

Legal Maxims/ Latin Terms

<i>A priori</i>	From the antecedent to the consequent.
<i>Ab initio</i>	From the beginning
<i>Action mixta</i>	Mixed action
<i>Action personalis moritur cum persona</i>	A personal right of action dies with the person.
<i>Actionable per se</i>	The very act is punishable and no proof of damage is required
<i>Actus Curiae Nemnem Gravabit</i>	Act of the Court shall prejudice no one
<i>Actus non facit reum, nisi mens sit rea</i>	An act does not make a man guilty unless there be guilty intention
<i>Actus reus</i>	Wrongful act
<i>Ad hoc</i>	For the particular end or case at hand
<i>Ad idem</i>	At the same point.
<i>Ad valorem</i>	According to the value
<i>Aliunde</i>	From another source.
<i>Amicus Curiae</i>	A friend of court or member of the Bar who is appointed to assist the court.
<i>Anumus possidendi</i>	Intention to possess
<i>Audi alteram partem</i>	Hear the other side
<i>Ad litem</i>	Referring to the case at law.
<i>A fortiori</i>	For a stranger reason.
<i>Alieni juris</i>	Of another's right.
<i>Autrefois acquit</i>	Previously acquitted.
<i>Benami</i>	Nameless.
<i>Bona fide</i>	In good faith, genuine.
<i>Bona vacantia</i>	Property with no owner or which does not have an obvious owner and which usually passes to the crown.
<i>Caveat</i>	A caution registered with the public court to indicate to the officials that they are not to act in the matter mentioned in the caveat without first giving notice to the caveator.
<i>Caveat actor</i>	Let the doer beware
<i>Caveat emptor</i>	Let the buyer beware.
<i>Caveat venditor</i>	Let the seller beware
<i>Certiorari</i>	A writ by which orders passed by an inferior court is quashed.

<i>Consensus ad idem</i>	Agreement as to the same thing. {Meeting of the minds}
<i>Corpus delicti</i>	The facts that constitute an offence.
<i>Cy pres</i>	As nearly as may be practicable/ possible
<i>Champerty</i>	Financial help given to a person starting a proceeding against a party, where the person giving help has a share in the damages to be recovered
<i>Corpus legis</i>	Body of laws
<i>Damnum sine injuria</i>	Damage without injury.
<i>De facto</i>	In fact. (as a matter of fact)
<i>De jure</i>	"By law" (where the legal title is clear)
<i>Dehors</i>	Outside, foreign to (French term).
<i>De novo</i>	To make something anew.
<i>Dies non</i>	Day on which no legal business is transacted. E.g. bank holiday, National holiday.
<i>Del credere agent</i>	Is a mercantile agent who is consideration of extra remuneration called a del credere commission undertakes to indemnify his principal against loss arising from the failure of persons with whom he enters a contract.
<i>Delegates non potest delegare</i>	A delegate cannot further delegate.
<i>Dictum</i>	Statement of law made by judge in the course of the decision but not necessary to the decision itself
<i>Dispono</i>	Convey legally
<i>De minimis non curat lex</i>	The law does not deal with trivial things.
<i>Detinue</i>	Tort of wrongfully holding goods which belong to someone else.
<i>Dictum</i>	Saying or statement made by a judge.
<i>Denatio moritis causa</i>	Gift because of death
<i>Ejusdem generis</i>	Of the same kind or nature. Where there are general words following particular and specific words, the general words must be confined to things of the same kind as those specified
<i>Estoppels</i>	Prevented from denying
<i>Ex kparte</i>	Proceedings in the absence of the other party.
<i>Ex turpi causa non oritur actio</i>	No action arises from an illegal or immoral cause.

<i>Ex gratia</i>	As a favour
<i>Ex officio</i>	Because of an office held.
<i>Expression unius est exclusion alterius</i>	The mention that one thing is included implies that another thing is expressly excluded
<i>Fatum</i>	Beyond human foresight
<i>Fait accompli</i>	Things done and no longer worth arguing against; an accomplished act
<i>Factum probanda</i>	Fact in issue, which is to be proved
<i>Factum probans</i>	Relevant fact.
<i>Farae naturae</i>	Dangerous by nature; of a wild nature.
<i>Force majeure</i>	Circumstance beyond one's control, irresistible force or compulsion.
<i>Functus officio</i>	No longer having power or jurisdiction.
<i>Habeas corpus</i>	A writ to have the body of a person to be brought in before the judge
<i>Ignorantia legis neminem excusat</i>	Ignorance of law is no excuse
<i>Injuria sine damno</i>	Injury without damage.
<i>Interest reipublicae ut sit finis litium</i>	State or public interest requires that there should be a limit to litigation.
<i>Ipsa facto</i>	By the very nature of the case; by the mere fact.
<i>In prompt</i>	In readiness
<i>In posse</i>	In a state of possibility
<i>In limine</i>	Initial stage; at the outset.
<i>In lieu of</i>	Instead of
<i>Inter alia</i>	Among other things
<i>Inter se</i>	Among themselves
<i>In spece</i>	In kind
<i>Inter vivos</i>	Between living persons.
<i>Intra personam</i>	A proceeding in which relief is sought against a specific person.
<i>Id or idem</i>	The same thing or the same person
<i>In forma pauperis</i>	As a poor person.
<i>Innuendo</i>	Spoken words which are defamatory because they have a double meaning
<i>In statu quo</i>	In the present state.
<i>In terrorem</i>	In order to cause terror
<i>Intestate</i>	To die without making a Will

<i>Jus in personam</i>	Right against a specific person.
<i>Jus in rem</i>	Right against the world at large.
<i>Jus non scriptum</i>	Unwritten law; Customary Law.
<i>Jus scriptum</i>	Written Law.
<i>Jetsam</i>	Caro which is thrown off a sinking ship.
<i>Jurat</i>	Words at the end of an affidavit, showing the details of when and by whom it was sworn.
<i>Jus</i>	Law or right
<i>Lex Mercatoria</i>	The law merchant. It is a body of legal principles founded on the customs of merchants in their dealings with each other, and though at first distinct from the common law, afterwards became incorporated into it.
<i>Lex fori</i>	Law of the place where the cases been heard
<i>Lis</i>	A suit or legal action.
<i>Locus standi</i>	Right of a party to an action to appear and be heard by the court.
<i>Laissez-faire</i>	Political theory where a government does nothing to control the.
<i>Lex loci actus</i>	Law of the place where the act took place.
<i>Mala fide</i>	In bad faith
<i>Mandamus</i>	We command. A writ of command issued by a Higher Court to Government/ Public Authority, to compel the performance of a public duty.
<i>Mens rea</i>	Guilty mind.
<i>Mansuetae naturae</i>	Harmless or tame by nature
<i>Mesne profits</i>	The rents and profits which a trespasser has received/ made during this occupation of premises, which are lost to the actual owner.
<i>Misnomer</i>	A wrong or inaccurate name or term.
<i>M'naghten Rules</i>	Rules which a judge applies in deciding if a person charged with a crime is insane.
<i>Modus operandi</i>	Way of working
<i>Modus Vivendi</i>	Way of living
<i>Nemo dat quod non habet</i>	No one can give what he does not have.
<i>Monfeasance</i>	Not doing something which should be done by law.
<i>Novation</i>	Transaction in which a new contract is agreed by all parties to replace an existing contract.

<i>Obiter dictum</i>	A saying by the way. An incidental opinion expressed by a judge, which is not binding.
<i>Onus probandi</i>	Burden of proof
<i>Obiter dicta</i>	Things which are said is passing.
<i>Pari passu</i>	On equal footing or proportionately.
<i>Per se</i>	By itself; taken alone
<i>Prime facie</i>	At first sight; on the face of it.
<i>Pro bono public</i>	For the public good.
<i>Palimony</i>	Money which a court orders a man to pay regularly to a man with whom he has been living and from whom he has separated.
<i>Pe curiam</i>	By a court
<i>Per incuriam</i>	Because of lack of care.
<i>Privity of contract</i>	Relationship between the parties to a contract make it valid.
<i>Qui facit per alium facit per se</i>	He who acts through another is deemed to be acting by himself.
<i>Quo Warranto</i>	By what authority. A writ calling upon one to show under what authority he holds or claims a public office.
<i>Quid pro quo</i>	Something for something (action done in return for something done)
<i>Ratio decidendi</i>	Principle or reason underlying a court judgment
<i>Res judicata</i>	A decision once rendered by a competent court on a mater in issue between the parties after a full enquiry should not be permitted to be agitated again
<i>Res ipsa loquitur</i>	The thing speaks for itself
<i>Respodeat superior</i>	Let the principal be liable
<i>Res sub judice</i>	Matter in course of trial
<i>Res gestae</i>	Facts surrounding or relevant to a case and admissible as evidence.
<i>Status quo</i>	State of things as they are now.
<i>Sine quo non</i>	An indispensable condition; a thing which is absolutely essential.
<i>Suo Motu</i>	On its own motion
<i>Stare decisis</i>	Precedent. Literally let he decision stand.
<i>Sine die</i>	“With no day” (indefinitely)

<i>Sans recours</i>	With no recourse
<i>Sub judice</i>	Under the law
<i>Uberrimae fide</i>	Of utmost good faith; of the fullest confidence.
<i>Ubi jus ibi remedium</i>	Where there is a right, there is a remedy
<i>Ultra vires</i>	Beyond the scope, power or authority
<i>Vis major</i>	Act of God; irresistible forces
<i>Volenti non fit injuria</i>	Damage suffered by consent gives no cause of action
<i>Veto</i>	Ban or order not to allow something to become law, even if it has been passed by a parliament
<i>Vice versa</i>	Reverse position
<i>Vexatious</i>	Annoying, done in order to annoy.
<i>Waiver</i>	Voluntarily giving up or removing the conditions.