

R

R. An abbreviation of **range**.

R. A. Abbreviation of rear admiral, also of regular army.

rabid dog. A dog afflicted with rabies.

rabies. A disease of flesh-eating animals, including man, affecting the nervous system and characterized by violent convulsions.
See **Pasteur treatment**.

race. A contest of speed, whether of man, animals, or machines. A division of mankind on the basis of distinctive characteristics of color, size, hair, etc.

See **dog racing; horse race**.

race discrimination. See **discrimination**.

race horse. A horse bred and trained for racing. A horse entered and ridden or driven in horse races.

race meeting. An assembly or meeting of persons coming together upon notification for the purpose of witnessing any trial of speed of horses, whether running or trotting. State ex rel. Duensing v Roby, 142 Ind 168, 41 NE 145 (statutory definition.)

race segregation. See **segregation**.

race track. A place of amusement; a place for horse racing or automobile racing; also, in the broad sense of the term, a track where athletes contend in racing and other events.

raceway. An artificial waterway or canal dug in the earth; a channel cut in the ground. 56 Am J1st Wat § 150.

rachater. To redeem; to ransom; to buy back.

rachetum. A redemption; a ransom; a repurchase.

racial discrimination. See **discrimination**.

racial restriction. A provision in a deed or real estate contract forbidding the sale or transfer of the property to, or occupancy thereof by, persons of a certain race or religious faith. 20 Am J2d Cov § 184.

See **discrimination**.

racing. Reckless driving. 7 Am J2d Auto § 277.

See **race**.

rack. An instrument of torture upon which the body of the victim was stretched by means of jackscrews for the purpose of extorting a confession from him.

racket. Any kind of sharp or unlawful practice operated for profit; as, the numbers game.

racketeer. Using one's position, especially a position as officer of a labor union, to extort or obtain money by fraud. *Hazelton v Murray*, 21 NJ 115, 121 A2d 1. The organized use of threats, coercion intimidation, and violence to compel the payment for actual or alleged services of arbitrary or excessive charges under the guise of membership dues, protection fees, royalties, or service rates. *United States v McGlone* (DC Pa) 19 F Supp 285, 286.

rack-rent. A rent amounting to the full value of the tenement or near it. See 2 Bl Comm 43.

rack vintage. Wine made from the dregs of the barrel or vat.

radar. An instrument for detecting the distance and position of an object through sending radio waves against it and receiving them upon their being reflected from the object. Equipment possessed by police for measuring the speed of motor vehicles. 7 Am J2d Auto § 327.

radar speed meter. A device for measuring the speed of a moving vehicle. 7 Am J2d Auto § 327.

radiation. Any or all of the following:-alpha rays, beta rays, gamma rays, x-rays, neutrons, high speed electrons, high-speed protons, and other atomic particles; but not sound or radio waves, or visible, infrared, or ultra-violet light. 10 CFR Cum Supp § 20.3(a) (12).

radiation council. An agency established to consult with scientific experts and to advise the President of the United States as to radiation matters, including Programs of co-operation with the states. 42 USC § 2021 (h).

radio. An instrumentality whereby sounds or signals are converted into waves which are transmitted through space to receivers without the use of wires. 44 Am J1st Rad § 2. The industry of transmission by radio whether it be the dissemination of news, a cultural or scientific program, a drama, or a comedy.

radioactive material. Any material or combination of material that spontaneously emits ionizing radiation. 18 USC § 831.

radioactive substance. A substance which emits ionizing radiation. 15 USC § 1261(m).

Radio Act of 1927. A federal statute regulating radio communication, superseding a federal statute of 1912, and in turn repealed by the Communications Act of 1934. 47 USC §§ 151 et seq.

radio broadcasting. See **broadcasting.**

radio communication. The transmission by radio of writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission. 47 USC § 153.

radiogram. A message by wireless, that is by radio.

radiograph. An X-ray Picture. 29 Am J2d Ev § 799.

radioisotope. A byproduct; radioactive material yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material. 42 USC § 2014(e), 10 CFR § 37.3(f).

radiologist. A doctor of medicine qualified as an expert in the employment of the xray and its use in the diagnosis and treatment of disease.

radius. A term used in prescribing limits of distance or area. *Sacks v Legg*, 219 Ill App 144. A term used in prescribing the efficacy of automobile lights. Anno; 11 ALR2d 1424. A straight line extending from the center of a circle or sphere to its circumference or surface. *Mead v Anton*, 33 Wash 2d 741, 207 112d 227, 10 ALR2d 588; Anno: 29 ALR2d 517.

In construing the word "radius" as contained in a restrictive covenant against competition within a radius of a designated distance from a restaurant

[1052]

sold to the covenantees, the ordinary meaning of the term, namely, a right line extending from the center of a circle to the curve thereof, will be applied, to the exclusion of a suggested meaning that the specified distance should be measured along existing streets and sidewalks. *Mead v Anton*, 33 Wash 2d 741, 207 P2d 227, 10 ALR2d 588.

For meaning of term "radius" as employed in contract, statute, or ordinance as descriptive of area, location or distance, see Anno: 10 ALR2d 589.

radmans. Same as **redmen**.

raencon. A ransom.

raffle. A form of lottery. 34 Am J1st Lot § 11. A form of gambling, the participants paying for so called chances, the winner taking the amount in play subject to a deduction for the benefit of the person conducting the game. 24 Am J1st Gaming § 20.

raffling. See **raffle**.

raft. A platform of logs or boards floating on water. A vessel for the purposes of admiralty jurisdiction. *Re Eastern Dredging Co.* (DC Mass) 138 F 942.

rafting logs. The moving of logs by floating them on a stream, the logs being bound together sufficiently to keep them from scattering.

ragpicking. The occupation of going from door to door to obtain old clothing, discarded bedding to be used in the making of rugs or used in the manufacture of paper. *Commonwealth v Hubley*, 172 Mass 585, 51 NE 558.

rail fence. A fence constructed of wooden rails, sometimes roughly-hewed rails, alternating from section to section slightly in direction, thereby presenting a worm-like feature.

A Virginia worm rail fence projecting equally on the land of each adjoining owner is, by immemorial usage, a good division fence. 35 Am J2d Fen § 17.

railing. See **handrail**.

railroad. A road of metallic rails to which cars are adapted and on which they can and do operate. *O'Malley v Riley County*, 86 Kan 752, 121 P 1108. A transportation facility operating on rails, engaged in the transportation of freight passengers for substantial distances and making stops, at regular stations for the receipt and discharge of freight and passengers. 44 Am J1st RR § 3. In its popular meaning, a facility used commercially for the transportation of both passengers and freight, 35 Am J1st M & S § 394, or a company engaged in maintaining and operating such as a facility. *International & G. N. R. Co v Dawson*, 111 Tex 247, 232 SW 279, 15 ALR 1367.

For comprehensive definition in the Interstate Commerce Act, see 49 USC § 1(3).

See **carrier; common carrier; street railway**

railroad aid. The use of public money, the public credit, or the taxing power in aid of the construction, maintenance, or operation of railroads. 44 Am J1st RR § 56.

railroad aid bonds. Bonds issued on the public credit in obtaining funds for railroad aid 43 Am J1st Pub Sec § 64.

railroad bond. A bond issued by a railroad corporation. 12 Am J2d Bonds § 51.

railroad bridge. A bridge or viaduct constructed for the use of railroad transportation.

railroad car. In common usage, a vehicle running on a railroad track and used for the transportation of persons or goods, merchandise, and other articles. Precisely, any vehicle adapted to the rails of a railroad track, whether a passenger car, freight car, locomotive, work car, caboose, terminal car, or even a handcar. 44 Am J1st RR § 272,

railroad commission. An administrative agency regulating the operation of railroads and often other utilities.

See **public service commission.**

railroad company. A railroad corporation, an association of persons, even a natural person, engaged in the operation of a railroad facility. *International & G. N. R. Co. v Dawson*, 111 Tex 247, 232 SW 279, 15 ALR 1367. For the purposes of reorganization under provisions of the Bankruptcy Act:- -any common carrier by railroad engaged in the transportation of persons or property in interstate commerce, except a street, a suburban, or interurban electric railway which is not operated as a part of a general railroad system or which does not derive more than 50 percentum of its operating revenues from the transportation of freight in standard railroad freight equipment. Bankruptcy Act § 77(m); 11 USC § 205(m).

railroad corporation. Ordinarily, a public service corporation. A corporation organized for and engaged in the operation of a railroad.

See **railroad company.**

railroad crossing. In the most common usage, the crossing of a highway or street over, under, or above a railroad. In one sense, the intersection of one railroad by another.

See **farm crossing; grade crossing; intersection; overhead crossing.**

railroad depot. See **depot.**

railroad engine. See **locomotive.**

railroad equipment. Necessary adjuncts such as cars, locomotives, and other movable property, but not everything necessary to the operation of the railroad, not machine shops, roundhouses, etc. 44 Am J1st RR § 272.

railroad fences. Fences which statutes almost universally require railroads to construct and maintain on either side of their tracks for the purpose of preventing injuries to horses, cattle, and other livestock. 44 Am J1st RR §§ 151 et seq.

See **cattle guard.**

railroad fire. A fire caused by operation of a railroad or originating on railroad premises. 35 Am J2d Fires §§ 10, 21,

railroad grant. A grant of public lands to a railroad for right of way or by way of aid in railroad construction, the purpose being to encourage settlement on public lands through providing railroad facilities for settlers. 42 Am J1st R R § 46.

railroad hazard. Broadly, any danger in connection with the operation of a railroad. A term of art for the hazard in the employment of railroading by reason of which workers in such employment are exempted from the application of the fellow servant rule by statute. 35 Am J1st M & S § 392.

railroad hospital. A hospital maintained by a railroad company wherein injured or sick employees may receive care. 26 Am J1st Hospit § 15.

railroad intersection. See **intersection.**

[1053]

railroad land grants. See **railroad grants.**

railroad line. See **railroad route.**

railroad property. Property essential to the operation of a railroad.

The term includes the road-bed, right of way, tracks, bridges, stations, rolling-stock, and such like property; but it does not include land owned by the railroad and held for sale by it, for profit, in no way connected with the use and operation of the railroad. Northern Pacific Railroad Co. v Walker, (CC ND) 47 F 681, 685.

As to what is railroad property for the purpose of taxation, see Anno: 80 ALR 252.

See **railroad equipment.**

railroad receiver. A receiver appointed by the court under its equitable powers or as authorized by statute, to take possession of the lines and property of a railroad and operate them.

railroad relief fund. See **relief association; relief fund.**

railroad reorganization. A readjustment of existing interests in equity, particularly in a federal court, necessitated by a failing financial condition of the corporation. 19 Am J2d Corp § 1517. A reorganization of a railroad company under provisions of the Bankruptcy Act. 9 Am J2d Bankr §§ 1442-1492.

railroad right of way. The strip of land upon which a railroad line is maintained and operated. 44 Am J1st RR § 74. A right of crossing another's land. Anno: 132 ALR 183; 44 Am J1st RR § 74. The substantial, corporeal land upon which a railroad is built, with the rights incident to its enjoyment, rather than an easement of way or right to cross the land. 51 Am J1st Tax § 891.

The words "right of way" used in a statute making a railroad liable for fires communicated from its right of way have no reference to the title of the railroad company to the land, but simply designate the locality where the fire must originate to make the company liable. 35 Am J2d Fires § 8.

railroad rolling stock. See **rolling stock.**

railroad route. The course of a railroad line between its terminals. 44 Am J1st RR § 202.

railroad shop. The place or structure where locomotives and other railroad rolling stock of a railroad are repaired and serviced.

railroad signals. Signals given in the operation of railroad trains by way of bell, whistle, lights, etc., especially at railroad crossings. 44 Am J1st RR § 385. Hand or light signals given by trainmen and switchmen to one another for the purpose of directing the moving of train or cars.

railroad station. A place maintained by a railroad company as a stopping place for trains and for the accommodation of passengers, shippers, and persons receiving freight, including not only the building, but also passageways, walkways, and platforms prepared for passengers in boarding and leaving trains and for the accommodation of persons having business at the station. 44 Am J1st RR § 254.

The word is used synonymously with the term passenger depot," meaning the place, the grounds and the buildings prepared for and used by the traveling public at such point in waiting for, taking, and leaving the trains, and by the company in operating the road at that point. As to just what constitutes a passenger depot or station at a particular place is a question of fact. *State v Indiana & Illinois Southern R. Co.*, 133 Ind 69, 32 NE 817.

See **depot; union station.**

railroad stock. Outstanding stock issued by a railroad corporation.

railroad system. Broadly, the aggregation or network of railroads of the United States physically connected for the interchange of business. *Texas & Pacific R. Co. v Gulf, C. & S. F. R. Co.* 270 US 266, 70 L Ed 578, 46 S Ct 263. In another sense, an operating relationship and unity of railroad routes, lines, branches, and trackage involving common control, common management, something more than mere physical connections and through-traffic arrangements. 44 Am J1st RR § 203.

railroad ticket. See **ticket.**

railroad tie. See **tie.**

railroad time. An old term, now in disuse, for standard time. 52 Am J1st RR § 3.

railroad track. The rails, ties, and ballast upon which the trains run. 44 Am J1st RR § 227. A way for the transportation of freight or passengers. A track used or intended for the purpose of transporting or moving produce, freight, or passengers in connection with the business of the owner or operator. 35 Am J1st M & S § 428. For tax purposes, railroad right of way in use as such. 51 Am J1st Tax § 889.

The meaning of the word "track" as applied to a railroad, depends on circumstances and context, but the word as ordinarily understood is not synonymous with railroad, the latter word having a more extended significance. However, the word track as sometimes used, is synonymous with and means roadway or right of way. In any case, a railroad track is inseparable from the right of way and is an incident to it; the right of way is the principal thing although it is of no practical use without a superstructure and rails, since the track is necessary to the use and enjoyment of the right of way. 44 Am J1st RR § 227.

railroad train. See **train.**

railroad unemployment insurance account. An account to be maintained by the Secretary of the Treasury in the unemployment trust fund established by the Social Security Act. 45 USC § 360.

Railroad Unemployment Insurance Act. A federal statute which sets up a comprehensive plan for the payment of unemployment insurance benefits to persons defined in the act as employees of railroads, and other specified employees engaged in or intimately connected with carriage by rail. 45 USC §§ 351 et seq.; 48 Am J1st Soc Sec § 12.

railroad yard. An area containing shops, switch tracks, sidings, freight depot, and sometimes the main station of a railroad.

railway. Same as **railroad.** 44 Am J1st RR § 3.

Railway and Canal Traffic Act. An act passed by Congress in 1854, which prohibited any limitation of a carrier's liability unless the contract containing it was signed by the parties and the stipulation itself was such "as should be adjudged by the court or judge before whom any question relating thereto shall be tried to be just and reasonable." 14 Am J2d Car § 537.

railway company. Same as **railroad company.** 44 Am J1st RR § 3.

railway cut. An excavation, having definite upper and outer edges and sloping sides, made in a right

[1054]

of way for the purpose of keeping the road bed on the level or, at any rate, avoiding a steep grade. *Newton v Louisville & N. R. Co.* 110 Ala 474, 19 So 19.

Railway Labor Act. A federal statute intended to provide means for the peaceful settlement by agreement or arbitration of labor controversies between interstate carriers, including carriers by air, and their employees. 45 USC §§ 151 et seq.; 31 Am J1st Lab § 345.

railway mail service. The transportation and handling of the mail on mail cars on railroads. 39 USC §§ 521 et seq.

railway postal clerks. Mail clerks who sort and distribute the mail in railway post offices or post office terminals and transfer offices, and perform other duties pertaining to the railway mail service, 41 Am J1st P 0 § 33.

railway post office. The car in which railway postal clerks perform their duties.

rainfall. See **ordinary rainfall; rainwater.**

rain water. Water, as it falls from the clouds, before it has entered the soil, river, lake, or sea.

rainy days. For the purposes of a stipulation excusing delay in unloading of cargo, only those days on which, considering the facilities of the port, cargo could not be landed with safety. *Kerr v Schwaner* (CA9 Or) 177 F 659.

raise. To produce; to present; to rear. To move to a higher level. To increase in size of amount.

raise a rate. To levy a tax. To increase a rate, e.g. the rate for utility service.

raised. Reared. A male reared to the age of twenty one. *Shoemaker v Stobaugh*, 59 Ind 598, 600. Elevated. Increased. Produced as crops.

raised check. A check altered by raising the amount of the sum payable. *United States Fidelity & Guaranty Co. v First Nat. Bank* (CA5 Tex) 172 F2d 258.

raised instrument. An alteration in an instrument for the payment of money which raises the amount payable. 36 Am J2d Forg § 18.

See **raised check.**

raised crops. Crops which have matured and are in condition to be harvested, but which as yet have not been harvested in fact. *McNally v Dean*, 154 Wash 110, 281 P 9, 66 ALR 1417.

raised way. An elevated street or highway.

raising amount of instrument. Forgery in changing the true amount of a check or other instrument for the payment of money to a larger amount. Crocker-Woolworth Nat. Bank v Nevada Bank, 139 Cal 564, 73 P 456.

raising money. Collecting or procuring a supply of money for use, as, in the case of a municipal corporation, by taxation, or perhaps by means of a loan. Childs v Hillsborough Electric Light & Power Co. 70 NH 318, 324.

raising revenue. Levying taxes. Anno: 4 ALR2d 975.

raison d'être. The reason or cause of being or existing.

rake-off. The amount taken out of money in play by the person conducting the game. 24 Am J1st Gaming § 20. A share in the proceeds of an illegal enterprise. A share of the proceeds of crime given a law-enforcement officer for his forbearance,

rambling. Wandering about. 55 Am J1st Vag § 7.

ramp. A passageway between two levels.

ran. (Saxon.) Robbery.

ranching. The raising of livestock, particularly cattle, in large numbers, on an extensive acreage. A form of agriculture. 3 Am J2d Agri § 1.

random. See **at random.**

range. A cook stove, Fueled by wood, coal, gas, or electricity, usually attached to the premises. 35 Am J2d Fixt § 91. Grazing land of large area, often on the public domain. Big Butte Horse & Cattle Asso. v Anderson, 133 Or 171, 289 P 503, 70 ALR 399. A feature of the government survey of public lands, being a designation of a township laid out by the survey in terms of a number corresponding to the number of the tier of townships, in which the township appears, east or west of an established principal meridian and another number corresponding to the tier of townships, in which the township appears, north or south of an established base line, the intersection of the tiers thus affording a means of locating a township in a vast area surveyed. Meas v Whitener-London Realty Co. 119 Ark 301, 178 SW 390.

For example of a description of a quarter section or 160 acres in a square:-The Northwest (NW) Quarter of Section Twenty-eight (28) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th Principal Meridian.

See **base line; principal meridian.**

range levy. A levy upon livestock in a pasture or on a range without taking possession of the animals, the officer describing the animals by brands or marks, designating the number thereof, as nearly as possible, and giving notice to the defendant owner. 30 Am J2d Exec § 258.

range stock. Livestock feeding and living upon the open range. Livestock that roam and feed upon the open and uninclosed tracts of land in the state. Wightman v King, 31 Ariz 89, 250 P 772.

rank. The standing of an officer or enlisted man of the Armed Forces relative to other officers and enlisted men. 36 Am J1st Mil § 55.

ransom. A price or consideration paid or demanded for the redemption of a captured person or persons –a payment that releases from captivity. *Keith v State*, 120 Fla 847, 163 So 136. A sum of money paid to release a person or property captured in war; a heavy fine; a sum paid for a pardon; a sum paid to release a person from unlawful imprisonment or detention.

ransom-bill. A contract to pay for property captured in naval warfare, and providing for its safe conduct.

ransom bond. A bond given to procure the discharge of property or persons captured in time of war. 56 Am J1st War § 111.

rape. The having of unlawful carnal knowledge by a man of a woman, forcibly and against her will. The unlawful carnal knowledge of a female by force and without her consent. 44 Am J1st Rape § 2.

In some counties in England, an intermediate division between a shire or county and a hundred, each containing about three or four hundreds, as the rapes in Sussex. In Kent, these divisions were called lathes. Each rape had its rape-reeve, and each lathe had its lathe-reeve, corresponding to the shire-reeve or sheriff of the shire or county. See 1 Bl Comm 116.

[1055]

See **statutory rape**.

rape of the forest. A trespass with force or violence committed within a park or forest.

rape-reeve. See **rape**.

rapid. Very swift, advancing with haste or speed. *People v Grogan*, 260 NY 138, 183 NE 273, 86 ALR 1266.

rapina. Robbery.

rapist. A person who commits rape; a ravisher.

raptim et sparsim. Hastily and spasmodically.

raptor. Same as **rapist**.

raptu haeredis. See *de raptu haeredis*.

raptus. Rape.

raptu virginum. See *de raptu virginum*.

rapuit. He raped; he ravished.

rare. Exceptional. Scarce; found most infrequently. Lacking density. Partially raw.

rascal. A scoundrel, except as used with a light touch as it often is, e.g., "you little rascal "

The words, "he was a damned rascal," although a vulgar expression, are, perhaps, the strongest in use to convey our ideas of moral turpitude. *Brown v Mims*, 9 SCL (2 Mill Const) 235, 236.

rasura. Same as **rasure**.

rasure. An erasure; an alteration in a written instrument. *Ruby v Talbott*, 5 NM 251, 21 P 72.

rasus. Erased.

rat. A rodent. A mean fellow; a paltry fellow, one to be treated with contempt. A scab.

See **rat-proofing**; **scab**.

ratable. Taxable; subject to taxation. *State v Camp Sing*, 18 Mont 128, 44 P 516. That which can be estimated. Proportional.

See **pro rata**.

ratable distribution. As in bankruptcy, a distribution on all claims, of equal priority, as proved or established by adjudication, on one rule of proportion applicable to all alike. *Merrill v National Bank of Jacksonville*, 173 US 131, 143, 43 L Ed 640, 645, 19 S Ct 360.

ratable estate. Taxable estate; the real and personal property that the legislature has designated as taxable. *Marshfield v Middlesex*, 55 Vt 545, 546.

ratable polls. Taxable persons.

ratable property. Property in its quality and nature capable of being rated, that is, appraised or assessed for purposes of taxation. *Coventry Co. v Assessors of Taxes*, 16 RI 240, 241.

ratable value. The ratable value of property is its appraised or assessed value for purposes of taxation. *Coventry Co. v Assessors of Taxes*, 16 RI 240, 241.

ratably. On a ratable basis. Proportionally.

See **ratable**.

ratam rem habere. To consider the matter or transaction as ratified.

rate. Verb: To estimate value or capability; to classify. A price of valuation. A unit by which a calculation is made, as rate of interest; rate of speed; rate of growth; or rate of exchange. The charge imposed by a common carrier. 13 Am J2d Car §§ 105 et seq "461 et seq. The price stated or fixed for a public utility service, that is, the price stated or fixed for some commodity or service of general need or utility supplied to the public, measured by a specified unit or standard. 43 Am J1st Pub Util § 82. A local property tax; a special or local assessment for a public improvement. 48 Am J1st Spec A § 3.

rate fixing. See **rate making**.

rate for freight. See **freight rate**.

rate making. The process of determining a rate to be charged, particularly a rate subject to government control, as where it is for service by a public utility. A function which is purely legislative in its character, whether it is exercised directly by the legislature itself or by some subordinate or administrative body, to whom the power of fixing rates in detail has been delegated. *Prentis v Southern R. Co.* 211 US 210, 53 L Ed 150, 29 S Ct 67.

See **fair return**.

rate of assessment. The amount of a special assessment per stated amount of valuation.

See **assessments of mutual benefit society**; **tax rate**.

rate of duty. A tariff rate; a rate on a particular item of property being imported from a foreign country, even a free rate, as enacted by Congress or proclaimed by the President. 19 USC § 1202, Headnote 9(d).

rate of exchange. The rate according to which the money of one country is exchanged for the money of another, for example, the number of American dollars to be received for an English pound.

rate of fare. See **fare**.

rate of interest. A certain percent of the principal sum charged by way of interest per year. 30 Am J Rev ed Int § 26.
See **legal interest**.

rate of premium. See **premium rate**.

rate of tax. See **tax rate**.

rate of wages. The wage scale as fixed by contract or collective bargaining.
See **prevailing rate of wages**.

rate tithes. Tithes which were charged ratably on the property within the parish.

rate war. A sudden and violent fluctuation in rates charged by competing railroads for the transportation of freight or passengers. *United States v Trans-Missouri Freight Assn.* (CA8 Kan) 58 F 58.

rate zone. See **zone**.

rat hole. A boring for oil made by a drill or small bore. *Honolulu Oil Corp. v Halliburton*, 306 US 550, 83 L Ed 980, 59 S Ct 662.

ratification. Giving effect by approval. Treating as good or authorized an act which otherwise might be disavowed or even treated as a tort. 18 Am J2d Conv § 73. A confirmation of an act already performed, not an authorization of an act to be performed. *Barker v Chesterfield*, 102 Mass 127, 128. An express promise or a promise implied from conduct by which a party to a contract otherwise voidable accepts it and undertakes to be bound by it. *Crawford v Gordon*, 88 Wash 553, 153 P 363. Accepting the benefits of a transaction with knowledge of fraud inducing the same by the other party. 37 Am J2d Fraud §§ 332 et seq. The affirmance by a person, upon reaching his majority, of a contract made by him during his infancy. 27 Am J1st Inf §§ 11 et seq. In the law of agency:--the adoption

[1056]

or affirmance by a person of a prior act which did not bind him, but which was done or professed to be done on his account, thus giving effect to the act, as to some or all persons, as if originally authorized. *Rogers v Beiderwell*, 175 Kan 223, 262 P2d 814, 45 ALR2d 578; *Gulf Refining Co. v Travis*, 201 Miss 294, 30 So 2d 398.

The essence of ratification is approval. *Jordan v Beaumont* (Tex Civ App) 337 SW2d 115, error ref n r e. To ratify the act of an agent means to approve and sanction, and presupposes knowledge or at least some alerting circumstantial information of the unauthorized act. *MacLeod v Ajax Distributing Co.* 22 NJ Super 121, 91 A2d 635, 34 ALR2d 504.

To ratify is to give validity to the act of another, and implies that the person or body ratifying has at the time power to do the act ratified. A county board could not ratify a subscription without a vote of the county because they could not make a subscription in the first instance without such an authorization. *Norton v Shelby County*, 118 US 425, 452, 30 L Ed 178, 189, 6 S Ct 1121.

Ratification of an unauthorized act is equivalent to an original grant of authority. *Rogers v Beiderwell*, 175 Kan 223, 262 P2d 814, 45 ALR2d 578.

ratification of forgery. The ratification of an unauthorized or forged signature, giving effect to the instrument to which it is appended. *Wilson v Hayes*, 40 Minn 531, 42 NW 467.

ratification of marriage. A method of validating a voidable marriage. An affirmance of a voidable marriage by living together as husband and wife with full knowledge of facts constituting an impediment to the marriage. 4 Am J2d Annul § 45.

ratification of treaty. A ratification by the United States Senate of a treaty negotiated by the President, such requiring a vote of two thirds of the Senators present concurring with the treaty. 52 Am J1st Treat § 11.

ratified. See **ratification**.

Some confusion has arisen as to the use of the word "ratified," and as to whether ratification is a fact or a conclusion of law arising from the facts. As the term is applied to principal and agent it is a fact and not a legal conclusion, but when it is used in a sense akin to estoppel, it is a conclusion of law. *Minnich v Darling*, 8 Ind App 539, 544, 36 NE 173.

ratify. To give approval. To confirm. To make a ratification.

See **ratification**.

ratihabitio. Same as **ratification**.

Ratihabitio mandato aequiparatur. A ratification is equivalent to a command. *Dempsey v Chambers*, 154 Mass 330, 28 NE 279.

Ratihabitio mandato comparatur. Ratification is to be compared with a command.

This maxim of the Roman law has been changed to "Ratihabitio mandato aequiparatur" (Ratification is equivalent to a command), ever since the days of Lord Coke. It has never been doubted that a man's subsequent agreement to a trespass done in his name and for his benefit amounts to a command so far as to make him answerable. *Dempsey v Chambers*, 154 Mass 330, 28 NE 279.

ratihabition. Same as **ratification**.

Ratihabitio priori mandato aequiparatur. A ratification is equivalent to a previous command. "A maxim borrowed from the Roman law, and now an element in the jurisprudence of every civilized nation." *Palmer v Yates*, 5 NY Super Ct (3 Sandf) 137, 151.

rating. An evaluation of something, such as the credit of a man or a television program, usually made on a purported scientific basis. The grading of candidates for civil service positions by written examinations. 15 Am J2d Civ S § 11.

The determination of the relative state or condition of a vessel in reference to its insurable quality. 29 Am J Rev ed Ins § 504. Rank in the military.

See **Hooper rating; horsepower ratings; rate making**.

rating bureau. An organization of insurance companies or insurance agents for the purpose of promoting the business, welfare, and convenience of the parties thereto and to secure uniformity in the business, particularly in reference to premium rates. 29 Am J Rev ed Ins § 109. An organization engaged in examining particular premises for the purpose of determining the premium rate to be applied in insuring the property.

ratio. The relation between two numbers or two magnitudes of the same kind; the relation between two similar magnitudes in respect to quantity; the relation between two similar quantities in respect to how many times one makes so many times of the other; especially the relation expressed by indicating the division of one quantity by the other, or by the factor that multiplied into one will produce the other. Relative amount; proportion. Re Klock, 30 App Div 24, 41, 51 NYS 897.

ratio. (Latin.) A reckoning. Computation; calculation. Reason; motive.

ratio decidendi. The reason for deciding; the reasoning or principle, or ground upon which a case is decided.

Ratio est formalis causa consuetudinis. Reason is the molding cause of custom or usage.

Ratio est legis anima; mutata legis ratione mutatur et lex. Reason is the spirit or soul of the law; by a change in the reason of the law, the law is also changed.

Ratio est radius divini luminis. Reason is a ray of divine light.

Ratio et auctoritas duo clarissima mundi lumina. Reason and authority are the two most shining lights in the world.

ratio impertinens. An impertinent reason, an argument not pertaining to the question. *Wilmington & Weldon Railroad Co. v Board of Railroad Comrs.* (CC NC) 90 F 33, 34.

Ratio in jure aequitas integra. Reason in law is impartial equity.

ratio law. A statute providing that the number of liquor licenses to be granted in a particular area shall not exceed a specified ratio to the number of inhabitants. 30 Am J Rev ed Intox L § 137.

ratio legis. The reason of the law; the reason underlying the law; the reason for the existence of the law.

Ratio legis est anima legis.

[1057]

The reason of the law is the spirit or soul of the law.

ration. Noun: A term familiar in the armed service, being food for one man for one day. Verb: To distribute or divide food on a calculated basis in time of scarcity.

rationabili parte. See **de rationabili parte.**

rationabili parte bonorum. See **de rationabili parte bonorum.**

rationabilis. Reasonable: rational.

rational. Capable of reasoning; sane.

rational basis. A reasonable basis in the law; the criterion in the review of an administrative order by the court. The application of the law in a just and reasoned manner. 2 Am J2d Admin L § 619.

rational doubt. Same as **reasonable doubt.**

rationale. Rational basis; the reasoning in support of a proposition.

rationalibus divisis. See **de rationalibus divisis.**

rational intent. An intent founded on reason, as a faculty of the mind, and opposed to an irrational purpose. *Supreme Lodge v Gelbke*, 198 Ill 365, 370, 64 NE 1058.

rational interpretation. A term which has been applied to a doctrine sometimes followed in the interpretation of written instruments, whereby language held to be lacking is supplied by the court, and language held to be superfluous is disregarded, in an effort to give effect to the intention of the maker of the instrument.

The same doctrine has been employed in the construction of statutes. The doctrine is a dangerous one because of its tendency toward judicial legislation. *Shellenberger v Ransom*, 41 Neb 631, 59 NW 935.

rational volition. Volition, attended by the powers of reason, to consider and judge the act done in all its relations-moral as well as physical. *Daniels v New York, New Haven & Hartford Railroad Co.* 183 Mass 393, 67 NE 424.

ratione contractus. By reason of the contract.

ratione impotentiae. By reason of impotence.

ratione loci. By reason of the place or locality.

ratione materiae. By reason of the matter in hand.

ratione personae. By reason of the person concerned,

ratione prescriptionis. By reason of a prescriptive right or duty.

ratione privilegii. By reason of privilege.

rationes. The pleadings in an action.

ratione soli. On account of the soil; by reason of one's ownership of the soil.

See **property ratione soli.**

ratione tenurae. By reason of one's tenure.

ratione tenurae or prescriptionis. By reason of its right or duty of tenure or prescription. *State ex rel. Roundtree v Board of Comrs.* 80 Ind 478.

ratione tenurae suae. By reason of his own tenure.

rationing. Placing a limitation upon the amount of certain necessities of life which can be purchased, as in time of war, when such commodities are in short supply. 56 Am J1st War §§ 46 et seq.

See **ration.**

Ratio non clauditur loco. Reason is not confined to place or locality.

ratio of safety. A margin, to be observed by a trustee in investing trust funds, between the value of the security and the amount of the trust investment. 54 Am J1st Trusts § 426.

ratio pertinens. A pertinent reason, a reason pertaining to the question. *Wilmington & Weldon Railroad Co. v Board of Railroad Comrs.* (CC NC) 90 F 33, 34.

Ratio potest allegari deficiente lege, sed vera et legalis et non apparens. Where the law is deficient, the reason can be alleged, but it must be true and lawful and not merely apparently so.

rat proofing. Constructing a building in such manner and of such materials that rats cannot gain entrance. 13 Am J2d Bldgs § 29.

rattening. The practice of concealing the tools of a workingman for the purpose of compelling him to join a labor union, a statutory offense in some jurisdictions.

ratum. Rated as valid; deemed or recognized as valid.

raansom. Same as **ransom**.

raunsome. Same as **ransom**.

ravine. A deep gully or gorge; a natural drainway for surface water. Anno: 81 ALR 271; 56 Am J1st Wat § 76.

As used in an indictment for rape, the word has been held to imply a want of consent and that by reason of employing the word "ravish," the indictment need not aver specifically that the rape was committed against the woman's will. There is also authority to the contrary. See 44 Am J1st Rape § 57.

ravish. To rape. To seize and carry away with force. To enrapture.

ravishment. Being ravished. Ravishing.

See **ravish**.

ravishment de gard. The abduction of a ward.

razor. An instrument with a sharp cutting edge for shaving a man's face.

It is an article of common domestic use, and while no one could be held guilty of the offense of carrying a dangerous and deadly weapon concealed about his person, simply because he so carried a razor, yet, if surrounding circumstances would tend to show that he carried it as a weapon of offense, he might become liable to the charge, because a razor, when thus used, is notoriously a weapon dangerous to life. See *Brown v State*, 105 Miss 367, 62 So 353.

R. C. L. An abbreviation of Ruling Case Law, q. v.

[1058]

re. In the case of; in the matter of; in regard to.

See **in re**.

R. E. A. Abbreviation of **Rural Electrification Administration**.

rea. See **mens rea; reus.**

reaching full age. See **majority.**

reacknowledgment. An acknowledgment of an instrument intended to correct a prior acknowledgment of the same instrument. *Bernhardt v Brown*, 122 NC 587, 29 SE 884.

reaction time. The time required for response to a stimulus, especially in an emergency. 8 Am J2d Auto § 893.

reactor. See **nuclear reactor.**

read. To ascertain the contents of a writing, a document, or printed matter from the words and signs thereof. *New Orleans v Brooks, Connor & Norton*, 36 La Ann 641, 642.

readily accessible. Available for immediate use in an emergency.

Life preservers placed in the bunk of each member of the crew of a fishing trawler are "readily accessible," within the meaning of a statute which requires life preservers to be so placed as to be readily accessible. *Noble v Moore- McCormack Lines, Inc.* (DC Mass) 96 F Supp 369.

readily realizable market value. A value existing where property is readily to be converted into cash or its equivalent in such manner as to realize the fair value of the property. *Clark v Welch* (DC Cal) 46 F2d 563.

reading ability. See **literacy.**

reading bill. A requirement of the constitution in the legislative consideration of a bill that before final passage, the bill shall be read at length, section by section, a certain number of times, in each house. 50 Am J1st Stat § 79.

reading indictment or information. A step in the arraignment of one accused of crime. *People v Goldenson*, 76 Cal 328, 19 P 161; Rule 10, Federal Rules of Criminal Procedure.

reading ordinance. A step in the enactment of a municipal ordinance, the requirement being for the reading of the ordinance one or more times, as the statute may provide, before the council. 37 Am J1st Mun Corp § 144.

readings. Lectures on ancient English statutes. *Coke on Littleton* 280.

readjustment of debts. Various forms of relief under the Bankruptcy Act. Compromise settlements.

read law. See **to read law.**

readmission. Authorizing a foreign corporation to do business in the state after a withdrawal of the corporation from the state. 36 Am J2d For Corp § 315.

ready. Prepared at the moment. *Tobias v Lissberger*, 105 NY 404, 12 NE 13. Able and willing to proceed, as with performance of a contract. *Smith v Keeler*, 51 Ill App 267.

See **readily realizable market value.**

ready, willing, and able customer. A customer, found by a broker for his client, who is ready and willing to contract and able to complete the contract.

ready, able, and willing buyer. A buyer who desires to make the purchase and has at hand the money to meet the cash payment required, without resort to or dependence upon third persons for funds, and without raising the money upon property. Anno: 1 ALR 528.

ready money. Cash; current money.

reaffiliation. A renewal of membership after a lapse, suspension, or expulsion. See 36 Am J2d Frat 0 §§ 74 et seq.

reagent. A chemical term for a substance which by reason of its capacity to cause reaction is used to detect, measure, or convert other substances, *Martin v Minerals Separation North American Corp.* (DC Md) 29 F Supp 146.

real. Regal; royal; pertaining to the crown; pertaining to realty. Not fictitious or a product of the imagination.

real actions. Those actions which are brought for the specific recovery of lands, tenements or hereditaments, some being founded on the seizure or possession, and some on the property or right. 1 Am J2d Actions § 38.

real advancement. An advancement made by a conveyance of real property. *Williams v Stonestreet*, 24 Va (3 Rand) 559, 561.

See **advancements.**

real assets. Real estate left by a decedent which is subject to payment of his debts. 31 Am J2d Ex & Ad § 196. Broadly, real property.

real chattel. See **chattels real.**

real chymín. A royal road.

real claim. A claim which is good under the law or asserted in good faith as good under the law, rather than one concocted of fraud or overly-vivid imagination. *Rue v Meirs*, 43 NJ Eq 377, 380, 12 A 369.

real composition. A composition of tithes, an agreement whereby the landowner discharged his land for liability for tithes.

real contract. A contract concerning real property; in the civil law, a Contract which had some specific thing for its subject matter.

See **land contract.**

real controversy. An actual, as distinguished from a simulated controversy, moot case, hypothetical case, or abstract question. 20 Am J2d Cts §§ 80, 81; 27 Am J2d Equity § 14.

real covenant. A covenant having for its object something annexed to, inherent in, or connected with, land or real property ---one which relates to, touches, or concerns the land granted or demised and the occupation or enjoyment thereof. 20 Am J2d Cov § 29. A covenant which runs with the land, binding not only the heirs and personal representatives of the covenantor, but his grantees as well. *Hawkins v Wbayne*, 198 Okla 400, 179 P2d 138.

real estate. Land or real property. Land and the grass or other crop growing thereon. *Croasdale v Butell*, 177 Kan 487,280 P2d 593, 49ALR2d 1112.

As defined for purposes of taxation, see Anno: 57 ALR 869.

See **estate for years; life estate; real property**.

real estate agent. See **real-estate broker**.

real estate and rental guide. A publication largely taken up with transactions concerning real property and constituting an advertising medium for real estate owners and realtors. 39 Am J1st Newsp § 8.

[1059]

real-estate broker. An agent who, for a commission or brokerage fee, bargains or carries on negotiations in behalf of his principal as an intermediary between the latter and a third person in transacting business relative to the sale or purchase of real estate. 12 Am J2d Brok § 1. One whose business is to procure the purchase or sale of lands, acting as middleman or negotiator between potential vendors and purchasers to bring them together and arrange the terms. *Quinn v Phipps*, 93 Fla 805, 113 So 419, 54 ALR 4 173.

real estate broker's lien. A lien in support of the broker's right to compensation by way of sharing in the purchase money. 12 Am J2d Brok §§ 242, 243.

real estate contract. See **land contract; real contract**.

real estate corporation. A corporation authorized to buy and sell real estate in the normal and regular course of its business. *Eisen v Post*, 3 NY2d 518, 169 NYS2d 15, 146 NE2d 779; *Tuttle v Junior Bldg. Corp.* 227 NC 146, 41 SE2d 365.

real estate investment trust. A trust formed by a group of people pooling their capital for the purpose of investing in real estate.

real-estate partnership. A partnership formed for the purpose of buying and selling land generally or for speculation on a single venture, or for the purchase, sale, improvement, and leasing of real property for profit. 40 Am J1st Partn § 13.

real-estate pool. Same as **real estate syndicate**.

real estate syndicate. An organization having the purpose of pooling the funds of members to invest in real estate or to deal in it as a commodity of traffic. *Kilbourn v Thompson*, 103 US 168, 195, 26 L Ed 377, 388.

real-estate tax. The most common form of direct property tax, being a tax levied upon real estate, without reference directly to the use made of the property but according to an assessed valuation. 51 Am J1st Tax § 31.

real evidence. Evidence addressed directly to senses of the court or jury without interposing the testimony of witnesses other than as required in laying the basis for such evidence, 29 Am J2d Ev § 769, involving the production or exhibition in court of something directly connected with the incident out of which the cause of action arose, such as the injured parts of the body in an action to recover for a personal injury. *Smith v Ohio Oil Co.* 10 Ill App 2d 67, 134 NE2d 526, 58 ALR2d 680.

real fixture. A fixture which becomes a part of the land at annexation to the freehold because of the intent with which it is affixed. *Capen v Peckham*, 35 Conn 94.

re aliena. See **in re aliena**.

real injury. An injury resulting from or caused by an act, as distinguished from an injury caused by words.

realize. To understand. To bring to fruition. To obtain the advantage or benefit of a thing, as taking a profit on an investment.

To realize means to bring into actual possession. It is ordinarily used in contrast to hope, or anticipation. A man may hope to sell his property for a certain sum, but until he actually sells it and receives the money, or its equivalent, he cannot be said to have "realized" either his hopes or his profits. *Lorillard v Silver*, 36 NY 578, 579.

Under section 22 of the Revenue Act of 1934, realization of income is the taxable event, rather than the right to receive it, and realization is not deemed to occur until the income is paid. But the decisions and regulations have consistently recognized that receipt in cash or property is not the only characteristic of realization of income to a taxpayer on the cash receipts basis. Where the taxpayer does not receive payment in money or property, realization may occur when the last step is taken by which he obtains the fruition of the economic gain which has already accrued to him. *Helvering v Horst*, 311 US 112, 85 L Ed 75, 61 S Ct 144.

realizing income. See **realize**.

realizing on security. Foreclosure by action or sale under a power of sale.

realm. A region. A state; a sovereignty. *Carr v Lewis Coal Co.* 96 Mo 149, 8 SW 907.

real party in interest. The person to be benefited by, or entitled to receive the benefits of, the suit. More precisely, that person who can discharge the claim upon which suit is brought and control the action brought to enforce it, Usually but not necessarily the person beneficially interested in the cause of action. 39 Am J1st Parties § 17.

For the purpose of res judicata the courts will look beyond the nominal party whose name appears formally upon the record and will treat as the real party him whose interests are involved in the litigation. *Gibson v Solomon*, 136 Ohio St 101, 16 Ohio Ops 36, 23 NE2d 996, 125 ALR 903.

real property. Land. Such things as are permanent, fixed, and immovable; lands, tenements, and hereditaments of all kinds, which are not annexed to the person or cannot be moved from the place in which they subsist. 42 Am J1st Prop § 13. In a strictly technical sense, such an interest as one has in land; a right, interest, or ownership, existing in the soil, and consisting of an estate in fee or for life. *Callihan v Martin*, 3 Cal 2d 110, 43 P2d 788, 101 ALR 871.

The term has been frequently defined by statute to be coextensive with lands, tenements, and hereditaments, and covers all that goes to make up the earth in its natural condition, including petroleum as found in its natural state, unnamed coal, sand or gravel in its original bed, subterranean water not flowing in a definite course, but percolating through the earth, a room in a house, a toll bridge over a navigable river, and the tolls authorized by law, and mining claims. 42 Am J1st Prop § 13.

See **fixture**.

real property arrangement. A matter of relief provided by Chapter X11 of the Bankruptcy Act so that a debtor can pay his creditors over a period of time while retaining his real property. *Re Dick* (CA7 Wis) 296 F2d 912. A proceeding in the bankruptcy court to obtain a modification or alteration of the indebtedness of an individual which is secured by a lien or liens on real property. 9 Am J2d Bankr §1350.

real release. A release wherein the creditor declares that he considers the debt as acquitted.

It is equivalent to a payment, and renders the thing no longer due. *Booth v Kinsey*, 49 Va (8 Gratt) 560, 568.

real representative. The heir or devisee of a decedent who left real property. *Louisville Trust Co. v Kentucky Nat. Bank* (CC Ky) 87 F 143, 145.

[1060]

real security. Security in property rather than in the undertaking of a surety or guarantor. *Merrill v National Bank of Jacksonville*, 173 US 131, 158, 43 L Ed 640, 650, 19 S Ct 360.

real service. Same as **service real**.

real servitude. See **service real**.

real statute. A statute which regulates property within the state where it is in force, as distinguished from a personal statute which follows and governs the party subject to it wherever he goes. *Saul v His Creditors* (La) 5 Mart NS 569.

real things. See **things real**.

realty. Same as **real property**.

real value. The market value under fair competition, and under normal market conditions. *International Harvester Co. v Kentucky*, 234 US 216, 221, 58 L Ed 1284, 1287, 34 S Ct 853.

real wrong. An injury to real property.

reaming. Enlarging the bore. An operation in the care and maintenance of an oil well. Anno: 55 ALR 1564.

As used by oil-well drillers the word means the enlargement of a smaller hole to its bottom. The reaming ceases when the bottom of the small hole is reached, although the larger hole may be continued below that point. *Clarke v Blue Licks Springs Co.* 184 Ky 827, 213 SW 222, 4 ALR 234, 239.

Ream linguam non facit nisi mens rea. The tongue is not guilty unless the mind is guilty.

reapportionment. A change in legislative or congressional districts, sometimes periodically, for the purpose of providing equality of representation, particularly after a population change. 25 Am J2d Elect § 15.

reappointment. The reinstatement of a civil service employee. 15 Am J2d Civ S § 42. The appointment to public office of a person presently serving in the same office.

reappraisalment. A computation of customs duties following a protest. 21 Am J2d Cust D § 94.

rear admiral. A commissioned officer of the Navy, of a rank comparable to major general of the Army.

rear-end collision. A common form of traffic accident, one vehicle striking another in the rear, as when the vehicle in the lead stops suddenly. 8 Am J2d Auto § 770.

reargument. A rehearing of a motion. 37 Am J1st Motions § 18. A rehearing in an appellate court. 5 Am J2d A & E §§ 978 et seq.

rear light. See **tail light**.

rear-line restriction. A restriction established by covenant against the erection of building nearer than a specified distance to the rear line of the lot. 20 Am J2d Cov § 240.

rear lines. See **back lines**.

rearraignment. An arraignment of the accused after amendment of the accusatory pleading or the substitution of an indictment or information for one which has been lost. 21 Am J2d Crim L § 455.

rearrest. The retaking of a prisoner following his escape from custody. 5 Am J2d Arr § 78.

reason. The ability to think and draw conclusions. Cause; justification. Good sense; good judgment.

Lawyers are copious in their encomiums on the reason of the common law. They tell us that the common law is the perfection of reason; that it always intends to conform thereto, and that what is not reason is not law. But every particular reason of every rule in the law cannot at this distance of time be precisely accounted for, and it is sufficient that there be nothing flatly contradictory to reason, and then the law will presume it to be well founded. See 1 Bl Comm 70.

See **by reason of.**

reasonable. Not extreme. Not arbitrary, capricious, or confiscatory. *Public Service Com, v Haverneyer*, 296 US 506, 80 L Ed 357, 56 S Ct 360.

"What is reasonable depends upon a variety of considerations and circumstances. It is an elastic term which is of uncertain value in a definition." *Sussex Land & Live Stock Co. v Midwest Refining Co.* (CA8 Wyo) 294 F 597, 34 ALR 249, 257.

reasonable basis in law. See **rational basis.**

reasonable belief. A belief begotten by attendant circumstances fairly creating it, and honestly entertained. *Howard v State*, 110 Ala 92, 20 So 365.

reasonable care. A relative term; care required by the circumstances of the case. Due care under the circumstances. 38 Am J1st Negl § 29.

reasonable cause. For prosecution:- -the existence of a reasonable ground of presumption that the charge is or may be well founded. *Wood v United States (US)* 16 Pet 342, 366, 10 L Ed 987, 996. A reasonable amount of suspicion, supported by circumstances sufficiently strong to warrant a cautious man in believing that the accused is guilty. *Tucker v Cannon*, 32 Neb 444, 446. For failure to file tax return on time-inability to file on time notwithstanding the exercise of ordinary business prudence; such cause as reliance on Treasury publication; sometimes oversight of one's attorney or accountant. *Estate of Fisk v Commissioner (CA6)* 203 F2d 358.

A taxpayer's failure to file an income tax return is due to reasonable cause within a statutory exemption from penalty where failure is due to reasonable cause, where the taxpayer has acted with ordinary business care and prudence in the matter. *Orient Invest. & Finance Co. v Commissioner*, 83 App DC 74, 166 F2d 601, 3 ALR2d 612.

See **probable cause; reasonable excuse.**

reasonable charge. See **reasonable rate.**

reasonable compensation. Just compensation. *Sweet v Rechel*, 159 US 380, 404, 40 L Ed 188, 198, 16 S Ct 43.

See **reasonable rate.**

reasonable diligence. A relative term. Diligence as required by the circumstances of the case. 38 Am J1st Negl § 29.

In any business involving the personal safety and lives of others, reasonable diligence is nothing less than the most watchful care and the most active diligence; anything short of this is negligence and carelessness. *Stanley v Steele*, 77 Conn 688, 60 A 640.

See **reasonable time.**

reasonable doubt. As militating against the sufficiency of the evidence:-an actual and substantial doubt of the defendant's guilt arising from the evidence, or from a want of evidence, as distinguished

[1061]

from a vague apprehension. A fair doubt based upon reason and common sense and growing out of the testimony in the case. A doubt arising from a candid and impartial investigation of all the evidence, being such as, in an ordinary transaction of life, would cause a reasonable and prudent man to hesitate and pause. That state of mind which, after a fair comparison and consideration of all the evidence in the case, both for the state and for the defense, leaves the minds of the jury in such a condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge. *Saunders v State*, 4 Okla Crim 264, 111 P 965.

As a reason for a decision in favor of the constitutionality of a statute or municipal ordinance:- -want of certainty that the statute or ordinance is so plainly and culpably violative as to offend the constitution. *Ours Properties, Inc. v Ley*, 198 Va 848, 96 SE2d 754.

reasonable excuse. A relative term; an excuse which is reasonable under the circumstances of the particular case. Anno; 31 ALR 632.

See **reasonable cause.**

reasonable facilities. A relative term: facilities required of a carrier which are reasonable in relation to all the surrounding circumstances and in the light of conditions existing at the time. *Atchison, T. & S. F. R. Co. v State*, 71 Okla 167, 176 P 393, 11 ALR 992. Station facilities:- such facilities as may fairly be demanded by patrons and prospective patrons, regard being had, among other things, to the size of the place, the extent of the demand for transportation, the cost of furnishing the additional accommodations asked for, and all other facts which would have a bearing upon the questions of convenience and use. *Atlantic Coast Line R. Co. v Wharton*, 207 US 328, 52 L Ed 230, 28 S Ct 121.

reasonable ground for prosecution. See **reasonable cause.**

reasonable hour. See **reasonable time.**

reasonable man rule. The rule that in review of an administrative determination, the court will not substitute its judgment or discretion for that of the agency, but will deem the evidence in support of the order sufficient where it is such that a reasonable man considering it would make the same determination. 2 Am J2d Admin L § 686.

reasonable means of conveyance. Any means of conveyance which can be employed upon a public highway with reasonable regard for the safety and convenience of the public, and without inflicting upon the owner of the fee an injury differing in kind from that imposed by use and improvement for ordinary public travel. 25 Am J1st High § 165.

The public is not confined to the use of vehicles in common use at the time when the highway or street was established, but may use such other reasonable means or conveyance as may be discovered in the future, provided they do not exclude the proper use of the highway by other kinds of vehicles, or tend to destroy it as a means of passage and travel common to all. *McClintock v Richlands Brick Corp.* 152 Va 1, 145 SE 425, 61 ALR 1033.

reasonable use of highway. Use of the highway in such a manner as not unnecessarily or unreasonably to impede the exercise of the same right by others. 25 Am J1st High § 164.

See **reasonable means of conveyance.**

reasonable parts. Those parts of a decedent's personal estate to which his widow and lineal descendants were entitled at common law, notwithstanding the dispositions made by him in his will. See 2 Bl Comm 491.

reasonable police regulation. See **reasonable regulation.**

reasonable probability. The degree of proof required in civil cases to support a conclusion of fact; not proof beyond a reasonable doubt or proof to a moral certainty, only evidence which tends with reason to prove the essential facts in a case, either directly, indirectly, or by permissible inferences. 30 Am J2d Ev § 1163.

reasonable provocation. Anything the natural tendency of which is to produce passion in ordinary men, and which the jury are satisfied did produce it in the case before them. 26 Am J1st Homi § 25.

reasonable prudence. Same as **ordinary care.**

reasonable rate. A rate charged by a carrier in such amount as to provide a reasonable compensation for its services and no more. 13 Am J2d Car § 106. A rate charged by a public service company which is not oppressive to those served or confiscatory from the standpoint of the company; a rate which provides the company a fair return on its investment and no more. *Brymer v Butler Water Co.* 179 Pa 231, 36 A 249.

See **fair return.**

reasonable regulation. A regulation which is a proper exercise of the legislative power in protecting the public and providing safeguards for its interest, considering the nature of the condition sought to be remedied, the purpose of the regulation, the means of regulation adopted, and the relation between the purpose and the means. 16 Am J2d Const L §§ 278 et seq.

reasonable restraint rule. The rule that in granting or devising a vested estate, a restraint upon alienation may be imposed for a reasonable period of time, but not beyond the life of the grantee or devisee. *Cities Service Oil Co. v Taylor*, 242 Ky 157, 45 SW2d 1039, 79 ALR 1374.

reasonable return. See **fair return.**

reasonable skill. Such skill as is ordinarily possessed and exercised by persons of common capacity, engaged in the same business or employment. *Mechanics Bank v Merchants Bank*, 47 Mass (6 Met) 13, 26.

reasonable time. A period consistent with reasonable dispatch and without unreasonable delay. 37 Am J2d Fraud § 417. A time that is reasonable considering the nature, purpose, and circumstances of the relevant act. UCC § 1-204(2). A time for presentment or a check for payment that is reasonable from the standpoint of the nature of the instrument, the usage of the trade or business, and the facts of the particular case. 11I Am J2d B & N § 764. For performance of contract in absence of condition as to time, a time which is reasonable from the standpoint of the subject matter of the contract, the situation of the parties, their intention, what they contemplated at the time the contract was made, and the circumstances attending performance. 17 Am J2d Contr § 330.

reasonable time for delivery. A delivery by a seller of goods during usual business hours where the purchaser is a merchant; a delivery at any hour of the day designated for delivery, provided there is

[1062]

still sufficient light, time, and opportunity for the purchaser properly to inspect and care for the goods. 46 Am J1st Sales § 167. A delivery by a carrier within business hours and under such circumstances that the consignee may receive and put away his goods in a manner consistent with their safety. 13 Am J2d Car § 410.

See **reasonable time for transportation.**

reasonable time for transportation. Of passenger transportation in time according with published time table or schedule as due care in accord with the circumstances of the case permits. 14 Am J2d Car § 881. Of freight-transportation in such time as the mode of conveyance, the distance, the nature of the goods, the season of the year, the character of the weather, and the ordinary means for transportation under the control of the carrier. 13 Am J2d Car § 365.

The meaning of the term as contemplated by a provision of a bill of lading that claims for loss, in case of failure to deliver, must be made within a specified time after the lapse of a "reasonable time for delivery," depends upon the circumstances of the particular case and means such time as is necessary conveniently to transport and make delivery of the shipment in the ordinary course of business, in the light of the circumstances and conditions surrounding the transactions. *Chesapeake & O. R. Co. v Martin*, 283 US 209, 75 1, Ed 983, 51 S Ct 453.

reasonable use doctrine. The maxim of the common law that the use of one's own property must be such as not unreasonably to injure others in depriving them of the lawful use and enjoyment of their properties. 38 Am J1st Negl § 15; 39 Am J1st Nuis § 16. A rule in respect of the use of percolating water by a landowner, restricting each landowner to a reasonable exercise of his own rights and a reasonable use of his own property in view of the similar rights of others. 56 Am J1st Wat § 114. The rule that a riparian proprietor may use or detain the water of the stream for purposes necessary for the use and enjoyment of his abutting property, qualified only by the correlative rights of other riparian owners, certain rights of the public, and the condition that the use be had in such manner as not to injure others in the enjoyment of their rights. 56 Am J1st Wat §§ 18, 274.

reasonable user. The use of property by a co-owner which is not capricious, irresponsible, or malicious, but in one of the ordinary methods of reaping profits from property of like character and in like circumstances. 20 Am J2d Coten § 37.

Where two persons own a motor vehicle as tenants in common, the limitation of the right of each is that he is bound so to exercise his rights in the property as not to interfere with the rights of his cotenant. *State ex rel. Fold v Karel*, 131 Fla 305, 180 So 3.

See **reasonable use doctrine**.

reasonably cautious. See **reasonable care**.

reasonably prudent person. See **prudent; the ordinary prudent man**.

reasonably safe. Safe according to the usages, habits, and ordinary risks of the business.

A master performs his duty when he furnishes those appliances of ordinary character and reasonable safety, and the former is the test of the latter; for, in regard to the style of implement or nature of the mode of performance of any work, "reasonably safe" is to be tested by the foregoing definition. *Chrismer v Bell Tel. Co.* 194 Mo 189, 92 SW 378.

reasonably satisfy the jury. Convince the jury as reasonable men that it is worthy of belief. Anno: 147 ALR 383.

reasoning creature. Man. *State v Jones*, 1 Miss (Walk) 83, 85.

reassignment. An assignment made by an assignee. An assignment made by the assignee of an insurance policy. 29 Am J Rev ed Ins § 687. An assignment by an assignee back to the assignor. A new calendar of cases necessitated by exigencies such as unexpected settlements, continuances, voluntary dismissals, or unexpected prolongation of certain trials.

reassignment of homestead. The practice under the statutes of many of the states of the Union fixing a maximum for the value of real property which shall be exempt from levy and sale under execution, of causing the homestead to be selected or assigned again, that is, reassigned, where the homestead originally assigned has so increased in value as to exceed in value the limit fixed by the statute. 26 Am J1st Home § 44.

reassurance. Restoration of confidence.

See **reinsurance**.

reattachment. An attachment of a defendant's person subsequently to his release from a previous attachment in the same action.

See **alias writ**.

reattestation. An attestation of a previously attested instrument, following an alteration thereof. 4 Am J2d Alt Inst § 24. The attestation of a will upon re-execution or republication of the instrument. 57 Am J1st Wills § 625.

rebate. A giving back. A deduction. A discount for prompt payment. State v Schwarzchild, 83 Me 261, 265, 22 A 164. A distribution made by a corporation to stockholders in proportion to the amount of business done with the corporation. Uniform Printing & Supply Co. v Commissioner (CA7 Ill) 88 F2d 75, 109 ALR 966. The act of an insurance company in charging an insured less than the prevailing rate; a matter of discrimination. 29 Am J Rev ed Ins § 506. A deduction made by a common carrier from the rate or charge specified in the tariff schedule. A refunding or repayment by a common carrier of any portion of the rate, fare, or charge made to it in accord with the tariff schedule for the services of the carrier in transporting freight or passengers. 13 Am J2d Car § 114. An allowance made to the purchaser of a municipal bond for the purpose of overcoming the effect of a minimum price fixed by statute. 43 Am J1st Pub Sec § 145.

rebating. See **rebate**.

rebellion. An insurrection against lawful authority which is void of all appearance of justice. 30 Am J Rev ed Insurr § 2. The open and active opposition of a number of citizens or subjects of a country or state to its government. 56 Am J1st War § 2. A term incorrectly applied to the war between the states, otherwise known as the Civil War. 30 Am J Rev ed Insurr § 2.

Rebellion does not constitute a war in a legal sense prior to the recognition of the participants as belligerents by the existing domestic government or by foreign nations. 30 Am J Rev ed Insurr § 2.

See **insurrection**.

[1063]

rebels. Persons who resist authority. Persons in rebellion against the government. A term loosely but incorrectly applied to the personnel of the Confederate Forces engaged in the Civil War. 30 Am J Rev ed Insurr § 2.

rebouter. To rebut; to repel; to bar.

rebroadcast. An exact reproduction of a radio program. Lobe v Turner (Tex Civ App) 257 SW2d 800.

See **recreation**.

rebuild. To build up again; to build or construct after having been demolished.

The term is not in meaning restricted to the erection of a new structure on the site of the old one. Hence, if a building is blown down by a storm, it is possible to rebuild it on a new site. Board of Education v Townsend, 63 Ohio St 514, 59 NE 223.

rebuilding covenant. See **covenant to rebuild**.

rebus. See **de rebus; in rebus**.

rebus sic stantibus. While things thus stand.

rebut. To deny; to contradict; to avoid.

rebuttable. Capable of being rebutted.

rebuttable presumption. A presumption which is not conclusive but may be overcome by opposing evidence. 30 Am J2d Ev § 1165. A provisional procedural assumption of a fact which is prescribed by a rule of a substantive law. *Simpson v Simpson*, 162 Va 621, 175 SE 320, 94 ALR 909. An assumption of facts made because common experience has established that they ordinarily exist where the basic facts from which the assumption arises have been established, but which may, in truth and fact, not exist at all. *Wyatt v Baughman*, 121 Utah 98, 239 P2d 193.

rebuttal. Contradiction or refutation. The speech of a debater in refutation of the statements made by his opponent.
rebuttal evidence. Evidence answering or disputing that given by the opposite party. 53 Am J1st Trial § 120. That evidence which is offered and introduced to explain, repel, counteract, or disprove testimony or facts introduced by or on behalf of the adverse party, including not only evidence which contradicts the witnesses on the opposite side but also evidence in denial of any affirmative fact which the adverse party has endeavored in any manner to prove. 29 Am J2d Ev § 250.

rebuttal of presumption. The adducing of evidence which meets a presumption and dispels it. 29 Am J2d Ev § 165.

See **rebuttable presumption.**

rebutter. A pleading by the defendant in response to plaintiff's surrejoinder. 41 Am J1st PI § 181.

rebutting evidence. See **rebuttal evidence.**

recall. To call back. To remember. To set aside; to vacate; to remove from office.

recalling witness. The act of a party, with the permission of the court, in calling a witness for further examination or cross-examination after a previous calling and examination or cross-examination of the witness in the same case. 58 Am J1st Witn § 561. Having a witness return to repeat his testimony in order to settle a dispute raised between jurors in their deliberations. 53 Am J1st Trial § 936.

recall of judicial decision. The reversal or annulment of a judicial decision by a vote of the electors in a proceeding instituted for such purpose. *People v Western Union Tel. Co.* 70 Colo 90, 198 P 146, 15 ALR 326; 28 Am J Rev ed Init & R § 52.

recall of mandate, writ, or order. The quashing or setting aside by an appellate court of a remittitur, mandate, or other writ or order issued by it. 5 Am J2d A & E § 1008.

recall of public officer. The removal of a public officer by direct action of electors, that is by the vote of bona fide electors. 28 Am J Rev ed Init & R § 53. The removal of an elective municipal officer by vote of the people at an election called for the purpose by a specified number of citizens. 37 Am J1st Mun Corp § 247.

recall of pardon. The revocation or cancellation of a pardon before its delivery and acceptance, by the officer or body which granted it. 39 Am J1st Pard § 47.

recall of witness. See **recalling witness.**

recant. To change one's testimony as given at a former trial because it is untruthful. *State v D'Onofrio*, 221 Md 20.

recantation. The admission by a witness that his testimony as given at a prior trial was mistaken or false. 39 Am J1st New Tr § 169.

recanvass. A review by a canvassing board or other election officers of the returns of the election made by them. 26 Am J2d Elect § 303.

recapitalization. A change in the capitalization of a corporation, especially upon reorganization, by increase or decrease in number of shares of stock or of a particular issue of stock, sometimes providing for preferred stock, at other times, eliminating preferred in favor of common, or by other method of altering the capital structure. 9 Am J2d Bankr § 1590; 18 Am J2d Corp §§ 211 et seq., 1518. For income tax purposes, see *Bazley v Commissioner*, 331 US 737, 91 L Ed 1782, 67 S Ct 1489, 173 ALR 905.

Refunding Of municipal bonds is not a "recapitalization" within Federal income tax law provision that no taxable gain shall be recognized on exchange of securities incident to a corporate "recapitalization." *Emery v Commissioner (CA2)* 166 F2d 27, 1 ALR2d 409.

recaption. See **recapture; reprisal.**

recapture. The retaking and returning to custody of an escaped prisoner. 27 Am J2d Escape § 26. The retaking of property taken as prize of war. 56 Am J1st War § 180. The taking of a vessel from pirates or an enemy who has taken it without right. 47 Am J1st Salv § 10. The retaking of waters which have escaped from artificial confinement, before they have reached a stream. 56 Am J1st Wat § 176.

See **reclamation.**

Receditur a placitis juris potius quam injuriae et delicta maneant impunita. Settled law will be departed from rather than that wrongs and crimes shall remain unpunished.

receipt. The acceptance of property upon a delivery thereof. The acceptance of money offered by way of payment or gift. An acknowledgment in writing of the receipt of money. *Glickman v Weston*, 140 Or 117, 11 P2d 281, 12 P2d 1005. Written evidence of the discharge of an obligation.

No receipt can have the effect of destroying per

[1064]

se any subsisting right; it is only evidence of a fact. It is not a release. A receipt "in full," however, given knowingly and without fraud, has been accorded the conclusive effect of a formal release, but such cases are usually those of compromise of disputed claims or receipts for unliquidated damages. *Ryan v Ward*, 48 NY 204.

A mere receipt for money does not import a promise, obligation, or liability and hence is not within the statute of limitations governing contracts, but if it recites that the money received is to be applied to the account of the person from whom it was received, it partakes of both a receipt and a contract and becomes subject to the statute of limitations applicable to contracts. 34 Am J1st Lim Ac § 85.

See **interim receipt; trust receipt; warehouse receipt.**

receipt for transportation. In effect, a bill of lading. *Empire Transp. Co. v Wallace*, 68 Pa 302.

If the payment was not by way of compromise or settlement of a disputed claim, such a receipt is no bar to a recovery of any balance actually due the creditor. *Ryan v Ward*, 48 NY 204.

receipt in full. A receipt acknowledging payment in full. A release for some purposes. *Dreyfus v Roberts*, 75 Ark 354, 87 SW 641.

receipting for property. A recognized practice wherein the lien of an attachment or execution is continued in force without the necessity or continued physical custody of the property by the officer who served the writ, such being accomplished by

delivering the property to a third person who gives his receipt to the officer and becomes responsible for the safekeeping of the property during the pendency of the action. 6 Am J2d Attach § 550.

receipt of the exchequer. That division of the exchequer which managed the royal revenues, and the other, which was the court or judicial part of it. See 3 Bl Comm 44.

receiptor. A person who receipts for property delivered into his custody by a sheriff who has seized the property in making a levy under a writ of attachment or execution.

See **receipting for property.**

receivable accounts. See **accounts receivable.**

receivable bills. See **bills receivable.**

receive. To take into one's possession, e.g., a letter, a gift, one's salary, or earnings. *Hallenbeck v Getz*, 63 Conn 385, 388; *Commissioner v Williston*, 315 Mass 638, 54 NE2d 43, 151 ALR 1395.

As the words "receive" and "accept" are used in the statute of frauds, the authorities generally agree that they do not mean the same thing, although they are ordinarily synonymous. To "receive" seems to imply taking into possession by the buyer, while "accept" means an assumption of ownership on the part of the buyer, treating the goods as his own. *Mack Co. v Bear River Milling Co.* 63 Utah 565, 227 P 1033, 36 ALR 643, 646.

In computing income taxes, although there is authority to the contrary, the general view is that where a dividend is declared in one year, but not paid or payable to the stockholder until a subsequent year, it is "received" and taxable in the latter rather than the earlier year. But actual receipt is not necessary, and a dividend may be in which it was constructively received by being made unqualifiedly subject to his demand. Anno: 120 ALR 1282.

received. See **receive; value received.**

receiver. A person appointed to take custody of property in a receivership. A person appointed by the court to receive and preserve the property of fund in litigation, and receive its rents, issues, and profits, and apply or dispose of them at the direction of the court, sometimes having the additional duty of operating a business in order to maintain it as a going concern. 45 Am J1st Rec § 3. Any receiver or an estate in bankruptcy. Bankruptcy Act § 1(31); 11 USC § 1(31). An instrumentality for intercepting and disseminating radio communications by sound or signal. An instrumentality for receiving telephonic communications.

See **bank receiver; equity receiver; pendente lite receivership; temporary receiver.**

receiver general of the public revenue. A county tax collector in England.

receiver in bankruptcy. See **receiver.**

receiver of stolen property. A person who receives into his possession or under his control with felonious intent any stolen goods or chattels with knowledge that they have been stolen. *Watts v People*, 204 Ill 233, 240, 68 NE 563.

See **receiving stolen property.**

receiver pendente lite. See **pendente lite receivership.**

receiver's certificate. A certificate or evidence of indebtedness, issued under order of the court by a receiver in possession of property in payment for goods or services purchased or engaged by the receiver payable out of a particular fund in the receivership, and usually constituting a first lien on the property in the receivership. 45 Am J1st Rec § 366.

receivership. The means of reaching a legitimate end through the exercise of the equitable power of the court or under statutory authorization by appointing one known as a receiver with property to seize and take custody of property. An ancillary remedy, sometimes in the nature of a provisional remedy, whereby the preservation of property in litigation is accomplished by placing it in the possession of a receiver appointed by the court. *Pereira v Wulf*, 83 Mont 343, 272 P 532. All equitable remedy for the dissolution or reorganization of a corporation in financial distress.

receivership in aid of execution. A receivership in proceedings supplemental to execution in a case where the right to such remedy is appropriate under circumstances such as the refusal of the judgment debtor to apply his property to the judgment debt, the necessity of collecting future earnings of the judgment debtor, etc. 30 Am J2d Exec § 852.

receivership in foreclosure. A receivership in all action for the foreclosure of a mortgage or lien. 45 Am J1st Rec § 3. A proceeding in aid of an action for the foreclosure of a mortgage on real estate, wherein a receiver is appointed to take possession of the mortgaged property, collect the rents and profits, pay the expenses of the receivership, insurance, and taxes, account for the surplus proceeds, and turn them over to the court for application on the mortgage debt or, if not required for satisfac-

[1065]

tion thereof to the mortgagor. 37 Am J1st Mtg § 912.

receiving a bribe. See **bribery**.

receiving a prize. See **draw a prize**.

receiving deposits while insolvent. The wrong, usually constituting a criminal offense, of a director or officer of a bank in permitting deposits to be made, knowing that the bank is insolvent. 10 Am J2d Banks §§ 198, 242 et seq.

receiving stolen goods. Same as **receiving stolen property**.

receiving stolen property. A criminal offense in receiving stolen goods, knowing them to have been stolen in some jurisdictions a substantive crime, indictable and punishable as an offense separate and distinct from the larceny itself. In other jurisdictions an accessorial offense, the receiver being subject to indictment and punishment as an accessory to the theft or larceny. 45 Am J1st Rec St 11 § 2.

receiving teller. See **teller**.

recens insecutio. Same as **recens secta**.

receiving value therefor. Receiving payment or reward, in some manner, for the particular and specific act of signing an instrument for the payment of money. *Gaspard v Lachney* (La App) 92 So2d 277.

recens secta. Fresh suit; fresh pursuit.

"And if the party robbed do his diligence immediately to follow and apprehend the thief (which is called making fresh suit), or do convict him afterwards, or procure evidence to convict him, he shall have his goods again." See 1 Bl Comm 297.

recent. New or fairly new. Characterizing the period of time immediately preceding the present moment.

In the law of larceny, under the rule that the possession of stolen property must be recent after the theft in order to afford a just basis for an inference of guilt on the part of the possessor, the word "recent" in this connection is incapable of exact definition. Except perhaps in extreme cases, no definite time can be fixed as to when, as a matter of law, possession is or is not

recent. What is recent possession varies, within a limited range, with the conditions and surrounding circumstances of each case, and is, within such range, to be determined by the jury upon the facts of the particular case. The particular period of time involved is an important element to be considered, but it is not the only one. The circumstances and character of the goods, their salability, and whether they are cumbersome or easily portable, are also among the factors to be considered, 32 Am J1st Larc § 142.

"We think that 'recent transactions' to which this Court has declared a tax law may be retroactively applied, *Cooper v United States*, 280 US 409, 411, 74 L Ed 516, 50 Sup Ct Rep 164, must be taken to include the receipt of income during the year of the legislative session preceding that of its enactment." *Welch v Henry*, 305 US 134, 83 L Ed 87, 59 S Ct 121.

recently. Lately.

As the word is used in connection with the probative value of evidence that stolen goods were recently in the possession of the defendant, it refers to the defendant's possession soon after the theft and not to possession immediately before prosecution. See *State N Wiley*, 53 Mont 84, 164 P 84.

Possession of the fruits of crime recently after its commission justifies the inference that the possession is guilty possession, and though only prima facie evidence of guilt, may be of controlling weight unless explained by the circumstances or accounted for in some way consistent with innocence. *Wilson v United States*, 162 US 613, 619, 40 L Ed 1090, 1095, 16 S Ct 895.

recent transaction. See **recent.**

reception of verdict. The declaration of the verdict by the foreman of the jury in open court, all other members of the panel being present for questioning in reference to their adherence to the verdict thus declared. 53 Am J1st Trial § 1020.

receptus. (Civil law.) An arbitrator.

recess. A short break in the course of a morning or afternoon session of court. A time when court is not in session due to an adjournment of the session. 20 Am J2d Cis §§ 47-50. A break in the session of a legislative body; a temporary suspension or interruption of a session or meeting rather than an adjournment sine die. Anno: 28 ALR 1157. An interval of time between sessions of a religious body. *Ellis v State*, 10 Ala App 252, 65 So 412.

recession. A granting back of property by the grantee to his grantor. A diminution in business activity.

recessus. An exit; a going out; an egress.

recessus maris. The receding of the sea.

See **reliction.**

recetour. A person who received or harbored a felon or an outlaw.

recettement. The receiving or harboring of a felon or an outlaw.

recettour. Same as **recetour.**

rechate. A ransom.

rechater. To ransom.

recidivist. One who has relapsed into crime after having been once convicted and punished. An habitual criminal.

recidivism. The relapse into crime of one once convicted and punished for a crime.

See **habitual criminal.**

reciprocal. Operating on two sides, the operation on the one side being in return for the operation on the other side.

reciprocal accounts. Same as mutual accounts.

reciprocal contract. A bilateral contract, a contract in which the promise of each party forms the consideration for the promise of the other party.

reciprocal covenants. See **mutual covenants.**

reciprocal demands. Demands between two persons, one against the other and the other against the one, as in mutual accounts. 1 Am J2d Acctg § 5.

See **mutuality of parties and demands.**

reciprocal demurrage. A charge imposed against a carrier for the detention of loaded cars beyond a specified period by way of recompense to the shipper for the inconvenience

[1066]

resulting to him from the detention. 13 Am J2d Car § 492.

reciprocal distress. A second distress taken when the first failed because the property was taken out of the jurisdiction to defeat it. 3 Bl Comm 148.

reciprocal easements. See **mutual easements.**

reciprocal exemption. An exemption from inheritance or succession tax of the intangible personal property of residents of other states, conferred by statute in favor of property left by decedents resident in a state which confers a similar exemption to residents of the state in which the statute was enacted. Anno: 42 ALR 333, 394, s. 86 ALR 741, 760; 69 ALR 949, s. 139 ALR 1062. An exemption from inheritance or succession tax granted on a reciprocal basis to foreign charitable institutions. Bendheim's Estate, 100 Cal App 2d 398, 223 P2d 874; Uihlein's Estate, 247 Wis 476, 20 NW2d 120.

reciprocal insurance. A system whereby individuals, partnerships, or corporations, engaged in a similar line of business, undertake to indemnify each other against a certain kind or kinds of losses by means of a mutual exchange of insurance contracts, usually through the medium of a common attorney in fact appointed for that purpose by each of the underwriters, under agreements whereby, as among themselves, each member separately becomes both an insured and an insurer with several liability only. 29 Am J Rev ed Ins § 102.

reciprocal insurance association. An association providing reciprocal insurance to its members. 29 Am J Rev ed Ins § 102.

See **reciprocal insurance.**

reciprocal libel or slander. Defamation of the defendant by the plaintiff arising out of the same transaction as that in which the plaintiff asserts defamation of him by the defendant. 20 Am J2d Countcl § 41.

Reciprocal Enforcement of Support Act. One of the uniform laws. 23 Am J2d Desert § 125. A statute enacted for the purpose of avoiding difficulties in the enforcement of an obligation of support where the person owing the duty has departed from the state in which the dependent resides.

reciprocal mistake. See **mutual mistake.**

reciprocal negative easement. An easement arising from restrictions by covenant limiting the use of land to residential purposes for the benefit of the entire tract, being created on the division of the tract and conveyance in severalty to different grantees of the entire tract. *Allen v Detroit*, 167 Mich 464, 133 NW 317.

reciprocal remainders. See **cross remainders.**

reciprocal states. Within the meaning of the Uniform Insurers Liquidation Act, states which have adopted the Act. *Martin v General American Casualty Co.* 226 La 481, 76 So2d 537, 46 ALR2d 1178.

reciprocal statute. A limitation statute of one state which provides that when an action arising in another state is barred therein by limitation, no action thereon shall be brought in the former state except by a citizen thereof who has held the cause of action from the time it accrued. 34 Am J1st Lim Ac § 370.

See **reciprocal exemption; retaliatory statute.**

reciprocal tariff, commerce, or navigation. A matter of stipulation by treaty or trade agreement between nations whereby the one agrees with the other and, in reverse, the other with the one, that either one of them shall have every advantage or favor in reference to customs duties, commerce, and navigation that the other has granted to any other nation. 21 Am J2d Cust D § 10.

reciprocal trusts. Trusts existing where A creates a trust for B and B creates a similar trust for A, A and B usually being husband and wife or members of the same family. Anno: 139 ALR 526; 38 ALR2d 522; 98 L Ed 21.

reciprocal wills. Wills in which the testators name each other as beneficiaries under similar testamentary plans. Anno: 169 ALR 13.

Wills may be strictly reciprocal, each testator leaving his or her entire estate to the survivor, and they may depart from strict reciprocity by including bequest to third persons, without losing their character as "reciprocal" wills. 57 Am J1st Wills § 681.

reciprocity. Interchange of privileges and advantages.

See **terms and expressions beginning reciprocal or reciprocity; also see mutuality.**

reciprocity between states or nations. An arrangement between states which permits an attorney at law moving from one state to another to be admitted to practice in the latter state without examination. Anno: 51 ALR2d 1198. A matter of relationship between states or nations whereby the recognition in one state or nation of a right under the laws of another state or nation is to be considered in determining whether the latter shall recognize a similar right arising under the laws of the former. *Hart v Oliver Farm Equipment Sales Co.* 37 NM 267, 21 P2d 96, 87 ALR 962.

No doctrine of comity, in the sense of reciprocity, governs absolutely the action of a court with regard to the enforcement of a foreign right; no foreign right should be refused enforcement merely because it arose in a state, the courts of which do not enforce similar rights created abroad. Restatement, Conflict of Laws § 6, Comment a.

The "reciprocity" rule, whereby a judgment of a foreign country will be given such effect in an American court as the courts of that country would accord to an American judgment, may not be invoked where plaintiffs are not citizens of the United

States. *Bata v Bata* (Sup) 39 Del Ch 258, 163 A2d 493, rearg den 39 Del Ch 548, 170 A2d 711, cert den 366 US 964, 61, Ed 2d 1255, 81 S Ct 1926.

See **reciprocal tariff, commerce, or navigation.**

reciprocity statute. See **reciprocal statute.**

recital. Detailed statement of fact. The statement in a deed denoting the operative effect of the instrument. A statement of jurisdictional facts appearing in a judgment. 30A Am J Rev ed Judgm § 40. A fault in pleading, the statement being indirect and not positive. 41 Am J1st PI § 37.

recite. To set forth in detail.

The statute requiring a sheriff's deed to recite the execution is not fulfilled by referring to such execution. *Ogden v Walters*, 12 Kan 282, 285.

reciting a statute. Quoting or stating in detail the content of a statute. *Hart v Baltimore & Ohio Railroad Co.* 6 W Va 336, 348.

reckless. Careless. Disregard or indifference to consequences under circumstances involving danger to life or safety of others. *State v Custer*, 129 Kan 381, 282 P 1071, 67 ALR 909; *State v Mills*, 181 NC 530, 106 SE 677,

[1067]

When applied to negligence, the word has no legal significance which imports other than simple negligence or a want of due care. But in the use of the word in connection with averments of facts to which it refers and explains, it may imply more than mere heedlessness or negligence. *Louisville and Nashville Railroad Co. v Anchors*, 114 Ala 492, 22 So 279.

See **recklessness.**

reckless driving. A criminal offense; a basis of liability for injury to the person or property of another. Driving under circumstances showing a reckless disregard of the consequences; driving carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner endangering person or property. 7 Am J2d Auto § 263; 26 Am J1st Homi § 215.

recklessness. Indifference to consequences; indifference to the safety and rights of others. Wantonness; more than ordinary negligence. *Harrington v Los Angeles Railway Co.* 140 Cal 514, 74 P 15; *Kansas Pacific Railway Co. v Whipple*, 39 Kan 531, 542.

See **reckless; reckless driving.**

reckless statement. A statement sufficient in support of an action for fraud and deceit. as made with indifference as to the truth of the representation. 37 Am J2d Fraud § 12.

reclaim. To demand or effect a reclamation.

See **reclamation.**

reclaimed animal. A wild animal taken into possession, custody, and control, such being rendered effective by taming, domesticating, or confining it. 4 Am J2d Am § 17.

reclaimed land. See **made land; reclamation.**

reclamation. Making land fit for cultivation, as by draining swamps, 25 Am J2d Drains § 3, or irrigating and land. The taking of a wild animal into possession. Anno: 49 ALR 1498; 4 Am J2d Am § 17. Demanding and obtaining the return of one's property in the possession of another. The retaking of property once abandoned, lost, or mislaid. 1 Am J2d Aband §§ 24, 25, 28, 30, 32. A proceeding in bankruptcy whereby the real owner of property obtains it from the trustee in the estate in bankruptcy. 9 Am J2d Bankr § 1194.

Reclamation Act. A federal statute providing a plan for the reclamation by means of irrigation of and lands, and for the entry of the reclaimed lands by homesteaders. 43 USC §§ 371 et seq.

reclusion. An involuntary withdrawal from society. Forced confinement. Punishment in being confined in a prison at hard labor, carrying civil degradation. Phelps v Reinarch, 38 La Ann 547, 551.

recognition. Taking notice of. Acknowledgment; admission. Identification from circumstances in one's knowledge. Becoming bound by a recognizance.

recognition of bastard. See **recognition of paternity.**

recognition of belligerency. The recognition by one country of a state of war as existing between two other countries. The recognition by a government of a force within the country contending with arms against it, thereby rendering that which might have been an insurrection or rebellion a civil war. 56 Am J1st War § 2. An accordancy by the political and executive departments of a foreign government of belligerent rights to a body or mass of people engaged in civil war, by which such mass or body are granted the rights and immunities of civilized warfare and assume the burdens thereof. See *The Ambrose Light* (DC NY) 25 F 408, 412.

recognition of government. Acknowledging the existence as a sovereign nation of a revolting state or province upon its having manifested the ability to sustain its new status as a nation. 30 Am J Rev ed Internat L § 13.

recognition of paternity. Words, acts, or conduct indicating that a child born out of wedlock is one's child. 10 Am J2d Bast § 29.

recognition of superior title. Words, acts, or conduct subordinating one's possession to, or admitting the existence of, a superior title, thereby effectively negating the character of one's possession as adverse to the holder of such title. 3 Am J2d Adv P § 82.

recognitors. Jurors impaneled on an assize of nuisance. *Barnet v Ihrrie* (Pa) 17 Sarg & R 174.

recognizance. An obligation entered into before a court of record or duly authorized magistrate, containing a condition to do some particular act, usually to appear and answer a criminal accusation. A term used interchangeably with bail bond in many statutes and court opinions. 8 Am J2d Bail § 2.

recognize. To give recognition.

See **recognition.**

recognizee. The person to whom the promise is made in a recognizance.

recognizer. A person who binds himself by a recognizance.

recommend. To speak with favor. To advise in favor of a course of action to be taken. In the context of a will, usually the equivalent of a direction to be followed by the executor. *Pembroke Academy v Epsom School Dist.* 75 NH 408, 75 A 100. A word of command or direction effective to create a precatory trust. Anno: 107 ALR 897. To commit; to entrust; to consign; to give in charge. *Ex parte Seward*, 299 Mo 385, 253 SW 356, 31 ALR 665, 668.

recommendation for credit. A representation in commendation of another person's credit.

Such a recommendation does not create contractual relations between the parties thereto and the recommending party is not liable for the default of the person whose credit he recommends unless he fraudulently makes the recommendation in order to induce the giving of a credit. See 24 Am J1st Guar § 7.

recommendation for employment. See **service letter.**

recommendation of mercy. A statement by the jury accompanying a verdict of guilty recommending the defendant to the mercy of the court in the sentence to be imposed. 53 Am J1st Trial § 1061.

recommendatory words. See **precatory words.**

recommit. To make a recommitment.

See **recommitment.**

recommittal. See **recommitment.**

recommitment. Returning a convict to prison upon his breach of the terms or conditions of parole. *Badgley v Morse*, 132 Kan 544, 296 P 344, 74 ALR 1115. Returning a convict to prison upon his violation of the terms of a pardon issued subject to conditions, the effect of the violation being to nullify the pardon, making the situation the same as

[1068]

if no pardon had taken effect. 39Am J1st Pard § 73. The resubmission of a case to a master or referee, as where his report or decision has been set aside. *A. T. Stearns Lumber Co. v Howlett*, 260 Mass 45, 157 NE 82, 52 ALR 1125.

recompensation. A Scottish term for the plaintiff's pleading in response to defendant's plea of compensation, that is, a plea of setoff.

recompense. A reward; a compensation; a remuneration; a payment for services rendered.

recompense of recovery in value. Judgment for the demandant in a common recovery where the vouchee has disappeared, being for the recovery of lands of equal value. 2 Bl Comm 358.

reconcile. To effect a reconciliation.

See **reconciliation.**

reconciliation. A composing of differences. A resumption of cohabitation by spouses previously living apart. Construing a contract so as to give effect to provisions apparently contradictory or conflicting. Jurors harmonizing their views in deliberations. 53 Am J1st Trial § 911.

"It is quite probable that etymologically the two words ('harmonize' and 'reconcile') are not synonymous, but, as commonly used, they are so nearly equivalent that we are satisfied that the jury have understood the rule of their duty as to conflicting evidence precisely the same whether they were told to harmonize or to reconcile such evidence." *Holdridge v Lee*, 3 SD 134, 138, 52 NW 265.

reconditioned automobile. An automobile which has been restored, so far as possible, to its original condition by repairs and the replacement of worn out and defective parts.

Where a dealer in secondhand motor vehicles undertakes to overhaul and recondition such vehicles for subsequent sale to the general public, he has the same duty as the manufacturer to exercise reasonable care with reference to the equipment of the vehicle and with respect to ascertainment of its condition, so that it may be kept under control and not become a menace to life and limb. *Bock v Truck & Tractor*, 18 Wash 2d 458, 139 P2d 706.

reconditioning. Restoring an appliance, vehicle, or machine, to its original condition, so far as possible, by repairs and the replacement of worn out and defective parts.

reconduction. (Civil law.) The renewal of a lease.

reconsideration. The taking up for renewed consideration that which has been passed or acted upon previously. *People ex rel. Lawrence v Board of Supervisors*, 48 App Div 428, 432, 63 NYS 317. A rehearing. A discussion and consideration in a meeting of a matter previously considered and decided. 19 Am J2d Corp § 628 (meeting of stockholders); 37 Am J1st Mun Corp § 150 (meeting of council of municipality).

See **rehearing**.

reconsideration of bill. The action of a grand jury in considering a charge after having once voted not to indict, after an indictment has been quashed or set aside, or after a new trial has been granted. 27 Am J1st Indict §§ 17-20. The reconsideration by a body of the legislature of a bill which it has passed, the right to which, in the absence of a special rule to the contrary, continues so long as the bill remains in the custody or under the control of the body proposing reconsideration. 50 Am J1st Slat § 89.

reconstruction. The process by which the seceding southern states were reorganized after the War between the States, otherwise known as the Civil War. A rebuilding. A complete rebuilding. The act of constructing again. *Goodyear Shoe Machinery Co. v Jackson* (CA I Mass) 112 F 146. Work done upon a structure which has been demolished in whole or in part. *Vincent v Frelich*, 50 La Ann 378, 23 So 373.

Under statutes authorizing special assessments for the "reconstruction" of street improvements, the word presupposes the nonexistence of the thing to be reconstructed, as an entity; that the thing before existing, has lost its entity. The fact that some of the material or parts which entered into the composition of the original entity are used does not negative the character of an operation as a reconstruction. 48 Am J1st Spec A § 604.

In patent law, the reconstruction of a machine is the rebuilding of it, as distinguished from its repair or replacement. *Goodyear Shoe Machinery Co. v Jackson* (CAI Mass) 112 F 146.

Reconstruction Acts. Two acts of Congress passed shortly after the Civil War, in 1867, providing a plan for the re-organization of the state governments of those states of the Union which had seceded from it. *Texas v White* (US) 7 Wall 700, 19 L Ed 227.

Reconstruction Amendments. Amendments XI, XIV, and XV to the United States Constitution.

Reconstruction Finance Corporation. A one-time federal corporate body exercising various functions in reference to loans and advances for financing projects under federal state, or municipal law and the rendering of financial assistance to business enterprises, which functions have been transferred to other federal agencies and instrumentalities. 15 USC § 601, note.

recontinuance. The recovery back of an incorporeal hereditament which has been fortiously divested.

reconvene. In the civil law, to interpose a counterclaim.

reconvenire. (Civil law.) To plead a cross-demand.

reconventio. (Civil law.) A cross demand. A Counterclaim.

reconvention. A cross demand. The civil-law equivalent of a counterclaim. 20 Am J2d Countcl § 5.

reconversion. The abandonment, prevention, or frustration of equitable conversion.

After there has been an equitable conversion of land into money or money into land, and before any actual conversion has taken place, that fiction may be abandoned and the property again considered in equity according to its actual character as realty or personalty as, the case may be, as a result of the election of the person entitled to the property to take it in its unconverted form. 27 Am J2d Eq Conv § 17.

See **double conversion.**

reconveyance. A conveyance by the grantee under a former conveyance to the grantor in such conveyance.

[1069]

recoop. Same as **recoupe.**

Recopilacion. A compilation of the laws of Spain for the government of the Indies made in 1661 by order of Philip IV. It is the only authentic collection of the ordinances and decrees governing Spanish-America prior to the year 1860. See *Ponce v Roman Catholic Apostolic Church*, 2 10 US 296, 315, 52 L Ed 1068, 1076, 28 S Ct 737.

record. Noun: A memorial and evidence of something written, said, or done. 45 Am J1st Reeds § 2. A plate, tape, or wire containing impressions from which sounds are reproduced.

Under the ancient authorities the word signified a roll of parchment upon which the proceedings and transactions of a court were entered and drawn up by its officers. Blackstone gives substantially the same definition. But in the United States, paper has universally supplied the place of parchment as the material for the record. *Nugent v Powell*, 4 Wyo 13, 33 P 23.

See **court record; index; public record.**

record. Verb: To recite or repeat in writing; to transcribe; to enter upon a book provided for that purpose. *Montgomery Beer Bottling Works v Gaston*, 126 Ala 425, 28 So 497. To make a record, to spread the contents of an instrument upon a public record, for example, the copying of an instrument filed for record in a book kept for the purpose in a public office. 45 Am J1st Reeds § 65. To file for record in a proper office, as in the case of chattel mortgages and conditional sale contracts. 15 Am J2d Chat Mtg § 8 1; 45 Am J1st Reeds § 67. Making an impression upon plate, tape, or wire of sounds for reproduction by record player or for television.

recordari. A substitute for an appeal from a judgment of a court not of record, where the appeal has been lost by fraud or accident. *Critcher v McCadden*, 64 NC 262, 263.

recordari facias loquelam. That you cause the plaintiff to be recorded. See 3 Bl Comm 34

Recorda sunt vestigia vetustatis et veritatis. Records are the marks of antiquity and truth.

recordation of verdict. The formal reception of a verdict by the clerk of the court and his entry of the same upon the records of the court with the assent, express or implied, of the jury, thus ending the trial. 53 Am J1st Trial § 1027.

recordatur. Let it be entered of record.

record court. See **court of record.**

record date. The date specified in the declaration of a dividend on corporate stock as of which one must be a stockholder of record in order to be entitled to the dividend, the specification of date being for the purpose of determining the right to the dividend as between successive owners of stock. 19 Am J2d Corp § 892.

recorded. See **record.**

recorder. A public officer in charge of the public records of instruments and instruments filed for record, having the duty of making a public record, or of filing as a public record, instruments presented to him for record. An elective county officer in some jurisdictions. In other jurisdictions, a subordinate officer in the office of county clerk or clerk of court.

recorder's court. An inferior court of limited jurisdiction established under legislative authority in a city or town with a jurisdiction which is usually similar to that of justices' courts in civil matters and to that of police courts in criminal cases, Colton v Superior Court, 84 Cal App 303, 257 P 909.

recording. See **record.**

recording acts. See **recording laws.**

recording laws. Statutes which provide for the recording of instruments, particularly instruments affecting title to real estate, and prescribe the manner in which the record is to be made. 45 Am J1st Recds § 65.

recording machine. A machine for recording the words of a person on a wax plate, a steel tape, or wire for later reproduction in sound. 23 Am J2d Dep § 59.

recording officer. See **recorder.**

recording patent. The recording of a patent in the Patent Office, together with the specifications, by way of giving constructive notice to all the world of their existence. Sontag Chain Stores Co. v National Nut Co. 3 10 US 281, 84 L Ed 1204, 60 S Ct 961, reh den 311 US 724, 85 L Ed 471, 61 S Ct 53.

recording tax. A tax imposed upon the recording of a mortgage, contract, or other instrument relating to real property. 51 Am J1st Tax § 1257.

record notice. Constructive notice of a matter of public record, especially of an instrument of title or mortgage. 45 Am J1st Reeds § 85.

recordo et processu mittendis. See **de recordo et processu mittendis.**

record of conviction. A judicial record of the ascertainment of the guilt of a person accused of crime and judgment thereon by the court, implying not only the record of a verdict, but also the record of the court's judgment or sentence thereon. Commonwealth v Minnich, 250 Pa 363, 95 A 565.

See **recordation of verdict.**

record of corporation. See **corporate records.**

record of court. See **court record.**

record of nisi prius. A transcript of the pleadings in a case handed to the judge who is to preside at the trial.

record on appeal. Those papers and only those papers which the trial court is required to transmit or certify to the appellate court and on which the latter court decides the cause. 4 Am J2d A & E § 397.

record on removal. The copy of the record of the suit in the state court to be filed on removal of the cause to the federal court, consisting of the copies of the process, pleadings, depositions, testimony, and any other proceedings of record in the state court, including the petition for removal. 28 USC § 76; Carson v Dunham, 121 US 421, 30 L Ed 992, 7 S Ct 1030.

record owner. The owner of premises under either a legal or equitable title as such ownership appears from the public records of title. Godwin v Gerling, 362 Mo 19, 239 SW2d 352, 40 ALR2d 1250.

See **title of record.**

record player. An instrument for the reproduction of sounds recorded by impression upon wax plate,

[1070]

wire, or steel tape, much used in the enjoyment of music.

record proper. Those papers, documents, files, minutes and other records which the law requires to form the record of a case, and no others. Hodges v State, 38 Okla Crim 259, 259 11 1056.

See **judgment roll; strict record.**

records and books of account. The serial, continuous, and permanent memorials of it concern's business and affairs, chronologically and systematically kept and arranged. Cudahy Packing Company v United States (CA7 Ill) 15 F2d 133.

record title. See **title of record.**

recordum. A record.

record warranty. The warranty by the insured under a policy of insurance upon stocks of goods or merchandise, that he will make and keep inventories and books of account to be kept in an iron or other fire proof safe, or other secure place, and will, upon demand, produce such books and inventories for the inspection of the insurer. 29A Am J Rev ed Ins § 939.

recount. A second canvass of the votes cast at an election for a particular office. 26 Am J2d Elect § 295. An inspection and recounting of votes in it contest of an election. 26 Am J2d Elect § 355.

recoup). Same as **recoupe.**

recoupe. To plead a recoupment.

recoupment. Literally, a cutting back. Davenport v Hubbard, 46 Vt 200. A deduction from a money claim whereby cross demands arising out of the same transaction are allowed to compensate one another, the balance only to be recovered. National Cash Registet Co. v Joseph, 299 NY 200, 86 NE2d 561, 12 ALR2d 812. The right of a defendant, in the same action, to cut down the plaintiff's demand either because the plaintiff has not complied with some cross obligation of the contract on which he sues or because he has violated some duty which the law imposes on him in the making or performance of that contract. 20 Am J2d Countel § 1.

Recoupment, as distinguished from the offsetting of one transaction against another, means a deduction from a money claim whereby cross demands arising out of the same transaction are allowed to compensate one another and the balance only to be recovered. *National Cash Register Co. v Joseph*, 299 NY 200, 86 NE2d 561, 12 ALR2d 812.

recoupment theory. A theory sometimes applied in determining the amount of property subject to condemnation under the power of eminent domain, the theory being that if the public body is permitted to take somewhat more than that which is barely necessary for the improvement, it will be able to dispose of parts not needed at favorable prices, thereby recouping much of the cost of the improvement. *Cincinnati v Vester* (CA6 Ohio) 33 F2d 242, 68 ALR 831, affd 281 US 439 74 L Ed 950 50 S Ct 360.

recourse. A seeking of aid or assistance. Resort to a person for satisfaction of a demand. In ordinary legal and commercial usage, resort by creditor or obligee to a surety, guarantor, or indorser for payment, after the default of the principal debtor or person under primary liability. *Industrial Bank & Trust Co. v Hesselberg* (Mo) 195 SW2d 470.

See **without recourse**.

recourse to law. Invoking the jurisdiction of a court by commencing an action or proceeding.

recousse. Same as **recaption**.

recover. To become well after suffering sickness or disability. To acquire by means of litigation; to acquire as the result of a formal judgment or decree of a court. To receive; to come into possession of. *Standidge v Chicago Railways Co.* 254 111524, 533, 98 NE 963, 966.

To recover, in law, is to recover anything, or the value thereof, by judgment; as if a man sue for any land, or other thing, movable or immovable, and have it verdict or judgment for him. See *Norton v Winter*, 1 Or 47.

recoverable. Susceptible of being recovered or regained.

The bankruptcy law provides alternately for the regaining of preferential payments by the trustee, first by visiting the creditor with the danger of a penalty-the disallowance of any portion of his claim; and secondly, in case of the knowing creditor, the right on the part of the trustee to bring suit. In either case the payments are gotten back,-there is a recovery, and in both-whether under stress of the penalty or by virtue of a suit-it is the law that makes them recoverable. *Peterson v Nash Brothers* (CA8 Minn) 112 F 311.

recoveree. A person who suffered a common recovery.

recoverer. A demandant who recovered a judgment in a proceeding by common recovery.

recovery. The amount which a claimant ultimately receives under or in consequence of a judgment. *United States v Konstovich* (CA4 Va) 17 F2d 84. In the usual sense, the amount of damages awarded. In a broader sense, the effect of any judgment rendered in favor of one asserting it cause of action. Receiving or coming into possession of something.

In its general use, the word signifies a recovery had by process and course of law; though in it special case it may mean collected or obtained without suit. It has its ordinary and popular meaning of payment compelled by action in the revenue laws of the state. *People v Reis.* 76 Cal 269, 279, 18 P 309.

See **common recovery; prior adjudication**.

recovery back. The recovery of a payment made to a person from the person himself. 11 Am J2d B & N §§ 991 et seq.

recovery by double voucher. A form of common recovery wherein the writ was brought against a person to whom a conveyance was made as a matter of form and who vouched the real tenant, the latter vouching the common vouchee.

recovery of judgment. The rendition of judgment in favor of a party, whether plaintiff or defendant. In one sense, obtaining payment or satisfaction of a judgment. *Hackett v Hyson*, 72 RI 132, 48 A2d 353, 166 ALR 1096, 1098.

recreant. A disloyal person. One unmindful of duty. A coward.

In the course of a trial by wager of battle, a champion was said to prove "recreant" when he yielded to his adversary and pronounced the "horrible word of craven," which signified disgrace and obloquy, rather than anything determinate in meaning. See 3 BI Comm 340.

[1071]

recreation. A radio broadcast dramatizing actual events taken from a prior broadcast. *Lobe v Turner* (Tex Civ App) 257 SW2d 800; Anno: 15 ALR2d 793.

recreation. Amusement, play, or other form of relaxation, by way of refreshment of mind or body.

recreational area or center. A place for indulging in sports, hunting, fishing, photography, or the enjoyment of nature. some times a place of public accommodation. 15 Am J2d Civ R § 29.

A city making large expenditures and receiving only nominal fees in maintaining an indoor community recreational center is engaged in a governmental function. *Ramirez v Ogden City*, 3 Utah 2d 102, 279 P2d 463, 47 ALR2d 539.

recreational center. See **recreational area or center.**

recreentials. See **letter of recre dentials.**

recremination. A defense in an action for divorce, consisting of the plaintiff's guilt of misconduct which in itself is a ground of divorce. 24 Am J2d Div & S § 226.

re-cross-examination. The re-examination of a witness by the other party after the party who called him has re-examined him following his cross-examination.

It is proper to limit the re-cross-examination of a witness who has been examined and fully cross-examined and subsequently recalled and re-examined in chief, to the matters testified to by the witness on such re-examination. 58 Am J1st Witn § 563.

recruiting. Obtaining persons to strengthen a force, particularly for the armed forces.

Recruiting heretofore usually having been accomplished by getting volunteers, the word is apt to call up that method only in our minds. But recruiting is gaining fresh supplies for the forces, as well by draft as otherwise. See *Schenck v United States*, 249 US 47, 53, 63 L Ed 470, 474, 39 S Ct 247.

recruiting against the United States. The offense prescribed by federal statute of recruiting soldiers or sailors within the United States to engage in armed hostility against the United States. 52 Am J1st Treas § 11.

recruiting and enlistment service. The service of obtaining recruits and inducting them into the armed forces, coupled with the means, agencies, and instrumentalities adopted for use in the performance of such service. *O'Hare v United States* (CA8 ND) 253 F 538.

rectatus. Same as "arrectatus," a person who was accused or suspected of crime.

recte. Rightly; property; correctly; suitably; favorably; duly; well.

rectifier. One who purifies spirits in any manner, or who mixes them with anything else and sells them under any name.

rectify. To make right. To correct; to amend. To distill. Anno: 108 ALR 1075, 1077-1079. To distill again and again.
To rectify distilled spirits is not to manufacture such spirits. See *Commonwealth v Giltinan*, 64 Pa 100, 105.

recto. See **de recto**.

recto de advocacione. See **de recto de advocacione**.

recto de dote. See **de recto de dote**.

recto deficere. See **de recto deficere**.

recto patens. See **de recto patens**.

rector. A minister of the gospel or priest in charge of a parish.
See **parson**.

rectorial tithes. Great tithes; tithes of grain, hay, or wood.

rector provinciae. A Roman provincial governor.

rectory. Same as parsonage.

recto sur disclaimer. An old writ which lay for the lord of the manor against his tenant upon the tenant's disclaimer of tenure.

rectum. Right; that which is right.
See **anus**.

rectum esse. To be right.

rectum rogare. To pray or petition for that which was right.

rectus in curia. Right in court; in good standing in the eyes of the court. Exonerated. *Union Bank v Powell's Heirs*, 3 Fla 175.

Recuperatio, i. e., ad rem per injuriam extortam sive deten tam, per sententiam judicis restitutio. Recovery, that is, restitution through the judgment of a court of a thing wrongfully extorted or with held.

recuperatores. Roman judges.

Recurrendum est ad extraordinarium quando non valet ordinarium. Resort or recourse must be had to the extraordinary when the ordinary does not succeed.

recurrent insanity. Insanity temporary in character and returning from time to time, resulting from some peculiar transitional condition of the system. *Leache v State*, 22 Tex Crim 279, 3 SW 539.

recurrent nuisance. A nuisance characterized by injury to another or others of a recurring nature, the harm not being inflicted all at one time. 39Am J1st Nuis § 131.

recurring employment. Employment to perform a particular service or class of service, somewhat regularly from time to time and with a fair expectation of repetition for a reasonable period. 58 Am J1st Workm Comp § 93.

recusable. Open to rejection.

See **irrecusable.**

recusant. A person who refused to admit the ecclesiastical supremacy of the king of England or to attend the English church.

recusatio iudicis. (Civil and ecclesiastical law.) An exception to a judge for suspicion of partiality. See 3 Bl Comm 361.

recusation. Challenging a judge for prejudice or bias. Challenging a judge for disqualification, including a challenge on the judge's own motion. State ex rel. Miller v Aldridge, 212 Ala 660, 103 So 835, 39 ALR 1470. Challenging an administrative officer, or member of an administrative

[1072]

board, conducting a hearing on the ground of disqualification to act. 1 Am J2d Admin L § 67.

recusatio testis. (Civil law.) The rejection of a witness by reason of his incompetency to testify.

red. A primary color. The color at the lower end of the spectrum. In modern parlance, a characterization of a communist or one who favors the creation of a socialist state such as prevails in Russia and its satellite countries. A term susceptible to construction as a person who believes in disobedience to the laws of private property and the appropriation of all such property by the state. Toomey v Jones, 124 Okla 167, 254 P 736, 51 ALR 1066.

red book of the exchequer. A very old record of the English exchequer in which holders of lands were registered.

red cap. A porter at a station of a carrier to assist passengers, especially with their luggage.

Red Cross. A nationwide charitable corporation operating under a charter conferred by Congress, supported by contributions by members and other people of good will, serving the armed forces, and standing ready to furnish relief in disasters, such as hurricanes, earthquakes, and so forth, performing community services such as the collection of blood donations, and also rendering international services of a charitable nature.

Reddendo singula singulis. Separate things or matters to be assigned or rendered to separate things or matters. A maxim of construction, meaning that where the sense requires it, and furtherance of the legislative intention, words or clauses in a statute are to be taken distributively. 50 Am J1st Stat § 267.

reddendum. A clause in a deed used to effect a reservation of an estate in the land granted, for example, the reservation of a life estate. Freudenberger Oil Co. v Simmons, 75 W Va 337, 83 SE 995.

reddere. To return; to render; to come in as revenue or rent.

reddidit se. He has surrendered himself, -a form of indorsement on a bail piece when the proper officer has certified that the defendant is in custody.

redditarium. Rent; rental.

reddition. A surrender; a restoration.

reditus. A return; a return or compensation for the possession of land; rent.

Under the feudal system, this render, reditus, return or rent, consists in chivalry principally of military services; in villeinage, of the most slavish services; and in socage, it usually consists of money, though it may consist of services still, or of any other certain profit. See 2 Bl Comm 299.

reditus albi. Same as white rents.

reditus assisus. A fixed rent.

reditus capitales. Chief rents, rents which were paid by a freeholder in full discharge of all service.

reditus nigri. Same as black rents.

reditus quieti. Same as quit rents.

reditus siccus. A dry rent; a rent seek. 32 Am J1st L & T § 1040.

See **rent seek.**

red dog. A mining-law term for a by-product of bituminous coal mining.

It is taken out with the coal and dumped and discarded near the pit mouth, where it often takes fire from spontaneous combustion. Used in combination with cement for making fireproof brick and hollow tile. Toupet-Taylor Engineering Co. v Red Dog Mfg. & Supply. Co. (CA3 Pa) 16 F2d 454.

redeem. To make a redemption.

See **redemption.**

redeemable bond. A bond which may be called for payment before its maturity. Fales v Multnomah County, 119 Or 127, 248 P 151.

redelivery. A second delivery of a deed which was invalid on the first delivery, after the cause of invalidity has been removed. 23 Am J2d Deeds § 87. The return of a property seized in replevin to the defendant upon his giving a redelivery bond. 46 Am J1st Replev § 85. A delivery back or restoration of the possession of property which has been delivered up or taken out of a person's possession.

See **covenant to redeliver; reissuance; renegotiation.**

redelivery bond. Same as delivery bond.

redemise. See **demise and redemise.**

redemption. A recovery back of property by payment of money or performance or other condition. A regaining of property taken from one, as under a mortgage, by paying what is due. Miller v Rafterman, 47 Ohio St 141, 156, 24 NE 496. The obtaining of pledged property by the pledgor from the pledgee upon payment, or tender of payment, of the debt secured by the pledge. 41 Am J1st Pldg & Col § 103. A right granted by statute to the owner, junior lienor, or other person interested in property sold at judicial sale of regaining the property from the purchaser by payment or performance of other conditions prescribed

by the statute. 30A Am J Rev ed Jud S §§ 232 et seq. The obtaining by the debtor in execution, lienor, or other person interested of property sold under the writ upon compliance with the conditions prescribed by statute, especially the payment of the amount paid by the purchaser with interest thereon. 30 Am J2d Exec § 522. The equitable right of the mortgagee under a chattel mortgage, or one in privity with him, to obtain the property upon satisfaction of the debt secured, even after condition broken. 15 Am J2d Chat Mfg § 239. The obtaining of one's impounded animal upon payment of the damages caused by it to the property of another and the expenses of impounding and care of the animal. 4 Am J2d Am § 44.

The right to redeem from a mortgage after a foreclosure sale thereunder is purely statutory, and can be exercised only by those to whom it is given by the statute, and in the method prescribed by the statute conferring the right. 37 Am 3 J1st Mfg § 823.

See **equity of redemption**.

redemption. A person redeeming property. A person entitled to redeem, e.g., a junior lienor. *Sharp v Miller*, 47 Cal 82, 85.

redemptions. Redemptions; ransoms; briberies; heavy fines.

redemption from execution sale. See **redemption**.

redemption from foreclosure sale. A statutory right of the mortgagor, junior lienor, or other person interested in the property, to recover the mortgaged

[1073]

property sold on foreclosure by payment of the price paid by the purchaser at the sale, interest, and other charges, and the performance of other conditions prescribed by the statute, 37 Am J1st Mtg §§ 823 et seq.

redemption from tax sale. An opportunity and procedure provided whereby a former owner, his successors in interest, or anyone having substantial interest in the premises, may defeat a tax sale, although it has been valid and regular in every respect, and revert himself with title as complete and as unqualified as it was before the tax was assessed, by repayment of the amount which the purchaser paid for the property, with interest and costs. 51 Am J1st Tax § 1097.

redemption of bond. See **redeemable bond**; **retirement of securities**.

redemption of money. Paying money of the country for foreign money. Paying current money for bills or coin taken out of circulation.

redemption of pledge. See **redemption**.

redemption of stock. A purchase of its own stock by a corporation and its cancellation of the shares. 18 Am J2d Corp § 282.

redemption of securities. See **retirement of securities**.

redemption on foreclosure. See **redemption**; **redemption from foreclosure sale**.

red flag. A sign of danger. The emblem of revolutionaries who favor the creation of a socialistic state such as prevails in Russia and its satellite countries. A symbol of ideas hostile to established order and opposed to organized government. A display which under particular circumstances constitutes a breach of the peace. *People v Burman*, 154 Mich 150, 117 NW 589.

red-flag legislation. A statute prohibiting the display of a red flag, banner, or device of any color or form whatsoever, in any public place, or in any place of public assembly, or from or on any house, building, or window, as a sign, symbol, or emblem of

opposition to organized government, as an invitation to anarchy, or as an aid to propaganda of a seditious character. 47 Am J1st Sedit Etc § 14.

red-handed. In the act of committing the crime.

redhibition. The avoidance of at sale on account of some vice or defect in the thing sold, which renders it either absolutely useless, or its use so inconvenient and imperfect that it must be supposed that the buyer would not have purchased it had he known of the vice. *Andrews v Hensler* (US) 6 Wall 254, 18 L Ed 737, 739 (referring to statutory definition).

redhibitory defect. Such a defect in an article which has been sold as would warrant the purchaser in returning it to the seller.

redhibitory vice. Same as **redhibitory defect**.

redirect examination. The examination of a witness by the party who called him, after the cross-examination of the witness by the other party, for the purpose of having the witness explain his testimony on cross-examination, his expressions, and motives in using them, the scope of the examination to be confined as a general rule to matters referred to in the cross-examination. 58 Am J1st Witn § 562.

rediscounting paper. A function of banks, particularly federal reserve banks, in taking at a discount the discounted paper of other banks. 10 Am J2d Banks §§ 5, 690. Ordinarily, involving an indorsement as well as a taking at a discount. *Dorsey v United States* (CA8 Neb) 101 F 746, 749.

redisseisin. A repeated disseisin.

redisseisina. See **de redisseisina**.

redistricting. See **reapportionment**.

reditus. Same as **redditus**.

reditus albi. Same as **white rents**.

reditus assisus. Same as **redditus assisus**.

reditus capitales. Same as **redditus capitales**.

reditus nigri. Same as **black rents**.

See **white rents**.

reditus quieti. Same as **quit-rents**.

reditus siccus. Same as **redditus siccus**.

red light. A stop signal on street or highway.

red-light abatement acts. Statutes providing for the abatement of houses of prostitution.

red-light district. The district in a city where houses of prostitution are situated.

See **vice district**.

red man. An American Indian.

redmans. Same as **redmen**.

redmen. Tenants who rendered customary feudal services of riding with or for the lord of the manor.

redobatores. Thieves who dyed cloth a different color for the purpose of concealing their thefts.

redocketing. Bringing on an indictment, once held in abeyance, for trial. 27 Am J1st Indict § 23. Restoring to calendar or trial docket a case once dropped from calendar or docket.

redraft. The drawing of a new bill of exchange on the drawer or indorser of a bill which has been protested, by the holder of the original bill. The making of a second draft in the preparation of a will or other instrument.

redraw. To make a redraft.

See **redraft**.

redress. Remedy. Compensation; reparation.

redress of grievances. A matter of constitutional right of assembly and petition. The demand, made by people in assembly, of the legislative body to obtain a change in the laws, the enactment of new laws, or for anything else connected with the powers or duties of the government. 16 Am J2d Const L §§ 353 et seq.

redtape. Forms and routines followed in official business. The panoply of bureaucracy.

"Redtape is order carried to fastidious excess--system run out into trivial extremes; but while no department of practical life should be subject to that infliction, there is scarcely anything in which a due degree of order can be neglected without grave dangers." *Webster v Thompson*, 55 Ga 432, 434.

redubbers. Same as **redobatores**.

reduce. To lessen. To break a thing down into its various elements. To analyze a problem so that it can be solved. To impoverish. To bring to want. Anno: 2 ALR 1265.

[1074]

reduce a decree. In Scotland, the recall of a decree.

The difference between reponing a decree and having it reduced, appears to be, that on reponing, the pursuer in the original process, must show that the decree was well founded; but when it is not reponed, the defender must show that the decree was ill founded. In both instances, the proceeding to effect the object is the same, by a libel or claim founded upon the original suit and seeking to invalidate its effect. See *Monroe v Douglas* (NY) 4 Sand Ch 126, 201.

reduced fare. A fare charged a passenger by a carrier at less than the rate fixed by the tariff schedule. A legal fare but less than the regular fare, as one upon an excursion or family ticket.

reduced rate. A charge made by a carrier of freight which is less than that fixed by the tariff schedule.

See **reduced fare**.

reductio ad absurdum. A leading back to an absurdity; an absurd conclusion.

reduction of capitalization. A reduction in the nominal capitalization of a corporation by retiring a portion of the authorized shares, reducing the nominal or par value of the outstanding shares, or the surrender of shares by the stockholders. 18 Am J2d Corp §§ 233 et seq.

reduction of par value. See **reduction of capitalization.**

reduction of sentence. The correction of an excessive sentence. 21 Am J2d Crim L § 536. Amending a sentence to reduce the punishment, even to the extent of placing the defendant on probation. 21 Am J2d Crim L § 571.

See **good behavior.**

reduction of stock. See **reduction of capitalization.**

reduction plant. A place where the bodies of dead animals are taken for the purpose of saving whatever is in them of value, such as hide, tallow, etc.

reduction to possession. The act of taking possession. The act of a husband in reference to his wife's property; some act on the part of the husband evidencing intent to acquire the property to the exclusion of the wife, to divest the right of the wife, and to make the property his own absolutely. 26 Am J1st H & W § 61. Changing an intangible into a tangible, as by collecting a debt.

reduction to practice. The completion of a discovery by putting the product thereof, an invention, to use or practice. 40 Am J1st Pat § 27.

In patent interference proceedings, the law pertaining to a successful reduction to practice is not satisfied by demonstrations which indicate that if subjected to a practical test a device might work, but rather requires the submission of evidence establishing that the device was subjected to a practical test and that it did, in fact work. *Jacke v Long*, 27 Cust & Pat App 1147, 111 F2d 184.

It is academic that the question of what constitutes reduction to practice in the sense of the patent laws may depend in a large part on the inherent nature of the article under scrutiny, together with the consideration of the use for which it is designed. As, where tests of a metal fishing rod conducted in casting tournaments, were held to establish a reduction to practice though no fish was ever caught with a rod embodying the invention. *Heddon v Cowdery*, 26 Cast & Pat App 743, 100 F2d 426.

reduction to present worth. See **present worth.**

redundancy. Excess, particularly in words. Matter in a pleading not essential to the statement of cause of action or defense. 41 Am J1st Pl § 350. Needless repetition of averments. Including details of evidence by which facts are established. *Carpenter v Reynolds*, 58 Wis 666, 671, 17 NW 300.

redundant matter. See **redundancy; surplusage.**

re-energizing. Turning electric current into wires not then energized or following an interruption of service. 26 Am J2d Electr § 111.

re-enter. To make or effect a re-entry.

See **re-entry.**

re-entry. The return of one previously in the country as a resident alien after a period of voluntary absence from the country, however brief. *Bonetti v Rogers*, 356 US 691, 2 L Ed 2d 1087, 78 S Ct 976 (32 Tulane L Rev 778). A formal entry upon the leased premises by the lessor upon a declaration by him of a forfeiture of the lease. 32 Am J1st L & T § 870. The resumption of possession pursuant to a right reserved when the former possession was parted with. A remedy given by the feudal law for non-payment of rent, but so ancient that its origin has never been traced.

"If," runs the old law, "a man makes a feoffment, gift, or lease reserving rent, with a condition that if the rent be behind, it shall be lawful for the feoffor and his heirs to re-enter, if the rent be behind, the feoffor or lessor may enter into the lands and hold them in his former estate." *Michaels v Fishel*, 169 NY 381, 388, 62 NE 425.

See **re-entry for condition broken**.

re-entry for condition broken. The interest which remains in the grantor or his successors, or the successors of a testator, where an estate on condition subsequent has been created. 28 Am J2d Est §§ 188 et seq. Actually, a power of termination rather than a substantial estate. 28 Am J2d Est § 189.

re-establishment of highway. The establishment of a highway previously abandoned or vacated, entailing the same acts and proceedings necessary to create a highway in the first instance. 25 Am J1st High § 127.

reeve. See **borough reeve; church reeve; land reeve; shire-reeve; tithing-reeve; trithing-reeve**.

re-exchange. A matter of indemnity to the holder of a bill for the loss he sustains by the failure of the drawee to pay the amount at the time and place, and in the money, called for in the bill. *Furness, W. & Co. v Rothe* (CA4 Va) 286 F 870, 27 ALR 1185. The amount which the holder of a dishonored bill of exchange would have to pay, in the currency of the country where the original bill was drawn, for a good bill payable where the original bill was payable and for the same amount of money plus the expense of protest. *Pavenstedt v New York Life Ins. Co.* 203 NY 91, 96 NE 104.

re-execution. The execution of a will previously altered or revoked. 57 Am J1st Wills § 625.

re-execution of lost instrument. See **restoration of lost instrument**.

re. fa. lo. An abbreviation of **recordari facias loque lam**.

[1075]

retain. Same as **re. fa. lo**.

refection. Refreshment. Food. A light meal. (Civil law.) Restoration; restitution; redress.

refer. To make a reference. To submit a case to a referee for his decision or report.

To refer a matter imports a reference in the common form; that is, to empower referees to decide, in case of necessity, by a majority, and to proceed upon hearing one party, if the other, being duly notified, shall fail to be present. *Billington v Sprague*, 22 Me 34, 45.

refer by rule of court. To order a reference.

"An authority to prosecute or defend a suit implies a power to refer it by rule of court, that being a legal mode of prosecuting or defending." See *Buckland v Conway*, 16 Mass 396.

referee. A person appointed by a court to perform certain offices in the progress of a case pending in the court of his appointment, sometimes trying the issues or part of the issues and reporting findings of fact, at other times trying the case and rendering a decision therein. 45 Am J1st Ref § 3. An officer of the court, sometimes a general officer, at other times a special

officer appointed for a particular case. 20 Am J2d Cis § 4. An officer conducting preliminary or original hearings upon claims for workmen's compensation. 58 Am J1st Workm Comp § 454. A term sometimes loosely applied to an auditor appointed to examine accounts or to a person appointed to make a partition or conduct a sale in a partition action.

See **report of referee**.

referee in bankruptcy. A judicial officer invested by the Bankruptcy Act, subject always to review by the judge, with most extensive jurisdiction in bankruptcy matters, judicial as well as administrative duties being delegated to him for the purpose of conserving the time of the judge for other work of the court. 9 Am J2d Bankr § 91. Acting, in his capacity as a referee, as the court, not as a special master, except in respect of a limited number or matters in which determination is restricted to the judge of the court. The court for most purposes in bankruptcy. 9 Am J2d Bankr § 92.

referee in case of need. A person whose name is inserted in a bill of exchange by the drawer or any indorser, as a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by nonacceptance or nonpayment.

It is in the option of the holder to resort to the referee in case of need or not, as he may see fit. Uniform Negotiable Instruments L § 131,

referee's report. See **report of referee**.

Sometimes a trial and determination for report of findings to the court, at other times a trial and determination with a decision by the referee. 45 Am J1st Ref § 3.

reference. A trial and determination of issues or questions arising in civil cases by some person appointed for that purpose by the court in which the cause is pending. The act of the court in submitting the issues in a case to the referee.

See **referee**.

reference on consent. The practice of referring by consent of the parties under a rule of the court an action pending therein to a referee appointed by the court to hear and determine the issues in the action and report his decision or findings to the Court. *Shain v Peterson*, 99 Cal 486, 33 P 1085.

reference statute. A statute which refers, to an older statute, purporting to make it a part of the new legislation. 50 Am J1st Star § 36. A statute which declares that a certain designated statute of the United States, such as the Volstead Act, or of another state, shall be the law of the state. *Ex parte Burke*, 190 Cal 326, 212 P 193; *State v Armstrong*, 31 NM 220, 243 P 333.

reference to arbitration. See **submission to arbitration**.

referendarius. A Roman officer who laid the causes of petitioners before the emperor.

Referendo singula singullis. The words or expressions should be construed distributively, as distinguished from a collective construction.

referendum. The power reserved to the people at their own option to approve or reject at the polls an act of the legislature. 28 Am J Rev ed Init & R § 2. The Power of the residents of a municipality to approve or reject at the polls any act of the municipal legislative body. 37 Am J1st Mun Corp § 204. The determination of questions as to certain existing or proposed legislation by reference to a vote of the people, employed in determining questions covering wide ranges, among the more general of which are the adoption of municipal charters, the location of county seats and the incurring of municipal indebtedness. *State ex rel. Birchmore v State Canvassers*, 78 SC 461, 59 SE 145. The submission of an act of the legislature to the people for approval or rejection in an election. The submission of a foreign ambassador to his government of a proposition in reference to which he requires further authority from his government in order to act in the particular matter.

Provision made by a state legislature for a convention to pass upon a proposed amendment to the Federal Constitution is not a legislative act, and is therefore not within the provisions of the state Constitution for a referendum of any act of the legislature. *State ex rel. Tate v Sevier*, 333 Mo 662, 62 SW2d 895, 87 ALR 1315.

referendum measure. A measure which has been enacted in due form by the state legislature and thereafter referred to and adopted by the people in whole or in part at an election held for that purpose. *Tesoriere v Second Judicial Dist.* 50 Nev 302, 258 P 291.

referendum petition. A petition by a specified number of electors requesting that proposed or enacted legislation, as the case may be, be submitted to the people for their approval or rejection.

refiling. The filing of a pleading previously withdrawn. 41 Am J1st PI § 318. A requirement in reference to a chattel mortgage, under statute, after a certain period of time, if the mortgage is to be maintained as effective against third persons. 15 Am J2d Chat Mtg § 109.

See **reinscription**.

refinement. Elaboration of statement. Verbiage, frequently found in indictments, in setting forth what is not essential to the constitution of the offense, and therefore not required to be proved on the trial. *State v Gallimore*, 24 NC (2 Ired L) 372, 377.

refinery. A plant where raw material is prepared for use, sometimes by separation of ele-

[1076]

ments, at other times by removing impurities and changing the form of the product.

See **oil refinery**.

refining distilled spirits. The removal, chemical change, or modification of objectionable soluble matter in distilled spirits to alter, in some degree at least, the character or quality of the entire volume of the spirits. *Mayes v Paul Jones & Co.* (CA6 Ky) 270 F 121.

refining oil. The operation whereby crude oil is split up into a number of commercial products by a process of fractional distillation. 24 Am J1st Gas & 0 § 123.

reform. To make better by change and correction. To make improvements in the law by legislative acts. To eliminate vice. To become a better person. To proceed for and with the reformation of an instrument. *Sullivan v Haskin*, 70 Vt 487, 490, 41 A 437.

Reformation. The revolution which took place in the sixteenth century against certain doctrines and practices of the Roman Catholic church, starting out as an attempt to reform the church, but ending with the establishment of Protestant churches. The revolutionary religious movement in the reign of Henry the Eighth in which the Protestants separated themselves from the Roman church.

The Reformation "opens an entirely new scene in ecclesiastical matters; the usurped power of the pope being now forever routed and destroyed, all his connections with the island cut off, the crown restored to its supremacy over men and spiritual causes, and the patronage of bishoprics being once more indisputably vested in the king." See 4 Bl Comm 430.

reformation of instrument. A remedy of an equitable nature afforded to the parties and the privies of parties to written instruments which import a legal obligation, to reform or rectify such instruments whenever they fail, through accident, mistake, or fraud, or a combination of fraud and mistake, to express the real agreement or intention of the parties. 45 Am J1st Reform Inst § 2.

reformation of policy. The action of the court in changing the terms of an insurance contract or policy to make it express the real agreement or intention of the parties. 29 Am J Rev ed Ins § 338.

reformatory. A penal institution, sometimes a state institution, intended as a place of imprisonment or confinement of persons convicted of crimes of a less serious nature who appear to be of a type subject to reformation by a proper course of treatment, education, and discipline during confinement. A penal institution adapted to the reformation of young persons who have committed small offenses or are likely to become outcasts in society. See *McAndrews v Hamilton County*, 105 Tenn 399, 403, 58 SW 483.

See **house of correction; reform school.**

reform school. An institution, commonly known in modern times as an industrial school, for the reception and care of wayward, incorrigible, or vicious youths, male or female, and to a certain extent, in some jurisdictions, of youths whose parents are incapable or unworthy, in surroundings where they may be taught to be moral and industrious and where they may be freed from the corrupting influence of bad associates. 26 Am J1st House of C § 2.

refraction. See **ocular refraction.**

refresh. To revive; to stimulate.

refresher. One of a series of fees paid to an English barrister at intervals during the progress of a litigation. A course of instruction in a subject previously studied, as often had in preparing for bar examinations.

refreshing memory. Directing the attention of a witness to some particular circumstance, conversation, or declaration that may cause him to recall and relate facts temporarily confused or forgotten. The act of a witness giving testimony in referring to writings or memoranda as an aid to his memory. 29 Am J2d Ev § 876; 58 Am J1st Witn § 579.

Refreshing of memory by writings or memoranda may be classified into two groups: (1) where the use of the memoranda revives the present recollection of the witness and he testifies therefrom; and (2) where past recollection is recorded in the memoranda but the witness has no independent recollection of the facts and circumstances and is unable, after reference to the memoranda, to recall any distinct recollection thereof, but is able to testify that he once knew the facts and correctly applied them. Anno: 125 ALR 22

refreshing recollection. See **refreshing memory.**

refreshment stand. A place selling soft drinks, cigars, cigarettes, ice cream, sandwiches, etc., but not meals as such.

refrigerated car. A railroad car cooled by ice or mechanically to render it suitable for transportation of fruit or other products perishable in heat. 13 Am J2d Car § 343.

refrigeration. See **cold storage; refrigerated car.**

refuge. A place of safety. The other state to which a fugitive from justice flees. *Ex parte Stanley*, 25 Tex App 372, 8 SW 645.
See **house of refuge.**

refugee. A Person who, being domiciled in one place, seeks refuge in another country or in another jurisdiction to save his life and property from the destructive consequences of war, revolution, or dictatorship. 25 Am J2d Dom § 47.

See **fugitive from justice.**

Refugee Organization. See **International Refugee Organization.**

Refugee Relief Act. A federal statute of 1953 authorizing the issuance of special nonquota immigrant visas in specified numbers to certain groups of aliens seeking to enter the United States as immigrants. 50 USC Appx §§ 1971-1971q.

refund. Noun: A repayment, as where a public utility returns a part of a rate collected to its customers. The refinancing of an indebtedness. Verb: To return money which a person has received from another to that person. *Hayner v Trott*, 4 Kan App 679, 684.

See **rebate; refunding bonds.**

refund annuity. An annuity under a contract which provides that upon the death of the annuitant prior to receiving the entire principal in periodical annuities, the balance remaining shall be paid to the estate of the annuitant or designated beneficiary. 4 Am 32d Annul § 1.

refunding bonds. The replacement of one obligation with another, including the selling of new securities for the purpose of redeeming those outstanding. 43 Am J1st Pub See § 156. Bonds issued in replacement of outstanding bonds, constituting obliga-

[1077]

tions in themselves for what they purport to be on their face and under the statutes pursuant to which they are issued, being organized extensions and continuations of the obligations replaced. *Folks v Marion County*, 121 Fla 17, 163 So 298, 102 ALR 659. A form of bond given to obtain the release of attached property from the custody of the officer who served the writ but not from the lien of the attachment. 6 Am J2d Attach § 523. Bonds sometimes required of and given by the legatees and distributees of a decedent's estate in order to protect an executor or administrator from loss arising out of a subsequently occurring deficiency of assets. 31 Am J2d Ex & Ad § 556.

refusal. The denial of a request or demand. The rejection of an offer or of property sought to be delivered. The rejection of an offer of possession.

Although, in its ordinary usage, the word usually imports that a demand has been made upon a person and that in some manner he has signified that he declines to comply with that demand, it is frequently used in the law as signifying a simple failure or neglect to perform a legal duty, and in such case, a failure or neglect to act is held to be a "refusal" to act. *Sherman v Credit Finance Corp.* 78 Colo 330, 241 P 722.

A tortious refusal to return a check, on the part of the drawee, to the holder or collecting bank, is not necessary to render the drawee liable thereon under the provisions of the Negotiable Instruments Law that where the drawee refuses to return the bill within twenty-four hours, he will be deemed to have accepted it; but mere passive neglect to return is sufficient. See *Wisner v First Nat. Bank*, 220 Pa 21, 68 A 955.

See **qualified refusal; vexatious refusal.**

refusal of performance. The refusal of the obligee under a contract to accept obligor's performance as constituting compliance with the contract.

Whether or not the owner as party to a building and construction contract is entitled to refuse to accept the performance made by the contractor is to be determined according to objective criteria or, at least, the claim of dissatisfaction must be made in good faith. 13 Am J2d Bldg Contr § 30.

refusal of premises. The right of a lessee under a lease which provides him an option of renewal. *Anne*: 26 ALR 1416.

refusal to cohabit. See **persistent refusal.**

refusal to plead. Standing mute. 21 Am J2d Crim L § 462.

See **default.**

refusal to receive telegram. See **wilful refusal.**

refuse. Verb: To reject. To deny a request or demand. To fail to comply with a demand, as to refuse to pay money when demanded. See *Kimball v Rowland*, 72 Mass (6 Gray) 224, 225.

See **refusal.**

refuse. Noun: That which is refused or rejected. Matter or things discarded or thrown away. Useless things. Trash. Matter until for use: matter unfit for food. *Pantlind v Grand Rapids*, 218 Mich 18, 177 NW 302, 15 ALR 280, 285.

See **garbage; offal.**

regalem potestatem in omnibus. Regal power in all matters. See 1 Bl Comm 117.

regal fishes. Same as royal fishes.

regalia. Royalties; royal prerogatives. See 1 Bl Comm 241. Insignia and robes of rank. Finery in wearing apparel.

regalia majora. Greater royalties or prerogatives; that is, those royalties or prerogatives of the kingdom which appertain to dignity of station. See 1 Bl Comm 241.

regalia minora. The lesser royalties or prerogatives; that is, those which are inferior to the regalia majora and which immediately concern the acquisition of money; these are properly fiscal, and relate to the rights of the king's revenue. See 1 Bl Comm 241.

regard. Concern. Kind feeling toward another.

See **court of regard.**

regardant. Attached to land so as to pass with a conveyance of land as an incident thereof.

See **villein regardant.**

rege inconsulto. The king not having been advised,-a writ which lay to stay proceedings in any matter which might affect the king's interests, until he could be advised.

regency. Rule by a regent. The status of the government or the executive branch of the government during the rule of a regent. The period of the rule of a regent, as demonstrated in expressions such as "regency architecture," "regency painting", etc.

regent. Acting in the place of a king where the king is under mental disability or is too young to rule.

See **regents.**

regents. Officers constituting a board in the control and government of a state college or university. 15 Am J2d Colleges § 11.

See **regent.**

Reges ex nobilitate, duces ex virtute sumunt. They chose the kings for their nobility, and the leaders for their bravery. See 1 Bl Comm 409.

reg. gen. An abbreviation of **regula generalis**; and also of **regulae generales.**

Regia dignitas est indivisibilis, et quitelibet alia derivativa dignitas est similiter indivisibilis. Royal power is indivisible, and whatever other power is derived from it is likewise indivisible.

Regiam Majestatem. The "most ancient and authentic book" of Scotland, "containing the rules of their common law." See 1 Bl Comm 95.

regia via. A royal road.

regicide. A person who killed a king or a queen; the crime of killing a king or queen.

regidor. A term encountered in Spanish American grants, signifying a member of the "regimiento," or municipal council of the capital, or seat of administration, of a division or province.

The regidores of a council or regimiento never exceeded twelve in number and held their offices for life. *Strother v Lucas* (US) 12 Pet 410, 442, note, 9 L Ed 1137, 1149, note.

regimiento. See **regidor.**

region. An area of the country or of the

[1078]

world, as the area surrounding the Great Lakes or the valley of Amazon river.

regional banks. A class of banks authorized and organized by the Governor of the Farm Credit Administration, known as "banks for co-operatives," the lending power of which is prescribed by statute, pertaining primarily to the making of loans to co-operative associations. 12 USC § 1134c.

regis. See **forum regis.**

register. Verb: To enroll; to record. To enter one's name as a voter or as a guest at a hotel. To indicate, as by facial expression or movement of a member of the body. Noun: A record. An official record. *Re Plumb* (Sup) 7 NYS 492. A list of names, such as names of registered voters. *People ex rel. Stapleton v Bell*, 119 NY 175, 181, 23 NE 523. A device for counting, such as a cash register.

See **federal register; record; registration.**

registered bond. A bond made payable to a particular person whose name is registered on the books of the issuer. *Benwell v Newark*, 55 NJ Eq 260,264, 36 A 668.

See **registered security.**

registered letter. See **registered mail.**

registered mail. A class of mail established for the transmission of valuable mail matter. A letter properly stamped for registration-that is, having fixed to it stamps representing the established charge for that service as well as the necessary postage-for which upon delivering it to the postmaster, the sender is entitled to a receipt in return, and to have the letter marked with a number, and entered in an appropriate book of record as registered on that day and by that number. 41 Am J1st P O § 43.

registered nurse. A nurse accepted, after an examination, as qualified by education and training, and registered as such.

registered security. A bond or security which specifies a person entitled to the security or to the rights it evidences and the transfer of which may be registered upon books maintained for that purpose by or on behalf of an issuer. UCC § 8 102(1)(c).

registered ship. See **registration of vessel.**

registered stocks. Stocks issued by a state county or municipality transferable only on the public record books of the states or municipalities issuing them. *Bonaparte v Appeal Tax Court*, 104 US 592, 26 L Ed 845.

See **registered security.**

registered tonnage. The cubical contents of a ship expressed in tons, or the amount of weight which she will carry as entered upon some official record. The carrying capacity of a ship, measured in tons, as stated in the ship's papers under which she is sailing. See *Reck v Phenix Ins. Co.* 130 NY 160, 164.

registered voter. A person who has been lawfully registered, and who has the present right to vote.

The term does not include persons who may have been entitled to be registered, nor those who have been lawfully registered and are not registered voters at a given time thereafter because, since their registration, they have for some reason become disqualified to vote. *Daniel v Claxton*, 35 Ga App 107, 108, 132 SE 411.

See **registration of voters.**

register of letters. A book kept in each United States post office in which every registered letter received by the office is entered of record by its number on the day of its registration, which book has the character of an official record authorized by law, is therefore admissible in evidence. 30 Am J2d Ev §§ 999, 100a

register of original writs. An English record of original writs issued.

register of wills. A clerk of the probate court in some jurisdictions.

register's court. The name for a probate court in some states.

Registra Brevium. The registry of writs, an office connected with the English chancery in which were kept the precedents of all the writs. See 1 Pomeroy's Equity Jurisprudence § 21.

registrar. One having the duty of registering a transfer of corporate stock. 18 Am J2d Corp § 408. The functionary of a college, university, or other institution in charge of the enrollment of students. Broadly, any person whose duty it is to keep a register.

registrarius. An officer in civil-law jurisdictions corresponding to a notary public. 39 Am J1st Notary § 3.

Registrar of Copyrights. The incumbent of a federal office provided by the Copyright Law, vested with duties in keeping and preserving the records of the copyright office, the registration of copyrights, and the deposits of money received as copyright fees. 17 USC §§ 201-208.

registration. The act of registering. The act of a guest at a hotel in signing his name and giving his address upon engaging accommodations. Anno: 19 ALR 533, s . 53 ALR 988; 29 Am J Rev ed Innk § 17.

See **filing; recording; register**, also phrases beginning "registration"

registration for military service. The enrollment of a person subject to call under statutes rendering military service compulsory. 36 Am J1st Mil § 24.

registration of alien. A federal, sometimes a state, requirement, accompanied often with a requirement of fingerprinting, for the purpose of having a record of aliens in the country or the state and a means of identifying them. 3 Am J2d Aliens §§ 111 et seq.

See **Alien Registration Act.**

registration of animal. The entry of an animal, kept as a breeding animal, upon the books of the breeders' association, such entry being for the authentication of the animal as pure-blooded. The entry of a male animal, kept for breeding purposes, on the records of a designated public office as a condition of permission to advertise the animal for service as a sire. 4 Am 32d Am § 76.

registration of claim to copyright. A step in the perfecting of a copyright, such being accomplished in the office of the Registrar of Copyrights and accompanied by the deposit of two copies of the work. 18 Am J2d Copyr § 55.

registration of criminal. See **criminal registration act.**

registration of land titles. A system for the registration of titles to land, whereby the official certificate of title always shows the state of the title and the person in whom it vested, dispensing with cumbersome abstracts of title and extensive searches of the record. 45 Am J1st Reg L T § 2.

[1079]

The system is often called the Torrens system, such name deriving from that of Sir Robert Torrens, who drafted the first registration of title law, enacted in South Australia in 1858. The system spread to the other Australian states, to British possessions, and to England itself. With various modifications it has been adopted in some of the states in this country, the Philippines, and several of the Canadian provinces. 45 Am J1st Reg LT § 2.

registration of patent. See **recording patent.**

registration of stock transfer. The entry of a transfer of shares of corporate stock upon the books of the corporation or of its registrar or transfer agent. 18 Am J2d Corp § 408.

registration of trademark. The registration, under federal statutes, of trademarks used in commerce with foreign nations, or among the several states, or with Indian tribes, and of certain foreign or international trademarks. 52 Am J1st Tradem § 39.

registration of vessel. The entry of a vessel upon a register provided for by federal statute for the purpose of declaring her nationality when engaged in trade with foreign nations and to enable her to assert that nationality wherever found. 46 USC §§ 11 et seq.; 48 Am J1st Ship § 47.

See **enrollment of vessel; registered tonnage.**

registration of voters. A method of determining beforehand who is eligible to vote at any given election. State ex rel. Walker v Bridges, 27 NM 169, 199 P 370. A process in which applicants furnish information respecting age, residence, literacy, and any other matter affecting the qualification for voting, and sign their names in the book in which such information is recorded by way of authentication of the information and as a means of identification when they appear on election day to vote. 25 Am J2d Elect § 105.

registration receipt card. A card given to an alien upon his registration as required by law, which card he must at all times carry with him and have in his personal possession. 3 Am J2d Aliens § 112.

registration tax. Same as **recording tax.**

registrum librum. The register book of the English chancery court.

registrum omnium brevium. A register of all writs; the register of such writs as were suable out of the king's courts. See 3 Bl Comm 183.

registry. See **register; registration.**

registry of ship. The registration of a vessel in the foreign trade which endows it with national character. 48 Am J1st Ship §§ 46 et seq.

See **registration of vessel.**

reg. lib. An abbreviation of **registrum librum.**

Regnal years of British Sovereigns:

William 1, Oct. 14, 1066 to Sept. 9, 1087.

William 11, Sept. 26, 1087 to Aug. 2, 1100.

Henry 1, Aug. 5, 1100 to Dec. 1, 1135.

Stephen, Dec. 26, 1135 to Oct. 25, 1154.

Henry 11, Dec. 19, 1154 to July 6, 1189.

Richard 1, Sept. 23, 1189 to Apr. 6, 1199.

John, May 27, 1199 to Oct. 19, 1216.

Henry 111, Oct. 28, 1216 to Nov. 16, 1272.

Edward 1, Nov. 20, 1272 to July 7, 1307.

Edward 11, July 8, 1307 to Jan. 25, 1327.

Edward 111, Jan. 25, 1327 to June 21, 1377.

Richard 11, June 22, 1377 to Sept. 30, 1399.

Henry IV, Sept. 30, 1399 to Mar. 20, 1413.

Henry V, Mar. 21, 1413 to Aug. 31, 1422.

Henry VI, Sept. 1, 1422 to Mar. 4, 1461.

Edward IV, Mar. 4, 1461 to Apr. 9, 1483.

Edward V, Apr. 9, 1483 to June 26, 1483.

Richard III, June 26, 1483 to Aug. 22, 1485.

Henry VII Aug. 22, 1485 to Apr. 21, 1509.

Henry VIII, Apr. 22, 1509 to Jan. 28, 1547.

Edward VI, Jan. 28, 1547 to July 6, 1553.

Mary, July 6, 1553 to Nov. 17, 1558.

Elizabeth, Nov. 17, 1558 to Mar. 24, 1603.

James 1, Mar. 24, 1603 to Mar. 27, 1625.

Charles 1, Mar. 27, 1625 to Jan. 30, 1649.

The Commonwealth, Jan. 30, 1649 to May 29, 1660.

Charles 11, May 29, 1660 to Feb. 6, 1685.

James 11, Feb. 6, 1685 to 1688.

William III and Mary, Feb. 13, 1689 to Mar. 1702.

Anne, Mar. 8, 1702 to Aug. 1, 1714.

George 1, Aug. 1, 1714 to June 11, 1727.

George III, June 11, 1727 to Oct. 25, 1760.

George III, Oct. 25, 1760 to Jan. 29, 1820

George IV, Jan. 29, 1820 to June 26, 1830.

William IV, June 26, 1830 to June 20, 1837.

Victoria, June 20, 1837 to Jan. 22, 1901.

Edward VII Jan. 22, 1901 to May 7, 1910.

George V, May 7, 1910 to Jan. 20, 1936.

Edward VIII, Jan. 20, 1936 to Dec. 11, 1936.

George VI, Dec. 11, 1936 to Feb. 6, 1952.

Elizabeth II, Feb. 6, 1952 to-- .

regnant. Same as **regent.**

regnum ecclesiasticum. The ecclesiastical kingdom.

Regnum non est divisibile. The kingdom is not divisible.

reg. orig. Abbreviation of **register of original writs.**

regrant. To grant again property once granted but returned to the grantor by forfeiture or otherwise by operation of law.

regrating. Manipulation in buying and selling a commodity for the purpose of controlling the price. Precisely, the buying of a commodity in a market and selling it in the same market, or within four miles of the place, for the purpose of controlling the price. 36 Am J1st Monop etc § 20.

regress. A returning; a going back. A reentry. A privilege of re-entry or return.

regula. A rule.

regula Catoniana. (Roman law.) The rule of Cato regulating the testamentary disposition of property.

regulae generales. General rules and orders of the English courts.

regulae juris. Rules of law.

Regula est, juris quidem ignorantiam cuique nocere, facti vero ignorantiam non nocere. The rule is that a person's ignorance of the law may render him guilty, but that his ignorance of fact will not.

regula generalis. Singular of **regulae generales.**

Regula pro lege, si deficit lex. In default of the law, the maxim rules.

This maxim applies in determining whether a widow, under the circumstances of the case, was entitled to dower. *Chrisman v Linderman*, 202 Mo 605, 100 SW 1090.

[1080]

regular. Conforming to an established rule, principle, or custom. *Myers v Rasback* (NY) 4 How Pr 83, 85. Consistent. Following a fixed procedure or schedule. Acting or happening at uniform intervals. *Guillara v Liquor Control Com.* 121 Conn 441, 185 A 398, 105 ALR 563.

See **irregular; regularly.**

Regular Army. The part of the Armed Forces maintained as a permanent establishment for service on land in both war and peace.

As used in a benefit certificate providing that, if the insured shall engage in the occupation of a soldier in the "regular army" in time of war, the insurer should be liable only for a limited sum, the term was held to mean all soldiers in the military service of the United States in time of war, and to include a member of the National Guard while he was in the service of the United States in time of war; and that the term was not to be construed with reference to the Federal statutes classifying the military organizations of the United States. Anno: 15 ALR 1283.

regular care of physician. Continuous medical care considering the nature of the injury and the progress of the patient, not necessarily indicating medical treatment during all that time. 29A Am J Rev ed Ins § 1534.

regular clergy. Members of the clergy who belonged to some monastery or religious house, as distinguished from members of the secular clergy who did not.

regular dealer in securities. A person or corporation licensed to deal and actually dealing with the general public in the purchase and sale of securities. *Trading Associates Corp. v Magruder* (CA4 Md) 112 F2d 779. A merchant of securities, whether an individual, partnership, or corporation, with an established place of business, regularly engaged in the purchase of securities and their resale to the public. Internal Revenue Code § 1236(c).

regular deposit. A bailment, the agreement being to return the very thing deposited.

regular dividend. The ordinary dividend paid by a corporation, as distinguished from an extra dividend or a stock dividend. 19 Am J2d Corp § 810.

regular election. For most, although not all, purposes the same as a general election.

The expression does not necessarily mean general election, or township election, or any state, county, city, or district election. It simply means the regular election prescribed by law for the election of the particular officer to be elected. *People v Budd*, 114 Cal 168, 45 P 1060.

The words "regular general election" may mean an election at which officers are to be regularly elected or "regular" may be used merely to exclude special elections, or it may be used synonymously or interchangeably with the word "general." *Allen v State*, 14 Ariz 458, 130 P 1114.

regular employment. Employment for a definite and more or less extended period of time; or of a continuing nature, although for no definite period. 58 Am J1st Workm Comp § 92. The consistent employment of a working force by an industry over a given period of time. *Jones v Cochran*, 46 Ga App 360, 167 SE 751. The consistent employment of a given number of persons. Anno: 81 ALR 1233.

See **regularly employed.**

regular general election. See **regular election.**

regular indorsement. An indorsement of a bill or note for the purpose of transferring title to the instrument.

See **irregular indorsement.**

regulariter. Regularly; according to some rule or regulation.

Regulariter non valet pactum de re mea non alienanda. According to rule, an agreement that I shall not alienate my property is not valid.

regularity of official acts. The validity, reasonableness, and correctness of the act of an administrative agency. 2 Am J2d Admin L §§ 748 et seq.

See **presumption of regularity.**

regularly. In a regular manner; in a way or method accordant to rule or established mode; in uniform order; methodically; in due order. *Belleville v Citizens' Horse Railway Co.* 152 Ill 171, 38 NE 584.

See **regular.**

regularly employed. Employed on a permanent rather than a special or temporary basis. Customarily employed.

See **regular employment.**

regularly organized bank. A bank organized either under state law or under an act of Congress, Not inclusive of a private bank. 42 Am J1st Pub F § 12.

regular meeting. A stated meeting of the directors of a corporation or of the stockholders, that is, a meeting at a time and place provided by charter, bylaw, or statute. Such a meeting of a board or other body as the law requires to be held at a stated time and place. *State, ex rel. Cline, v Wilkesville Township*, 20 Ohio St 288, 293. The stated meeting of an association, club, society, or fraternal body.

regular on its face. A negotiable instrument without defect appearing on the instrument itself. 12 Am J2d B & N § 1198.

Process is said to be regular on its face when it proceeds from a court or body having authority of law to issue process of that nature, and which is legal in form and contains nothing to notify or fairly apprise anyone that it is issued without authority. *Pankewicz v Jess*, 27 Cal App 340.

regular panel. The panel of jurors called for service during a term of court. 31 Am J Rev ed Jury § 74.

See **panel.**

regular party. See **proper party.**

regular passenger train. A train engaged in carrying passengers, running regularly upon an advertised time card of the company, and equipped as are all other passenger trains. *Illinois Central Railroad Co. v People*, 143 Ill 434, 33 NE 173.

regular proceeding. An action, whether given by the common law or provided by statute, which is prosecuted by and against proper parties and according to the established form of proceeding and rules of practice. *Myers v Rasback* (NY) 4 How Pr 83, 85.

regular rate. For the purposes of the provision of the Fair Labor Standards Act relating to overtime compensation, the hourly rate actually paid for the normal non-overtime work week. *Walling v Helmerich & Payne*, 323 US 37, 89 L Ed 29, 65 S Ct 11.

regulars. Soldiers in the Regular Army. (Ecclesiastical.) Persons who were attached to, and followed, the rites of some religious order.

[1081]

regular session. A session of a legislative or other body required by law to be held, or an adjournment thereof. *Waterville v County Comrs.* 59 Me 80, 88.

regular term. A term of court begun at the time appointed by law, and continued, at the discretion of the court, to such time as it may appoint, consistent with law. *Wightman v Karsner*, 20 Ala 446, 452.

regular use of automobile. The use of an automobile which is not casual or incidental, but consistent. Allowing for variation in time, place, and purpose on the particular occasions upon which the car was driven. *Pacific Auto. Ins. Co. v Lewis*, 56 Cal App 2d 597, 132 P2d 846.

As to "regular use" within the meaning of a clause of an automobile insurance policy excluding from coverage under a drive-other-cars clause all automobile owned or hired by, or furnished to, the named insured for regular use, see 7 Am 12d Auto Ins § 106.

regulate. To replace confusion with order. To control or direct, To place and enforce limitations and restrictions upon conduct. *Nichols v Yandra*, 151 Fla 87, 9 So 2d 157, 144 ALR 1351; *Thielen v Kostecky*, 69 ND 410, 287 NW 513, 124 ALR 820. To foster, protect, control and restrain. 15 Am J2d Com § 64 (regulation of commerce.)

The power to regulate does not include the power to prohibit. "To regulate" is not synonymous with "to prohibit." *People v Gadway*, 61 Mich 285, 28 NW 101.

regulation. Control or direction by restriction or rule of something permitted or suffered to exist. 30 Am J Rev ed Intox L § 22. Any rule for the ordering of affairs, public or private, whether by statute, ordinance, or resolution. *Kepner v Commonwealth*, 40 Pa St 124, 129. The control by authority of a public service corporation in reference to service, charges, and other matters in its operations involving public interest. *Boston & M. R. Co. v Hooker*, 233 US 97, 58 L Ed 868, 34 S Ct 526. *Madison v Southern Wisconsin R. Co.* 156 Wis 352, 146 NW 492, 10 ALR 910. A qualification, restriction, or limitation modifying or destroying the original act with which it is connected, or defeating, terminating, or enlarging all estate granted. See *Re Russell*, 163 Cal 668, 126 P 875.

See **police power**.

regulation charge. The fee imposed for a license required under the police power, as distinguished from a license tax. 33 Am J1st Lic § 43.

regulation of commerce. Regulation of interstate and foreign commerce by Congress under Article 1, section 8, clause 3 of the United States Constitution by way of protection, control, and restraint, with appropriate regard for the welfare of those who are immediately concerned and of the public at large. *Second Employers' Liability Cases*, 223 US 1, 56 L Ed 327, 32 S Ct 169.

It is sometimes difficult to define the distinction between that which affects or influences and that which regulates commerce. *Hannibal and St. Joseph Railroad Co. v Husen*, 95 US 465, 470, 24 L Ed 527, 530. A plenary power of Congress, complete in itself, as broad as the economic needs of the nation, and subject to no limitations except the prohibitions and limitations of the United States Constitution and the amendments thereto. 15 Am J2d Com § 8.

regulations of the Navy. Rules governing the officers and men of the United States navy, established by the secretary of the navy with the approval of the president, under authority of the Congress. *Ex parte Reed*, 100 US 13, 22, 25 L Ed 538, 539.

regulatory license. A license required as a matter of promoting public health, safety, or welfare, rather than as a revenue measure.

rehabere facias scisinam. You cause him to have back his seisin, - a writ which lay to compel a sheriff to repossess a plaintiff after the sheriff had seised the defendant of more land than he should under a habere facias seisinam.

rehabilitate. To effect a rehabilitation.

See **rehabilitation**.

rehabilitation. The restoration of a sick or disabled person to health and good physical condition. The restoration of a drug addict to abstinence and useful life. 25 Am J2d Drugs § 74. The restoration of one convicted of a crime to a respected and useful position in society, often by putting him on probation. *Logan v People*, 138 Colo 304, 332 P2d 897; *State v Summers*, 60 Wash 2d 702, 375 P2d 143. The restoration of a failing business to a sound financial position, as by composition, arrangement, reorganization or readjustment of indebtedness. 9 Am J2d Bankr §§ 1279 et seq.

See **vocational rehabilitation**.

rehearing. A new hearing and a new consideration of the case by the court in which the suit was originally heard, and upon the pleadings and depositions already in the case. *Read v Patterson*, 44 NJ Eq 211, 10 A 385. A hearing granted by all appellate court wherein there may be presented errors of law or fact, or both, asserted to have been committed by it, to the end that it may revise its own action erroneously or mistakenly taken and modify or set aside its own judgment. 5 Am J2d A & E § 978. A second consideration of a motion by the court. 37 Am J1st Motions § 18. A reconsideration by an administrative agency of a determination previously made by it. 2 Am J2d Admin L §§ 520 et seq.

See **new trial**.

rehearing on appeal. See **rehearing; trial de novo**.

rei. Plural of **reus**.

See **forum rei**.

rei adjudicatae. See **exceptio rei adjudicatae**.

Rei depositae proprietas apud deponentem manet, sed et possessio. The property and also the possession in a thing deposited remain in the depositor.

rei gestae. See **forum rei gestae**.

reimburse. To place in a treasury, as all equivalent for what has been taken, lost, or expended; to refund; to pay back; to restore; as to reimburse the expenses of a war. *State ex rel. Sayre v Moore*, 40 Neb 854, 59 NW 755. To replenish the funds of a person after payments made by him. To make good losses suffered.

See **contribution; indemnify; restitution**.

reindictment. An indictment on a charge covered by prior indictment which has been quashed or set aside by the court or after the granting of a new trial. 27 Am J1st Indict §§ 18, 19.

[1082]

reine. A queen.

reinlistment. See **enlistment**.

re-inscription. The recording of a mortgage within a certain number of years, as provided by statute, from the date of its original inscription or recording, or from the date of the maturity of the obligation secured. 45 Am J1st Reeds § 50.

reinstate. To effect a reinstatement.

See **reinstatement**.

reinstatement. Restoration of a person or a thing from a position from which he or it has been removed. *South v Commissioners of the Sinking Fund*, 86 Ky 186, 190, 5 SW 567. The act of an employer in taking back an employee previously discharged. Restoration of a civil service employee to his former position following his removal, suspension, or transfer to another position. 15 Am J2d Civ S § 42. Restoration to membership in a body, such as a labor union. 31 Am J1st Lab §§ 67, 68. The restoration of membership in a mutual benefit society following a lapse, suspension, or expulsion. 36 Am J2d Frat) § 74. An order for the continuation of an action following a dismissal or nonsuit, 24 Am J2d Dism § 79, leaving the case in the position in which it stood prior to the dismissal or nonsuit.

To reinstate a case means simply to place again in the position enjoyed prior to dismissal. An order of court granting a motion to reinstate the case does not say that the plaintiff shall be permitted to file a new complaint, or that he shall be entitled to a new trial. *United States v Green* (CA9 Mont) 107 F2d 19.

reinstatement of action. See **reinstatement**.

reinstatement of appeal. The restoration of a case to the appellate court calendar following a dismissal of the appeal. 5 Am J2d A & E § 928.

reinstatement of bankruptcy proceeding. A remedy of a creditor not given notice of an application for the dismissal of an involuntary proceeding for adjudication, upon which application a dismissal was ordered. 9 Am J2d Bankr § 266. The restoration of an ordinary bankruptcy proceeding upon the failure of a reorganization or arrangement proceeding obtained in the original bankruptcy proceeding.

reinstatement of case. See **reinstatement**.

reinstatement of employee. See **reinstatement**.

reinstatement of indictment. Proceeding under an indictment following a dismissal of the prosecution, such being allowed under special circumstances, as where the order of dismissal remains within the control of the court. 27 Am J1st Indict § 22. Bringing on for trial an indictment previously passed to the files. 27 Am J1st Indict § 23.

reinstatement of member. See **reinstatement**.

reinstatement of policy. The revival of a policy of insurance after it has lapsed or become forfeited, especially a forfeiture for the nonpayment of premiums, pursuant to a provision for revival contained in the policy and the performance of such conditions as are imposed by such provision, or pursuant to the agreement of the parties. 29 Am J Rev ed Ins § 368.

There is a difference of opinion whether the reinstatement of an insurance policy constitutes a new contract. 29 Am J Rev ed his § 369.

reinsurance. A contract whereby one party, the reinsurer, agrees to indemnify another, the reinsured, either in whole or in part, against loss or liability which the latter may sustain or incur under a separate and original contract of insurance with a third party, the original insured. A term inclusive, in its broad sense of a contract between two insurer-, by which one assumes the risk of the other and becomes substituted to its contract, so that on the assent of the original policy holder the liability of the first insurer ceases and that of the second is substituted. A contract by which an insurance company, in consideration of the transfer of the policies or assets of a company which is insolvent or wishes to retire from business, assumes all or certain liabilities of the latter company, or a contract by which, as the result of the consolidation or merger of two or more companies, the surviving company assumes the risk of its predecessors. 29A Am J Rev ed Ins § 1747.

reinsurance reserve. A fund required by statute of an insurance company for the protection of its policyholders, such to be applied in the event of the insolvency or dissolution of the company to the reinsurance of outstanding risks carried by the company. 29 Am J Rev ed Ins § 56.

rei interventus. An intervening circumstance; a circumstance creating an estoppel against one of the parties.

Reipublicae interest voluntates defunctorum effectum sortiri. It is of interest to the state that the wishes of those who are dead should receive their effect.

rei sitae. See **forum rei sitae.**

reissuable notes. Bank notes capable of reissue for circulation as money after they had once been paid.

reissuance of instrument. The issuance of a bill or note by the maker or acceptor who has acquired the instrument by its renegotiation back to him. 11 Am J2d B & N § 527.

reissuance of patent. The issuance of new letters patent upon surrender of the old. 40 Am J1st Pat § 108.

A patent is granted to secure certain rights to inventors for a limited time. A reissued patent is one which merely secures those rights more definitely in some particular wherein the original patent was defective. A reissued patent has the same standing in law as an original patent. See *Ingersoll v Holt* (CC Cal) 104 F 682, 683.

reissued abstract. An abstract of title prepared for one person but issued and delivered to another person. *Phoenix Title & Trust Co. v Continental Oil Property*, 43 Ariz 219, 29 P2d 1065.

reissued patent. See **reissuance of patent.**

Rei turpis nullum mandatum est. (Civil law.) The mandate of an immoral thing is a nullity.

rei venditae et traditae. See **exceptio rei venditae et traditae.**

reject. To throw away; to discard; to refuse to receive; to refuse to grant, as to reject a prayer or request. *Preston v Fidelity Trust & Safety Vault Co.* 94 Ky 295, 302, 22 SW 318.

A claim of a creditor is said to have been rejected when, after having been presented in due form to the proper officer for allowance or approval as a valid claim, it has been disallowed by that officer in the manner provided by law. Such rejection is

[1083]

often made a condition precedent to the maintenance of an action to establish the claim. *Fidelity & Deposit Co. v State Bank of Portland*, 117 Or 1, 242 P 823.

rejection of call. The rejection by the court of a call of a boundary where there is another call with which it can not be reconciled. 12 Am J2d Bound § 66.

rejection of claim. The disallowance of a claim.

rejection of offer. Any act or word of the offeree indicating that he declines the offer or justifying the offeror in inferring that the offeree intends not to accept the offer or give it further consideration. 17 Am J2d Contr § 39.

rejoin. To file a rejoinder to a plaintiff's replication. See 3 Bl Comm 310.

rejoinder. A pleading by the defendant in response to the plaintiff's replication or reply. 41 Am J1st P1 § 181.

rejoining allegation. The pleading in an ecclesiastical testamentary cause corresponding to the common-law replication.

rejoining gratis. The pleading of a rejoinder without notice or demand from the plaintiff.

rel. Abbreviation of **relatione**.

See **ex rel**.

related. Having a relationship, whether by blood or consanguinity, or in a business or professional capacity.

As employed in a provision permitting persons "related to" a member of a benefit society to be named as beneficiaries in a benefit certificate of the society, the words were held to include relatives by affinity as well as by blood. *Bennett v Van Riper*, 47 NJ Eq 563, 22 A 1055.

See **relations; relatives**.

related claims. Claims resting upon facts substantially identical. *Landstorm v Thorp*, 189 172d 46, 26 ALR2d 1170.

related taxpayers. Taxpayers so related by blood, business, corporate, trust, or fiduciary connections, as such are prescribed specifically by statute, that one of them, as an accrual basis taxpayer, is not entitled to take a deduction from earnings for items of expense due the other as a cash basis taxpayer. Internal Revenue Code § 267 (a) (2).

Relatio est fictio juris et intenta ad unum. Relation is a fiction of the law and is intended for one purpose.

relation. See **related; relations; relatives**.

relation back. The principle by which an act done at one time is considered by a fiction of the law to have been done on a preceding date. Operative effect of a deed as of a date prior to execution and delivery of the instrument. 23 Am J2d Deeds § 286. The doctrine that the final delivery of an instrument in escrow relates back to and takes effect at the time of the original deposit in escrow. 28 Am J2d Escr § 29. The principle that where a person takes by execution of a power of appointment, he takes, under the authority of the power, as if the power and the instrument executing the power had been incorporated in one instrument, the title resting on the act creating the power and taking effect as of the date of the instrument which conferred the power. 41 Am J1st Pow § 70. The principle that the recording of an instrument is deemed in law to have been done on the day the instrument was filed for record in the recorder's office, although he did not actually copy the instrument upon the record until several days later. *Gibson v Chouteau (US)* 13 Wall 92, 20 L Ed 534. A principle unsuccessfully asserted as the basis of guilt of burglary where the entry, as by an employee servant, or lodger, was lawful but an intent to steal was formed in the mind of such a person after gaining entrance. 13 Am J2d Burgl § 9.

See **retrospective operation**.

relatione. See **ex relatione**.

relation of debtor and creditor. See **debtor and creditor relation**.

relation of physician and patient. See **physician and patient**.

relations. Family connections. Business, professional, or social connections.

When used in wills, the word is ordinarily construed as including relatives by consanguinity, and excluding relatives by affinity, unless a contrary intention is manifested. The term "relations" or "blood relations" in wills generally means such persons as take under the statute regarding the distribution of estates of intestates, but it may include those who actually are related by blood although they could not inherit from him because of the disqualification of illegitimacy. 57 Am J1st Wills § 1391.

As to who are "relations" with the meaning of an anti-lapse statute, see Anne: 19 ALR 2d 1159; 57 Am J1st Wills § 1442.

See **degrees of kinship; industrial relations; relatives.**

relations by affinity. See **affinity.**

relations by blood. Persons related by having the blood of a common ancestor. Anno: 10 ALR 864.

See **collateral kinsmen; consanguinity; kin; nearest bloodkin; nearest blood relatives.**

relationship. See **affinity; blood; cognates; cognation; consanguinity; relation; relations.**

relations of the half blood. See **half blood.**

Relatio semper flat ut valeat dispositio. Reference should always be so made that a testamentary disposition may be effective.

relative. Adjective: Dependent upon or to be considered with reference to something else. Relevant; pertinent. Noun: A relation by blood or affinity.

See **relations; relatives.**

relative confession. A confession where the accused confesseth and appealeth others thereof, thereby to become an approver.

If on this appeal the approver is successful, he receives pardon; if he is not successful he is convicted upon his confession, that is, upon his testimony against himself. State v Willis, 71 Conn 293, 309, 41 A 820.

relative convenience doctrine. The principle that upon an application for injunction, the court shall consider and weigh the relative convenience and inconvenience and the comparative injuries to the parties and to the public which would result from the granting or refusal of the injunction sought, the essential concept being that the court is not bound to make a decree which will do more mischief and wreak greater injury than the wrong which it is asked to redress. 28 Am J Rev ed Inj § 52.

[1084]

relative fact. A circumstance; a fact which relates to another fact.

relative impediment. A bar to the marriage of certain related persons to each other, because of their relationship,

relative powers. Powers which relate to land.

relative revocation. See **dependent relative revocation.**

relative rights. The right of one person considered in reference to the right of another, most vividly illustrated in reference to the use of the highway by particular persons or by particular vehicles. 25 Am J1st High §§ 218 et seq.

relatives. Relations either by blood or affinity. As persons excluded from voting in a creditors' meeting for the election of a trustee in bankruptcy:-persons related to the bankrupt by affinity or consanguinity within the third degree, as determined by the common law, and the spouse of the bankrupt. Bankruptcy Act § 1(27); 11 USC § 1(27).

The word "relatives" when used in a contract has no such fixed and definite meaning as will thwart the express intention of a party thereto. *Bennett v Van Riper*, 47 NJ Eq 563, 22 A 1055.

The rule is quite universal in the state jurisdictions that the word embraces the persons who would take under a statute of distribution and descent in case of intestacy. Thus, by virtue of the right to take under the statute of distribution and descent in New York, an illegitimate child and its mother are not only relatives, but are parent and child within the meaning of the statute. See *Middleton v Luckenbach S.S. Co.* (CA2 NY) 70 F2d 326.

See **degrees of kinship; relations; relations by blood.**

relatives by affinity. See **affinity.**

relatives by blood. See **relations by blood.**

relatives of the half blood. See **half blood.**

Relativorum cognito uno, cognoscitur et alterum. When one of two related things is known, the other is also known.

relator. A person beneficially interested on whose behalf an action is maintained by the state or sovereign power, the action being, as it is said, an ex rel action, brought on the relation of a person having a beneficial interest. 35 Am J1st Mand § 319; 44 Am J1st Quo W § 73. The informer in a qui tam action. 36 Am J2d Forf & P § 79.

relatrix. Feminine of relator.

relaxare. To release; to free; to discharge.

relaxatio. A release.

relaxavi. I have released.

relay station. An intermediary in broadcasting. 47 USC § 153.

release. The giving up or abandoning of the claim or right to the person against whom the claim exists or the right is to be enforced or exercised. The discharge of a debt by the act of a party in distinction from an extinguishment which is a discharge by operation of law. 45 Am J1st Rel § 2. Of interest of witness:-anything that divests the witness of all interest in the event of the suit. Anno: 28 ALR 15, 16. A discharge from duty or from confinement as a prisoner.

When the word "released" is stamped or written across the face of a bill of lading, it signifies that the carrier is exempt from his common-law liability as an insurer. *Morganton Mfg. Co. v Ohio River & Charleston Ry. Co.* 121 NC 514, 28 SE 474.

See **discharge; lease and release.**

release bond. A bond given to obtain the release of property held by an officer under levy of a writ of attachment or execution. 6 Am J2d Attach § 523; 30 Am J2d Exec § 277. A bond given to obtain the release of property under levy by releasing it, not merely from the custody of the officer who made the levy, but from the lien of the levy. 6 Am J2d Attach § 523, 30 Am J2d Exec §§ 277, 280.

release by estoppel. A release executed by a party under such circumstances that he is precluded by his own negligence from asserting that it is not legal and binding upon him; as where a person who signed a release could read it and did not although he had full opportunity to do so before signing it. *Wallace v Chicago, St. Paul, Minneapolis & Omaha Railway Co.* 67 Iowa 547, 549.

release by way of enlarging an estate. See **release deed**.

release by way of passing an estate. See **release deed**.

release deed. A deed of quitclaim. 23 Am J2d Deeds § 16.

Formerly, the term seems to have been applied only to deeds conveying all the right, title and interest of the grantor to a grantee who already had some estate in possession in the land released, but in modern usage it is not one of the essentials of a release deed that the grantee shall already have some right, title or interest in the property released. The term is therefore now synonymous with the term quitclaim deed. Anno: 44 ALR 1269.

Blackstone calls such a conveyance a "release" and says that releases may inure either by way of enlarging an estate; as where a life tenant receives a release of all his right from a remainderman, thus giving the life tenant an estate in fee; or releases may be by way of passing an estate; as where one of two coparceners releases all her right to the other, thus passing a fee simple of the whole. See 2 Bl Comm 324.

released. See **release**.

releasee. A person who is released; a person to whom a release is executed.

release of claim. See **release**.

release of curtesy. A release of a husband's right of curtesy by due execution of a formal release as a part of the spouse's deed of conveyance or encumbrance, or through a joint conveyance by husband and wife, duly executed and acknowledged. 25 Am J2d Dow § 115.

release of debt. See **release**.

release of dower. The extinguishment of a wife's inchoate right of dower by due execution of a formal release as part of the spouse's deed of conveyance or encumbrance, or through a joint conveyance by husband and wife, duly executed and acknowledged. 25 Am J2d Dow § 115.

release of expectancy. The assignment of the expectancy of an heir apparent, either to his ancestor or to another potential heir or distributee. 23 Am J2d Desc & D § 165.

release rate. A rate charged by a carrier which is less than the regular rate but operating to release or

[1085]

reduce the liability of the carrier for loss of or damage to the goods in transit.

Neither the marking of a bill of lading, "released," nor the making of a "release rate" will have the legal effect of releasing or reducing the liability of the carrier for loss of or damage to the goods, where no effort was made to place or fix a valuation of the goods when shipped, although the shipper understood that the "release rate" was lower when the bill of lading was marked "released." See *Central of Georgia Railroad Co. v Hall*, 124 Ga 322, 52 SE 679.

release to uses. A conveyance to one for the use of another, effected by deed of lease and release.

See **lease and release**.

release under seal. See **technical release**.

releasor. A person who releases: a person who executes a release.

relegatio. (Civil law.) A kind of exile in which the person exiled retained his civil rights.

relegation. A temporary banishment.

reletting. A definite letting of the same premises by the lessor under a prior lease upon the forfeiture of such lease or the failure of the lessee to take possession.

The term was held not to apply to a holding over by the tenant even if such subsequent occupation amounted to a tenancy at will. *Moseley v Allen*, 138 Mass 81, 83.

See **sublease**.

relevamen. Same as **relief**.

relevancy. The logical relation between evidence offered and a fact to be established. *State v Knox*, 236 Iowa 499, 18 NW2d 716, 29 Am J2d Ev § 252.

relevant evidence. Any matter of fact the effect, tendency, or design of which, when presented to the mind, is to produce a persuasion concerning the existence of some other matter of fact—a persuasion either affirmative or disaffirmative of its existence. *Edmonds v State*, 163 Neb 323, 79 NW2d 453. Concisely, evidence of one fact rendering the existence of the fact in issue probable or improbable, according to the common course of events. *People v Nitzberg*, 287 NY 183, 754, 38 NE2d 490, 40 NE2d 40, 138 ALR 1253; *Barnett v State*, 104 Ohio St 298, 135 NE 647, 27 ALR 351; *Masterson v Harris County Houston Ship Dist. (Tex)* 15 SW2d 1011.

Whatever testimony is offered which will assist in knowing which party speaks the truth of the issue, is relevant, and when to admit it does not override other formal rules of evidence, it ought to be received. *Moran v Abbey*, 58 Cal 163, 168.

relevium. See **relief**.

reliance. Dependence. Trust or confidence, particularly in promises and representations. As an element of actionable fraud or deceit: --an inducement to action or injurious change of position on the part of the plaintiff. 37 Am J2d Fraud § 223.

reliance interest. A term of art in the law of damages for breach of contract. Expenditures made, or property transferred or consumed, by the party not in default in reliance on the contract. Anno: 17 ALR2d 1300.

relict. A widow or widower. *Spitler v Heeter*, 42 Ohio St 100.

relicta. An abandonment by the defendant of his plea or defense to an action.

relicta verificatione. See **confession relicta verificatione**.

reliction. The withdrawal of waters, exposing as land that which was previously under water. The recession of waters from an existing bed. Anno: 54 ALR2d 645. An addition to land caused by the permanent withdrawal of the water by which it was previously covered. 56 Am J1st Wat § 476.

See **submergence**.

relief. The objective of an action, proceeding, or motion; an award of damages or a judgment, decree, or order requiring an adversary to perform as directed or to refrain from specified conduct. As defined in the Federal Administrative Procedure Act: the whole or part of any agency (1) grant of money, assistance, license, authority, exemption, exception, privilege or remedy; (2) recognition of any claim, right, immunity, privilege, exemption, or exception; or (3) taking any other action upon the application or petition of, and beneficial to, any person. 5 USC § 1001(f). Public aid to persons who are destitute and unable to support and maintain themselves. 41 Am J1st Poor L §§ 13 et seq.

Anciently called "relevium," --an incident to every feudal tenure, by way of fine or composition with the lord for taking up the estate, which was lapsed or fallen in by the death of the last tenant. Although reliefs originated while feuds were only life estates, they continued after feuds became hereditary, and hence were justly regarded as one of the heaviest grievances of tenure; especially when they were, as at first, merely arbitrary and at the will of the lord; so that if he demanded an exorbitant relief, the heir was disinherited. See 2 Bl Comm 65.

"The relation of the heriot to the relief has been one of the chief battle-fields on which the fight of different theories of the early law has been waged. The date of the origin of the heriot has been material only as bearing upon this; and most of those who have studied the subject do not doubt their identity, or at least that it was upon the plan of the heriots that the Norman Conqueror fashioned his plan of relief, as Blackstone says." (Cf. 2 Bl Comm 423.) See Hammond's Blackstone.

See **poor person; welfare.**

relief acts. See **farm relief; Soldiers' and Sailors' Civil Relief Acts; welfare.**

relief association. An association of the employees of a large corporate employer, particularly a railroad company, organized and acting for the purpose of making provision for employees or their representatives in the event of illness, injury, or death. 35 Am J1st M & S § 116.

relief benefits. Fringe benefits provided by a corporation for sick or injured employees. 19 Am J2d Corp § 1055.

See **relief fund.**

relief fund. A fund administered by the officers of a relief association with the aid of the employer, contributed to usually by employer and employees, and used to pay benefits to employees or their representatives in the event of illness, injury, or death. 35 Am J1st M & S § 116.

relief worker. See **work relief.**

religion. A belief had or sought by man to explain the meaning of his existence. A person's understanding of his relation to the Creator and of the obligations of reverence and obedience imposed by such relation. Reynolds v United States, 98 US 145,

[1086]

162, 25 L Ed 244, 249; Davis v Beason, 133 US 333, 33 L Ed 637, 10 S Ct 299; Nicholls v Lynn, 297 Mass 65, 7 NE2d 577, 110 ALR 377. Some system of faith and practice, resting on the idea of the existence of one God, the Creator and Ruler, to whom his creatures owe obedience and love. Knight's Estate, 159 Pa 500, 502, 28 A 303. An individual's belief in a relation to a Supreme Being, involving duties superior to those arising from any human relation, and not including essentially political, sociological, or philosophical views or a merely personal moral code. 8 USC § 1448(a) (relative to release of alien from obligation of military service). The belief in a relation to a Supreme Being involving duties superior to those arising from any human relation. (Selective Service Act of 1948 § 60.) Belief in the existence of superior beings exercising power over human beings by volition, and imposing rules of conduct, with future rewards and punishments. McMasters v State, 21 Okla Crim 318, 207 P 566, 29 ALR 292. All the different systems of faith and worship to be found in the world. Simpson v Welcome, 72 Me 496.

See **establishment clause.**

Religio sequitur patrem. The religion follows the father; that is, the child is deemed to adopt the religion of his father.

religious assembly. An assembly of religious persons, whether engaged in religious worship or not. *State v Fisher*, 25 NC (3 Ired L) 111, 114.

religious belief. See **religion**.

religious books. Books such as teach or inculcate religion. *Simpson v Welcome*, 72 Me 496.

religious corporation. A membership corporation, organized for the purpose of maintaining religious worship and spreading the faith. 45 Am J1st Reli Soc §§ 5 et seq. In older times, a bishop, dean, parson, or vicar having title to religious property. 18 Am J2d Corp § 7.

In England ecclesiastical or religious corporations were those in which the members composing it were altogether spiritual persons, such as bishops, parsons, deans and chapters, and were erected for the furtherance of religion and perpetuating the rites of the church, but in this country church corporations are generally classed as religious corporations even though the trustees or other persons who represent the corporation are wholly composed of laymen. *Mackenzie v Trustees of Presbytery*, 67 NJ Eq 652, 61 A 1027.

See **religious society**.

religious delusion. An idea concerning the application of religious belief to life's affairs so misconceived as to be incredible to a sane person. Insanity constituting a defense in a criminal case, provided it arises from mental disease rather than mere religious belief. *State v Di Paolo*, 34 NJ 279, 168 A2d 401, cert den 368 US 880, 7 L Ed 2d 80, 82 S Ct 130.

A delusion that the act charged as a crime was one commanded by God has been held a defense on the ground that, under such circumstances, the defendant could not have known that the act was wrong, although he may have known that it was illegal. There is some authority, however, that knowledge that the act was in violation of law is a sufficient predicate for responsibility and therefore for denying the defense. 21 Am J2d Crim L § 41.

religious denomination. Same as **religious sect**.

religious freedom. See **freedom of religion**.

religious journal. A newspaper or magazine published by a religious society.

religious liberty. See **freedom of religion**.

religious meeting. An assemblage for religious worship irrespective of the particular nature and form of worship. A meeting for the promotion of religious worship or the propagation of the faith. An assemblage of people met for the purpose of performing acts of adoration to the Supreme Being, or to perform religious services in recognition of God as an object of worship, love, and obedience, without reference to the faith with respect to the Deity entertained by the persons so assembled. *Cline v State*, 9 Okla Crim 40, 130 P 510.

An assembly, if lawful and decent, which meets for public divine service comes within the purview of a statute prohibiting the disturbance of any assemblage met for religious worship. 24 Am J2d Disturb M § 2.

religious men. Men who lived in monasteries; monks.

religious principles. Those sentiments, concerning the relations between God and man, which may influence human conduct.

Of these, perhaps the most influential hitherto has been the view entertained as to the probability that God would punish vice. A person's sentiments on that subject, whether of belief, disbelief, or doubt, must be deemed part of his religious principles. *Percey v Powers*, 51 NJL 432, 17 A 969.

religious purpose. The advancement of religion. The propagation of the faith. Maintaining religious worship.

An association formed for the purpose of exercising some ecclesiastical control over its members, or prescribing some form of worship for them, or subjecting those of its members who fail to conform to its rules to ecclesiastical discipline, is formed for a "religious purpose." But a Young Men's Christian Association formed to promote growth in grace and Christian fellowship among its members, and aggressive Christian work, especially by and for young men, and to seek out and aid the worthy poor, is not formed for a "religious purpose." *Hamsher v Hamsher*, 132 Ill 273, 23 NE 1123.

See **religion**.

religious sect. A body or number of persons, united in tenets, but constituting a distinct organization or party holding sentiments or doctrines different from those of other bodies. 45 Am J1st Reli Soc § 2. A body of persons distinguished by peculiarities of faith and practice from other bodies adhering to the same general system. *Evans v Selma Union High School Dist.* 193 Cal 54, 222 P 801, 31 ALR 1121. A religious denomination; the aggregate of those persons who adhere to, profess, or entertain the same religious creed, persuasion, or opinions. *Hale v Everett*, 53 NH 9. People believing in the same religious doctrines, who are more or less closely associated or organized to advance such doctrines and increase the number of believers therein. *State ex rel. Weiss v District Board of School Dist.* 76 Wis 177, 44 NW 967. A denomination of religious persons having a common system of faith, either written or traditional. See *State v Trustees*, 7 Ohio St 58, 64.

religious seminary. See **seminary**.

[1087]

religious society. A body of persons organized for the purpose of maintaining religious worship, usually meeting in some stated place for the worship of God and for religious instruction. Anno: 17 ALR 1063, s. 28 ALR 864, 81 ALR 1184. More elaborately, a voluntary organization whose members are associated together not only for religious exercises, also for the purposes of maintaining and supporting its ministry, providing the conveniences of a church home, and promoting the growth and efficiency of the work of the main church body of which it forms a coordinate part. *First Presbyterian Church v Dennis*, 178 Iowa 1352, 161 NW 183.

This term as it is used in the contemplation of a constitutional provision providing for exemption from taxation is to be taken in its ordinary acceptance as meaning an association or body of communicants or a church usually meeting in some stated place for worship or for instruction, or organized for the accomplishment of religious purposes, such as instruction or dissemination of some tenet or particular faith or otherwise furthering its teaching. *Mordecai F. Ham Evangelistic Asso. v Matthews*, 300 Ky 402, 189 SW2d 524, 168 ALR 1216, 1221.

religious teacher. A minister of the gospel. *Pfeiffer v Board of Education*, 118 Mich 560, 77 NW 250. Broadly, any person engaged in a sincere attempt to teach the principles of any religious sect or faith, whether or not ordained as a minister.

religious test. An appraisal of a person according to the religion in which he believes. "No religious test shall ever be required as a qualification to any office or public trust under the United States." US Const, Art VI, cl 3.

religious training. Training in the principles of religion and religious belief.

See **religion**; **religious belief**.

religious tribunal. See **church judicatory**.

religious uses. See **charitable uses**.

religious worship. See **worship.**

relinquishment. An abandonment; a yielding up of all claim to a thing.
See **release; renunciation.**

reliqua. A balance of account.

reliquidation. The recalculation and reassessment of a customs duty following a protest. 21 Am J2d Cost D § 94.

relocatio. (Civil law.) The renewal of a lease without making any change in its terms.

relocation. The selection of a new location, as for an office or place of business. A change in location, as of a railroad station. 44 Am J1st RR § 261.

relocation center. A place for the detention during time of war of citizens or subjects of hostile nations or of citizens of the United States of hostile origin or association. 56 Am J1st War § 28.

relocation of claim. The location of a claim to mining ground previously covered by a location of claim which was invalid or which, if valid, has come to an end by abandonment, forfeiture for nonperformance of assessment work, or other means. 36 Am J1st Min & M § 99.

relocation of route. A change in the location or intended location of a railroad. 44 Am J1st RR § 208.

relocation of way. A change in the location or route of a highway, to be accomplished only by competent authority and in the manner prescribed by law. 25 Am J1st High § 106.

rem. See **in rem; post rem; res.**

remain. To stay in a place. To be left after others or other things have departed or been taken away.

remainder. An estate, whether in real or personal property, limited to take effect in possession immediately after the expiration of a prior estate known as the particular estate, created at the same time and by the same instrument. 28 Am J2d Est § 195.

The word is relative and implies a prior disposition of some part of the estate, but the particular estate and the remainder constitute one whole, are carved out of the same inheritance, and may both vest at the same time and subsist together. *Moore v McKinley*, 246 Iowa 734, 69 NW2d 73.

The essence of a remainder is that it is to arise immediately on the determination of the particular estate by lapse of time or other determinate event, and not in abridgement of it. 28 Am J2d Est § 196.

Though, strictly speaking, a remainder is not the same as reversion, the term "remainder," as used in a particular statute, such as the income tax law, may be construed to include what, in a strict common-law sense, is a "reversion." *Commissioner of Corp. & Taxation v Bullard*, 313 Mass 72, 46 NE2d 557, 146 ALR 772.

See **alternative remainders; contingent remainder.**

remainder after remainder. A permissible limitation where the remainders are in the alternative so that one takes effect if the other does not. 28 Am J2d Est § 216.

remainder limited by way of use. A use which was so qualified that it was given effect as a remainder. 28 Am J2d Est § 337.

remainderman. One entitled to an estate in remainder.

Under a statute providing that as respects the passing and limitation over of real or personal property dependent, under the terms of any instrument, on the foster parent dying without heirs, the minor adopted child is not deemed the child of the foster parent so as to defeat the rights of remaindermen, the term "remaindermen" was held to include all those persons who might ultimately be entitled to take the estate, whether they were technically remaindermen under the definition of the common law or otherwise. *Re Leask*, 197 NY 193, 90 NE 652.

See **remainder**.

remainders on a contingency with a double aspect. Alternative remainders so limited that the second takes effect in lieu of the first, and only in case the first never takes effect at all. 28 Am J2d Est § 216.

As an illustration, a limitation to A for life, and after A's death, if he have children, to them in fee simple, and if he have no children, then to B in fee simple. In such case, in one alternative the remainder in favor of the children vests, and in the other alternative the remainder in favor of B vests. *First Nat. Bank v Pointer*, 174 Tenn 472, 126 SW2d 335.

remainder on a double contingency. See **remainders on a contingency with a double aspect**.

remainders on a single contingency with a double aspect. Same as **remainders on a contingency with a double aspect**.

[1088]

remand. The return of a case by an appellate court to the trial court for entry of a proper judgment, further proceedings, or for a new trial. 5 Am J2d A & E §§ 962 et seq. The return of a cause, by the reviewing court on certiorari, to the tribunal to which the writ was directed. 14 Am J2d Certiorari § 74. The return of a case to an administrative agency after a review by the court of a determination or decision of such agency. 2 Am J2d Admin L § 764. The disposition made of a petitioner denied relief in a habeas corpus proceeding, he being sent to the custody or restraint from which he was taken under the writ. 25 Am J1st Hab C § 154. The sending back to the state court by the federal court of a cause previously removed from the state court to the federal court. 28 USC § 1447(c).

See **mandate; procedendo; reversed and remanded**.

remand for further proceedings. See **remand**.

remanentia. Same as **remainder**.

remanentiam. See **adremanentiam**.

Remanent pro defectu emptorum. They remain for want of purchasers; that is, goods offered for sale by a sheriff.

remanere. To remain; to continue; to demur.

remanet. A cause which is ready for trial, but which must await the next term of court.

Rem domino vel non domino vendente duobus in jure est potior venditione prior. One, whether owner or not, having sold a thing to two persons, he to whom it was first sold is the stronger in right.

remarriage. The marriage of a surviving spouse or of a divorced spouse. The marriage of a divorced spouse to husband or wife under the marriage dissolved by the divorce.

remarriage table. A table of chances of remarriage of a surviving spouse, taking into account such a known factor as age, usable particularly in calculating the value of a life estate terminable upon remarriage. *Re Keenan's Estate*, 302 NY 417, 99 NE2d 219, 25 ALR2d 1459.

remediable. Capable of being remedied or redressed.

remediable right. A right enforceable by resort to law and the invoking of an appropriate remedy. *Ebner v Haverty Furniture Co.* 138 SC 74, 78, 136 SE 19.

remedial. Providing a remedy or means of redress; pertaining to remedy or redress.

remedial act. Same as **remedial statute**.

remedial action. A civil action for recovery of damages for the benefit of the injured party as compensation, the purpose being to indemnify the plaintiff rather than punish the defendant. 1 Am J2d Actions § 42.

An action is remedial where it is brought by the party injured, but it is penal when it is brought by a common informer. *O'Keefe v Weber*, 14 Or 55, 12 P 74.

remedial cases. Those cases wherein the remedy is afforded through certain extraordinary writs, such as prohibition, mandamus, certiorari and quo warranto. *State v St. Paul & Sioux City Railroad Co.* 35 Minn 222, 223, 28 NW 245.

remedial law. The law of practice. The law which provides a remedy for the enforcement of rights and the redress of grievances and sets forth the rules whereby the remedy is applied.

remedial legislation. See **remedial statute**.

remedial statute. A statute to be construed liberally as one intended to reform or extend existing rights or to correct defects and eliminate mischief in a pre-existing statute. 50 Am J1st Stat §§ 14, 15. A statute pertaining to matters of practice and procedure rather than matters of substantive law. 50 Am J1st Stat § 15.

See **prerogative remedial legislation**.

remedy. The means employed to enforce a right or redress an injury. *Paulsen v Remecke*, 181 La 917, 160 So 629, 97 ALR 1184. The means or method whereby a cause of action or corresponding obligation is effectuated and by which a wrong is redressed and relief obtained. *Jewett v City Transfer & Storage Co.* 129 Cal App 556, 18 P2d 351. The appropriate legal form of relief by which a remediable right may be enforced. *Ebner v Haverty Furniture Co.* 138 SC 74, 78, 136 SE 19. Any remedial right to which an aggrieved party is entitled with or without resort to a tribunal. UCC § 1-201(34).

remedy by due course of law. Reparation for injury ordered by a tribunal having jurisdiction, in due course of procedure, after a fair hearing. *Hanson v Kreheiel*, 68 Kan 670, 75 P 1041.

See **due course of law; due process of law**.

remedy over. Recourse against a third person to recover a sum which one has been compelled to pay to another.

See **third party action**.

Rem in bonis nostris habere intelligimur, quotiens ad recuperandum eam actionem habeamus. We are supposed to have a property in our goods whenever we have an action to recover them. See 2 Bl Comm 397.

remise. A surrender; a release; a reconveyance.

remise, release and quitclaim. Operative words of a quitclaim deed. 23 Am J1st Deeds § 16.

remission. A release; a pardon; an exoneration. A remitting. The forgiving of a pecuniary penalty or forfeiture. 23 Am J1st Forf & P §§ 24, 53. An act of the chief executive of a state in forgiving a fine under his power to pardon. 39 Am J1st Pard § 26.

remission for jurisdiction. See **remittitur** for jurisdiction.

remission of assets. The transfer of assets of a decedent's estate by an ancillary representative to the representative at the domicile of the decedent. remission of damages.

See **remittitur**.

remission of fine, forfeiture, or penalty. See **remission**.

remission of punishment. See **commutation of sentence; pardon; remission**.

Remissius imperanti melius paretur. He who commands the more gently is the better obeyed.

Remissum magis specie, quam vi; quia, cum venditor pendere juberetur, in partem pretii emptoribus ac-

[1089]

crecebat. Remitted rather in appearance than in fact; because when the vendor was ordered to pay he increased the price to the buyers in proportion. See 1 Bl Comm 317.

remit. To effect a remission as by a pardon or forgiveness of a forfeiture. To transmit or forward money, especially by way of payment of a debt. *Nicoletti v Bank of Los Banos*, 190 Cal 637, 214 P 51, 27 ALR 1479, 1483; *Colvin v United States Mut. Acci. Assn.* (NY) 66 Hun 543, 545, 21 NYS 734; 40 Am J1st Paym § 36.

See **remission**.

remittance. The transmitting of money. Money transmitted. A payment sent by mail or other means of transmission.

remittance man. A stipendiary. In popular usage, a dissolute member of the family sent afar to live on a remittance without further blemishing the family name.

See **stipendiary**.

remittee. A person to whom a remittance is sent or made.

A person who remits. There is a practice of procuring a check to be drawn by a third party to be used in paying a debt due from the person procuring the check to the person to whom the debtor has had the check made payable. This practice is recognized in the case of foreign bills of exchange, and the person procuring the bill is known technically as the "remitter" of it. And in such case the payee of the bill, who takes it from the remitter for value, is held to be a bona fide purchaser for value. *Boston Steel & Iron Co. v Steller*, 183 Mass 140, 66 NE 646.

The doctrine that where a mail has a right to lands, but is out of possession, afterward has a freehold cast upon him by some subsequent defective title, and enters by virtue of that title, in such case he is remitted, or sent back, by operation of law, to his ancient and more certain title.

The right of entry, which he gained by a bad title, is ipso facto annexed to his own inherent good title; and his defeasible estate is utterly defeated and annulled, by the instantaneous act of the law, without his participation or consent. See 3 Bl Comm 19.

remittere. To release; to relinquish.

remittit damna. He remits damages; --a plaintiff's record entry of a remission or waiver of a part of the damages awarded by the verdict of the jury in his favor. *Van Alen v Rogers*, 1 Johns Cas 281.

remittitur. A reducing of a verdict because of the excessiveness of the award, often required of a plaintiff as a condition of affirmance of the judgment entered upon the verdict. 22 Am J2d Damg § 366. The remanding of a case by an appellate court to the trial court from which the appeal taken.

See **mandate; remand.**

remittitur for jurisdiction. The reduction by the plaintiff of his claim by a voluntary credit in order to bring the claim within the jurisdictional maximum limit of the court. 20 Am J2d Cts § 165.

remittitur of record. See **remand.**

remittor. Same as **remitter.**

remnant rule. The rule that whenever in subdividing a line or space, the surveyor declares the dimensions he has given to each subdivision except the last and there leaves an irregular space without designating its dimensions, he is presumed to have thrown all the remainder, much or little into such irregular and unmeasured portion. *Pereles v Gross*, 126 Wis 122, 105 NW 217; Anno: 97 ALR 1232.

remnants and surpluses. A technical expression used in the registry of the admiralty and applied to the residue which remains after the satisfaction of claims for seamen's wages, for bottomry bonds, for salvage services, and for supplies of materialmen, where a ship has been sold to satisfy such claims. *China Mut. Ins. Co. v Force*, 142 NY 90; 36 NE 874.

remnant theory. A theory sometimes applied in determining the amount of property subject to condemnation under the power of eminent domain, the theory being that if only such property as is barely necessary for the improvement is taken, there will be left fragments of property of such size and shape as to be separately valueless, the result being that the public body condemning will be required to pay for the whole, notwithstanding it only took a part. *Cincinnati v Vester* (CA6 Okla) 33 F2d 242, 68 ALR 831, affd 281 US 439, 74 L Ed 950, 50 S CI 360.

remonstrance. A protest. An objection. An objection, for example, to the establishment of a highway. 25 Am J1st High § 25.

The distinction between a remonstrance and all appeal is clear. A remonstrance is interposed in opposition to the act or proceeding and is made before action is taken, while an appeal is made after the act or proceeding, usually upon the ground that the law has not been adhered to. *Girvin v Simon*, 127 Cal 489, 494, 59 P 945.

remote. Distant in relationship, as a remote cause. A matter of time between two events, such as the occurrence of all accident and the date of the trial of the action arising out of the accident. Anno: 85 ALR2d 516.

remote cause. A speculative rather than a direct cause of injury, consequently no basis for the recovery of damages. 22 Am J2d Damg § 21. A cause which is not sufficiently proximate as to constitute the foundation of all action for negligence. 38 Am J1st Negl § 53. A cause so remote in efficiency in reference to injury or cause of loss as to be dismissed from consideration by the court. *Mahoney v Beatman*, 110 Conn 184, 147 A 762, 66 ALR 1121.

If two distinct causes are successive and unrelated in their operation, they cannot be concurrent. One of them must be the proximate and the other the remote cause, and the law will regard the proximate as the efficient and responsible cause, disregarding the remote cause. 38 Am J1st Negl § 67.

remote damages. Damages from an injury not occurring directly from and as a natural result of the wrong complained of; damages of an unusual and speculative nature. *Braun v Craven*, 175 Ill 401, 51 NE 657.

As a legal ground for the exclusion of damage in a tort action, "remoteness" means, not severance in point of time, but the absence of defect and natural causal sequence-- the inability to trace in regard to the damage the propter hoc in a necessary or natural descent from the wrongful act. See *Dulieu v White & Sons*, 2 K. B. (Eng.) 669, 17 Times L. R. 555.

[1090]

remote indorsee. The status of an indorsee holding a bill or note in reference to an indorser under an indorsement made prior to the one under which he received the instrument. 11 Am J2d B & N § 639.

remote materialman. A materialman furnishing materials for construction work whose only relationship to the principal contractor is that he has furnished materials to a subcontractor. 17 Am J2d Cont Bond § 91.

Remoto impedimento emergit actio. The impediment or bar being removed, the action emerges or comes to life.

removable cloud on title. A cloud on the title to property which, although apparently valid, is in fact invalid. 44 Am J1st Quiet T § 11.

removal. A moving of something. A change of residence. A change of domicil. *Barstow v Stone*, 10 Colo App 296, 52 P 48. A person's departure to and settlement in a foreign country. *Jones v McMasters (US)* 20 How 8, 22, 15 L Ed 805, 810.

See **move**.

removal for cause. The removal of a public officer from office for reasons which the law and sound public policy recognize as sufficient warrant for removal, that is, legal cause, not merely cause which the appointing power in the exercise of discretion may deem sufficient. 43 Am J1st Pub Of § 205,

removal from office. Divesting an incumbent of the powers and emoluments of office. An incident of the sovereign power which creates an office, the title to office being held subject to the conditions imposed by the sovereign power in constitution or statute. 43 Am J1st Pub Of §§ 181, 182. The divesting of the power, authority, and position of a person as an executor or administrator of a decedent's estate. 31 Am J Ex & Ad § 109.

As used in a constitutional provision providing that an officer unless "removed" holds office until his successor qualifies, the word refers to ouster from office under the statute authorizing removals for misconduct, and does not refer to ouster by quo warranto proceedings, which are invoked only where a person is usurping an office to which he has no legal title. See *Haymaker v State ex rel. McCain*, 22 NM 400, 163 P 248.

Removal from office also applies to corporate officers, removal being accomplished as provided for and regulated by statute or provision of the charter of the corporation. 19 Am J2d Corp § 1105.

See **removal for cause**.

removal of body from grave. A disinterment sometimes compelled, sometimes voluntary for purpose of changing place of interment. 22 Am J2d Dead B §§ 22 et seq.

removal of building. See **moving building**.

removal of cause. In the usual sense of the term, the transfer of a case from a state to a federal court, made on the petition of a defendant or defendants. *Shamrock Oil & Gas Corp. v Sheets*, 313 US 100, 85 L Ed 1214, 61 S Ct 868. In the broad sense of the term, any transfer of a case from one court to another.

See **change of venue**.

removal of cloud on title. See **cloud on title; quieting title.**

removal of officer. See **removal from office.**

removal of property from jurisdiction. A ground of attachment, whether an actual physical removal or a constructive removal by assignment or transfer of the property to a nonresident, with intent to hinder or delay creditors or, under some statutes, irrespective of intent. 6 Am J2d Attach §§ 243, 244.

removal rider. A permit issued by an insurance company to an insured, authorizing him to remove his insured goods to a new location. Anno: 38 ALR 1520.

removal tax. A tax levied upon the removal from one country to another of property acquired by succession or testamentary disposition. Re Peterson, 168 Iowa 511, 151 NW 66, affd Duns v Brown, 245 US 176, 62 L Ed 228, 38 S Ct 111.

remove. To effect a removal.

See **move; removal.**

remover. The transfer of a cause to another court from the one wherein it is pending, by writ of error, certiorari, review, etc.

rem proceeding. See **in rem action.**

rem suam. See **in rem suam.**

rem versum. See **in rem versum.**

remuneration. Compensation. Salary; wages. Russell v Ely & Walker Dry Goods Co. 332 Mo 645, 60 SW2d 44, 87 ALR 953.

renal colic. A serious illness arising from malfunction of the kidneys or urinary system. 29 Am J Rev ed Ins § 745.

renant. Denying.

rencounter. A sudden fight, without deliberation.

render. To give; to furnish; to present; to deliver.

Mailing a statement which is to be rendered by a certain date is not a rendering of it unless it is received by that date. Peabody v Satterlee, 166 NY 174, 59 NE 818.

rendered account. Same as **account rendered.**

rendered and satisfied. See **judgment rendered and satisfied.**

rendering decision. Decision-making, consisting in both fact finding and application of the law, although where a case is tried by a court with a jury, the fact finding is generally the exclusive province of the jury. Fasplund v Hannett, 31 NM 641, 249 P 1074, 58 ALR 573.

renders. See **services.**

rendition of judgment. The act of the court in orally pronouncing a judgment in apt language which finally determines the rights of the parties to the action, and leaves nothing more to be done except the ministerial act of the clerk in entering the judgment. *American Surety Co. v Mosher*, 48 Ariz 552, 64 P2d 1025; *Seisser v Oregon S. L R. Co.* 33 Idaho 291, 193 P 731.

See **date of rendition of judgment.**

rendition warrant. A warrant of extradition. 31 Am J2d Extrad § 61.

See **extradition warrant.**

renegade. A deserter from a cause, faith, or political party.

renegotiation. The negotiation of a negotiable instrument by a prior party to whom the instrument has been negotiated back. 11 Am J2d B & N § 527.

[1091]

Renegotiation Act. A federal statute providing for the renegotiation of war contracts and the recapture of excessive profits realized under contracts for the supply of war materiel. 50 USC Appx §§ 1191 et seq.

renegotiation of war contract. The modification of a contract for military needs made in time of national emergency and war, after the termination of hostilities, for the purpose of preventing an excessive buildup of military stores and materiel and protecting the government against excessive profits disrupting national economy. 56 Am J1st War § 49.

renew. To make over; to rebuild; to re-establish. *Quinn v Valiquette*, 80 Vt 434, 68 A 515. To refresh, revive, or rehabilitate an expiring or declining subject. *Bright v Dayton* (CA5 Ga) 107 F2d 153. To confirm a contract made under the disability of infancy of mental incompetency. *Minnich v Darling*, 8 Ind App 539, 544, 36 NE 173.

renewable insurance. Insurance which can be extended in duration by a mere notice from the insured, without the making of a new contract. *Continental Casualty Co. v Trenner* (DC Pa) 35 F Supp 643.

renewable term insurance. Term insurance with a provision for renewal without an additional medical examination.

renewal. Renewing; being renewed.

See **renew; successive renewals.**

renewal commission. A commission, calculated on a renewal premium, to which an insurance agent is entitled by virtue of having obtained the application for the policy by solicitation of the insured.

renewal note. A new promissory note given by way of renewing the obligation under a prior note.

As applied to promissory notes, in commercial and legal parlance, the word "renewal" or "renewed" means more than the substitution of another obligation for the old one. It means to reestablish a particular contract for another period of time. It means to restore to its former conditions an obligation on which the time of payment has been extended. *Kedey v Petty*, 153 Ind 179, 54 NE 798, 800.

renewal of chattel mortgage. See **refiling.**

renewal of contract. The extension or continuation of a contract for an additional term following the expiration of the contract according to its terms. 17 Am J2d Contr § 464.

renewal of copyright. An extension under the Copyright Law of the period of a copyright as provided by the statute. *Miller Music Corp. v Charles N. Daniels, Inc.* 362 US 373, 4 L Ed 2d 804, 80 S Ct 792.

renewal of indebtedness. The substitution of a new obligation for a pre-existing indebtedness. An extension of time of payment. 34 Am J1st Lim Ac § 368. Neither borrowing of money nor effecting a loan. *State v Love*, 170 Miss 666, 150 So 196, 90 ALR 506.

renewal of insurance. See **renewal of policy.**

renewal of lease. A creation of a new lease rather than an extension of an old lease. 32 Am J1st L & T § 956.

See **extension of lease.**

renewal of motion. A motion submitted following the denial of a similar motion. 37 Am J1st Motions § 19.

renewal of patent. An extension of the life of a patent pursuant to statute under a right which is as much an incident of the invention as the right to obtain a patent. 40 Am J1st Pat § 103.

renewal of policy. The continuance of insurance in force by the payment of a new premium, sometimes under a provision for renewal contained in the contract of insurance.

A renewal of insurance by the payment of a new premium and the issuance of a receipt therefor, where there is no provision in the policy for its renewal, is a new contract on the same terms as the old, but where the renewal is in pursuance of a provision to that effect, it is not a new contract but an extension of the old. 29 Am J Rev ed Ins § 357.

See **renewable insurance.**

renewal until paid. A provision for the renewal of a note contained in the instrument.

The courts appear to be in complete agreement that a "renewal until paid" or similar provision in a note authorizes, not an indefinite number of renewals thereof, but one renewal. *Riepl v Sardino*, 262 Wis 670, 56 NW2d 493, 35 ALR2d 1087.

reniant. Same as **renant.**

renounce. To waive or relinquish; as, to renounce a right.

The term as used in the Uniform Limited Partnership Act providing that a person erroneously believing himself to be a limited partner is not liable as a general partner "provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business," means the giving up of a right or claim; the object of the provision is to put creditors in the position they would have occupied if there had been no limited partner at the time their debts were contracted. *Gilman Paint & Varnish Co. v Legum*, 197 Md 665, 80 A2d 906, 29 ALR2d 286.

See **renunciation.**

renounce probate. To decline to act as executor.

See **retractation.**

renovare. To renew.

rent. Verb: To obtain possession of premises under a lease. To let premises. Noun: Compensation in money, provisions, chattels, of services, paid or given in exchange for the use and occupation of real estate. 32 Am J1st L & T § 428. A sum stipulated to be paid for the use and enjoyment of land, liability for which becomes absolute when it accrues upon the occupation of the premises for which it is to be paid. *Ambrozich v Eveleth*, 200 Minn 473, 274 NW 635, 112 A LR 269. The

return to the lessor under a mining lease. 36 Am J1st Min & M § 48. The return to the lessor under a gas or oil lease. 24 Am J1st Gas & O § 65. The return to a bailor under a bailment for hire. 8 Am J2d Bailm § 225.

The word is derived from the Latin word "redditus." De Haven v Sherman, 131 Ill 115, 22 NE 711.

The term as used in a statute giving a landlord a lien for unpaid rent, may not be so construed as to include taxes which the tenant has covenanted to pay, in the absence of a clear intention of the parties to that effect expressed in the lease. Lamoine Mott Estate v Neiman, 77 F2d 744, 99 ALR 1097.

The term within the meaning of price control regulations includes any commission paid by a tenant for obtaining a lease. Anno: 156 ALR 1463.

See **accustomed rent; ancient rent; assart rent; assize rent; black-mail; black rents; chief rents;**

[1092]

corn-rents; dead rent; delay rentals; distress for rent; double rent; dry rent; extinguishment of rent; fee farm rent; firma alba; forehand rent; gale; gavelbred; ground rent; irredeemable ground rent; meal rent; maiden rents; quarter days; quitrents; rack-rent; redditus; royalty; table rents; wayleave rent; white farm; white rents.

rental. A charge made by way of rent. A sum total of rents accruing from particular premises for a year or other definite period of time. Fremont, Elkhorn & Missouri Valley Railroad Co. v Bates, 40 Neb 381, 393. Another term for rent roll.

rental agent. An agent who simply lets premises and collects rents thereon. St. Paul v Clark, 84 Minn 138, 140, 86 NW 893.

rental guide. See **real estate and rental guide.**

rental value. The amount for which premises will let; not a conjectural, but a fair, value to be ascertained by evidence of what the premises will rent for in the open market or evidence of other facts from which the fair value may be determined. Brewington v Loughran, 183 NC 558, 112 SE 257, 28 ALR 1543. The measure of recovery for a wrongful withholding of plaintiff from possession of real property. 22 Am J2d Damg § 132.

The term as applied to lands covered with a growing crop, means, not what the lands may be rented for in the vicinity for ordinary purposes, but the value of the use for the purpose of maturing and harvesting the crop; of necessity, the value of the crop in the condition at which it exists at the time of the injury is the prime factor in the ascertainment of the value of the use. Anno: 19 ALR 495.

rent charge. A charge upon land, created by deed or will, for the payment of sum due periodically, collectible by distraint, constituting a hereditament which will pass to the heirs and devisees of him in whose favor it was created, unless disposed of by him during his lifetime. 32 Am J1st L & T §§ 1039, 1040.

See **tithe rent-charge.**

rent days. Days commonly fixed for the payment of rents, determined in ancient times according to ecclesiastical festivals or holidays.

renting automobiles. A business, of great proportions in modern times, for the furnishing of automobiles to customers at airports, railroad stations, bus stations, hotels, etc. under leases providing for the payment of a fixed rental, the automobile to be driven by the lessee.

A business consisting mainly in furnishing automobiles from a central garage on orders generally by telephone is not an agency for public use or a public utility. Terminal Taxicab Co. v District of Columbia, 241 US 252, 60 L Ed 984, 36 S Ct 583.

See **hired automobile clause.**

rent in kind. Crop rent. 32 Am J1st L & T § 61.

rent insurance. A contract of insurance indemnifying the insured owner or lessor of premises against loss of rent under certain specified conditions, such as the premises becoming untenable because of fire or other casualty. Anno: 17 ALR2d 1228. A species of guaranty insurance; a contract whereunder the insured landlord is guaranteed a specified fixed revenue from his lands. Anno: 17 ALR2d 1230. A contract of insurance indemnifying a tenant for any loss which accrues to him by reason of having to pay rent for a period during which the rented premises are untenable from fire or other cause specified in the contract. Anno: 17 ALR2d 1231.

rent laws. Statutes protecting tenants against exorbitant rents and from dispossession so long as they pay the agreed rent or a reasonable rent, enacted during a housing shortage, especially one resulting from war conditions. 32 Am J1st L & T § 1036.

rent loss insurance, See rent insurance.

rent, mortgage, and repair. As a phrase in a delegation of powers, referring to real estate rather than personalty. Caracci v Lillard, 7 111 2d 382, 130 NE2d 514, 53 ALR2d 1053.

rent roll. A list of a person's tenants and the rents due under their leases.

rents and profits. See rents, issues, and profits.

rent sec. Same as **rent seck.**

rent seck. A ground rent, reserved by the grantor upon an alienation of the fee, but without a right of distraint for collection. 32 Am J1st L & T § 1040.

rent service. A ground rent, a rent charge, payable in corporeal service and some pecuniary medium, arising upon an alienation of the fee with a reservation of rent and the right to distrain for nonpayment, constituting an estate remaining in the grantor and passing upon his death the same as the land would have passed in the absence of an alienation. 32 Am J1st L & T § 1040.

Rent service arising upon conveyances in fee simple seems to have been abolished by the Statute of Quia Emptores (1290) prohibiting subinfeudations. 32 Am J1st L & T § 1040.

rents, issues, and profits. The income or net income from land or an estate therein. People v Savings Union, 72 Cal 199, 203, 13 P 498. A kind of estate growing out of the land for life, or years, producing an annual or other rent. Bruce v Thompson, 26 Vt 741, 746.

rents of assize. Immutable fixed rents of freeholders and copyholders of ancient manors.

renunciation. A definite giving up or casting off of something. A legal act by which a person abandons a right acquired, but without transferring it to another. Johnston's Estate, 186 Wis 599, 203 SW 376. A disclaimer of interest by succession made after the ancestor's death, which, if effective, relates back to the time of death and avoids the succession. Bostian v Milens, 239 Mo App 555, 193 SW2d 797, 170 ALR 424. Refusal to accept a gift. Gottstein v Hedges, 210 Iowa 272, 228 NW 93, 67 ALR 1218. A method of discharging a negotiable instrument consisting of the holder's express disclaimer of rights in the instrument. 11 Am J2d B & N § 948. The refusal by a person designated trustee to act as such. 15 Am J2d Char § 40. The refusal of one entitled to appointment as an executor or administrator to accept the appointment. 31 Am J2d Ex & Ad § 77. An agent's termination of the agency relationship. 3 Am J2d Agency § 40.

See **repudiation.**

renunciation by surviving spouse. A refusal of dower or statutory share of a surviving spouse in the estate of a decedent in order to take under his or her will; a rejection of provisions of a will in order to take dower or the statutory share of a surviving spouse. 25 Am J2d Dow § 162.

renunciation of citizenship. See **expatriation; oath of allegiance.**

renunciation of executorship. See **renunciation.**

[1093]

renunciation of legacy or devise. A declination of a legacy or devise by positive act or statement of the beneficiary. 57 Am J1st Wills §§ 1566, 1571.

renunciation of property. A dereliction. An abandonment of property.

Renunciation of dereliction of property requires both the intention to abandon and external action. This is true of property at sea as well as on land. Even the title of the owner to property lying at the bottom of the sea is not necessarily divested. *Murphy v Dunham* (DC Mich) 38 F 503. There must be a voluntary intention to abandon, or evidence from which such intention may be presumed. *Belcher Oil Co. v Griffin* (CA5 Fla) 97 F2d 425.

See **renunciation.**

renunciation of will. See **renunciation by surviving spouse; renunciation of legacy or devise.**

renvoi. (French.) A dismissal; a sending back, particularly of a diplomatic officer. The doctrine in the field of conflict of laws that in determining the question before it, the court of the forum must take into account the whole law of the other jurisdiction, including not only the local law of such other jurisdiction, but also its rules as to conflict of laws, and then apply the law as to the actual question which the rules of the other jurisdiction prescribe, which law may be the law of the forum. 16 Am J2d Confl L § 2. Rejected as putting the court on the course of a never-ending circle. *Haumschild v Continental Casualty Co.* 7 Wis 2d 130, 95 NW2d 814.

The doctrine of *renvoi* has generally been repudiated by the American authorities. 16 Am J2d Confl L § 2.

reo absente. The defendant being absent; in the absence of the defendant.

reopening account. A review or reconsideration of an account, such as a guardian's account, had after a purported final settlement. 25 Am J1st G & W § 172. The reconsideration of a trustee's account after settlement thereof by decree or order of court. 54 Am J1st Trusts § 511.

reopening case. Permitting either party to present further evidence after the parties have rested. 53 Am J1st Trial § 123. Action on the part of a police department in resuming investigation upon the disclosure of an item of new evidence in a case previously closed for want of evidence of guilt.

See **new trial.**

reopening estate. A matter with which bankruptcy courts are expressly invested with jurisdiction, such courts being empowered to reopen closed estates for cause shown, Bankruptcy Act § 2(a) (8); 11 USC § 11(a) (8), as for the administration of assets of substantial value which the bankrupt did not schedule. 9 Am J2d Bankr § 1273. The resumption of administration of a decedent's estate, after an order discharging the executor or administrator and the approval of his final account of distribution, because of the existence of newly discovered assets. 31 Am J2d Ex & Ad § 124.

An administration should be reopened to permit prosecution of an action, not barred by limitations, against the estate. *Re Miles' Estate*, 262 NC 647, 138 SE2d 487.

reorganization of bank. See **bank reorganization.**

reorganization of corporation. See **corporate reorganization.**

repair. Verb: To restore to a sound condition that which is decayed, dilapidated, injured, or partially destroyed. 48 Am J1st Spec A § 47. To restore by renewal or replacement of subsidiary parts of a whole. *Hammond v El Dorado Springs*, 362 Mo 530, 242 SW2d 479, 31 ALR2d 1367. Noun: The act of restoration to a sound, good, or complete state after decay, injury, dilapidation or partial destruction. *Goodyear Shoe Machinery Co. v Jackson* (CA1 Mass) 112 F 146.

It would be in violation of a proper construction of the term "repair" to hold that it included an original improvement, or work of a different character from that previously done. *Santa Cruz Rock Pavement Co. v Broderick*, 113 Cal 628, 633, 45 P 863.

In a contract of sale a covenant to repair, and to replace defective parts of the article contemplates a restoration to the original condition, but does not contemplate the employment of experts to experiment with the article and redesign and reconstruct it. *Allegheny County v Maryland Casualty Co.* (DC Pa) 42 F Supp 672.

Work which may be considered "repairs" within the meaning of a provision of an instrument which creates a trust and charges the cost of making repairs on the trust property to the income therefrom includes expenditures for modernizing buildings by putting in new fronts, reconstructing a barn, digging a well, the repairing or replacing of roofing and plumbing, cleaning flues, repairing old or installing new heating equipment, painting and papering rooms, and whatever else is reasonably necessary to keep up a house. Anno: 128 ALR 255 et seq.

See **covenant to repair; good condition and repair; good repair; habitable repair; necessary repairs.**

repair and replace. See **repair.**

reparable injury. An injury the damage from which is merely in the nature of pecuniary loss, and can be exactly and fully repaired by compensation in money. *Puckette v Hicks*, 39 La Ann 901, 2 So 801.

reparanda. See **domo reparanda.**

reparation. The making good of a wrong or injury caused another. Amends or compensation for an injury; redress. The return of an unlawful exaction, especially a wrongful and unlawful charge made by a common carrier. Payments made by a country defeated in a war under obligation imposed by the treaty of peace.

reparatione. See **de reparatione.**

reparatione hacienda. See **de reparatione hacienda.**

reparationem et sustentationem. See **ad reparationem, etc.**

reparatio pontium. The repair of bridges.

repartimento. A term encountered in Spanish-American grants signifying a partition of common property among the several owners.

All the lands in the kingdom of Spain were divided into "territoria." The "territorium" was divided into "proprios," "solares," "ejidos," "pastos," "dehesas," and "monte." The "proprios" belonged to the town as its proper severalty. The "solares" belonged to their respective owners in severalty. The residue of the "territorium"- "ejidos," "pastos," and "dehesas"-was the com-

munity property of the members of the community. When the necessity ceased, the system was changed and about the time of the discovery of America (1492). It was determined to reduce these community lands to private ownership. This was done through various officers and commissioners of the government. The act was never called or characterized as a grant or a concession, but as a partition among the owners of common property, giving to each his share in severalty. This act was called "repartimento." *Steinbach v Moore*, 30 Cal 498, 501.

repatriation. The restoration of a person to citizenship previously lost by expatriation. A return to the country of one's birth and citizenship of origin. To replace an existing pavement on a street or highway with a new pavement. *Ten Eyck v Albany*, 65 Hun 194, 198, 20 NYS 157.

repave. To reconstruct the paving of a street or highway. Anno: 41 ALR2d 614.

repay. To compensate for something received. To make return in money or of goods in kind. *Grant v Dabney*, 19 Kan 388.

repeal. To revoke or recall. *Oakland Paving Co. v Hilton*, 69 Cal 479, 11 P 3.

repeal by implication. See **implied repeal**.

repeal of constitution. An express, implied, or constructive repeal of a provision of a constitution by the adoption of an amendment to the constitution. 16 Am J2d Const L § 27.

repeal of franchise. The termination of a franchise by the exercise of a reserved power of revocation or repeal. 23 Am J1st Franch § 26.

repeal of statute. The termination of the effect of a statute as existing law by a later statute or constitutional provision. 50 Am J1st Stat §§ 516et seq. The annulment of a statute, whereby it ceases to have any existence, accomplished directly or expressly through a later statute or constitutional provision, or indirectly or impliedly by the enactment of a statute or the adoption of a constitutional provision which is repugnant to or inconsistent with the statute. *Oakland Paving Co. v Hilton*, 69 Cal 479, 485, 11 P 3.

See **implied repeal**.

repeated. Reiterated. Told as heard, as where a slanderous statement is told to a third person by the person to whom it was first communicated. Performed again. Occurring again.

The word is to be distinguished from "continued." A "repeated" violation of a statute may be one which has ceased for a substantial period of time prior to the institution of a proceeding to enjoin it, whereas a "continued" violation would charge violation up to the time of filing suit. *Re Mauch Chunk Brewing Co.* (DC NH) 43 F Supp 205.

repeated transactions. Transactions undertaken and performed one after another. Anno: 87 ALR 97.

repeated trespasses. A succession of wrongs of the same kind, each sufficient in itself to constitute a tort.

See **continuing trespass**.

repeater. See **recidivist**.

Repellitur a sacramento infamis. He who is infamous is denied the right to be sworn or to make oath.

Repellitur exceptione cedendarum actionum. He is defeated in his plea that the actions were assigned.

repentance. Sorrow for one's own wrongdoing.

See **locus penitentiae**.

repetition. (Civil law.) A claim and demand to recover back a payment made under a mistake on a condition which had not been performed.

See **repeated**.

repetito namio. A second or reciprocal distress, in lieu of a first one which was eloiigned.

Hence, it is a command to the sheriff to take other goods of the distrainor, in lieu of the distress formerly taken, and eloiigned, or withheld from the owner. It is one distress taken to answer another, by way of reprisal. See 3 Bl Comm 148.

repetundarum crimen. (Roman law.) Bribery; the crime of bribery or extortion committed by a public officer.

replace. To restore to a former position. To substitute. To provide an equivalent, as in building a house to take the place of one destroyed by fire.

See **repair; reproduction**.

replacement cost. See **reproduction cost**.

replead. To serve or file a new pleading.

See **pleading over**.

repleader. An order or judgment awarded by the court after verdict requiring the parties to replead from that stage of the pleadings where there appears to have been the first error in the pleadings.

Such an order is usually made where by misconduct or inadvertence the issue has been joined on an immaterial fact or where a finding on the issue made would be inconclusive. See 3 Bl Comm 395.

replegiare. To receive back by way of pledge; to replevin.

See **de replegiare**.

replegiare de averiis. A writ which lay to replevin cattle which had been taken by distress.

Replegiare est, rem apud alium detentam cautione legitima interposita, redimere. To replevin is to redeem with lawful security, a thing detained by another. See 3 Bl Comm 146.

replegiari facias. That you cause to be replevied; -a writ which issued out of chancery, commanding the sheriff to deliver distrained goods to their owner. See 3 Bl Comm 146.

repleviable. Subject to an action of replevin; capable of being replevined.

replevin. An action in which the owner or one who has a general or special property in a thing taker or detained by another seeks to recover possession in specie, and sometimes the recovery of damages as an incident of the cause. 46 Am J1st Replev § 2. The writ authorizing the seizure of the property by the officer to whom it is directed. In some jurisdictions a written requisition subscribed by the plaintiff's attorney directing the sheriff to seize certain described property. 46AmJ1st Replev § 79.

[1095]

replevin bond. The bond required of the plaintiff in an action in replevin in obtaining a writ or requisition for the seizure of the property by an officer during the course of the proceeding and before judgment in the action, conditioned for the prosecution of

the action, for the return of the property if return thereof is adjudged, and for, the payment or such sum as may for any cause be recovered in the action against the plaintiff, the bond being primarily for the protection of the defendant in the event the plaintiff does not prevail. 46 Am J1st Replev § 75.

replevin in the cepit. An action of replevin for goods which have been wrongfully taken, as distinguished from replevin to recover goods which have been wrongfully withheld.

replevisable. Capable of being recovered by an action of replevin.

replevish. To replevin.

replevisor. The plaintiff in an action of replevin.

replevy. To secure the possession of personal property by means of an action of replevin.

replevy bond. A form of bond given upon obtaining the release of attached property from the custody of the officer who made the levy. 6 Am J2d Attach § 523.

See **delivery bond; replevin bond.**

repliant. A plaintiff who pleads a replication in answer to a defendant's plea.

replicatio. A Roman law pleading corresponding to the replication of the common law and being the actor's reply to the defendant's exceptio. See 3 Bl Comm 310.

replication. Same as **reply.**

reply. An additional pleading by the plaintiff as such may be required or permitted to meet or avoid matters in the answer. 41 Am J1st Pl § 174. Plaintiff's answer to a setoff or counterclaim. 20 Am J2d Countcl § 148. In equity, a pleading by the plaintiff addressed to the allegations of fact in the defendant's plea. 27 Am J2d Eq § 208. The argument of the plaintiff following, and by way of answer to the argument of the defendant in the trial of an action.

reply brief. A brief filed by the appellant in response to the points made by the respondent, it being improper to raise new points or assignments in such a brief. 5 Am J2d A & E § 689.

repone. See **reduce.**

report. Verb: To give information, as where an officer reports the result of an investigation to his superior. Noun: Repute. A presentation of facts, sometimes in formal detail, as in the case of the statement of an executor, administrator, guardian, trustee, or receiver, accompanying his account, and setting forth the circumstances of his administration of the estate. The statement of the financial condition of a corporation and the amount of business transacted for the period, furnished to stockholders and public officers having supervision over corporate affairs at regular periods or sometimes at irregular periods, as in the case of special reports.

A citation requiring a guardian to make a report of his administration is construed as equivalent to a direction to him to render an account. See *Heisen v Smith*, 138 Cal 216, 71 P 180.

See **referee's report; rumor.**

reportare. To report.

report by grand jury. A report made by a grand jury respecting the character of conduct of public officers or citizens, without including an indictment or presentment against such officers or persons. 24 Am J1st Grand J § 36.

reported cases. See **court reports.**

reporter. One who gathers information and writes reports of events of interest for publication in a newspaper.
See **court reporter.**

reporter's transcript. See **transcript.**

reporting policy. See **monthly reporting policy.**

report of accident. See **accident report.**

report of decision. See **court reports; report of referee.**

report of market. See **market quotations.**

report of referee. The report of a referee to whom a case has been referred, made and returned to the court which ordered the reference, showing the proceedings had before him, his findings of fact and conclusions of law, and in some jurisdictions in certain cases, the decision of the referee upon the whole case. 45 Am J1st Ref §§ 29 et seq.

reports of cases. See **court reports.**

repose statute. A statute of limitation. 34 Am J1st Lim Ac § 10.

reposition of the forest. The reinclusion of a purlieu; that is, the reincorporation of land in a forest which was near the forest and which had formerly been a part of it.

repossession. A taking of possession after a relinquishment of possession. A remedy of the vendor upon default by the buyer under a conditional sale contract. 47 Am J1st Sales § 951. The remedy of the holder of a trust receipt in retaking possession of the subject matter of the receipt upon default of the debtor. 53 Am J1st Tr Rec § 10.

See **re-entry.**

reprendre. (French.) To take back; the source of the English word "reprieve."

represent. To state as a fact. To act for. To stand in the place of.

The proceeds of an insurance policy stand to the owner in the place of the property lost; it is the value of the house paid by the insurance company, not because it acquires the property, but because it agreed to pay so much for the house if destroyed by fire. Hence, if the house was exempt from execution, so also is the insurance. Chase v Swayne, 88 Tex 218, 30 SW 1049.

representation. A statement of a fact, truthful or untruthful. Within the meaning of the law of fraud: --anything short of a warranty, proceeding from the words, act, or conduct of the party charged, which is sufficient to create upon the mind a distinct impression of fact conducive to action. Pocatello Secur. Trust Co. v Henry, 35 Idaho 321, 206 P 175, 27 ALR 337. In the law of insurance:-an oral or written statement by the insured or his authorized agent to the insurer or its authorized agent, made prior to the completion of the contract, giving information as to some fact or state of facts with respect to the subject of the insurance, which is intended or necessary for the purpose of enabling the insurer to determine whether it will accept the

risk, and at what premium. 29 Am J Rev ed Ins § 698.

The principle of descent to the eldest son of an eldest son in prejudice of proximity of blood. 23 Am J2d Desc & D § 6. The doctrine under which a court of equity with jurisdiction to sell property may, in a proper case, alienate the contingent title or interest of unborn remaindermen, or even the contingent title of interested persons in esse whose names and addresses are unknown, provided all the parties are before the court who can be brought before it, and the rights of the nonexistent or as yet unascertained parties will be represented and sufficiently defended by those who are made parties and who have motives of self-interest and affection to make such defense. 31 Am J Rev ed Jud S § 13.

See **class action; class suit; implied representation; per stirpes; right of representation; virtual representation.**

representation by counsel. Having legal counsel, especially in an action, proceeding, or criminal prosecution. The constitutional right of a person accused of crime to be assisted by counsel in his defense. 21 Am J2d Crim L §§ 309 et seq.

representation work. (Mining law.) The annual labor or "assessment work," as it is often called, required by statute providing that on each mining claim, until a patent is issued for it, there shall be annually expended in labor or improvements a specified sum of money, and that upon failure to do so the claim shall be open to relocation in the same manner as if no location was ever made. *De Noon v Morrison*, 83 Cal 163, 23 P 374.

representative. An agent, an officer of a corporation or association, a trustee, executor, or administrator of an estate, or any other person empowered to act for another. UCC § 1-201(35). A member of the House of Representatives in Congress or a state legislature. A person who stands in the place of another, as heir, or in the right of succeeding to an estate of inheritance; one who takes by representation; a person who occupies another person's place and succeeds to his rights and liabilities. *Lee v Dill* (NY) 39 Barb 516, 520. A person who sues or defends in the interest of the estate of a decedent as his personal representative, heir, devisee, legatee, or distributee. 29 Am J2d Ev § 679.

See **labor representative; legal representative; personal representative; real representative.**

representative action. Same as **class action.**

representative capacity. The capacity in which one acts on behalf of some person or estate, not for himself personally.

When a party sues or is sued in such capacity, it is necessary that the capacity in which he sues or is sued should appear in the title, to show the relation between the party and the estate represented, and that he is in court, not for himself but for the estate he represents. *Van Brunt & Davis Co. v Harrigan*, 8 SD 96, 98, 76 NW 984.

representative democracy. A government by representatives elected by the people. A representative form of government.

See **pure democracy.**

representative form of government. A government conducted and constituted by the agency of representatives, delegates, or deputies chosen by the people in regularly recurring elections.

The definition is held to express fairly the modern American idea of such a government. "A fraternal benefit association must have a representative form of government. This requires that the directors or other officers who have general charge and control of the property and business of the society and the management of its affairs shall be chosen by the membership thereof." *Lange v Royal Highlanders*, 75 Neb 188, 106 NW 224, 110 NW 1100.

representative in interest. See **representative.**

representative of a deceased person. The executor or administrator of a deceased person, or a person or party who has succeeded to the right of the deceased, whether by purchase, descent, or operation of law. 58 Am J1st Witn § 237. A person

appointed, not by a testator in his will, but by the law, to represent an ancestor, and upon whom the law casts the inheritance. *Bowen v Hackney*, 136 NC 187, 48 SE 633.

See **personal representative**.

representative of nonresident motorist. A designated state official for the purpose of service of process. 8 Am J2d Auto § 849.

representative or article of value. An unusual and rather inept expression.

As used in a statute prohibiting any slot machine or mechanical device, as the result of the operation of which any merchandise or money is won or lost, this phrase refers to a material or tangible thing of value and does not include free games automatically won on a pinball machine so as to render such a machine subject to seizure and destruction as a gambling device. *Gayer v Whelan*, 59 Cal App 2d 255, 138 P2d 763.

representative peers. Those members of the house of lords of the English parliament who are elected to represent Scotland and North Ireland.

representative suit. Same as **class suit**.

repressive license. A license required as a condition of doing business, the fee for which is so high as to be prohibitive. 52 Am J1st Trad St § 14.

reprieve. A word derived from the French, "reprendre," to take back. The postponement of the execution of a sentence for a definite time, or to a day certain, not defeating the ultimate execution, merely delaying it temporarily. 39 Am J1st Pard § 7.

reprieve ex arbitrio judicis. A reprieve the power to grant which belongs of common right to every tribunal which is invested with authority to award execution. 39 Am J1st Pard § 7.

reprieve ex mandato regis. A reprieve from the mere pleasure of the Crown. 39 Am J1st Pard § 7.

reprieve ex necessitate legis. A reprieve required by law to be granted under certain circumstances, as when a woman convicted of a capital offense alleges pregnancy of a quick child in delay of execution, or when a prisoner has become insane between the time of sentence and the time fixed for execution. 39 Am J1st Pardon § 7.

reprimand. A severe and solemn reproach or censure for disobedience or wrongdoing: as the reprimand of an attorney by the court for unprofessional conduct.

reprisal. A form of retorsion, being the act of a sovereign state, taken short of war, in retaliation against another nation for what it deems to be a wrong committed against it by the other nation, as where a nation seizes property of another

[1097]

nation which has refused to pay a debt to it, to repair an injury, or give adequate satisfaction for it, such property to be finally confiscated for want of satisfaction of the debt or the giving of compensation for the injury. 30 Am J Rev ed Internat L § 53. A remedy, also known as "recaption," by the mere act of the party injured, where another person has wrongfully deprived him of his goods or chattels, or wrongfully detains his wife, child, or servant.

In such case, the owner of the goods, or the husband, parent, or master may lawfully claim and retake them wherever he happens to find them, provided he does so in a manner not riotous, and without a breach of the peace. *Prigg v Pennsylvania* (US) 16 Pet 539, 613, 10 L Ed 1060, 1088.

See **letters of marque and reprisal**.

reprises. Such deductions as are required to be made from gross income in order to ascertain the clear or net Profit of land.

The term does not include deductions for bad management, or personal shortcomings of the holder of the land, or from fire or flood or similar casualty, but deductions for burdens incident to the land as such, taxes, charges and impositions of all kinds which attach to the land itself, are included in the meaning of the term. *Delaware & Hudson Canal Co. v Von Storch*, 196 Pa 102, 105, 46 A 375.

reproach. Shame; disgrace. Obloquy. *Bettner v Holt*, 70 Cal 270, 11 P 713.

Reprobata pecunia liberat solventem. Money refused releases the person who pays; that is, who tenders.

reprobatur. A Scotch action the purpose of which was to convict a witness of perjury.

reproduction. A repetition of production. The act of reproducing an article in violation of a patent right. *Goodyear Shoe Machinery Co. v Jackson* (CA1 Mass) 112 F 146.

reproduction cost. A relevant factor in determining the present value of a public utility plant for rate making purposes. According to one view, the cost of construction of a plant identical with the plant appraised; according to another view, the cost of construction of a plant of equal efficiency, capacity, and durability.

According to still another view, neither the cost of reproducing the existing plant or system nor the cost replacing an existing system or plant by an equivalent one is final as determining the new or present value of a public service property, but both may be of evidential effect in determining the actual fair value thereof. 43 Am J1st Pub Util § 113.

re propria. See **in re propria.**

republic. A country with a republican form of government.

republican form of government. A government constructed on the principle that the supreme power resides in the body of the people. See *Chisholm v Georgia* (US) 2 Dall 419, 457, 1 L Ed 440, 456. A government which derives all its powers directly or indirectly from the people and which is administered by persons holding their offices for a limited period or during good behavior. 16 Am J2d Const L § 390. Not to be confused with the Republican Party.

Within the meaning of the provision of section 4 of article 4 of the United States Constitution that "the United States shall guarantee to every state in this Union a republican form of government," the term signifies a government of a state of the Union which has been recognized by Congress as being a government republican in form. *Pacific States Tel. Co. v Oregon*, 223 US 118, 56 L Ed 377, 32 S Ct 224.

republican government. See **republican form of government.**

republication. The repetition of a slanderous statement by the person to whom it was originally communicated. 33 Am J1st L & S § 95. A publication of a will previously altered or revoked. 57 Am J1st Wills § 625.

Ordinarily, when a codicil is said to "republish" a will, it is meant that a will, then valid, is republished as of the date of the codicil. Anno: 33 ALR2d 929.

Prior to the statute of frauds, a will devising real property could be republished by parol in the same manner as a will bequeathing personalty, but since the enactment of the statute of frauds and the statute of wills a revoked will cannot be revived by an oral declaration of the testator, or otherwise than by a re-execution or republication or by a codicil. Where a statute makes no provision for a republication, but simply requires that in the original execution and publication of the will certain solemnities must be observed relative to the signing of the will by the testator and by subscribing witnesses, the weight of

authority and the better rule is that the republication must be made with like solemnity as the execution of the original will and an oral republication is insufficient; nor can the republication be shown by mere parol evidence. 57 Am J1st Wills § 625.

republication of will. See **republication.**

repudiation. A denial of validity or of authority. Refusal to recognize an obligation asserted as binding one. A denial of responsibility or obligation. *State Sav. Bank v Black*, 91 Iowa 490, 59 NW 282. A certain, definite, unequivocal, and timely denial by one person of the authority of another who has purported to act for him as his agent in incurring a liability. *Sullivan v Bennett*, 261 Mich 232, 246 NW 90, 87 ALR 791.

See **anticipatory repudiation; renunciation.**

repudiation of contract. Refusal to recognize the existence of a contract or the doing of something inconsistent with its existence; renunciation of liability under a contract. 17 Am J1st Contr § 443. A refusal or declination to perform in accordance with the contract. *Lane v Chantilly Corp.* 251 NY 435, 167 NE 578, 68 ALR 653.

repudiation of gift. The avoidance of a gift made by an infant donor, after becoming of age. 24 Am J1st Gifts § 17.

See **renunciation.**

repudium. (Roman law.) The breach of a contract to marry.

repugnance. Repugnancy.

repugnancy. Inconsistency. *Swan v United States*, 3 Wyo 151, 9 P 931. Inconsistency or contradiction in allegations of material facts. 27 Am J1st Indict § 110; 41 Am J1st PI § 47.

In pleading, the common-law doctrine of repugnancy relates to inconsistent matters of substance which are alleged in the same count or plea. Counts and pleas, however, which are merely inconsistent with one another are not for that reason repugnant in a legal sense. 41 Am J1st PI § 48.

[1098]

repugnancy doctrine. A doctrine stated in reference to the construction of repugnant provisions in a will that the law favors the first taker; that the first taker in a will is presumed to be the favorite of the testator; that an absolute gift in a will cannot be cut down by subsequent inconsistent language of doubtful or ambiguous significance, it being necessary before such a result will be permitted that the language indicating an intention to cut down the gift be as clear, plain, and unequivocal as that used in the gift itself; that the presumption is that the first taker receives a fee in spite of subsequent words casting doubt on such result; that in case of doubt as to the quantity of an estate devised, the general rule is that an absolute rather than a qualified estate was intended; and that where a devise of an absolute interest is made, subsequent limitations attempting to deprive the estate of any of the incidents appertaining to it are repugnant and void. 57 Am J1st Wills § 1320.

repugnant allegations. See **repugnancy.**

repugnant provisions. Inconsistent provisions, as in a deed or will. 23 Am J2d Deeds §§ 237-239, 250, 267.

See **repugnancy doctrine.**

repugnant remedies. See **inconsistent remedies.**

reputable. In good repute. Worthy of repute.

The term as used in a statute authorizing the registration of any person who was a reputable resident physician of good moral character, who on the first day of July 1897 was engaged in the actual practice of medicine within the state, was construed as

referring to any person who is regarded as honorable and praiseworthy as a member of the medical profession, of whatever school, or whether classed with any particular school, by any reason of the character of his work and his conduct professionally and not limited to physicians and surgeons who are graduates from some reputable medical school, or belonged to some incorporated medical society. Anno: 4 ALR2d 685.

reputable dog. A dog with no record of doing mischief or of viciousness. *Williams v Moray*, 74 Ind 25; *Blair v Forehand*, 100 Mass 136.

reputable physician. See **reputable**.

Reputatio est vulgaris opinio ubi non est veritas. Reputation is common opinion where there is no actual fact.

reputation. Repute. *People v Beleastro*, 356 Ill 144, 190 NE 301, 92 ALR 1223. The repute in which a man is held by his neighbors. Anno: 10 ALR 9.

See **character; crime of reputation; general reputation; repute**.

repute. The esteem or opinion held by the public, the community, or neighborhood in respect of a person or a thing. *People v Belcastro*, 356 Ill 144, 190 NE 301, 92 ALR 1223.

See **good repute**.

reputed children. A term designating illegitimate children. Anno: 34 ALR2d 49, § 11.

reputed owner. A person who by supposition or opinion derived from outward appearances, appears to be the owner of the property in question. *Santa Cruz Rock Paving Co. v Lyons*, 5 Cal Unrep 260, 266, 43 P 599.

request. To ask or express a wish for something. *Philomath College v Wyatt*, 27 Or 390, 31 P 206, 216. Sometimes to direct or command, although in a delicate manner. In other words, a precatory word, subject to construction in a proper case as a mandatory term. *Coulson v Alpaugh*, 163 111298, 45 NE 216; *Shaver v Weddington*, 247 Ky 248, 56 SW2d 980.

Under some circumstances, a request is the same as a command and has the same meaning. A request from a person in authority is understood to be a mere euphemism. It is in fact a command in an inoffensive form. See *State ex rel. Freeman v Scheve*, 65 Neb 853, 91 NW 846.

The words "request," "hope," "not doubting," that the executor will conduct in a specified manner, when they come from a testator who has power to command, are to be construed as commands in his will, clothed merely in the language of civility, and they impose on the executor a duty which courts have in repeated instances enforced. *Pembroke Academy v Epsom School Dist.* 75 NIT 408, 75 A 100.

The word may be employed in a will as an entreaty, depending upon the context in which the word is inserted and the circumstances attendant upon its use. *Marx v Rice*, 1 NJ 574, 65 A2d 48, 9 ALR2d 584.

request for instruction. A request directed to the court by a party for an instruction to the jury, upon the general issues or upon particular phases of the case, in order that the points of law and the case may be fully presented to the jury by the instructions. 53 Am J1st Tr § 512.

request note. A notice to a person having dutiable goods in his possession, requiring him to secure a permit for their removal.

require. To need-, to call for: to make necessary; to demand. 17 Am J2d Contr § 281; 46 Am J1st Sales § 135.

The word is derived from the Latin "require," compounded of "re" and "quiro"-to seek for, or to seek to get back. Although it may undoubtedly be used in the sense of the word "need," that is neither its primary nor its usual signification. Ac-

cording to all the lexicographers, and in common parlance, it means to command; to ask by right and by authority. *Duhamel v Port Angeles Stone Co.* 59 Wash 171, 176, 109 P 597.

When used in a statute the word "required" may be equivalent to the word "commanded;" as where commissioners were by statute not only authorized, but "required" to levy a yearly tax. *Taylor v Commissioners of Newberne*, 55 NC (2 Jones Eq) 141.

required. See **require.**

required medical treatment. Necessary medical treatment. *Scott v State*, 90 Tex Crim 100, 233 SW 1097, 16 ALR 1420.

requirement contract. A contract which calls for the one party to furnish all of the supply of a certain material required for the operation of the business of the other party for a prescribed time, and for the latter to purchase all of such required supply from the former. 28 Am J Rev ed Inj § 121.

The essence of a requirements contract is that the amount of the commodity needed by the purchaser cannot be exactly defined at the beginning of the year and it is for this reason that a contract of this type which deals for future needs is entered into. *William C. Atwater Co. v Terminal Coal Corporation* (DC Mass) 32 F Supp 178.

[1099]

requirements of the business. As a designation of quantity of goods purchased:-the quantity which is actually needed in the buyer's business as distinguished from the quantity ordered or desired by the buyer, provided there is good faith and no fraud. 46 Am J 1st Sales § 158.

Under an agreement to fill the buyer's requirements, the obligations of the parties are governed by the needs of the business even though those needs increase or decrease because of varying conditions to which the business is ordinarily subject, for such conditions may be said to be within the contemplation of the parties. *Loudenback Fertilizer Co. v Tennessee Phosphate Co.* (CA6 Tenn) 121 F 298.

requisition. An authoritative demand, for example, the demand of the government for military supplies. The taking of private property for use by the government in the waging of a war. *International Paper Co. v United States*, 282 US 399, 75 L Ed 410, 51 S Ct 176. A substitute for a writ of replevin in some jurisdictions, accomplishing the same purpose, although subscribed and issued by plaintiff's attorney. 46 Am J I st Replev § 79.

A request issued by the President of the United States as the chief executive of the Federal Government, requiring a quota or detachment of militia to be furnished or held in readiness for the service of the United States. A requisition, which is a mere courteous request, is to be distinguished from an "order" made by the President as commander-in-chief of the militia, which is a mandatory act. *Mills v Martin* (NY) 19 Johns 7, 26.

requisitions on title. Objections indicated by the solicitor of the vendee to apparent flaws in the title of the vendor.

requisitory letter. Same as **letter rogatory.**

re-recording. See **re-inscription.**

reregistration. A periodic registration, required in some states, following an original registration for voting in the same district. 25 Am J2d Elect § 107.

See **re-inscription.**

rerum natura. See **in rerum natura.**

Rerum ordo confunditur, si unicuique jurisdictio non servetur. The order of things is confused if everyone does not give heed to his own jurisdiction.

Rerum progressu ostendunt multa, quae in initio praecaveri seu praevideri non possunt. In the progress of things many matters appear which could not be prevented or provided for in the beginning.

Rerum suarum quilibet est moderator et arbiter. Everyone is the manager and master of his own affairs or his own property.

res. Abbreviation of **resolution**, also of **reserve**.

res. (Latin.) The thing. The real thing. A transaction. An affair. The subject matter of a trust in a sense of the property held under trust. The subject matter of an action in the sense of the property or status involved.

See **in rem**.

res accendent lumina rebus. Things shed their light upon things. One thing illuminates or clarifies another. Keisselbrack v Livingston Ch (NY) 4 Johns 144, 149.

res accessoria. An accessory thing.

Res accessoria non ducit, sed sequitur suum principale. The accessory thing does not lead, but it follows its principal thing. See Broom's Legal Maxims 493.

Res accessoria sequitur rem principalem. The accessory thing follows the principal thing. See Broom's Legal Maxims 491.

Res accrescit domino. The thing goes to increase the principal thing. That is, anything annexed or added to a principal thing becomes a part of it. See argument of counsel in *Banks v Ogden* (US) 2 Wall 57, 17 L Ed 818.

res adjudicata. Same as **res judicata**.

resale. A sale at retail following a purchase at wholesale. A second sale by of the same goods or property by a seller. *Banks v Pann*, 82 Cal App 20, 254 P 937. A remedy of the seller under an executory contract of sale where the buyer refuses to receive or take the goods, or repudiates the contract. 46 Am J1st Sales § 566. A remedy of the seller of goods under an executed contract of sale where title has passed to the buyer but the seller has retained his lien by the retention of possession or by the exercise of the right of stoppage in transitu. 46 Am J1st Sales § 568. A remedy of the vendor under a conditional sales contract upon retaking the property for the default of the vendee. 47 Am J1st Sales § 966. A judicial sale, following a prior sale of such nature, where the purchaser fails to comply with his bid or where the sale is vacated. 30A Am J Rev ed Jud S §§ 270 et seq.

resale at purchaser's risk. One of the modes of proceeding in a court of equity when a purchaser at a judicial sale, after confirmation, fails or refuses to complete his purchase.

Under this mode of procedure, the court may order a resale of the property, holding the purchaser responsible for any deficiency. *Hammond v Cailleaud*, 111 Cal 206, 215, 43 P 607.

resale price. See **price control**.

res aliena. The property of another.

res caduca. (Civil law.) A fallen thing; escheated property.

resceit. The ancient English practice of permitting a person who was not a party to the action to come into it and plead a right of his own.

resceu. Same as **rescue.**

rescind. To effect a rescission.

See **rescission.**

rescissio. (Civil law,) A rescission; a repeal; an abrogation.

rescission. The termination of a contract through its abrogation or annulment by word or act of the parties or by a judgment or decree of the court. The termination of a contract by mutual consent of the parties or pursuant to a condition contained in the

[1100]

contract, or for fraud, failure of consideration, or a material breach or default. *Maytag Co. v Alward*, 253 Iowa 455, 112 NW2d 654, 96 ALR2d 162. The termination of the contract, and restoration of the contracting parties substantially to their status quo. Anno: 94 ALR 1240.

Treating a contract as broken and desisting from further performance, where the other party to the contract has been guilty of a breach of it, is an abandonment of the contract, but it is not a "rescission" technically speaking. It is merely the acceptance of the situation which the wrongdoing of the other party has brought about. *Anvil Mining Co v Humble*, 153 US 540, 552, 39 L Ed 814, 818, 14 S Ct 876.

As the word is applied to contracts, to "rescind" in some cases means to terminate the contract as to future transactions, while in others it means to annul the contract from the beginning. *Hurst v Trow Printing & Bookbinding Co.* 2 Misc 361, 366, 22 NYS 371.

See **cancellation.**

rescission in pais. The setting aside of an instrument outside of court by the act of a party as distinguished from a rescission in equity *McCall v Superior Court of Imperial County*, 1 Cal 2d 527, 36 P2d 642, 95 ALR 1019.

rescissory action. An action to rescind a contract or other written instrument.

res communes. (Roman law,) Things which are common property.

The human race having multiplied, men partitioned among themselves the earth and the greater part of those things which were on its surface. That which fell to each one among them commenced to belong to him in private ownership, and this process is the origin of the right of property. Some things, however, did not enter into this division, and remain therefore to this day in the condition of the ancient and negative community. These are the things which the juriconsults called "res communes." Among them are the air, the water which runs in the rivers and the sea. Wild animals, *ferae naturae*, have also remained in the ancient state of negative community. *Geer v Connecticut*, 161 US 519, 525, 40 L Ed 793, 795, 16 S Ct 600.

res controversa. (Civil law.) The matter in controversy; the thing in dispute.

res coronae. The property of the crown.

res corporales. (Civil law.) Corporeal property; tangible property.

rescous. Same as **rescue.**

rescript. A statement in writing delivered by a court announcing its decision or conclusions of law the decision of a Roman emperor on a doubtful point which was submitted to him for his determination.

rescue. Saving a person exposed to peril. The crime committed where a person, other than the official custodian, either directly or indirectly, unlawfully aids another person to escape from proper custody. 27 Am J2d Escape § 3. Unlawfully taking away and setting at liberty a distrained animal, whether by force, by threat, or in a peaceful manner. Hamlin v Mack, 33 Mich 103, 105. At common law rescue and pound breach were both actionable and indictable wrongs. "The writ of rescous lieth where a man doth distraint for rent or service, or for damage feasant, and would impeach or impound the cattle, and the other party doth rescue them or take them from him, he shall have the writ of rescous." See Newell v Clark, 46 NJL 363, 376.

rescue clause. A clause, sometimes called a "sue and labor" clause, in a marine insurance policy, enabling the insured to take every measure necessary for the preservation and recovery of the property, without losing his right to abandon, and making it his duty to take such action. 29A Am J Rev ed his § 1568. A clause in a marine insurance policy which authorizes the insured to sue, labor, and travel for the safety of the subject-matter of the insurance, or any part thereof, without prejudice to the insurance. St. Paul Fire & Marine his. Co. v Pacific Cold Storage Co. (CA9 Wash) 157 F 625.

rescue doctrine. The doctrine that where one person is exposed to peril of life or limb by the negligence of another, the latter will be liable in damages for injuries received by a third person in a reasonable effort to rescue the person so imperiled. Marshall v Nugent (CA1 NH) 222 F2d 604, 58 ALR2d 251; 38 Am J1st Negl § 80. The same principle applied to injuries received in saving property exposed to peril by negligence. 38 Am J1st Negl § 81. The principle that one is justified in exposing himself to risks in the protection of human life which otherwise he could not assume without charging himself with contributory negligence. Hammonds v Haven, (Mo) 280 SW2d 914, 53 ALR2d 992.

See **saving property doctrine.**

rescussit. He rescued.

rescussor. A person who committed a rescue, a rescuer.

rescussu. See **de rescussu.**

rescussus. A rescue.

rescutere. To rescue.

rescyt. The receiving or harboring of a person who had committed a felony and had been convicted thereof.

Res denominator a principaliori parte. A thing receives its name from its principal part.

res derelicta. Abandoned property; property from which the mind has withdrawn affection, and which has thus fallen back into the natural state of res nullius, the property of no one, and is again susceptible of becoming the property of the occupant. Rhodes v Whitehead, 27 Tex 304.

resealing. Correcting or giving renewed effect to a writ.

research organization. See **heir hunter.**

resentence. Pronouncing sentence for a criminal offense after revision, modification, or vacation of judgment, during the term at which the judgment was entered. 21 Am J2d Crim L §§ 569 et seq. Pronouncing sentence after a reversal on appeal because of error of the trial court in imposing sentence, whether by the appellate court or the trial court upon remand of the case. 5 Am J12d A & E § 976.

reservation. The engaging of a room at a hotel or a table in a restaurant in advance of the service to be rendered or the accommodation to be had. Often used as a term interchangeable with "exception." *Stephan v Kentucky Valley Distilling Co.* 275 Ky 705, 122 SW2d 493. In one sense a grant by a grantee back to the grantor. Precisely, the creation

[1101]

in behalf of the grantor of a new right issuing out of the thing granted. 23 Am J2d Deeds § 262.

A reservation is to be distinguished from an "exception," which is of a part of the thing granted and of something in esse at the time. *Winston v Johnson*, 42 Mich 398, 401, 54 NW 958.

See **condition; exception; Indian reservation; military reservation.**

reservation Indians. Indians living on Indian reservations.

While they are so living, the jurisdiction of the Federal Government over their tribes, and over the members of such tribes, is exclusive, and they cannot be controlled or governed by the laws of the state within which the reservations are located, except as such laws are specifically authorized by Congress or clearly do not interfere with federal policies concerning Indian reservations. *Warren Trading Post v Arizona State Tax Con.* 380 US 685, 14 L Ed 2d 165, 85 S Ct 1242.

See **Indian reservation.**

reservation of easement. The creation in behalf of the grantor of a new right, issuing out of the same grant, of an easement appurtenant to the grantor's remaining land. 25 Am J2d Ease § 21.

Reservatio non debet esse de proficuis ipsis, quia ea conceduntur, sed de redditu novo extra proficua. A reservation ought not to be of the profits themselves, because they are granted, but it should be of a new rent aside from the profits.

reserve. Verb: To appropriate to a particular purpose. To exclude. To set aside. To set apart from that which has been granted. To make a reservation. *Meigs v M'Clung's Lessee (US)* 9 Cranch 11, 17, 3 L Ed 639, 641. Noun: An organization of the Armed Forces, holding men for training without serious disruption of their civilian activities, but subject to call of active service. A fund or sum of money retained for a special purpose. A fund of a bank, known as a legal reserve, being required by law in an amount proportioned to the deposits by way of assurance to depositors of opportunity to withdraw cash as they need or desire it. *State v Brewer*, 202 NC 187, 162 SE 363, 81 ALR 1424. In insurance, a sum of money variously computed or estimated, which, with accretions from interest, is set aside, as a fund with which to mature or liquidate, either by payment or reinsurance with other companies, future unaccrued and contingent claims, and claims accrued but contingent and indefinite as to amount or time of payment. *Maryland Casualty Co. v United States*, 251 US 342, 64 L Ed 297, 40 S Ct 155. In the distinctive meaning in respect of life insurance maintained on the level premium basis:-the accumulated saving upon a policy which results from the fact that the amount of the premium is greater than the mortality cost during the early years of the insurance and less than the mortality cost in later years, such amount constituting the source of the non-forfeiture value of the policy upon lapse. *Williams v Union Central Life Ins. Co.* 291 US 170, 78 L Ed 711, 54 S Ct 348, 92 ALR 693. The amount of money or assets necessary for a life insurance company to have at any given time to enable it, with interest gained and premiums paid as they shall mature, to meet all claims on the insurance policies then in force as they shall become due according to the particular mortality table accepted; to be reckoned as a liability, and calculated on net premiums; theoretically, the difference between the present value of the total insurance and the present value of the future premiums on the insurance. Anno: 13 ALR 187.

See **loss and loss expense reserve; mean reserve; terminal reserve; unearned premium reserve.**

Reserve Act. The Federal Statute of 1913 under which the federal reserve system was established. 12 USC §§ 341 et seq.

See **reserve banks; reserve system.**

reserve an exception. To cause an objection of a party to be entered of record during the progress of a trial or other proceeding in a court.

See **reserving question in lower court.**

reserve an objection. To reserve, with the permission of the court, the right to make an objection at a later time in the trial.

reserve banks. Banks, incorporated under the act of Congress known as the Federal Reserve Act of 1913 and statutes amendatory thereof, and which are members of the Federal reserve system. *American Bank & Trust Co. v Federal Reserve Bank*, 256 US 350, 65 L Ed 983, 41 S Ct 499, 25 ALR 971, 975, 976. Banks operating under the supervision of the Federal Reserve Board to act as government depositories and fiscal agents of the government; to receive and maintain the legal reserves of banks in the federal reserve system; to discount notes, drafts, and bills of exchange arising in actual commercial transactions; to make short term advances to member banks upon their promissory notes, and, subject to rules and regulations prescribed by the Federal Reserve Board, to engage in open market operations. 10 Am J2d Banks § 272.

Reserve Board. The agency of the United States which acts with primary authority in supervising banks in the Federal Reserve System. 10 Am J2d Banks § 272, A board of governors of the Federal Reserve System, composed of seven members appointed by the President with the consent of the President, empowered to exercise general supervision over federal reserve banks, and granted specific authority in reference to the rediscount of commercial paper and the rates of discount. 10 Am J2d Banks § 5.

reserve clause. A term, in popular use in reference to the contracts of professional athletes, especially baseball players, whereunder the services of the athlete are reserved for the club, although not engaged for more than one year at a time.

See **reserved option.**

reserved. Set apart for a purpose or for a person, as a part of a subdivision set apart for a community theater or a suite of rooms held for a person.

This word in a plat may operate, in the light of the circumstances under which it is used, to show its dedicatory intention. 23 Am J2d Ded § 27.

See **case reserved; crown cases reserved; reservation.**

reserved lands. Lands in the public domain withdrawn from sale, entry, settlement, or other manner of acquisition by the public. 42 Am J1st Pub L § 12. Tracts of public land lawfully appropriated by the government to any purposes and thereby severed from the mass of public lands, so that no subsequent law or proclamation will be construed to embrace them or operate upon them, although no exception be made of them.

The rule is general that no entry or sale of any land can be made which has been reserved for the use of the United States, or one of the states, but

[1102]

they may be restored to the public domain, as, for example, where a military post is abandoned by the government. 42 Am J1st Pub L § 19.

reserved option. Broadly, any option provided a party under the terms of a contract. In common usage, an option contained in the terms of a contract permitting a party to rescind or cancel. 17 Am J2d Contr §§ 495-498.

reserved point. A point not decided by the appellate court in the disposition of a case, being expressly reserved from decision. *Re Monaghan's Estate*, 70 Ariz 349, 220 P2d 726, affd 71 Ariz 334, 227 P2d 227. A point of law which is decided by the court in the course of a trial, but conditionally only, and subject to reargument.

See **reserving question in lower court.**

reserved powers of the state. Powers which are not delegated to the Federal Government or prohibited to the states by the United States Constitution. *United States v Darby*, 312 US 100, 85 L Ed 609, 61 S Ct 451, 132 ALR 1430. Powers which proceed, not from the people of America, but from the people of the several states, remaining the same after, as before the acceptance of the United States Constitution, except as they may be abridged by that instrument. *United States v Appalachian Electric Power Co.* 311 US 377, 85 L Ed 243, 61 S Ct 291, reh den 312 US 712, 85 L Ed 1143, 61 S Ct 548.

reserved price. Same as **minimum price.**

reserved question. See **certification of question; reserved point.**

reserved way. A way newly created by a grantor by means of a reservation. *Winston v Johnson*, 42 Minn 398, 401, 54 NW 958. Sometimes an implied way as a way of necessity in reference to land retained by the grantor.

See **way of necessity.**

reserve for loss claims. See **loss and loss expense reserve; reserve.**

reserve fund. See **reserve.**

reserve method. A method of bookkeeping elected by a taxpayer under the federal income tax law, whereby he sets up a reserve for bad debts, with or without the maintenance of a reserve fund, adding such additions to the reserve as will make the balance large enough to absorb expected bad debts. Internal Revenue Code § 166(c)(d).

Reserve System. A system of banks, operating under supervision of advisory and regulatory agencies, provided by Act of Congress in 1913 for the purposes of promoting sound banking practices and facilitating a flow of credit and money essential to the economic growth of the country. 10 Am J2d Banks § 5.

See **Advisory Council; Governors of the Federal Reserve System; Reserve Act; reserve banks.**

reserving. Making a reservation.

See **reserve.**

reserving question in lower court. A fundamental condition of right to review; the raising of objections and the reservation of exceptions to rulings. 5 Am J2d A & E §§ 545 et seq.

See **reserved point.**

reservoir. A place where water collects naturally, or is stored for use when wanted, as to supply a fountain, a canal, or a city, or for any other purpose. *Howell v Big Horn Basin Colonization Co.* 14 Wyo 14, 81 P 785.

Res est misera ubi jus est vagum et incertum. It is a sorry affair when the law is vague and uncertain.

reset. The receiving or harboring of an outlaw. The harboring of an outlaw.

res fungibles. (Civil law.) Fungible property, --property which was consumable by use and returnable in kind, such as wine.

res furtivae. Things which had been stolen.

Res generalem habet significationem, quia tam corporea, quam incorporea, cujuscunque sunt generis naturae sive speciei, comprehendit. "Thing" has a general meaning, because it includes the corporeal as well as the incorporeal, of whatever kind, nature or species the things may be.

res gestae. A matter incidental to the main or principal fact, and explanatory thereof; acts or words through which a main event speaks. *Cummings v Illinois Cent. R. Co.* 364 Mo 868, 269 SW2d 111, 47 ALR2d 513. Acts and words which are spontaneous and so related to the transaction or Occurrence in question as reasonably to appear to be evoked and prompted by it. 29 Am J2d Ev § 708.

resiance. Same as **residence**.

resiant. Residing.

reside. To dwell in a place. To be a resident. *Kelsey v Green*, 69 Conn 291, 37 A 679.

residence. A term of dual meaning, sometimes meaning a temporary, permanent, or transient character of abode; at other times meaning one's fixed abode or domicil. 25 Am J2d Dom § 4. Sometimes a mere physical presence in a place; at other times an abiding in a place with intent to make it one's home. *Manufacturers' Mut. Ins. Co. v Friedman*, 213 Ark 9, 209 SW2d 102, 1 ALR2d 557; *People ex rel. Heydenreich v Lyons*, 374 111557, 30 NE2d 46, 132 ALR 511; *Dixie Fire Ins. Co. v McAdams* (Tex Civ App) 235 SW2d 207, 41 ALR2d 714. Sometimes a temporary, at other times an actual or permanent, abiding place. 2 Am J2d Adopt § 52. A word having a variety of meanings dependent upon the context in which it is employed as well as the subject matter involved, *Hughes v Illinois Public Aid Co.* 2 Ill 2d 374, 118 NE2d 14, 43 ALR2d 1421, sometimes meaning domicil, at other times not. *State v Garford Trucking*, 4 NJ 346, 72 A2d 851, 16 ALR2d 1407. A dwelling house.

Under the provision of the Uniform Negotiable Instruments Act for sending notice of dishonor of a bill or note to the residence of an indorser, the term "residence" is not used in a strict sense as necessarily implying a permanent, exclusive, or actual abode in the place, but it may be satisfied by a temporary, partial, or even constructive residence. 11 Am J2d B & N § 856.

As to requisite residence for purposes of old age assistance, Anno: 43 ALR2d 1427. As to relationship between "residence" and "domicil" under venue statutes, see Anno: 12 ALR2d 757.

See **domicil; inhabitancy; legal residence; one residence; one residence only.**

residence of bankrupt. The domicil of the bankrupt. 9 Am J2d Bankr § 40.

See **domicil.**

[1103]

residence of corporation. Residence only as declared by law in the state of incorporation. 18 Am J2d Corp § 159.

For purposes of venue, a corporation is a "resident" of the county designated in its articles of association, its certificate of registered agent, and its annual reports regularly filed, and its place of doing business and its offices; and an action against the corporation transitory in its nature may properly be brought in that county even though the corporation's principal and only office is in fact located over the county line in an adjoining county. *Higgins v Hampshire Products*, 319 Mich 674, 30 NW2d 390, 175 ALR 1083.

Within the meaning of a state statute making the county in which the defendant resides a proper county for the trial of the action, the county in which lies the place designated by a foreign corporation as its principal office and place of business within the state in the papers filed by it with the secretary of state and the county clerk as a condition precedent to its doing business in the state, is its residence. Anno: 129 ALR 1289.

residence of debtor. Sometimes, but not always, the equivalent of domicil. 31 Am J2d Exempt § 17.

See **domicil; residence of bankrupt.**

residence of decedent. The domicil of the decedent. Re Glassford's Estate, 114 Cal App 2d 181, 249 P2d 248, 34 ALR2d 1259 (purposes of ancillary administration of decedent's estate); 31 Am J2d Ex & Ad § 32; 57 Am J1st Wills § 766 (purposes of jurisdiction for probate of will).

See **domicil.**

residence of foreign corporation. See **residence of corporation.**

residence of infant. See **domicil by operation of law.**

residence of voter. The domicil of the voter; his home; his place of permanent abode. The place where he is habitually present, and to which, when he departs, he intends to return. The home to which, whenever absent, he intends to return. 25 Am J2d Elect § 66.

residence of ward. The domicil of the ward. 25 Am J1st G & W § 25.

See **domicil.**

residence of wife. See **domicil by operation of law.**

resident. One who resides in a place. One having either legal residence or domicil. Stadtmuller v Miller (CA2 NY) 11 F2d 732, 45 ALR 895, 897. A physician, usually a younger man, employed for the practice of his profession in a hospital, acquiring proficiency in a speciality or gaining experience for later general practice.

See **domicil; residence.**

resident agent. An agent of a foreign corporation in residence either permanently or temporarily for the purpose of the agency, the term being exclusive of a mere transient. Anno: 113 ALR 84.

resident alien. An alien having the status of a resident and accordingly in a separate classification. 3 Am J2d Aliens § 2. An alien who has come into the United States from a foreign country with the purpose of abandoning his residence abroad and of making his home here. People ex. rel. Dobson v McClay, 2 Neb 7, 9.

resident freeholder. A resident of the place who is the owner of a freehold interest in lands situated therein. See Damp v Dane, 29 Wis 419, 427.

residential district. A district characterized by a predominance of structures used as dwelling places or residences. 58 Am J1st Zon § 36.

residential district ordinance. A zoning ordinance dealing with isolated blocks or districts, not enacted for the purpose of adopting a comprehensive plan for the municipality. 58 Am J1st Zon § 34.

residential restriction. A covenant limiting the erection or use of buildings on premises to residences or residential purposes, or limiting the type of dwellings or residences which can be erected on the premises. 20 Am J2d Cov §§ 189 et seq. A zoning ordinance which limits the construction of building in a stated district to residences or residential purposes. 58 Am J1st Zon §§ 36 et seq.

resident sales agent. A local agent of a foreign corporation. 36 Am J2d For Corp § 563.

residuary. The residuary estate of a testate decedent. A legatee or devisee under a legacy or devise of the residuary estate or a part thereof. Estate of Vanuxem, 212 Pa 315, 61 A 876, 878.

See **residuary estate**.

residuary bequest. Same as **residuary gift**.

residuary clause. A clause in a will which purports to dispose of that part of the estate which is left after other legacies and devises have been paid and all legal claims against the estate discharged. 57 Am J1st Wills § 1415.

The term seems to contemplate the former provisions in the will to carry into effect the wishes of the testator as to the disposition of his estate, and is used to cover all that remains after such former dispositions of property have been carried out. Morgan v Huggins (CC Ga) 48 F 3, 5.

The phrase "rest, residue, and remainder" is frequently used in wills to devise and bequeath all of the property of the testator which he has not by his will specifically devised or bequeathed. " 'All the rest, residue, and remainder of my property, both real and personal,' expresses no intent to limit or exclude from the residuum anything personal or real, anything whatever which for any reason might prove to be ineffectually disposed of. It expresses a clear intent on the part of the testator to make a full and complete disposition of his property." Wilson v Sanger, 57 App Div 320, 322, 68 NYS 30.

As a rule, an enumeration of specific articles in a residuary clause will not make the bequest specific as to such articles unless they are designated in such a way as to differentiate them from the residue. A bequest of all a man's personal property is a residuary and not a specific legacy, since its import is the same as is expressed by the words, "rest and residue." But a devise of "all the residue of the testator's real estate and personal property not hereinbefore enumerated, as hereinafter described," is a specific bequest of the subsequently enumerated property, and does not entitle the beneficiary to take as a residuary legatee the lapsed legacies and property not enumerated in the bequest to him. 57 Am J1st Wills §§ 1415 et seq.

residuary devise. See **residuary clause; residuary gift**.

residuary devisee. One favored by a residuary devise.

residuary estate. That part of an estate of a testate decedent which remains after discharging all legal and testamentary claims of the estate or, in other words, that which is left after the payment of charges, debts, and particular legacies and devises.

[1104]

57 Am J1st Wills § 1415. The final residuum which remains of the estate of a testator after the payment of all his bequests and devises. Wetmore v St. Luke's Hospital (NY) 56 Hun 313, 320, 9 NYS 753.

residuary gift. A legacy or devise bequeathed by the residuary clause of a will. A legacy or devise of the residuary estate or of a part of the residuary estate. 57 Am J1st Wills § 1415.

See **residuary clause; residuary estate**.

residuary legacy. See **residuary clause; residuary gift**.

residuary legatee. One favored by a residuary legacy.

residue of estate. Same as **residuary estate**.

residuum. The part which is left. Something left over. Buffington v Mason, 327 Mass 195, 97 NE2d 538, 37 ALR2d 1.

See **residuary estate**.

residuum of the residuum. That which remains of a testator's estate after the payment of a specifically devised portion of the residuary estate.

"While strictly speaking, the phrase may imply a contradiction, it expresses what was intended by" all the rest and residue of my said residuary estate not herein otherwise disposed of." *United States Trust Co. v Black*, 9 Misc 653, 655, 30 NYS 453.

residuum rule. The principle that, even though an administrative agency is not bound by the rules of evidence binding upon a court, and even though the agency may in its discretion accept any evidence that is offered, still in the end there must be a residuum of legal evidence to support the finding of the agency. *Carroll v Knickerbocker Ice Co.* 218 NY 435, 113 NE 507; *Doca v Federal Stevedoring Co.* 308 NY 44, 123 NE2d 632, reh den 308 NY 744, 125 NE2d 102.

resign. See **resignation.**

Resignatio est juris proprii spontanea refutatio. A resignation is a spontaneous giving up of one's own right.

resignation. A voluntary withdrawal of an officer of the Armed Forces from the service. 36 Am J1st Mil § 60. The voluntary relinquishment of his position by a civil service employee. 15 Am J2d Civ S § 34. The relinquishment of the office of executor or administrator under conditions prescribed by statute. 31 Am J2d Ex & Ad § 119.

resignation of public office. A well recognized right. 43 Am J1st Pub Of § 166. A relinquishment of a part of the term of a public office with intent accompanied by an act of relinquishment. 43 Am J1st Pub Of § 165. To give up, to give back the office with intent to relinquish it.

A prospective resignation may, in point of law, amount but to a notice of intention to resign, since it is not accompanied by a giving up of the office; possession is still retained and may not necessarily be surrendered till the expiration of the legal term of the office, because the officer may recall his resignation, -may withdraw his proposition to resign. *State ex rel. Ryan v Murphy*, 30 Nev 409, 97 P 39 1, 720.

resignee. A person in whose favor another person tenders his resignation.

resilire. To refuse to enter into a contract.

res immobiles. (Civil law.) Immovable corporeal things, consisting of land and that which is connected therewith either by nature or art, such as trees and buildings. See *Mackeldey's Roman Law* § 160.

res in re. The entering of the male organ in that of the female. Mere penetration. 44 Am J1st Rape § 3.

res integra. An untouched matter; a point without a precedent; a case of novel impression.

res inter alios. Matters between others; the acts of strangers or third parties.

res inter alios acta. The acts and declarations either of strangers, or of one of the parties to the action in his dealings with strangers. *Chicago & Eastern Illinois Railroad Co. v Schmitz*, 211 Ill 446, 456, 71 NE 1050.

The recitals of an instrument are not ordinarily admissible against third persons as proof of the facts recited, being as to them *res inter alios acta*. 29 Am J2d Ev § 841.

Res inter alios acta alteri nocere non debet. Transactions between certain parties ought not to prejudice third parties.

"The general rule is that a person's books of account cannot be used as evidence upon issues between third persons, that entries in such books as to such third persons are *res inter alios acta*, and cannot be used against persons not parties to them." *State ex rel. Pabst Brewing Co. v Carpenter*, 129 Wis 180, 108 NW 641.

Res inter alios judicatae nullum aliis praejudicium faciunt. (Civil law.) Matters which are adjudged as between certain persons effect no prejudice as to others; matters determined in a case do not prejudice those not parties thereto.

res ipsa loquitur. The thing speaks for itself. The rule that proof that the thing which caused the injury to the plaintiff was under the control and management of the defendant, and that the occurrence was such as in the ordinary course of things would not have happened if those who had its control or management had used proper care, affords sufficient evidence, or, as sometimes stated by the courts, reasonable evidence, in the absence of explanation by the defendant, that the injury arose from, or was caused by, the defendant's want of care. 38 Am J1st Negl § 295.

The three essential elements of the doctrine of *res ipsa loquitur* are: (1) the instrumentality must be under the control or management of the defendant; (2) the circumstances, according to common knowledge and experience, must create a clear inference that the accident would not have happened if the defendant had not been negligent; and (3) the plaintiff's injury must have resulted from the accident. *Lewis v Wolk*, 312 Ky 536, 228 SW2d 432, 16 ALR2d 974.

The term means "the thing speaks for itself," and that means the thing or instrumentality involved speaks for itself. It clearly does not mean the accident speaks for itself. It means that when the initial fact, namely what thing or instrumentality caused the accident has been shown then, and not before, an inference arises that the injury or damage occurred by reason of the negligence of the party who had it under his exclusive control. The inference of negligence arising from the initially established fact

[1105]

compels the defendant, in order to relieve himself of liability, to move forward with his proof to rebut the inference of negligence. *Travelers Ins. Co. v Hulme*, 168 Kan 483, 213 P2d 645, 16 ALR2d 793.

resist. To make resistance.

resistance. Opposition by direct, active, forcible, or quasi-forcible means. *State v Welch*, 37 Wis 196, 201. The criminal offense in resisting orders issued by lawful authority. 39 Am J1st Obst J § 5.

resisting officer. A criminal offense at common law and also by force of statute in resisting a public officer in the performance of his duties or opposing him by interposing obstacles or impediments to hinder, impede, or prevent him from performing his duties. 39 Am J1st Obst J §§ 8 et seq.

Under a statute penalizing under the single term "resist," it is not enough that the performance of a duty is opposed, obstructed, interrupted, hindered, or prevented; the officer must be resisted, and the resistance must be active and direct toward him. 39 Am J1st Obst J § 8.

res judicata. Literally, the thing has been decided, been adjudicated. *State v Wear*, 145 Mo 162, 192, 46 SW 1099. The principle that an existing final judgment rendered upon the merits, without fraud or collusion, by a court of competent jurisdiction, is conclusive of rights, questions, and facts in issue, as to the parties and their privies, in all other actions in the same or any other judicial tribunal of concurrent jurisdiction. 30A Am J Rev ed Judgm § 324.

The effect of a judgment as *res judicata* appears in at least three aspects, viz. merger of cause of action, bar, and estoppel. Anno: 49 ALR2d 1038.

A difference exists between the effect of a judgment as a bar to a second action between the same parties upon the same claim or demand and its effect in another action upon a different cause of action; in the former case, the judgment on the merits constitutes an absolute bar to the second action, being a finality, not only as to every matter which was offered and received to sustain or defeat the claim or demand, but also as to any other admissible matter which might have been offered for

that purpose; in the latter case, the judgment is a bar only as to the matters actually litigated and determined in the former action, and not as to what might have been litigated and determined therein. *Smith v Smith*, 235 Minn 412, 51 NW2d 276, 32 ALR2d 1135.

Res judicata tacit ex albo nigrum, ex nigro album, ex curvo rectum, ex recto curvum. When anything has been adjudicated, it makes white black, black white, curved straight and straight curved.

Res judicata pro veritate accipitur. (Civil law.) A matter which has been adjudicated is accepted or received as true.

Res judicata pro veritate habetur. An adjudicated matter shall be deemed correct. *O'Donnell v Glenn*, 9 Mont 452, 23 F 1018.

res mancipi. (Roman law.) Things that were the subject of mancipium; things capable of being sold by the mancipium.

res mobiles. (Civil law.) Corporeal movable things, whether they were self-moving or not. See Mackeldey's Roman Law § 160.

res nova. A new matter; a case, point, or matter without a precedent; a point of law which has not been decided.

res nullius. The property of no one.

See **res derelicta**.

Res nullius naturaliter fit primi occupantis. The property of no one naturally becomes that of the first occupant.

resolution. An expression of the opinion or mind of a municipal council concerning some matter of administration and providing for the disposition thereof, being less formal than an ordinance and requiring no set form of words. *Sawyer v Lorenzen*, 149 Iowa 87, 127 NW 1091. An expression of any legislative department of government other than by statute.

A proposition of law declared in a case, e.g. the first resolution in *Wild's Case*.

See **joint resolution**.

resolutive. Same as **resolutory**.

Resoluto jure concedentis, resolvitur jus concessum. By the extinction of the right of the grantor, the right granted is extinguished. See *Broom's Legal Maxims* 467.

resolutory. Determinative.

resolutory condition. A condition in a contract which permits the obligation to take effect immediately but subject to being nullified or defeated upon the happening of a certain event. *New Orleans v Texas & Pacific R. Co.* 171 US 312, 43 L Ed 178, 18 S Ct 875 (quoting from the Louisiana Civil Code which is said to be similar to the Code Napoleon in such respect).

reson. Right, justice; reason.

resort. Verb: To have recourse. To turn to one for aid or assistance. To use, as to resort to arms. To go to a place, even to go once. *State v Ah Sam*, 15 Nev 27. A place of frequent assembly. *Re Sic*, 73 Cal 142, 152, 14 P 405 (place for smoking opium).

Noun: A place operated for the health or pleasure of its patrons, not for the entertainment of transients. 29 Am J Rev ed Innk § 10.

See **dernier resort; joint**.

resorter. To return; to go back.

resort to courts. See **access to courts**.

resources. Assets; means; income.

The word does not necessarily mean money in hand. A debtor may have ample resources to pay all his debts as they become due, and yet have no money in his pocket or in bank. *Sacry v Lobree*, 84 Cal 41, 23 P 1088.

respect. Honor esteem. Concern; consideration.

"Respect is the voluntary tribute of the people to worth, virtue, and intelligence, and while these are found on the judgment seat, so long and no longer, will courts retain the public confidence." *Carter v Commonwealth*, 96 Va 791, 32 SE 780.

respectable. Worthy of respect; decent; proper.

respectable burial. A decent and proper burial, considering the financial, religious, social, and political standing of the deceased, and, to a certain extent, of his relatives. *Seaton v Commonwealth*, 149 Ky 498, 149 SE 871.

respective. Having reference to a single thing or a single person among several, as the respective abili-

[1106]

ties of the partners in a law firm. A word in a will indicative of a stirpital distribution where used in reference to legatees or devisees. Anno: 16 ALR 28, s. 78 ALR 1392, 126 ALR 165.

respectus. Respite; delay.

Res perit domino. The thing is lost to the lord.

The destruction of a thing is the owner's loss. *Krause v Crothersville School Trustees*, 162 Ind 278, 70 NE 264.

Res perit domino suo. A thing which has been destroyed is lost to its owner. See *Broom's Legal Maxims* 238.

Res perit domino. Property destroyed is lost to its owner. *Krause v Crothersville*, 162 Ind 278, 70 NE 264.

Res perit suo domino. Property destroyed is lost to its owner. *Osborn v Nicholson (US)* 13 Wall 654, 20 L Ed 689, 695.

Res per pecuniam aestimatur, et non pecunia per res. Property is valued by the standard of money, and not money by the standard of property.

Respicendum est judicanti, nequid aut durius aut remissius constituatur quam causa deposcit; nec enim aut severitatis aut clementiae gloria affectanda est. It should be observed by one adjudicating that nothing should be construed either more harshly nor more mildly than the cause warrants, for neither the glory of severity nor clemency should be affected.

respite. A temporary suspension of the execution of a sentence; a delay; a forbearance or continuation of time. *Mishler v Commonwealth*, 62 Pa 55, 60.

respond. To be responsible for; to answer. *The Mary F. Barrett* (CA3 Pa) 279 F 329, 24 ALR 148, 152.

respondeat ouster. Let him answer over.

See **judgment of respondeat ouster.**

Respondent raptor, qui ignorare non potuit quod pupillum alienum abduxit. Let the ravisher answer, he who could not be ignorant of the fact that he has traduced the ward of another.

respondeat superior. The doctrine under which liability is imposed upon an employer for the acts or his employees committed in the course and scope of their employment. 35 Am J1st M & S § 543.

The tort liability of a principal for the act of his agent is based, not on the agency relationship, but on the relation of employer and employee, and is expressed by the maxim "respondeat superior." 3 Am J2d Agency § 261.

respondent. The party against whom an appeal is taken to a higher court, being the successful party in the lower court.

The defendant in an action. The defendant in a suit in equity. *Brower v Nellis*, 6 Ind App 323, 33 NE 672. A defendant in certain special proceedings, such as mandamus. 35 Am J1st Mand § 327.

respondentia bond. A maritime hypothecation, technically of cargo, but sometimes covering both ship and cargo, given ordinarily in a foreign port by the master of a vessel by way of security for advances made to supply the necessities of the ship. *O'Brien v Miller*, 168 US 287, 42 L Ed 469, 18 S Ct 140.

Respondera son souveraine. His superior shall answer.

respondes oustre. Same as **respondeat ouster.**

responsalis. A person who answered for another, an attorney; a proctor.

responsa prudentum. Opinions of learned lawyers. 1 Bl Comm 80.

responses. See

responsibility. Duty; bounden duty. Obligation; liability. *Crockett v Barre*, 66 Vt 269, 272, 29 A 147.

responsibility for crime. See **criminal capacity.**

responsibility laws. See **financial responsibility laws.**

responsible. Under obligation. 8 Am J2d Bailm § 140. Under liability. *Lattin v Gillette*, 95 Cal 317, 30 P 545. Legally responsible. Anno: 72 ALR 1414. Answerable, legally or morally, for the discharge of a duty, trust, debt, service, or other obligation; accountable, as to a judge, master, creditor, ruler, or rightful superior; subject to obligations; bound. *The Mary F. Barrett* (CA3 Pa) 279 F 329, 25 ALR 148, 152. Reliable and able to pay.

See **criminal capacity.**

responsible bidder. A bidder in the letting of a contract for a public work or improvement who has financial responsibility and also the judgment, skill, ability, capacity, and integrity to complete the improvement. *O'Brien v Carney* (DC Mass) 6 F Supp 761; *Kelling v Edwards*, 116 Minn 484, 134 NW 221; *State ex rel. Eaves v Rickards*, 16 Mont 145, 40 P 210.

See **lowest responsible bidder.**

responsio. An answer; the response of a witness to a question asked him.

Responsio unius non omnino auditur. (Roman law.) The testimony of a single witness is not to be heard at all.

responsive allegation. The pleading in an ecclesiastical testamentary cause corresponding to the plea at common law; an answer.

responsive pleading. An answer responding to the allegations of the complaint; a reply responding to the allegations of a counterclaim.

res privatae. (Civil law.) Private property; property belonging to individuals. See Mackeldey's Roman Law § 170.

Res propria est quae communis non est. That is one's own which does not belong to the community.

Under the Civil law, the goods "propres" are those which belong to the wife personally, and of which the fruits and revenues only enter into the community; the "conquets" are all those of which the principal or capital, as well as the fruits and income which they produce, enter the community. The fruits and income of the "propres," as well of the husband as of the wife, are also called "conquets-" because they form a portion of the goods of the community. *Le Breton v Miles* (NY) 8 Paige Ch 261, 269. (Civil law.) Public things; things which belong to the public; things which are free to every

[1107]

member of the state. See Mackeldey's Roman Law § 170.

res publica. The republic; the government; the state.

Res quae intra praesidia perductae nondum sunt, quanquam ab hostibus occupatae, ideo postliminii non egent, quia dominum nondum mutarunt ex gentium jure. Things which have not yet been brought into camp, although in the possession of the enemy, do not require postliminy on that account, because by the law of nations they have not yet changed their ownership.

res quotidianae. Common, everyday matters.

res religiosae. Religious matters, cemeteries.

res sacrae. (Civil law.) Sacred things; consecrated things.

Res sacra non recipit aestimationem. (Civil law.) A sacred thing does not admit of valuation.

res sanctae. (Civil law.) Sacred, holy, or inviolable things.

resseiser. The retaking of the possession of land by a person who had been disseised.

Res sua nemini servit. No one can have a servitude in his own land.

rest. See **residue; rests.**

Restatement of the Law. A statement of rules of law in certain subjects, adopted and promulgated by the American Law Institute, the statement of a rule being entitled to weight as a product of expert opinion and as the expression of the law by the legal profession. *Poretta v Superior Dowel Co.* 153 Mo 308, 137 A2d 361, 71 ALR2d 898.

restaurant. An eating house; an establishment where meals and refreshments are served. Anno: 122 ALR 1399. A place where a customer goes to satisfy his immediate need of food and where he, rather than the proprietor, selects the particular food he wants at a price fixed for that food by the proprietor. *Ford v Waldorf System*, 57 RI 131, 188 A 633. A place to which a person resorts for the temporary purpose of obtaining a meal or something to eat. *State v Shoaf*, 179 NC 744, 102 SE 705, 9 ALR 426, 427.

restaurant keeper. One who keeps a place for serving meals to suit the taste of his patrons. *State v Shoaf*, 179 NC 744, 102 SE 705, 9 ALR 426, 427.

restitutio in integrum. The restitution of a thing in its entirety; that is, restoring the thing to its original state.

The maxim is a leading one in admiralty in collision cases, where repairs are practicable, the rule being that the damages assessed shall be sufficient to restore the injured vessel to the condition in which she was at the time when the injury was inflicted upon her. *Phoenix Ins. Co. v The Atlas*, 93 US ~302, 23 L Ed 863.

restitution. The restoration to a person of that of which he has been wrongly deprived. Relief against the unjust enrichment of one person at the expense of another. Relief for one who has been compelled to pay money under a judgment since reversed. 5 Am J2d A & E §§ 997 et seq. The restoration of property of which one has been deprived under a judgement since reversed. 5 Am J2d A & E § 1004. The ordinary form of judgment for the plaintiff in an action for forcible entry and detainer, awarding restitution of the premises to him, with costs. 22 Am J1st Fare E & D § 48. In the modern sense of the term, compensation, reimbursement, indemnification or reparation for benefits derived from, or for loss or injury caused to another. *Holloway v People's Water Co.* 100 Kan 414, 167 P 265, 2 ALR 161.

See **restoration rule; unjust enrichment; writ of restitution.**

restitutione temporalium. A writ which lay for a bishop to have his temporalities restored to him.

See **temporalities.**

restitution interest. A term of art in the law of damages for breach of contract, being the interest of the non-defaulting party in the benefit which he conferred on the defaulter pursuant to the contract and prior to its breach. Restatement, Contracts § 347; Restatement, Restitution § 107.

restitution of consortium. The enforcement of a husband's duty to cohabit with his wife and treat her as a spouse. 26 Am J1st H & W § 17.

restitution of conjugal rights. An ecclesiastical suit to compel a husband or wife who had deserted the other spouse to return and live with the spouse who had been deserted.

See **restitution of consortium.**

restitutor. The restorer. 1 Bl Comm 66.

restoration. The re-establishment of a monarchy. The enthronement of Charles II following the Rule of Cromwell. Bringing back to a former condition, as a restoration of health. Giving back that which was previously taken away.

To put a new bridge in place of one destroyed is in effect nothing more than a restoration. *State ex rel. Roundtree v Board of Commissioners*, 80 Ind 478.

See **restitution.**

restoration in kind. See **repay.**

restoration of capital. Correcting an impairment of capital of a bank.

restoration of destroyed instrument. The re-execution of an instrument which has been destroyed, sometimes by the voluntary act of maker or obligor, sometimes compelled by action. 34 Am J1st Lost Papers § 9.

restoration of lost instrument. The re-execution of a lost instrument, sometimes by the voluntary act of maker or obligor, sometimes compelled by action. 34 Am J1st Lost Papers § 9.

restoration of record. The restoring of a lost or destroyed public record through procedure prescribed by statute. 34 Am J1st Lost Papers §§ 27 et seq. The replacement of a judicial record which has been lost, stolen, or destroyed, also the replacement in its original condition of a judicial record improperly altered. 20 Am J2d Cts § 63.

restoration of status quo. The act of the plaintiff in a suit for cancellation of an instrument in restoring, the defendant to the position he occupied before the transaction in question. 13 Am J2d Cane Inst § 37. The placing of the other party to the contract in the position

[1108]

in which he was at the time of entering into the contract, as an essential part of the rescission of a contract. 17 Am J2d Contr § 512.

restoration rule. The rule that the plaintiff in an action for an injury to his real property is entitled to recover the cost of repairing the real estate so as to restore it to its condition immediately prior to the injury. *Cattin v Omaha*, 149 Neb 434, 31 NW2d 300.

restoration to competency. The return of an incompetent person to a state of sanity or competency to manage his own affairs. An adjudication under which a person confined as insane is discharged from custody or under which a person placed under guardianship is released therefrom. 29 Am J Rev ed Ins Per § 27.

restorative remedies. Those remedies in equity by which the plaintiff is restored to the full enjoyment of the right, property, or estate to which he is entitled, but which use and enjoyment have been hindered, interfered with, prevented, or withheld by the wrongdoer. See 1 Pomeroy's Equity Jurisprudence § 112.

restore. To bring back. To return a thing. To accomplish a restoration.

See **restoration**.

rest period. See **coffee break**.

rest stop. A stopping place on the route of a motor carrier for the refreshment and convenience of the passengers.

restrain, To prohibit, limit, confine, or abridge a thing or a person, either temporarily or permanently, for a day only, or for all time. *Re Charge to Grand Jury* (DC 111) 62 F 828, 831.

restraining order. Broadly, any injunction other than a mandatory injunction, In common legal usage, an order granted without notice to the adverse party, intended only as a restraint on him until the propriety of granting a temporary injunction can be determined, having no effect other than that of preserving the status quo until hearing upon application for a preliminary or temporary injunction. *Rogers v Kendall*, 173 Wash 390, 23 112d 862. A cease and desist order by an administrative agency. 2 Am J2d Admin L § 467.

restraining statutes. A term of art. The statutes, also called "disabling" statutes, passed in the reign of Elizabeth, which curbed the leasing of lands by the church and by eleemosynary corporations, excepting on certain conditions, and which resulted in the turning over to Elizabeth of much valuable land by the prelates, for which she paid nothing. See 3 Bl Comm 320.

restraint. Suppression, a holding back, a deprivation of liberty, by affirmative conduct. National Labor Relations Board v Grower-Shipper Vegetable Asso. (CA9 Cal) 122 F2d 368; Anno: 123 ALR 622; 83 L Ed 691. Reserve. Keeping one's emotions under control.

restraint of alienation. See **restraint on alienation.**

restraint of marriage. A provision in a contract, a deed, or will which operates as a positive or probable, absolute or partial, prohibition of marriage. 35 Am J1st Mar §§ 247 et seq.

restraint of trade. Combinations and practices interfering unreasonably with the normal production and supply of commodities by the suppression of competition therein, or by other means; an instrument of monopoly. 36 Am J1st Monop etc § 2. A contractual restriction upon the right of a person to engage in a trade, business, or profession. 36 Am J1st Monop etc §§ 50 et seq.

Contracts, associations, and combinations which are only in partial and reasonable restraint of trade are generally regarded as valid. 36 Am J1st Monop etc § g.

restraint on alienation. A fetter or restriction upon the transfer of property sought to be imposed by a grantor or testator who seeks to convey or dispose of property and at the same time exercise control over its alienation. 41 Am J1st Perp § 66.

See **partial restraint on alienation; rule against suspension of power of alienation.**

restraint on use. A restraint on the use of property imposed by testator or grantor which is inconsistent with the estate devised or granted. 41 Am J1st Perp § 69.

restraints and detainments of all kings, princes, and people of what nation, condition, or quality soever. A familiar clause in marine insurance policies by way of an extension of the coverage and in bills of lading and charter parties by way of stating an excuse for nonperformance of the contract. Anno: 137 ALR 1241; 29A Am J Rev ed Ins § 1323. Restraints in a sovereign rather than a civil capacity. *Bradlie v Maryland Ins. Co.* (US) 12 Pet 378, 9 L Ed 1123. Captures and detentions by the commissioned agents of a lawful government. 29A Am J Rev ed his § 1323.

The term "restraint" is not limited to cases where the limitation, restriction, or confinement is imposed by those in possession of the person or thing which is limited, restrained, or confined, but includes a restriction created by the application of external force. *Olivera v Union Ins. Co.* (US) 3 Wheat 183, 4 L Ed 365.

restraints of kings. A clause in a marine insurance policy extending the coverage to captures, seizures, and detentions by the commissioned officers and agents of a sovereign or sovereign power. *McCargo v New Orleans Insurance Co.* (La) 10 Rob 180.

See **restraints and detainments of all kings, princes, and people of what nation, condition, or quality soever.**

restraints of princes. A clause in a marine insurance policy extending the coverage to loss by an exercise of the sovereign or governmental power controlling and divesting the dominion or authority of the owner over the ship. *Baker Castor Oil Co. v Insurance Co. of North America* (CA2 NY) 157 F2d 3, cert den 329 US 800, 91 L Ed 684, 67 S Ct 494.

See **restraints and detainments of all kings, princes, and people of what nation, condition, or quality soever.**

Res transit cum suo onere. The property passes with its burden, rest, residue, and remainder,

See **residuary clause.**

restrict. To limit. To keep within limits.

restricted allotment. Conditions imposed in the allotment of tribal lands to individuals, particularly conditions against alienation by the allottee, intended to safeguard and conserve the property for the Indians. *United States v Ramsey*, 271 US 467, 470, 70 L Ed 1039, 1041, 46 S Ct 559.

restricted data. All data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3)

[1109]

the rise of special nuclear material in the production of energy; but not including data declassified pursuant to the Atomic Energy Act. 42 USC § 2014(w).

restricted land. Lands allotted to Indians, the alienation of which is subjected to restrictions imposed by Congress to protect the Indians from their own incompetency. *Kenny v Mills*, 250 US 58, 61, 63 L Ed 841, 845, 39 S Ct 417.

See **reserved lands**.

restricted publication. Same as **limited publication**.

restriction. A limitation, for example, a limitation imposed in dedicating land, 23 Am J2d Ded §§ 37 et seq. or by a zoning ordinance.

See **videlicet**.

restriction of liability. See **limitation of liability**.

restrictive covenant. A covenant restricting or, regulating the use of real property or the kind, character, and location of buildings or other structures that may be erected thereon, usually created by a condition, covenant, rescivation, or exception in a deed, but susceptible of creation by contract riot involving transfer of title to land and by implication. 20 Am J2d Cov §§ 165 et seq.

restrictive indorsement. An indorsement of a negotiable instrument which either prohibits the further negotiation of the instrument, or constitutes the indorsee the agent of the indorser, or vests the title in the indorsee in trust for or to the use of some other person. Uniform Negotiable Instruments Law § 36. An indorsement which either is conditional, or purports to prohibit further transfer of the instrument, or includes the words "for collection," "for deposit," "pay any bank," or like terms signifying a purpose of deposit for collection, or otherwise states that it is for the benefit or use of the indorser or of another person. UCC § 3-205.

restrictive interpretation. A narrow construction of a statute, particularly a narrow construction adopted for the purpose of permitting the statute to be upheld as constitutional. 16 Am J2d Const L § 147.

restrictive prescription. A prescription by which a remedy or right is lapsed. 25 Am J2d Ease § 43.

restrictive voting. Voting restricted to it smaller number of candidates than there are offices to be filled, as where five judges of a municipal court are to be elected, the restriction being imposed for the purpose of assuring minority representation. 26 Am J2d Elect § 276. A strategy in practical politics known as the single shot.

See **single shot**.

rest-room. A toilet; a customary accommodation in a gasoline filling station. Anno: 116 ALR 1208.

rests. Those periods at certain intervals when balances in an account are struck in order that accrued interest may be added to the principal and thus bear interest from that time. 30 Am J Rev ed Int § 60. A word of art indicating that a party has no more evidence to offer at the particular stage of the trial. Refreshment by sleep or by taking one's case.

resubmission. An order of reference after the report of a referee under prior submission in the same case has been set aside either in whole or in part. 45 Am J1st Ref § 46.

resubmission of bill. The submission to a grand jury of a charge previously considered and rejected by them. 27 Am J1st Indict § 17.

See **reconsideration of bill.**

result. A consequence. That which has happened. The determination made in air action. The consequence of an accident.

See **natural consequence.**

resulting power. A power or authority of the United States fairly deducible from the powers specified in the Constitution, though neither expressly specified nor deducible from any one specified power or ancillary to it alone, but growing out of the aggregate of powers conferred upon the government, or out of sovereignty instituted.

The power of the Federal Government to issue treasury notes and to make them legal tender for the payment of debts thereafter incurred, is such a power. *Knox v Lee & Parker Davis (Legal Tender Cases)* (US) 12 Wall 457, 534, 20 L Ed 287, 307.

resulting trust. A trust, sometimes called a presumptive trust, but a real trust raised by operation, implication, or presumption of law from acts, relations, or the situation of the parties from which air intent to create a trust appears. *Dunn v Zwilling Bros.* 94 Iowa 233, 237; *Swon v Huddleston* (Mo) 282 SW2d 18, 55 ALR2d 205. A trust arising in a transaction whereby one person thereby becomes invested with legal title but is obligated in equity to hold such title for the benefit of another, the intention of the person acquiring the legal title to hold in trust for the other being implied or presumed as it matter of law, although no intention to create or hold in trust has been manifested expressly and there is air absence of fraud actual or constructive. *Farmers & T. Bank v Kimball Milling Co.* I SD 388, 47 NW 402. A trust arising where property is transferred under circumstances giving rise to an inference that the person who made the transfer or caused it to be made did not intend the transferee to take the beneficial interest in the property. *Moses v Moses*, 140 NJ Eq 575, 53 A2d 805, 173 A LR 273. A trust arising where title to real or property is taken in the name of one other than the person advancing the consideration. *Arneman v Arneman*, 43 Wash 2d 787, 264 P2d 256, 45 ALR2d 370.

resulting use. A term, unfamiliar in modern times, for resulting trust.

resummons. A second summons, issued where for some reason the original summons has become ineffective.

See **alias summons.**

res universitatis. (Civil law.) Things in common,--- things which belong to it community. See *Mackeldey's Roman Law* § 170.

resurface. To apply to a street or highway a top covering or layer of durable material of substantial depth or thickness. Anno: 84 ALR 1158. A reconstructing of a street for the purposes of a special assessment Anno: 41 ALR2d 616

resurrender. The reconveyance of copyhold land to the mortgagor upon the payment of the mortgage debt.

resurvey. The survey of a tract of land according to a former plat or survey, the duty of the surveyor being to relocate, upon the best evidence obtainable, the courses and lines at the same place where originally located by the first surveyor. 12 Am J2d Bound § 61.

retail. See **sale at retail**.

[1110]

retail dealer. Same as **retailer**.

retailer. A person engaged in the business of making sales of goods or merchandise at retail. Anno: 171 ALR 698.

retailer maintaining place of business in this state. One maintaining a place of business in the state for the sale of goods or merchandise at retail, whether in person or through an agent. State Tax Com. v General Trading Co. 233 Iowa 877, 10 NW2d 659, 153 ALR 602.

retailer method of pricing inventory. Applying an arbitrary standard or rule in fixing an approximate value of merchandise in stock. Anno: 66 ALR2d 837.

retail excise tax. See **sales tax**.

retail price control. See **price control**.

retail sales tax. See **sales tax**.

retail store. The ordinary store kept for the sale of goods and merchandise, as distinguished from a wholesale place which furnishes goods and merchandise only to dealers.

retain. To continue to hold; to keep. Richardson v Seevers' Adm'r. 84 Va 259, 269. To hire; to employ, particularly, to hire an attorney at law.

retained life interest. An interest to continue for the life of the grantor, retained by him in the property conveyed. 26 USC § 2036(a).

retained percentage. A percentage of the contractor's current earnings under a building and construction contract retained for the time by the owner. 43 Am J1st Pub Wks § 55.

retainer. The act of a person in engaging an attorney at law professionally, whether by express agreement or impliedly by seeking and obtaining his advice and assistance. 7 Am J2d Attys § 91. A preliminary fee given to counsel to secure his services or to prevent the opposite side from engaging them. 7 Am 12d Attys § 208. A term loosely used for the right of an executor or administrator to deduct indebtedness due from a distributee. 31 Am J2d Ex & Ad § 567. Precisely, the right of an executor or administrator, who is himself a creditor of the estate, to retain the amount of such debt out of the funds of the estate in his hands. 31 Am J2d Ex & Ad § 567.

See **general retainer; special retainer**.

retaining fee. The fee of an attorney at law under a general retainer. Anno: 60 ALR2d 1014 § 3.

See **retainer**.

retaining lien. The lien of an attorney at law of common law origin but existing under statute in some jurisdictions, attaching to all papers, books, documents, securities, moneys, and property of the client coming into the possession of the attorney in the course of and with reference to his professional employment, thereby permitting him to hold them as security for the general balance due him from the client for professional services and disbursements. 7 Am J2d Attys §§ 273, 276.

retaining wall. A wall erected for the purpose of preventing a slide of earth from the premises.

retains. A word of art for the handling charges of a co-operative association. *Ozona Citrus Growers Asso. v McLean*, 122 Fla 188, 165 So 625.

See **retain**.

retaking. See **recapture; repossession**.

retaliation. Reprisal; retorsion. An offensive rather than a defensive act. *Phoenix v Carey* (La App) 108 So 2d 268. The principle which would require such a sentence upon a person convicted of crime as would inflict upon him the same hurt he has done to his neighbor, as, if a man put out his neighbor's eye, he should lose one of his own; but if his neighbor had but one eye, he should lose both of his. See 4 Bl Comm 12.

See **recrimination**.

retaliatory argument. Argument of counsel which, although otherwise objectionable as appealing to racial, religious, or social prejudice, is to be accepted because in reply to an improper line of argument by opposing counsel. 39 Am J1st New Tr § 61.

retaliatory statute. A statute of one state, the purpose of which is to be as onerous to the citizens or corporations of another state as a statute of the latter is to citizens or corporations of the former, for example, a statute imposing upon foreign corporations the same taxes, fees, and penalties as are imposed by the home state of the corporation upon corporations of the taxing state. Anno: 49 ALR 754, s. 77 ALR 1497; 83 ALR 469; 91 ALR 798; 16 Am J2d Const L § 247; 36 Am J2d For Corp § 267. A statute providing that whenever the laws of a particular state impose greater burdens and limitations upon insurance companies organized in the enacting state, and doing business in such other state, than are imposed by the laws of the enacting state upon foreign insurance companies doing business in that state, then the same burdens and prohibitions imposed by the foreign state shall be imposed by the enacting state upon such insurance companies of the foreign state. 29 Am J Rev ed Ins § 71. Statutes providing that where the laws of another state provide for the levy of taxes upon liquor products manufactured outside the state and sold and dispensed within the state, in excess of the taxes, fees, and charges on the liquor products of manufacturers of such state, the same or additional taxes, fees, and charges are to be levied upon the liquor products of manufacturers of such state. 30 Am J Rev ed Intox L § 203.

retaliatory taxes. Taxes imposed by a retaliatory statute.

See **retaliatory statute**.

retallia. Retail; dividing a commodity into parts.

retare. To charge a person with the commission of a crime; to accuse; to suspect.

retaxation of costs. A correction of an erroneous taxation of costs. 20 Am J2d Costs § 93.

A retaxation of costs either affirms, modifies or corrects the taxation had. A new taxation necessarily implies that the former taxation is vacated or annulled. *Baker v Codding*, 3 Misc 512, 513, 23 NYS 5.

retention of title as security. The right of the vendor under an executory contract for the sale of land, holding the legal title in trust for the purchaser, subject to the payment of the purchase money in accordance with the terms of the contract. 55 Am J2d V & P § 355.

retire. To terminate employment and acquire a status of retirement, receiving retirement benefits. To sever relations with a business and acquire a status of retirement. To withdraw negotiable paper

[1111]

from circulation. To take up or pay an obligation voluntarily.

"A man as sanguine as Micawber might describe his bankruptcy as a retirement of his obligations, but a merchant seeking credit who spoke in such euphemisms might find himself in trouble later. Where creditors receive a petty dividend on the collapse of their debtor, their claims may be extinguished but are hardly retired." Thomson v Commissioner (CA2 NY) 108 F2d 642.

See **retirement.**

retired. See **retire; retirement.**

retirement. Voluntarily taking up and paying an obligation. The status of one who has ceased to work or engage in business. A termination of employment under conditions entitling one to retirement benefits. The antithesis of a discharge or forced resignation. Brown v Little Brown & Co. 209 Mass 102, 66 ALR 1284, 168 NE 521. The severance of a member of the armed forces from the service under conditions entitling him to pension or retirement benefits. 36 Am J1st Mil § 36.

retirement benefit. Broadly, any benefit received upon retiring from employment, under a formal or informal benefit plan. A benefit payable to a designated beneficiary upon the death of one retired under a retirement plan calling for the payment of amounts periodically by way of pension or retirement money. Re Simpson's Estate, 43 Cal 2d 594, 275 P2d 467, 47 ALR2d 991.

See **pension; Social Security.**

retirement from the Armed Forces. Separation from service in the Armed Forces for physical disability or because of length of service. 10 USC §§ 1201 et seq.

retirement fund. See **pension fund; teachers' retirement funds.**

retirement of bond. See **retirement of securities.**

retirement of jury. The jury proceeding to the jury room for their deliberation following the reception of evidence, argument of counsel, and instructions by the court.

retirement of partner. The withdrawal of a partner from the firm, resulting in a dissolution of the partnership. 40 Am J1st Paint § 242.

retirement of securities. The calling and redemption of a bond by payment. The voluntary payment of a bond. A repurchase of its own stock by a corporation and the cancellation of the repurchased shares, destroying all rights adhering to them. 18 Am J2d Corp § 282. The elimination of shares of stock in a building and loan association by paying off the shareholder. 13 Am J2d B & L Assoc § 27.

Under section 117(f) of the Revenue Act of 1934 dealing with the retirement of securities, the word is not used in an artificial sense. In common understanding and according to the dictionaries, the word "retirement" is broader in scope than the word "redemption." McClain v Commissioner, 311 US 527, 85 L Ed 319, 61 S Ct 373.

See **redeemable bond**.

retirement of stock. See **retirement of securities**.

retirement pay. See **pension; retirement benefit**.

retonsor. A shaver or clipper of coins.

retorna brevium. The returns of writs; the term day for the return of a writ. See 3 Bl Comm 278.

retorno habendo. A writ in aid of it successful defendant in an action of replevin, whereby the goods taken from him under the writ of replevin are returned to him. See 3 Bl Comm 149.

retorsion. The adoption of forcible measures by a sovereign state, which deems that it has been wronged by another nation, in order to compensate it for past injury or to restrain further wrongful acts.

Among the different measures which are included in the meaning of the term are reprisals, blockade, interdiction of commercial intercourse, the detention of vessels, and embargo. 30 Am J Rev ed Internat 1, § 53.

retortion. Same as **retorsion**.

retouching. Adding details to a painting or photograph. Removing blemishes on a picture.

retour sans frais. To return without charges, an instruction given by the drawer of a bill of exchange in the event of the dishonor of the bill by the drawee.

retour sans protest. To return without protest, an instruction given by the drawer of it bill of exchange in the event of the dishonor of the bill by the drawee.

retractation. The withdrawal of a renunciation of the office by the person named as executor in a will.

retraction. A statement of such a nature and published in such a manner as to manifest an honest intention to repair the harm done to the injured reputation by a defamatory statement. 33 Am J1st L & S § 123. Withdrawal of bid by a bidder at an auction sale. 7 Am J2d Auct § 30; 30A Am J Rev ed Jud S § 96.

See **retractation**.

retractus aquae. The ebbing of the tide.

retrahere. To draw back; to withdraw.

retransfer. See **reassignment; renegotiation**.

retraxit. An open and voluntary renunciation of his suit made by plaintiff in open court, being the act of the plaintiff, performable by counsel only under special authority. 24 Am J2d Dism § 3. A voluntary renunciation by the plaintiff in open court of his suit and the cause thereof, through which he forever loses his action. Virginia Concrete Co v Board of Supervisors, 197 Va 921, 91 SE2d 415 56 ALR2d 1283.

See **judgment of retraxit**.

retreat. A place for contemplation, especially for the religious. Withdrawal from an encounter. The rule that a person when attacked by another, except in his own house, shall seek to withdraw from the encounter by giving ground, before taking the life of his assailant. 26 Am J1st Homi § 150.

retreat to the ditch. A principle similar to **retreat to the wall**. 26 Am J1st Homi § 151.

retreat to the wall. The principle that a person who is assailed elsewhere than in his own dwelling is not justified in taking the life of his assailant so long as there is a safe avenue of escape from the attack. 26 Am J1st Homi § 150.

retroactive. Acting on things that are past. *Simpson v City Savings Bank*, 56 NH 466.

See **relation back; retrospective operation**.

[1112]

retroactive amnesia. See **amnesia**.

retroactive decision. A court decision which makes and applies a new rule of law, and attaches another and unforeseen liability to a contract after its execution. *Clancy v Barker* (CA8 Neb) 131 F 161.

retroactive legislation. See **retrospective legislation**.

retroactive operation. See **relation back; retrospective operation**.

retrocession. A term of the civil law, meaning the restitution of all ancient title to a true owner.

Such an act confers no new title, it merely recognizes and confirms a previously existing title in another. *Amet v Boyer*, 43 La Ann 562, 578, 9 So 622.

retrospective. Looking backward or upon things that are past. *Simpson v City Savings Bank*, 56 NH 466.

retrospective effect. See **relation back; retrospective operation**.

retrospective laws. See **retrospective legislation; retrospective operation**.

retrospective legislation. Laws which take away or impair vested rights acquired under existing laws, or create a new obligation, impose a new duty, or attach a new disability in respect of transactions or considerations already passed. 16 Am J2d Const L § 413. A statute which changes or impairs a present right by going behind it to give to anterior circumstances an efficacy which they did not have when the right accrued, or which relates back to and gives to a previous transaction a legal effect different from that which it had under the law when it was completed. *International Mortgage Trust Co. v Henry*, 139 Kan 154, 30 P2d 311; *Clark Implement Co. v Wadden*, 34 SD 550, 149 NW 424.

A statute is not rendered retroactive merely because the facts or requisites upon which its subsequent action depends, or some of them, are drawn from a time antecedent to the enactment. See *Reynolds v United States*, 292 US 443, 78 L Ed 1353, 54 S Ct 801.

A statute which does not change the legal effect of prior facts or transactions is not unconstitutionally retrospective merely because it relates thereto, or because it relies thereon to aid in fixing the present status of a person, or because some requisites for its action are drawn from a time antecedent to its passage. *State ex rel. Sweezer v Green*, 300 Mo 1249, 232 SW2d 897, 24 ALR2d 340.

retrospective operation. The operation of a statute as of a time prior to enactment or effective date. 16 Am J2d Const L § 413. The effect sometimes given a predated contract. 17 Am J2d Contr § 69.

See **retroactive decision; retrospective legislation.**

retrospective statute. See **retrospective legislation.**

rettare. Same as **retare.**

rette. Same as **rettum.**

rettum. A charge or accusation of the commission of a criminal offense.

return. Verb: To come back to a place. To yield a profit. To make statement of one's activities, as where an officer returns process directed to him for service. Noun: A coming back. Profit or earnings. A statement in writing of what one has done in the performance of a duty or duties. An account, particularly for tax purposes.

See **tax return.**

returnable. (1) Capable of being returned; (2) (law) legally required to be returned. *Daniels v Lewis*, 7 Colo 430, 4 P 57.

returnable process. Process upon which the officer who is to execute it is required to certify his doings under the process. *Utica City Batik v Buell* (NY) 9 Abb Pr 385, 391.

returnable writ. Same as **returnable process.**

return day. The time specified in a writ or process for the defendant to appear and defend. 42Am J1st Proc § 14. The day fixed by law for a defendant to appear and answer following the service of process upon him. *Carlson v Burt*, 111 Cal 129, 43 P 583. The last day for the return of a writ of execution. 21 Am J Exec §§ 471 et seq.

return day of an election. The day following an election upon which the board or other body legally authorized to canvass the returns of an election, is required by law to commence the canvass of the returns. *Carlson v Burt*, 111 Cal 129, 43 P 583.

return flow. Water, drawn from a stream and impounded or used in irrigation, which subsequently arrives again at the stream from which it was initially abstracted. *United States v Warm Springs Irrigation Dist.* (DC Or) 38 F Supp 239.

return in certiorari. See **return to writ.**

return in mandamus. See **return to writ.**

return not found. See **not found.**

return nulla bona. The return of an execution which states a search by the execution officer for property whereof to make a levy and the absence of any such property. 30 Am J2d Exec § 562.

return of attachment. The act of the sheriff or other officer to whom a writ of attachment is directed. The indorsement on the writ of what the officer has done thereunder, and the filing of the writ as indorsed with the clerk of the court out of which the writ issued. 6 Am J2d Attach § 316. A statement on the back of a writ of attachment noting the levy thereof upon real estate, describing the property, and noting the date and time of day of the levy. 6 Am J2d Attach § 312.

return of execution. A showing by the execution officer of the things done by him under the writ of execution. The sheriff's indorsement upon a writ of execution of the levy made by him under the writ, the disposition of the property seized under the levy, and the disposition of the proceeds of the sale, if any, made by him under the writ. 30 Am 32d Exec §§ 551 et seq.

return of indictment. A bringing of all indictment into open court --that is, while the judge is presiding. 27 Am J1st Indict § 31.

return of inquisition. A finding whether the individual subject of the inquisition is or is not mentally incompetent. 29 Am J Rev ed Ins Per § 22.

return of premium. Any payment by an insurer to insured made on the basis of a premium paid by the insured bill unearned. 29 Am 3 Rev ed Ins § 593.

Return of process. A short account in writing made by an officer in respect to the manner in which he has executed a writ or process; his official statement of the acts done by him under the writ in obedience to its direction and in conformity with the requirements of law. 42 Am J1st Proc § 117.

[1113]

See **tarde; undue return.**

return of warrant. A return of a warrant for the arrest of a person, by the officer to whom it was given for service, showing substantially all that the officer did within the scope of proper execution. Gibson v Holmes, 79 Vt 110, 62 A 11.

return of writ. See **return of attachment; return of execution; return of process; return to writ.**

returns of election. See **election returns.**

return ticket. See **round-trip ticket.**

return to state. A coming back to the state after an absence therefrom. For the purposes of starting the running of a statute of limitations, a return by one in a manner so public, open, and notorious that his creditor may find him and serve him with process by the exercise of reasonable diligence. 34 Am J1st Lim Ac § 226.

return to writ. A response to a writ or process, as where a sheriff or other officer having the custody of a prisoner responds to it writ of habeas corpus by stating in form prescribed by statute the material facts respecting the detention of the prisoner. 25 Am J1st Hab C §§ 137 et seq. The response of the court or officer to whom a writ of certiorari is directed: a certification of the record of the proceedings sought to be reviewed. 14 Am J2d Certiorari § 47. The response or answer by the officer to whom a petition or writ of mandamus is directed, answering the allegations of fact in the petition or writ. 35 Am J2d Mand § 354.

See **return of process.**

reus. A defendant; a person who is guilty of a criminal offense; a party to a contract; a party to an action.

Reus excipiendo fit actor. The defendant by his plea may make himself a plaintiff.

Reus laesae majestatis punitur, of pereat onus ne pereant omnes. A defendant guilty of treason is punished, so that one may die lest all may perish.

reus promittendi. (Civil law) A party to a contract who makes it promise therein; a promisor.

reus stipulandi. (Civil law.) A party to a contract to whom a promise is made ; a promisee.

reve. Same is **reeve**.

revealed law. See **divine law**.

reve mote. A court which was presided over by a shire-reeve or sheriff.

revendication. The right which an unpaid vendor had, under the civil law, upon the insolvency of the vendee, to reclaim, in specie such part of the goods as remained in the hands of the vendee entire, and without having changed their quality. See *Benedict v Schaettle*, 12 Ohio St 515, 520.

revenge. Verb: To take vengeance, to retaliate. Noun: Retaliation; vengeance. A malicious injury inflicted in return for an injury. *People v Pierson*, 2 Idaho 76, 3 P 689.

revenue. Return from property. *Bates v Porter*, 74 Cal 224, 239, 15 P 732. Income produced without impairment of capital. *Re Ratcliffe*, 139 La 996, 72 So 713. The income of the government, state or national, arising from taxation, duties, fees, and the like. 42 Am J1st Pub F § 2. Precisely, the total income of the government, state or national, derived from all sources, subject to be applied to public purposes. *Fergus v Brady*, 277 Ill 272, 115 NE 393.

revenue act. See **revenue law**.

revenue bill. A bill introduced in Congress for the raising of revenue for the support of the government and the payment of the expenses incurred in governmental activities. A bill for levying taxes in the strict sense of the term, its distinguished from a bill for a purpose which incidentally may include the raising of revenue. Annotation: 4 ALR2d 976, 980 et seq; a bill which must originate in the House of Representatives. US Const Art I § 7, cl 1.

"Mr. Justice Story (I Story, Const § 880) has well said that the practical construction of the Constitution and the history of the constitutional provision in question (article 1, section 7) Proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue." *Twin City Nat. Bank v Nebeker*, 167 US 196, 202, 42 L Ed 134, 136, 17 S Ct 766.

revenue bond. A bond issued by a public body payable solely from a special fund arising from the revenues accruing from operation of an enterprise or project for the construction, operation, and maintenance of which the bond was issued. 43 Am J1st Pub See § 8.

revenue law. A tax statute. A law passed under the power granted to Congress by § 8 of Article I of the United States Constitution "to lay and collect taxes, duties, imposts, and excises." *California ex rel. McColgan v Bruce* (CA9 Nev) 129 F2d 421, 147 ALR 782.

As the term is used in connection with the jurisdiction of the United States Courts, it means a law imposing duties on imports or tonnage, or a law providing in terms for revenue; that is, a law which is directly traceable to the power granted to Congress by section 8 of article I of the Federal Constitution, "to lay and collect taxes, duties, imposts, and excises." *United States v Hill*, 123 US 681, 31 L Ed 275, 8 S Ct 308.

A law passed for the purpose of authorizing the levy and collection of taxes in some form. The term does not include laws which are passed for other purposes although they may incidentally create revenue. The National Prohibition Act, passed for the purpose of carrying out the provisions of the Eighteenth Amendment, is not a revenue law. *United States v McConnell* (DC Pal 10 F2d 973).

See **Internal Revenue Code**.

revenue officers. Officers of the United States for the administration and enforcement of the Internal Revenue Code.

See **Internal Revenue Service.**

revenue stamps. The means of collecting many of the taxes imposed by the federal government, the requirement of the law being that a stamp be attached to an article subject to tax and canceled, or posted and displayed as prescribed by statute, such stamps being available for purchase from the government. The evidence of payment of a tax. United States v

[1114]

Chamberlain, 219 US 250, 55 L Ed 204, 31 S Ct 155.

Re, verbis, scripto, consensu, traditione, junctura vestes sumere pacta solent. Compacts are accustomed to take their clothing from the subject matter, the words, the writing, the delivery and the consent or joining together.

reversal. An overthrowing; a setting aside. An annulling; an avoiding. Cowdery v London, 139 Cal 298, 303, 73 P 196; Laithe v McDonald, 7 Kan 255, 268. The act of an appellate court in setting aside, annulling, or vacating the judgment or order, entered by the court below. 5 Am J2d A & E § 948.

As the word is used in connection with judgments, its usual meaning contemplates only a reversal by an appellate court; that is, by any court authorized to set aside the judgment. See Manfull v Graham, 55 Neb 645, 649.

reverse. See **reversal.**

reverse bars. Angle irons curved in the reverse arc to the frames of a steel or iron ship and fastened with one flat side against one side of the projecting flange of the frames, strengthening the hull of the vessel and constituting a part of it. The President Roosevelt (CA2 NY) 116 F2d 420.

reversed and remanded. A familiar expression meaning that the appellate court has set aside the judgment rendered in the trial court and that the case goes back to the trial court for a new trial. Myers v McDonald, 68 Cal 162, 8 P 809.

reverse direction rule. The well-settled principle that if a difficulty arises in running the line of a survey of lands in one direction, and all the known calls are met by running them in the reverse direction, the latter is a proper procedure. 12 Am J2d Bound § 60.

reverser. Same as reversioner.

reverse turn. See **u-turn.**

reversible error. Prejudicial error. Error in the court below which has injuriously affected the appellant or by which he has suffered a miscarriage of justice. 5 Am J2d A & E § 783.

reversion. A future estate in either real or personal property arising by operation of law to take effect in possession in favor of a grantor, lessor, or transferor, or his heirs, distributees, devisees, or legatees, after the termination of a prior particular estate granted, demised, or devised. 28 Am 32d Est § 171. An estate arising from the failure to dispose of an ultimate interest, or from the failure of an attempted but invalid disposition of an ultimate interest. 28 Am J2d Est § 173. The returning of property to the grantor or his heirs or devisees upon the exhaustion or running out of the grant, in other words, the returning of the property after the grant is over. Norman v Horton, 344 Mo 290, 126 SW2d 187, 125 ALR 531. The estate of a landlord during the existence of the outstanding leasehold estate. 32 Am J1st L & T § 76. An estate in praesenti, vested in the sense of a present fixed right of enjoyment in futuro. Norman v Horton, 344 Mo 290, 126 SW2d 187, 125 ALR 531; an estate dependent in respect of possession on the determination of the particular estate granted or devised. Metcalfe v Miller, 96 Mich 459, 56 NW 16.

A reversion may exist, under the view taken in some jurisdictions, as a repository for the "fee" or "inheritance" to be taken under ultimate contingent interests during the pendency of present interests. For instance, a reversion is sometimes stated to exist where an ultimate remainder in fee is contingent. Until it vests, there is a reversion in the grantor or deviser and his heirs. 28 Am J2d Est § 173.

The words "revert" and "reversion" are sometimes loosely used to describe an interest different from a reversion in the true sense of the term. A reversion does not become a remainder or a remainder a reversion because it is so called in the instrument creating it. The words should be construed in the light of the intent of the testator or grantor. *Brown v Guthery*, 190 NC 822, 130 SE 836.

See **possibility of reverter; reverter.**

reversionary. In or by way of reversion; relating or pertaining to a reversion.

reversionary interest. A reversion.

reversionary lease. A lease the term of which is to begin at a future time.

reversioner. A person entitled to an estate in reversion.

See **reversion.**

reversor. A reversioner; in Scotch law, a debtor who made a wadset or mortgage.

revert. To turn backward. To come back to a former owner. *Pearce v Lott*, 101 Ga 395, 399, 29 SE 276. To operate by way of a reversion; to come back to a grantor or lessor, Sometimes loosely used as the equivalent of "go to." *Mastellar v Atkinson*, 94 Kan 279, 14 P 367.

See **reversion.**

Revertendi animus videntur desinere habere tunc, cum revertendi consuetudinem deseruerint. They are then considered as having ceased to have the intention of returning, when they have abandoned the habit of returning. A maxim of the civil law. See 2 Bl Comm 392.

reverter. The restoration of the use of property to a donor in dedication upon the termination of the use for which dedicated. 14 Am J2d Cem § 24.

See **formedon in the reverter; possibility of reverter; reversion; revert.**

reverter doctrine. The rule that one returning to his domicile of origin from his domicile of choice may reacquire the domicile of origin while on the return trip. 25 Am J2d Dom § 36.

revest. To vest again in the same person. To return to a grantor after the termination of a particular estate granted by him. *McPheeters v Wright*, 124 Ind 560, 24 NE 734.

See **reversion.**

review. A consideration by an appellate court of the decision of an inferior court, contemplating the affirmance, reversal, or modification of such decision in accordance with the law. 4 Am J2d A & E § 1. A proceeding expressly authorized by statute in some state, distinct from review on appeal or in error proceeding. 46 Am J1st Rev § 2. A proceeding in the nature of a new trial of the issues tried before, except as leave be granted to amend the pleadings. 46 Am J1st Rev § 3. A review by a court of the decision or determination made by an administrative agency. 2 Am J2d Admin L §§ 553 et seq.

See **bill of review; certiorari; judicial review; scope of review.**

reviewability. The question whether an issue in its nature is one proper for consideration by an appellate court. 4 Am J2d A & E § 17.

See **appealability.**

review on appeal. See **review; scope of review.**

revise. To make a revision.

See **revision.**

revised statutes. A familiar term in many jurisdictions, denoting a code based upon a prior code with alterations and additions necessary to bring the code up to date.

revision. Looking over a thing, such as an article or a schedule of public utility rates, and reviewing it carefully for the purpose of making changes, additions, and corrections, if such be deemed advisable. *Goodwin v Prime*, 92 Me 355, 363, 42 A 785.

In local assessment proceedings, the words "revision" and "correction" refer to the fact that the board may be called upon to review that which has been done, and to make the proceedings conform to the law. *Hutcheson v Storrie*, 92 Tex 685, 51 SW 848.

To revise is to review or re-examine for correction, and when applied to a statute, the word contemplates the re-examination of the same subject matter contained in the prior statute, and the substitution of a new, and what is believed to be, a still more perfect rule. *Casey v Harried*, 5 Iowa 1.

revival. Restoration of strength. Restoration to a condition of activity.

revival of action. The procedure by which a proper party, personal representative, heir, distributee, legatee, or devisee, is substituted for a deceased party and the action continued in name of the substituted party. *Grant v McAuliffe*, 41 Cal 2d 859, 264 P2d 944, 42 ALR2d 1162. A procedure at common law and under some statutes by writ of scire facias but more commonly under modern statutes, by motion. 1 Am J2d Abat & R § 117.

The revival is not a new suit; it is still the same suit, in which both parties are entitled to the benefit of all former proceedings. *Havens v Seashore Land Co.* 57 NJ Eq 142, 149, 41 A 755.

revival of cause. The revival of a cause of action barred by the statute of limitations. 34 Am J1st Lim Ac §§ 289-336.

According to the weight of authority in this country, the term "revived cause of action" has two distinct meanings. One refers to a cause of action barred by the statute of limitations, and brought to life again in the manner provided by statute, as by a new promise in writing signed by the debtor. The other meaning refers to a cause of action the statutory life of which has been revived or restored in the same manner, but before the cause of action has become barred by the statute. *Bullard v Lopez*, 7 NM 561, 37 P 1103.

revival of corporation. The revival of corporate existence after expiration of the corporate charter, such being permissible only as authorized by statute. 18 Am J2d Corp § 69. The revival of a dissolved corporation, as permitted by statute. 19 Am J2d Corp § 1651.

revival of easement. The revival, upon rebuilding, of an easement once extinguished by the destruction of the servient structure. 25 Am J2d Ease § 114.

revival of judgment. Giving new life to a dormant judgment, whether by a writ or without a writ, as the statute permits. 30A Am J Rev ed Judgm §§ 571 et seq.

revival of offense. Subsequent conduct of the offender which permits the assertion of an offense previously condoned as a ground of divorce. 24 Am J2d Div & S § 221.

revival of policy. The reinstatement of a policy of insurance after it has lapsed or become forfeited, especially where forfeited for the nonpayment of premiums, pursuant to a provision for reinstatement contained in the policy and the performance of such conditions as are imposed by such provision, or pursuant to the special agreement of the parties. 29 Am J Rev ed In., § 368.

There is a difference of opinion whether the reinstatement of an insurance policy constitutes a new contract. 29 Am J Rev ed Ins § 369.

revival of will. The act of a testator in giving testamentary effect to a will previously revoked by a new testamentary act in re-executing or publishing the will. 57 Am J1st Wills § 615. Giving renewed effect to an earlier will previously revoked by a later will by a still later will revoking the intermediate will. 57 Am J1st Wills § 619.

It is held in many cases that a revoked will or codicil can be revived by subsequent codicil. Anno: 33 ALR2d 925.

revive. To come back to the vigor of life. To bring back to the vigor of life. To effect a revival.

The primary meaning of the word is "to give life to again." If it is a creative act to give life to dead matter once, it is no less a creative act to give life again to the same matter when it becomes dead.

The syllable "re" in the word indicates the use of old matter, and the syllable "vive" means "to give life to," which is one of the primary meanings of the word "create." The quality of the act inheres in the giving of life, not in the material that is to be vivified. Nor is the quality of the act changed by repetition. See *Re Bank of Commerce v Wiltsie*, 153 Ind 460, 53 NE 950.

See **revival**.

revived cause. See **revival of cause**.

revivor. A proceeding for the revival of an action abated by the death of a party. 1 Am J2d Abate etc § 117.

See **bill of revivor**; **revival of action**.

revivor and supplement. See **bill of revivor and supplement**.

revocable license. See **simple license**.

revocability. The quality or condition of being subject to revocation. The distinctive characteristic of a will; absent in a deed. 23 Am J2d Deeds § 6.

See **revocation**.

revocation. A nullification ; a cancellation: a puffing to naught. A withdrawal; a recall. The nullification of an offer by the offeror before acceptance of the offer. 17 Am J2d Cont § 35. A spouse exercising his or her right to disregard a condonation of an offense by the other spouse, because of subsequent conduct of the offender, thereby asserting the once condoned offense as a ground of divorce. 24 Am J2d Div & S § 221.

revocation clause. A clause contained in a will, pur-

[1116]

porting to revoke an earlier will or wills. 57 Am J1st Wills § 466.

revocation of agency. The termination of the relationship of principal and agent by the principal or by the agent. 3 Am J2d Agency §§ 37 et seq.

revocation of franchise. The termination of a franchise by exercise of a reserved power of termination. 36 Am J2d Franch § 50.

revocation of gift. The avoidance of a gift by the donor because of incompleteness of the transaction, a condition in the transaction, or other peculiar circumstance. 24 Am J1st Gifts §§ 53 et seq.

revocation of guaranty. The termination by the guarantor of a continuing guaranty or of his offer to guarantee an obligation to be incurred at a future time. 24 Am J1st Guar § 64.

revocation of letters. The nullification of the letters of an executor or administrator for invalidity of the appointment or upon the removal of an executor or administrator by the court. 31 Am J2d Ex & Ad §§ 102, 109.

revocation of license. The termination of a license in real property, provided the right to revoke exists. 25 Am J2d Ease § 128. The termination of the privilege bestowed upon the licensee by a license granted by a public body for the conducting of a particular business or the following of a certain occupation. 33 Am J1st Lic § 65. The termination of a liquor license upon a ground provided by statute. 30 Am J Rev ed Intox L § 174.

revocation of offer. See **revocation.**

revocation of probate. The rendition by a probate court of a decree vacating and annulling a prior decree admitting a will to probate. 57 Am J1st Wills 967.

revocation of will. The annulment of a will, making it speak for nought in whole or in part, by a clause in a later valid will by an inconsistent disposition of property in a later valid will or codicil, or by tearing, cutting, burning, obliterating, erasing and defacing the instrument with intent to annul or cancel it. 57 Am J1st Wills §§ 455 et seq.

The revocation of a will consists of two things, -the intention of the testator, and some outward actor symbol of destruction. A defacement, obliteration, or destruction, without the animo revocandi, is not sufficient. Neither is the intention -the animo revocandi -sufficient without some act of obliteration or destruction. *Cutler v Cutler*, 130 NC 1, 40 SE 689.

The difference between a revocation and an alteration of a will is that if what is done simply takes away what was given before, or a part of what was given before, then it is a revocation; but if it gives something in addition, or gives something else, then it is more than revocation, and cannot be done by mere obliteration. When by obliteration of certain words a different meaning is imparted, there is not a mere revocation. There is something more than the destruction of that which has been antecedently done. There is a transmutation by which anew clause is created. See *Miles' Appeal*, 68 Conn 237, 36 A 39.

See **dependent relative revocation; implied revocation.**

revocatur. It is recalled or set aside.

revoke. To withdraw, cancel, or annul. To set at nought. To effect a revocation.

See **revocation.**

revolt. An insurrection. A rising against authority. The act of a seaman in unlawfully and forcefully, or by fraud or intimidation, usurping command of the vessel or depriving the master or other officer in command of his command, or resisting or preventing him from exercising his command, or transferring such authority to another not lawfully entitled thereto. 18 USC § 481. The endeavor of the crew of a vessel, or any one or more of them, to overthrow the legitimate authority of her commander, with intent to remove him from his command, or against his will to take possession of the vessel by assuming the government and navigation of her, or by transferring their obedience from the lawful commander to some other person. *The United States v Tappan* (US) 11 Wheat 417, 6 L Ed 508.

See **insurrection**.

revolution. A sudden, radical, and fundamental change in the government or political system, usually effected with violence or at least some acts of violence, sometimes after prolonged struggle between armed forces, and prompted ordinarily by internal conditions oppressive to the people. The overthrow of an established government, generally accompanied by far-reaching social changes. *State v Diamond*, 27 NM 477, 202 P 988, 20 ALR 1527, 1532.

revolver. A firearm with short barrel, to be held in firing with one hand; a deadly weapon. 56 Am J1st Weap § 3.

revolving capital fund. A fund accumulated by a cooperative association by way of capital by the retention of all or a portion of the operating profit of the association, each member being credited with his proportionate part on the books and usually issued a certificate showing such credit. 18 Am J2d Coop Asso § 15.

revolving door. A door, consisting of four parts or vanes hung on an axle, which swings in a complete circle, thereby permitting entrance or exit by one who walks into the space between two vanes and on through a half circle of the revolution. Anno: 20 ALR2d 34.

reward. A sum of money or other recompense offered by the government, a natural person, an association, or a corporation to the members of the public generally, or to persons of a particular class, for the performance of a particular service, such as the finding of a lost article of property, locating a missing person or a lost child, or the giving of information leading to the arrest of a person for a crime recently committed, and paid to a person for the performance of such service in accord with the offer and the conditions imposed in the offer. *Zwolane v Becker Mfg. Co.* 150 Wis 517, 137 NW 769.

The words "reward," and "bounty" are nearly allied in meaning. Reward is said to be the appropriate term to apply the case of a single service, which can be only once performed, and, therefore, will be earned only by the person or co-operating persons who succeed while others fail, while the term bounty applies where the services or action of many persons are desired and each who acts upon the offer may entitle himself to the promised gratuity without prejudice from or to the claims of others. *Ingrain v Colgan*, 106 Cal 113, 39 P 437.

rewriting contract. A derogatory term for a judicial decision which adds or subtracts terms from a contract in construction. 17 Am J2d Contr § 242.

[1117]

rex. A king.

Rex debet esse sub lege, quia lex tacit regem. The king ought to be under the law because the law makes the king. See 1 Bl Comm 239.

Rex est caput et salus reipublicae, et a capite bona valetudo transit in omnes. The king is the head and safety of the state, and from a worthy head prosperity comes to all.

Rex est legalis et politicos. The king is both a legal and a political person.

Rex est lex vivens. The king is the living law.

Rex est major singulis; minor universis. The king is greater than any individual person, but less than all of them together.

Rex est vicarius et minister Dei in terra: omnia quidem sub eo est, et ipse sub nullo, nisi tantum sub Deo. The king is the vice-gerent and minister of God on earth: everything is under him and he is under no one except God alone. See 1 Bl Comm 241.

Rex hoc solum non potest facere quod non potest injuste agere. This thing alone the king cannot do; that is, he is unable to do an injustice.

Rex non debet esse sub homine, sed sub Deo et lege. The king ought not to be subordinate to man, but he should be under God and the law.

Rex non debet esse sub homine, sed sub Deo et lege, quia lex tacit regent. The king ought not to be subordinate to man, but he should be under God and the law, because the law makes the king. See Broom's Legal Maxims 47.

Rex non potest fallere nec falli. The king can neither deceive nor can he be deceived.

Rex non potest peccare. The king can do no wrong. *Mills v Stewart*, 75 Mont 429, 247 P 332, 47 ALR 424, 427.

Rex nunquam moritur. The king never dies.

An attribute of the king's majesty is his perpetuity. The law ascribes to him, in his political capacity, absolute immortality. Immediately upon the death of the reigning king, in his natural capacity, his kingship or imperial dignity, by act of law, without any interregnum or interval, is vested at once in his heir, who is from that moment king to all intents and purposes. See 1 Bl Comm 249.

RFC. Abbreviation of **Reconstruction Finance Corporation.**

RFD. An abbreviation of **rural free delivery**, customarily used in addressing mail to a person on a rural mail route.

r.g. An abbreviation of **regulae generales.**

rhinoscope. An instrument used by physicians for the exploration of the nasal cavities. *Atchison, Topeka & Santa Fe Railway Co. v Palmore*, 68 Kan 545, 75 P 509.

Rhodian law. An ancient compilation of maritime law by the people of the commercially prosperous island of Rhodes, appearing about 900 B. C.

Rhodian law of jettison. See *lex Rhodia de jactu*.

ribaldus. A vagrant; a vagabond.

ribaud. A rogue; a vagrant; a whoremonger; a person given to all manner of wickedness. *Wharton's Law Dictionary*.

ribbon copy. The first or original instrument typed or written where a carbon copy or copies were made by the same typing. 29 Am J2d Ev § 488.

Richard I. Richard the First, who was the king of England from September 23rd, 1189, until April 6th, 1199.

Richard II. Richard the Second, who was the king of England from June 22nd, 1377, until September 30th, 1399.

Richard III. Richard the Third, who was the king of England from June 26th, 1483, until August 22nd, 1485.

ricochet. The rebounding of a hurled object caused by striking a flat surface. The deflection of the course of a bullet upon striking a hard object.

Riddleberger Act. A Virginia statute passed in 1882, whereby it was proposed to reduce the bonded indebtedness of the state, because West Virginia had been carved out of it; and West Virginia flatly declined to assume any portion of the debt, chiefly because its people claimed that all the money had been spent in the other state.

ride. To sit on and be carried. To be carried, as in a vehicle. To be carried but at the same time to be in control, as in riding a horse or motorcycle. *Silverstein v Commercial Casualty Ins Co.* 237 NY 391, 143 NE 231, 35 ALR 32, 33.

rider. Literally one who rides, whether on a horse or in a vehicle. In legal usage, a sheet or sheets containing written, typewritten, or printed matter, attached to an instrument and intended to be considered a part thereof, the most frequent use thereof being in contracts of insurance. A part of the policy or contract of insurance, if incorporated, attached, or referred to in the instrument in so clear a manner as to leave no doubt of the intention of the parties in such respect. 29 Am J Rev ed Ins § 268. A new and unrelated enactment or provision included in a proposed legislative measure, usually intended to "ride" or slip through.

"A still more objectionable practice (than the passage of omnibus bills and logrolling) grew up, of putting what is known as a `rider' on the appropriation bills, and thus coercing the executive to approve obnoxious legislation, or bring the wheels of the government to a stop for want of funds." *Commonwealth ex rel. Elkin v Barnett*, 199 Pa 161, 48 A 976, 55 LRA 882.

ridgling. A horse with one testicle removed, the other one being undescended and hanging so high in the belly as not to be reached in the ordinary castration. *Douglass v Moses*, 89 Iowa 40.

riding. Taking a ride. A division of a county or shire in England, particularly the county of York, being a corrupt form of the word "trithing." 1 Bl Comm 116.

[1118]

riding horse. A horse that is ridden rather than driven. A horse that carries a mount rather than pulls a vehicle.

A saddled and bridled horse on which the insured was riding, and from which he was thrown, receiving fatal injuries, was held not a vehicle within the meaning of an accident policy covering loss of life sustained by the wrecking or disablement of any vehicle in which the insured was riding, or by being accidentally thrown therefrom. *Riser v Federal L. Ins. Co.* 207 Iowa 1101, 224 NW 67, 63 ALR 292.

riding on platform. Accepting the platform for the time as the means of conveyance. Something more than being temporarily on the platform for a necessary or proper purpose. 29A Am 1 Rev ed Ins § 1257.

riding skimmington. A mock ceremony for shaming conjugal seducers, once common in parts of England.

The usual practice was to place effigies of the persons on a pole, in a cart or on a donkey and carry them through the public streets amid the jeers of the populace. See *Cropp v Tilney (Eng)* 3 Salkeld 225.

riding with or accompanied by a licensed driver. Accompanied by a person licensed to drive a motor vehicle, under such conditions and in such proximity that he can maintain supervision necessary for safety, and render assistance, if need be, with reasonable promptness. 7 Am J2d Auto § 105.

rien. (French.) Nothing; not.

rien culp. Not guilty.

rien culpable. See **de rien culpable.**

rien dit. He says nothing.

rien en arriere. Nothing in arrears.

rien luy doit. He owes him nothing.

Rien passa par le fait. Nothing passed by the deed.

riens. Same as **rien.**

riens en arriere. Nothing in arrears.

riens leur deust. Not their debt.

riens per descent. A plea in an action of ejectment raising the issue whether the plaintiff was seized of the land by inheritance. *Wood v Jackson* (NY) 8 Wend 9.

rifle range. An area equipped for training in and testing of marksmanship. A public place of amusement. 52 Am J1st Amuse § 64.

rigger. One who installs or repairs rigging.

rigging. Scaffolding and staging used in the construction of a building. *Jones v Russell*, 224 Ky 390, 6 SW2d 460. Equipment of a vessel, that is, ropes, cables, etc., by which the masts are supported and the sails handled. 48 Am J1st Ship § 71.

right. Adjective: Correct; fitting. In accord with law, morality, and justice. The opposite of left. Conservative. Noun: That to which a person has a just and valid claim, whether it be land, a thing, or the privilege of doing something or saying something, such as the right of free speech. Property, interest, power, prerogative, immunity, and privilege. *Shaw v Proffitt*, 57 Or 192, 109 P 584. In the broad sense, inclusive of remedy. UCC § 1-201(36).

"The word is one of the most deceptive of pitfalls it is so easy to slip from a qualified meaning in the premise to an unqualified one in the conclusion. Most rights are qualified. A man has at least as absolute a right to give his own money as he has to demand money from a party that has made no promise to him; yet if he gives it to induce another to steal or murder, the purpose of the act makes it a crime." *American Bank & Trust Co. v Federal Reserve Bank*, 256 US 350, 65 L Ed 983, 41 S Ct 499, 25 ALR 971, 977.

When we speak of a person having a right, we must necessarily refer to a civil right as distinguished from the elemental idea of rights absolute. We must have in mind a right given and protected by law, and a person's enjoyment thereof is regulated entirely by the law which creates it. If we were to consider these rights as absolute, nothing but chaos could result. See *Nickell v Rosenfield*, 82 Cal App 369, 255 P 760.

See **equitable right; legal right.**

right ad rem. A right against a thing; a right against the property as distinguished from a right against the person.

right and wrong test. A test, applied in determining responsibility for an act otherwise constituting criminal homicide, according to the ability or capacity of the accused to distinguish between right and wrong. 26 Am J1st Homi § 79. The test of criminal

responsibility of a mentally deficient person according to whether the accused was laboring under such a defect of reason from disease of the mind as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong. 21 Am J2d Crim L § 33. The test of criminal responsibility of an infant according to whether or not he knew that the act constituting the offense was wrongful. 21 Am J2d Crim L § 27. A matter of moral right and wrong or, according to other authorities, right or wrong within the intendment of law. 21 Am J2d Crim L § 35. A test according to whether the accused knows the difference between right and wrong, can understand his relation to others, and that which others bear to him, and has knowledge of the nature of his act so as to perceive its consequences to himself and others. 21 Am J2d Crim L § 34.

right arm of the law. A graphic expression denoting an injunction. *DeWitt v Hays*, 2 Cal 463, 469.

right by prescription. See **prescription**.

right close. See **writ of right close**.

rightful. By right; lawful; proper.

rightful subjects of legislation. Lawful, rather than proper or expedient, subjects. *Territory ex rel. McMahon v O'Connor*, 5 Dak 397, 41 NW 746.

right-hand lane. A traffic lane to the right, as a driver moving forward sees it, of the median line of highway or street.

right-hand side. The traffic rule of driving on the right side of the highway. 25 Am J1st High §§ 205 et seq. An illustration of a rule of the road. *Reipe v Elting*, 89 Iowa 82, 56 NW 285.

right heirs. Those persons on whom the law casts the real estate of a decedent or admits to participate in the distribution of his personal estate. 57 Am J1st Wills § 1371.

Before the abolition of estates tail, the term was used to distinguish the preferred heir, to whom the estate was limited, from the heirs in general, but

[1119]

since such abolition, the term is equivalent to "heirs." *Brown v Wadsworth*, 168 NY 225, 237, 61 NE 250.

right in personam. A right against the person.

right in rem. A right in a thing, whether by ownership of the whole or of an interest.

right of access. See **access**; **access to courts**.

right of action. The right to bring suit in a particular case. A present right to commence and maintain an action at law to enforce the payment or collection of a debt or demand. *Hibbard v Clark*, 56 NH 155. A remedial right affording redress for the infringement of a legal right belonging to some definite person. *Fielder v Ohio Edison Co.* 158 Ohio St 375, 49 Ohio Ops 265, 109 NE2d 855, 35 ALR2d 1365. Precisely, the right of the plaintiff to sue, the essentials of which are (1) a good cause of action; (2) the performance of all conditions precedent; and (3) the existence of the right to maintain the action in the plaintiff unaffected by circumstances which will constitute in law a bar to the maintenance of the suit. 1 Am J2d Actions § 46.

right of alienation. The right to alienate or dispose of one's property in any lawful manner. The right to make any disposition of one's property not interfering with the existing rights of others, subject only to such limitations as are prescribed by law. 42 Am J1st Prop § 52.

right of appeal. The right to invoke the jurisdiction of an appellate court to obtain a review of a judgment, existing, not as an inherent or inalienable right, but as a right conferred by law under proper authority. 4 Am J2d A & E §§ 172 et seq.

right of approach. The right of a belligerent to visit a ship at sea to determine her nationality.

The right to visit and search merchant ships on the high seas, whatever be the ships, the cargoes, the destinations, is an incontestable right of the lawfully commissioned cruisers of a belligerent nation, but it should be exercised with as much regard to the safety of the vessel detained as is consistent with a thorough examination of her character and voyage. 56 Am J1st War § 152.

See **access**.

right of assembly. See **assembly**.

right of bench. The right of a particular judge to sit on an elevated seat.

right of being a corporation. See **franchise**.

right of burial. The right to the custody of the dead body of a person for the purpose of burial, such as the right of surviving spouse or child of the decedent. 22 Am J2d Dead B § 7. The privilege or license of the owner of a burial lot in a cemetery, the same to be enjoyed so long as the place continues to be used as a burial ground, subject to municipal regulation and control, and legally revocable whenever the public necessity requires. 14 Am J2d Cem § 31.

right of common. See **common**.

right of conquest. See **conquest**.

right of conscience. Liberty in religious belief and observance. *State v Cummings*, 36 Mo 363, 375.

right of curtesy. See **curtesy**.

right of dower. See **dower**.

right of discussion. See freedom of speech and of the press.

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

right of drip. See **easement of drip; eavesdrip**.

right of election. See **election**.

right of eminent domain. See **eminent domain**.

right of entry. The right to the possession of certain land. See *Cecil v Clark*, 44 W Va 659, 666, 30 SE 216.

See **re-entry; re-entry for condition broken**.

right of first publication. See **first publication.**

right of fishery. See **fishery.**

right of habitation. The right of a person to occupy the house of another without charge.

right of homestead. See **homestead; homestead exemption.**

right of indefinite user. An essential quality or attribute of absolute property. *Eaton v Boston, C. & M. R. R.* 51 NH 504.

right of inspection. See **inspection; inspection of records.**

right of interrogatory. See **interrogating; interrogatories.**

right of lien. See **lien.**

right of personal security. See **personal security.**

right of possession. A person's right to occupy and enjoy property. See 2 Bl Comm 196.

right of pre-emption. See **pre-emption.**

right of privacy. See **privacy.**

right of private property. A right which consists in the free use, enjoyment and disposal of all acquisitions, without any control or diminution, save only by the laws of the land. *Evans v Reading Chemical Fertilizing Co.* 160 Pa 209, 218, 28 A 702.

See **property.**

right of probable expectancy. See **probable expectancy.**

right of property. See **property.**

right of protest. See **protest.**

right of redemption. See **equity of redemption; redemption.**

right of re-entry. See **re-entry for condition broken.**

right of representation. The right to take by descent as a representative of the decedent on the basis of ancestry. 23 Am J2d Desc & D §§ 54 et seq. The equivalent of "per stirpes." *Johnson v Huntley*, 39 Wash 2d 499, 236 P2d 776.

See **representation.**

right of retainer. See **retainer.**

right of search. See **search; search and seizure.**

right of self-defense. See **self-defense.**

right of sepulture. Same as **right of burial. right of setoff.**

See **retainer; setoff.**

right of suffrage. See **suffrage.**

right of suit. Same as **right of action.**

right of support. See **lateral support; support of building; support of person.**

[1120]

right of survivorship. See **survivorship.**

right of user. See **user.**

right of vending. See **vending.**

right of visit and search. See **visit and search.**

right of visitation. See **visitation.**

right of way. A matter of the law of the road, a relative matter, existing only in reference to other persons using the highway, comprehending the right to proceed at a particular place or point in street or highway to which other persons must at such time and place defer. 25 Am J1st High §§ 204 et seq. The right of the driver of a vehicle to proceed on the way, it being the duty of other drivers in other vehicles on the way, under the circumstances, to permit him to proceed. 7 Am J2d Auto §§ 198 et seq. The right of a vehicle to proceed uninterruptedly in a lawful manner in the direction in which it is moving in preference to another vehicle approaching from a different direction into its path. *Heidle v Baldwin*, 118 Ohio St 375, 161 NE 44, 58 ALR 1186. The right of a vessel to proceed on course, to which other vessels must defer. 48 Am J1st Ship §§ 250 et seq. A boating regulation. 12 Am J2d Boats §§ 14 et seq. A right of passage, an easement. The right of one person, of several persons, or of the community at large, to pass over the land of another. *Kurz v Blume*, 407 Ill 383, 95 NE2d 338, 25 ALR2d 1258.

See **private way; railroad right of way.**

right of way by custom. A right of way acquired by custom, particularly by customary use by the inhabitants of a particular locality, recognized by the common law of England, although ordinarily not recognized by the American common law. 25 Am J2d Ease § 19.

right of way by grant. A right of way granted in express terms by a deed. 25 Am J2d Ease § 20.

right of way by necessity. A right of way founded upon an implied grant or implied reservation, the implication arising from the necessity of a way for use of premises granted or premises retained by the grantor. 25 Am J2d Ease § 34.

right of way by reservation. A right of way created by a deed reserving in the premises conveyed an easement therefor. 25 Am J2d Ease § 21.

right of way ex vi termini. A right of way over the land of another confined to a particular line. *Crosier v Brown*, 66 W Va 273, 66 SE 326.

right of way in gross. See **easement in gross.**

rights. The pre-emptive rights of stockholders of a corporation in reference to a new issue of stock; the right to subscribe to shares of the new issue, in preference to persons who are not present stockholders, on equal terms with other existing stockholders, that is, in the proportion that the number of shares of his existing stock bears to the total number of outstanding shares of existing stock. 18 Am J2d Corp § 275.

rights in action. Representatives of money and of personal things included in the term "chows in action." State v Tower, 122 Kan 165, 251 P 401.

rights of accused. The constitutional, statutory, or common-law rights of one accused of crime, such as due process, equal protection, fair and impartial trial, speedy trial, the assistance of counsel, public trial etc. 21 Am J2d Crim L §§ 218 et seq.

rights of persons. In the broad sense, the equivalent of personal rights. In a technical sense, physical rights, such as the right to travel from place to place, to see, and to hear the manifestations of nature. Duffies v Duffies, 76 Wis 374, 45 NW 522.

See **personal rights**.

rights of things. Such rights as a man may acquire over external objects, or things unconnected with his person. See 1 Bl Comm 122.

right, title, and interest. A term of art sometimes employed in accomplishing a levy of an execution on real estate for the purpose of securing under the writ whatever title the debtor may have in the land, as a fee simple, an estate for life or for years, a right of redemption, etc. 30 Am J2d Exec § 250.

A term descriptive of the operation of a quitclaim deed in reference to the interest conveyed. 23 Am J2d Deeds § 291.

right to alluvion. See **alluvion**.

right to appeal. See **right of appeal**.

right to bear arms. A right under the Second Amendment to the United States Constitution; the right to bear arms as they are borne by a well regulated militia in battle. Strickland v State, 137 Ga 1, 72 SE 260. Not a constitutional right to carry weapons on one's person as a civilian. Hill v State, 53 Ga 473, 480.

right to coal. See **coal**.

right to counsel. See **assistance of counsel**.

right to day in court. See **day in court**.

right to fish. See **fish; fishery**.

right to fair trial. See **fair trial**.

right to follow a trade, business, or occupation. The right to earn a livelihood in a trade or occupation, a right within the guaranties of the Fourteenth Amendment. New State Ice Co. v Liebmann, 285 US 262, 76 L Ed 747, 52 S Ct 371. A property right of which one is not to be deprived without due process of law. 16 Am J2d Const L § 371.

right to full hearing. See **full hearing**.

right to go extra viam. See **extra viam rights.**

right to jury trial. See **trial by jury.**

right to lateral support. See **lateral support.**

right to liberty. See **liberty.**

right to marry. A natural right, subject to such restrictions as the legislature may impose in the interest of morality and the social order. 35 Am J1st Mar § 10.

right to office. See **title to office.**

right to open and close. See **opening and closing.**

right to operate automobile. A privilege in the sense of being subject to a license requirement, but a common right in the sense of the right to make use of the highways for travel and the transportation of property. 7 Am J2d Auto § 6.

right to privacy. See **privacy.**

right to redeem. See **equity of redemption; redemption.**

right to rely. As an element of actionable fraud or deceit, calling for a representation made to the complaining party directly or indirectly and of such nature that it was reasonably calculated to deceive him and induce him to do that which otherwise he

[1121]

would not have done. Emery v Third Nat. Bank, 314 Pa 544, 171 A 881.

right to speedy trial. See **speedy trial.**

right to travel. See **travel.**

right to trial by jury. See **jury trial.**

right to surcharge and falsify. See **surcharge and falsify.**

right to vend. See **vending.**

right to vote. See **suffrage.**

right to work. See **right to follow a trade, business, or occupation.**

right-to-work law. A statute or provision of a state constitution that no one shall be denied an opportunity to attain or retain employment because he is or is not a member of a labor organization, prohibiting employers from entering into contracts obligating themselves to exclude persons from employment because they are or are not labor union members. 31 Am J1st Lab § 3.

right turn. An act in the operation of a motor vehicle wherein the vehicle is turned to the right at an intersection for the purpose of proceeding to the right on the intersecting street, usually regulated by statutes, ordinances, or rules of the road so as to require the driver to keep as close as practicable to the right hand curb or edge of the highway. 8 Am J2d Auto § 803.

rigore juris. See **de rigore juris; ex rigore juris.**

rigor juris. The strictness of the law; strict law.

rigor mortis. The stiffness of death; the stiffness of a dead body.

ring. A band of metal. A small band of precious metal worn on the finger as an ornament or to symbolize a marriage or betrothal. Anno: 92 ALR 608. A circle, such as the place in a tent for performance of acts of a show. A combination of persons associated together for illegal or otherwise improper purposes. Schomberg v Walker, 132 Cal 224, 228, 64 P 290.

See **prize ring.**

ring dropping. A kind of larceny by trick.

ring fight. See **prize fight.**

ringing off. Same as **ringing up.**

ringing out. Same as **ringing up.**

ringing the change. The offense of persuading a buyer to believe that he has given a bad coin and thereby inducing him to give another good one.

ringing up. A method by which a group of dealers on a board of trade discharge contracts for future delivery before delivery is due by a system of offsets, cancelations and adjustments of differences in lieu of actual delivery of the commodity sold; a more complex case of setoff. Lyons Mill Co. v Goffe & Carkener (CA8 Kan) 46 F2d 241, 83 ALR 501.

In not less than three fourths of the transactions in the grain pit there is no physical handing over of any grain, but there is a settlement, either by the direct method, so called, or by what is known as ringing up. Chicago Board of Trade v Christie Grain & Stock Co. 198 US 236, 246, 49 L Ed 1031, 1037, 25 S Ct 637.

ring settlement. See **ringing up.**

rink. See **skating rink.**

riot. A tumultuous disturbance of the peace by three or more persons assembling of their own authority, with an intent mutually to assist one another against anyone who shall oppose them in the execution of some enterprise of a private nature, and afterward actually executing such purpose in a violent and turbulent manner, to the terror of the people, whether the act intended was of itself lawful or unlawful. Adamson v New York, 188 NY 255, 80 NE 937. The acts or conduct of a body of men -three or more -in committing an unlawful act or breach of the peace in a tumultuous manner, or in the doing of a lawful act in a violent tumultuous manner. Anno: 121 ALR 251; 29A Am J Rev ed Ins § 1302. A tumultuous meeting of three or more persons upon some common purpose, to do an unlawful act, which they actually execute with violence. Date v Sumner, 29 SCL (2 Speers) 599.

rioter. Anyone who encourages, incites, promotes, or takes part in a riot. 46 Am J1st Riot § 14.

See **riot.**

riotose. In a riotous manner; riotously.

riotous. Tumultuous in disturbance of the peace. Partaking of the nature of a riot. The substantial equivalent of the word "violent." *State v Kutter*, 59 Ind 572, 574.

riotous assembly. A group of persons engaged in a riot.
See **mob**.

ripa. The banks or shore of a river.

riparia. Water flowing between banks; a river.

riparian. Belonging to the bank of a river. 56 Am J1st Wat § 278.

riparian land. Land bounded or traversed by a natural stream of water. 56 Am J1st Wat § 273. Land in actual contact with the water. 56 Am J1st Wat § 277.

Riparian land is, in any event, limited in its extent by the watershed of the stream; in other words, lands beyond the watershed cannot be regarded as riparian. 56 Am J1st Wat § 278.

riparian owner. Same as **riparian proprietor**.

riparian proprietor. An owner of land which is bounded or traversed by a natural stream. In loose usage, inclusive of an owner of land on the shores of the sea or of a lake. 56 Am J1st Wat § 273.

riparian rights. Rights existing as natural and inherent incidents of the ownership of riparian land. 56 Am J1st Wat § 274. The rights of an owner of land bounded or traversed by a natural stream of water in the use of the stream or the water therein. The right to the flow of the stream in its natural course and in its natural condition in respect of both volume and purity, except as affected by reasonable use by other proprietors, the right of access to and use of the stream or water, and the right to accretions. 56 Am J1st Wat § 273.

riparian waters. The waters of the ordinary flow and underflow of a stream.

When such waters rise above the line of highest ordinary flow, they are to be regarded as flood waters. *Motl v Boyd*, 116 Tex 82, 111, 286 SW 458.

riparius. (Latin.) Belonging to the bank of a river. 56 Am J1st Wat § 273.

[1122]

Riparum usus publicus est jute gentium sicut ipsius fluminis. (Civil law.) The public use of the banks is, by the law of nations, just the same as that of the river itself.

ripe. Fully matured; ready; in proper condition. *Hosmer v Hoitt*, 161 Mass 173, 175, 36 NE 835.

ripe for judgment. Brought to a final determination, everything having been done that ought to be done before entry of a final adjudication. *Kelly v Foley*, 284 Mass 503, 188 NE 349.

ripe for review. The status or condition of administrative determination in reference to judicial relief by way of review. 2 Am J2d Admin L § 583.

riser. The board which determines the height of a step in a stairway. *Anne*: 25 ALR2d 372, § 4.

risicum. An insurance risk or hazard.

rising. A growing. An advancing. An upward movement. A revolt or insurrection.

rising of the court. The court's final adjournment; the last day of the term of court. *State v Weaver*, 11 Neb 163, 165, 8 NW 385.

risk. The chance of injury or loss. The peril of loss or injury to the insured which is protected by an insurance policy. *Physicians' Defense Co. v Cooper* (CA9 Cal) 199 F 576.

See **assumption of risk**.

risk and causes of loss. The coverage of an insurance policy. 29A Am J Rev ed Ins §§ 1132 et seq. The peril or contingency against which the insured is protected, such as fire, flood, sickness, etc. 29 Am J Rev ed Ins § 192.

See **attachment of risk**.

risk assumed. See **assumption of risk**.

risk of buyer. See **buyer's risk**.

risk of seller. See **seller's risk**.

risk of war. A risk resulting in an injury of which war, and not some other risk or hazard was the proximate cause. *Dennehy v United States* (DC NY) 15 F2d 196.

risks incurred. Risks assumed. Risks which an insurer undertakes to cover in a policy or contract of insurance. *American Surety Co. v Ryan*, 185 La 678, 170 So 34.

See **assumption of risk; risks and causes of loss**.

risks of employment. See **ordinary risks of employment**.

risks of navigation. Inclusive of any risk in the movement of a vessel. A broader term than "perils of the sea."

"There is no case holding that risk of navigation means the same thing as perils of navigation, and there is no authority that I have been able to find, defining or fixing the meaning of this term." *Hartford Fire Ins. Co. v Baker*, 127 Okla 166, 260 P 6.

rite. Rightly; properly; with due formality. A ceremonial act, as observed at a wedding.

ritual. A prescribed form for the conduct of a meeting of a lodge or fraternal benefit society. 36 Am J2d Frat O § 28.

rivage. A toll which was collected for navigating certain rivers of England.

rival unions. Labor unions competing in obtaining applications for membership and the right to represent the employees of a particular industry or plant in collective bargaining.

river. A large inland stream of water flowing into the sea, a lake, or another river. *Chamberlain v Hemingway*, 63 Conn 1, 27 A 239.

river bed. The area which is kept practically bare of vegetation by the wash of the waters in their onward course from year to year, although parts of it may be dry at times. 56 Am J1st Wat § 448. That portion of the soil which is alternately covered and left bare, as there may be an increase or diminution in the supply of water, and which is adequate to contain it at its average and mean stage during the entire year, without reference to the extraordinary freshets of the winter or spring, or the extreme droughts of the summer or autumn. *Alabama v Georgia (US)* 23 How 505, 16 L Ed 556, 560. The banks and the permanently submerged soil. *State v Faudre*, 54 W Va 122, 46 SE 269.

The shores of a navigable river are the spaces between high and low-water marks, and the bed of a river includes the shores. See *State ex rel. Ellis v Gerbing*, 56 Fla 603, 47 So 353.

river boat. In the broad sense, a boat or vessel on a river. In the popular sense, a large vessel to be navigated on a river, which may carry some freight, but is primarily for passengers, particularly persons traveling for pleasure. A place of amusement, also of entertainment. *Shannon v Streckfus Steamers, Inc.* 279 Ky 649, 131 SW2d 833.

river boundary. A natural boundary of lands in private ownership, the exact location of which must depend upon whether the title to the bed of the river is in the state or the riparian owners and the view taken in the particular jurisdiction concerning the ownership between high and low-water mark. 12 Am J2d Bound § 20. Sometimes a state boundary.

Where statute makes a great river the common boundary between two states, it means only the well-defined and unmistakable stream, and does not also include the interlacing unnavigable water belts, streams, and streamlets which, in the level alluvial bottom lands through which the river flows, emerge here and there from such main body. *Little v Green*, 144 Iowa 492, 123 NW 367.

river thread. See **thread of stream.**

rivation. The use of rivers for fishing.

rivulet. A natural watercourse in the form of a small stream. 56 Am J1st Wat § 6.

rixa. An angry dispute; a quarrel.

rixatrix. A scold. The word is confined to the feminine gender. See 4 Bl Comm 168.

R.N. Abbreviation of registered nurse; abbreviation of Royal Navy.

r'na. An abbreviation of "regina," the queen.

road. Any strip of land used or appropriated for travel, whether by an individual, a corporation, or the public. 25 Am J1st High § 3. Often used synonymously with highway. 25 Am J1st High § 3.

roadbed. The part of a railroad upon which the tracks are laid. *San Francisco v Central P. R. Co.* 63 Cal 467. The foundation, located on the right of way, on which the super structure of rails, ties, ballast, etc., rests. 44 Am J1st RR § 227. Not confined to the space occupied by ties, but extending to such a distance as puts one in danger of collision with a passing train. 29A Am J Rev ed Ins § 1259 (exception of risk of injury received while on

[1123]

roadbed). The foundation of a highway or street, of crushed stone, tailings from a mine, cinders, etc.

road brand. A brand required by statute to be placed upon cattle before they are removed from the county where they are gathered to a market beyond the state line.

Such a brand is to be recorded in the county from whence the cattle are driven. *Crowell v State*, 24 Tex App 404, 6 SW 318.

road camp. A place where prisoners detailed to work on highways are detained, fed, and housed when not working.

road district. An improvement district established for the construction and maintenance of a highway. 25 Am J1st High § 606. A quasi corporation. 37 Am J1st Mun Corp § 6.

road engine. An ordinary locomotive used by a railroad for pulling a train, rather than for switching purposes. *Prosser v Montana Central R. Co.* 17 Mont 372, 43 P 81.

road grader. A machine, self-powered in modern times, equipped with a broad heavy blade to smooth the road and bring it to the proper pitch or level. For some purposes a motor vehicle. Anno: 77 ALR2d 947.

roadhouse. An inn or tavern; sometimes a place of accommodation by the service of food and drink only. Anno: 19 ALR 526, s. 53 ALR 988; 29 Am J Rev ed Innk § 9.

road rules. See **rules of the road.**

roadstead. A place close to shore at which ships may anchor, although not a harbor. *Cole v Union Mut. Ins. Co.* 78 Mass (12 Gray) 501.

road stock. Stock in a turnpike company. *Holbrook v Union Bank (US)* 7 Wheat 553, 5 L Ed 521.

road test. Driving a motor vehicle on the highway to determine need for repairs, the nature of repairs needed, or the condition of the vehicle after repairs made. *Kenner v Century Indem. Co.* 320 Mass 6, 67 NE2d 769, 165 ALR 1463. An examination given an applicant for a driver's license to ascertain his ability to operate an automobile on highway or street. 7 Am J2d Auto § 108.

roadway. The part of a street or highway intended for use by vehicles and animals. 25 Am J1st High § 3. Road; a roadbed. The right of way of a railroad. 44 Am J1st RR § 74. The roadbed of a railroad and the space of ground that the railroad is allowed by law in which to construct its roadbed and lay its track. *San Francisco v Central P. R. Co.* 63 Cal 467.

road work. Broadly, work performed in the construction or maintenance of highways. Labor performed by convicts upon highways. Work done under statute requiring labor to be performed by the male citizens or inhabitants of a specified age, without compensation, on the public roads for a certain number of days each year, or to pay a certain sum in money for each day's labor thus required. 25 Am J1st High § 84.

rob. To commit the crime of robbery. In loose usage, to steal from or defraud.

robaria. Robbery.

It is said that originally the offense consisted in the taking by force from a person of his "robe" or clothing.

robator. A robber.

robber. A person who commits the crime of robbery. In loose usage, one who steals from or defrauds another.

robbery. The felonious taking of money or goods of value from the person of another or in his presence, against his will, by force or by putting him in fear. 46 Am J1st Rob § 2.

The gist of the offense of robbery both at common law and under the Illinois statute is the force or intimidation employed in taking from the person of another, and against his will, property belonging to him or in his care, custody, or control. *People v Casey*, 399 Ill 374, 77 NE2d 812, 11 ALR2d 865.

An intent to deprive an owner of his property and to convert it to the use and benefit of the accused is an essential element of the offense of robbery. *People v Gallegos*, 130 Colo 232, 274 P2d 608, 46 ALR2d 1224.

robbery insurance. Insurance covering a loss by robbery, that is by a crime containing all the elements of the offense of robbery. Anno: 48 ALR2d 19. A coverage of the felonious and forcible taking of the property of the insured by violence inflicted upon the custodian of the property, by putting such person in fear of violence, or by any overt felonious act committed in the presence of such person and of which he was actually cognizant at the time. 29A Am J Rev ed Ins § 1338.

robbour. A robber.

roberia. Same as **robaria**.

Roberts' Rules of Order. A compilation and discussion of parliamentary rules.

See **parliamentary rules**.

robin. See **round robin**.

robour. A robber.

Rochdale store. A store operated by a co-operative association or society, the name deriving from the city of Rochdale, England in which one of the earliest co-operative societies was organized.

rock. Stone in the mass or in pieces. The crust of the earth. As used in construction and excavation contracts, not necessarily the meaning of the term in geology. *Chicago v Duffy*, 117 Ill App 261, affd 218 Ill 242, 75 NE 912.

rock and roll. The movement of a vessel, especially a small craft upon a rough sea. A peril to small watercraft. 12 Am J2d Boats §§ 38, 52. A form of modern music, characterized by a rhythmic beat.

rock in place. Rock that is inclosed and embraced in the general mass of the mountain, as distinguished from float soil and debris on the surface.

Rockefeller Foundation. A trust chartered for the broad purpose of promoting the well-being of mankind throughout the world, the practical objectives being the advancement of knowledge and the application of knowledge to human interests and needs, particularly by studies in reference to the world's food supply, overpopulation, educational opportunities, and cultural activities. Anno: 34 ALR 686, s. 62 ALR 339, 108 ALR 301.

rodent. Broadly, any small mammal with teeth adapted for nibbling. In popular usage, such a mammal with destructive tendencies, such as a rat or mouse.

rodeo. A place of amusement wherein the entertainment consists in exhibitions developed

from the activities of the cattle ranches of the West, consisting of riding bucking horses, roping cattle, etc.

Roentgen ray. See **X-ray**.

rogare. (Roman law.) To ask; to demand; to propose the enactment of a law; to offer a candidate for election.

rogatio. (Roman law.) An asking; a request; the proposal of a law for enactment.

rogationes, quaestiones, et positiones debent esse simplices. Demands, questions and claims ought to be simple.

rogation-week. A week in each year during which the boundaries of English parishes and manors were surveyed.

rogatio testium. An essential of a valid nuncupative will, being a request by the testator to some person or persons present at the time the testamentary words are spoken, to bear witness that such constitute his will. 57 Am J1st Wills § 658.

rogatory letter. See **letter rogatory**.

rogo. I ask; I request; I demand. See 1 Bl Comm 239.

rogue. A scoundrel. A mischievous person, not necessarily a mean person. McClurg v Ross (Pa) 5 Binn 218, 219. A term often applied with affection to a person, particularly a child or old person. An old male elephant which stays apart from the herd.

rogues' gallery. A collection of photographs of persons convicted of crime, preserved and exhibited in a police department or prison for the future identification of such persons. 41 Am J1st Privacy § 27.

roiaume. The realm; the kingdom.

roigne. The queen.

roll. Verb: To move a thing by turning it over and over. A slang term in police circles and the underworld for robbing a person who is drunk or helpless. Lasecki v State, 190 Wis 274, 275, 208 NW 868, 869. Noun: A parchment; a record.

See **enroll; enrolled bill; enrolled order; judgment roll; jury list**.

rolled-up plea. A plea or answer by the defendant in an action for libel or slander in which he combines the defenses of truth and fair comment, alleging in effect the truth of the matters of fact stated in the publication, that such facts are proper matters of public interest and concern, and that the published comments thereon are justified. Lothrop v Adams, 133 Mass 471; Kinsley v Herald & Globe Asso. 113 Vt 272, 34 A2d 99, 148 ALR 1164.

roller coaster. An amusement device consisting of a track having abrupt inclines and declines on which the open cars in which the patrons ride are carried with great speed. Kehoe v Central Park Amusement Co. (CA3 Pa) 52 F2d 916.

A structure upon which rests a track several hundred feet long, on which wooden cars are run at a high rate of speed. The cars are elevated by a cogwheel attachment, so that the track is a considerable distance from the ground at the highest place. It is built on a general incline, with slight elevations intervening from that point to the end of the track, where it comes to the surface of the ground near the place of starting. The cars are run from the highest point by force of gravity, and are operated as a matter of amusement to those who take rides, and incidentally for the pecuniary profit of the proprietors. Re Hull, 18 Idaho 475, 110 P 256.

roller skating. An amusement or sport in which the participants move on skates having small wheels known as rollers.

See **skating rink.**

rolling credit. A continuous and ever-extending credit up to a certain specified limit. *Tobler v Willis*, 59 Tex 80, 85.

rolling door. See **overhead door; revolving door.**

rolling mill. A machine for rolling out bars and sheets of metal. A plant in which such machines are operated.

rolling stock. The locomotives and cars of a railroad company. 44 Am J1st RR § 272. Any wheeled vehicle of a carrier of freight or passengers.

The term embraces the movable property belonging to a railroad company, and is declared personal property for purposes of taxation. By movable property is meant such property as in its ordinary use is taken from one part of the line to another, such as cars, locomotives and their attachments and usual accompaniments. *Ohio & Missouri Railroad Co. v Weber*, 96 Ill 443, 448.

Roman calendar. See **Gregorian calendar; Julian calendar.**

Roman Catholic. A Christian who acknowledges the authority of the Pope of Rome. *Hale v Everett*, 53 NH 9. A member of the Roman Catholic Church.

Roman Catholic Church. A Christian church, originating in the very early days of Christianity, governed by a supreme pontiff, the Pope of Rome, and a hierarchy.

Roman law. That law which comprehends the laws which prevailed among the Romans, without regard to the time of their origin.

The term is in a strict sense limited in its application to the laws of the Romans which prevailed until the compilation of the civil law under Justinian in 530 A. D. See *Mackeldey's Roman Law* §§ 18, 20, 70.

Roman pound. See **usurae centesimae.**

romescot. Same as **Peter's pence.**

Romney-marsh. A tract in the county of Kent, containing twenty-four thousand acres, governed by certain ancient and equitable laws of sewers, composed by Henry de Bathe, a venerable judge in the reign of King Henry the Third, from which laws all commissioners of sewers in England may receive light and direction. See 3 Bl Comm 73, and note.

rondeau. The same as rondo.

rondo. A variety of billiards, sometimes played as a gambling game. Anno: 60 ALR 349.

roof. The outside covering of a building, sometimes of wooden shingles, more frequently in modern times of prepared or composition shingles. A top limit, as a roof placed on prices or wages.

See **overhanging roof.**

roof sign. A sign painted or erected on the roof of a building. 3 Am J2d Advertg § 15.

room. A part of a building, bounded or enclosed by walls. *Leominster Fuel Co. v Scanlon*, 243 Mass 126, 137 NE 271, 24 ALR 1459.

[1125]

The word includes a description of the perpendicular as well as the horizontal planes which bound the parcel of the house described by it, and excludes the outside of lateral walls, at least when they constitute the walls of another room, as clearly as the words "first floor" exclude the flooring of the story above it. *Leominster Fuel Co. v Scanlon*, 243 Mass 126, 137 NE 271, 24 ALR 1459, 1460.

rooming house. A house where bedrooms as such are furnished paying guests. *Cedar Rapids Invest. Co. v Commodore Hotel Co.* 205 Iowa 736, 218 NW 510, 56 ALR 1098.

See **lodging house**.

root. A stock of descent, -an ancestor in whom a succession of inheritance begins.

rooter. An instrumentality used to cut away and remove roots in sewers. *State v Gootstein*, 206 Minn 246, 288 NW 221, 125 ALR 715. A term in popular, if not the best, usage for one who supports and encourages an athletic team in its contests.

root of title. The conveyance or instrument which begins the chain of a land title.

roster. A roll or list of names. A list of names of persons in a unit of the armed forces. A word which is used instead of the word "register," and which comprehends a list of all military officers, connected with the regiment, brigade or division, and is kept as are records of orders and official communications. *Matthews v Bowman*, 25 Me 157, 167.

rota. A court.

rotary drilling. Drilling a well by the rotation of a bit. A method frequently used in boring for oil. Boring is done by rotation of a bit attached to a steel pipe, which, when so used is called a "drill stem." A smaller bore, called a "rat hole," sometimes precedes, and is reamed out to obtain the full-sized hole. To aid operation, drilling fluid (mud laden water) is pumped into the upper end of the drill stem and escapes into the well at high velocity through holes in the bit. It rises through the space between the pipe and the earth walls of the well and carries to the surface cuttings made by the bit. It holds back and seals the penetrated formations. Hydrostatic pressure of the drilling fluid is very great and the fluid in a penetrated formation will not flow into the well unless it is under greater pressure. *Honolulu Oil Corp. v Halliburton*, 306 US 550, 83 L Ed 980, 59 S Ct 662.

rotation. The movement of the earth on its axis. Regular and recurring succession. The appropriation of water for irrigation purposes during a certain number of hours a day, a certain number of days a week, or a certain number of weeks a year, leaving the water free during the remaining time for appropriation for the use of other persons. 30 Am J Rev ed Irrig § 32.

rotation of names. A system employed in the preparation of ballots for an election in which the names of the candidates appear in a different order from district to district or precinct to precinct, even from county to county, the practice being employed to assure that no candidate has the advantage of being first on the ballot in every voting place. 26 Am J2d Elect § 207.

rotted. Spoiled and in a condition unfit for consumption. *Robert L. Berger Co. v National Fire Ins. Co.* 331 Ill App 102, 72 NE2d 727 (vegetables).

rotten boroughs. Small English boroughs which, notwithstanding their decline in population, returned members to parliament.

rotten clause. A clause in a marine insurance policy the usual form of which provides that if the ship is un-seaworthy on a regular survey, by reason of being rotten or unsound, the underwriters are discharged. *Janney v Columbian Ins. Co.* (US) 10 Wheat 411, 6 L Ed 354.

roturier. In old French law-one not noble. A free commoner; one who did not hold his land by homage and fealty, yet owed certain services.

rough minutes. Unofficial memoranda, made by the clerk of the court for his own convenience, of orders as they are announced by the court.

Such memoranda are made by the clerk for his own guidance in entering the orders of the court on the register and in the minutes of the court, and do not constitute an official record of the court, although they are sometimes useful as evidence. The book in which such memoranda are made by the clerk is often referred to as a "blotter." *Brownell v Superior Court of Yolo County*, 157 Cal 703, 109 P 91.

rough shadowing. A practice, sometimes resorted to by detectives, of openly and publicly following and watching a person, usually as a means most effective to prevent his going away from the place.

Such actual surveillance and pursuit may constitute an actionable wrong as suggestive of criminality, fatal to public esteem, and productive of public contempt or ridicule. *Shultz v Frankfort Marine Acci & Plate Glass Ins. Co.* 151 Wis 537, 139 NW 386.

roulette. A gambling game characterized by the use of a wheel for the determination of the winner.

roundhouse. A railroad shop, often having a turntable.

round trip. A trip by carrier which includes return to the point of departure.

round-trip ticket. A ticket for transportation by carrier to a specific destination and return to point of original departure, sometimes at a reduced rate. 14 Am J2d Car § 845.

See **excursion; excursion rate.**

roundup. A general gathering together of the cattle on a range which is had by the custom of cattlemen, for the purpose of branding calves and separating or "cutting out" the cattle of the several respective owners. *Hebberd v Southwestern Land & Cattle Co.* 55 NJ Eq 18, 27, 36 A 122.

roup. A disease of chickens. Hoarseness. An auction sale.

See **articles of roup.**

riot. A criminal offense consisting in the moving forward of an unlawful assembly toward the execution of its unlawful design. 46 Am J1st Riot § 7. A disorderly crowd, especially one fleeing in terror.

route. The course or location of a highway. 25 Am J1st High §§ 9 et seq. The course of a railroad line between its terminals. 44 Am J1st RR § 202. The line or course followed by a vessel proceeding from one port to another. 48 Am J1st Ship §§ 393 et seq. The course followed by a mail carrier or a route salesman. The course of a shipment of goods on the line or lines of a carrier or carriers. 13 Am J2d Car § 323.

[1126]

See en **route; through route.**

route salesman. A salesman who follows a regular route in making sales to customers. 28 Am J Rev ed Inj § 103.

routing by carrier. Selection by the carrier of the route of transportation of a shipment of goods, it being obligatory upon the carrier to select the route with due regard to the rights and interests of the shipper. 13 Am J2d Car § 323.

routously. See **riotously.**

roving commission rule. The rule that where an employee's duties require him to circulate in a general area with no fixed place or hours of employment, or to go to and from his home to various outside places of work, and his employer furnishes him with a motor vehicle to use in his work, it can be found that he continues in the service of his employer, for the purposes of the liability of his employer for an injury resulting from his negligence, until he actually reaches home. Anno: 52 ALR2d 365, § 7.

rowboat. A boat designed and constructed to be propelled by oars. Not a vessel within the meaning of a rule of navigation. *Fischer v Camden etc. Ferry Co.* 124 Pa 154, 16 A 634.

roy. The king.

royal amercement. See **amercement royal.**

royal family. In a larger sense, all those persons who are by any possibility inheritable to the crown. In a narrower sense, only those who are within a certain degree of propinquity to the king.

After that degree is past, they fall into the rank of ordinary subjects, and are seldom considered any further, unless called to the succession upon failure of the nearer lines of consanguinity. See 1 Bl Comm 224.

royal fish. See **fish royal.**

royal fishery. An exclusive right of fishing in a navigable river. *Arnold v Mundy*, 6 NJL 1.

royal fishes. The grand fishes of the sea, such as whales and sturgeons.

These fishes belonged to the king by his royal prerogative, and no subject could take them with out the king's special grant. *Arnold v Mundy*, 6 NJL 1.

royal forest. A forest of the king, stocked with beasts of the chase.

royal fowls. Wild swan on the sea and arms of the sea.

royal franchise. A privilege, such as that of fishing in a navigable river, granted by the king. *Arnold v Mundy*, 6 NJL 1.

royal grant. A grant made by the king.

Such grants were always matters of public record and whether they were of lands, honors, liberties, franchises, or other matters, they were by charter or letters patent and usually directed or addressed by the king to all his subjects at large. See 2 Bl Comm 346.

royal mines. Gold and silver mines owned by the king at common law as within his prerogative, although on private property.

At common law, mines of gold and silver were by the prerogative of the sovereign, the property of the crown, though discovered in the land of private owners. They were termed "royal mines," and belonged to the sovereign wherever they were found. The prerogative is supposed to have originated as a necessary incident of the king's right of coinage in order to supply him with materials; metals in which there was no gold or silver, however, belonged to the proprietor of the soil. 36 Am J1st Min & M § 6.

royal prerogative. Those rights and capacities which the king enjoys alone, in contradistinction to others, and not those which he enjoys in common with any of his subjects. See 1 Bl Comm 239.

A New Jersey chancellor has defined the term as "that special pre-eminence which a sovereign has over all other persons, and out of the course of the common law, by right of regal dignity." In Great Britain the royal prerogative includes the right of sending and receiving ambassadors, of making treaties, and (theoretically) of making war and concluding peace, of summoning parliament, and of refusing assent to a bill, with many other political, judicial, ecclesiastical, etc., privileges. See *Aetna Casualty & Surety Co. v Bramwell* (DC Or) 12 F2d 307.

royal river. Any navigable river of England so far as the tide ebbs and flows.

It is said to be a branch of the sea, so far as it flows, and the sea is under the dominion of the king. See *Arnold v Mundy*, 6 NJL 1.

"Lord Hale says that, as the common highways upon the land are the common land passage, so these kinds of rivers, whether fresh or salt, that bear boats or barges, are highways by water; and as the highways by land are called the 'king's highways,' so these public rivers for public passage are called 'royal streams,' not in reference to the propriety of the river, but to the public use." See *New England Trout & Salmon Club v Mather*, 68 Vt 338, 35 A 323.

royal stream. See **royal river**.

royalty. The consideration payable by the lessee to the lessor under an oil or gas lease. 24 Am J1st Gas & O § 65. The right to share in production of oil or gas. Anno: 4 ALR2d 497. Compensation for the privilege of drilling and producing gas and oil, consisting of a share of the product or of money representing such share. *Alexander v King* (CA10 Okla) 46 F2d 235, 74 ALR 174, cert den 283 US 845, 75 L Ed 1455, 51 S Ct 492. A fractional interest in the production of oil or gas created by the owner of the grant, either by reservation when an oil and gas lease is entered into, or by direct grant to a third person. *La Laguna Ranch Co. v Dodge*, 18 Cal 2d 132, 114 P2d 351, 135 ALR 546. A payment made by the lessee under a mining lease to the lessor, based on the output of the mine. 36 Am J1st Min & M § 48. A payment made for the privilege of using a patented invention. *Carbice Corp. v American Patents Development Co.* 283 US 27, 75 L Ed 819, 51 S Ct 334. The compensation to which an author is entitled for the use of his work under license. 18 Am J2d Copyr §§ 92 et seq. The status of a king, queen, or princess, even of one of nature's noblemen.

With respect to damages recoverable from an innocent trespasser who extracts coal or other solid mineral from the land, the terms "royalty" and "value" should not be regarded as synonymous but as alternative measures of recovery. *Hughett v Caldwell County*, 313 Ky 85, 230 SW2d 92. 21 ALR2d 373.

[1127]

Royalty, when used in connection with a license under a patent, means the compensation paid by the licensee to the licensor for the use of the licensor's patented invention. This is substantially Webster's definition except that the latter adds "usually at a certain rate for each article manufactured, used, sold, or the like." The word rate itself does not define or designate the "unit." There have been various units used in license contracts under patents such as "device manufactured," "period of use," or "device sold." Royalty provisions frequently provide for the payment of a fixed amount per device manufactured, sold, sold or used, or for fixed payments per unit of time. *Hazeltine Corporation v Zenith Radio Corp.* (CA7 111) 100 F2d 10.

royalty interest. See **royalty**.

royalty oil. Oil severed and set apart for the payment of the obligation to render royalty. Anno: 4 ALR2d 497.

royalty pool. An arrangement created by an agreement between landowners binding each of them to turn into a common fund or pool any oil found and produced on his land or royalties therefrom, such owners to share in certain proportions in the fund or

pool thus accumulated, after payment of expenses of management. *Hathaway v Porter Royalty Pool*, 296 Mich 90, 295 NW 571, 138 ALR 955, and 296 Mich 733, 299 NW 451, 138 ALR 967.

royalty tax. A tax upon rents or royalties received.

Roy est l'original de tous franchises. The king is the origin of all franchises.

Roy n'est lie per ascun statute, si il vie solt expressement nosme. The king is not bound by any statute, if he be not expressly named to be so bound. See *Broom's Legal Maxims* 72.

r.s.v.p. Please reply; an abbreviation of the French "respondes s'il vous plait."

rubber check. See **bogus check**.

rubber processing. See **vulcanization**.

rubber stamp. A stamp of rubber used for affixing a signature or memorandum. A facetious term for one who does nothing of importance except at the direction of another.

rubber-stamp signature. A signature affixed to bill, note, 11 Am J2d B & N § 210, or will 57 Am J1st Wills § 248, by rubber stamp.

rubbish. Refuse. Waste materials collected by a municipality. 38 Am J1st Mun Corp § 614. Nonsense.

rubbish dump. See **dump**.

rubric. A chapter or section heading deriving from the Latin "ruber," meaning red, because of the early practice or custom of setting headings in red.

rudder. The instrumentality on a vessel by which the craft is steered. A comparable device on an aircraft.

rudely. In a rude manner; coarsely; uncivilly; violently. *State v Lawrence*, 19 Neb 307, 314.

rule. A statement of law appearing in an opinion of the court in support of the decision rendered in the case. An order of court; a specific direction or requirement of a court, made in a particular matter or proceeding, with respect to the performance of some act incidental thereto. 37 Am J1st Motions § 20. That which is prescribed or laid down as a guide to conduct; that which is settled by authority or custom; a regulation; a prescription; a minor law; a uniform course of things. *South Florida Railroad Co. v Rhoads*, 25 Fla 40, 5 So 633.

rule absolute. The rule or order of court granted upon a rule or order to show cause, where sufficient, cause is not shown. 37 Am J1st Motions § 38.

rule absolute for a new trial. An abbreviated form of entry of an order for a new trial.

The order of the court formerly entered would be "judgment vacated, verdict set aside and new trial granted." *Fisher v Hestonville, Mantua & Fairmount Passenger Railway Co.* 185 Pa 602, 605, 40 A 97.

rule against accumulations. A rule based on the English statute known as the *Thelluson Act* or on equivalent laws enacted in other jurisdictions rendering nugatory provisions for the accumulation of the rents and profits of property beyond a certain

period provided by the statute. 41 Am J1st Perp § 44. A statutory rule against the adding of interest or income to a fund, pursuant to the provisions of a deed or will, for the purpose of preventing the expenditure thereof, beyond a limited number of years. 41 Am J1st Perp § 48.

rule against perpetuities. The rule which prohibits the creation of future interests or estates which by possibility may not become vested within a life or lives in being at the time of the testator's death or the effective date of the instrument creating the future interest, and twenty-one years thereafter, together with the period of gestation when the inclusion of the latter is necessary to cover cases of posthumous birth. 41 Am J1st Perp § 3.

rule against possibility on a possibility. The rule of the common law that in the grant or devise of property there could not be a possibility on a possibility, and which applied to prevent a limitation for the life of an unborn person with a limitation after his death to his unborn children to take as purchasers. 41 Am J1st Perp § 5.

rule against postponement of enjoyment. A rule of public policy which forbids unreasonable restrictions on the enjoyment of property.

The principle has become established that no restriction on the use and enjoyment of property will be enforced by the courts where the restriction is such that it is inconsistent with the interest or estate which has been granted or devised. 41 Am J1st Perp § 69.

rule against restraint on alienation. The principle that since one of the incidents of property is the right to convey it, the law does not permit a grantor or testator to fetter the ownership of grantee or devisee by imposing a restraint on alienation by him, thereby seeking to maintain control over alienation or use of the property. 41 Am J1st Perp § 66. A rule giving force to the principle that the conveyance of a title in fee simple carries with it as a necessary incident the right of free and unlimited alienation. 41 Am J1st Perp § 79.

rule against suspension of power of alienation. A rule under statute, distinct from the rule against perpetuities, which prohibits the imposing of conditions in rendering property inalienable beyond a period fixed by the statute. 41 Am J1st Perp § 2.

rule day. Return day. The day on which a defendant served by process is required to appear. The day on

[1128]

which an order or rule to show cause to made returnable.

rule in Dumpor's Case. See **Dumpor's Case.**

rule in Shelley's Case. In the classic statement of the rule as made in the case from which it derived its name: -when the ancestor by any gift or conveyance takes an estate of freehold, and in the same gift or conveyance an estate is limited, either mediately or immediately to his heirs in fee or in tail, the word "heirs" is one of limitation, not of purchase. 1 Coke 93b, 104b, 76 Eng Reprint 206, 234. In terms in which it is usually stated:-the principle that when a person takes an estate of freehold, legal or equitable, under a deed, will, or other writing, and in the same instrument there is a limitation by way of remainder, either with or without the interposition of another estate, of an interest of the same legal or equitable quality, to his heirs or heirs of his body, as a class of persons to take in succession from generation to generation, the limitation to the heirs entitles the ancestor to the whole estate. 28 Am J2d Est § 102. The rule that if one makes a limitation to another for life, with a remainder over mediately or immediately to his heirs, or the heirs of his body, the heirs do not take remainders at all, but the word "heirs" is regarded as defining or limiting the estate which the first taker has, and his heirs, if they take at all, take by descent, and not by purchase. Lytle v Hulén, 128 Or 483, 275 P 45, 114 ALR 587.

A grant or devise to a man "during his natural life, and then to his heirs, in a jurisdiction where the rule in Shelley's Case is in force, gives an absolute estate to the grantee or devisee, but in those jurisdictions where the rule in Shelley's Case is not in force, the grantee or devisee takes only a life estate. *Doyle v Andis*, 127 Iowa 36, 102 NW 177.

rule in Wild's Case. See **first resolution in Wild's Case; second resolution in Wild's Case.**

rulemaking. A judicial power in respect of promulgating rules regulating the practice in cases coming before the court. 20 Am J2d Cts § 82. Legislative power in fact but one of the functions exercised by an administrative agency. 1 Am J2d Admin L §§ 92 et seq.

rule nisi. A rule or order of court granted ex parte on the motion of one party, directing the other party to the action or proceeding to show cause why the rule should not be made absolute, such ex parte rule becoming absolute unless such cause is shown. 37 Am J1st Motions § 38.

rule of capture. See **capture.**

rule of court. A rule governing procedure or practice promulgated by a court. 20 Am J2d Cts § 82. A term used in some jurisdictions for an order of court. 37 Am J1st Motions § 20.

rule of descent. See **canons of descent.**

rule of ejusdem generis. See **ejusdem generis.**

rule of intendment. A rule of pleading that a verdict will aid a defective statement of a cause, though not the statement of a defective cause. *Neufield v United States*, 73 App DC 174, 118 F2d 375.

rule of presumption. The rule under which, a presumption arises from a certain fact or facts, the same to stand until proof to the contrary is forthcoming, in other words a rule which shifts the burden of proof in the sense of going forward with the evidence. *State ex rel. Robertson v Lane*, 126 Minn 78, 147 NW 951.

See **presumption.**

rule of property. A rule of law determinative of title.

rule of reasonable restraint. See **reasonable restraint rule.**

rule of shifting descents. See **shifting descents.**

rule of stare decisis. See **stare decisis.**

rule of the prison. See **prison rule; liberty of the rules.**

rule of triennial cohabitation. See **triennial test.**

ruler. A strip of wood or metal, having a straight edge, marked in inches and fractions of inches, and used in drawing a straight line and in measuring length. A king, queen, or other sovereign.

rulers of England. See **regnal years.**

rules. A very technical term for the times when motions are heard by the court, either in vacation, between regular terms of court, or during such terms. *Southall's Admr. v Exchange Bank*, 53 Va (12 Gratt) 312.

See **rule; rule day.**

Rules Enabling Act. The federal statute of June 19, 1934, empowering the Supreme Court to prescribe rules of practice for the federal courts, subject to the condition that the court shall not abridge, enlarge or modify substantive rights in the guise of regulating procedure. 28 USC §§ 723b, 723c.

rules of civil procedure. The official terminology in many jurisdictions for rules of practice in civil cases.

See **Federal Rules of Civil Procedure; rules of practice.**

rules of criminal procedure. The official terminology in many jurisdictions for rules of practice in criminal cases.

See **Federal Rules of Criminal Procedure; rules of practice.**

rules of descent. See **canons of descent.**

rules of evidence. Principles which express the mode or manner of proving the facts and circumstances upon which a party relies to establish a fact in dispute. *Kring v Missouri*, 107 US 221, 27 L Ed 506, 2 S Ct 443. Rules provided by statute or by the agency itself in respect of the admissibility of evidence in a hearing before an administrative agency. 2 Am J2d Admin L § 377.

rules of navigation. The rules and regulations prescribing the manner in which vessels shall be controlled in operation generally or under particular circumstances and conditions. 48 Am J1st Ship §§ 244 et seq. Navigation rules for small watercraft. 12 Am J2d Boats § 14.

The rules which govern the steering and sailing of vessels of the United States and which are designed to indicate exactly what two vessels approaching with risk of collision shall do to avoid each other. They are based largely upon two fundamental principles, viz.: (1) Vessels meeting should generally keep to the right, other things being equal; and (2) the vessel better able to control her movements should give way to the other. The latter rule is all the more clearly applicable where the other vessel is not under control at all, or is in a crippled condition. 48 Am J1st Ship § 250.

Rules of Oleron. See **Laws of Oleron.**

[1129]

rules of practice. In the broad sense, rules, whether of the common law, under statute, or prescribed and promulgated by the court, which govern the procedure in a case. Adjective law. In common usage, procedural rules promulgated by the courts, sometimes in comprehensive form, at other times as supplementary to a practice act.

See **Federal Rules of Civil Procedure; Federal Rules of Criminal Procedure; Federal Rules of Equity Practice.**

rules of procedure. See **rules of practice.**

rules of the prison. See **prison rule; liberty of the rules.**

rules of the road. The law of the road, as established by statute or long-continued custom or usage, regarding the rights of vehicles and persons meeting or passing in a highway, the purpose being to prevent or minimize collisions and other accidents. *Packard v O'Neill*, 45 Idaho 427, 262 P 881, 56 ALR 317. Navigation rules for small watercraft. 12 Am J2d Boats § 14.

See **traffic regulations.**

rule to plead. An order of court requiring a party to plead within the time specified in the order.

rule to show cause. Same as **order to show cause.**

ruling. A determination made by the court during the course of a trial, for example, a determination of the admissibility of particular evidence. *State v O'Brien*, 18 Mont 1, 43 P 1091. In some connections, the final decision in a case.

Ruling Case Law. The predecessor of *American Jurisprudence*, abbreviated in citation to R. C. L.
See **American Jurisprudence.**

rum. A spiritous liquor, distilled from a "wine" made by the fermentation of molasses. 30 Am J Rev ed Intox L § 12.

rumor. Popular report; a current story passing from one person to another without any known authority for the truth of it. "Report" is a synonym for the word; another is "hearsay," and another, "story." *State v Culler*, 82 Mo 623.

rump parliament. The English parliament under the Commonwealth, from 1648 to 1660.

run. Verb: To move fast. To operate. Noun: A stream; a creek. *Watts v Lindsey's Heirs (US)* 7 Wheat 158, 162, 5 L Ed 423, 424.

A vessel is said to be "running" when it is engaged in actual employment or when it is commercially engaged. The word is thus used in contradistinction to the condition of a vessel which is laid up and out of use and is not making trips upon the water. See *Canton Ins. Office v Independent Transp. Co. (CA9 Wash)* 217 F 213.

run at large. See **running at large.**

runaway. A horse out of control of driver or rider.

runaway plane. An aircraft without a pilot at the controls. *Southern Air Transport v Gulf Airways, Inc.* 215 La 366, 40 So 2d 787.

runaway shop. An anti-union tactic on the part of an employer in the removal or threat to remove the plant to another location by way of manifesting economic power over his employees. 29 USC § 8 (a) (1).

run into money. To amount to a considerable amount of money.

A phrase used to describe the condition of a note after it had matured where the note was by its terms made payable in money or in specific property, at the option of the maker. *Perry v Smith*, 22 Vt 301, 306.

runner. A traveling salesman. An agent employed by an attorney at law to solicit legal business and stir up litigation. 7 Am J2d Attys § 40. An employee of bank or broker, having a variety of duties but especially that of delivering funds or securities to customers.

running. See **run.**

running account. An open account. An account without break or interruption by settlement or adjustment. *Riffith v Portlock*, 233 Iowa 492, 7 NW2d 199. An account of running or current dealings between the parties kept unclosed with the expectation of the addition of further transactions. *Connor Livestock Co. v Fisher*, 32 Ariz 80, 255 P 996, 57 ALR 196. An organized statement of purchases of goods at intervals or other transactions with the credits for payments at intervals set out. *Harper v Barton*, 2 La App 317.

When all the items in the account relate to one continuous transaction between the same parties, although the goods were delivered on separate orders, and at different dates, within short intervals of each other, and the dealings of the parties indicate an expectation to continue such business relations, the transactions constitute a continuous running account. *William M. Graham Oil & Gas Co. v Oil Well Supply Co.* 128 Okla 201, 244 P 591.

running a corner. Acquiring a corner on the market.

See **corner**.

running at large. The running or wandering of animals not under restraint offence or other inclosure. 4 Am J2d Am § 90.

running board. A part of the structure of older automobiles, most infrequently found on modern cars, being, in effect, a step running between the front and rear fenders.

running covenant. See **covenant running with the land**.

running days. Successive days. A term pertinent in determining liability for demurrage, meaning all days on which the ship could run. 48 Am J1st Ship § 608.

running lines. Determining boundary lines, reference being had to the calls in the grant and to the field notes carried into the grant or the map or plan with reference to which the conveyance is made. 12 Am J2d Bound § 55.

running policy. A policy of insurance, particularly marine insurance, whereby successive insurances are contemplated, such to be defined as to subject, place, and amount by indorsements and additions to the instrument agreed upon by the parties. 29 Am J Rev ed Ins § 306.

running privilege. The right of a railroad company to use the tracks of another railroad company. 44 Am J1st RR §§ 375 et seq.

running switch. Same as **flying switch**.

running time. The period of time required for a train to cover a specific part of its line, or the entire line, according to schedule. 44 Am J1st RR § 367.

run over. To exceed the capacity of a container. To go beyond a limit. To ride or drive over a person or an object.

[1130]

As to the meaning of the term "run over," as it appears in an accident insurance policy. Anno: 138 ALR 411.

running with the land. Included in and going with the land.

See **covenant running with the land**.

rupture. A breaking down or bursting asunder, splitting apart. *Travelers' Indem. Co. v P & P Ice & Coal Co.* 248 Ky 443, 58 SW2d 640. A splitting apart of a steam boiler, as distinguished from a bursting or explosion. *Cleveland Drop Forge Co. v Travelers' Indem. Co.* 114 Ohio St 549, 553, 151 NE 671, 672. A break in official or personal relations. Another term for hernia.

rural credit acts. Statutes which employ the credit or taxing power of the government to assist owners of agricultural lands by lending money upon the land as security. 3 Am J2d Agri § 25.

Rural Electrification Administration. An agency of the United States Department of Agriculture, performing duties respecting the extension of electrical service to farms and farmers, particularly by the organization of co-operative associations. Anno: 56 ALR2d 413.

rural free delivery. The delivery of mail on routes extending beyond city or village limits, particularly in rural areas.

rural homestead. Land constituting a homestead exempt from execution, located outside the limits of city or village. 26 Am J1st Home § 33.

rural land. Land devoted to the pursuit of agriculture, irrespective of its location with reference to a municipality.

rural way. A road or highway in a pastoral region.

rush. To move swiftly. To push or drive with speed or violence. To make a sudden assault. To assault a person by rushing at him from behind and violently pushing him forward. A dangerous and unlawful sport. Markley v Whitman, 95 Mich 236, 54 NW 763.

rust. A plant disease caused by fungi, especially destructive of wheat. A coating caused by oxidation. A reddish or brownish color.

As used in bills of lading exempting the carrier from damage to the goods by rust, the word is usually held to include rust caused by sea water, as well as rust resulting from atmospheric dampness. Broderick & Bascom Rope Co. v Luckenbach S.S. Co. 139 Wash 444, 247 P 937.

rusticos. See **inter rusticos.**

rusticum judicium. Same as **rusticum jus.**

rusticum jus. Rustic or simple justice.

"The application of an equal division of damages (in cases of marine collision) is said to be the `rusticum jus.' That is to say, it is an application of that sense of fair dealing and of justice imbedded in our nature, the conclusions of common sense, of a mind `abnormis sapiens' (one of nature's philosophers)." The Victory (CA4 Va) 68 F 395, 400.

rut. An elongated and comparatively narrow depression in the surface of a highway. 25 Am J1st High § 488. A fixed, although not necessarily the best, routine or course of practice. Sexual excitement of the male deer, goat, or sheep at regular periods.

rata. (Civil law.) Things which have been dug out of the soil, such as rock, coal and the like.

rye. A grain used in the making of flour and whisky. A short term for rye whisky.

Rylands v Fletcher. An English Case which has given its name to the principle that a person who, for his own purposes, brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it on his own premises at his peril, and is prima facie liable for all the damage which is the natural consequence of its escape. (Eng) LR 3 HL 330.