 NW 999, 45 ALR 447, 451. Nothing more nor less than exact conformity to some obligatory law. *Borden v State*, 11 Ark 519.

The title of a judge, especially the judge of a high court, such as the United States Supreme Court or the highest court of a state.

See **justice of the peace.**

justice ayres. The circuits of Scotch judges.

justice court. A term erroneously applied at times to a justice's court, the court of a justice of the peace.

justice de facto. See **de facto justice of the peace.**

justice de jure. An officer who has the lawful right or title to the office of justice of the peace, with or without the possession of the office. 31 Am J Rev ed J P § 6.

Justice Department. One of the executive departments of the United States, headed by the Attorney General, whose primary duty is to supervise the conduct of all suits brought by or against the United States, and to give advice to the President and the heads of the other departments of the government. 54 Am J1st US § 54. A comparable department of a state government.

justice of the peace. An office of ancient origin, established in the United States as part of the English judicial system under the common law. *Brown v Knox County*, 187 Tenn 8, 212 SW2d 673, 5 ALR2d 1264. A magistrate; often a township officer, although exercising county-wide jurisdiction, and sometimes regarded as a county officer. 31 Am J Rev ed J P § 3. Essentially a magistrate, a judicial officer, although vested with some administrative or ministerial powers. 31 Am J Rev ed J P § 2. A judicial office of limited jurisdiction, the jurisdiction usually being limited to actions, other than those involving title to real property, wherein the amount in controversy is relatively small, and in criminal cases, to prosecutions for minor offenses and misdemeanors, and preliminary hearings upon charges of felony or serious misdemeanor. The incumbent of the office of justice of the peace. Not a judge for all purposes, for example, not within the meaning of a statute fixing an age limit for "judges." *People v Mann*, 97 NY 530. But a judge within the meaning of the rule that words spoken by a "judge" in the course of a judicial proceeding over which he is presiding, and in relation to the subject of the proceeding, are absolutely privileged. 33 Am J1st L & S § 177.

justice's court. The title of the court of a justice of the peace.

See **justice of the peace.**

justice's docket. The book required to be kept by a justice of the peace wherein he shall enter a record of each step taken in an action, suit, or proceeding before him, from the issuance of process to the rendition and entry of judgment, and the issuance of an execution as such may be required for the enforcement of the judgment. 31 Am J Rev ed J P § 59. A docket wherein a justice of the peace shall show the institution and disposition of criminal causes brought before him for prosecution or by way of a preliminary hearing.

justices in eyre. Justices on circuit, judges who were regularly established under Henry the Second in 1176, with a delegated power from the king's great court, or aula regia, being regarded as members of it and who afterwards made their circuit around the kingdom once in seven years to try causes.

Later, by Magna Charta, they were directed to be sent into every county once a year, to take recognitions or assizes. See 3 Bl Comm 57.

justices itinerant. Justices on circuit.

See **justices in eyre.**

justice's judgment. A judgment rendered by a justice of the peace.

Such a judgment is the judgment of a court not of record, and therefore cannot be established as a record, but is to be established as a public writing, not of record, by evidence. *Hamilton v Wright*, 11 NC (4 Hawks) 283, 286.

As to filing a transcript of a justice's judgment in a court of record so as to give effect to the judgment as one of a court of record, see 31 Am J Rev ed J P § 94.

justices of assize. Justices of the superior courts of England, who tried causes on their circuits.

justices of gaol delivery. Judges who were commissioned to hear the cases of persons who were in jail.

justices of laborers. Justices specially appointed to hear and determine controversies between workingmen and their employers.

justices of nisi prius. See **nisi prius.**

justices of oyer and terminer. The judges of the courts of assize and nisi prius.

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justices of the Jews. Judges who were appointed by Richard the First to enforce the usury laws against the Jews.

justices of the peace. See **justice of the peace.**

justices of the sessions. Two or more justices of the peace who preside at the English sessions of the peace, for the execution of the authority given them by their commission and certain acts of Parliament. *People v Powell* (NY) 14 Abb Pr 91, 93.

justiciable case. A case which presents a justiciable controversy.

See **justiciable controversy.**

justiciable controversy. A controversy appropriate for judicial inquiry or adjudgment. 20 Am J2d Cis § 80. A controversy not so exclusively or predominantly involved with political questions as to come within the prerogative of the legislative or administrative branch of the government. *Chicago & Southern Airlines v Waterman SS Corp.* 333 US 103, 92 L Ed 568, 68 S Ct 431. For the purposes of declaratory relief:-a controversy involving something more than a mere difference of opinion; a controversy involving persons adversely interested in matters in respect of which a declaration is sought. 22 Am J2d Dec J § 11.

justiciar. A justice; a judge. See 3 Bl Comm 38.

justiciarii ad omnia placita. Justices for all pleas.

justiciarii in itinere. Justices on circuit. Same as **justices in eyre.**

justiciarii itinerantes. Same as **justices in eyre.**

justiciarii residentes. The English judges who resided at Westminster.

justiciary. A judge or justice.

See **court of justiciary.**

justicier. (French.) A judge. A lover of justice.

justicies. A special writ by which the sheriff of the county was empowered for the sake of dispatch, to sit in the county court of his county and try causes.

Under this writ, the sheriff could take cognizance of many real actions and all personal actions, to any amount, which without the writ would be tried at Westminster. See 3 Bl Comm 36.

justifiable. By legal sanction. Defensible.

justifiable cause for nonsupport. A cause legally relieving the husband of the duty of support. 23 Am J2d Desert § 15. A cause which he has not helped to create, a result which has not been in any measure caused by his own misconduct,—such as her adultery without guilt or connivance on his part. *White v White*, 87 NJ Eq A4, 100 A 235.

justifiable homicide. An excusable homicide. *State v Trent*, 122 Or 463, 259 P 893. A homicide committed: (1) by unavoidable necessity without any will, intention, desire, inadvertence, or negligence on the part of the person killing, (2) for the advancement of public justice, or (3) for the prevention of any atrocious crime attempted to be committed by force. *Erwin v State*, 29 Ohio St 186.

justifiable trespass. An intentional trespass which the law has authorized; as, an entry into a house through an open door to serve a civil process. In reality, not a trespass, justification being a defense, albeit one to be pleaded specially. 52 Am J1st Tresp § 68.

justification. A showing by sureties of their qualifications as householders or freeholders and of their ability to respond in the amount of the suretyship obligation. *Wilson v Eagleson*, 9 Idaho 17, 71 P 613. A reason for committing an act which otherwise would constitute an actionable wrong or tort. 52 Am J1st Torts § 85. Just cause or excuse for the commission of an act otherwise criminal. *State v Williams*, 166 SC 63, 164 SE 415. Good cause for abandoning, deserting, or failing to support wife. 23 Am J2d Desert § 15. The defense of truth in an action for libel or slander. 33 Am J1st L & S § 117. In reference to the rule imposing liability for procuring breach of contract: the presence of exceptional circumstances showing that no tort has been in fact committed, the term connoting lawful excuse which excludes malice, actual or legal, for example, procuring the breach of a contract without knowledge of the contract, or acting in the exercise of an equal or superior right. *Childress v Abeles*, 240 NC 667, 84 SE2d 176, reh dismd 242 NC 123, 86 SE2d 916.

See **justifiable homicide.**

justificators. Compurgators,—persons who, in a trial by wager of law, swore to the innocence of the defendant.

justifying bail. The justification of the sureties on a bail bond.

See **justification.**

Justinian. Emperor of the Byzantine Empire from 527 to 565, renowned for codification of the Roman law.

See **Florentine Pandects; Institutes of Justinian; Novels; Pandects.**

Justinian Code. Same as Corpus Juris Civilis.

justinianist. A student of Roman law.

justitia. Justice.

Justitia debet esse libera, quia nihil iniquius venali justitia; plena, quia justitia non debet claudicare; et celeris, quia dilatio est quaedam negatio. Justice ought to be free, because nothing is more iniquitous than venal justice; full, because justice ought not to halt; and speedy, because delay is a sort of denial.

Justitia est constans et perpetua voluntas ins suum cuique tribuendi. Justice is the constant and perpetual wish to render to each one his rights.

Justitia est duplex, viz., severe puniens et vere praeveniens. Justice is double, that is to say, severely punishing and truly preventing.

Justitia est virtus excellens, et Altissimo complacens. Justice is excellent goodness, and is pleasing to the Most High.

Justitia firmatur solium. Justice confirms sovereign power.

Justitia nec differenda nec neganda est. Justice is neither to be delayed nor denied.

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Justitia nemini neganda est. Justice is to be denied to no one.

Justitia non est neganda, non differenda. Justice is neither to be denied nor delayed.

Justitia non novit patrem nec matrem; solum veritatem spectat justitia. Justice knows neither father nor mother; justice looks only at the truth.

justitia piepoudrous. Speedy justice.

See **court of piepoudre.**

justitium. (Civil law.) A suspension of the business of the courts.

jus tripartitum. The law of wills.

Jus triplex est,—proprietas, possessionis, et possibilitatis. A right is threefold,—proprietary, possessory, and in possibility.

jus trium liberorum. (Roman law.) The right of three children; that is, the extraordinary rights, privileges and immunities which the Roman law accorded to a father of three or more children. See 2 Bl Comm 247.

just title. The equivalent of color of title. A title that is imperfect, but not so obviously that the imperfection is apparent to one not skilled in the law. *Fernandes & Bros. v Ayllon y Ojeda*, 266 US 144, 146, 69 L Ed 209, 211, 45 S Ct 52 (applying law of Porto Rico); 3 Am J2d Adv P § 96.

Justum non est aliquem antenatum mortuum facere bastardum, qui pro tots vita sua pro legitimo habetur. It is not just to make a dead man a bastard, who throughout his whole life was regarded as legitimate.

justness. The quality or state of being just, equitable or right; conformity to truth or justice, lawfulness; rightfulness; honorableness. Correctness; exactness; accuracy. *Fuchs v Lehman*, 47 ND 58, 188 NW 85.

See **just**.

jus utendi. The right to make use of a thing.

jus vagum et incertum. Vague and uncertain law. See 1 Pomeroy's Equity Jurisprudence § 60.

jus venandi et piscandi. The right to hunt and fish on the land of another.

Jus vendit quod usus approbavit. The law recommends that which use or custom has approved.

jus vocando. See in **jus vocando**.

juvenile court. A court having special jurisdiction, of a paternal nature, over delinquent and neglected children. 31 Am J Rev ed Juv Ct § 3.

juvenile delinquent. A generic term, embracing every lapse into wrongdoing from murder to habitual truancy, even certain acts of incorrigibility rather than crime. 31 Am J Rev ed Juv Ct § 36.

See **delinquent children**.

juxta. Near; according to.

juxta formam statuti. According to the form of the statute.

juxta tenorem sequentem. According to the following tenor.

juzgado. (Spanish.) The judiciary; that faction of a court which concurs in a decree or judgment.