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Glossary SCANNER Normal JOJO 3 3 2002-01-15T03:33:00Z 2002-01-15T04:48:00Z 2 642 3660 SC 30 7 4494 9.2720 110

GLOSSARY OF LEGAL TERMS

This glossary includes selected legal terms, which a judge comes across in his readings or which he may need to use in his writings.

a contrario sensu

from the contrary sense

a converso

conversely

a gratis argumentis

for the sake of argument

a mensa et thoro

from bed and board

a quo

from which or whom

ab inconveniente

from hardship, from what is inconvenient

ab initio

from the beginning; from first to last

aberratio ictus

wandering or stray blow; a blow received by a person which is intended for another

abusos deshones

abuse of chastity

accessio cepit principia

an accessory follows the principal

accion publiciana

an action for recovery of possession filed after one year of the dispossession

accion reivindicatoria

an action for recovery of title or ownership

acto nulo

a void act

ad damnum

the statement of damages in a pleading

adhesion contract

a contract drafted by the stronger party, then presented for acceptance to the weaker party, who has no power to modify its terms

ad litem

just for a particular action ; a 'guardian ad litem' is a guardian appointed to represent a minor or an incompetent just for a particular action.

amicus curiae

A friend of the court, one who appears in a legal action to give his views on the legal issues raised in the case. Note the spelling of 'curiae'

arguendo

for the sake of argument

assumpsit

A common law term to recover damages for the non performance of a contract

case at bar

the case being tried by a trial court in the exercise of its original jurisdiction

case at bench

the case being heard before an appellate court

causa sine qua non

the determining cause, without which something could not have occurred

cestui que trust

a beneficiary of a trust; pronounced set-a-ku-trust

chattels

a common law term for movable things, as in Chattel Mortgage Law

chose in action

right to sue for money or property; the instrument evidencing such right (promissory note)

color

mere semblance of a legal right (color of title)

damnum

damage

de mesne

possession of real property in one's own name; pronounced 'de-men'

dictum

something said in passing, not essential to the decision (see holding)

ejusdem generis

of the same kind

ex parte

at the instance of one party only, without representation of the other side

en banc

that is, when all the judges in a division or collegiate court are seated

fee simple

shortened form of 'estate in fee simple,' referring to an absolute form of ownership

feme sole

a single woman

ferae naturae

wild animals

fungible goods

Goods of a kind in which all units are identical

holding

the precise issue or principle decided in a case (see dictum)

id est

that is

in esse

in being; existing

in haec verba

in the very words

in initio

in the beginning

in invitum

without consent

in pare materia

on the same topic

in personam

in person, said of an action to make someone personally liable

in propria persona

in his own behalf, representing oneself, not by an attorney

in re

in regard to

in rem

said of an action to subject specific property to liability

inter alia

among other things

Intestate

said of someone who dies without having made any will

lex loci

law of the place, the law of the place where the court is

lex loci actus

the law of the place of the act

lex loci contractus

the law of the place of the contract

lex loci rei sitae

the law of the place where the thing is located

lis pendens

a pending suit; the jurisdiction acquired by a court over property involved in a suit pending the action

mens rea

criminal intent

mutatis mutandis

the same except for a change in details

nil

nothing; zero

nunc pro tunc

now for then, as in backdating

per curiam

by the court acting unanimously, hence there should be no dissent

plurality

it refers to a case when three or more persons are involved in an election and no one receives more than fifty (50) percent of the votes

presents

a legal document as in 'Know All Men By These Presents'

pro se

for oneself representing oneself without an attorney; the same as in propria persona

Puissne

subordinate, associate Judge; pronounced as py-u-n.

Scienter

Knowingly a party's guilty knowledge

Seriatim

[adv] serially in a series; [adj] following

stare decisis

stand by what is decided; Judges are bound by the decisions of their predecessors

tabula rasa

a clean slate; used in decisions to mean 'This issue has been passed upon clearly in other decisions'

terminus a quo

the starting point

vel non

or not

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