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attorney employed to assist a litigant in the conduct of a lawsuit procurator ad negotia - attorney assisting his client in transacting other business procurator in rem suam - holder of an irrevocable power of attorney quaeus liberales procurator in integrum restitutio in integrum restitutio (1) Restoration of something, such as a building or damaged property, to its original condition. (2) In contract law, when considering breach of contract and remedies, to restore a party to an original position.[8] revisio prioris instantiae review of the court below Appeal by way of re-hearing or pure appeal (aka appeal stricto sensu); the scope is limited to errors of law and no new factual findings are possible; the case is traditionally remitted to the originating court below for re-judgment. (vs. novum iudicium) salva rei substantia the thing's substance intact Limitation on how a fiduciary can use the fideicommissary assets; ultimately they must maintain their essential quality until transferred to the fideicommissary.[15] Plural salva rerum substantia. See fideicommissum, servitus servitute, subjugation Servitute, i.e. an easement. Plural servitutes. Types: servitus personarum 'personal servitude' (= easement in gross) servitus praediorum 'praedial servitude' (= easement appertunant) Sub-types: servitus itineris - ingress/egress easement servitus ne luminibus officiatur - right to light (aka solar easement) servitus non altius tollendi - restricts building beyond a certain height servitus oneris ferendi - duty to keep an adjoining wall in good repair servitus tigni immittendi - right of inserting beams in a neighbor's walls servitus viae - right-of-way si sine liberis decesserit if (he) should depart without children Certain type of clause in a will creating a fideicommissum by imposing a condition on the will beneficiary that if (s)he dies childless, the testamentary gift will transfer to a third party. Ex: If A dies childless after my death, the farm must go to B.[15] See fideicommissum. solutio indebiti performance of something not due Undue performance or payment, obliging the enrichee (accipiens) to return the undue payment or compensate the impoverishee (solvens) for the undue performance specificatio Specification, i.e. mode of acquisition by creation wherein something new is made by adding labor (manufacturing) to property, and the non-reducible parts used for its fabrication lose their identity (vs. accessio, commixtio). The new thing is called nova species, stante matrimonio During the marriage stipulatio alteri another's (contractual) provision Third-party contract. Also known as pactum in favorem tertii (Scots law). The parties are: promittens 'promisor' stipulans 'promisee' alteri 'third-party beneficiary' superficies surface Surface right, surface estate. Parties: dominus soli 'subsurface owner', mineral owner 'superficiarius' 'surface owner' tantum et tale thus and such (Scots law) 'as is', to disclaim implied warranties, as in to purchase or convey something tantum et tale, transactio transaction Out-of-court settlement tutela guardianship Tutorship, i.e. legal guardianship under which the ward is only partially or temporarily incapable. Compare cura. Parties are pupillus - ward tutor - guardian uno contextu single joining together Contemporaneously; when the phases of something are done without interruption or any intervening action; specifically, executed in one single execution ceremony (vs. ex intervallo temporis) usucapio seizure of use Acquisitive prescription, i.e. the civilian version of adverse possession. Also called 'prescription acquirendi causa'. usufructus use-fruit Civilian equivalent of a life estate. Parties: nudus dominus 'bare owner' (= remainderman, reversiomer) usufructuarius 'usufructuary' (= life tenant) via executoria executorial way Non-judicial foreclosure under a power of sale clause in a mortgage; more broadly, any non-judicial remedy empowered under a contractual clause or some other instrument via iure way of law Using the courts and the justice system (opposite of self-help) vinculum iuris the chain of the law A legal bond, especially the bond tying obligor and obligee in a legal obligation vis maior superior force Force majeure arising from an act of God, i.e. events over which no humans have control, and so cannot be held responsible. Compare casus fortuitus (see above). vitium in contrahendo vice in contracting Vitiating factor in the formation of a contract, e.g. mistake, misrepresentation, and duress. voluntatis declaratio Declaration of will Ecclesiastical law Term or phrase Definition and use advocatus diaboli Official who argues against an individual's beatification ebdomadarius Person in a cathedral who supervises regular performance of religious services and assigns duties of choir members eleemosynae Possessions of the church embryo formatus Human embryo "organized into human shape and endowed with a soul"[16] embryo informatus Human embryo before endowment with a soul[17] episcoporum ecidicus church lawyer episcopus puerorum "bishop of the boys"; a layperson who on some feastdays braided his hair, dressed as a bishop and acted in a "ludicrous" manner[16] excommunicato capiendo Writ originally issued from chancery that required a sheriff to arrest and imprison an excommunicant defendant excommunicato recipiendo Writ ordering excommunicant imprisoned for "obstinancy" be re-imprisoned if freed before agreeing to obey authority of church Extravagantes Papal constitutions and decretal epistles of Pope John XXII formata Canonical letters gardianus ecclesiae Churchwarden legit vel non "Does he read or not?"; this question was asked to church officials by secular courts when an accused defendant claimed a jurisdictional exemption under benefit of the clergy and if the church accepted the claim the official would reply legit ut clericus ("he reads like a clerk") See also Brocard (law) Byzantine law Code of Hammurabi Corpus Juris Canonici International Roman Law Moot Court Law French List of Latin abbreviations List of Latin phrases (full) List of fallacies List of Philippine legal terms List of Roman laws Twelve Tables Notes ^ a b Yogis, John (1995). Canadian Law Dictionary (4th ed.). Barron's Education Series. ^ Law, Jonathan; Martin, Elizabeth A. (2009). "ad colligenda bona". Oxford Reference (2014 ed.). Oxford University Press. Retrieved 2022-04-11.{{cite web}}: CS1 maint: url-status (link) ^ Black's Law Dictionary (11th ed.). 2019. ^ Gordon v. Steele, 376 F. Supp. 575, 577-78 (W.D. Pa. 1974) ("The fact of residency must be coupled with a finding of intent to remain indefinitely")(quoting Gallagher v. Philadelphia Transp. Co., 185 F.2d 543, 546 (3d Cir. 1950)) ^ a b c d e f g h Benson, Marjorie L.; Bowden, Marie-Ann; Newman, Dwight (2008). Understanding Property: A Guide (2nd ed.). Thomson Carswell. ^ "Animus testandi". Merriam Webster. Retrieved February 11, 2021. ^ A Selection of Legal Maxims, classified and illustrated, p. 151, at Google Books ^ a b c d e f g Willes, John A; Willes, John H (2012). Contemporary Canadian Business Law: Principles and Cases (9th ed.). McGraw-Hill Ryerson. ^ Fellmeth, Aaron X.; Horwit, Maurice (2009). Guide to Latin in International Law. Oxford University Press. p. 76. ISBN 9780195369380. Retrieved 23 August 2021. ^ Cases illustrating the Principles of the Laws of Torts, p. 476, at Google Books ^ TERMS OF USE, Bettingcricket, 2022 ^ Foëx, Benedict (2017). "Intro. aux art. 641-645 CC". Commentaire romand, Code civil II (in French). Basel: Helbing Lichtenhahn. p. 1110. ^ O'Hara v State, 448 So.2d 524, 529 (District Court of Appeal of Florida, Fifth District 1984) ("Footnote [13] Ubi eadem ratio ibi idem jus, et de similibus idem est iudicium. Where there is the same reason, there is the same law; and where there are similar situations, the judgment is the same."). ^ A Selection of Legal Maxims, Classified and Illustrated, p. 64, at Google Books ^ a b c M.J. de Waal, 'The Law of Succession', in Introduction to the Law of South Africa, eds. C. G. van der Merwe & Jacques E. du Plessis (The Hague: Kluwer Law International, 2004), 183-5. ^ a b Black's Law Dictionary, 9th edition ^ The distinction between embryo formatus and embryo informatus is first accepted around the year 1140 by Gratian in Decretum Gratiani where he writes that abortion is not murder if the soul of the fetus had not yet been endowed (informatus). This had previously been rejected by early church doctrines. By the 16th century the time of formatus was accepted as the 40th day after conception for a male fetus and the 80th day for a female fetus. However, informed by modern science of embryo development, the Church now recognizes these assumptions be erroneous. References Gabriel Adeleye & Kofi Acquah-Dadzie. World Dictionary of Foreign Expressions: A Resource for Readers and Writers. Ed. by Thomas J. Sienkewicz & James T. McDonough, Jr. Wauconda, Ill.: Bolchazy-Carducci Publishers, 1999. Ruben E. Appalo. Appalo's Legal Words and Phrases. 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