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

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

q. c. f. An abbreviation of **quare clausum fregit**.

q'd. An abbreviation of **quod**.

qua. As; in what manner; how; in the office's role, or capacity of; as, qua guardian, qua executor.

quack. One who pretends to have more knowledge or skill in a science or profession, especially medicine, than he possesses in fact. An ignorant or fraudulent pretender to medical skill. *Brinkley v Fishbein* (CA5 Tex) 110 F2d 62. An incompetent physician. *Burk v Foster*, 114 Ky 20, 69 SW 1096.

quack medicine. A remedy of specific the composition of which is kept secret, and which is sold to be used by the purchaser without the advice of a regular or licensed physician. *Kohler Mfg. Co. v Beeshore* (CA3 Pa) 59 F 572, 574.

qua cunque via data. Whichever way it is considered. *Westcott v Cady* (NY) 5 Johns Ch 334.

quadragesima. The first Sunday in Lent, which falls about forty days before Easter Sunday.

Quadragesms. A name which was given to the collection of Year Book reports of the years 40-50 Edward III, and which appeared as volume 3 of the 1678-80 edition (better known as the "Folio" or "Vulgate" edition) of the Year Books.

quadrans. A one-fourth part.

quadrantata terrae. An ancient land measure equal to about one-fourth of an acre.

quadripartite. Being apportioned into four parts; having four parties.

quadroon. A person of mixed race, being the child of a mulatto and a white. *State v Treadway*, 126 La 300, 323, 52 So 500.

quadruplicatio. A Roman law pleading corresponding to the common-law rebutter, being the defendant's reply to the actor's triplicatio. See 3 Bl Comm 310.

quadruplication. Same as **quadruplicatio**.

Quae ab hostibus capiuntur, statim capientium fiunt. Whatever things are taken from enemies immediately become the property of the captors.

Quae ab initio inutilis fuit institutio, ex post facto conualescere non potest. (Civil law.) An institution which was void from the beginning cannot be made valid by a subsequent act.

Quae ab initio non valent, ex post facto conualescere non possunt. Those things which are not valid in the beginning cannot be made valid by a subsequent act.

Quae accessionum locum obtinent extinguuntur cum principales res peremptae fuerint. When the principal things have been extinguished or destroyed, those things which hold the position of incidents to them are also extinguished or destroyed. See Broom's Legal Maxims 496.

Quae ad unum finem loquuta sunt, non debent alium detorqueri. Those things which have been said to one purpose ought not to be twisted into another.

Quae cohaerent personae a persona separari ne queunt. Those things which are connected with the person ought not to be separated from the person.

Quae communi lege derogant stricte interpretantur. Those (statutes) which derogate from the common law are strictly interpreted.

Quae contra rationem juris introducta sunt, non debent trahi in consequentiam. Those things which have been introduced contrary to the reason of the law ought not to be drawn into precedent. Precedents against law or reason must be set aside. *George Jonas Glass Co. v Glass Bottle Blowers' Asso.* 77 NJ Eq 219, 79 A 262.

Quaecunq;ue intra rationem legis inveniuntur intra legem ipsam esse judicantur. Whatever comes within the reason of the law is adjudged to be within the law itself.

quaedam nova consuetudo. A certain new custom.

quae de minimis non curat. Which (the law) does not regard trifles.

Quae dubitationis causa tollendae inseruntur communem legem non laedunt. Those things which are interpolated for the purpose of removing doubt do not offend the common law.

Quae dubitationis tollendae causa contractibus inseruntur, jus commune non laedunt. (Civil law.) Those matters which are inserted in contracts for the purpose of removing doubt do not offend the common law.

quae est eadem. Which is the same matter.

Quae fieri non debent, facta valent. Those things which ought not to be done may nevertheless be valid when they have been done.

Quae incontinenti vel certo fiunt inesse videntur. Those things which are done directly and certainly are deemed to be included.

Quae in curia acta sunt rite agi praesumuntur. Those

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things which have been done in court are presumed to have been done correctly.

Quae in curia regis acta sunt rite agi praesumuntur. Those things which have been done in the king's court are presumed to have been done correctly.

Quae in partes dividi nequeunt solida a singulis praestantur. Those things which cannot be divided into parts are performed by each person as a whole

Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt. Those things which are done between others ought not to prejudice a person, but they can benefit him.

Quae in testamento ita sunt scripta ut intelligi non possint, perinde sunt ac si scripta non essent. Those things which are so written in a will that they cannot be understood are just as if they had not been written.

quae ipso usu consumuntur. Which were consumed for his own use. *Westcott v Cady*, 5 Johns Ch 334.

Quae legi communi derogant non sunt trahenda in exemplum. Those things which derogate from the common law ought not to be drawn into precedent.

Quae legi communi derogant stricte interpretantur. Those things which derogate from the common law are strictly interpreted or construed.

Quaelibet concessio domini regis capi debet stricte contra dominum regem, quando potest intelligi duabus viis. Every grant of our lord the king ought to be taken strictly against our lord the king, when it can be understood in two ways.

Quaelibet concessio fortissime contra donatorem interpretanda est. Every grant is to be interpreted or construed most strictly against the grantor. *Courtis v Dennis*, 48 Mass (7 Met) 510, 516.

Quaelibet jurisdictio cancellos suos habet. Every jurisdiction has its own limits.

Quaelibet pardonatio debet capi secundum intentionem regis, et non ad deceptionem regis. Every pardon ought to be interpreted or construed agreeably with the intention of the king and not for the deception of the king.

Quaelibet poena corporalis, quamvis minima, major est qualibet poena pecuniaria. Every corporal punishment even the least, is greater than any pecuniary punishment.

Quae mala sunt inchoata in principio vix bono perguntur exitu. Things which are bad in principle at tire outset are rarely completed with good at the end.

quae nihil firustra. Which (the law) (requires) nothing in vain.

Quae non fieri debent, facta valent. Those things which ought not to be done may nevertheless be valid when they have been done.

Quae non valeant singula juncta juvant. Things which are void severally may be valid when joined.

That is, words or expressions which are inoperative when taken singly may often be made effective when construed in conjunction with the words or expressions which accompany them. *Breasted v Farmers' Loan & Trust Co* 8 NY 299

quae plura. An ancient Writ whereby an escheator was ordered to ascertain what other or additional land the decedent held at his death besides the land disclosed by the inquisition.

Quae praeter consuetudinem et morem majorum fiunt neque placent neque recta videntur. Those things which are done contrary to the custom and manner of our ancestors neither please nor seem right.

Quae propter necessitatem recepta sunt, non debent in argumentum trahi. Those things which are allowed by reason of necessity ought not to be drawn into argument.

Quaeras de dubiis legem bene discere si vis. You should inquire concerning doubtful matters if you wish to understand the law well.

quaere. Query; it is a question.

Quaere de dubiis, quia per rationes pervenitur ad legitimam rationem. Inquire concerning doubtful matters, because through reasonings the legal reason is arrived at.

Quae regio in terris nostri non plena laboris. What region on earth is not filled with our works (Vergil.) From Webster's argument in *Gibbons v Ogden* (US) 9 Wheat 1, 158, 6 L Ed 1, 61.

quae relicta sunt et tradita. Which have been left and handed down.

quaerens. He who complains; a plaintiff.

Quaerens nihil capiat per billam. Let the plaintiff take nothing by his bill.

Quaerens non invenit plegium. The plaintiff has not found a pledge, or security.

Quaerere dat sapere quae sunt legitima vere. Inquiry gives knowledge its to what things are truly lawful.

Quae rerum natura prohibentur nulla lege confirmata sunt. Those things which are prohibited in the nature of things are confirmed by no law.

quaeritur. It is doubted.

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Quae singula non prosunt, juncta juvant. Those things which are of no consequence severally may be valid jointly.

quaesta. An indulgence or remission of punishment for sin granted by the Roman Catholic Church, or by the Pope.

quaestio. In the Roman law, an inquest or investigation into an alleged offense made by a commission. In medieval law, an inquisition by torture.

quaestio facti. A question of fact.

quaestio juris. A question of law.

quaestiones perpetuae. (Roman law.) Permanent commissions which were established to investigate crimes.

quaestor. A Roman magistrate.

quaestus. An estate acquired by purchase, as distinguished from one acquired by inheritance.

Quae sunt minoris culpa sunt majoris infamiae. Those things which are less culpable may be more infamous.

Quae temporalia sunt ad agendum perpetua sunt ad excipiendum. Things which afford a ground of action, if raised within a certain time, may be pleaded at any time, by way of exception. *Buty v Goldfinch*, 74 Wash 532, 133 P 1057.

Quaker marriage. A marriage not solemnized by an ordained minister or judicial officer but valid under statute as in accord with the religious belief of the Quakers. 35 Am J1st Mar § 25.

quale jus. What kind of right,-a writ which ordered an investigation of a judgment in favor of a clergyman for the purpose of preventing an evasion of the statutes of mortmain

qualification. A limitation or modification; a condition which limits. A quality that fits a person for a position. A condition prescribed either by constitutional provision or legislative enactment for holding public office. 42 Am J1st Pub Of §37. Competency to act in a particular capacity, such as executor or administrator. 31 Am J2d Ex & Act § 67. Taking an oath and providing a bond as conditions of acting in a particular capacity, for example, as executor or administrator. 31 Am J2d Ex & Ad §§ 106, 107. A technical term for the process of analyzing the nature of the question before the court for the purpose of determining the law applicable as between the laws of two or more jurisdictions. 16 Am J2d Confl L § 3.

See **eligible to an office; oath of office; official bond.**

qualification of candidate. The possession of qualifications to fill the office sought in the election. 25 Am J2d Elect § 174. In a primary election, the possession of qualifications prescribed by statute or by party rules and regulations. *Robert v Cleveland*, 48 NM 226, 149 P2d 120, 153 ALR 635.

qualification of elector. The existence of certain conditions respecting citizenship, residence, age and etc., prescribed by constitutional provision or statute. 25 Am J2d Elect § 58. For the act of voting itself, the additional qualification of registration of registration.

While a statute providing for a local option election may require that a signer of a petition for such an election be a registered voter, to be a "qualified elector" within the meaning of such statute, it is not necessary that one be registered Anno: 100 ALR 1309, 1310.

See **registration of voters.**

qualification of grand juror. The elements of citizenship and residence and the absence of bias, prejudice, or interest. 24 Am J1st Grand 3 §§ 7 et seq

qualification of juror. The possession of the qualifications prescribed by constitution or statute, such as age, mental competency, literacy, citizenship, residence, character, and in rare instances the ownership of property and the payment of taxes 31 Am J Rev ed Jury § 67.

qualification of voter. See **qualification of elector.**

qualified. Having fitness or capacity. Having taken the official oath and having given an official bond in preparing to accept a public office to which one has been elected or appointed. *Archer v State*, 74 Md 443, 22 A 8.

qualified acceptance. A conditional acceptance of an offer; an acceptance which modifies the terms of the offer. In effect, a counteroffer. 17 Am J2d Contr § 62. An acceptance of a bill of exchange which varies the effect of the bill as drawn. 11 Am J2d B & N § 515.

qualified dedication. A dedication of land for some public purpose, such as a street or highway which is made subject to limitations, conditions, restrictions or reservations 23 Am 32d Ded § 37.

qualified denial. A denial insufficient as a pleading For want of positivism. 41 Am J1st Pl §§ 148, 192.

qualified discharge. A discharge in bankruptcy which excepts front the operation thereof debts which were provable in it prior proceeding in bankruptcy involving the same bankrupt wherein a discharge was denied the bankrupt. Anno: 156 ALR 857; 9 Am J2d Bankr § 741.

qualified elector. A person who is qualified to vote at an election but may or may not exercise his Franchise or privilege of voting. Bergevin v Curtz, 127 Cal 86, 89, 59 11 312.

See **qualification of elector; qualified voter.**

qualified estate. See **qualified fee; qualified interest.**

qualified fee. An estate limited to a person and his heirs, with it qualification annexed to it providing that the estate must determine whenever that qualification is at an end.

Because the estate may last forever, it is a fee; because it may end on the happening of an event, it is called a qualified or determinable fee. 28 Am J2d Est § 22.

qualified indorsement. See **conditional indorsement.**

qualified interest. An interest in property under which control falls short of the absolute, the property not being objectively and lawfully appropriated to one's use in exclusion of all other persons. Griffith v Charlotte Columbia & Augusta Railroad Co. 23 SC 25.

See **qualified fee.**

qualified majority decision. A court decision concurred in by the requisite number of justices to make it binding, such number being fixed by statute at more than a simple majority. State ex rel. Mason v Baker, 69 ND 488, 288 NW 202.

qualified nuisance. Anything lawfully but so negligently or carelessly done or permitted as to create a potential and unreasonable risk of harm which,

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in due course, results in injury to another. Taylor v Cincinnati, 143 Ohio St 426, 55 NE2d 724, 155 ALR 44.

qualified owner. The owner of a qualified interest in a thing.

See **qualified interest.**

qualified privilege. See **conditionally privileged communication.**

qualified property. Same as **qualified interest.**

qualified refusal. A refusal to deliver up a chattel on demand of the person lawfully entitled thereto not amounting to a conversion of the chattel because accompanied by a reasonable qualification or requirement, such as insistence upon payment of charges for which one has a lien. 18 Am J2d Conv § 44.

qualified right. A right, the exercise of which depends upon a justification. *Harding v Ohio Casualty Ins. Co.* 230 Minn 327, 41 NW2d 818. A common right.

See **common right; qualified interest.**

qualified salvage. A reward in the nature of salvage made to members of the crew of the vessel saved. 47 Am J1st Salv § 20.

qualified stock option. An option under which an employee of a corporation may buy stock in the corporation, its parent company, or a subsidiary. Internal Revenue Code § 422(b).

qualified survivor. A technical term of community property law in some jurisdictions, referring to a status acquired by the surviving spouse pursuant to a statutory procedure in order to have the right to dispose of the part of the community property that he does not own. 15 Am J2d Community Prop § 107.

qualified voter. A person qualified as an elector, being entitled to vote, and who actually votes. *Carroll County v Smith*, 111 US 556, 565, 28 L Ed 517, 520, 4 S Ct 539; *Bergevin v Curtz*, 127 Cal 86, 89, 59 P 312.

See **qualified elector.**

qualify. See **qualification; qualified.**

qualifying clauses. Provisions in a contract or conveyance containing conditions.

Qualitas quae inesse debet, facile praesumitur. A quality which ought to belong to a thing is readily presumed.

qualitative rule of evidence. A rule by which the admissibility of evidence is determined.

quality. A state or condition, particularly of goods or merchandise. Uniform Sales Act § 76(1); 46 Am J1st Sales § 343.

quamdiu. As long as; so long as; until.

quamdiu bene se gesserint. As long as they properly conduct themselves-, during good behavior.

quamdiu se bene gesserit. As long as he shall behave himself. That is, during good behavior. See 1 Bl Comm 267.

Quam legem exteri nobis posuere, eandem illis pone mus. Whatever law foreigners have imposed upon us, we will impose the same law upon them. See 1 Bl Comm 260.

Quam longum debet esse rationabile tempus, non definitur in lege, sed pendet ex discretione justiciariorum. How long a reasonable time ought to be is not defined by law, but depends upon the discretion of the judges.

Quamvis aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum. Although anything may not be bad or evil in itself, yet if it is of bad example, it should not be done.

Quando abest provisio partis, adest provisio legis. When the provision of the party is lacking, the provision of the law supplies it.

quando acciderint. When they shall come in.

Quando aliquid conceditur, conceditur id sine quo illud fieri non possit. When anything is granted, that without which it cannot be effective is also granted.

The grant of a dam overflowing the grantor's land at the time of the grant, following the maxim, carries with it to the grantee the right to continue the overflow. *Troup v Hurlbut* (NY) 10 Barb 354, 359.

Quando aliquid mandator, mandatur et omne per quod pervenitur ad illud. When anything is commanded, everything by which it can be accomplished is also commanded.

Quando aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum. When anything is not bad or evil in itself, yet if it is of bad example, it should not be done.

Quando aliquid prohibetur ex directo, prohibetur et per obliquum. When anything is prohibited directly, it is also prohibited indirectly. *Re Co-operative Law Co.* 198 NY 479, 92 NE 15.

Quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud. When anything is prohibited, every means by which the thing may be accomplished is also prohibited.

When the thing done is substantially that which was by the statute prohibited, it falls within the statute, simply because, according to the true construction of the statute, it is the thing thereby prohibited. *State, ex rel. Matthews, v Forsyth*, 147 Ind 466, 44 NE 593.

Quando aliquis aliquid concedit, concedere videtur et id sine quo res uti non potest. When anyone grants anything, he is deemed to grant also that without which the thing granted cannot be used. See 3 Kent's Comm 421.

Quando charta continet generalem clausulam posteaque descendit ad verba specialia quae clausulae generali sunt consentanea, interpretanda est charta secundum verba specialia.

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When a deed contains a general clause, and afterward comes down to special words, which are consistent with the general clause, the deed is to be construed according to the special words.

quandocumque. Whenever; as often as.

Quando de una et eadem re, duo onerabiles existunt, unus pro insufficientia alterius de integro onerabitur. When two persons are chargeable with one and the same thing, one of them is chargeable with the whole thing, upon the failure of the other.

Quando dispositio referri potest ad duas res, ita quod secundum relationem unam vitiat et secundum alteram utilis sit, tum facienda est relatio ad illam ut valeat dispositio. When a disposition can refer to two things, so that according to one relation it would be void, and according to the other it would be valid, then the relation must be made so that the disposition will be valid.

Quando diversi desiderantur actus ad aliquem statum perficiendum, plus respicit lex actum originalem. When different acts are required to perfect a certain estate, the law regards the original act as most important.

Quando duo jura concurrunt in una persona, aequum est ac si essent in diversis. When two rights concur in one person, it is just as if they were in different persons.

The maxim is applied in the rule that where there are two separate rights of entry in one person, the loss of one of the rights by lapse of time does not impair the other. *Kissinger v Wilson*, 53 Ark 400.

Quando hasta vel aliud corporeum quilibet porrigitur a domino se investituram facere dicente; quae saltem coram duobus vasallis solemniter fieri debet. When a spear, or some other tangible thing, is presented by the lord saying that he thus made investiture; and this thing ought to be done solemnly in the presence of at least two vassals. See 2 Bl Comm 367.

Quando jus domini regis et subditi concurrunt, jus regis praeferrri debet. When a right of our lord the king and that of a subject come into conflict, the right of the king ought to be preferred.

Quando jus domini regis et subditi insimul concurrunt, regis praeferrri debet. When a right of our lord the king comes into conflict, that of the king ought to have preference.

Such maxim should apply to the state, and her revenues should be protected with as much solicitude as those of the British King. State v Foster, 5 Wyo 199, 38 P 926.

Quando lex aliquid alicui concedit, concedere videtur id sine quo res ipsa esse non potest. When the law grants anything to anyone, it is deemed also to grant that without which the thing itself cannot exist.

Quando lex aliquid alicui concedit, conceditur et id sine quo res ipsa esse non potest. When the law grants anything to anyone, that is also granted without which the thing itself cannot exist.

Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur. When the law grants anything to anyone, all things which are incident thereto are tacitly granted.

Quando lex aliquid alieni concedit, conceditur et id sine quo res ipsa esse non potest. When the law grants anything to another, that is also granted without which the thing itself cannot exist. People v Hicks (NY) 15 Barb 153, 160.

Quando lex aliquid concedit, concedere videtur et illud, sine quo res ipsa esse non potest. When the law grants anything, it appears to grant that also without which the thing itself cannot exist. Re McDonald, 2 NY Crim 82, 97.

Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda. When a law is special, but the reason for it is general, the law is to be understood in a general sense.

Quando licet id quod majus, videtur licere id quod minus. When that which is greater is allowed, that which is less is deemed to be allowed.

Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est. When more is done than ought to be done, certainly that will be deemed to have been done which ought to have been done.

Quando quod ago non valet ut ago, valeat quantum valere potest. When that which I do is not valid as I do it, let it have as much validity as it can have.

Upon this principle, it has been determined, that a deed which was intended to operate as a lease and release, but could not take effect in that manner, was good as a covenant to stand seised. Jackson ex dem. Troup v Blodget (NY) 16 Johns 172, 178.

Quando res non valet ut ago, valeat quantum valere potest. When the thing is not valid as I do it, let it have as much validity as it can have.

It is a growing doctrine that wherever a party hits

the power to do a thing, and means to do it, the instrument he employs shall, if possible, be so construed as to give effect to his intention. *Bond v Bunting*, 78 Pa 210, 219.

Quando verba et mens congruunt, non est interpretationi locus. When the words and the intention agree, there is no room for interpretation.

Quando verba statuti sunt specialia, ratio autem generalis, generaliter statutum est intelligendum. When the words of the statute are special, yet the reason for it is general, the statute is to be understood in a general sense.

Quant beastes savages le roye aler hors del forrest, le property est hors del roy. When the king's wild beasts go out of the Forest, the property in them is out of the king.

quantés fois. How many times.

quanti minoris. A form of action in Louisiana for the reduction of the price, in consequence of a defect in the thing sold. *Millaudion v Soubercase* (La) 3 Mart NS 287, 288.

quantitative rule of evidence. A rule for evaluating evidence as to probative value.

quantity discount. A discount on the regular price allowed for a purchase in large quantity.

quantity of. A descriptive phrase akin to "diverse" and "sundry." 27 Am J1st Indict § 83.

quantum. Quantity or amount. So much. How much. *Connelly v Western Union Tel. Co.* 100 Va 51, 40 SE 618.

quantum counts. The counts of quantum meruit and quantum valebant in general assumpsit. 1 Am J2d Actions § 13.

quantum damnificatus. How much was he damaged –the name given to the submission to a jury in a suit in equity of the amount of the damages suffered by the plaintiff.

quantum indemnificatus. To what amount he should be indemnified.

quantum meruit. As much as it is worth. The amount deserved. A common count of general assumpsit. 1 Am J2d Actions § 13. A common count of assumpsit for work and labor.

quantum sufficit. As much as sufficeth; sufficient.

quantum valebant. As much as it is worth. A common count of general assumpsit. 1 Am J2d Actions § 13. A common count of assumpsit for materials furnished.

quantus. See quantum.

quarantine. The privilege given a widow to use certain portions of her husband's estate until dower is allotted; her right to remain in and use the mansion house temporarily. 25 Am J2d Dow § 171. The comparable right of a widower in a jurisdiction which his right in his deceased wife's real estate is similar to dower. 25 Am J2d Dow § 171.

Health regulations providing for the isolation of persons having contagious or infectious diseases, health regulations which prohibit persons so affected from entering a designated area of the state or municipality; regulations which prohibit the

transportation of infected goods into the jurisdiction of the regulatory board. 25 Am J1st Hlth § 32. A prohibition by law of the removal of livestock or plant life from a section afflicted with a disease. Anno: 65 ALR 526.

The detention of a vessel in port, before permitting the landing of passengers or the unloading of cargo, as a protection against tagion from abroad. 48 Am J1st Ship § 21. The place where a vessel is detained because suspected of carrying persons afflicted with a contagious disease or infected cargo.

quarantine regulations. See **quarantine.**

quarantine station. A building provided for the care of persons held under quarantine. The position of a vessel in quarantine.
See **pesthouse; quarantine.**

quare. Wherefore; why; on which account; because.

quare clausum firegit. Because he broke the close.
See **trespass quare clausum.**

quare ejicit infra terminum. Because he ousted him during the term. The name of an ancient writ which lay for a tenant against his landlord for ejecting him from the leasehold premises. See 3 Bl Comm 206.

quare impedit. Because he has hindered; an action or writ which lay for a patron against a disturber of his right of presentation to a benefice to recover it. See 3 Bl Comm 245.

quare incumbavit. Because he has encumbered; a special action which lay for a patron against a bishop to recover the presentation and for damages for admitting a clerk pending a quare impedit. See Bl Comm 248.

quare non admisit. Because he did not admit; a writ for a patron against a bishop for damages for not admitting a clerk upon a writ ad admittendum clericum. See 3 Bl Comm 250.

quare non permittit. A writ which lay against a patron who refused to present a nominated clergyman to a church.

quarentina habenda. See **de quarentina habenda.**

quare obstruxit. A writ which lay against a person who obstructed a way.

quarreling. The indulging by two or more persons in an altercation, dispute, brawl, or angry contest.

It takes two to make a quarrel. A quarrel cannot be ex parte. Carr v Conyers, 84 Ga 287.

quarry. Verb: To remove building stone from a bed of rock. Noun: Game pursued by a hunter or by dogs. A bed or ledge from which stone is taken.

A quarry is similar to a mine, in the sense that the material removed, be it mere rock, or stone, or valuable marble, is removed because of its value for some other purposes, and in the sense that it is not removed for the purpose or improving the property from which it is taken. It is distinguished from a mine in the fact that it is usually open at the top and front, and in the ordinary acceptation of the term, it is further distinguished in the character of the material extracted. Re Kelso, 147 Cal 609, 82 P 241.

quarter. Mercy granted to a disabled or surrendering adversary. One fourth. A United States coin having

the value of one fourth dollar. A quarter section of land.

See **quarter section**.

quarter chest. A measure of tea, about twenty-five pounds.

quarter days. In England, those days when quarterly rent generally fell due and when leaseholds generally expired.

These days were March 25th, June 24th, September 29th, and December 25th.

quartering. Dismemberment. A cruel and unusual punishment for crime. 21 Am J2d Crim L § 612.

quartering soldiers. Assigning soldiers to a place for living accommodations, particularly in the dwellings of residents.

See the Third Amendment to the Constitution of the United States.

quarterly. Every three months, or quarter yearly. Leonard v St. Clair, 27 Idaho 568, 149 P 1058.

quarterone. A term of the West Indies for a person of mixed white and Negro blood, specifically a person who is the issue of a white person and a tercerone. Daniel v Guy, 19 Ark 121, 131.

See **tercerone**.

quarteroon. Same as **quarterone**.

quarter seal. A seal which was kept in the Scotch chancery and which made the impression of a quarter segment of the great seal.

quarter section. A square piece of land, one hundred sixty acres in area, constituting one fourth of a section laid out by the government survey, being the Northwest, Northeast, Southeast, or Southwest quarter of such a section. McCartney v Dennison, 101 Cal 252, 35 P 766. Any single tract of one hundred sixty acres.

quarter sessions of the peace. See **court of quarter sessions of the peace**.

quarter to quarter. See **tenancy from quarter to quarter**.

quarter year. Ninety-one days; the odd six hours being disregarded.

quarto die post. On the fourth day after.

A defendant when summoned by a writ to appear, had three days of grace beyond the return of the writ within which to make his appearance; and if he appeared on the fourth day inclusive, "quarto die post," it was sufficient. See 3 Bl Comm 278.

Quarto Edition. An edition of Year Books which came out in ten volumes around the end of the 16th century or the beginning of the 17th century.

See **Year Books**.

quartz. A crystalline mineral, sometimes gold-bearing. Ferguson v Ray, 44 Or 557, 77 P 600.

quartz mill. A plant for the extraction of valuable minerals from quartz. 36 Am J1st Min & M § 73.

quash. See **quashing**.

quashal. A quashing, for example, a quashing of a writ of certiorari. 14 Am J2d Certiorari §§ 52, 53.

See **quashing**.

quashing. Suppressing. Vacating or setting aside. Annuling.

quashing array. A setting aside or withdrawal of the entire array or list of persons called for jury service. 31 Am J Rev ed Jury § 102. A remedy on motion by way of raising an objection to the array or panel on the ground of a prejudicial defect or irregularity in the selecting and summoning of jurors which affects the integrity of the entire panel. 31 Am J Rev ed Jury § 105.

quashing criminal prosecution. A remedy had upon motion directed against a defective indictment, information, or other accusatory pleading. 21 Am J2d Crim L § 172. A remedy for defect in the grand jury, including the disqualification of particular jurors or defective procedure in summoning or impaneling the jury. 24 Am J1st Grand J § 29.

quashing habeas corpus. A remedy against a writ of habeas corpus improperly or fraudulently obtained. 25 Am J1st Hab C § 136.

In habeas corpus proceedings, a motion to quash the writ is held to amount to the same thing as a demurrer to the petition. *Bleakley v Barclay*, 75 Kati 462, 89 P 906.

quashing indictment or information. See **quashing criminal prosecution**.

quashing panel. Same as **quashing array**.

quashing prosecution. See **quashing criminal prosecution**.

quashing venire. Same as **quashing array**.

quasi. As if, as it were. Relating to or having the character of. *People v Bradley*, 60 Ill 390, 402.

quasi admission. An admission by inconsistent statement. 30 Am J2d Ev § 1082.

quasi affinity. That relationship which exists between a person who is engaged to marry and the relatives of the person to whom he or she is affianced.

quasi agnum lupo committere ad devorandum. As a sheep given to a wolf to be devoured. *Hall v Perkins* (NY) 3 Wend 626, 630.

quasi arbitrator. A person whose professional duties as an accountant, architect, engineer, etc. call for the settlement of controversies, although he is not designated or selected as an "arbitrator." Anno: 54 ALR2d 335, § 7.

quasi bailment. A constructive bailment; an involuntary bailment.

quasi commons. Uninclosed lands in jurisdictions where the rule is that an owner of cattle incurs no liability by permitting his cattle to range at will over uninclosed lands or over lands not guarded by such a fence as is prescribed by law. 4 Am J2d Am § 49.

quasi-community property. Property that would have been community property had it been acquired while the spouses were domiciled in the particular community property jurisdiction concerned with the controversy. 15 Am J2d Community Prop § 3.

quasi contract. An obligation imposed by law, on grounds of justice and equity, usually to prevent unjust enrichment. A fiction of the law, adopted to achieve justice and enforce legal duties by means of an action *ex contractu* where no true contract exists. 58 Am J1st Wk & L § 2.

quasi contractus. (Civil law.) An obligation similar in character to that of a contract, but which arose not from an agreement of parties, but from some relation between them or from a volun-

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tary act of one of them, or, stated in other language, an obligation springing from voluntary and lawful acts of parties in the absence of any agreement.

See **quasi contract.**

quasi corporation. A body which exercises certain functions of a corporation but which has not been created a corporation by or under any act, general or special, of the legislature. *School Dist. v St. Joseph Fire & Marine Ins. Co.* 103 US 707, 26 L Ed 601. A term sometimes applied to a county, township, or other political subdivision not regarded as a true municipal corporation. *Snider v St. Paul*, 51 Minn 466, 53 NW 763.

quasi crime. An act not of a nature making it a subject of criminal prosecution but for which a forfeiture or penalty may be imposed. An act subject to prosecution in a bastardy proceeding or in *quo warranto*. *People v Bradley*, 60 Ill 390, 402; *Wiggins v Chicago*, 68 Ill 372, 375.

quasi-delict. A tort in which there is an absence of malice; as, an unintentional trespass.

quasi-deposit. That kind of a bailment which results from the finding of goods which have been lost.

quasi derelict. A vessel which, although not technically a derelict, is in such circumstances of peril that services performed in saving it must be deemed highly meritorious and accordingly compensable under principles of salvage. 47 Am J1st SaIv § 5.

quasi easement. A condition of apparent servitude such as the existence of a worn path over premises: not constituting a real easement because of unity of ownership as between the premises benefited and the premises used.

quasi estoppel. A legal bar, analogous to estoppel in pais in some respects, based upon the doctrine of election, the principle which precludes a party from asserting to another's disadvantage, a right inconsistent with a position previously taken by him. 28 Am J2d Estop § 29,

quasi ex contractu. See **quasi contract; quasi contractus.**

quasi-fee. An estate gained by wrong. --Wharton's Law Dictionary.

quasi feme sole. A term, out of use since the enactment of Married Women's Acts, for a married woman employing her separate equitable estate in a business and subjecting it to indebtedness incurred in the business. *Djett v North American Coal Co.* (NY) 20 Wend 570.

quasi guardian. A person who, without legal appointment or qualification, assumes the functions of guardian by exercising control over the person, or estate, or both, of a minor. *Zeideman v Molasky*, 118 Mo App 106,94 SW 754.

quasi individual. A corporate entity. *State v Haun*, 7 Kan App 509, 54 P 130.

quasi in rem action. An action which, although conventional in the sense of having named persons as parties, has the direct object of reaching and disposing of property or of some interest therein; an action in which the judgment deals with the status, ownership, or liability of particular property and operates only as between the particular parties to the proceeding. 1 Am J2d Actions § 41. An action in which the adjudication, involves a thing in the sense of a personal status, such as an action for divorce, 24 Am J2d Div & S

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§ 245, or a proceeding for the adoption of a child, 2 Am J2d Adopt § 48, but also involves an element not found in an action strictly in rem where parties are not designated and the adjudication involves only a thing. Joiner v Joiner, 131 Ga 217, 62 SE 182.

quasi in rem judgment. See **judgment quasi in rem.**

quasi in rem jurisdiction. See **jurisdiction quasi in rem.**

quasi in rem proceeding. Same as **quasi in rem action.**

quasi-judicial. The characterization of an adjudicatory function of an administrative agency. 1 Am J2d Admin L § 138. The characterization of an act partially judicial, such as the issuance of a warrant of arrest by a clerk of court. 15 Am J2d Clk Ct § 22. The characterization of a power reposed in an officer or board involving the exercise of discretion, judicial in its nature, in connection with and as incidental to the administration of matters assigned or intrusted to such officer or board. Green v Board of commissioners, 126 Okla 300, 259 P 635.

Where the administrative tribunal is under a duty to consider evidence and apply the law to the facts as found, thereby exercising a discretion of judgment judicial in nature on evidentiary facts, the function is ordinarily quasi-judicial and not ministerial. Handlon v Belleville, 4 NJ 99, 71 A2d 624, 16 ALR2d 1118.

The acts of an officer which are executive or administrative in their character and which call for the exercise of that officer's judgment and discretion are not ministerial acts and his authority to perform such acts is quasi-judicial. American Casualty Ins. & Secur. Co. v Fyler, 60 Conn 418, 22 A 494; Langenberg v Decker, 131 Ind 471, 31 NE 190.

quasi-judicial confession. A confession made on a preliminary examination before a magistrate, at a coroner's inquest, or before a grand jury. Matthews v State, 55 Ala 187.

quasi-judicial function. See **quasi-judicial.**

quasi-judicial office. A public office the incumbent of which exercises quasi-judicial functions. A characterization of the office of attorney at law, he being an officer of the court. 7 Am J2d Attys § 3.

See **quasi-judicial.**

quasi-judicial power. The power under which quasi judicial functions are exercised.

See **quasi-judicial.**

quasi-judicial tribunal. See **quasi-judicial.**

quasi-legislative. The characterization of a power which is legislative in nature but exercised by an administrative agency. 1 Am J2d Admin L § 92.

quasi-lien. A lien not arising under contract or directly under statute, but existing by way of provisional relief obtained in an action, such as an attachment lien. Meyers v C. I. T. Corp. 132 Conn 284, 43 A2d 742.

quasi-municipal corporation. See **quasi corporation.**

quasi-negotiable instrument. An instrument which Possesses some, but not all, of the elements of negotiability. 11 Am J2d B & N § 4.

quasi office. The position of a candidate who has been nominated for an office, but has not yet been elected to that office. State ex rel. Rinder v Goff, 129 Wis 668, 109 NW 628.

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quasi partners. Tenants in common. See **joint stock company.**

quasi party. A party by implication from interest, such as the state in an action for divorce. 24 Am J2d Div & S § 44. A person of a class represented in a class suit who is not named specifically as a party. 39 Am J1st Parties § 44.

quasi-public corporation. A public service corporation; a corporation affected with a public interest. 18 Am J2d Corp § 9. A private corporation which has been given certain powers of a public nature, such as the power of eminent domain. Philadelphia Rural Transit Co. v Philadelphia, 309 Pa 84, 159 A 861. A corporation having an appropriate franchise from the state to provide for a necessity or convenience of the general public incapable of being furnished by private competitive business. Atty. Gen. v Haverhill Gaslight Co. 215 Mass 394, 101 NE 1061.

quasi-public use. The use of premises by a public utility. 23 Am J2d Ded § 5.

quasi realty. Movable property, such as title deeds and heirlooms, which pass to the heir.

quasi tenant. A subtenant who is permitted by the reversioner to hold over after the expiration of the tenant's lease.

quasi trademark. The brand used by a manufacturer for the purpose of designating a certain grade of his product. 52 Am J1st Tradem § 47. A trade name. Vonderbank v Schmidt, 44 La Ann 264, 10 So 616.

quasi trustee. A person who derives a benefit from a breach of trust.

qua supra. As appears above.

quatenus. As; how far; how long; in so far as; since.

quater cousin. A cater cousin, a fourth cousin.

quatuor maria. See **extra quatuor maria; intra quatuor maria.**

quatuor maria rule. The early common-law rule in England that if a wife had issue while her husband was within the four seas, that is, within the jurisdiction of the King of England, such issue was conclusively presumed to be legitimate, except upon proof of the husband's impotence. 10 Am J2d Bast § 11.

quatuor parietes. See **inter quatuor parietes.**

quatuor pedibus currit. It runs on all-fours with; it exactly corresponds; it is precisely in point.

quay. A wharf. A vacant space between the first row of buildings and the water's edge used for the reception of goods and merchandise imported or to be exported. *New Orleans v United States (US)* 10 Pet 662, 715, 9 L Ed 573, 594.

quayage. A charge or toll exacted for the use of a quay or wharf. *Rowan's Executors v Portland*, 47 Ky (8 B Mon) 232, 253.
See **wharfage**.

quean. A lewd woman.

See **Elizabeth II**. See also words and phrases commencing **king** or **king's**.

queen. A female sovereign or ruler, a king's consort.

Queen Anne's Bounty. The grant of Queen Anne by her royal charter, whereby all the revenue of first-fruits and tenths, which had anciently gone to the pope and later to the king, was vested in trustees to form a perpetual fund for the augmentation of poor livings. See 1 Bl Comm 286.

queen consort. The wife of the reigning king of England.

As queen consort, by virtue of her marriage, she possesses various prerogatives above all other women of the kingdom. See 1 Bl Comm 218.

queen dowager. See **dowager queen**.

queen-gold. The aurum reginae or royal revenue belonging to every queen consort during her marriage to the king. See 1 Bl Comm 219.

queen mother. A dowager queen who is also the mother of the sovereign.

queen regent. The queen regent, regnant, or sovereign, is she who holds the crown in her own right, with all the same powers, prerogatives, rights, duties, and dignities, as if she had been a king. See 1 Bl Comm 218.

queen regnant. See **queen regent**.

queen's counsel. A title conferred upon barristers of good standing and proved ability in England and Canada.

queen's bench. See **court of king's bench**.

queen's evidence. Same as **state's evidence**.

See **dowager queen**.

queen sovereign. See **queen regent**.

Queen's Prison. An English prison which was formed by uniting the queen's bench prison, the Fleet, and the Marshal-sea.

queen's silver. See **silver**.

que estate. Which estate; whose estate.

See **prescribing in a que estate**.

que est le mesme. Which is the same.

Quemadmodum ad quaestionem facti non respondent iudices, ita ad quaestionem juris non respondent juratores. Just as judges do not answer questions of fact, so jurors do not answer questions of law.

quem redditum reddit. Let it be rendered to whom it should be rendered,-an old writ which lay where a rent-charge, or other rent which was not rent-service, was granted by fine, holding of the grantor.

quer. An abbreviation of **querens**.

querela. A complaint; an action; a suit.

See **audita querela; duplex querela.**

querela inofficiosi testamenti. Complaint of an undutiful will.

The Roman law upon such a complaint permitted a will to be set aside if it left nothing to a child who thus complained, but the common law of England furnishes no such ground for avoiding a will. See 2 Bl Comm 502. In the United States, the common-law rule has been changed by statute in most jurisdictions.

See **pretermitted heir.**

querens. A complaining party; a plaintiff.

Queretaro Treaty. See **Guadalupe Hidalgo Treaty.**

quest. An inquiry.

See **inquest.**

questa. An inquisition; an inquest,

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question. The point in controversy. The point to be decided.

A question to be decided implies something in controversy, or which may be the subject of controversy. There is no "question" before a judge who merely makes a formal order for the hearing of a matter. *McFarlane v Clark*, 39 Mich 44, 46.

"Our conclusion is that this history of the convention (of the framers of the United States Constitution) shows a settled Purpose to include within the Federal jurisdiction all questions which involve the national peace and harmony, and that the word questions' includes every issue capable of a judicial determination." *King v M'Lean Asylum of Massachusetts General Hospital* (CA 1 Mass) 64 F 331, 339.

question certified. See **certification of question.**

question in chief. A question asked a witness on his direct examination.

questionnaire. A list of questions submitted to persons interviewed by a taker of the census. 14 Am J2d Census §§ 2, 9.

question of fact. A question for the jury in a trial by jury or for the court in a trial to the court. A question of the truth to be decided upon conflicting evidence.

question of law. A question for the court. A question arising in a case in court as to the terms of the law by which the case is to be adjudicated.

A matter may be a "matter of law," although it is not purely a question of law, if it involves a matter of legal inference, notwithstanding, that it involves a matter of fact. *Lovinier v Pearce* 70 NC 167, 171.

questions of law and fact. Questions for the court and questions for the jury. 53 Am J1st Jr § 156.

See **mixed question of law and fact; province of court and jury.**

questio vexata. A troublesome question, -a term often applied to a question of law which has perplexed the courts.

questus. Same as **quaestus.**

questus est nobis. A writ of nuisance which lay against a person who had acquired land with a nuisance thereon which he suffered to continue.

qui. Who; which; what.

quia. Because.

Qui abjurat regnum amittit regnum, sed non regem; patriam, sed non patrem patriae. He who abjures the realm, leaves the realm, but not the king; the country, but not the father of the country.

Qui accusat integrae fama sit et non criminosis. Let him who accuses be of honest reputation and not a criminal.

Qui acquirit sibi acquirit haeredibus. He who acquires for himself acquires for his heirs.

quia datum est nobis intelligi. Because it has been given to us to understand.

Qui adimit medium dirimit finem. He who takes away the means destroys the end.

quia dominus remisit curiam. See **praecipe quia dominus remisit curiam.**

Quia dominus rerum non apparet ideo cujus sunt incertam est. Where it is not apparent who is the owner of goods, on that account it is not certain whose they are.

Quia Emptores. See **statute quia emptores.**

quia erronee emanavit. Because it issued erroneously.

Quia eventus est qui ex causa sequitur, et dicuntur eventus quia ex causis eveniunt. Because the event is that which follows from the cause, and they are called events because they come out of the causes.

Quia impotentia excusat legem. Because the performance is impossible, it releases the obligation. 17 Am 32d Contr § 404.

Quia interest reipublicae ut sit finis litium. For it is in the interest of the state that there should be an end of strife.

Quia juris civilis studiosos; decet haud imperitos esse juris municipalis, et differentias exteri patrique juris notas habere. For students of the civil law should not be ignorant of the municipal law and of the noteworthy differences between the laws of foreign countries and those of their own. See 1 Bl Comm 16.

Qui alienum fundum ingreditur, venandi aut aucupandi gratia, potest a domino prohiberi ne ingrediatur. (Roman law.) He who comes into the estate of another in order to hunt or catch birds can be prohibited by the owner from coming in. See 2 Bl Comm 412.

Qui aliquid statuerit parte inaudita altera, aequum licet dixerit, hand aequum fecerit. He who decides anything without having heard the other side, although he may decide correctly, has by no means acted justly. See 4 Bl Comm 283.

Qui alterius jure utitur, eodem jure uti debet. A person who uses the right of another ought to enjoy the same right.

Quia non sua culpa, sed parentum, id commisisse cognoscitur. Because she is regarded as having committed it, not through her own fault, but that of her parents. See 1 Bl Comm 438.

Qui approbat non reprobat. He who approves or ratifies cannot repudiate.

Quia quando aliquid prohibetur, prohibetur et id per quod pervenitur ad illud. Because, when anything is prohibited, that by which it is accomplished is also prohibited.

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qui arma gerit. One who bears arms.

quia timet. Because he fears.

See **bill quia timet; quieting title.**

Qui bene distinguit, bene docet. He who distinguishes well teaches well.

Qui bene interrogat, bene docet. He who questions well teaches well.

Qui cadit a syllaba cadit a tota causa. He who loses by a syllable loses in his whole cause.

Qui cito dat his dat. He who gives quickly gives twice. Louisiana v New Orleans, 102 US 203, 207, 26 L Ed 132, 133.

quick. Rapid. Prompt. Pregnant.

quick dollar. A profit in a transaction quickly consummated.

quickening. The first movement of the fetus felt by a pregnant woman.

See **vitalized.**

quick hemiplegy. See **hemiplegy.**

quick sale statute. A statute permitting a judicial sale of perishable property under terms intended to expedite the sale. Anno: 3 ALR3d 596-604.

quick with child. The state of pregnancy in which the fetus shows signs of life by appreciable movement.

See **vitalized.**

Qui concedit aliquid, concedere videtur et id sine quo concessio est irrita, sine quo res ipsa esse non potuit. He who grants anything is deemed to grant also that without which the grant is idle, without which the thing itself is worthless.

Qui confirmat nihil dat. He who merely confirms gives nothing. *Branham v San Jose*, 24 Cal 585, 605.

Qui contemnit praeceptum, contemnit praecipientem. He who contemns a precept contemns the preceptor.

Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant is acquired by the master.

Quicquid demonstratae rei additum satis demonstratae frustra est. Whatever is added to the description of a thing which is already sufficiently described is superfluous. See *Broom's Legal Maxims* 630.

Quicquid est contra normam recti est injuria. Whatever is contrary to the rule of right is wrong.

Quicquid in excessu actum est, lege prohibetur. Whatever is done in excess is prohibited by law.

Quicquid iudicis auctoritati subjicitur, novitati non subjicitur. Whatever is subjected to the authority of a judge is not subjected to novelty or innovation.

Quicquid plantatur solo, solo cedit. Whatever grows in the soil is a part thereof. *King v Morris*, 74 NJL 810, 68 A 162.

Quicquid recipitur, recipitur secundum modum recipientis. Whatever is received is applied according to the wish of the recipient.

Quicquid solvitur, solvitur secundum modum solventis. Whatever is paid is applied according to the wish of the person making the payment.

Quicquid solvitur, solvitur secundum modum solventis; quicquid recipitur, recipitur secundum modum recipientis. Whatever is paid is applied according to the wish of the person who pays; whatever is received is applied according to the wish of the recipient.

Qui cum alio contrahit, vel est vel debet esse non ignarus conditionis ejus. He who contracts with another is not, or ought not to be, ignorant of his condition.

Qui cum aliter tueri se non possunt, damni culpam dederint, innoxii sunt. (Civil law.) Those who, when they cannot otherwise defend themselves, assume the responsibility of causing damage, are deemed innocent. See 4 BI Comm 185.

Quicumque habet jurisdictionem ordinariam est illius loci ordinarius. Whoever has ordinary jurisdiction is the ordinary of that place.

Quicumque jussu iudicis aliquid fecerit non videtur dolo malo fecisse, quia parere necesse est. Whoever does anything by the order of a judge is not deemed to have acted with an evil motive, because it is necessary to obey.

quid. What.

Qui dat finem, dat media ad finem necessaria. He who provides the end provides the means necessary to the end.

Qui destruit medium, destruit finem. He destroys the end who destroys the means to the end.

Quid juris clamat. What right he claims,--a writ which lay to compel the holder of the particular estate to attorn to the grantee of the reversion or remainder.

Qui doit inheriter al pere, doit inheriter al fitz. He who should inherit from the father should inherit from the son. See 2 Bl Comm 250.

quid pro quo. The consideration for a contract. That which is supplied by one party in consideration of that which is supplied by the other party. 17 Am J2d Contr § 85.

Quidquid enim sive dolo et culpa venditoris accidit in eo venditor securus est. For as to anything which happens

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without deceit or fault of the vendor, as to that, the vendor is secure.

Quid sit jus, et in quo consistit injuria, legis est definire. What is a right, and in what an injury consists, it is for the law to define or determine.

Quid turpi ex causa promissum est non valet. A promise which is founded upon an immoral consideration is not binding.

quieta clamantia. A quitclaim.

quieta non movere. Not to disturb that which is quiescent.

quietantia. An acquittance; a discharge.

quietare. To acquit; to exonerate; to discharge; to free; to release.

quiete clamare. To quitclaim.

quiet enjoyment. See **covenant of quiet enjoyment.**

quieting title. An action or suit in court designed to effect a removal of a cloud or clouds on title to real property, known in older times as a bill qui timet. *Sharon v Tucker*, 144 US 533, 36 L Ed 532, 12 S Ct 720. A remedy, originating in equity, enlarged and supplemented in many jurisdictions by statute, having for its purpose an adjudication that a claim of title to or an interest in property, adverse to that of the plaintiff, is invalid, so that the plaintiff and those claiming under him may be forever afterward free from any danger of the hostile claim. 44 Am J1st Quiet T § 1.

quieti redditus. Same as **quit rents.**

quietum clamare. To quitclaim.

quietus. A process of the probate court of the state of Rhode Island whereby an administrator might be fully discharged. *While v Ditson*, 140 Mass 351, 4 NE 606.

quietus redditus. Singular of **quieti redditus.**

Qui evertit causam evertit causatum futurum. He who destroys a cause destroys its future effect.

Qui ex damnato coitu nascuntur, inter liberos non computentur. Those who are born of an unlawful union are not counted among the children. See Broom's Legal Maxims 519.

Qui facit id quod plus est, facit id quod minus est, sed non convertitur. He who does that which is more does that which is less, but it cannot be turned around.

Qui facit per alium facit per se. He who acts through another acts by or for himself. A fundamental maxim of agency. *Stroman Motor Co. v Brown*, 116 Okla 36, 243 P 133. A maxim often stated in discussing the liability of employer for the act of employee. 35 Am J1st M & S § 543.

If in the nature of things the master is obliged to perform the duties by employing servants, he is responsible for their act in the same way that he is responsible for his own. Anno: 25 ALR2d 67.

Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi. He who has jurisdiction to free or release, has jurisdiction to bind.

Qui haeret in litera, haeret in cortice. He who clings to the letter, keeps inside the rind; meaning that too literal an interpretation does not reach the heart or core of the transaction. *Riggs v Palmer*, 115 NY 506, 22 NE 188.

Qui ignorat quantum solvere debeat, non potest improbus videre. He who does not know how much he ought to pay, cannot seem dishonest (if he refuses to pay).

Qui illi temporalibus, episcopo de spiritualibus, debeat respondere. Who should answer to him in temporal matters, to the bishop in spiritual matters. See 1 Bl Comm 387.

Qui in jus dominiumve alterius succedit jure ejus uti debet. He who succeeds to the right or ownership of another, ought to enjoy the rights of that other. See Broom's Legal Maxims 473.

Qui in utero est, Pro jam acto nato habetur quoties de ejus commodo quaeritur. He who is in the womb is regarded as actually born whenever his advantage or benefit is sought. See 1 Bl Comm 130.

Qui jure suo utitur neminem laedit. He who uses his own legal right injures no one. *American Press Asso. v Daily Story Publishing Co.* (CA7 Ill) 120 F 766.

Qui jure suo utitur nullum damnum facit. One who makes use of his own legal right does no injury. *Knoedler v Glaenzer* (CA2 NY) 55 F 895.

Qui jussu judicis aliquod fecerit non videtur dolo malo fecisse, quia parere necesse est. He who does anything by the order of a judge is not deemed to have acted with an evil motive or design, because it is necessary to obey.

quilibet ignem suum salve. See **quod quilibet ignem**, etc.

Quilibet potest renunciare juri pro se introducto. Anyone may waive a right asserted in his behalf. *Burgettstown Nat. Bank v Nill*, 213 Pa 456, 63 A 186.

Quilibet renunciare potest beneficium juris pro se introductum. Anyone may waive a right introduced for his own benefit. *People v Van Rensselaer*, 9 NY 291, 333.

Quilibet renunciare potest juri pro se introducto. Anyone may waive a right asserted in his behalf. *Miles v Boyden*, 20 Mass (3 Pick) 213, 219.

Qui male agit, odit lucem. He who does wrong hates the light.

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Qui mandat ipse fecissi videtur. He who orders or commands is deemed to have done the thing himself.

Qui melius probat, melius habet. He who proves more recovers more.

Qui molitur insidias in patriam id tacit quod insanus nauta perforans navem in qua vehitur. He who lays snares against his country acts as did the crazy sailor who bored holes in the ship in which he sailed.

Qui nascitur sine legitimo matrimonio, matrem sequitur. He who is born out of lawful wedlock succeeds his mother.

Qui non cadunt in constantem virum, vani timores sunt aestimandi. Those fears are considered as groundless which do not affect a man of firmness.

Qui non habet, ille non dat. He who has not cannot give.

A man cannot grant what he does not own, actually or potentially. *Zartman v First Nat. Bank*, 189 NY 267, 82 NE 127.

Qui non habet in aere luat in corpore, ne quis peccetur impune. He who has no money must suffer corporal punishment, lest someone who offends may go unpunished.

Qui non habet in crumena luat in corpore. Who has nothing in his purse, let him suffer in body; i. e., if he cannot pay the fine or amercement which has been imposed upon him. See 4 Bl Comm 380.

Qui non habet potestatem alienandi habet necessitatem retinendi. A person who has not the power of alienating is under the necessity of retaining.

Qui non improbat. He who does not disapprove or repudiate, approves or affirms.

Qui non libere veritatem pronunciat proditor est veritatis. He who does not freely speak the truth is a traitor of the truth.

Qui non negat, fatetur. He who does not deny, admits.

Qui non obstat quod obstare potest facere videtur. He who does not prevent what he can prevent is deemed to do the act.

Qui non prohibet cum prohibere possit, jubet. He who does not forbid when he can forbid, orders or commands.

Qui non prohibet quod prohibere potest, assentire videtur. He who does not forbid that which he can forbid, is deemed to assent.

Qui non propulsat injuriam quando potest, infert. He who does not repel an injury when he can, causes it.

quinquennial census. A federal census of manufacturers, mineral industries, and other businesses, taken every five years. 13 USC 131, 132.

quinquepartite. Five-sided; having five parts or five parties.

quinque portus. The five ports.

quinterone. A term of the West Indies for a person of mixed white and Negro blood, specifically a person who is the issue of a white person and a quarterone. *Daniel v Guy*, 19 Ark 121, 131.

See **quarterone**.

quinto exactus. In outlawry proceedings, the sheriff's return after the fifth proclamation, or summons.

"But if he does not appear, and is returned quinto exactus (required for the fifth time), he shall then be outlawed by the coroners of the county." See 3 Bl Comm 283.

Qui obstruit aditum, destruit commodum. He who obstructs an approach, or way, destroys a convenience.

Qui omne dicit, nihil excludit. He who says all excludes nothing; he who tells all omits nothing.

Qui parcat nocentibus innocentes punit. He who spares those who are guilty punishes those who are innocent.

Qui peccat ebrius, luat sobrius. He who offends while drunk suffers punishment when sober. See Broom's Legal Maxims 17.

Qui per alium facit per seipsum facere videtur. He who acts through another is deemed to do the act himself.

Qui per fraudem agit, frustra agit. He who acts fraudulently acts vainly, or to no purpose.

Qui potest et debet vetare jubet. He who can and ought to forbid (by his silence), commands. *New York & New England Railroad Co. v New York, New Haven & Hartford Railroad Co.* 52 Conn 274, 283.

Qui potest et debet vetare, tacens, jubet. He who can and ought to forbid, and is silent, orders or commands.

Qui primum peccat ille facit rixam. He who offends first is the one who makes the quarrel.

Qui prior est in tempore, potior est in jure. He who is first in time is first in right. *Walton v Hargroves*, 42 Miss 18.

Qui prior est in tempore, prior est in jure. He who is first in point of time is first in right.

Qui prior est tempore, potior est jure. He who is first in time is first in right. *Lancashire Ins. Co. v Corbetts*, 165 Ill 592, 46 NE 631.

Qui prior in tempore, potior in jure. He who is first in time is stronger in right.

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Qui pro me aliquid facit, mihi fecisse videtur. He who does anything in my behalf is deemed to have rendered it to me.

Qui providet sibi, providet haeredibus. He who provides for himself provides for his heirs.

Qui rationem in omnibus quaerunt, rationem subvertunt. They who seek a reason for everything subvert reason. See Broom's Legal Maxims 157.

Qui sciens solvit (scil. indebitum) donandi consilio id videtur fecisse. One who knowingly pays what is not due is deemed to have done it with the intention of making a gift. Walker v Hill, 17 Mass (17 Tyng) 380, 388.

Quis custodiet custodes?. Who was to watch the guards? Briscoe v Bank of Kentucky (US) 11 Pet 257, 349, 9 L Ed 709, 745.

Qui semel actionem renunciaverit, amplius repetere non potest. He who has once renounced an action cannot assert it again.

Qui semel malus, semper praesumitur esse malus in eodem genere. He who has once been bad is always presumed to be bad in the same way.

Qui sentit commodum sentire debet et onus. He who secures the benefit ought to assume the burden Pennington v Todd, 47 NJ Eq 569, 21 A 297.

Qui sentit onus, sentire debet et commodum. He who assumes the burden ought to secure the benefit. Pennington v Todd, 47 NJ Eq 569, 21 A 297,

Qui serius solvit, minus solvit. He who pays late, pays less. Louisiana v New Orleans, 102 US 203, 207, 26 L Ed 132.

Quisquis est qui velit jurisconsultus haberi, continuet studium, velit a quocunque doceri. Anyone who wishes to be regarded as one learned in the law should continue his study and should wish to be taught by whomsoever.

Quisquis praesumitur bonus; et semper in dubiis pro reo respondendum. Everyone is presumed to be honest; and in doubtful cases it should be resolved in favor of the defendant.

quit. To terminate an employment. 35 Am J1st M & S § 26. To vacate premises. To be acquitted. To be exonerated. To be released or discharged.

Qui tacet consentire videtur. He who is silent is deemed to consent. See Broom's Legal Maxims 138.

Qui tacet consentire videtur ubi tractatur de ejus commodo. He who is silent is deemed to consent when his advantage is drawn into question. Thalheim v State, 38 Fla 169, 192, 20 So 938.

Qui tacet non utique fatetur, sed tamen verum est eum non negare.

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(Civil law.) He who is silent certainly does not confess, but it is nevertheless true that he does not deny.

qui tam. Who also share.

qui tam action. An action to recover a penalty brought by an informer in the situation where one portion of the recovery goes to the informer and the other portion to the state. Williams v Wells, F. & Co. (CA8 Ark) 177 F 352.

qui tam pro domino rege, etc., quam pro se ipso in hac parte sequitur. Who prosecutes this suit as well for the king, etc., as for himself. 36 Am J2d Forf & P § 79.

Qui tardius solvit, minus solvit. He who pays too tardily pays too little.

quitclaim. A deed in the words of "remise, release, and quitclaim," manifesting the intention of the grantor to convey his present interest, whatever it may be, to the grantee. 23 Am J2d Deeds § 36. A deed which conveys whatever interest the grantor has in the property, as distinguished from a grant of the fee or other estate with warranty of title. 23 Am J2d Deeds § 291.

Qui timent cavent et vitant. They who fear take care and avoid.

Qui totum dicit nihil excipit. He who tells all reserves nothing, or holds nothing back.

quit-rents. Rents of assize of freeholders and of copyholders, the terminology deriving from the fact that upon paying them, the tenant was free of all other services to the lord of the manor. See 2 Bl Comm 42.

quittance. An acquittance; a discharge; a release; an exoneration.

Qui vi rapuit, fur improbius esse videtur. (Civil law.) One who seizes by force seems to be the more wicked thief. See 4 Bl Comm 242.

Quis praesurnitur bonus donec probetur contrarium. Anyone is presumed honest until the contrary is proved.

Qui vult decipi, decipiatur. Let him be deceived who wishes to be deceived. If a person refuses to protect himself by lending his attention, it is of his own choice that he is misled. *Roseman v Canovan*, 43 Cal 110, 117.

quoad. As to; as long as; as far as; until.

quoad hoc. As to this matter; up to this time.

quoad omnia. As to all things; in respect to all things.

quo animo. With what intent.

The expression is sometimes used synonymously with the word "intent" as, "evidence has been allowed to prove the quo animo." *Kennedy v Gifford* (NY) 19 Wend 296, 300.

quocunque modo velit, quocunque modo possit. In whatever way he wishes, in whatever way he can. *Executors of Clason v Bailey* (NY) 14 Johns 484, 492.

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quod ab aedibus non facile revellitur. That which cannot easily be severed from a building. See 2 Bl Comm 428.

Quod ab initio non valet, tractu temporis non convalescit. That which is not valid at the outset is not cured by lapse of time.

Lapse of time cannot render an act valid, which was originally void. *Holyoke v Haskins*, 22 Mass (5 Pick) 20, 27.

Quod ad jus naturale attinet, omnes homines aequales sunt. (Civil law.) It holds good, according to natural law, that all men are equal.

Quod aedificatur in area legata cedit legato. That which is erected upon a tract which has been devised, goes with the devise. See *Broom's Legal Maxims* 424

Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur. That which is otherwise good and just becomes wicked and unjust if sought by fraud or force.

Quod alias non fuit licitum necessitas licitum facit. Necessity renders that lawful which would otherwise be unlawful.

quodam ignoto. See **de quodam ignoto.**

quodam modo. In a certain manner.

Quod approbo non reprobo. That which I approve or confirm, I cannot repudiate. See Broom's Legal Maxims 7.

Quod a quoque poenae nomine exactum est id eidem restituere nemo cogitur. (Civil law.) No one is compelled to restore that which has been exacted from anyone as a penalty.

Quod attinet ad jus civile, servi pro nullis habentur non tamen et jure naturali, quia quod ad jus naturale attinet, omnes homines; aequali sunt. (Civil law.) As it pertains to the civil law, slaves are regarded as nobodies, not so, however, by natural law for as pertains to natural law, all men are equal.

quod billa cassetur. That the bill be quashed.

quod breve cassetur. That the bill be quashed.

quod cepit et asportavit. Because he took and carried away. A formal expression used in indictments for larceny. *Ward v People* (NY) 6 Hill 144, 147.

quod computet. That he account.

quod concessum fuit. Which was conceded.

Quod constat clare, non debet verificari. That which clearly appears is not required to be proved.

Quod constat curiae opere testium non indiget. That which is clear to the court does not require the exertion of witnesses.

Quod contra juris rationem receptum est, non est producendum ad consequentias. (Civil law.) That which has been accepted against the reason of the law should not be drawn into precedent.

Quod contra legem fit, pro infecto habetur. That which is done contrary to the law is regarded as not having been done.

quod cum. For that. Whereas. An expression used in introducing matter of inducement in a pleading, that is, matter in explanation of the claim alleged. *Spiker v Bohrer*, 37 W Va 258.

quod cum ad specialem instantiam. That at the special instance. See *Yelverton* (Eng) 40.

Quodcumque aliquis ob tutelam corporis sui fecerit jure id fecisse videtur. Whatever anyone has done for the defense of his person is deemed to have been done lawfully.

quod curia concessit. Which the court granted.

Quod datum est ecclesiae, datum est Deo. That which is given to the church is given to God.

Quod demonstrandi causa additur rei satis demonstratae, frustra fit. That which is added to anything by way of description, which is already sufficiently described, is superfluous.

Quod dubitas ne feceris. You should not do that about which you are in doubt. Re Cowdery, 69 Cal 32, 61, 10 P 47.

quod eat inde quietus. That he go hence acquitted,-formal words in a judgment of acquittal on a charge of crime. State v Buchanan (Md) 5 Harr & J 317.

quod ei deforceat. That he deforced him.

The name of the writ authorized by the statute 13 Edward 1, c. 4, for persons whose lands had been recovered against them by default. It was not strictly a writ of right, but so far partook of the nature of one that it could restore the right to one who had been unwarily deforced by his own default. See 3 Bl Comm 193.

Quod enim ante nullius; est, id naturali ratione occupanti conceditur. For that which previously belonged to no one becomes by natural reason the property of an occupant. Livermore v White, 74 Maine 452.

Quod enim semel aut his existit, praetereunt leges. For legislators overlook or ignore that which has only happened once or twice.

Quod est ex necessitate nunquam introducitur nisi quando necessarium.

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That which exists from necessity is never introduced excepting when it is necessary.

Quod est inconueniens, aut contra rationem non permissum est in lege. That which is inconvenient or against reason is not permitted in the law.

Quod est necessarium est licitum. That which is necessary is lawful.

Quod factum est, cum in obscuro sit, ex affectione cujusque capit interpretationem. (Civil law.) When it is doubtful as to what has been done, the act should take its explanation from the disposition or character of the person who did it.

Quod fieri debet facile praesumitur. That which ought to be done is easily presumed.

Quod fieri non debet, factum valet. That which ought not to be done may be valid when done. See Broom's Legal Maxims 182.

quod fieri potest. What can be done; as much as possible.

quod fuit concessum. Which was granted; which was conceded.

Quod habeant et teneant se semper bene in armis et equis ut decet et oportet; et quod sint semper prompti et bene parati ad seruitium suum integrum nobis explendum et peragendum, cum semper opus adfuerit, secundum quod nobis debent de foedis et tenementis suis de jure facere. That they hold and keep themselves well equipped in arms and horses as is fit and proper, and that they be always ready and well prepared to discharge and render their whole service to us

when there shall be need, according to what they ought to do for us by reason of their fees and tenements and by reason of the law. See 1 Bl Comm 410.

Quod id certum est quod certum reddi potest. That is certain which can be rendered certain. *Elterich v Leicht Real Estate Co.* 130 Va 224, 107 SE 735, 18 ALR 441, 448.

Quod inconsulto fecimus, consultius revocemus. That which we do without consideration or rashly, we should recall or revoke upon further consideration.

Quod initio non valet, tractu temporis non valet. (Civil law.) That which is not valid at the beginning does not become valid by lapse of time.

Quod initio vitiosum est non potest tractu temporis convallescere. (Civil law.) That which is void in the beginning cannot become valid by lapse of time.

Quod in jure scripto "jus" appellatur, id in lege Angliae "rectum" esse dicitur. That which in the civil law is called "jus," is called "rectum" in the law of England.

Quod in minori valet, valebit in majori; et quod in majori non valet, nec valebit in minori. That which is valid in the greater will be valid in the less; and that which is not valid in the greater will not be valid in the less.

Quod in uno similium valet, valebit in altero. That which is valid in one of two similar things is valid in the other.

Quod ipsis, qui contraxerunt, obstat, et successoribus eorum obstat. (Civil law.) That which bars those who have themselves contracted will also bar their successors.

Quod jussu alterius solvitur pro eo est quasi ipsi solutum esset. (Civil law.) That which is paid by the order of another is as to him just as if it had been paid to himself.

quod libera sit cujuscunque ultima voluntas. That the last will of everyone be free. See 2 Bl Comm 499.

Quod meum est sine facto meo vel defectu meo amitti vel in alium transferri non potest. That which is mine cannot be transferred to another without either my act or my default. See *Broom's Legal Maxims* 465.

Quod meum est, sine facto sive defectu meo amitti seu in alium transferri non potest. That which is mine cannot be transferred to another without either my act or my default.

Quod meum est sine me auferri non potest. That which is mine cannot be taken away without me (consenting).

Quod minus est in obligationem videtur deductum. That which is the lesser sum is deemed to be incorporated in the contract.

Quod naturalis ratio inter omnes homines constituit, vocatur jus gentium. (Civil law.) That rule which natural reason has established among all men is called the law of nations. See 1 Bl Comm 43.

Quod necessarie intelligitur id non deest. That which is necessarily understood is not lacking.

Quod necessitas cogit, defendit. Necessity defends or protects that which it compels.

Quod non apparet non est. The fact not appearing is presumed not to exist. *Shepherd v The Schooner Clara*, 102 US 200, 202, 26 L Ed 145, 146.

Quod non apparet non est, et non apparet judicialiter ante iudicium. That

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which does not appear does not exist, and nothing appears judicially prior to judgment.

Quod non capit Christus, capit fiscus. That which the Church does not take, the treasury takes.

quod non fuit negatum. That which was not denied.

Quod non habet principium non habet finem. That which has no beginning has no end.

Quod non legitur, non creditor. That which is not read is not credited or believed.

Quod non valet in principali, in accessorio seu consequenti non valet; et quod non valet in magis propinquo, non valet in magis remoto. That which is not valid as to the principal matter will not be valid as to the accessory or consequential matter; and that which is not valid as to the more proximate matter will not be valid as to the more remote matter.

quod nota. Which note; of which take notice.

Quod nullius esse potest, id ut alicujus fieret nulla obligatio valet efficere. (Civil law.) No agreement is effective to bring it about that that which can belong to no one shall be the property of someone.

Quod nullius est, est domini regis. That which belongs to no one is the property of our lord the king. See *Broom's Legal Maxims* 354.

Quod nullius est, id ratione naturali occupanti conceditur. That which belongs to no one is by natural reason granted to the occupant thereof. See 2 *Bl Comm* 258.

Quod nullum est, nullum producit effectum. That which is a nullity produces no effect.

Quod omnes tangit, ab omnibus debet supportari. That which affects all ought to be supported by all.

quod partes replacitent. That the parties replead.

quod partitio fiat. That a partition be made.

Quod pendet, non est pro eo, quasi sit. (Civil law.) That which is pending, or undecided, is just as if it did not exist.

Quod per me non possum, nee per alium. That which I cannot do myself, I cannot do through another.

quod permittat. That he permit,--a writ which lay to permit a plaintiff to enjoy his common as he ought. See 3 *Bl Comm* 240.

quod permittat prosternere. That he permit to abate,--the name of an ancient writ which lay at common law in relief of an individual who had sustained injury by reason of a nuisance. 39 *Am J1st Nuis* § 117.

Quod per recordum probatum, non debet esse negatum. That which is proved by the record ought not to be denied.

Quo ita populus postremum jussit, id in ratum esto. What the people have last commanded, let that be the settled law.

"The general rule is everywhere admitted, that a statute passed by the highest law-making power authorized to legislate upon the subject repeals all previous inconsistent laws." *Flaherty v Thomas*, 94 Mass (12 Allen) 428, 433.

Quod primum est intentione ultimum est in operatione. That which is first in intention is last in operation.

Quod principi placuit, legis habet vigorem. That which is agreeable to the prince, hath the force of law.

The common law has proved to be a system replete with vigorous and healthy principles, eminently conducive to the growth of civil liberty, and it is in no instance disgraced by such a slavish political maxim as that which the institutes of Justinian have introduced, "Quod Principi," etc. *Clark v Allaman*, 71 Kan 206, 80 P 571.

Quod principi placuit legis habet vigorem, cum populus ei et in eum omne suum imperium et potestatem conferat.

That which pleases the ruler has the force of law, since the people have conferred all authority and power upon him. 1 Bl Comm 74.

Quod principi placuit, legis habet vigorem, ut pote cum lege regia, quae de imperio ejus lata est, populus ei et in eum omne suum imperium et potestatem conferat.

That which is pleasing to the ruler has the force of law; since, by the royal law which has been promulgated concerning his supreme power, the people have conferred upon him all of its authority and power.

Quod prius est verius est; et quod prius est tempore potius est jure. That which is first is more true, and that which is first in time is the stronger in law.

Quod pro minore licitum est, et pro majore licitum est. That which is lawful in respect to a lesser thing is lawful as to a greater one.

quod prostravit. That he abate,-a judgment commanding the abatement of a nuisance

Quod pure debetur praesenti die debetur. That which is entirely due is due on the present day.

Quodque dissolvitur eodem modo quo ligatur. A thing is released or discharged in the same manner in which it is made binding.

Quod quilibet ignem suum salve. That every person should make

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reparation for his own fire. *Cincinnati, New Orleans & Texas Pacific Railroad Co. v South Fork Coal Co.* (CA6 Tenn) 139 F 528.

Quod quis ex culpa sua damnum sentit, non intelligitur damnum sentire. (Civil law.) Anyone who incurs loss from his own fault, is not deemed to have incurred any loss.

Quod quisque impulus ipse sibi jus constituit, id ipsius proprium civitatis est, vocaturque jus civile, quasi jus proprium ipsius civitatis. That which people have decreed as law for themselves is peculiar to that state, and is called the civil law, as being peculiar to that particular state.

Quod quisquis norit in hoc se exerceat. Let everyone employ himself in that which he understands.

Quod quis sciens indebitum dedit hac mente, ut postea repeteret, repetere non potest. (Civil law.) A person cannot recover that which he has given, knowing that it is not due, with the intention that he will afterward recover it.

quod recuperet. That he recover.

quod redeat inde quietus in perpetuum, et quaerens in misericordia. That he go hence forever exonerated, and that the plaintiff be in mercy.

Quod remedio destituitur ipsa re valet si culpa absit. That which is without a remedy avails of itself, if there be no fault in the party seeking to enforce it. See Broom's Legal Maxims 212.

quod rex non debet esse sub homine sed sub Deo et lege. Because the king ought not to be subservient to man, but under God and the law. Prohibitions del Roy, 12 Coke's Reports, 63.

quod salvum fore receperint. Which they had received for safe-keeping.

Quod semel aut his existit praetereunt legislatures. The lawmakers overlook or ignore that which has happened but once or twice.

Quod semel meum est amplius meum esse non potest. That which is once mine cannot be mine more completely.

Quod semel placuit in electione, amplius displicere non potest. One cannot be displeased with that which has once satisfied him in making his election.

quod si contingat. Which, if it happens.

Quod solo inaedificatur solo cedit. (Civil law.) That which is built into the soil goes with the soil. See Mackeldey's Roman Law § 275.

quod stet prohibitio. That the prohibition stand.

Quod sub certa forma concessum vel reservatum est, non trahitur ad valorem vel compensationem. That which is granted or reserved under a certain form, cannot be twisted into a valuation of compensation.

Quod subintelligitur non deest. That which is understood is not wanting, or left out.

Quod tacite intelligitur deesse non videtur. That which is impliedly understood is not deemed to be wanting, or left out.

Quod talem eligi faciat, qui melius et sciat et velit et possit, officio illi intendere. That he cause such a person to be chosen who knows most and who is both willing and able to hold that office. See 1 Bl Comm 347.

quod tota curia concessit. Which the whole Court concedes or grants.

Quod vanum et inutile est, lex non requirit. The law does not require that which is vain and useless.

Quod vero contra rationem juris receptum est, non est producendum ad consequentias. That which in truth has been received or accepted against the reason of the law, is not to be extended into precedent.

quod vide. Which see: usually abbreviated, “q. v.”

Quod voluit non dixit. He did not say that which he wished to say.

quoins. Wedges placed between casks stowed in the hold of a ship to keep the casks from rolling. *Thomas v Ship Morning Glory*, 13 La Ann 269.

The squared stones used in constructing the corner of a building.

quo jure. By what right; by which right.

Quo ligatur, eo dissolvitur. By that means by which it is made binding, it is released or discharged.

Quo magis nesciunt eo magis admirantur. They admire most that of which they know the least.

quo minus. By which the less; a writ wherein the plaintiff is alleged to be the king's farmer or debtor and that by the injury done to him by the defendant, of which he complains, he is less able to pay what he owes the king.

By this fiction the plaintiff secured the jurisdiction of the exchequer. See 3 Bl Comm 45, 286.

Quo modo quid constituitur, dissolvitur. A thing may be released or discharged in that manner by which it was created.

Quo modo quid constituitur eodem modo dissolvitur. In that manner in which a thing was constituted or created, it may be dissolved.

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Quomodo quo quid constituitur, dissolvitur. In that manner in which a thing was constituted or created, it may be dissolved.

quondam. Former. The former incumbent of an office.

quorum. The number of members of a body required to be present in order for the body to transact business. As applied to courts, the requirement that a certain number of judges must be present in order to render a valid decision, such requirement being imposed by constitutional or statutory provision. 20 Am J2d Cts § 68. Of grand jury: --the least number of grand jurors necessary to concur in an indictment. 24 Am J1st Grand J § 15. As applied to Congress, a majority of each House. US Const Art I § 5 cl 1. As applied to a legislative body of the state, a municipality, or other political subdivision, the number of members prescribed by constitution or statute. In a political committee, a majority. 25 Am J2d Elect § 125. In a political convention, the number of delegates actually assembling. 25 Am J2d Elect § 122. Of a board of directors:- a sufficient number for the exercise of the powers of the board, being a majority unless a different number is expressly prescribed. 19 Am J2d Corp § 1126. Of stockholders:-a sufficient number of stockholders for the transaction of business at a stockholders' meeting, a matter now usually governed by statute, by charter provision, or by the bylaws of the corporation, provided they do not contravene provisions of the charter or statute. 19 Am J2d Corp § 620. At common law, any number of shareholders present at a duly called meeting. *Applequist v Swedish Evangelical Lutheran Gethsemane Church*, 154 Wash 351, 282 P 224.

quorum aliquem vestrum A. B. C. D., etc., unum esse volumus. Of whom we will that some one of you, A. B. C. D., etc., be one. See 1 Bl Comm 351.

quota. A fixed amount, for example a quota under the Taft Inter-American Coffee Agreement fixing the amount of coffee to be imported into the United States from coffee-producing countries of the Western Hemisphere. 21 Am J2d Cust D § 11. A particular amount of a commodity fixed by statute in reference to the sale, shipment and distribution of such commodity. 35 Am J1st Mark & M § 30: A limitation upon the acreage in a certain crop, imposed upon a producer as a condition of his right to parity payments or other protection under an agricultural adjustment act. 3 Am J2d Agri § 28. A limitation of the number of immigrants from a particular country which will be admitted to the United States in a particular year. 3 Am J2d Aliens § 53. The number of men to be called to military service at a particular time under statutory provisions for compulsory service. *Taber v Board of Supervisors* (Sup) 14 NYS 211, 213.

quota immigrant. Any immigrant who is not a nonquota immigrant. 8 USC § I 101(a)(32).

See **nonquota immigrant**.

Quota Law. A statute which prescribes a quota system for immigration to the United States whereunder a limitation is placed upon the number of immigrants from particular countries to be admitted into the country in one year. 8 USC §§ 1151-1157.

quota litis. See **de quota litis**.

quota system. See **Quota Law**.

quotations. See **market quotations**.

Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit. Whenever the construction or interpretation of liberty is in doubt, it shall be resolved in favor of liberty.

Quotiens idem sermo duas sententias exprimit, ea potissimum accipiatur, qui rei gerendae aptior est. Whenever the same language expresses two meanings, that is to be accepted as preferable which is more apt for carrying out the subject matter.

quotient award. An award of arbitrators arrived at by dividing the aggregate of the several amounts of individual estimates of the arbitrators by the number of arbitrators and accepting the quotient as the amount of the award to be made, regardless of individual judgment as to the propriety of the amount. 5 Am J2d Arb & A § 135.

A quotient award is not more lawful for arbitrators than is a quotient verdict for jurors. *Schreiber v Pacific Coast Fire Ins. Co.* 195 Md 639, 75 A2d 108, 20 ALR2d 951.

quotient verdict. The Verdict rendered in a civil action in pursuance of an agreement by the jurors to determine the amount of damages by adding the several estimates of the jury and dividing the aggregate amount by the number of jurors, without the assent of the individual jurors to the amount thus computed as representing actual damages suffered by the plaintiff. 53 Am J1st Tr § 1030.

Quoties in stipulationibus ambigua oratio est, commodissimum est id accipi quo res de quo agitur in tuto sit. (Civil law.) Whenever in stipulations the language is ambiguous, it is most correct to accept it in that sense by which the matter with which it deals may be protected.

Quoties in verbis nufla est ambiguitas, ibi milla expositio contra verba expressa fienda est. Whenever there is no ambiguity in the words, then no explanation contrary to the expressed words should be made.

quousque. Until; how long; how far.

quovis modo. In whatever way or manner.

quo warranto. Literally, by what authority. A high prerogative writ at common law. A writ of inquiry as to the warrant for doing the acts of which complaint is made. The remedy or proceeding by which the sovereign or state determines the legality of a claim which a party asserts to the use or exercise of an office or franchise and ousts the holder from its enjoyment, if the claim is not well founded, or if the right to enjoy the privilege has been forfeited or lost. 44 Am J1st Quo W § 2. A demand made by the state upon an individual or corporation to show by what right such individual or corporation exercises some franchise or privilege appertaining to the state which, accord-

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ing to the constitution and laws of the land, cannot be legally exercised in the absence of a grant or authority from the state. State v Perkins, 138 Kati 899, 28 P2d 765. The common-law remedy for contesting an election. 26 Am J2d Elect § 316.

quum. When; whenever; as often as.

See **cum.**

Quum de lucro duorum quacratur, melior est conditio possidentis. (Civil law.) Whenever the advantage of one of two persons is sought, the position of the one in possession is the better.

Quum duo inter se repugnantia reperiuntur in testamento, ultimum ratum est. When two repugnant matters are found in a will, the latter one is confirmed. Jackson, ex dem. Livingston v Robins (NY) 16 Johns 537, 547.

Quum in testamento ambigue aut etiam perperam scriptum est, benigne interpretari et secundum id quod credibile est cogitatum credendum est. Where an ambiguous or even an erroneous expression occurs in a will, it should be construed liberally, and in accordance with the testator's probable meaning. See Broom's Legal Maxims 568.

Quum principalis causa non consistit ne ea quidem quae sequuntur locum habent. When the principal cause does not stand, neither do those which follow it have a place. Broom's Legal Maxims 496.

Quum quod ago non valet ut ago, valeat quantum valere potest. Whenever what I do is not valid as I do it, it may nevertheless have as much validity as it can have.

q. v. An abbreviation of **quod vide.**