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BY

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TO

ROSCOE POUND

Dean of the Harvard Law School,

THIS WORK, WITH HIS PERMISSION, IS

RESPECTFULLY DEDICATED.

place. See note to People v. Bond, 1 A.L.R. 1403.

house of commons (kom'ǫnz). The lower house of the English parliament.
See **clerk of.**

house of correction (kǫ-rek'shǫn). An institution for the reception and care of orphans, indigent, wayward, incorrigible or vicious youths, children whose parents are incapable or unworthy, and unfortunate or abandoned women, where they may be taught habits of industry, morality and religion, and be freed from the corrupting influence of improper associates. 26 Am Jur 607.
See **bridewell; house of refuge; industrial school; reformatory; reform school.**

house of entertainment (of en-tėr-tān'ment). A tavern; an inn. See Bonner v. Welborn, 7 Ga. 296, 304.

house of ill fame (of il fām). A disorderly house; a bawdyhouse. To constitute the place a house of ill fame, it must be resorted to more than once for the purpose of prostitution and lewdness by others than the proprietor, though it need not be used habitually or for any considerable length of time for such purpose. It has been held that any number of illicit acts with the proprietor will not make the place a house of ill fame. 17 Am Jur 105.
A covered wagon traveling from place to place, in which prostitution is carried on, may constitute a house of ill fame, within the meaning of the statute. See State v. Chauvet, 111 Iowa, 687, 51 L.R.A. 630, 83 N. W. Rep. 717.

house of legislature (lej'is-lā-tụ̄r). A house of the legislature may mean either the whole number of members elected to that house, or it may mean a majority of its members. The most common meaning of the word house, however, in this connection is a number of members sufficient to constitute a quorum to do business. See State v. McBride, 4 Mo. 303, 29 Am. Dec. 636, 639.

house of lords (of lôrds). The upper house of the English parliament; the supreme court of England which is composed of those members of the house of lords who have performed judicial functions.

house of keys. See **keys.**

house of prostitution. See **cribs; disorderly house; fornix.**

house of public worship (pub'lik wėr'ship). Within the meaning of a statute exempting such houses from taxation, a house of public worship is any building which is primarily devoted to the worship of God and to such incidental exercises and functions as are usually connected therewith. The fact that the building is frequently used for entertainments of a secular character will not deprive it of its character as a house of public worship. See St. Paul's Church v. City of Concord, 75 N. H. 420, 27 L.R.A.(N.S.) 910, 912, 75 Atl. Rep. 531.
A schoolhouse does not become a house of religious worship merely because the Bible is read to the classes without note or comment thereon by the teachers. See Hackett v. Brooksville School District, 120 Ky. 608, 69 L.R.A. 592, 599, 87 S. W. Rep. 792.

house of refuge (ref'ụ̄j). A reform school for juvenile delinquents; not a prison or place of punishment, but a school where its inmates may be trained in industry, morality and religion, taught a means of honest livelihood and separated from evil influences and corrupting associates. See 55 Am. Rep. 456, note.

house of religious worship. See **house of public worship.**

house of representatives (rep-rē-zen'tạtivs). The lower house of the Congress of the United States.

house of usual abode (hous of ū'zhǭ-ạl ạ-bōd'). A man's customary or settled place of residence. In the case of a married man it is prima facie the house wherein his wife and family reside. See Berryhill v. Sepp, 106 Minn. 458, 21 L.R.A.(N.S.) 344, 346, 119 N. W. Rep. 404.

hovel (hov'el). A hut; a shed.

how (how). A hill.

hoy (hoi). A small sailboat usually employed in and about a harbor for lightering larger craft.

hoyman (hoi'mạn). A man in charge of a hoy.

H. R. H. An abbreviation of his or her royal highness.

huckster (huk'stėr). A petty dealer; a retailer of small articles of provisions, nuts, and the like. Webster tells us that the word seems to be from hocken, to take on the back, and to signify primarily a pedlar, one that carries goods on his back. See Mays v. Cincinnati, 1 Ohio St. 268, 272.
See **peddler.**

huckstering (huk'stėr-ing). The business or trade carried on by a huckster.

hue and cry (hū and crī). "The old common-law process of pursuing with horn and with voice, all felons, and such as have dangerously wounded another." 4 Bl. Comm. 293.
See **Statute of Hue and Cry; vociferatio.**

huebra (oo-ay'brah). A land measure used in Spanish-American grants as signifying as much land as two oxen can plough up in a day. See Strother v. Lucas, 12 Peters

(U. S.) 410, 415, note, 9 L. ed. (U. S.) 1137, 1150, note.

huis (wee). Same as **huy.**

huisher (wee'shay). Same as **huissier.**

huissier (wee'she-ay). (French.) A court usher; a process server.

hullus (hul'lus). A hill.

humagium (hu-mā'ji-um). A humid or moist place.

human being. See **monster.**

human body. See **body.**

humane (hū-mān'). Lexicographers define, illustrate and explain the word as follows:
Having the feelings and inclinations proper to man; having tenderness, compassion, and having a disposition to treat other human beings and the lower animals with kindness; kind; benevolent. (Century.)
Having the feelings and inclinations creditable to man; having, showing, or evidencing a disposition to treat other human beings or animals with kindness or compassion; kind; benevolent. (Webster's New International.)
Humane differs from the ordinary use of "merciful," in that it expresses active endeavors to find and relieve suffering, and especially to prevent it, while "merciful" expresses the disposition to spare one the suffering which might be inflicted. (Century.)
See Willett v. Willett, 197 Ky. 663, 31 A.L.R. 426, 428, 247 S. W. Rep. 739.
See **merciful.**

human laws (lâs). Laws which have man for their author, as distinguished from divine laws, which have God for their author. See Borden v. State, 11 Ark. 519, 54 Am. Dec. 217, 220.

humbug (hum'bug). An impostor; a deceiver; a cheat. The charge of being a humbug has been held actionable, whether oral or written, particularly when accompanied by expressions clearly implying a charge of fraud. See 33 Am Jur 71.

hunc modum. See **in hunc modum.**

hundred (hun'dred). A superior division made up of ten towns or tithings, which, in turn, were each composed of ten families of freeholders. In some of the more northern counties these hundreds were called "wapentakes." See 1 Bl. Comm. 115.
See **bailiffs of hundreds; century; Chiltern hundreds; wapentakes.**

hundredarius (hun-dre-dā'ri-us). Same as **hundredary.**

hundredary (hun'dred-ari). The chief officer of a hundred.

hundred court (hun'dred kōrt). A larger court-baron which was held for all the inhabitants of a particular hundred, instead of a manor. The free suitors were the judges and the steward was the registrar. It was not a court of record although it resembled one in all points, except that its jurisdiction was territorially larger. Its institution was probably coeval with that of the hundreds themselves. See 3 Bl. Comm. 34.

hundredfeh. Same as **hundred-penny.**

hundred gemote (hun'dred gē-mōt'). An assembly of the freeholders of a hundred.

hundred lagh. The law of the hundred; liability of members of a hundred to attend the hundred court.

hundredors (hun'dred-orz). Those members of a hundred who were liable to jury service.

hundred-penny (hun'dred-pen"i). A tax levied on a hundred and collected by the sheriff or by the lord of the hundred.

hung jury (hung' jö"ri). A petit or trial jury the members of which have failed to agree upon a verdict.

hunting. See **closed season.**

hunting license (hun'ting lī'sens). A license required in most, if not all of the states, under statutes which usually prescribe the fee to be paid therefor and make the procuring of such a license a prerequisite to hunting wild game in the state. See 24 Am Jur 389.

hurdle (hėr'dl). A sledge on which a person convicted of high treason was dragged or drawn to the gallows. See 4 Bl. Comm. 92.

hurricane (hur'i-kān). The words "hurricane" and "tornado" are synonymous and mean a violent storm, distinguished by the vehemence of the wind and its sudden changes. It is not to be confused with the word "cyclone," which imports a widely extended rotatory storm. See Queen Insurance Co. v. Hudnut Co., 8 Ind. App. 22, 26, 35 N. E. Rep. 397.
Distinguished from "cyclone." See **cyclone.**

hurst (hėrst). A grove; a wooded place.

hurt (hėrt). Construing an allegation that the plaintiff was hurt, bruised and wounded, the court held that the word "hurt" was so general that it gave no information. See Montgomery v. Lansing City Electric Railway Co. 103 Mich. 46, 29 L.R.A. 287, 292, 61 N. W. Rep. 543. As used in an application for life insurance, the words "hurt" and "wound" mean an injury to the body causing an impairment of health or strength, or rendering the person more liable to contract disease or less able to resist its effects. See Bancroft v. Home

monition (mō-nish'ọn). A process in admiralty practice in the nature of a summons to appear and answer in a suit in personam. See 1 Am Jur 592; 48 Am Jur 411.

See **summons.**

monocracy (mō-nok'rą-si). A government with a single ruler.

monocrat (mon'ō-krat). The ruler of a monocracy.

See **monocracy.**

monogamy (mō-nog'ą-mi). The state or condition of a person who has but one spouse at a time.

monomachy (mō-nom'ą-ki). Single combat; a combat between two persons; a duel.

monomania (mon-ō-mā'ni-ą). A disease of the mind amounting to insanity on some particular subject, leaving the mind apparently sane on all other subjects. A belief in spiritualism sometimes assumes the proportions of monomania and is then treated as such. See 28 Am Jur 658.

See **kleptomania; mad point; monomaniac; paranoia.**

monomaniac (mon-ō-mā'ni-ak). A person who is insane on some particular subject, and is apparently same upon all others. 28 Am Jur 658.

See **monomania.**

Monopolia dicitur, cum unus solus aliquod genus mercaturae universum emit, pretium ad suum libitum statuens (mo-no-pō'li-a di'si-ter, kum ū'nus sō'lus a'li-quod je'nus mer-ka-tū'rē ū-ni-ver'sum e'mit, pre'she-um ad su'um li'bi-tum sta'tu-enz). A monopoly is said to exist when one person alone buys the whole of some sort of merchandise, fixing the price to his own fancy.

monopolium (mo-no-pō'li-um). Same as **monopoly.**

monopoly (mō-nop'ō-li). In its broadest meaning, the word signifies the sole power of dealing in an article, or doing a specified thing, either generally or in a particular place. Originally, it meant an allowance by the king to a particular person or persons of the sole buying, selling, making, working, or using of anything, whereby the subject in general is restrained from the freedom of manufacturing or trading which he had before. The modern meaning of the word is combination, organization, or entity so extensive, exclusive and unified that its tendency is to prevent competition in its comprehensive sense with the consequent power to control prices to the public harm. 36 Am Jur 479.

See **corner; engross; engrossing; forestaller; forestalling the market; patent; rebate; regrating; running a corner; Sherman Antitrust Act; state antitrust laws; trust; unlawful combination.**

Monroe Doctrine (mun'rō dok'trin). A principle now firmly established in the government of the United States asserting its right to resist any European interference with the affairs of the governments of the American republics. The doctrine took its name from President Monroe, but he was not the originator of it.

monster (mon'stėr). A human-being by birth, but in some part resembling a lower animal. "A monster . . . hath no inheritable blood, and cannot be heir to any land, albeit it be brought forth in marriage; but, although it hath deformity in any part of its body, yet if it hath human shape, it may be heir." 2 Bl. Comm. 246.

monstrans de droit (mon'stranz duh drwo). A showing or setting forth of the right. Under an information for an intrusion which was a method of redress at common law for a trespass committed on the lands of the commonwealth, if the crown took possession under an inquest of office found, it was required that the inquisition should be returned to a court of record, where it might be contested by traverse, or "monstrans de droit," or by a petition of right, according to the nature of the case. By the traverse, the traverser denied the facts found by the inquisition; by the "monstrans," he relied on those facts themselves, as showing his own title; and by the petition of right, he disclosed new facts not disclosed by the office. See Commonwealth v. Hite, 6 Leigh (Va.) 588, 29 Am. Dec. 226.

monstrans de faits (mon'stranz duh fā). A showing of deeds; a profit of deeds.

See **profert.**

monstraverunt (mon-strā-vē'runt). See **writ of monstraverunt.**

montes pietatis (mon'tēz pī-e-tā'tis). Rocks of benefaction,—pawn-shops. They were probably so called because they were, as they still are, in many cases, operated to aid the poor.

month (munth). In the courts, in business, in ecclesiastical matters, and in common parlance, the generally accepted meaning of the word is that of the calendar month, unless a different meaning is clearly made to appear. See 52 Am Jur 336.

In bills and notes, when the word "month" is used and there is nothing to indicate a different meaning, it is construed as a calendar month. And in computing a calendar month, the days are not counted, but reference is made to the calendar. For example, a note dated November 11th, and payable "six months after date," matures on the 11th day of May following. 8 Am Jur 29.

As used in leases, the word is construed to mean the calendar month, and not the lunar month. 32 Am Jur 141.

The word as used in statutes limiting the time for appeal to a certain number of months; calendar months and not lunar months are usually intended. See 3 Am Jur 144.

See **business month; calendar month; fence-month; intercalary month; lunar month; sidereal month; solar month; tenant from month to month; tropical month.**

monticolis Walliae. See **de monticolis Walliae.**

monument (mon'ū-ment). The word in common usage, when it relates to a memorial for the dead, means a shaft, column, or some structure more imposing than a mere gravestone. The word does not, however, include a memorial building. See Fancher v. Fancher, 156 Cal. 13, 23 L.R.A.(N.S.) 944, 945, 103 Pac. Rep. 206.

See **monuments; mural monuments; suitable monument.**

Monumenta quae nos recorda vocamus sunt veritatis et vetustatis vestigia (mo-nu-men'ta kwē nōs re-kor'da vo-kā'mus sunt ve-ri-tā'tis et ve-tus-tā'tis ves-ti'ji-a). Those monuments which we call records are the marks of truth and antiquity.

monuments (mon'ū-ments). Artificial objects or marks, such as marked lines, stakes, roads, or fences, marked or placed on the ground by the hand of man to fix or establish a boundary. See 8 Am Jur 783.

moonshine (mön'shīn). Whiskey which has been illicitly distilled or produced; whiskey unlawfully and illegally manufactured. See State v. Charette, — Mont. —, 242 Pac. Rep. 343.

See **hootch.**

moorage (mör'ąj). A sum due by law or usage for mooring or fastening ships to trees or posts at the shore, or to a wharf. See The Wharf Case, 3 Bland (Md.) 361, 373.

moot case (möt kās). A case which seeks to determine an abstract question, which does not rest upon existing facts or rights. A "test case" is not necessarily a moot case, and where a case is one of fact or right, there is no principle of law or policy which will deprive a party of a determination, simply because his motive in the assertion of such a right is to secure such a determination. It is a matter of common practice. Indeed, most of the cases of trespass to try title are of this sort. See Adams v. Union Railroad Company, 21 R. I. 134, 44 L.R.A. 273, 42 Atl. Rep. 515.

moot court (möt kōrt). A practice court where law students conduct fictitious suits.

See **bolting.**

moot question (kwes'chọn). A mooted or undecided point of law.

mora (mō'rą). A delay; a pause; a hindrance.

See **ex mora; in mora.**

mora debitoris. See **ex mora debitoris.**

moral certainty (mor'ạl ser'tą̈n-ti). The phrase is one the use of which is not likely to assist a jury in charging upon the question of reasonable doubt. It is an artificial form of words having no precise and definite meaning. As explained in the Century Dictionary, it signifies "a probability sufficiently strong to justify action upon it." In Webster's International Dictionary the first definition given is: "A very high degree of probability, although not demonstrable as a certainty." It has also been used as indicating a conclusion of the mind established beyond a reasonable doubt. See State v. Gallivan, 75 Conn. 326, 96 Am. St. Rep. 203, 53 Atl. Rep. 731.

See **proof to a moral certainty.**

moral character. See **bad moral character; good moral character.**

moral compulsion. See **compulsion.**

moral consideration (kon-sid-ẹ-rā'shọn). A consideration which is good only in conscience. The idea that in every case where a person is under a moral obligation to do an act, as to relieve one in distress by personal exertions, or to spend money, a promise to that effect would bind him in law, is not supported by principle or precedent. It is a just rule of morality, sanctioned by the highest authority that a man should do towards others what he might reasonably expect from them under like circumstances. But a promise to fulfil the moral obligation created by this rule would not be enforced in any court of justice. Municipal laws will not decide what honor and gratitude ought to induce. It must be left to the forum of conscience. See Cook v. Bradley, 7 Conn. 57, 18 Am. Dec. 79.

See **moral obligation.**

moral eviction (ē-vik'shọn). The conduct of a landlord in rendering the premises unfit for the occupation of the tenant, without actually taking possession of any part of the land, as by introducing women of ill fame into other parts of the house. See Campbell v. Shields, 11 Howard Pr. (N. Y.) 365.

moral evidence (ev'i-dens). Evidence not only of that kind which is employed on subjects connected with moral conduct, but all the evidence which is not obtained either from intuition, or from demonstration. In the ordinary affairs of life, we do not require demonstrative evidence, because it is not consistent with the nature of the subject, and to insist upon it would be unreasonable and absurd. See Greenleaf on Evidence, section 1.