

**F**

**f.** Abbreviation for Fahrenheit, also for fathom. The brand by which the hand of a convicted felon was marked in olden times in England.

**F. A. A.** Abbreviation of free from all average.

See **free from all average**.

**fabricare.** To fabricate; to falsify; to forge; to make false coins; to counterfeit.

**fabricate.** To construct, especially by assembling parts. To falsify; to forge; to make false coins; to counterfeit. 20 Am J2d Counterf § 1.

**fabrication.** Making or preparing; deception by making up a story or tale. 20 Am J2d Counterf § 1.

**fabric lands.** Lands which were given for the erection and upkeep of churches and cathedrals.

**fabrika.** The coinage of money.

**fabula.** An agreement; a covenant; a contract.

**face.** The matter which appears on document, pleading, statute, writ or other written or printed instrument, without explanation or addition.

**face amount certificate company.** An investment company. 15 USC § 80a-4.

**face amount of policy.** The amount of straight life insurance provided by a life insurance policy, without giving effect to additional indemnity provisions. *Pierce v Businessmen's Assur. Co.* (Mo) 333 SW2d 97.

**face of instrument.** The side of an instrument upon which the terms and conditions appear.

**face of insurance policy.** The entire insurance contract contained in the policy. *Julius v Metropolitan Life Ins. Co.* 299 Ill 343, 132 NE 435, 17 ALR 956.

**face of judgment.** The sum or amount for which the judgment was rendered, without interest. *Osgood v Bringolf*, 32 Iowa 265, 270.

**face of mine.** See **working face**.

**face of the record.** The entire record of a case in court up to the point at which reference is made to it. *State v Haines*, 51 La Ann 731, 25 So 372.

**facere.** To do; to make; to act; to cause.

**face to face.** The confrontation of a witness in court with the opportunity to cross-examine him. *State v Heffernan*, 24 SD 1, 118 NW 1027.

**face value.** The full amount to be paid, principal and interest, according to the terms of the instrument. Anno: 91 ALR 30, 31. The par value of corporate stock which has a par value. *Goodyear Tire & Rubber Co. v United States*, 273 US 100, 71 L Ed 558, 47 S Ct 263.

For the purpose of computing a stock transfer tax, the "face value" of the shares transferred is to be determined from the provisions of the corporate charter, not from the face of the certificate. *Goodyear Tire & Rubber Co. v United States*, 273 US 100, 71 L Ed 558, 47 S Ct 263.

**facias.** You do it; you cause.

See **exigi facias; extendi facias; fieri facias; levari facias; replegiari facias; scire facias; venire facias.**

**facie.** See **ex facie.**

**facie curiae.** See **in facie curiae.**

**faciendo.** In doing; in making; in causing.

**facies.** Same as **face.**

**facilitate.** To make easy or less difficult; to free from difficulty or impediment; as to facilitate the execution of a task or the completion of a trip. *Pon Wing Quong v United States (CA9 Cal)* 111 F2d 751.

**facilitation.** Assistance rendering a task easier of accomplishment.

See **facilitate.**

**facilities.** Appliances and services necessary or convenient in keeping house or operating a business or industry. Utilities; conveniences; restrooms. Equipment of a carrier.

As the word was at one time used in promissory notes which provided that they were payable in "facilities," the word was understood to mean certain notes of some of the banks in the state of Connecticut, which were made payable in two years after the close of the war of 1812. *Springfield Bank v Merrick*, 14 Mass (14 Tyng) 322.

**facilities tax.** A tax upon the amount paid or collected for the use and enjoyment of certain facilities and services. 26 USC §§ 4231 et seq.

**facility.** Singular of **facilities.** A state of mental unsoundness warranting the appointment of a guardian or other legal intervention.

**facility of payment clause.** An appointment by the parties to an insurance contract of persons or classes of persons who may receive payment of the benefits or proceeds accruing under the contract, give receipt therefor to the insurer so as to discharge it from liability, and thereafter hold the amount received for the benefit of the person ultimately entitled thereto. Anno: 166 ALR 12. Better known is the clause in industrial life insurance policies whereby the insurer is permitted to discharge its liability for the proceeds by payment to the beneficiary named or to any other person appearing to the insurer to be equitably entitled to the proceeds. Annos: 28 ALR 1350; 49 ALR 939.

**facility of transportation.** A means of transportation, an automobile, a motorcycle, even a riding horse. *Bernardine v New York*, 249 NY 361, 62 NE2d 604, 161 ALR 364.

**Facinus quos inquinat aequat.** An evil deed or a crime levels those whom it contaminates.

**Facio ut des.** (Civil law.) I perform so that you are to pay. This was the third species of consideration under the civil law and signified an agreement to perform anything for a price, either specifically mentioned, or left to the determination of the law to set a value on it. See 2 Bl Comm 445.

**Facio, ut facias.** (Civil law.) I perform so that you are to perform. This was the second species of consideration under the civil law and signified a man's agreement to do work for another if the other will do work for him; or to do any other positive acts on both sides. Or, it may be to forbear on one side on consideration of something done on the other. See 2 Bl Comm 444.

**facit.** He or it does or acts.

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**Facit ex curvo rectum, ex nigro album.** It renders straight that which is crooked and white that which is black. *Jeter v Hewitt* (US) 22 How 352, 364, 16 L Ed 345, 348.

**facsimile.** An exact and precise copy of anything. An exact reproduction, for example, the signature reproduced by rubber stamp. 11 Am J2d B & N § 210.

**fact.** A deed; an act; that which exists; that which is real; that which is true, an actuality; that which took place, not that which might or might not have occurred. *Churchill v Meade*, 92 Or 626, 182 P 368.

facta. Facts; deeds; acts.

**Facta sunt potentiora verbis.** Acts or deeds are more powerful than words.

**Facta tenent multa quae fieri prohibentur.** Deeds contain many things, the doing of which is prohibited.

**fact-finding body.** The board or body of an administrative agency in which is vested the power of decision. *Wilson & Co. v NLRB* (CA7 Ill) 126 F2d 114.

**fact findings.** See **findings**.

**fact in issue.** The fact upon which the plaintiff proceeds by his action, and which the defendant controverts in his pleadings. *Garwood v Garwood*, 29 Cal 514.

**factions.** Groups within a body which are united in opinion and endeavor, such as factions in a church. 45 Am J1st Reli Soc § 44.

**factio testamenti.** (Roman law.) The making of a will,—the ability to make a will.

**facto.** In fact; in deed.

See **ex facto; ex post facto; ipso facto**.

**fact of general notoriety.** A fact of a public, as distinguished from a private, nature; historical facts, not within the memory of living men, but provable by historical works of deceased authors of established reputation. *Bixby v Omaha & Council Bluffs Ry. & Bridge Co.* 105 Iowa 293, 75 NW 182.

**factor.** A person employed specially to receive and take possession of goods from a principal and to sell them for a compensation called "factorage" or "commission." Sometimes called a consignee or commission merchant. Under some definitions, the term includes an agent empowered to purchase, as well as to sell. 22 Am J2d Fact § 1.

See **del credere factor; interim factor; supercargo.**

**factorage.** Commissions paid to a factor for his services as such. 22 Am J2d Fact § 1.

**factorage financing.** A method of financing wherein the security arrangement leaves the security more or less in possession of, and subject to sale or handling by, the debtor, as part of a going business; usually substitutions of security from time to time are required to keep the collateral adequate in amount. 9 Am J2d Bankr § 965.

**factoring process.** A synonym of garnishment process. 6 Am J2d Attach § 2.

See **garnishment.**

**factorizing.** A proceeding more commonly known as garnisheeing. *Cross v Brown, Steese & Clarke*, 19 RI 220, 248, 33 A 147.

See **garnishment.**

**factorizing process.** See **factorizing.**

**Factors' Acts.** An English statute and its counterpart in many American states, the object of which is to make a factor's possession of goods and merchandise such evidence of ownership as to enable him to do all acts which the true owner might, thus making the owner responsible for the factor's acts and protecting bona fide purchasers in any transaction fairly effected with the apparent owner. 22 Am J2d Fact § 53.

**factor's lien.** The general lien which a factor has on goods of his principal in his possession, their proceeds and securities taken for the price, for advances, expenses, and commissions, and extending to the general balance of his accounts, to debts connected with the agency, which the factor has undertaken as surety or for the accommodation of the principal, and to interest on subsequent advances, but not to debts outside the agency. 22 Am J2d Fact §§ 20, 21.

**factory.** A place where an industrial operation is conducted; a place where mechanical power is used. 58 Am J1st Workm Comp § 117; a place where natural substances are converted to articles of value and use. 51 Am J1st Tax § 592. A mill, workshop, or other manufacturing establishment. Anno: 16 ALR 539. Any place where goods or products are manufactured or repaired, cleaned or sorted. *Ritchie v People*, 155 11198, 40 NE 454. A settlement maintained by factors for trading.

See **manufacturing establishment.**

**factory weight.** The weight of a motor vehicle as it is driven or hauled from the factory, often taken as the weight for the purpose of fixing the amount of a license or registration fee; sometimes the measure of fees charged motor vehicles used in the business of transportation. *Dixie Ohio Exp. Co. v State Revenue Com.* 306 US 72, 83 L Ed 495, 59 S Ct 435.

**fact questions.** See **questions of fact.**

**facts.** See **fact.**

**factum.** The fact; the existence; the doing; the making.

See **ante-factum; factum of will.**

**Factum a iudice quod ad ejus officium non spectat non ratum est.** The act of a judge which does not belong to his office is void.

**Factum a iudice quod ad officium ejus non pertinet ratum non est.** The act of a judge which does not pertain to his office is void.

**Factum cuique suum, non adversario, nocere debet.** A person's act ought to prejudice himself and not his adversary.

**Factum infectum fieri nequit.** A thing which has been done cannot be undone.

**Factum negantis nulla probatio.** The denial of a fact requires no proof; he who denies a fact need not prove his denial.

**Factum non dicitur quod non perseverat.** A thing is not spoken of as done which is not finished.

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**factum of will.** The making of a will, not the mere signing and publication, but acting with knowledge of the contents of the instrument and its effect as a disposition of property. *Dorsey v Sheppard* (Md) 12 Gill & J 192.

**factum probandum.** A fact to be proved.

**factum probans.** A proving fact; a fact of probative value; a fact tending to establish the existence of another fact.

**Factum reputabitur pro voluntate.** The act will be considered according to the intent.

**Factum unius alteri nocere non debet.** The act of one person should not prejudice another.

**Facultas probationum non est angustanda.** The right of offering proof is not to be curtailed.

**faculty.** The ability to perform a particular act. The operation of one of the senses, as the faculty of speech or hearing. The authority vested in an agent, or other representative, by his principal or other constituent. The teaching staff, professors, associate professors, assistant professors, and instructors of a university, college, or school. 15 Am J2d Colleges § 15.

See **allegation of faculties; court of faculties; husband's faculties.**

**faculty of advocates.** An association of lawyers practicing in the highest courts of Scotland.

**faggot.** The ancient form of punishment of a person by burning him alive.

**faggot votes.** Votes cast by persons who were merely nominal owners of the amount of land necessary to qualify them as electors; sham or illegal votes.

**faida.** A spirit of revenge; malice.

**fail.** To refuse; to neglect; to become insolvent.

Although the word has in law the same general meaning as "refuse," as where the condition to be performed depends on the will of the party who fails or refuses, yet where the condition does not depend upon the party's will, but upon the will of those whom he cannot control, there is a manifest distinction. One is an act of the will, the other may be an act of inevitable necessity. *Taylor v Mason* (US) 9 Wheat 325, 344, 6 L Ed 101, 106.

The word sometimes has the meaning of to become worthless, but it may also mean to become worthless in part or to a certain extent, as where consideration "fails." *Shirk v Neible*, 156 Ind 66, 59 NE 281.

**failed bank.** A bank which is insolvent, or has failed to meet its obligations to depositors and other creditors, and has been taken over by the banking department for liquidation and closing of its affairs. *Godfrey v Terry (US)* 7 Otto 171, 24 L Ed 944; 10 Am J2d Banks §§ 754 et seq.

See **insolvency of bank**.

**failing circumstances.** The circumstances of an individual or a business wherein the debts become increasingly difficult of payment; the approach of insolvency. *Utley v Smith*, 24 Conn 290.

**failing of record.** The failure of a party to produce a record after pleading it.

**faillite.** (French.) Failure; bankruptcy; insolvency.

**failure.** Inability to meet obligations as they become due; insolvency. *Boyce & Henry v Ewart*, 14 SC Eq (Rice) 126, 140.

See **failing circumstances**.

**failure of bank.** See **failed bank**.

**failure of consideration.** The circumstance or combination of circumstances under which the consideration for a contract, which was sufficient at the inception of the contract, has become worthless, has ceased to exist, or has been extinguished, whether by nonperformance or an innate defect in the thing to be given. 11 Am J2d B & N § 237; 17 Am J2d Contr § 397.

**failure of evidence.** See **total failure of evidence**.

**failure of issue.** See **definite failure of issue; indefinite failure of issue**.

**failure of proof.** Want of proof of a fact alleged or proof which departs so far from the cause of action or defense pleaded that it may fairly be said that the facts alleged remain unproved. *E. B. Ryan Co. v Russel*, 52 Mont 596, 161 P 307.

**failure to file a tax return.** Want of a properly executed income tax return within the time prescribed by law for filing; not the filing of a return which is incorrect in reference to the amount of the tax. *Plunkett v Commissioner (CA1)* 118 F2d 644.

**failure to make delivery.** Failure to make any delivery or, for some purposes, a misdelivery. 14 Am J2d Car § 582. The failure of the seller of personal property to deliver the goods to the purchaser in accord with the terms of the contract, fairly construed. 46 Am J1st Sales §§ 161 et seq.

**failure to prosecute.** See **want of prosecution**.

**failure to provide.** See **nonsupport**.

**faint action.** Same as **feigned action**.

**fainting spell.** Temporary loss of consciousness caused by want of sufficient blood supply for the brain; not a disease or bodily infirmity. 29 Am J Rev ed Ins § 749.

**faint pleading.** A false or collusive manner of pleading, with the purpose of deceiving persons who are not parties to the action.

**fair.** An exhibition of industrial or agricultural products, sometimes of the artistic and mechanical products of a school, a state hospital, or orphans' home, coupled with various amusements and entertainments. In an old and primary sense of the term, a market for the buying and selling of exhibited goods, livestock, and other articles. *State v Long*, 48 Ohio St 509, 510.

See **agricultural fair**.

**fair and equitable.** A term of art, developed in corporate reorganizations in equity receiverships and applied as well in reorganizations under the Bankruptcy Act and other statutes, to characterize the necessity, in formulating and adopting plans of reorganization, of according to creditors and classes of creditors the priorities to which they are entitled by contract and to stockholders of one class the superior position to which they are entitled by the charter of the corporation over stockholders of another class. *Securities & Exchange Com. v United States Realty & Improv. Co.* 310 US 434, 84 L Ed 1293, 60 S Ct 1044; *Otis & Co. v Securities*

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& Exch. Com. 323 US 624, 89 L Ed 511, 65 S Ct 483.

**fair and impartial trial.** A guaranty of due process, requiring a competent and impartial tribunal, the right to be represented by counsel, the right to cross-examine adverse witnesses, the right to offer testimony on one's own behalf, and the right to have such advance notice of trial as will permit preparation for trial. 21 Am J2d Crim L §§ 221, 222. A jury trial in an action of such nature that a party is entitled to a jury trial, as in a prosecution for desertion and nonsupport, unless he has voluntarily and knowingly waived such right. 23 Am J2d Desert § 43.

See **fair trial**.

**fair and legal.** A redundant expression, since the word "fair" can add no force to the word "legal." *Wood v Strother*, 76 Cal 545.

**fair and true value.** Market value, and in the absence of a standard market for the particular kind of property involved, a fair value as determined by reference to all relevant facts in evidence. *State v Wagner*, 233 Mich 241, 46 NW2d 676, 23 ALR2d 762.

**fair a scavoir.** To make to know. *Ray Consol. Copper Co. v United States*, 268 US 373, 69 L Ed 1003, 45 S Ct 526.

**fair average value.** For the purpose of assessing capital stock of a corporation for excise tax, a value determined in part according to the fair net value of the assets of the corporation, not entirely by the value of the aggregate shares of the stock.

**fair book value.** A contract price for corporate stock to be determined by ascertaining the net worth of all the assets and deducting therefrom the liabilities, without allowance of more than a nominal amount for good will. *Early v Moore*, 249 Mass 223, 144 NE 108, 33 ALR 362.

**fair cash value.** Actual cash value. The price which the property in question will bring in a fair market, after fair and reasonable efforts have been made to find the purchaser who will give the highest price; the fair or reasonable cash price for which the property can be sold in the market. *Birmingham Fire Ins. Co. v Pulver*, 126 Ill 329, 18 NE 804.

The term as used in a statute providing that, upon a merger or consolidation of corporations, a dissenting stockholder shall be entitled to receive a "fair cash value" of his shares, means the intrinsic worth of his stock, which is to be arrived at after an appraisal of all the elements of value. *Adams v United States Distributing Corp.* 184 Va 134, 34 SE2d 244, 162 ALR 1227.

**fair comment.** Comment on a matter of public interest which is confined to comment on things and the acts of persons and does not extend to attacks upon personal character or to imputing immoral or corrupt motives. 33 Am J1st L & S § 162. Any

criticism of a book or other literary production which does not go beyond the critic's honest opinion, does not misstate any material fact contained in the work, and does not attack the character of the author. 33 Am J1st L & S § 164. Criticism of dramatic productions and public entertainers based upon facts and not actuated by malice or evil purpose, however hostile and pointed it may be in holding the subject up to ridicule. 33 Am J1st L & S § 165.

**fair competition.** A phrase of the National Industrial Recovery Act enacted during the first administration of President Franklin D. Roosevelt but held unconstitutional by the United States Supreme Court meaning open, equitable, and just competition, fair to competitors and to customers. *United States v National Garment Co.* (DC Mo) 10 F Supp 104.

**fair consideration.** An adequate, just, or proper consideration; something more than a nominal consideration. *Rude v Levy*, 43 Colo 482, 96 P 560. A consideration fairly proportioned to the money, property, or services furnished by the contracting party. *Manello v Bornstine*, 44 Wash 769, 270 P2d 494, 45 ALR2d 494. The discharge of an antecedent debt, provided it is the obligation of the contracting party. *Hansen v Cramer*, 39 Cal 2d 321, 245 P2d 1059, 30 ALR2d 1204.

As defined by the Bankruptcy Act for the purpose only of that portion of the statute dealing with the avoidance of fraudulent transfers, a consideration given for the property or obligation of a debtor is "fair" (1) when, in good faith, in exchange and as a fair equivalent therefor, property is transferred or an antecedent debt is satisfied, or (2) when such property or obligation is received in good faith to secure a present advance or antecedent debt in an amount not disproportionately small as compared with the value of the property or obligation obtained. 9 Am J2d Bankr § 1113.

**fair, concise summary.** A condensation which is accurate and does not destroy the substance. *Sears v Treasurer & Receiver General*, 327 Mass 310, 98 NE2d 621.

**fair construction.** A reasonable, rational, and just construction of a contract. 17 Am J2d Contr § 252.

**fair criticism.** See **fair comment**.

**fair dealing.** Good faith (this index).

**faire.** To do; to make; to act.

**fair employment practices legislation.** Statutes intended to prohibit employers from discriminating in the hiring of employees on the ground of race, color, creed, or national origin. 31 Am J Rev ed Lab § 12.

**fair enjoyment.** The measure of the right of the dominant owner in the use of an easement; a right of use consistent with the purpose and character of the easement and also with the correlative right of the servient owner to use the premises for any purpose which does not interfere with the lawful use of the easement. *Unversagt v Miller*, 306 Mich 260, 10 NW2d 849; *Malher v Brumder*, 92 Wis 477, 66 NW 502.

**fair knowledge.** Ordinary knowledge; reasonable knowledge. *Jones v Angell*, 95 Ind 376, 382.

**Fair Labor Standards Act.** A federal statute, commonly known as the Wage and Hour Law, regulating the hours and wages of employees engaged in interstate commerce or in the production of goods for interstate commerce. 29 USC §§ 201 et seq.

**fairly.** Impartially; in a manner free from prejudice, bias or improper influence.

The word is not synonymous with "truly." Language may be truly, yet most unfairly repeated. The answer of a witness may be truly written down, yet it may convey a meaning quite different from that which the witness intended to convey, and did convey. Moreover, language may be fairly reported, yet not in accordance with strict truth. *Lawrence v Finch*, 17 NJ Eq 234, 239.



**fairly and legally.** In good faith. *People v Mancuso*, 255 NY 463, 175 NE 177, 76 ALR 514 (construing term respecting fraudulent insolvency of corporation).

**fair market price.** Market value; clear market value. 28 Am J Rev ed Inher T § 359. The result of the opposing views of the willing seller not compelled to sell and a willing purchaser not required to buy. *Vale v Du Pont*, 37 Del 254, 182 A 668, 103 ALR 946.

See **clear market value; fair market value.**

**fair market value.** Actual value or value in money. *Re Patton*, 227 Wis 407, 278 NW 866, 117 ALR 140. That which property will sell for as between one who wants to purchase and one who wants to sell; in the absence of a ready market and a market price, a constructive value determined upon an appropriate basis selected by the court. 28 Am J Rev ed Inher T § 609.

See **clear market value.**

**fairness of plan.** See **fair and equitable.**

**fair-play men.** A court which was held in Pennsylvania before the Revolutionary War.

**fair pleader.** A prohibition addressed to the sheriff directing him not to take a fine for a bad pleading.

**fair pleading.** Pleading fairly or aptly, or to the purpose.

**fair preponderance of evidence.** A characterization of the degree of proof required in some civil cases, particularly in reference to proof of fraud. 37 Am J2d Fraud §§ 468, 470. Not the larger number of witnesses, but the probability of truth. *Schangel v United Electric Light & Power Co.* 127 Misc 24, 25, 215 NYS 217, 218.

See **preponderance of evidence.**

**fair return.** An expression much employed in the fixing of public utility rates, meaning a reasonable return on the value of the property used in rendering the services. 52 Am J1st Teleg & T § 57. A reasonable return on the investment of a public utility, determinable only by the exercise of sound judgment and common sense, being a matter of fair approximation, not capable of exact mathematical demonstration. 43 Am J1st Pub Util § 156.

The term has a double aspect, one legislative and the other judicial. In the judicial aspect it is the equivalent of nonconfiscatory. Judicially, a rate is unreasonable only when it yields a return less than the minimum which the capital invested may of right demand. In the legislative aspect, the return may exceed such amount; for the legislature or the commission may add to it to carry out some public policy rates which are substantially higher than the line between validity and unconstitutionality properly may be deemed to be just and reasonable, and not excessive or extortionate. *Idaho Power Co. v Thompson* (DC Idaho) 19 F2d 547.

**fair sale.** A sale conducted with fairness as respects the rights and interests of the parties affected by it. *Lalor v M'Carthy*, 24 Minn 417, 419. A judicial sale conducted according to law at auction at which all persons have the right to appear and bid. 30A Am 1 Rev ed Jud S § 67.

**Fair Sales Act.** A statute prohibiting sales of commodities below cost, except under particular circumstances. Anno: 118 ALR 506, supplemented 128 ALR 1126.

**Fair Trade Acts.** Statutes which remove or except price-maintenance agreements of the vertical type, that is, agreements between the producer and distributors of trademarked, tradenamed, or branded articles, from the operation of the rules and

provisions relating to monopolies and restraints of trade, thereby authorizing and protecting such agreements. 52 Am J1st Tradem § 173.

**fair trial.** A legal trial; a trial conducted in all material things in substantial conformity to law. *People v Wolf*, 183 NY 464, 472, 76 NE 592, 594. In a criminal case, a trial before an impartial judge, an honest jury, and in an atmosphere of judicial calm. 21 Am J2d Crim L § 235. A trial, not only with observance of the naked forms of law, but in a recognition and just appreciation of its principles. *Sunderland v United States (CAS Neb)* 19 F2d 202. A trial according to law, not necessarily free from all error, but from substantial error. *State v Schimsky*, 243 Minn 533, 69 NW2d 89; *People v Becker*, 210 NY 274, 311, 104 NE 396, 409.

The right of one charged with the commission of a crime to a fair trial does not embrace the right to be tried by any particular judge or jury, but is enough if the jury is impartial and the judge one whose neutrality is indifferent to every factor in the trial but that of administering justice. *State ex rel. Brown v Dewell*, 131 Fla 566, 179 So 695, 115 ALR 857.

See **fair and impartial trial**.

**fair use doctrine.** The principle which entitles a person to use copyrighted material in a reasonable manner, including the use of the mere theme or idea, without the consent of the copyright owner. 18 Am J2d Copyr § 109.

**fair valuation.** For the purpose of determining "insolvency" within the definition provided by the Bankruptcy Act (Bankr Act § (19); 11 USC § 1 (19)), the fair market value of the property as between one who wants to buy and one who wants to sell, or the value that can be made promptly effective by the owner of the property for payment of debts. *Nicolai-Neppach Co. v Smith*, 154 Or 450, 58 P2d 1016, 60 P2d 979, 107 ALR 1124.

See **fair value**.

**fair value.** For the purpose of, and as a base for, fixing the rates of a public utility:—the present value of the property of the utility as determined, not by formula, such as original cost, prudent investment, or cost of reproduction, but by consideration of all relevant factors entering into the worth of the property at the time of the inquiry made for rate-fixing. 43 Am J1st Pub Util § 105. As used in a statute permitting dissenting stockholders to obtain the "fair value" of their stock:—the intrinsic worth of the stock, which is to be arrived at after an appraisal of all the elements of value. *Lucas v Pembroke Water Co.* 205 Va 84, 135 SE2d 147.

See **fair and true value; fair average value; fair book value; fair cash value; fair market value; fair valuation**.

**fairway.** The navigable channel of a river, gulf, or other body of water, variously called "thalweg," "main channel," "midway." *Louisiana v Mississippi*, 202 US 1, 49, 50 L Ed 913 930. Any one of the parts of a golf course, lying between a tee and a putting green, where the grass is cut fairly short.

**faisant.** Same as **feasant**.

**fait.** A fact; a deed; an act; an act done.

See **en fait**.

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**fait enrolle.** A deed which has been enrolled.

**faith.** The assent of the mind to what is stated or put forward by another; trust or confidence in the veracity of another. *Patzwald v United States*, 7 Okla 232, 54 P 458.

See **abiding faith; articles of faith; bad faith; good faith; religion**.

**faithful.** Noun: Those who believe in and sincerely practice the principles of a religious faith. Adjective: In temporal affairs, diligent, without unnecessary delay; as a faithful officer, a faithful servant, in applying to their duties. *Den ex dem. Perry v Thompson*, 16 NJ L 72, 73.

The guaranty of the "faithful" discharge of the duties of a county treasurer, contained in the bond required of, and furnished by, him is a guaranty, not only of personal honesty, but also of competency, skill and diligence in the discharge of the treasurer's duties. The word is held to imply that the bonded person has assumed that measure of responsibility laid on him by law, had no bond been given; and everything is unfaithfulness which the law does not excuse. *Thurston County use of Vesely v Chmelka*, 138 Neb 696, 294 NW 857, 132 ALR 1077.

**faith healing.** The restoration, or attempted restoration, of health by prayer and religious faith. 41 Am J1st Phys & S § 30.

See **Christian Science**.

**faitours.** Vagrants; vagabonds; idle persons.

**fake.** Noun: A swindler; an imposter. A trick employed to obtain money. *Midland Publishing Co. v Implement Trade Journal Co.* 108 Mo App 223, 83 SW 298. A false pretense. Adjective: Spurious, counterfeit.

**falcare.** To cut; to mow.

**falcidia.** The falcidian part or portion of an ancestor's estate; that is, the one fourth part of it, of which he could not, under the Falcidian Law of Rome, deprive his heir by his will.

**falcidia lex.** Same as **Falcidian Law**.

**Falcidian Law.** A Roman statute, enacted in 714 A. D., which restricted the disposition of property by will to the extent that one fourth of the property of a testator, who was the father of a family, was reserved from the exercise of testamentary power in such manner as to deprive the heir or heirs thereof. *United States v Perkins*, 163 US 625, 41 L Ed 287, 16 S Ct 1073.

**Falcidian portion.** The one-fourth part of a father's property which, under the Falcidian Law of Rome, he could not dispose of by will. *United States v Perkins*, 163 US 625, 41 L Ed 287, 16 S Ct 1073.

See **Falcidian Law**.

**faldae cursus.** A sheep trail.

**faldage.** The right of the lord of the manor to have the sheep of his tenant manure his land; the term was also applied to the fee paid by the tenant to the lord for exemption from the service of thus manuring.

**faldata.** A flock of sheep.

**fald-fee.** Same as **faldage**.

**faldsoca.** Same as **faldage**.

**faldworth.** A person who had attained an age which qualified him to be one of the ten of a decennary.

**falk-land.** Same as **folk-land**.

**fall.** Noun: The autumn season. A sudden dropping from a higher to a lower position. Verb: To come down, to move down involuntarily. To descend, as in the devolution of property from ancestor to heir. *M'Cullough's Heirs v Gilmore*, 11 Pa 370, 373.

**fall due.** To become due. *White v Leyden*, 112 Neb 774, 201 NW 637.

**falling of the womb.** See prolapsus uteri.

**fallo.** (Spanish.) A final judgment or decree.

**fall of hammer.** The completion of the sale of an article at an auction the signal that the bidding is closed. 7 Am J2d Auct §§ 20, 21.

**fall of land.** A parcel of land equivalent to the one hundred and sixtieth part of an acre.

**fall of soil.** Caving or washing. 1 Am J2d Adj L § 43.

**fallout.** The dropping of radioactive particles following an atomic explosion.

**fall out.** The words of command given by the officer or noncommissioned officer in charge of a military formation to release the men from the formation.

**fallow land.** Land which has been ploughed up but which has been left unseeded in order to allow it to recuperate its fertility.

**falsa demonstratio.** False or erroneous description.

**Falsa demonstratione legatum non perimi.** An erroneous description will not nullify a legacy.

It was a rule of the civil law, that a legacy should not perish by reason of a false description, but the statute of wills modifies the maxim to some extent. *Roman Catholic Orphan Asylum v Emmons* (NY) 3 Bradf 144, 149.

**Falsa demonstratio non nocet, cum de corpore constat.** An erroneous description is harmless, when it is clear as to the person intended. 57 Am J1st Wills §§ 1048, 1199.

**Falsa grammatica non vitiat chartum.** Faulty grammar will not vitiate an instrument.

**falsa moneta.** False money; counterfeit money.

**Falsa orthographia, sive falsa grammatica, non vitiat concessionem.** Neither faulty spelling nor faulty grammar will vitiate a grant.

**falsare.** To falsify; to forge; to make false coins.

See **counterfeiting; forgery.**

**falsarius.** A counterfeiter; a forger.

See **counterfeiting; forgery.**

**false.** Sometimes meaning untrue, at other times, designedly untrue, implying an intention to deceive, as where it is an element of actionable fraud. 37 Am J2d Fraud § 2. Unlawful. *Mahan v Adam*, 144 Md 355, 124 A 901.

**false account.** An account which is morally false,—known to be untrue. Putnam v Osgood, 51 NH 192, 207.

See **false oath or account.**

**false action.** Same as **feigned action.**

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**false advertising.** Untrue and fraudulent statements and representations made by way of advertising a product or a service. 3 Am J2d Advertg § 2.

**false affidavit.** The statutory offense of perjury in an affidavit authorized by law. 41 Am J1st Perj § 26. A false claim against the government, such having reference to the form of the paper rather than its legal character, so that an affidavit may be "false," irrespective of the absence of an oath administered by an officer qualified to administer oaths. Williams v Territory, 13 Ariz 27, 108 P 243.

**false and fraudulent.** Having the dual quality of falsity and intent to deceive. 37 Am J2d Fraud § 2.

**false appeal.** An older English term for unsuccessful appeal of felony. See 4 Bl Comm 316.

**false answer.** A criminal offense in wilfully giving a false answer to a question propounded by a taker of the federal census. 14 Am J2d Census § 9. Perjury by a witness. 41 Am J1st Perj § 2.

**false arrest.** The unlawful restraint by one person of the physical liberty of another under an asserted legal authority to enforce the processes of the law. 22 Am J2d False Imp §§ 1, 2.

**false bank note.** A forged paper in the similitude of a bank note, or which on its face appears to be such a note. Williams v Territory, 13 Ariz 27, 108 P 243.

**false brand.** See **misbranding.**

**false branding.** See **misbranding.**

**false certificate of acknowledgment.** A misstatement of a material fact, especially a misstatement respecting the identity of the person acknowledging. 1 Am J2d Ack §§ 117, 118. Additional elements of negligence and wilful misconduct imposed by statutes rendering the officer taking the acknowledgment liable in civil or criminal aspect. 1 Am J2d Ack §§ 118, 119.

**false certificate of citizenship.** A certificate of citizenship which is false in its recital of facts. Dolan v United States (CA8 Mo) 133 F 440.

**false certification of check.** The statutory offense committed by an officer of a national bank in wilfully certifying a check the drawer of which has not on deposit at the time an equal amount of money. Potter v United States, 155 US 438, 39 L Ed 214, 15 S Ct 144.

Although the certification of checks by a national bank without an equivalent amount of money on deposit is in violation of the National Bank Act, a valid debt of the bank is created thereby. Thompson v St. Nicholas Nat. Bank, 146 US 240, 36 L Ed 966, 13 S Ct 66.

**false character.** A fraudulent letter of recommendation concocted to aid a person who is seeking employment as a servant.

See **false personation.**

**false check.** A check drawn upon a bank in which the drawer has no funds or which he has no reason to believe will honor it. *Williams v Territory*, 13 Ariz 27, 108 P 243.

**false claims against the government.** Claims presented against the government and also allegations, as in income tax returns, which cause pecuniary or property loss to the government. *Capone v United States (CA7 Ill)* 51 F2d 609, 76 ALR 1534, cert den 284 US 669, 76 L Ed 566, 52 S Ct 44.

See **false affidavit**.

**false colors.** Colors carried on a vessel different from those of the nation of registration. 56 Am J1st War § 200. An impersonation.

See **impersonation**.

**false demonstration.** The doctrine that where the description of a person or a thing in a will is made up of more than one part, and one part is true while the other is inexact or false, then, if the part which is true describes the subject or object of the gift with sufficient certainty, the untrue part may be rejected and the gift sustained. 57 Am J1st Wills § 1199.

**falsedad.** (Spanish.) Falsity; deception; fraud.

**false document.** A document purporting to be made by a person who did not make the same, or a document purporting to be made by some person who did not in fact exist. *Williams v Territory*, 13 Ariz 27, 108 P 243.

See **forgery**.

**false entry.** Literally, an entry in a book or record which does not speak the truth. A criminal offense by a bank officer or employee in making false entries in reports or statements of the bank with the intent to injure or defraud. 10 Am J2d Banks § 234.

**false financial statement.** An inaccurate statement by a public accountant, through the medium of the balance sheet, of the financial condition of the client. 1 Am J2d Accts § 16. A ground of opposition to a discharge in bankruptcy where consisting of a materially false statement in writing respecting the financial condition of the bankrupt made or published by the bankrupt in obtaining money or property on credit or in obtaining an extension or renewal of credit. 9 Am J2d Bankr § 701.

**falsehood.** A lie; a wilful act or declaration contrary to truth, as the more common meaning. *Putnam v Osgood*, 51 NH 192, 207.

**false imprisonment.** The unlawful restraint by one person of the physical liberty of another. 22 Am J False Imp § 1. An unlawful violation of the personal liberty of another, whether considered as a tort or a crime. *Parrot v Bank of America Nat. Trust & Sav. Asso.* 97 Cal App 2d 14, 217 P2d 89, 35 ALR2d 263.

To constitute an unlawful arrest or a false imprisonment, it is not necessary that force be used. The wrong done is one which may be committed by acts or by words, or by both. An unlawful restraint of the person, or an interference with his personal liberty, is essential, but he is deemed to have been put under restraint if words or acts induced a reasonable apprehension that force would be used, if he did not submit. In short, any unlawful exercise or show of force, by which a person is compelled to remain where he does not wish to remain or to go where he does not wish to go is an unlawful arrest. *Durgin v Cohen*, 168 Minn 77, 209 NW 532.

**false instrument.** A forged instrument; a counterfeit instrument; an instrument which carries on its face the semblance of that for which it is counterfeited. *People v Bendit*, 111 Cal 274, 43 P 901.

**false judgment.** An English writ for the correction or reversal of a judgment of an inferior court not a court of record.

**false Latin.** A term used in the earlier English cases for the erroneous use of Latin in a court record or a writ.

See **vicious for false Latin.**

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**falsely.** Implying, as the word is used in a statute prescribing the offense of forgery, that the paper or writing in question is not genuine but false or counterfeit. 36 Am J2d Forg § 6. Implying, in reference to the obtaining of money or property by false pretenses, fraud rather than mistake or mere untruth. 32 Am J2d False Pret § 72.

**false making.** As applied to the crime of forgery, the making of a writing which falsely purports to be the writing of a person other than the writer. *People v Bendit*, 111 Cal 274, 43 P 901. Not to change or form an instrument to resemble an existing genuine instrument or to represent that it is the act of a genuine and existing obligor, but rather to make an instrument which has no original as such and no genuine maker whose work is copied, although in form it may resemble a type of recognized security. *Pines v United States (CA8 Iowa)* 123 F2d 825.

**false measures.** Fraudulently constructed measures or containers for measuring size or capacity, employed to defraud.

**false oath.** In reference to a bankruptcy proceeding, an intentional untruth stated under oath respecting a matter material to an issue which is itself material. 9 Am J2d Bankr § 694.

See **false swearing; perjury.**

**false packed.** Goods or commodities, which are sound and merchantable, so packed or loaded, with intent to defraud a purchaser, as to conceal defective or unmerchantable goods or commodities underneath in the same box, basket, barrel, crate, or other container. *Garretson v Ferrall*, 83 Ga 684, 10 SE 360.

**false personation.** See **impersonation.**

**false pleading.** A pleading good in form but sham for want of good faith in making the allegations. 41 Am J1st Pl § 50.

See **sham pleading.**

**false pretense.** Literally, a false representation of a fact or circumstance calculated to mislead. 32 Am J2d False Pret § 2. Any trick or device whereby the property of another is obtained. 37 Am J2d Fraud § 2. As an essential element of the offense of obtaining property or money by false pretenses, an intentional false statement concerning a material matter of fact, in reliance on which the title or possession of property is relinquished. 32 Am J2d False Pret § 3. As the basis of the exception from discharge in bankruptcy of a liability for obtaining money or property by false pretenses, a false and intentional pretense or representation which induced the creditor to part with money or property to be repaid or paid for later. 9 Am J2d Bankr § 782.

See **false advertising.**

**false registry.** The term usually applied to the registration of a vessel in violation of the Federal registry statutes which provide that if any certificate of registry or record is fraudulently, or knowingly used for any ship or vessel not then actually entitled to the benefit thereof, according to the true intent of the act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel, and furniture. See 48 Am J1st Ship § 23.

**false report.** A criminal offense by a corporate officer or director. 19 Am J2d Corp § 1354.

See **false entry.**

**false representation.** A misrepresentation. 22 Am J2d False Pret § 72.

See **false pretense; representation.**

**false return.** A criminal offense by a census officer or employee, consisting in wilfully and knowingly making a false certificate or fictitious return. 14 Am J2d Census § 8. A return of process by a sheriff or other officer to whom the writ was issued for service which is false in reference to the acts performed by him in respect of the writ or other facts regarding the service or attempted service which it is his duty to report on the return. 47 Am J1st Sher § 78. An income tax return falsified for the purpose of evading the tax owing by the taxpayer. *Capone v United States* (CA7 Ill) 51 F2d 609, 76 ALR 1534, cert den 284 US 669, 76 L Ed 566, 52 S Ct 44. The wilful making, subscribing and verifying of a return which he does not believe to be true and correct by one liable for an internal revenue tax 34 Am J2d Fed Tax ¶ 9386. A return of taxable property falsified with intent to deceive or mislead or with culpable negligence. *Ratterman v Ingalls*, 48 Ohio St 468, 28 NE 168, 171.

**false statement.** A statement which is false. For most purposes of the law, a statement which is wilfully false. *Fougera & Co. v New York*, 224 NY 269, 120 NE 642, 1 ALR 1467, 1473.

See **false representation**.

**false suit.** Same as **feigned action**.

**false swearing.** Knowingly and intentionally stating upon oath that which is not true; swearing corruptly, or wilfully and knowingly deposing falsely in a sworn statement before some officer authorized to administer an oath, concerning some fact. *Schoenfeld v State*, 56 Tex Crim 103, 119 SW 101. Distinguished from perjury under the common law in the respect that false oath in perjury must be made in a judicial proceeding, whereas in false swearing it need not be made in such a proceeding. 41 Am J1st Perj § 3.

As a matter of defense to an insurer, "false swearing" means false statements wilfully made with respect to a material matter and with the intention of deceiving the insurer thereby. 29A Am J Rev ed Ins § 1419.

**false teeth.** A denture, often referred to as a plate where complete in reference to the number of teeth contained, the preparation and fitting of which, is distinctly a part of the practice of dentistry. Anno: 83 ALR2d 114, 151, 284 et seq.

**false testimony.** See **false oath**; **false swearing**; **perjury**.

**false token.** A device for the effecting of a cheat or the obtaining of money by false pretenses; a device having the semblance of authenticity to the public but spurious a false weight or measure; impersonation of another person. 22 Am J2d False Pret § 20.

See **counterfeit**.

**false verdict.** A verdict not reached by due deliberation upon the evidence and under the instructions given by the court; a verdict arrived at by chance rather than by understanding, such as a verdict arrived at by drawing lots or casting dice, or a quotient verdict. 53 Am J1st Trial §§ 1029, 1030.

**false weights.** Weighing devices so constructed as to enable a tradesman to cheat and defraud his customers; a kind of false token. 22 Am J2d False Pret § 22. A crime at common law and under statute in most jurisdictions. 56 Am J1st Wts & L § 46.

**falsi crimen.** An offense characterized by fraud through concealment, untruthfulness, false weights, forgery, etc. An offense involving un-

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truthfulness so glaring as to affect the administration of justice injuriously. 58 Am J1st Witn § 138.

**falsifier.** A liar. One who wilfully makes untruthful statements. *Tawney v Simonson, Whitcomb, & Hurley Co.* 109 Minn 341, 124 NW 229.



**falsify.** To misrepresent the facts. To tell a falsehood. Fraudulently to alter a record or document. To disprove. To disprove the correctness of an account which is prima facie presumed to be correct. *Rehill v MeTague*, 114 Pa 82, 7 A 224.

**falsify a judgment.** Formally to declare against the court for having rendered a false or erroneous judgment. This liberty was allowed by the Assizes of Jerusalem, but the person availing himself of it was obliged to fight all the members of the court including both judges and suitors, one after another. The privilege was seldom claimed.

**falsifying evidence.** The offense, distinct from that of perjury or subornation of perjury, of giving, offering, or promising to give something to a witness or prospective witness in order to induce him to give false testimony. *People v Teal*, 196 NY 372, 89 NE 1086.

**falsing.** The crime of falsifying; the crime of forgery.

**falsing of dooms.** Objecting to, protesting against, or pointing out errors in a sentence or judgment of a court.

**falso clamore.** See **in misericordia**.

**falsonarius.** A forger.

**falso retorno brevium.** A writ against a sheriff who made a false return of his disposition of process.

**falsum.** Something falsified, counterfeit, or forged.

**falsus in uno, falsus in omnibus.** False in one thing, false in everything.

The maxim expresses the general principle of law that where a witness has testified falsely to some material matter in a cause, the jury are at liberty to disregard his testimony in other respects, unless it is corroborated by other proof. 58 Am J1st Witn § 872.

**fama.** A person's good name or reputation; report; rumor.

**famacide.** A reputation killer; a defamer; a slanderer.

**Fama, fides, et oculus non patiuntur ludum.** Good name, faith and eyesight cannot endure deceit.

**Fama, quae suspicionem inducit, oriri debet apud bonos et graves, non quidem malevolos et maledicos, sed providas et fide dignas personas, non semel sed saepius, quia clamor minuit et defamatio manifestat.** Rumor, which induces suspicion, ought to have its origin among good and serious minded persons, not indeed from the malevolent and evil-tongued, but from cautious and worthy persons, not once, but often because praise dies out and evil gossip spreads.

**familia.** The family.

**familiares regis.** Familiars of the king,—certain clerks of the English chancery courts were so referred to.

**familiarities.** Undue liberties taken with a person, whether in speech, by touching him or her with the hands, or by otherwise coming in contact with him or her physically. 6 Am J2d Asslt & B §§ 98, 106.

**family.** A word of great flexibility, its meaning varying according to the connection in which it appears. *Tomlyanovich v Tomlyanovich*, 239 Minn 250, 58 NW2d 855, 50 ALR2d 108. Primarily, the collective body of persons who live in one house and under one head or management; secondarily, those persons who are of the same lineage, or have descended from one common progenitor. *Dodge v Boston & P. R. Co.* 154 Mass 299, 28 NE 243. Within the meaning of welfare statutes:—those, and only those, persons for whose support and maintenance the law requires the person who seeks relief to provide. *Newbury v Brunswick*, 2 Vt 151.

For some purposes, synonymous with household, as in the clause of an automobile theft insurance policy excluding theft by a member of the household. 7 Am J2d Auto Ins § 56. As the word appears in the rule that services rendered for a member of the "family" are presumed to have been rendered gratuitously:—persons living together in a state of mutual dependence irrespective of how close the tie of blood between them may be. *Robinson v Johnson*, 119 Kan 639, 240 P 962. As used in an exemption statute:—those who reside with, or compose the household of, the debtor. 22 Am J2d Exemp § 27. For the purposes of a statutory exemption of the homestead:—two or more persons who reside in a common household under the direction of one of them who is designated expressly or impliedly the head of the family. 26 Am J1st Home § 68. As used in the charter of, or certificate issued by, a mutual benefit association:—parents, wife, children, brothers, sisters, or other relatives, even stepchildren so long as they comprise a part of the household of the member. 38 Am J2d Frat O § 143. As used in those provisions of workmen's compensation acts which specify persons entitled to compensation as dependents of a deceased employee:—persons having an abode in common with the employee as the single head or in single management of the group. 58 Am J1st Workm Comp § 172. Within the meaning of a statute providing for substituted service of process by leaving a copy with one of defendant's family:—persons living together permanently and continuously within the same domestic establishment, irrespective of what the blood relationship, if any, between them may be. 42 Am J1st Proc § 63. Expressly defined in some zoning laws:—any number of persons living or cooking together as a single housekeeping unit; a number of individuals living together on the premises as a single nonprofit housekeeping unit, including domestic servants. *Carroll v Arlington County*, 186 Va 575, 44 SE2d 6, 172 ALR 1169. In reference to free transportation of the employee of a carrier or the members of his "family":—wife, parents or children of the employee living in the same household with him in a state of mutual dependence or reciprocal duties beyond those arising from the ties of consanguinity. *Wentz v Chicago, B. & Q. R. Co.* 259 Mo 450, 168 SW 1166. But not all members of the household for the purposes of a clause in a fire insurance policy covering wearing apparel of the insured and his "family." 29 Am J Rev ed Ins § 303.

As used in a statute providing for an allowance

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out of the estate of a decedent for his "family":—the widow and minor children of the decedent; the widow alone, if she has no children or no children who are minors; broadly defined by some authorities as including all persons who constituted the family of the decedent at the time of his death. 21 Am J2d Ex & Ad §§ 329-331.

Appearing in a will, the term "family" has such a variety of meanings that little of a general nature can be said as to its proper interpretation. 57 Am J1st Wills § 1392. Much depends upon the context of the entire will or of the pertinent portion. Anno: 154 ALR 1414. Sometimes, it means children or wife and children; at other times, a group of persons related to each other by marriage or blood living together under a single roof and comprising a household the head of which is usually the father or husband. 57 Am J1st Wills § 1392.

See **branch; consanguinity; member of household; members of a family; relative.**

**family agreement.** Same as **family settlement.**

**family allowance.** An allowance in a judgment for divorce or separation for the support of the child or children of the parties, often granted in a unitary award for wife and child or children. 24 Am J2d Div & S § 664. An award to be paid by the personal representative of a decedent's estate out of the assets of the estate to provide for daily necessities of the surviving family during the period of readjustment following the death of the breadwinner, until such time as a final settlement or award can be determined and effectuated. 31 Am 12d Exec & Ad § 24.

**family arrangement.** An expression characterizing the method of operation of a private boarding school; a family association for pupils and headmasters under a common roof, by a common fireside, in a common lodging, and at a common table. State ex rel. Spillers v Johnson, 214 Mo 656, 113 SW 1083.

**family Bible.** A Bible which has been used in a family for years, sometimes passed down from one generation to another in the family; often the place of recording events of important, even sacred, significance, such as births, deaths, marriages, baptisms, etc.

**family burial ground.** See **family cemetery.**

**family car doctrine.** See **family purpose doctrine.**

**family cemetery.** A family burial ground in which no lots are sold to the public and in which burials are restricted to a group of persons related to each other by blood or marriage. Union Cemetery Asso. v Cooper, 414 Ill 23, 110 NE2d 239.

**family corporation.** A corporation, the stock of which is held for the most part by the members of one family. 18 Am J2d Corp § 13.

**family expense.** An expenditure for an article or service which contributes to the comfort or enjoyment of the family as a unit, at least where reasonable and necessary. 26 Am J1st H & W § 387.

**family history.** The family record, often found in a family Bible, of births, deaths, marriages, baptisms, confirmations, etc. A medical term for the prevalence among members of a family of a particular disease, physical disability or bodily weakness.

**family immunity.** The absence of liability for an act, otherwise a tort, because of a family relationship between the person who performed the act and the injured person.

**family meeting.** An advisory jury, differing radically from an ordinary jury in that it is constituted with direct reference to its members having a bias, a partiality, an affection for those whose affairs it is called to deliberate. It is called to aid the court in determining affairs in which the members of the family are interested, such as the appointment of the curator of an interdict, a lunatic or an infant. Interdiction of Bothick, 44 La Ann 1037, 1041, 11 So 712. See also Lemoine v Ducote, 45 La Ann 857, 12 So 939.

**family member.** See **members of a family.**

**family name.** See **surname.**

**family of a pauper.** Those, and those only, for whom the law requires a pauper to provide. Newbury v Brunswick, 2 Vt 151.

**family physician.** The physician who usually attends and is consulted by the members of a family in the capacity of physician. 29 Am J Rev ed Ins § 759.

One may stand in the relationship of family physician to another, notwithstanding the latter has not consulted him or been attended by him. 29 Am J Rev ed Ins § 759.

**family purpose doctrine.** The rule that the owner of a motor vehicle purchased or maintained for the pleasure of his family is liable for injuries inflicted by the negligent operation of the vehicle while it is being used by members of the family for their own pleasure, on the theory that the vehicle is being used for the purpose or business for which it was kept, and that the person

operating it is therefore acting as the owner's agent or servant in using it. 8 Am J2d Auto § 588. A doctrine which has been considered in reference to the operation of motorboats. 12 Am J2d Boats § 39.

**family settlement.** An agreement between the members of a family settling the distribution of family property among them.

**family use.** The use of a public service, such as that of a municipal waterworks, appropriate to the needs of the individual members of the household and of the household in a collective capacity for drinking, bathing, laundering, etc. Spring Valley Water Works v San Francisco, 52 Cal 111, 120.

See **domestic purposes.**

**famosi libelli.** Plural of **famosus libellus.**

**famosus libellus.** A libelous book or publication; a libel.

**fanatica mania.** A form of insanity produced by a morbid state of religious feeling. Ekin v McCracken (Pa) 11 Phila 534, 540.

**fanega.** A Spanish land measure equal to about sixty-four hundred square yards.

**fan-tan.** A card game, usually played by gamblers; a Chinese gambling game involving the guessing of the number of counters.

**farce.** A short dramatic entertainment in which ludicrous qualities are greatly exaggerated for humor. Society for the Reformation of Juvenile Delinquents (NY) 60 Barb 152, 156.

**farcy.** Same as **glanders.**

**fordage.** Same as **dunnage.**

**fardel.** A fourth part.

**farding deal.** A one-fourth of an acre of land.

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**fare.** The price for the transportation of a passenger by a carrier. 14 Am J2d Car § 781. A passenger in a taxicab or other vehicle of a carrier.

According to one view, a fare is a payment made when the right of carriage is claimed, so that the purchase of a ticket is not the payment of a fare, the ticket becoming a fare only when accepted by the conductor and not before. Shelton v Erie R. Co. 73 NJL 558, 66 A 403.

**fare-paying passenger.** Ordinarily but not universally a person who has paid his fare in money of his own or in money supplied by a third person. 29A Am J Rev ed Ins § 1271.

**farinagium.** A mill where grain was ground into meal.

**farleu.** Money paid by the tenant to the lord of the manor in lieu of a heriot.

**farlingarii.** Panderers; procurers.

**farm.** A tract of land, consisting of one or any number of acres, having one or many fields, located in one or more than one township or county, devoted to agriculture, either to the raising of crops or pasturage, or both. *People ex rel. Rodgers v Caldwell*, 142 Ill 434, 32 NE 691, 693; *Dorsett v Watkins*, 59 Okla 198, 158 P 608, 9 ALR 278, 281.

Appearing in a will as the subject of a devise, the term will include lands accessory to a cultivated farm, notwithstanding they are not actually cultivated, for example, woodland. 57 Am J1st Wills § 14. Even noncontiguous lands may be included in a devise of a farm, if such tracts were used by the testator for farming purposes or for purposes incidental to the operation of his farm. 57 Am J1st Wills § 1342.

See **county farm; penal farm.**

**farm aid.** Aid extended by the government, directly or indirectly, to persons engaged in agriculture. 3 Am J2d Agri §§ 16 et seq.

**farm commodities.** The products of the farm, such as grain, meat, milk, etc.

**Farm Credit Administration.** A federal agency in the Department of Agriculture with facilities to be expanded in time of economic depression in agriculture and utilized for the refinancing of farm indebtedness. 12 USC §§ 636-1148d.

**farm credit institutions.** Federal land banks, joint stock land banks, national farm loan associations, federal intermediate credit banks, Central Bank for Cooperatives, regional banks for cooperatives, federal credit unions, regional and local agricultural credit corporations, and other institutions of a similar nature. 51 Am J1st Tax § 251.

**farm crossing.** A passage across, under, or over a railroad track running across a farm, for the use and convenience of the proprietor or tenant of the farm. *Wheeler v Rochester & Syracuse Railroad Co.* (NY) 12 Barb 227, 230.

**farmer.** In an older meaning, the tenant or lessee of a farm; the eldest son of such tenant or lessee; a yeoman. In the modern sense of the term, a person who earns his living by, or follows the occupation or profession of farming or agriculture, whether he be the owner or tenant of the land in his use. *Hickman v Cruise*, 72 Iowa 528. As defined in the Bankruptcy Act:—an individual personally engaged in farming or tillage of the soil, including an individual personally engaged in dairy farming or in the production of poultry, livestock, or poultry or livestock products in their unmanufactured state, if the principal part of his income is derived from any one or more of such operations. Bankr § 1(17); 11 USC § 1(17).

A debtor's act in growing garden products for the use of his table, upon premises adjacent to his residence, does not make him a farmer for the purpose of the exception of farmers from involuntary bankruptcy. *Nicholson v Williams & S. Co.* (CA4 SC) 121 F2d 740.

If a debtor's vocation or business is that of a farmer, he will be entitled to the exemptions from execution granted by statute to a "farmer," although he is not at the time of the levy engaged in farming, or doing any specific thing as a farmer, and may not own a farm or have one leased at the time. 22 Am J2d Exemp § 23.

**Farmer Cooperative Service.** A federal agency in the Department of Agriculture.

**farmers' cooperative.** A cooperative association of farmer-producers. 18 Am J2d Co-op Asso § 1.

**farm implements.** Machines, tools, and utensils commonly used in farming; the implements of husbandry. 22 Am J2d Exemp § 60.

See **implements of husbandry.**

**farming.** The ancient and honorable occupation, business, or profession of cultivating land, including horticulture, viticulture, and gardening. *Estate of Slade*, 122 Cal 434, 55 P 158.

See **agriculture.**

**farming on shares.** See **croppers; share rent.**

**farming out convicts.** See **hiring out convicts.**

**farming utensils.** See **farm implements.**

**farm laborer.** One employed upon a farm in raising and harvesting crops, doing general farm work, or employed in a special line of farm work, such as production of milk for distribution over a retail milk route. 3 Am J2d Agri § 3. One employed in the cultivation of the soil and its fruits or in such processes or steps as are necessary and incident to the raising, harvesting, and processing of the harvested products for consumption or marketing. Anno: 53 ALR2d 406; 48 Am J1st Soc Sec § 30. One employed by a farmer to perform work which ordinarily is incidental to farming. 58 Am J1st Workm Comp § 97. For the purposes of the National Labor Relations Act, one employed in any one of the following enterprises: farming in all its branches, including, among other things, the cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of agricultural or horticultural commodities; the raising of livestock or poultry, etc. 31 Am J Rev ed Lab § 685.

A man is not a farm laborer when in the employ of a man who travels about from farm to farm with a corn-husking machine, engaged in the business of husking corn for a stated compensation. *Roush v Heffelbower*, 225 Mich 664, 196 NW 185, 35 ALR 196, 198, 199.

**farm let.** Formal words in a lease, expressed in the Latin form, "ad firmam tradidi," signifying a letting on a certain rent payable in produce. See 2 Bl Comm 317.

**Farm Loan Act.** A federal statute enacted to provide loans on farm lands or assistance in obtaining such loans. 3 Am J2d Agri § 25. An act of Congress providing for the creation of federal land banks and joint stock land banks to facilitate the making of loans upon farm security at low rates of interest.

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12 USC §§ 641 et seq., 810 et seq.; 10 Am J2d Bks § 21.

The beneficent purpose of loans under this statute is to enable farmers who are in debt, and without ability to make payment, to constitute the federal agency the sole creditor and thereby eliminate, by way of compromise, all other creditors. *International Harvester Co. v Young*, 288 Mich 436, 285 NW 12.

**farm manager.** An agent intrusted with the management of a farm, but ordinarily authorized to borrow money on the credit of his principal only as borrowing is indispensable to the operation of the farm. 3 Am J2d Ag § 89.

**farm produce.** See **farm products.**

**farm products.** Products of the pursuit of farming or agriculture, including swine, horses, cattle, and sheep, as well as grain vegetables, fruit, eggs, milk, butter, lard, and other provisions consumed as food. 3 Am J2d Agri § 2. Including for the purpose of tax or licensing statutes products of the field and garden, fruit trees, livestock, poultry, eggs, dairy products, meats, and honey. 3 Am J2d Agri § 2. Crops, livestock, or supplies used or produced in farming operations. UCC § 9-109(3).

See **crops.**

**farm relief.** The relief of burdensome indebtedness of farmers by means of refinancing farm mortgages at low rates of interest through governmental agencies. 3 Am J2d Agri § 30. A form of relief under the Bankruptcy Act, known as agricultural compositions and extensions, provided as a temporary measure in 1933 but continuing until March 1, 1949, and even beyond that date as to proceedings then pending the primary objective of which was to enable the farm debtor to hold onto his property and keep operating under extensions of time for payment or redemption. 9 Am J2d Bankr § 162.

**farm tractor.** See **tractor.**

**farm use.** As the term appears in an automobile insurance policy, use in pursuance of the profession of farming. Anno: 10 ALR2d 674.

**farm vehicles.** Motor vehicles employed in transporting or delivering dairy or other farm products or livestock. 7 Am J2d Auto § 78.

**faro.** A card game played by gamblers. 24 Am J1st Gaming § 37.

**farrago libelli.** Book, compiled or written in a confused or disorderly manner.

**farrier.** One who shoes horses; a person who takes care of sick horses.

**farsightedness.** Better vision for distant than near-by objects.

**farthing.** A British coin of very small value practically out of circulation. Anything of extremely small value.  
See **smoke farthings.**

**farthing damages.** Nominal damages; that is, such damages as are awarded when judgment is for the plaintiff and no actual damages have been or can be shown.

**Faryndon Inn.** One of the ancient inns of court in London.

**f.a.s.** Abbreviation of free alongside steamer.  
See **free alongside steamer.**

**fas.** That which is right or just in the sight of God, as distinguished from "jus," which more frequently refers to that which is right in the aspect of man-made law. See 3 Bl Comm 2.

**Fascist.** One who advocates, or is a member of an organization which advocates, the establishment of a totalitarian dictatorship.

**fast.** Speedy. Living in a state of dissipation. Tied.

In railroading, a train is going fast within the meaning of yard rules when traveling at the full authorized rate of fifteen miles an hour. Missouri Pacific R.R. Co. Baldwin (CA8 Ark) 117 F2d 510.

**fast bill of exceptions.** A bill of exceptions which is entitled to review by the higher court without the usual delay. Sewell v Edmonston, 66 Ga 353.

**fastening seat belt.** A precaution to be taken by one riding in an airplane at time of takeoff or landing or during a turbulence. 8 Am J2d Avi § 96.

**fast estate.** An unusual term for real property. Jackson ex dem. Decker v Merrill (NY) 6 Johns 185, 191.

**fasti.** Those days on which the praetor could administer justice under the Roman law.

**fast writ.** Any matter or proceeding which is entitled to precedence on the calendar of the court. *Young v Hamilton*, 135 Ga 339, 69 SE 593.

**fast writ of error.** A proceeding by writ of error entitled to precedence on the court docket. *Gordon v Gordon*, 109 Ga 262, 34 SE 324.

**fatal.** Causing death; deadly or mortal. *Boyer v State*, 84 Neb 407, 121 NW 445.

**fatale.** See **damnum fatale**.

**fatal error.** See **prejudicial error**.

**fatal injury.** A personal injury resulting in death. *Provident Life & Acci. Ins. Co. v Johnson* (Tex Civ App) 235 SW 650.  
See **personal injury**.

**fatal variance.** A material variance between the pleading and the proof, a variance which actually misleads the opposing party to his prejudice in maintaining his cause of action or defense. 41 Am J1st Pl § 371.

**fate.** Inevitability; destiny.

**Fatetur facinus qui judicium fugit.** A person who flees from judgment admits his guilt.

**father.** A person's male parent; a male who has be gotten a child. An adoptive male parent. *Lind v. Burke*, 56 Neb 785, 790, 77 NW 444, 445. A priest; a person honored or respected because of age or position.

**father's natural guardianship.** The modern status of the father as the natural guardian of the person of all his children until they have attained the age of twenty-one. 25 Am J1st 10 G & W § 6.

**fatigue life.** The useful life of a metal, it being recognized as a scientific fact that even hard metal may in time, by the action of the elements, stress and strain, cease to have the resistance which makes it useful. *Northwest Airlines Inc. v Glenn L. Martin Co.* (CA6 Ohio) 24 F2d 120 50 ALR2d 882, reh den 229 F2d 434, 50 ALR2d 897.

**fatty degeneration.** Abnormality in the appearance of particles of fat in tissues; not a bodily infirmity as a matter of law. *Modern Woodmen Acci. Asso. v Shryock*, 54 Neb 250, 74 NW 607.

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**fatua mulier.** A ruined woman; a whore.

**fatuitas.** Fatuity; idiocy.

**fatuity.** Stupidity. Folly.

**fatum.** Fate; vis major.

**fatuous person.** A silly person. In rare usage, an idiot.

**fatuum judicium.** A fatuous, foolish, or idiotic judgment.



**fatuus.** Fatuous; foolish; idiotic; an idiot.

**Fatuus, apud jurisconsultos nostros, accipitur pro non compos mentis; et fatuus dicitur, qui omnino desipit.** "Fatuus," among our men learned in the law, is treated as meaning not in one's right mind, and he is called "fatuus" who is altogether foolish.

**Fatuus praesumitur qui in proprio nomine errat.** He is presumed incompetent who mistakes his own name. Van Alst v Hunter (NY) 5 Johns Ch 148, 161.

**faubourg.** In Louisiana,—a suburban town or community.

**fauces terrae.** Headlands inclosing a bay.

**fault.** A wrongful act, omission, or breach. UCC § 1-201(16). An error or defect of judgment or conduct; any deviation from prudence, rectitude, or duty; any shortcoming or neglect of care or performance, resulting from inattention, incapacity, or perversity; a wrong tendency, course, or act; including but not limited to negligence; not necessarily imputing moral delinquency. Louisville, Evansville & St. Louis Railroad Co. v Berry, 2 Ind App 427, 431.

**fausse.** False.

**fautor.** A patron; a supporter; an abettor.

**faux.** False.

**fauxer.** To falsify; to forge.

**favor.** Grace; indulgence; prejudice; bias.

See **challenge to the favor.**

**favorabilia in lege sunt fiscus, dos, vita, libertas.** Favorites of the law are the revenue, dower, life, and liberty.

**Favorabilia in lege sunt vita, fiscus, dos, libertas.** Life, the revenue, dower and liberty are favorites of the law. State ex rel. Corporation Com. v Dunn, 174 NC 679, 94 SE 481.

**Favorabiliores rei potius quam actores habentur.** Defendants are favored rather than plaintiffs.

Both parties are the objects of the law's equal protection, but to make the protection equal, a certain position is assigned to the defendant; he is so placed that he may not be overcome by surprise. Hunt v Rousmanier's Administrators (US) 8 Wheat 174, 195, 5 L Ed 589, 594.

**Favorabiliores sunt executiones aliis processibus quibuscunque.** Executions are more favored than all other processes.

**favorable construction.** See **liberal construction.**

**favorable error.** An error of the trial court which is favorable to a party and is therefore one which he cannot assign as error either on a motion for a new trial or on appeal. 5 Am J2d A & E § 784.

**favored vessel.** A vessel to be favored by other craft in navigation. *Connolly v The Ace* (CA2 NY) 164 F2d 86. The ship, boat, or other watercraft to which other vessels must give way in order to avoid collision and injury. 12 Am J2d Boats § 80; 48 Am J1st Ship §§ 250 et seq. The one of two vessels approaching each other which is required by the rules of navigation to keep her course and speed. *The Knoxville City* (CA9 Cal) 112 F2d 223.

**Favores ampliandi sunt; odia restringenda.** Favorable comments should be encouraged, expressions of hatred should be restrained.

**favoritism.** See **bias; discrimination; favor; prejudice.**

**favor of.** On the side of, as in announcing the score of a game or contest. An informal term for the creation of a fiduciary relationship.

A check made payable to the order of one person "favor of another person makes the payee upon accepting the check a fiduciary for the other person and the words "favor of" are equivalent to "collect for" or "for account of." *White v National Bank*, 102 US 658, 26 L Ed 250.

**f. b.** Abbreviation of freight bill.

**FBI.** Abbreviation of **Federal Bureau of Investigation.**

See **Bureau of Investigation.**

**FCC.** Abbreviation of **Federal Communications Commission.**

**fcp.** Abbreviation of foolscap.

**FDA.** Abbreviation of **Food and Drug Administration.**

**feal.** Faithful; loyal.

**feat and divot.** A servitude of taking sod, corresponding closely to the English common of turbary.

**fealte.** Same as **fealty.**

**fealty.** An incident of feudal tenure, being the obligation of fidelity which a tenant owed to his lord. 19 Am J2d Est § 3.

**fear.** A state of agitation and anxiety prompted by the nearness or imagined nearness of danger or evil. A basic element of the instinct of self-preservation.

Fear consists in capitulating to the human instinct of self-preservation. The bravest of men know what it is. It is not a ridiculous malady, nor one that a person need be ashamed of under ordinary circumstances. *Everett v Paschall*, 61 Wash 47 , 111 P 879.

In robbery, the fear which moves the victim to part with his goods may be the apprehension of injury to his person, property or reputation. No matter how slight the cause creating the fear may be, nor by what other circumstances the taking may be accomplished, if the transaction be attended with such circumstances of terror, such threatening by word or gesture, as in common experience are likely to create an apprehension of danger, and to induce a man to part with his property for the safety of his person, he is put in fear. See 46 Am J1st Rob § 16.

The fear of disease, which is sometimes an element in depriving a person of the comfortable enjoyment of his property, is real in that it affects the movements and conduct of men. Such fears are actual and must be recognized by the courts as other emotions of the human mind. *Everett v Paschall*, 61 Wash 47, 111 P 879.

See **fright**.

**fearm.** Same as **farm**.

**fear of death.** See **fear**; **gift causa mortis**.

**feasance.** A doing; a making; putting into effect.

See **malfeasance**; **misfeasance**; **nonfeasance**.

**feasant.** The process of acting or putting into effect.

See **damage feasant**.

**feasibility.** Capability of accomplishment. *Gilmartin v D. & N. Transp. Co.* 123 Conn 127, 193 A 726, 113 ALR 1322.

**feasor.** One who performs or commits.

**feasts.** Ecclesiastical festivals or holidays. Rent days and days for holding court were often fixed by reference to these feasts.

**febrile.** Feverish.

See **delirium febrile**.

**featherbedding.** The exaction of pay for services not to be performed. 31 Am J Rev ed Lab § 261.

**feciales.** Ancient Roman officers upon whom devolved the functions of declaring war and peace.

**fecial law.** The ancient Roman law governing declarations of war and peace.

**federal.** Joined in a union having central and predominate authority. Appertaining to the community of sovereign states, the United States of America. *Piqua Bank v Knoup*, 6 Ohio St 342.

See terms and expressions beginning **federal**; **national**; **United States**.

**federal act.** See **federal statute**.

**federal agencies and instrumentalities.** Agencies, boards, bureaus, commissions, institutions, and services of the United States Government.

For particular agency, bureau, commission, service, or instrumentality, see the pertinent title or popular name, such as **Bureau of Investigation**; **Civil Service Commission**; **Deposit Insurance Corporation**; **Housing and Home Finance Agency**; **Mediation and Conciliation Service**; **Power Commission**, etc.

**federal agency.** A federal administrative board or commission. A means or agency used by the Federal government. *Capitol Bldg. & Loan Asso. v Kansas Com.* 148 Kan 446, 83 P2d 106, 118 ALR 1212.

See **federal agencies and instrumentalities**.

**federal aid.** The use of federal funds in giving financial aid to states or state agencies, for particular purposes, such as the construction of highways, the elimination of slums, the control of disease, etc.

See **foreign aid**.

**federal airports.** Airports in the continental United States in, or in close proximity to, national parks, national monuments, and national recreation areas. 16 USC §§ 7a-7e.

**federal airway.** A portion of the navigable air space of the United States designated by the Administrator of the federal aviation agency as a federal airway. 49 USC § 1301(18).

**federal bureaus.** See **federal agencies and instrumentalities**.

**federal census.** The census taken every 10 years by the Federal Government. 14 Am J2d Census §§ 1-4.

**Federal Code.** See **United States Code**.

**federal commissioner.** See **United States Commissioner**.

**federal commissions.** See **federal agencies and instrumentalities**.

**federal common law.** A concept intriguing to legal theorists. Strictly speaking, a nonentity. 15 Am J2d Com L § 4. In a less than strict usage, the common law enforced generally throughout the United States. *Western Union Tel. Co. v Call Pub. Co.* 181 US 92, 45 L Ed 765, 21 S Ct 561.

While there is no common law of the United States in the sense of a national customary law, the courts of the United States enforce the law as they find it in the several states and apply the common law, as a national institution, in the interpretation of the constitution. *State ex ref. Powell v State Bank*, 90 Mont 539, 4 P2d 717, 80 ALR 1494.

Although there is no national common law in the United States distinct from the common law which each state has adopted for itself and applies as its local law subject to alteration by statute, there is a federal common law in the sense that the United States Constitution, treaties, and statutes are construed in the light of common law principles and in the further sense that the federal courts also apply common law principles in cases involving substantive matters in transactions substantially involving the interests or obligations of the federal government or its instrumentalities. 15 Am J2d Com L § 4.

"Notwithstanding *Erie Railroad v Tompkins*, 304 US 64, 82 L Ed 1188, 58 S Ct 817, 114 ALR 1487, there still exist certain fields where legal relations are governed by a Federal common law, a body of decisional law developed by the Federal courts untrammelled by state court decisions." *O'Brien v Western Union Telegraph Co.* (CA1 Mass) 113 F2d 539.

**Federal Control Act.** The statute which provided for the operation of the railroads by the federal government during World War I. 31 USC § 191.

**federal corporation.** A corporation chartered by act of Congress or organized under federal laws. 23 Am J2d For Corp §§ 112, 113.

**federal courts.** See **United States Courts**.

**federal district.** An area for the seat of government in a country under the federal system; the District of Columbia in the United States. A judicial district in the federal system of courts.

**federal enclave.** A federal institution, such as a military base, within a state. A place falling within the special maritime and territorial jurisdiction of the United States. 21 Am J2d Crim L § 395.

**Federal Government.** The government of the United States; the government of a community of independent and sovereign states, united by compact. *Piqua Bank v Knoup*, 6 Ohio St 342, 394.

See **United States**.

**federal grant.** A transfer of title to public lands of the United States by act of Congress, through

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treaty provisions, or by patent under general laws. 42 Am J1st Pub L § 30.

**federal instrumentality.** A means or agency used by the Federal government. *Capitol Bldg. & Loan Asso. v Kansas Com.* 148 Kan 446, 83 P2d 106, 118 ALR 1212.

See **federal agencies and instrumentalities**.

**Federalist.** A series of political essays on the United States Constitution, written by Alexander Hamilton, James Madison, and John Jay in advocating the adoption of the great document, to which recourse has often been had in the interpretation of the constitution. 16 Am J2d Const L § 89.

**federal judge.** A judge of a court of the United States. *Fong Yue Ting v United States*, 149 US 698, 37 L Ed 905, 13 S Ct 1016.

**federal lands.** See **public lands**.

**federal legislation.** See **federal statute**.

**federal offenses.** Offenses defined by Congress and for which Congress prescribes punishment. 21 Am J2d Crim L § 15.

An offense created by a statute which is operative only within the District of Columbia is an offense against the United States. *Beard v Bennett*, 72 App DC 269, 114 F2d 578.

**federal police power.** A power analagous to the police power of the states; the police power appropriate to the exercise of any attribute of sovereignty specifically granted the federal government by the Constitution of the United States. 16 Am J2d Const L §. 276.

**federal powers.** The powers granted the federal government by the Constitution of the United States.

See **resulting powers**.

**federal prison.** A prison erected under authority of Congress at any place within the jurisdiction of the United States for the confinement of persons sentenced to imprisonment under the laws of the United States or a state prison designated by Congress under arrangement with a state for the reception of Federal prisoners. 41 Am J1st Pris & P § 7.

**federal question.** A genuine and substantial controversy, arising under the Constitution, a law, or treaty of the United States, presented in such form that the judicial power is capable of acting upon it, and so directly involved in a case that a determination thereof is necessary to a decision. *Kansas v Colorado*, 206 US 46, 51 L Ed 956, 27 S Ct 655; *Smith v Kansas City Title & Trust Co.* 255 US 180, 65 L Ed 577, 41 S Ct 243.

**Federal Register.** An official publication in daily issues of executive orders and proclamations of the President, rules, regulations, etc. of the federal departments, commissions, and agencies. A publication prescribed by law wherein every federal agency shall publish: (1) descriptions of its central and field organization, including delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests;

(2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations; and substantive rules and statements of general policy. 5 USC 1002.

See **Code of Federal Regulations**.

**federal reserve.** See **reserve system**.

**federal reserve bank.** See **reserve bank**.

**Federal Rules of Civil Procedure.** A comprehensive set of rules governing procedure in the United States District Courts, promulgated by the United States Supreme Court under power delegated to the court by Congress, replacing the Conformity Act and the Federal Rules of Equity Practice.

**Federal Rules of Criminal Procedure.** A comprehensive set of rules governing the procedure in criminal cases in the United States District Courts, promulgated by the United States Supreme Court.

**Federal Rules of Equity Practice.** A set of rules, adopted by the United States Supreme Court, governing the practice and procedure in equity suits in the United States District Courts, since supplanted by the Federal Rules of Civil Procedure which govern in all suits in such courts of a civil nature whether cognizable as cases at law or in equity.

**federal statute.** The written will of Congress as expressed formally by an Act of Congress. 50 Am J1st Stat § 2.

For particular statute, see the pertinent title or popular name, such as **Alcohol Administration Act; Bank Conservation Act; Farm Loan Act; Interpleader Act; Miller Act; Ship Mortgage Act**, etc.

**federal taxes.** See **internal revenue**.

**federation.** A combination of states or bodies to which the components surrender at least some measure of their powers. A combination of labor unions.

**fee.** The royalty paid for the use of a patent or copyright under license. The charge made for services of a professional man, such as a lawyer, physician, or abstractor. 1 Am J2d Abstr T § 3, the charges for the services of a public officer in his official capacity (Rose v Superior Court, 80 Cal App 739, 252 P 765), especially the services of the clerk of court. 15 Am J2d Cl C § 14. A charge imposed upon students for an incidental, such as a fee for use of library or laboratory, a student-union fee, an athletic fee, or a matriculation fee. 15 Am J2d Colleges § 19. A perpetual annuity. 4 Am J2d, Annu § 7.

An estate in real property, which, unless qualified by additional terminology, is an estate in inheritance where the tenant is not only entitled to enjoy the land for his own life, but where, after his death, it is cast by law upon the persons who successfully represent him in perpetuum in right of blood, according to a certain established order of descent. 19 Am J2d Est § 8. Often used as a synonym of fee simple.

The word was originally used in contradistinction to the word "allodium," and signifies that which was held of another, on condition of rendering him a service. And although the word is now generally used to express the quantum of the estate, it is also used to designate a fee simple. Hay's Estate v Commissioner (CA5) 181 F2d 169, 39 ALR2d 453; Wendell v Crandall, 1 NY 491, 495.

See **conditional fee; determinable fee; fee tail**.

**feeble-minded.** A condition of incomplete development of mind of such a degree or kind as to render the individual incapable of adjusting himself to his social environment in a reasonably efficient and harmonious manner and to necessitate external care, supervision, or control. Re Masters, 216 Minn 553, 13 NW2d 487, 158 ALR 1210. Having a subnormal mentality. 21 Am J2d Crim L § 28.

**fee conditional.** See **conditional fee.**

**feed.** Noun: Provender for cattle and other animals. Verb: To supply food, as to "feed" the starving of the world out of our abundance.

**feeder.** A canal which intersects another and larger canal to which it brings traffic; a railroad line which intersects a trunk line with which it exchanges traffic; a steer or heifer of such size and condition as to be ready for feeding preparatory to marketing the animal.

**Feed Grain Program.** Various activities of the Federal Government carried on to reduce the acreage of land planted to feed grains, conducted for the purpose of stabilization of prices.

**feed loans.** Government loans for livestock feed made when, by reason of drought, destruction or failure of crops, farmers are unable otherwise to procure them. 3 Am J2d Agri § 33.

**fee-expectant.** A fee which is limited to a man and his wife and the heirs of their bodies.

See **expectant estates.**

**fee farm.** A letting of lands to farm in fee-simple, instead of the usual methods for life or years. See 2 Bl Comm 43.

See **rent charge.**

**fee farm rent.** The rent reserved in letting a fee farm.

See **rent charge.**

**fee in abeyance.** See **in abeyance.**

**feelings.** Emotions.

Injury to feelings is often used as synonymous with the term mental suffering. *Bovee v Danville*, 53 Vt 183, 191. fees.

See **fee.**

**fee schedule.** See **minimum fee schedule.**

**fee simple.** The largest estate in land known to the law and implying absolute dominion over the land; an estate of inheritance clear of any condition, limitation, or restriction, to particular heirs. 28 Am J2d Est § 10. An estate of lawful inheritance or pure inheritance, "fee" standing for inheritance and "simple" for pure or lawful. A legal or equitable estate in land constituting the largest estate and implying absolute dominion, although possibly subject to executory limitations or conditions subsequent. *Hay's Estate v Commissioner* (CA5) 181 F2d 169, 39 ALR2d 453; *Ford v Unity Church Society*, 120 Mo 498, 25 SW 394.

See **fee simple.**

**fee simple absolute.** A fee simple.

**fee simple conditional.** Same as **conditional fee.**

**fee splitting.** See **division of fees.**

**feet.** See **foot.**

**fee tail.** A legal or equitable estate in which lands and tenements are given to one and the heirs of his body begotten, in other words, an estate of inheritance which is to pass by lineal descent only. 19 Am J2d Est § 45. An estate resulting from the application of the Statute de Donis to the conditional fee. 19 Am J2d Est § 45.

The name was borrowed from the feudists, among whom it signified any mutilated or truncated inheritance from which the heirs general were cut off, or, as some say, because ownership of the subject was cut in two parts, one going to the donee and the heirs of his body, and the other remaining as a reversion in the donor. *Gannon v Albright*, 183 Mo 498, 81 SW 1162.

See **barring the entail; common recovery; fine to bar entail; Statute de Donis.**

**fee tail after possibility of issue extinct.** An estate which is not a conventional one, but is of the legal kind and arises when a tenant is tenant in special tail and a person from whose body the issue was to spring, dies without issue; or, having left issue, that issue becomes extinct. In either of these cases the surviving tenant in special tail becomes tenant in tail after possibility of issue extinct. 2 Bl Comm 124.

**fee tail female.** An estate tail in which the distinctive limitation is to female heirs of the donee's body. 28 Am J2d Est § 45.

**fee tail general.** An estate tail where the limitation is to the heirs of a man's body generally. 28 Am J2d Est § 45.

**fee tail male.** An estate tail in which the distinctive limitation is to male heirs of the donee's body. Restatement, Property § 78, Comments b, c, d; 28 Am J2d Est § 45.

**fee tail special.** See **special estate tail.**

**fegangi.** A fleeing thief who was captured with the stolen goods in his possession.

**feigned accomplice.** One who participates in an act, otherwise criminal, with the intent, not to accomplish that which constitutes a crime, but to secure the apprehension of the other participant or participants. 13 Am J2d Burgl § 26.

**feigned action.** A fictitious suit; a suit instituted to obtain a judicial opinion, without an actual or existing controversy between the parties. 1 Am J2d Actions § 56.

**feigned appearance.** Disguise. A false registration of emotions.

**feigned conduct.** Disguising one's feelings, emotions, intent, or purpose by assuming a posture.

**feigned injury.** A pretended personal injury asserted by way of exaggerating a claim for damages.

**feigned issue.** An issue in a suit in equity presented for trial at law before a jury under the guise of a fictitious wager. 27 Am J2d Equity § 240.

Feigned issues were also frequently used in courts of law, by consent of the parties, to determine some disputed right without the formality of pleading, thus saving time and expense. See 3 Bl Comm 452.

**FELA.** Abbreviation of Federal Employers' Liability Act.

**feldspar.** A mineral. Anno: 86 ALR 984.

**fele.** Same as **feal.**



**Felix qui potuit rerum cognoscere causas.** He is fortunate who is able to understand the causes of things.

**fellow-heir.** A joint heir; a co-heir; a person sharing an inheritance with another or with others.

**fellow servant doctrine.** The common-law rule which absolves an employer from liability to one engaged in his employment for injuries incurred or suffered solely as the result of the negligence, carelessness, or misconduct of others who are in the service of the employer and who are engaged in the same common or general employment as the injured employee. 35 Am J1st M & S § 334.

**fellow servants.** Literally, co-workers in the same employment. For the purposes of the fellow servant

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doctrine:—the injured person and the person who caused the injury engaged in the service of the same employer and acting at the time the injury was sustained within the scope of their employment. 35 Am J1st M & S § 377. With refinements:—servants of a common master, who are engaged in and about a common work under one common master workman or superintendent, and who in doing their work can observe and influence each other's conduct and suggest delinquencies to a correcting power. *Relyea v Kansas City, Fort Scott & Gulf Railroad Co.* 112 Mo 86, 93, 20 SW 480.

All the members of the crew on the same vessel, with the exception, according to some authorities, of the master or other commanding officer, are fellow servants of each other, though their duties and functions differ; and the same is true of workmen engaged in building, repairing, loading or unloading a ship. 48 Am J1st Ship § 127.

**felo.** A felon.

**felo de se.** A self-destroyer; a suicide.

**felon.** One who has been convicted of a felony and whose disabilities arising from such conviction have not been removed. An infection of finger or toe extruding pus and very painful. 29A Am J Rev ed Ins § 1173.

**felonia.** A felony.

**feloniae, per quas vasallas amitteret feudum.** Felonies through which a vassal would lose his fee. See 2 Bl Comm 284.

**Felonia, ex vi termini, significat quodlibet capitale crimen felleo animo perpetratum.** Felony, by the force of the term, signifies any capital crime perpetrated with felonious intent.

**Felonia implicatur in qualibet prodicione.** Felony is implied in every treason.

**felonice.** Feloniously. An allegation that the criminal act was committed "feloniously" or "felonice," was a vital formality in every indictment charging the commission of a felony. See 4 Bl Comm 307.

**Felonice abduxit unum equum.** He feloniously led away one horse.

**felonice cepit.** He feloniously took.

**felonious.** Having the quality of a felony; malignant; malicious; villainous; perfidious; in a legal sense, done with intent to commit a crime. *State v Bush*, 47 Kan 201, 207.

See **felonious intent**.

**felonious homicide.** Murder, in some one of the degrees of the offense, or manslaughter, depending upon the presence or absence of malice, express or implied, or upon the fact that the homicide was committed by the slayer while in the perpetration of another felony. 26 Am J1st Homi § 2.

The killing of a human creature of any age or sex, without justification or excuse. This may be done either by killing one's self, or another man. The term therefore includes self-murder, murder and manslaughter. See 4 BI Comm 188-190.

**felonious intent.** The intent to commit a felony. As an element of the crime of larceny:—an absence of color, of right or excuse for the act, combined with an intent to deprive the owner permanently of his property, sometimes including an element of concealment. 32 Am J1st Larc § 36.

It is not sufficient in an indictment for burglary, to charge simply intent to commit a felony; the particular felony intended must be specified. 13 Am J2d Burgl § 36.

**feloniously.** Acting with intent to commit a felony or to do that which constitutes a felony under the law even perhaps without knowledge of the legal effect. Acting with an evil heart or purpose. *State v Clark*, 83 Vt 305, 75 A 534. A technical, but in many jurisdictions an essential, word in an indictment charging a felony, at least where the offense is a felony at common law. 27 Am J1st Indict § 67.

**feloniously and burglariously.** A conventional expression in an indictment for burglary employed in charging an intent to commit a felony. *State v Wiley*, 173 Md 119, 194 A 629, 113 ALR 1267.

**felony.** A generic term for certain high crimes, such as murder, treason, robbery, and larceny, for the purpose of distinguishing them from minor offenses known as misdemeanors. 13 Am J2d Burgl § 36. An offense punishable by death, or by the imprisonment in a state prison or penitentiary. *Briggs v Board of County Comrs.* 202 Okla 684, 217 P2d 827, 20 ALR2d 727. Such a serious offense as was formerly punishable by death or by forfeiture of lands or goods. *Bannon v United States*, 156 US 464, 39 L Ed 494, 15 S Ct 467.

Within the meaning of a statute which provides that a homicide committed in the perpetration of a felony is murder, a "felony" is an act punishable either capitally or by imprisonment in state prison, whether the act is one proscribed by the common law or by statute. 26 Am J1st Homi § 39.

**female.** One of the sex that bears offspring. *State v Hemm*, 82 Iowa 609, 48 NW 971.

See **chaste female; fee tail female; virtuous female.**

**female disease.** A disease not common to both sexes, peculiar to females. 29A Am J Rev ed Ins § 1158.

**female estate tail.** An estate tail in which the distinctive limitation is to female heirs of the donee's body. 28 Am J2d Est § 45.

**feme.** A woman.

**feme covert.** A married woman.

**feme sole.** An unmarried woman.

**feme sole trader.** A married woman who engages in business on her own account. *M'Daniel v Cornwell* 10 SC Eg (1 Hill) 428, 429.

**femicide.** The killing of a woman.

**femme.** A woman.

**fen.** A marsh or swamp.

See **submerged fen.**

**fenatio.** The breeding season of deer.

**fence.** An inclosure about a field or other space, or about any object, especially an inclosing structure of wood, iron, or other material, intended to prevent intrusion from without or straying from within; a visible or tangible obstruction which may be a hedge, ditch, wall, trestle, frame of wood, wire, rails, or any line of obstacle interposed between two portions of land so as to part off and shut in the land and set it off as private property or for the purpose of using it separately from adjacent land of the same owner. 35 Am J2d Fen § 1. A place

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where thieves, robbers, and burglars may dispose of their plunder. State v Rosenbaum, 80 Conn 327, 68 A 250.

See **lawful fence; partition fence; spite fence.**

**fence district.** Same as **fencing district.**

**fence-mouth.** The closed or fawning season for deer.

**fence operation.** Receiving stolen property; receiving stolen vehicles. 7 Am J2d Auto § 307.

**fence viewer.** An officer, usually a township officer, having the duty of ascertaining the true boundary between adjoining landowners in case of dispute, and, in some jurisdictions, authorized to determine the sufficiency of a fence on a boundary line.

**fencing district.** A district established under statute for the purpose of requiring the owners of livestock within such district to keep their animals restrained against trespassing upon the premises of other persons, in order that crops may be cultivated on unfenced premises. 4 Am J2d Ani § 51.

**fender.** A guard and protection against danger. State, Cape May, etc. Railway Co. v Cape May, 59 NJL 396, 403, 36 A 696. A metal pattern placed over the wheels of a motor vehicle to prevent the splashing of mud and the throwing of particles from the highway. The cowcatcher of a locomotive.

**feneration.** The lending of money at interest; interest; usury.

**fengeld.** A tax imposed for warding off or repelling enemies.

**feod.** A fee, a fief.

**feodal.** Same as **feudal.**

**feoda; actions.** Same as **feudal actions.**

**feodality.** Same as **fealty.**

**feodal law.** Same as **feudal law.**

**feoda propria et impropria.** Proper (military) and improper (nonmilitary) feuds. See 2 Bl Comm 58.

**feodary.** Same as **feudary.**

**feodatory.** Same as **feudatory.**

**feodi firma.** Same as **fee-farm.**

**feodo.** See **de feodo.**

**feodum.** Same as **feudum.**

**feoffment.** A common law method of conveying the title to real estate, accompanied by traditional and conventional livery of seisin. 23 Am J2d Deeds § 11.

**feodum antiquum.** An ancient fee. Same as **feudum antiquum.**

**Feodum est quod quis tenet ex quacunque causa, sive sit tenementum sive redditus.** A fee is something that a person holds from whatever cause, whether it be tenement or rent.

**Feodum est good quis tenet sibi et haeredibus suis, sive sit tenementum, sive redditus, etc.** A fee is that which one holds for himself and his heirs, whether it be a tenement or a rent.

**feodum nobile.** Same as **feudum nobile.**

**feodum novum.** Same as **feudum novum.**

**Feodum simplex quia feodum idem est quod haereditas, et simplex idem est quod legitimum vel purum; et sic feodum simplex idem est quod haereditas legitima vel haereditas pura.** It is called a "fee simple," because "fee" is the same as inheritance and "simple" is the same as lawful or pure; and so "fee simple" is the same as lawful inheritance or pure inheritance.

**feodum talliatum, i. e., haereditas in quandam certitudinem limitata.** A fee tail, that is, an inheritance limited in a certain descent.

**feoffamentum.** A feoffment,—derived from feoffare or infeudare, to give one a feud. See 2 BI Comm 310.

**feoffare.** To enfeoff; to grant a fee.

**feoffator.** Same as **feoffor.**

**feoffatus.** Same as feoffee.

**feoffavit.** He has enfeoffed.

**feoffee.** A person to whom a fee is conveyed; a person to whom a feoffment is made; the donee of any corporeal hereditament; one who is enfeoffed. See 2 BI Comm 310.

**feoffee to uses.** A person to whom a fee is conveyed to the use of another person, who is called the cestui que use.

**feoffment.** The act of enfeoffing or investing a person with a fee. The transfer of a fee, a freehold or a corporeal hereditament by livery of seisin.

See **livery of seisin**.

**feoffor.** A person who conveys a fee; a person who makes a feoffment; one who gives any corporeal hereditament to another; one who enfeoffs another. See 2 Bl Comm 310.

**feoh.** A fee; a reward.

**feorme.** Same as **farm**.

**ferae bestiae.** Wild beasts; wild animals.

**ferae igitur bestiae, et volucres, et omnia animalia quae mari, coelo et terra nascuntur, simul atque ab aliquo capta fuerint, jure gentium statim illius esse incipiunt. Quod enim nullius est, id naturali ratione occupanti conceditur.** (Roman law). Hence, wild animals and birds, and all animals which spring from the sea, the air and the earth as soon as they have been taken by anyone by the law of nations forthwith become his. For what belongs to no one by natural reason is given to the one taking it. See 2 Bl Comm 411.

**ferae naturae.** Wild animals. 4 Am J2d Ani §§ 2, 4.

**ferdwit.** (Saxon.) A fine for not joining a military expedition.

**ferens ligna in sylva.** Carrying wood to the forest; superfluous.

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The expression is applied to the tautologous use of adjectives, as a "round" ball, an "open" assumption of marital rights, duties, and obligations. *Sharon v Sharon*, 75 Cal 1, 75, 16 P 345, 379.

**feria.** A fair; a ferry; a holiday.

**feriae.** Plural of **feria**.

**ferial days.** Holidays; also, working-days other than Sundays.

**ferita.** A wound.

**ferme.** Same as **farm**.

**fermented liquor.** Alcoholic beverages prepared in part by utilizing the natural process of fermentation.

**fermer.** Same as **farmer**.

**ferret.** See **tax ferret**.

**ferrriage.** Transportation by ferry. The price or fare fixed by law for the transportation of the traveling public, with such goods and chattels as they may have with them, across a river, bay, or lake. *People v San Francisco & Alameda Railroad Co.* 35 Cal 606, 619.

**ferry.** Verb: To transport persons and their belongings across a river or other body of water. 35 Am J2d Ferr § 1. Noun: A place where persons are taken across a river or other body of water in boats or other vessels for hire. A boat, barge, or raft, which, plying back and forth across a stream or other body of water for the conveyance of passengers and their belongings, thereby serves as a connection of the highways located on the opposite banks or shores. 35 Am J2d Ferr § 1. A merchant vessel. *Re Ellingson* (DC Cal) 300 F 225. The right or franchise granted by the state or an authorized political subdivision to continue, by means of watercraft, an interrupted land highway over interrupting waters and to charge a fee for the use thereof by the public. See 35 Am J2d Ferr § 2.

**ferry boat.** See **ferry**.

**ferry bridge.** A structure floating on water, which is hinged or chained to a wharf. 47 Am J1st Salv § 4.

**ferry customers.** Persons transported by ferry. Persons wishing to go along the highway, of which the ferry constitutes a part, and whom the proprietor of the ferry would be bound to transport on being called by them, and not such as wish to travel from one of the ferry landings to a point out of the highway. *Taylor v Wilmington & Manchester Railroad Co.* 49 NC (4 Jones L) 277, 282.

**ferry franchise.** The right or privilege, usually exclusive, granted by or under the authority of the legislature, to operate a ferry at a certain designated place. A public right obtained under a grant by the state or an authorized political subdivision to a designated person vesting in him the authority to continue an interrupted land highway over interrupting waters. 35 Am J2d Ferr § 6.

**ferryman.** A person operating a ferry.

In the understanding of the common law, a ferryman was a person who had the exclusive right of transporting passengers over rivers and other watercourses, for hire, at an established rate; and no other person could keep or employ a boat to his prejudice, either at the same place, or within a limited distance above or below him; and he was bound at all times to be ready with good boats and craft to convey passengers backwards and forwards, otherwise an action would lie against him. *Clarke v State*, 7 SC Eq 2 M'Cord 47.

**ferry ramp.** The sloping way leading from the land portion of a highway down to a ferry landing or up from a ferry landing to the land portion of a highway; a part of the highway generally but not necessarily a "highway" for all applications of a traffic regulation. *Dilich v Templemen Bros.* (La App) 164 So 261.

**fertilizer.** A substance, natural, as in the case of manure, or artificial, as in the case of bone meal, applied to the soil to increase fertility.

**fesaunt.** Same as **feasant**.

**Festinatio justitiae est noverca infortunii.** The hastening of justice is the stepmother of misfortune.

**festingman.** A surety.

**felting penny.** Money paid over as an earnest to bind a contract of hiring.

**festinum remedium.** A speedy remedy.

**festival.** A celebration, especially an annual celebration of a religious event. A merrymaking with music and other entertainment.  
See **feasts**.

**festuca.** Same as **fistuca**.

**festum.** A feast; a festival.

**fet.** Done; made; a fact; a deed. fete. An entertainment held outdoors; a festival.

**fetiales.** Same as **feciales**.

**fetial law.** Same as **fecial law**.

**feticide.** The killing of the foetus in the uterus; a criminal abortion.

**fetters.** Manacles; shackles; irons and chains used to secure prisoners.

**fetus.** Same as **foetus**.

**feu.** Fire; a hearth; a fee; a Scotch land tenure under which the holding was by the payment of rent either in produce or in money.

**feu annuals.** (Scotch.) The annual rent paid by the holder of a feu.

**feuar.** (Scotch.) The holder or tenant of a feu.

**feud.** A long continued enmity, especially a quarrel between families lasting for generations. Another term for fee or fief.  
See **fee; fief; vendetta**.

**feuds antiqua.** Plural of **feudum antiquum**.

**feuds individua.** Impartible feuds or fees; that is, feuds or fees which were so made that they could descend only to the eldest son. See 2 Bl Comm 215.

**feudal.** Pertaining to that kind of land tenure under which the land was held of a superior, as opposed to allodial, where it was not. Pertaining to the feudal system of the medieval period.

**feudal actions.** Real actions,—actions which concerned real property only. Formerly, these actions were employed to settle all disputes concerning real property, but owing to their complicated nature they were superseded by more expeditious proceedings for trying titles. See 3 Bl Comm 117.

**feudal canons of descent.** The five canons of the English law of descent during the feudal period, their

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primary purpose being to support military power by preventing diffusion of the ownership of real property and promoting the accumulation of such property in the hands of a few. 23 Am J2d Desc & D § 7.

**feudalism.** Same as **feudal system**.

**feudalize.** To invest lands with the feudal system of tenure.

**feudal law.** The law pertaining to the feudal system of land tenure.

**feudal system.** The economic and social control of the medieval period, characterized by a stratification of the populace into classes of lords, men of arms, and serfs, its most important feature from the standpoint of the law being the system of land tenure.

See **feudal tenure**.

**feudal tenure.** That system of land tenure which had as its foundation the principle or fiction that the king is the universal lord and original proprietor of all the lands in his kingdom and that no man possesses or can possess any part of such lands which has not mediately or immediately been derived as a gift from the king, to be held upon feudal services. See 2 Bl Comm 51. The system which gave birth to the feud or fief.

See **bordage; fealty; fief; free services; homage, et seq. ; honorary services; investiture; knight-service; primer seisin; relief; services; subinfeudation**.

**feuda nova.** Plural of **feodum novum**.

**feudary.** Pertaining to the feudal system of land tenure; a tenant who held his land by feudal tenure, a feudatory.

**feudatory.** A person to whom a feud had been granted by his superior. See 2 Bl Comm 46.

**feudbote.** A fine imposed for engaging in a feud or quarrel.

**feude.** Deadly hatred; vengeance.

See **feud**.

**feudist.** A writer or commentator on the law connected with the feudal system of land tenure. One having a long-continued enmity toward another or one participating in a family feud.

See **feud**.

**feudo.** (Spanish.) A feud; a fee.

**feodum.** A feud; a fee; a fief.

**feodum antiquum.** An ancient feud; a feud which a person inherited by descent from his ancestors. See 2 Bl Comm 212.

According to the doctrine of the feudists, interests in land were divided into but two kinds, feuda antiqua and feuda nova, which are defined to be those to which the possessor succeeds as heir to his ancestor, and those which he has acquired in some other way. *Priest v Cummings* (NY) 20 Wend 338, 349.

**feodum apertum.** A free or open feud or fee,—a feud or fee which, by reason of the lack of an heir, on the death of the person last seized, reverted to the lord of the fee, by whom, or by those whose estate he had, it was given. See 2 Bl Comm 245.

**feodum francum.** A free feud; a frank fee.



**feudum hauberticum.** A feud or fee held by the service of being present in full armor at the call of the lord.

**feudum improprium.** An improper or derivative feud; that is, a feud having extraordinary incidents in its creation, such, for instance, as were originally bartered and sold to the feudatory for a price. See 2 Bl Comm 58.

**feudum individuum.** An impartible feud or fee; that is, a feud or fee so made that it could descend only to the eldest son. See 2 Bl Comm 215.

**feudum laicum.** A lay fee.

**feudum ligium.** A liege fee,—a fee or feud held directly of the king, with no intermediate lord.

"Allegiance is the tie, or ligamen, which binds the subject to the king, in return for that protection which the king affords the subject." See 1 Bl Comm 366.

**feudum maternum.** A maternal fee; that is, a feud or fee which could only descend to heirs on the mother's side of the family. See 2 Bl Comm 212.

**feudum militare.** A knight's fee, —a determinate quantity of land held under tenure by knight-service, the measure of which was about twelve ploughlands and its value was about twenty pounds a year. See 2 Bl Comm 62.

**feudum militus.** A knight's fee.

See **feudum militare.**

**feudum nobile.** A feud or fee which was held by guard service, fealty, and homage.

**feudum novum.** A new fee; a fee acquired in a manner other than succession or inheritance.

**feudum novum ut antiquum.** A new fee held as an ancient one; that is, a new fee with all the qualities annexed to a fee descended from ancestors. See 2 Bl Comm 212.

**feudum paternum.** A paternal fee; that is, a feud or fee which could only descend to heirs on the father's side of the family. See 2 Bl Comm 222.

**feudum proprium.** A proper feud or fee; that is a feud or fee held by services which were strictly military. See 2 Bl Comm 58.

**feudum simplex.** Same as **fee simple.**

**Feodum sine investitura nullo modo constitui potest.** A fee cannot be created in any manner without an investiture.

**feudum talliatum.** Fee-tail. See 2 Bl Comm 112, note.

**feu holding.** The tenancy of lands under a feu right.

**few.** Noun: A fee. Adjective: Small in number.

**f. f.** An abbreviation of **fieri facias.**

**f.f.a.** Abbreviation of "free from alongside."

See **free alongside steamer**.

**f.g.a.** Abbreviation of free of general average.

See **free from general average**.

**FHA.** Abbreviation for Federal Housing Administration.

**fiancé.** The male party to an engagement to wed.

**fiancée.** The female party to an engagement to wed.

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**fiancer.** To promise; to engage; to pledge.

**fiar.** The holder of a fee or feu.

**fiar prices.** Prices at which grain could be sold, as fixed by the sheriffs of the several counties.

**fiat.** An order emanating from an authoritative source and in the positive terms of "let it be done."

**fiat in bankruptcy.** An English term; an order signed by the lord chancellor authorizing the issuance of a commission in bankruptcy and the prosecution by the creditors of their complaint.

**Fiat justitia.** Let justice be done.

**Fiat justitia ruat coelum.** Let justice be done though the heavens fall asunder. *Missouri, Kansas & Texas Railroad Co. v Merrill*, 65 Kan 436, 70 P 358.

**Fiat prout fieri consuevit; nil temere novandum.** Let it be done in the customary manner; nothing should be adopted rashly.

**Fiat ut petitur.** Let it be done as he asks or demands.

**fictio.** A fiction.

**Fictio cedit veritati.** Fiction gives way to truth. *Louisville v Portsmouth Sav. Bank (US)* 14 Otto 469, 478, 26 L Ed 775, 778.

**Fictio cedit veritati. Fictio juris non est, ubi veritas.** Fiction gives way to truth. A fiction of law will not prevail where the fact appears.

**Fictio est contra veritatem, sed pro veritate habetur.** Fiction is opposed to truth, but a fiction is taken for the truth.

**Fictio juris non est ubi veritas.** A fiction of law will not prevail where the fact appears. *Louisville v Portsmouth Sav. Bank (US)* 14 Otto 469, 478, 26 L Ed 775, 778.

**Fictio legis inique operatur alieni damnum vel injuriam.** A legal fiction should not be employed to work loss or injury to another.

**Fictio legis neminem laedit.** A legal fiction injures no one.

**fiction.** In the sense of a fiction of law, a contrived condition or situation; the simulation of a status or condition with the purpose of accomplishing justice, albeit justice reached by devious means, as the fiction of casual ejector whereby the action of ejectment was converted into an action for the determination of title to real estate. 25 Am J2d Eject § 2.

As a literary work, a novel, a portrayal with imaginary characters. In pleading a false averment on the part of the plaintiff which the defendant is not allowed to traverse, the object being to give the court jurisdiction. *Snider v Newell*, 132 NC 614, 625, 44 SE 354.

For particular fictions of the law, see the specific term, such as **lost grant**.

**fictione juris.** Fiction of law.

See **fiction**.

**fiction of law.** See **fiction**.

**fictitious.** Imaginary; not real; counterfeit; false; not genuine. *State v Tinnin*, 64 Utah 587, 232 P 543, 43 ALR 46, 48.

**fictitious action.** A feigned action.

See **feigned action**.

**fictitious bidding.** Bidding at an auction without purpose of purchasing, merely to augment the final bid. 7 Am J2d Auct §§ 26, 27.

See **puffing**.

**fictitious credit.** An indorsement on a promissory note, made without the authority of the maker or any indorser, of credit for a payment not made. 4 Am J2d Alt Inst § 62.

Such an indorsement is sometimes made by payee or indorsee for the purpose of tolling the statute of limitations. 34 Am J1st Lim Ac § 347.

**fictitious debt.** A feigned debt; one not real or genuine; a debt arbitrarily invented and set up, to accomplish an ulterior object; such as to defraud the revenue laws and the state. *West Virginia Mortgage & Discount Corp. v Newcomer*, 101 W Va 292, 296, 132 SE 748.

**fictitious increase in capital stock.** The issuance of stock in a corporation otherwise than for money paid, labor done or property actually received. *Stein v Howard*, 65 Cal 616, 4 P 662.

**fictitious name.** Any name which a person adopts or assumes either for business purposes or in his social relations, other than the name of his parents. 38 Am J1st Name § 11. A name artificially contrived or adopted. *General American Oil Co. v Wagoner Oil & Gas Co.* 118 Okla 183, 247 P 99. A purely artificial name or a name that is or may be applied to a natural person. *Pease v Pease*, 35 Conn 131. A name other than the true name of a corporation, used by the corporation in transacting business or conducting its affairs. 18 Am J2d Corp § 143.

A feigned or pretended name employed by one relating it to another, not to himself. *Soekland v Torch*, 123 Ark 253, 185 SW 262. A name selected by a person perpetrating a fraud involving the employment of commercial paper, without intent that it represent any person, notwithstanding there is a person in the community who bears that name. *Jordan-Marsh Co. v National Shawmut Bank*, 201 Mass 397, 87 NE 740.

**fictitious party.** A party in whose name an action has been brought without any authority from him.

If committed in any of the king's superior courts, it was punishable as a high contempt to bring an action in the name of a person who did not exist, or of one who was ignorant of the suit. See 4 Bl Comm 134.

See **fictitious payee; John Doe.**

**fictitious payee.** A fictitious person, as where the name is feigned or pretended or where a name is inserted as payee without any intention that payment shall be made only in conformity therewith. 11 Am J2d B & N § 128.

It is well settled that an existing person may be a fictitious person within the meaning of the Negotiable Instruments Law. The rule is that when an instrument is made payable to an existing person, but with no intention that he shall have any interest in it, the name being used entirely as a matter of form, it is considered to be payable to a fictitious payee and so payable to bearer. Pennsylvania Co. v Federal Reserve Bank (DC Pa) 30 F Supp 982.

**fictitious person.** An imaginary person.

See **fictitious payee.**

**fictitious plaintiff.** See **fictitious party.**

**fictitious proceeding.** See **feigned action.**

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**fictitious purchase.** A purchase reported by a broker to a customer, although not actually made. 12 Am J2d Brok § 126.

**fictitious receipt.** A warehouse receipt issued for goods not actually in storage. Sykes v People, 127 Ill 117, 19 NE 705. A receipt issued by a seller of goods under a pretense of warehousing. Anno. 133 ALR 250.

**fictitious return.** A criminal offense by an officer or employee of the federal census, consisting in wilfully and knowingly making a feigned or pretended return. 14 Am J2d Census § 8.

**fictitious sale.** A sale reported by a broker to a customer, although not actually made. 12 Am J2d Brok § 126. A sale by a broker to a dummy for the purpose of securing the securities for himself. 12 Am J2d Brok § 153.

**fictitious stock.** Watered stock. Corporate stock not actually paid up but issued as fully paid up. 19 Am J2d Corp § 764.  
fictitious suit.

See **feigned action.**

**fictitious warrants.** Warrants purporting to have been issued by a public body, which are in fact fictitious and therefore void, even in the hands of innocent purchasers. People v Hayes, 365 Ill 318, 6 NE2d 645.

**fide.** See **bona fide.**

**fide commissary.** A euphonious term suggested as a euphonious substitute for the awkward tongue-crippling "cestui que trust." Brown v Brown (NY) 83 Hun 160, 164, 31 NYS 650.

**fidei commissa.** Plural of **fidei commissum.**

**fidei-commissarius.** Same as **fide commissary.**

**fidei commissum.** A trust arising upon a bequest with directions to deliver the subject matter or some portion of it to another person; in equity, an estate in possession, encumbered with the charge to surrender it to another. McDonough's Executors v Murdoch (US) 15 How 367, 407, 14 L Ed 732, 750; Succession of Meunier, 52 La Ann 79, 26 So 776.

See **precatory trust; precatory words.**

**fidei laesione.** See **de fidei laesione.**

**fide-jubere.** (Civil law.) To become surety for the obligation of another person.

**fide-jussio.** (Civil law.) The transaction or agreement whereby one person becomes surety for the performance of the obligation of another person.

**fide-jussor.** (Civil law.) A surety; a guarantor; a person who undertakes to answer for the debt or obligation of another.

**fidelis.** Faithful; loyal.

**fidelitas.** Fidelity; fealty.

**fidelitate.** See **de fidelitate.**

**fidelity.** See **good faith.**

**fidelity bond.** A bond conditioned upon payment of loss resulting from embezzlement by an officer or employee, usually construed as an insurance contract, notwithstanding it is nominally in the form of a contract of suretyship.

See **fidelity guaranty insurance.**

**fidelity guaranty insurance.** A contract whereby one, for a consideration, agrees to indemnify another against loss arising from the want of integrity or fidelity of employees or persons holding positions of trust. *People ex rel. Kasson v Rose*, 174 Ill 310, 51 NE 246. In substance and effect a contract to be construed as a policy of insurance notwithstanding it may be nominally in the form of a contract of suretyship, having a principal, surety, and obligee. Anno: 7 ALR2d 946; 50 Am J1st Suret § 324.

**fidem.** Trust, confidence.

**fidem mentiri.** To break the oath of fealty; that is, the oath of fealty which a tenant had made to his lord.

**fide-promissor.** Same as **fide-jussor.**

**fides.** Faith; trust; confidence; a trust.

See **bona fides.**

**Fides est obligatio conscientiae alicujus ad intentionem alterius.** A trust is an obligation of conscience of one person to the wishes of another.

**fides facta.** Formal acts symbolizing the contracting of an obligation.

**fides servanda.** Good faith is to be observed or kept.

"Fides servanda is indeed a rule of law, as well as of morality, and will be vigorously enforced in favor of one who is chargeable with no culpable negligence or inattention to his own interest. But to one so chargeable the law will not afford relief." *Bostwick v Mutual Life Insurance Co.* 116 Wis 392, 89 NW 538, 92 NW 246.

**Fides servanda est.** Good faith is to be observed. *Smith v Richards (US)* 13 Pet 26, 43, 10 L Ed 42, 50.

**Fides servanda est; simplicitas juris gentium praevaleat.** Good faith is to be observed; the simplicity of the law of nations should prevail.

**fiducia.** (Roman law.) A kind of pledge in which a transfer of the goods was made on condition that after satisfaction of the transferee's claim, he would retransfer them. See Mackeldey's Roman L § 334.

**fiducial relation.** Same as **fiduciary relation.**

**Fiduciaries Act.** One of the uniform statutes. 54 Am J1st Trusts § 271.

**fiduciary.** Adjective: Held or founded in trust or confidence. Noun: A trustee, at least where the trust is an express trust. *Svanoe v Jurgens*, 144 Ill 507, 513, 33 NE 955.

The word embraces those and only those who are bound for the discharge of express trusts-technical trusts, where bond is required to be given by law-and it does not include those engaged in the execution of trusts springing from contract. *Barnard & Co. v Sykes*, 72 Miss 297, 302.

**fiduciary capacity.** The position of one in whom special confidence is reposed, and who is bound in equity and good conscience to act in good faith with due regard to the interest of the person reposing the confidence. *Illinois v Riggins*, 8 Ill 2d 78, 132 NE2d 519, 56 ALR2d 1149. For practical purposes, the capacity in which a trustee acts. *Svanoe v Jurgens*, 144 Ill 507, 513, 33 NE 955.

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As the term is used in reference to exception from discharge in bankruptcy of debts created in a fiduciary capacity, it has reference to technical or express trust, not to those trusts which the law implies from a contract or from the position of parties to a transaction. Anno: 16 ALR2d 1152 § 2; 9 Am J2d Bankr § 802.

**fiduciary contract.** A contract which embraces trust and confidence reposed by one party in the other, refers to the integrity and fidelity of the party trusted rather than his credit or ability, and contemplates good faith rather than legal obligation. *Smith v Vogilvie*, 127 NY 143, 27 NE 807.

**fiduciary fund.** A fund entrusted to a fiduciary.

See **trust fund.**

**fiduciary relation.** Often, but perhaps somewhat loosely, considered as the equivalent of confidential relation.

There is a technical distinction between a fiduciary relation and a confidential relation, the former being more correctly applicable to legal relationships between parties, such as guardian and ward, administrator and heirs, trustee and cestui que trust, principal and agent, etc., while the latter includes such relationships and also every other relationship wherein confidence is rightfully reposed and is exercised. *Roberts v Parsons*, 195 Ky 274, 242 SW 594.

See **confidential relation.**

**fief.** An estate in fee in real property, otherwise known as a feud; an inheritable estate. *Dowdel v Hamm (Pa)* 2 Watts 61, 65. Under the feudal system, an estate held by the performance of services for the grantor; a tenure by service rendered a superior lord.

Feuds originated in the military policy of the northern or Celtic nations who swarmed all over Europe on the decline of the Roman Empire. The conquering general allotted large districts of land to the superior officers of the army, and they, in turn made allotments to the soldiers. These allotments were the feuds which were given out as rewards or stipends for faithful

services to be rendered by the donees in peace and in war; and in the event of a failure to render such services, the land reverted to him who granted it. See 2 Bl Comm 45.

See **derivative feud; Book of Fiefs; honorary feud; impartible feud; improper feud; military feuds; proper feud.**

**fief d'haubert.** The Norman designation of a knight's fee. See 2 Bl Comm 62.

**fief tenant.** The holder of a fief or fee.

**field.** A cultivated tract of land. *State v McMinn*, 81 NC 585, 587. A tract of land cultivated or pastured. An area where athletic games are played, for example, Soldiers' Field, in Chicago. An area of special knowledge or scientific endeavor, as the field of geology.

See **common field.**

**field audit.** An examination of the books and records of the taxpayer to determine the accuracy of his income tax return.

**field book.** A book containing the notes made by a surveyor in the field while making a survey, which describe by course and distance, and by natural or artificial marks found or made by him, the running of the lines, and the establishment of the corners. 12 Am J2d Bound § 1.

**field manager.** An employee or agent of a corporation rather than an officer of the company. *Badger Oil & Gas Co. v Preston*, 49 Okla 270, 152 P 383.

**field notes.** The notes in a surveyor's field book.

See **field book.**

**field warehousing.** A device whereby manufacturers, jobbers, wholesalers, and others borrow money on the security of goods remaining stored in warehouses, or on storage ground, on their own premises, the procedure being to give as security warehouse receipts issued by a warehouseman placed in possession of the goods. Anno: 133 ALR 234. A method of business financing wherein the security is left more or less in possession of, and subject to handling and sale by, the debtor, as part of a going business, and often involving the substitutions of security from time to time as required to keep the collateral adequate in amount. 9 Am J2d Bankr § 965.

**field work.** Farm work. Scientific work close to nature, e. g. the observation by a biologist of ground squirrels in a meadow.

**fierding courts.** Ancient Gothic courts of very inferior jurisdiction which were so named because there were four of them in every superior district or hundred. See 3 Bl Comm 34.

**fieri.** See **in fieri.**

**fieri facias.** A writ of execution; the ordinary writ for the seizure and sale of property of a judgment debtor. 30 Am J2d Exec § 28.

See **testatum writ.**

**fieri facias de bonis testatoris.** A writ of execution against an executor as such, on account of a debt due from his testator and which can only be levied on property which belonged to the testator.

**fieri feci.** I have caused it to be done or made,—formal words used in the sheriff's return on a fieri facias after he has made a levy under the writ.

**Fieri non debet, sed factum valet.** Although it ought not to have been done, having been done, it is valid. *Nichols v Ketcham* (NY) 19 Johns 84, 92.

**fi. fa.** An abbreviation of **fieri facias**.

**fifteenths.** Temporary aids issuing out of personal property, and granted to the king by parliament. These aids which were said to have been first granted under Henry the Second for the crusades, were first levied in tenths and later in fifteenths were a form of tax representing that fraction of the valuation of all personal property. See 2 Bl Comm 309.

**FIFO.** Abbreviation of **first in, first out**.

**Fifth Amendment.** An amendment to the Constitution of the United States, contained in the Bill of Rights, which, in popular parlance and legal literature, is synonymous with the privilege against self-incrimination. *Quinn v United States*, 349 US 155, 99 L Ed 964, 75 S Ct 668, 51 ALR2d 1157.

**fifth degree of kinship.** A second cousin under the civil law method of computing degrees of kinship which has been adopted in most American jurisdictions. 23 Am J2d Desc & D § 48.

**fifty-fifty.** Division into halves. *Chafin v Main Island Creek Coal Co.* 85 W Va 459, 102 SE 291, 11 ALR 657.

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**fifty per cent rule.** The rule of marine insurance that where the loss or cost of repair equals or exceeds 50 per cent of the value of the vessel, there may be an abandonment and recovery as for a total loss. 29A Am J Rev ed Ins § 1577.

**fight.** Verb: To strive for victory in battle or over an opponent in single combat; an attempt to defeat an opponent or the enemy by blows or weapons. *Sullivan v State*, 67 Miss 346, 351. To work hard for a cause against opposition; to strive for success in an endeavor. Noun: An altercation accompanied by blows. The meeting of opponents or opposing forces in battle or contest. The striving for a cause or for success in an endeavor.

See **challenge to fight; combat; fighting; prize fight**.

**fighting.** Engaging in a fight, irrespective of which participant is the aggressor. *United States Mut. Acci. Asso. v Millard*, 43 Ill App 148.

**fightnite.** Same as **fightwite**.

**fightwite.** A fine for the offense of disturbing the peace by fighting.

**filacer.** One of the clerks in the English superior court at Westminster who filed writs and issued process.

**filare.** To file.

**filch.** To steal, particularly something of petty value. *Peck v Bez*, 129 W Va 247, 50 SE2d 1.

**file.** Verb: To deposit an instrument or document with a public officer at his office with the purpose of having him preserve the instrument or document as one of the records of his office. 45 Am J I si Reeds § 67. To place an instrument, document, even an



exhibit or small object, in a place of deposit, usually indexed or marked in a manner making location of the subject convenient. To receive an instrument or document officially, as where a clerk of court receives a pleading and notes the fact of the filing and the date thereof by way of an endorsement on the pleading. *Meridian Nat. Bank v Hoyt & Bros. Co.* 74 Miss 221, 21 So 12. Noun: A place where instruments, documents, exhibits, etc. are deposited and kept, preferably in covers so marked and tabbed that the subjects may be readily located.

**file clerk.** An employee, sometimes a public employee, whose duty it is to file instruments under a system of separate categories and keep the files in a usable condition.

**filed for record.** Deposited with a proper officer at his office with direction, express or implied, for recording. 45 Am J1st Reeds § 67.

Indorsing the fact and time of its deposit is not an essential part of the filing. Neither does it appear to be an essential that the deposit be made within the hours fixed by law for keeping the office open. *Edwards v Grand*, 121 Cal 254, 53 P 796.

**filiate.** See **affiliate**.

**filiatio.** Filiation; paternity.

**filiation.** See **affiliation**.

**Filiatio non potest probate.** Paternity cannot be proved. *Powell v State ex ref. Fowler*, 84 Ohio 5t 165, 95 NE 660.

**filiation proceeding.** See **affiliation proceeding**.

**filing.** See **file**; **filed for record**.

**filing articles of incorporation.** The depositing of articles of incorporation in the public office specified by statute as the place of filing with the intent that the document is to remain on file in the office. 18 Am J2d Corp § 39.

**filing bill in equity or other pleading.** See **file**.

**filing claim in bankruptcy.** The delivery of a proof of claim against a bankrupt to the clerk of the district court, the referee, if the case has been referred, or to the trustee in bankruptcy. 9 Am J2d Bankr § 449.

**filing date.** The time as of which a claim or demand must be filed. The date of filing as endorsed upon an instrument or pleading by the officer who receives it.

The filing date of an application for a patent is the date upon which the application was filed in the patent office, and not the date on which the filing fee was paid. *Hazeltine Corp. v Electric Service Engineering Corp.* (DC NY) 18 F2d 662.

**filing fee.** The fee charged by a public officer for the filing of a pleading, an instrument, or document in his office. The amount to be paid to the clerk of court upon filing a petition in bankruptcy or a petition for relief in the bankruptcy court by way of reorganization or plan for rehabilitation of debtor. 9 Am J2d Bankr § 1627.

**filing laws.** Statutes which require the filing of an instrument as a condition of complete effectiveness.

**filing libel.** Commencement of action in admiralty. 2 Am J2d Adm § 153.

**filiolus.** A godson.

**filius.** A son.

**Filius est nomen naturae, sed haeres nomen juris.** "Son" is the natural name, but "heir" is the legal name.

**filius families.** A son of the family,—a son who is under the control of his parents.

**Filius in utero metris est pats viscerum metris.** A son in his mother's womb is part of his mother's vitals.

**filius mulieratus.** A mulier; a mulier puisne; that is, the legitimate son of a woman who, before her marriage to his father, gave birth to a bastard by the same father. See 2 Bl Comm 248.

**filius nullius.** The child of nobody; the common law status of an illegitimate child. 10 Am J2d Bast § 8.

**filius populi.** The child of the people; the common law status of an illegitimate child.

**filizer.** Same as **filacer.**

**fill.** A roadbed, whether for railroad or highway, which is raised by an embankment above the natural level of the land. O. & R. V. R. Co. v Severin, 30 Neb 318, 322; 25 Am J1st High § 67. A method of reclamation. 56 Am J1st Water § 501.

**fill an office.** To accept and discharge the duties of an office. Johnston v Wilson, 2 NH 202, 203.

**file.** A girl; a daughter.

**filled cheese.** A cheese enriched by adding food elements in manufacture.

**filled cheese tax.** A federal tax upon the manufacture, importation, or dealing in the product known as filled cheese. 30 Am J1st Int Rev § 113.

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**filled land.** Land which has been artificially raised in elevation by depositing or dumping dirt, refuse, or rubble thereon. An area where the grade has been raised. 1 Am J2d Adj L § 27.

**filling.** Bringing a highway or a railroad to a proper grade by raising an embankment. Dumping dirt, refuse, or rubble on a tract of low land.

See **fill**; **filled land**.

**filling blanks.** The completion of an operative deed by filling in blanks above the grantor's signature, with the authority of the grantor. 23 Am J2d Deeds § 138. An alteration of an instrument delivered as a complete instrument, notwithstanding it contains some blank spaces. 4 Am J2d Alt Inst § 39. An act which may be authorized by a grantor, maker, or obligor, either expressly or impliedly. 50 Am J1st Suret § 26.

**filling in instrument.** See **filling blanks**.

**filling prescription.** Furnishing, preparing, and combining the requisite materials in due proportion as prescribed. 25 Am J2d Drugs § 5.

**filling station.** See **gasoline filling station.**

**fill out.** To complete a document by writing in the blank spaces left for that purpose.

See **filling blanks.**

**filly.** A young mare. An obsolete expression for a lively, roistering, or wanton girl. *Lunsford v State*, 1 Tex App 448, 450.

**files.** A son.

**filtering.** Removing foreign matter from water intended for domestic use. 56 Am J1st Watwk § 76.

**filthy.** Dirty, foul, corrupt. In application to food; containing dirt, refuse, offal, or impurities, or adulterations, so as to be unfit for consumption. Anno: 45 ALR2d 861. As used in federal statutes respecting the use of the mails: nasty, dirty, vulgar, indecent, offensive in the moral sense, morally depraving. Anno: 76 L Ed 850.

**filum.** A thread; an edge.

**filum aquae.** The thread of the water, -the middle or center line of a river or stream. *Ingraham v Wilkinson*, 21 Mass (4 Pick) 268.

**filum forestae.** The edge or boundary of a forest.

**filum viae.** The thread or center line of a way, street, or road.

**fin.** The end.

**final.** Conclusive; terminating all controversy, doubt or dispute; the end, ultimate, or last. *Saylor v Duel*, 236 Ill 429, 86 NE 119.

See **finality.**

**final account.** See **final report.**

**final and appealable order.** See **final order.**

**final appealable order.** See **final order.**

**final appeal court.** The court of delegates, -which was at one time a court of final appeal in English admiralty and ecclesiastical cases.

**final assessment.** A special assessment from the confirmation of which no appeal is taken within the time for appeal. 25 Am J2d Drains § 52.

**final concord.** The final agreement of the parties in levying a fine.

**final costs.** The costs of suit as allowed and awarded upon entry of final judgment or the termination of the litigation; the costs awarded to the party ultimately prevailing. 20 Am J2d Costs § 9.

**final decision.** For the purpose of appellate review: a decision which disposes of the whole case, adjudicates all rights including questions of liability and compensation, ends litigation on the merits, and leaves nothing for the court to do but execute the judgment, *Lewis v E. I. Du Pont De Nemours & Co.* (CA5 Ga) 183 F2d 29, 21 ALR2d 757; a decision which terminates the suit and puts the case out of court, although it does not adjudicate the merits of the litigated controversy, 4 Am J2d A & E § 55; a decision which terminates an action or proceeding, although it does not dispose of the whole subject matter in litigation. 4 Am J2d A & E § 53.

A "final decision" rendered appealable by 28 USC 1291 involves the idea of a definitive judgment, order, or decree determining something more than a mere procedural incident in a lawsuit, and a judgment definitively adjudicating a claim for relief in a civil action clearly comes within the term. *Bendix Aviation Corp. v Glass*, 195 F2d 267, 38 ALR2d 356.

**final decision on the merits.** A determination of the merits of a cause which will, in due time, by operation of law, lead to a final judgment in the cause. *Fisher v Sun Underwriters Ins. Co.* 55 RI 175, 179 A 702, 103 ALR 1097.

**final decree.** The decree rendered by a court of bankruptcy whereby the estate of a debtor undergoing readjustment or reorganization in bankruptcy is closed, the receiver or trustee, if any discharged, and such other relief by way of injunction or otherwise, as may be equitable is granted. A decree in equity which disposes of the cause or a part thereof, reserving no question or direction for future determination in reference to the cause or the part of the cause adjudicated, 27 Am J2d Eq § 245; the practical equivalent of final judgment in modern practice.

According to some authorities, a decree may be partly final and partly interlocutory-final as to its determination of all issues of fact and law, and interlocutory as to its mode of execution. 27 Am J2d Eq § 245.

See **final judgment**.

**final distribution.** The final allocation of the property in the estate of a decedent under order of court to the person or persons entitled thereto. *Kemster v Evans*, 81 Wis 247, 51 NW 327.

**final estimate.** For the purpose of a limitation of time for suit upon a contractor's bond:-the conclusion and determination of a person having final authority to make the estimate. *Consolidated Indem. & Ins. Co. v Fischer Lime & Cement Co.* 187 Ark 131, 58 SW2d 928.

**final hearing.** The hearing which results in a final decision or adjudication. 27 Am J2d Eq § 235.

**final injunction.** A final decree of injunction which adjudicates the merits of the cause. 28 Am J Rev ed Inj § 319.

See **permanent injunction**.

**finalis concordia.** Same as **final concord**.

**finality.** Conclusiveness; completeness. 2 Am J2d Admin L § 483. The quality in a judgment or decision of being a full and unconditional determination. 4 Am J2d A & E § 51. The quality of conclusiveness, which may be the result of statute or, as in the case of an agreement for arbitration, of contract. 5 Am J2d Arb & A § 29.

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See **final**.

**final judgment.** A judgment which determines and disposes of the whole merits of the cause before the court by declaring that the plaintiff is or is not entitled to recovery by the remedy chosen, or completely and finally disposes of a branch of the cause which is separate and distinct from other parts thereof. 30A Am J Rev ed Judgm § 121. A judgment which determines a question in such a manner as to terminate or end the matter so completely as to preclude all future inquiry concerning the truth itself. *Re Enger*, 225 Minn 229, 30 NW2d 694, 18 ALR2d 1048. A judgment which puts at an end the judicial labor in a

cause. *Ruth v United States Fidelity & Guaranty Co.* (Fla) 83 So 2d 769, 55 ALR2d 541. For any purpose of the application of the doctrine of *res judicata*:—any judicial decision upon a question of law or fact which is not provisional and subject to change in the future by the same tribunal. *Bannon v Bannon*, 270 NY 484, 1 NE2d 975, 105 ALR 1401. For the purposes of appeal:—a judgment which terminates the litigation between the parties on the merits and leaves nothing to be done but to enforce by execution what has been determined. *St. Louis, Iron Mountain & S. R. R. Co. v Southern Express Co.* 27 L Ed 638, 108 US 24, 2 S Ct 6.

The sentence in a criminal case. *Miller v Aderhold*, 288 US 206, 77 L Ed 702, 53 S Ct 325.

As used in the federal statute conferring jurisdiction on the Supreme Court to review the "final judgment" of a state court, the expression is defined as applying to all judgments and decrees which determine the particular case, that is, such as terminate the litigation between the parties on the merits of the case, so that, in case of affirmance in the federal court, the court below would have nothing to do but to execute the judgment or decree it had already rendered. *Georgia R. & Power Co. v Decatur*, 262 US 432, 67 L Ed 1065, 43 S Ct 613.

**final judgment or decree.** See **final decree; final judgment.**

**final jurisdiction.** A jurisdiction which, once exercised, is exclusive of the exercise of jurisdiction over the same matter by any other court. *Saylor v Duel*, 236 111429, 86 NE 119. A term of particular reference to criminal cases, being jurisdiction to convict and sentence or acquit and discharge, as distinguished from jurisdiction over a preliminary hearing wherein the accused may be released from custody or bound over to the grand jury. *State v Fox*, 83 Conn 286, 76 A 302.

**finally compelled.** In reference to a public utility "finally compelled" to put lower rates in effect:—the entry by a court of a final order making effective a challenged rate structure. *Texarkana v Arkansas, Louisiana Gas Co.* 306 US 188, 83 L Ed 598, 59 S Ct 448.

**final meeting.** The meeting of creditors in a bankruptcy proceeding, to be held, as ordered by the court, whenever the affairs of the estate are ready to be closed, wherein there shall be considered the trustee's statement of his administration of the estate, his accounts, the discharge of the trustee, and the closing of the estate, and such other matters as may be required for determination. 9 Am J2d Bankr § 584.

**final order.** A final decision or judgment for purposes of an appeal. An administrative order which is conclusive; an administrative order which has reached such stage of completeness that it can be subjected to judicial review. 2 Am J2d Admin L § 483.

An order affecting a substantial right in an action, when such order, in effect, determines the action and prevents a judgment, and an order affecting a substantial right, made in a special proceeding or upon a summary application in an action after judgment. *Exchange Trust Co. v Oklahoma State Bank*, 126 Okla 193, 259 P 589.

In habeas corpus proceedings, an order which either discharges the writ or discharges the relator is a final order and appealable, but an order which sustains the writ and remands the relator to custody that a rehearing may be had, is not final. *United States v Curran* (CA2 NY) 18 F2d 958.

See **final decision; final judgment.**

**final passage.** The completion of legislative action in the adoption of a bill or other legislative measure as one to become law. *Norman v Kentucky Board of Managers*, 93 Ky 537, 20 SW 901. The passage of a bill over a veto. 50 Am J1st Stat § 504.

**final process.** Process issued in an action or proceeding after judgment has been entered; as a writ of execution. *Amis v Smith* (US) 16 Pet 303, 313, 10 L Ed 973, 976.

**final proof.** The showing made by a homesteader which will entitle him to a patent. 42 Am J1st Pub L §§ 23, 73.

**final report.** The report required of a trustee in bankruptcy, wherein he is required to set forth a detailed statement of his administration of the estate. 9 Am J2d Bankr § 1260. The final account and report by an executor or administrator, a guardian, a receiver, or other fiduciary, of his acts in the administration, his receipts and disbursements, and the money and property in his hands for disposition.

Regardless of how designated, any report as to the last or final acts of a guardian, on which a hearing is had and on which the court fixes and determines the amount due the ward's estate from a guardian then or theretofore removed from office, is the final account of such guardian, in so far as the guardian is concerned. *Re Kostohris' Estate*, 96 Mont 226, 29 P2d 829.

**final settlement.** An agreement fully settling the rights of partners after a dissolution of the partnership. 40 Am J1st Partn § 489. The winding up of the affairs in the estate of a decedent, a receivership, a guardianship, or other fiduciary engagement, preliminary to the closing of the estate and the discharge of the fiduciary.

When used in connection with a public transaction and account, the term connotes an administrative determination of the amount due, that is, an appropriate administrative determination of the amount which the government is finally bound to pay, or entitled to receive, as indicated by some public or official act; it does not depend upon the existence of a dispute with the other party. *Antrim Lumber Co. v Hannan* (CA10 Okla) 18 F2d 548; Anno: 119 ALR 280.

**final submission.** As the ending of the period within which a case may be dismissed, or otherwise voluntarily terminated, without prejudice:-in a jury case, the moment when the court directs the jury to retire in charge of an officer for their consideration of the case, or to enter upon consideration of the case without retiring, 24 Am J2d Dism § 33; in a trial before the court without a jury, the moment when the court takes the case under advisement, the evidence having been presented, the

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arguments made, and the briefs filed. 24 Am J2d Dism § 34.

**finance.** The public revenue; public or government funds; the management of money.

**finance charges.** See **carrying charges**.

**finance company.** A company engaged in making loans, usually on the security of additional sale contracts, instalment sale contracts, chattel mortgages, or trust receipts.

**financial circumstances.** See **financial condition**.

**financial condition.** The wealth of a person and his income, whether from property or his earnings.

**financial corporation.** A familiar term in taxation statutes, the meaning of which varies according to the nature of the activities of the particular entity involved and the context of the entire statute, one of the broader interpretations including all classes of corporations organized and created for business purposes, as distinguished from public, charitable or other corporations. 51 Am J1st Tax § 930.

**financial depression.** An economic depression.

**financial emergency.** In reference to the condition frequently appearing in trusts for the benefit of the widow of a testator whereunder the trustee is authorized to withdraw funds from principal for payment to the widow in event of a "financial emergency":-not a temporary unavailability of resources to meet a need, but a situation where the widow's financial resources, including her income from the trust estate are, in the best informed judgment of the trustee in considering an urgent need of the widow, in such a state of insufficiency or unavailability that the encroachment upon principal will be immediately necessary for the widow's maintenance, comfort, and general welfare. *Lyter v Vestal*, 355 Mo 457, 196 SW2d 769, 2 ALR2d 1375.

Widespread unemployment is an "emergency," especially during severe winter weather. 38 Am J1st Mun Corp § 450.

**financially embarrassed.** Incumbered with debt; beset with urgent claims and demands; unable to meet pecuniary engagements. *Hayes v Press Co.* 127 Pa 642, 18 A 331.

**financial rating.** See **credit standing.**

**financial reports.** The reports periodically issued by a corporation to stockholders, showing the financial condition of the corporation. 18 Am J2d Corp § 174.

**financial responsibility laws.** Statutes requiring proof of financial responsibility as a condition of the granting of a driver's license or certificate of registration; statutes providing for the suspension or revocation of a driver's license or certificate of registration for failure to satisfy a final judgment or furnish proof of responsibility after an accident or a violation of a motor vehicle statute. 7 Am J2d Auto § 135. Statutes requiring insurance as a condition of the operation of a motor vehicle.

See **compulsory insurance.**

**financial standing.** See **credit report; credit standing.**

**financial statement.** A statement in writing often required of a borrower of money from a bank stating fully all of his assets and liabilities. *Re Sine* (DC W Va) 25 F Supp 800.

See **credit statement.**

**financial worth.** The value of a person's property less what he owes, or the value of his resources less his liabilities. *Boney v Central Mut. Ins. Co.* 213 NC 470, 196 SE 837.

**find.** To discover a lost chattel. To discover a person with whom one has been out of touch. To learn or become apprised of something. To arrive at a decision or, if a jury is involved, at a verdict. *State ex rel. Higgins v Beloit*, 74 Wis 267, 42 NW 110. To ascertain by judicial inquiry. *State ex rel. Morris v Bulkeley*, 61 Conn 287, 23 A 186.

**find and establish.** To ascertain and confirm that which was previously doubtful; as, for example, the pre-existing line, on the respective sides of which the parties had held the title ever since they became the proprietors of the adjoining lots. *Weeks v Trask*, 81 Me 127, 16 A 413.

**find bail.** To furnish or provide bail; to secure bail or to secure persons to act as sureties on a bail bond.

**finder.** A person who discovers personal property lost by him or by another. For the purpose of the crime of larceny by finder, one who discovers lost property with knowledge that it is lost property. *Weeks v Hackett*, 104 Me 264, 71 A 858.

See **lost property; treasure-trove.**

**finder's lien.** The lien of a finder of lost property upon the property for his expenses in caring for the property, 1 Am J2d Aband § 31, also for the reward offered for the restoration of the property. 1 Am J2d Aband § 25.

**finding.** Discovering property which has been lost. Becoming apprised of something. The ascertainment of a fact by the judge or chancellor in an equity suit. 27 Am J2d Equity § 238. A judicial statement of a conclusion of law or fact. *State ex rel. Higgins v Beloit*, 74 Wis 267, 42 NW 110. A determination made by an administrative agency. 2 Am J2d Admin L § 434.

See **finding of fact.**

**finding of fact.** The result of reasoning from the evidentiary facts. *Greenbeig v Lee*, 196 Or 157, 248 P2d 324, 35 ALR2d 567. A conclusion drawn by the trial court from the facts without the exercise of legal judgment. 53 Am J1st Trial § 1132. A written statement of an ultimate fact as found by the court, signed by the court, and filed in court, often required by statute as support for the decision and judgment in a trial to the court. 53 Am J1st Trial § 1131. A finding made by arbitrators. 5 Am J2d, Arb & A § 127. Finding of referee or master. The finding of a coroner or medical examiner at an inquest conducted to ascertain the cause of death of a person. 18 Am J2d Corn § 16.

In a trial to the court, the court makes findings. A jury, on the other hand, ordinarily makes no findings of fact. It arrives at a verdict, making findings of fact only as special findings or a special verdict is required in a particular case. *State ex rel. Higgins v Beloit*, 74 Wis 267, 269, 42 NW 110.

See **special finding; special verdict.**

**fine.** A sum of money exacted of a person guilty of an offense as a pecuniary punishment, the amount of which may be fixed by law or left to the discretion of the court. 21 Am J2d Crim L § 599. A payment required of a member of a club, society, or fraternal order for misconduct or delinquency in attendance or payment of dues. 6 Am J2d Asso & C § 32.

See **excessive fine; fine to bar entail; joint fine.**

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**Fine and Recoveries Act.** A statute enacted in England in 1833, abolishing fines and common recoveries and providing for conveyances by deed instead.

**fine capiendo pro terris.** See **de fine capiendo pro terris.**

**fine for alienation.** A sum of money which was exacted by the lord from his tenant in chivalry whenever the tenant had occasion to make over his land to another person. See 2 Bl Comm 71.

**fine force.** Absolute necessity; actual compulsion.

**fine for endowment.** A sum of money exacted from a widow by the feudal lord upon the assignment of her dower. This was one of the oppressions which was remedied first by the charter of Henry the First, and afterwards by Magna Charta. See 2 Bl Comm 135.

**finem facere.** To impose a fine; to pay a fine.

**fine non capiendo pro pulchre placitando.** See **de fine non capiendo pro pulchre placitando.**

**fine pro redisseisina capiendo.** See **de fine pro redisseisina capiendo.**

**fine sur cognizance de droit come ceo que il ad de son done.** A fine of land upon the acknowledgment of the right (of the cognizee) as that which he has by the gift (of his cognizor); wherein the cognizor acknowledges his gift of the land to the plaintiff, the cognizee.

This was the best and surest kind of a fine; for thereby the deforciant, in order to keep his covenant with the plaintiff, of conveying to him the lands in question, and at the same time to avoid the formality of an actual feoffment and livery, acknowledged in court a former feoffment, or gift in possession, to have been made by him to the plaintiff. See 2 Bl Comm 352.

**fine sur cognizance de droit tantum.** A fine upon acknowledgment of the right merely; not with the circumstance of a preceding gift from the cognizor. This fine was commonly used to pass a reversionary interest, which was in the cognizor. See 2 Bl Comm 353.



**fine sur concessit.** A fine of land wherein the cognizor, in order to make an end of disputes, though he acknowledges no precedent right, yet grants to the cognizee an estate de novo, usually for life or years, by way of supposed composition. And this may be done reserving a rent, or the like; for it operates as a new grant. See 2 Bl Comm 353.

**fine sur done, grant et render.** A double fine, comprehending both the "fine sur cognizance de droit cum ceo," etc., and the fine "sur concessit." This fine might be used to create particular limitations of estate, whereas the fine sur cognizance de droit cum ceo, etc., conveyed nothing but an absolute estate, either of inheritance or at least of freehold. See 2 Bl Comm 353.

**fine to bar entail.** A method, long since obsolete, if not entirely illegal, of defeating a fee tail, being a fictitious proceeding under which the entail could be barred, consisting of the acknowledgement in a feigned suit in open court of a previous conveyance by the tenant in tail. 28 Am J2d Est § 47.

See **common recovery.**

**fine to convey.** A collusive proceeding at common law whereby a married woman by uniting with her husband in a suit upon a purported agreement was enabled to effect a conveyance of her real estate.

**fingerprinting.** Taking and preserving the fingerprints of a person for purposes of identification and of connecting him or exculpating him from participation in a criminal offense. 21 Am J2d Crim L § 369.

**fingerprints.** Marks left by a person's fingers on objects, the most singular characteristic of which is the dissimilarity between the fingerprints of any two persons, which has rendered fingerprints most desirable evidence for purposes of identification. Impressions of the fingers taken and preserved on cards so as to be readily available for purposes of identification of the person as such may ultimately be required.

The fact that every fingertip has a series of convolutions in the skin surface, no two of which are alike, and which students of the subject can classify and describe so as to facilitate search, has made identification of a criminal almost certain whenever a clear impression of bloody or dirty fingers has been left on the scene of the crime. See 29 Am J2d Ev § 770.

**finibus levatis.** See **de finibus levatis.**

**finire.** To finish; to end; to fine; to impose a fine; to pay a fine.

**finis.** A finish; a fine; the end; the limit; a boundary.

**Finis est amicabile compositio et finalis concordia ex consensu et concordia domini regis vel justiciarum.** A fine is a friendly settlement and final concord by the consent of our lord the king or the justices.

**Finis finem litibus imponit.** The termination of a suit puts an end to litigation. State v Lee, 65 Conn 265, 30 A 1110.

**finished article.** A completed article for the purposes of a tariff act. 21 Am J2d Cust D § 44.

**Finis rei attendendus est.** The completion of anything ought to be attended to.

**Finis unius diei est principium alterius.** The end of one day is the beginning of another.

**finitio.** The finish; the end; the completion.

**finium regundorum actio.** (Civil law.) An action to establish a boundary line.

**firdnite.** Same as **ferdwit**.

**fire.** Verb: To discharge an employee; to make or keep something burning; to supply fuel, as to a furnace. Noun: A burning; a conflagration. As used in a fire insurance policy: a hostile, rather than a friendly fire. 29A Am J Rev Ins § 1287.

See **destroyed by fire; friendly fire; hostile fire; loss by fire.**

**fire and sword.** See **letters of fire and sword.**

**firearms.** Rifles, shotguns, revolvers, any weapon by which a shot is discharged by an explosive force. Weapons which act by the force of gunpowder. *Harris v Cameron*, 81 Wis 239, 243.

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As used in a statute prohibiting parades of unauthorized bodies with firearms, any gun which to the ordinary observer appears to be an efficient weapon capable of being discharged is held to be a firearm whether it has in fact been rendered harmless or not. *Commonwealth v Murphy*, 166 Mass 171, 44 NE 138.

**Firearms Act.** A federal statute having for its purpose the regulation and taxation of the transfer of certain firearms. 26 USC §§ 2700 et seq.

**fire bell.** A fire alarm.

**firebote.** The right of estovers.

See **estovers.**

**fire clause.** A clause common in bills of lading exempting the carrier from loss or damage to the freight caused by fire. 14 Am J2d Car § 570.

**fire department.** An agency of a municipality or town created, organized, and equipped to extinguish fires.

**fire door.** A door of fireproof material, to be kept closed as a precaution against the spread of fire in a building. 29A Am J Rev ed Ins § 930.

**fire extinguisher.** A portable device containing a chemical element which can be sprayed upon a fire for the purpose of controlling or extinguishing it; required equipment upon a motorboat under some statutes. 12 Am J2d Boats § 12.

**fireguard.** A person employed to maintain a watch against the breaking out of fire. Anno: 12 ALR2d 1142. A fire door; a screen to prevent the spread of an open fire.

**fire hazard.** A building of such structure and in such condition as to be in danger of catching on fire. Any collection of combustible material, but particularly material easily ignited. An industrial operation which emits sparks.

**fire insurance.** A contract to indemnify the insured against loss by fire to the property insured. 29 Am J Rev ed Ins § 4. A personal contract between the insurer and the insured. 29 Am J Rev ed Ins § 183. A form of automobile insurance. 7 Am J2d Auto Ins § 43.

**fire insurance policy.** A personal contract to indemnify the insured against loss by fire to the property insured; a contract of indemnity to reimburse the insured for his actual loss not exceeding an agreed sum. 29 Am J Rev ed Ins § 4. A contract of

indemnity by which the insurer agrees to indemnify the insured against loss or damage to the insured property by fire, not exceeding the amount of the insurance. *Citizens Ins. Co. v Foxbilt, Inc.* 226 F2d 641, 53 ALR2d 1376.

**fire limits.** An area wherein the erection of buildings is regulated in reference to the kinds of building materials used, the purpose of regulation being to avoid or lessen the risk of fire. 13 Am J2d Bldgs § 19.

**fire loss.** The risk covered by a fire insurance policy. Inclusive of the destruction of property directly or indirectly pursuant to the orders of civil authorities. Anno: 76 ALR2d 1140, 1146, 1147. Loss from a hostile fire, not loss from a friendly fire. 29A Am J Rev ed Ins § 1287. Including a loss caused by an explosion resulting from a fire. *German American Ins Co. v Hyman*, 42 Colo 156, 94 P 27.

Loss or damage by fire, as the terms are used in fire insurance policies, means loss or damage of which fire was the immediate or proximate cause.

The damage need not be caused by direct contact with the fire and it is not necessary that any part of the insured property actually ignite or be consumed by fire; as where it was held that the fall of the insured building was within the policy, although no part of it ignited or was consumed by fire. *Russell v German fire Ins. Co.* 100 Minn 528, 111 NW 400.

See **fire**.

See **destroyed by fire**.

**fireman.** A man on the force of a fire department. A man who feeds and maintains the fire in an engine or furnace.

**firemen's pensions.** Pensions paid to superannuated or disabled firemen. 40 Am J1st Pens § 18.

**fire ordeal.** See **trial by fire**.

**fire policy.** See **fire insurance policy**.

**fireproof.** Literally, incombustible or proof against fire, but, in the ordinary legal sense, indestructible by an ordinary fire. *Diebold Safe & Lock Co. v. Huston*, 55 Kan 104, 39 P 1035.

See **incombustible**.

**fireproof safe clause.** Same as **iron-safe clause**.

**fire regulations.** Regulations relating to the materials used, location, and method of construction of buildings, having the purpose of reducing the fire hazard, particularly in business sections and thickly populated areas. 13 Am 12d Bldgs §§ 12 et seq. Statutes or ordinances requiring fire drills and periodic inspections for fire hazards.

**fire underwriters.** See **underwriters**.

**firkin.** A liquid measure equivalent to eight and four-fifths American gallons or nine imperial or English gallons.

**firm.** Noun: An unincorporated business, particularly a partnership; the members of a partnership, collectively. *Ryder v Wilcox*, 103 Mass 24, 28. Adjective: Binding.

**firma.** Same as **farm**.

**firma alba.** White rents,–rents payable in silver money.

**firma feodi.** Same as **fee-farm**.

**firman.** A passport; a license; a permit.

**firmaratio.** The right of a tenant to his lands.

**firmarius.** A tenant who held his land for life or for a term of years.

**firme.** Same as **farm**.

**Firmior et potentior est operatio legis quam dispositio hominis.** The operation of the law is more firm and more powerful than the disposition of man.

**firm name.** See **partnership name**.

**firm name and style.** See **partnership name**.

**first aid clause.** Another term for the medical expense provision of an automobile liability policy whereunder the insurer contracts to pay for medical expenses, within specified limits, incurred by persons injured as a result of the condition or use of the automobile. 7 Am J2d Auto Ins § 154.

**first annual election.** See **election to fill vacancy in office**.

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**first bite.** The old doctrine that every dog is entitled to one bite, enunciated in relieving an owner from liability for the first bite; a doctrine long since disavowed as out of keeping with a modern humanitarian society. Perkins v Drury, 57 NM 269, 258 P2d 379.

**first board.** The board of directors of a corporation as it appears in the articles of incorporation, the names of the directors being noted. 18 Am J2d Corp § 36.

**first class.** A word descriptive of chattels offered for sale, implying the best of their kind in general use, not the best of a single manufacturer, unless the situation is one in which the two superlatives coincide. 46 Am J1st Sales § 150.

**first class dwelling.** A superior dwelling place, but not necessarily excluding quarters in a multiple dwelling. Bowers v Fifth Ave. & Seventy-seventh Street Corp. (Sup) 209 NYS 743.

**first-class funeral.** A funeral in keeping with the previous social status and financial condition of the person to be interred. Mackovsky v Manhattan Railway Co. 11 NY 649, 650.

**first-class investments.** Investments permissible for the employment of trust funds. Investments producing income consistent with safety of the principal. 54 Am J1st Trusts § 371. Investments which require little or no personal care or supervision in order to avoid loss. Sparks Mfg. Co. v Newton, 57 NJ Eq 367, 41 A 385.

**first-class mail.** Written matter, comprising letters and postal cards; matter sealed or closed against inspection. 41 Am J1st P O § 56.

**first-class misdemeanor.** A person who has been found guilty of a misdemeanor but who has been adjudged to be deserving of leniency.

**first-class passage.** Transportation by a carrier at a fare higher than for ordinary passage, usually with accommodations superior to those of ordinary passage.

**first-class state of repair.** As a term descriptive of the tenant's obligation under a covenant to repair: a variable term, the meaning in a particular case to be ascertained from the entire context of the lease and the surrounding circumstances. *Puget Invest. Co. v Wenck*, 36 Wash 2d 817, 221 P2d 459, 20 ALR2d 1320.

**first-class theater.** A term descriptive of the character of the performance within the building, rather than of the building itself. *Asa G. Chandler, Inc. v Georgia Theater Co.* 148 Ga 188, 96 SE 226.

**first-class title.** A marketable title; a good and valid title, at least a title free from reasonable doubt. *Vought v Williams*, 120 NY 253, 24 NE 195.

**first class turn-key job.** An expression of the construction industry, meaning the building of a complete house, one ready for occupancy as a dwelling. 13 Am J2d Bldg Contr § 10.

**first conviction.** As the term appears in an habitual criminal statute which makes provision for determining the length of a sentence for a subsequent conviction by multiplying the time imposed for the first conviction:—the first conviction for the subsequent offense for which the defendant has presently been convicted. Anno: 82 ALR 380, s. 116 ALR 236.

**first cousin.** The child of an uncle or an aunt. Anno: 54 ALR2d 1011. A relationship in the fourth degree according to the civil-law method of computing degrees of kinship which prevails in most American jurisdictions. 23 Am J2d Desc & D § 48.

**first cousin once removed.** A child of a first cousin. 54 ALR2d Anno: 54 ALR2d 1012. A relationship in the fifth degree. 23 Am J2d Desc & D § 48. Often called a second cousin.

**first degree manslaughter.** See **manslaughter**.

**first-degree murder.** See **murder in the first degree**.

**first-degree principal.** See **principal in first degree**.

**first domestic processing.** An internal revenue term; the first use in the United States, in the manufacture or production of an article intended for sale, of the article with respect to which the tax is imposed. 26 USC § 4512.

**first-fruits.** The annates or profits of the first year of a church preferment or living. See 1 Bl Comm 284.

**first impression.** An action without precedent to govern it. 1 Am J2d Actions § 49.

**first in, first out.** A method of recording inventory for the purpose of taxation of a stock of merchandise. Anno: 66 ALR2d 834. A rule applied in the valuation of inventory for purposes of federal taxation, that where goods are so intermingled that they cannot be identified with specific invoices, the goods in the inventory will be considered to be the goods most recently purchased or produced. The rule that, for income tax purposes, securities sold are charged off against the earliest purchase, in order to compute gain or loss, where the identity of the securities sold cannot be determined.

See **first money in, first money out**.

**first in payment of taxes.** The rule which determines rights by adverse possession where taxes paid by both adverse claimant and owner. 3 Am J2d Adv P § 127.

**first in possession is first in right.** The rule as between persons who are both intruders upon real estate. 3 Am J2d Adv P § 237.

**first in time.** The principle that, as between courts of concurrent jurisdiction, the first to exercise jurisdiction has exclusive jurisdiction to proceed further in the case. 20 Am J2d Cts § 128.

See **priority**.

**first in time, first in right.** A maxim applicable where the equities otherwise are equal. *Walton v Hargroves*, 42 Miss 18.

**first inventor.** He who first reduces an invention to practice. 40 Am J1st Pat § 70.

**first meeting.** The first meeting of creditors of a bankrupt, to be held not less than 10 nor more than 30 days after the adjudication, for the allowance of claims of creditors, the examination of the bankrupt, the election of a trustee in bankruptcy, and such other matters as may be pertinent and necessary for the promotion of the best interests of the estate. Bankruptcy Act § 55(c); 11 USC § 91(c); 9 Am J2d, Bankr §§ 581, 582.

**first money in, first money out.** A rule applied in determining the existence of alien upon a fund, such as a bank deposit, where during a period, there are various deposits and withdrawals. *Mississippi Cottonseed Products Co. v Canal Bank & Trust Co.* 172 Miss 105, 159 So 404. The rule under which a particular credit in a bank is not regarded as having been drawn on until there is drawn an

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amount of money greater than the amount in the account at the moment prior to such credit and the credit is completely withdrawn when the depositor has drawn a sum equal to the amount in the account when the credit was entered plus the amount of the credit. 11 Am J2d B & N § 342.

**first mortgage.** A mortgage having priority as a lien over the lien of any other mortgage of the same property. A mortgage having priority over any other lien on the same property.

**first name.** See **Christian name**.

**first occupant.** The rule that by the law of nature unclaimed goods belonged to the first finder. See 1 Bl Comm 298.

See **first in possession is first in right**.

**first of exchange.** The first of a set of bills of exchange, drawn in duplicate or triplicate, the honoring of any one of which avoids the others. *Bank of Pittsburgh v Neal (US)* 22 How 96, 16 L Ed 323.

See **bills in a set**.

**first option.** The preferential right of a lessee to a new lease to run after the expiration of the existing lease under which he holds. *Landowners Co. v Pendry*, 151 Kan 674, 100 P2d 632, 127 ALR 890.

**first papers.** Declaration by an alien of his intention to become a citizen of the United States. 3 Am J2d, Aliens § 147.

**first privilege.** See **first option**.

**first processing.** The operations in the canning and packing of fruits and vegetables which precede the point where the fresh fruit or vegetables are converted to a nonperishable form. *McComb v Hunt Foods, Inc.* (CA9 Cal) 167 F2d 905, cert den 335 US 845, 93 L Ed 395, 69 S Ct 69.

**first publication.** The common law right of an author, sometimes spoken of as "copyright before publication." 18 Am J2d Copyr § 1. The earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of a copyright or under his authority. 17 USC § 26.

**first purchaser.** He who first acquired the estate to his family, whether the same was transferred to him by sale or by gift, or by any other method, except only that of descent. *Blair v Adams* (CC Tex) 59 F 243, 247.

**first resolution in Wild's Case.** A famous and much controverted rule that an estate tail is created by a devise to a person and his children or issue if such person then has no issue, but if such person has issue at the specified time, the words are words of purchase and no estate tail is created. 28 Am J2d Est § 52.

**first return.** A term of application in matters of internal revenue, meaning a tax return for the first year of tax, including a timely amended return for that year. *Haggar Co. v Helvering*, 308 US 389, 84 L Ed 340, 60 S Ct 337.

**firsts.** In mercantile usage, articles of best quality. *Iselin v United States*, 271 US 136, 138, 70 L Ed 872, 873, 46 S Ct 458.

**fisc.** The treasury of a state, a government, or a prince.

**fiscal affairs.** The financial affairs of a public body; business transactions, the raising of revenue, the issuance of securities to obtain funds for public improvements, appropriations, and the disposition of public funds. 49 Am J1st States § 64. In the case of a county, the performance of such duties as are placed upon the county board or such as uniformly pertain to the office of its members. *Martin v Tyler*, 4 ND 278, 60 NW 392.

**fiscal agent.** An agent acting for a public body in reference to its financial affairs. An agent invested with the funds and the conduct of the financial affairs of another person, business, association, society, or club.

**fiscal court.** See **county court**.

**fiscal year.** An accounting period of twelve months, such as that of the United States Government which ends on June 30th of each year. The annual period on the basis of which the taxpayer regularly computes his income in keeping his books. IRC § 441(c).

**fiscus.** A fisc.  
See **fisc**.

**fish.** Cold-blooded animals, with backbones, living in water, and having gills for breathing. Animals *ferae naturae* where wild, unconfined, and in a state of nature. 35 Am J2d Fish § 2.

The term is sufficiently comprehensive to include shellfish, such as oysters, clams, lobsters, and crabs. *State v Savage*, 96 Or 53, 184 P 567, 189 P 427.

**fish and game laws.** Statutes, enacted in the interest of conservation of natural resources in fish and game in the wild state, which limit the taking of fish and game by establishing open and closed seasons and in some instances absolutely prohibiting the taking at any time of certain species.

**fishery.** In common usage, a place for fishing. In a legal sense, a right, other than one arising from ownership of a particular shore or beach, to employ within a particular stretch of water, lawful means for the taking of fish which may be found there. 35 Am J2d Fish § 6.

See **common fishery; common of fishery; exclusive fishery; fishing right; free fishery; royal fishery; several fishery; shellfishery.**

**fish for evidence.** See **fishing expedition.**

**fishgarth.** A fish-trap or fish-weir.

**fishing bill.** A derogatory term for a bill in equity in which the plaintiff shows no cause of action, and endeavors to compel the defendant to disclose one in the plaintiff's favor. *Carroll v Carroll* (NY) 11 Barb 293, 298.

**fishing expedition.** A discovery, not so much in aid of a cause of action, as to determine whether there is a cause of action. 23 Am J2d Dep § 150. Using a subpoena duces tecum for the purpose of discovering evidence. 58 Am J1st Witn § 25. Seeking an order against an adverse party to compel the production of books, paper, and writings, for the purpose only of searching for evidence and witnesses. 29 Am J2d Ev § 843.

**fishing place.** See **fishery; fishing right.**

**fishing preserve.** See **private preserve.**

**fishing right.** The right to fish on the premises of another. The right to fish in all the arms of the sea and other public waters of the state; a right to fish granted by the United States or a state. 35 Am J2d Fish § 6. *A profit a prendre.* 25 Am J2d Ease § 4.

See **fishery.**

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**fishing tool.** A term used by oil well drillers for an instrument employed to grapple with or otherwise engage an object in a drill pipe for the purpose of removing such object. *Raymond v Wickersham*, 27 Cust & Pat App (Pat) 1079, 110 F2d 863.

**fish net.** See **net.**

**fish royal.** Fish which when brought ashore were the property of the king; such fish were confined to sturgeons, whales, and porpoises.

The whale was called a royal fish because by an ancient perquisite of the crown, when taken on the coast of England, the head was the property of the king and the tail went to the queen to furnish her wardrobe with whalebone. See 1 Bl Comm 222.

Actually, neither whale nor porpoise is a real fish.

See **porpoise; whale.**

**fishtail.** The lateral movement of the rear of a motor vehicle in a skid. A controlled movement of an airplane to reduce speed for landing.

**fishway.** A way, provided in the construction of a dam, whereby fish may journey from below to above the dam or vice versa. 55 Am J1st Supp Water § 23.

**fisk.** Same as **fisc.**



**fissionable material.** Substances of such atomic structure that the atom may be split, thereby releasing energy.

**fisticuffs.** A fight in which the blows are delivered only by the fists. A boxing match arranged by agreement. *Champer v State*, 14 Ohio St 437.

**fist-law.** The law of the fist; that is, the law of force.

**fistuca.** A rod or staff used as a symbol in making livery of seisin.

**fistula.** An abscess, particularly a large abscess on a horse, characterized by a hollow passage. (Civil law.) A water conduit or pipe.

**fit.** Adjective: Proper; suitable; befitting; adapted to. Noun: A medical term for a convulsion in which the victim usually becomes unconscious.

**fit for cultivation.** Such a condition of the soil, in its natural condition, as will enable a farmer bringing to business a reasonable amount of skill, to raise regularly and annually by tillage, grain or other staple crops. *Keeran v Griffith*, 34 Cal 580, 581.

**Fit juris et seisinæ conjunctio.** A joining is made of right and seisin.

**fitness.** The condition of being fit.  
See **warranty of fitness.**

**fitness of parent.** An issue raised in awarding custody of a child or children in a suit for divorce, to be determined not alone from financial condition or even specific instances of moral weakness, but upon the primary consideration of the welfare of the child, coupled with recognition of the fact that misconduct toward a spouse is not necessarily moral unfitness for taking custody of a child. 24 Am J2d Div & S § 788.

**fitting or suited to the public need.** Public convenience. *Milwaukee Co. of Jehovah's Witnesses v Mullen*, 214 Or 281, 330 P2d 5, 74 ALR2d 347, app dismd and cert den 359 US 436, 3 L Ed 2d 932, 79 S Ct 940.

**fittings.** The furniture, appliances, or other equipment in a building or vessel.

**fitz.** A son. A prefix to surnames, such as Fitzgerald and Fitzpatrick.

**five civilized tribes.** The Creeks, Cherokees, Chickasaws, Choctaws, and Seminoles. *Keokuk v Ulam*, 4 Okla 5, 10.

**Five Mile Act.** A statute enacted in England in 1665, which restricted the right of certain non-conformists to preach. The statute was repealed in 1689.

**Five Ports.** The ports of Hastings, Romney, Hythe, Dover, and Sandwich, all on the southern coast of England.

**fix.** Verb: To fasten securely; to mend or repair. To arrange, establish, or prescribe. Colloquially, to bribe a juror or a judge. Noun: A determined position in navigation. Colloquially, a predicament or awkward situation. Also colloquially, a portion of narcotic drugs taken by one other than for medicinal purposes.

See **increase and fix.**

**fix by law.** To arrange, establish, or prescribe by statute, for example, the qualifications for a public office. Anno: 34 ALR2d 178.

**fixed by law.** Allowed or prescribed by law. *Daggs v Phoenix Nat. Bank*, 177 US 549, 44 L Ed 882, 20 S Ct 732.

**fixed charges.** The expenses to be defrayed by a business or industry whether or not the place of business or plant is in operation for the time, being for charges which spread over the entire establishment, such as taxes, mortgage interest, insurance, depreciation, or rent, according to whether the plant is owned or leased. *Standard Printing & Publishing Co. v Bothwell*, 143 Md 303, 122 A 195, 31 ALR 1269, 1275.

**fixed liability.** Literally, an absolute or certain liability. A liability "evidenced by a judgment or an instrument in writing, absolutely owing at the time of the filing of a petition in bankruptcy by or against the debtor, whether then payable or not, with any interest thereon which would have been recoverable at that date or with a rebate of interest upon such liability as was not then payable and did not bear interest. Bankr Act § 63 (a) (1); 11 USC § 103 (a) (1).

**fixed premium.** A premium is a definite fixed sum, for example the premium paid annually upon an old-line life insurance policy or the premium paid upon obtaining a loan from a building and loan association. 13 Am J2d B & L Assoc § 54. A noncompetitive premium charged a borrower by a building and loan association, that is, a premium not determined by competitive bidding, 13 Am J2d B & L Assoc § 55.

**fixed prices.** Agreed-upon prices, not necessarily uniform prices. *United States v Food & Grocery Bureau* (DC Cal) 43 F. Supp 966.

See **price-fixing**.

**fixed route.** A definite route followed by a carrier.

**fixed schedule.** The schedule by which the vehicles or trains of a common carrier are operated, the periods of their arrival and departure being fixed, not beyond all possibility of change in the future, but subject only to such changes as may be approved by the regulatory authority.

**fixed standard.** A standard so capable of ascertainment that it can be stated in definite terms of

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money, for the purposes of a testator in giving a third person a power to determine the amount of a bequest within limits of a "fixed standard." 28 Am J Rev ed Inher T § 332.

**fixed tenure.** The term of a public officer, the length of which is definitely prescribed by constitution or statute. 43 Am J1st Pub Of §§ 156, 158. A term sometimes applied to the protection against termination of employment given by civil-service laws to an employee after a certain number of years of satisfactory service.

**fixed termini.** The starting and ending points in the route of a common carrier, such places being fixed, not beyond the possibility of change in the future, but subject to only such changes as may be approved by the regulatory authority.

**fixing bail.** The determination by the court or judge of the amount of bail or a bond which a prisoner must furnish to effect his release from custody.

**fixture.** An article, once a chattel, but which, by being physically annexed or constructively affixed to the realty, has become accessory to it and part and parcel of it. 35 Am J2d Fixt § 1. Something so annexed to the freehold for use in connection

therewith that it cannot be removed without injury to the freehold and accordingly has become a part of the freehold, losing its original identity as personal property. 35 Am J2d Fixt § 2.

See **constructive annexation; trade fixtures.**

**flag.** Verb: To droop; to lose speed. To signal with a flag. To signal a bus or train to stop for a passenger. Noun: Flat stones used in making a sidewalk or the portion of a street set apart for use by pedestrians, occasionally used in paving ways for vehicles. Re Phillips, 60 NY 16, 21. An emblem of cloth, usually in colors and usually on a staff, particularly the emblem of the nation or state.

"The flag is the emblem of national authority. To the citizen it is an object of patriotic adoration, emblematic of all for which his country stands,—her institutions, her achievements, her long roster of heroic dead, the story of her past, the promise of her future; and it is not fitting that it should become associated in his mind with anything less exalted, nor that it should be put to any mean or ignoble use." Halter v State, 74 Neb 757, 105 NW 298.

A public flag cannot always be considered as a true indication of the arms of the country to which it belongs; for most countries have two banners the one borne by vessels of war, and the other by those engaged in commerce. Kirksey v Bates (Ala) 7 Port 529.

See **fly the flag; law of the flag; red flag.**

**flagellat.** Whipped with a scourge.

**flagellis et fustibus acriter verberare uxorem.** To beat his wife violently with scourges and sticks. See 1 Bl Comm 445.

**flagging.** See **flag.**

**flagman.** A trainman, also a watchman at a railroad crossing.

**flagrans.** Burning; raging; in course of perpetration, as a crime.

**flagrans crimen.** While the crime was being perpetrated or committed.

**flagrant.** Outrageous; notoriously bad.

**flagrante bello.** During the time the war is raging.

**flagrante delicto.** In the perpetration of the crime; in the very act of committing the offense. See 4 Bl Comm 307.

**flagrantly against the weight of the evidence.** A verdict not supported by substantial evidence. 5 Am J2d, A & E § 835.

**flagrant necessity.** Burning need; such necessity as will excuse an act which otherwise would be unlawful.

**flag salute.** A ceremony in opening school and at the beginning of a meeting of a youth organization, consisting in saluting the national flag by raising the right hand to the head, or in other chosen and appropriate form, and in reciting the pledge of allegiance. 47 Am J1st Sch § 170.

**flag station.** A railroad station at which the trains or some of the trains stop only on signal.

See **flag.**

**flare.** A light, usually produced by the burning of an inflammable liquid in a container closed except for a small orifice from which flame appears, used as a warning signal, particularly on vehicles left standing on a street or highway during hours of darkness. 7 Am J2d Auto § 157.

**flash boards.** Boards fastened to the top of the permanent structure of a dam, by the use of which, it is possible to raise the water above the ordinary height of the dam. Lamnot v Ewers, 106 Ind 310.

**flashing light.** Equipment on a police car, ambulance, or other emergency vehicle. 8 Am J2d Auto §§ 756, 757. A signal light on the highway which flashes on and off or changes from red to green. 8 Am J2d Auto § 745. Signal at railroad crossing warning of the approach of a train.

**flashover.** A technical term in electricity, meaning an electrical discharge through the air to the ground from a high potential source or between two conducting portions of a machine or structure.

**flash signal.** See **flashing light**.

**flat.** An apartment or suite of rooms for housekeeping purposes on one story of a building; an edifice which contains suites of rooms for housekeeping purposes; a multiple dwelling or multiple family house. Elterich v Leicht Real Estate Co. 130 Va 224, 107 SE 735, 18 ALR 441.

See **flats**.

**flat house.** See **flat**.

**flat marker.** The marker of a grave, flush with the ground, required in cemeteries of the memorial park type. 14 Am J2d Cem § 35.

**flat race.** A horse race wherein the horses are ridden by jockeys. A race by thoroughbreds.

**flats.** Flat lands, especially tidelands and lands along a river.

Mr. Justice Story defined shores or flats to be the space between the margin of the water at low stage and the banks which contain it in its greatest flow; Lord Hale defined the term "shore" to be synonymous with flat, and substituted "flat" for "shore." Mr. Justice Parker did the same. Alabama v Georgia (US) 23 How 505, 514, 16 L Ed 556, 560.

A mussel bed over which the water flows at every tide is not an island but is flats. Fowler v Wood, 73 Kan 511, 85 P 763.

See **flat**.

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**flattery.** An effort to influence another by the use of false or excessive praise; insincere complimentary language or conduct. Hall v State, 134 Ala 90, 32 So 750.

**flatu.** See **eodem flatu**.

**flax.** The plant which produces the fiber from which linen is made and the seeds from which linseed oil is produced; sometimes deemed a grain. State v Cowdery, 79 Minn 94, 81 NW 750.

**flection.** See **flexion**.

**fledwit.** The pardon of a person who had been outlawed; the price which such a person paid for his pardon.

**flee.** See **fleeing from justice; flight.**

**fleece.** To cheat; to defraud; to rob.

**fleeing from justice.** Departing a place with the intention of avoiding prosecution for a crime, whether or not a prosecution has been commenced or is pending. *Strep v. United States*, 160 US 128, 40 L Ed 365, 16 S Ct 244.

See **flight; fugitive from justice.**

**Fleet.** An ancient London prison, famous as a place where persons were imprisoned for debt. The naval force of the country.

**fleet coverage.** The inclusion within the risk covered by an automobile liability policy of the entire number of cars operated by the insured, coverage being extended automatically when newly acquired vehicles are added to those already insured. Anno: 34 ALR2d 946, 947 §§ 13, 14.

**flee to the wall.** See **retreat to the wall.**

**flem.** An outlaw; a fugitive from justice.

**flemens-firth.** The offense of harboring a fugitive from justice, or giving him aid.

**flet.** A house; a home.

**fleta.** An ancient treatise on the English law which is believed to have been written about 1300 by a judge while he was imprisoned in the Fleet prison in London.

**Fletcher v. Rylands.** See **Rylands v. Fletcher.**

**fleth.** Same as **flet.**

**flexion.** Sometimes referred to as "flection." A bending, especially the bending of a limb.

**flichwite.** Same as **fightwite.**

**flight.** The act of flying. The scheduled trip of an airplane over a prescribed route at a prescribed time. 8 Am J2d Avi § 38. The common-law offense of running away upon an accusation of crime. See 4 Bl Comm 387.

See **escape; fleeing from justice.**

**flight risk.** A term used in the law of aircraft insurance: coverage, or the exclusion of coverage, while the insured craft is in flight, as distinguished from coverage, or the exclusion of coverage, of ground risk, that is, the risk of loss sustained while the craft is on the ground. 29A Am J Rev ed Ins § 1363.

**flight to avoid killing.** See **retreat to the wall.**

**flightwite.** Same as **fledwit.**

**float.** As certificate issuing out of the United States land office authorizing the person to whom it was issued to enter a specified amount-such as a quarter section-of the public lands. *Marks v Dickson (US)* 20 How 501, 15 L Ed 1002.

**floatability.** See **floatable waters.**

**floatable waters.** Streams which, while not navigable by vessels, are usable for the transportation of certain kinds of property, such as logs and timber, by floating, or which are navigable only downstream. 56 Am J1st Wat § 188. Any stream which is capable in its natural condition of being commonly and generally used for floating saw logs, posts, ties, etc. cut from the timber along its banks. Anno: 47 ALR2d 386; 34 Am J1st Logs § 57.

**floatage.** Same as **flotsam.**

**floater.** A voter whose vote is for sale; one who makes a practice of voting in places where he is not qualified by residence for voting. One who puts down no roots in a locality but changes residence frequently. A blanket policy of insurance.

See **blanket policy.**

**floating bethel.** A church for sailors which is moored to a wharf and kept in place by piles. 47 Am J1st Salv § 3.

**floating capital.** Funds of a corporation or other business institution which have been set apart for the payment of general expenses.

**floating charge.** The term used in England for floating security.

See **floating security.**

**floating debt.** Same as **floating indebtedness.**

**floating drydock.** A drydock moored or attached to a wharf but floating. 48 Am J1st Ship § 36.

**floating indebtedness.** Indebtedness of a municipality for the payment of which there is no fund in the treasury specifically designated or particular means of providing funds by taxation or other method. *Huron v Second Ward Sav. Bank* (CA8 SD) 86 F 272.

**floating intention.** An expression frequently applied in the law of domicil to the intention of a person, upon departing one place to live at another, to return at some indefinite future time to the former place of abode. 25 Am J2d Dom § 27.

**floating pier.** A pier built to float on the surface of the water. *The Haxby* (DC Pa) 94 F 1016.

**floating policy.** Another term for blanket policy.

See **blanket policy.**

**floating security.** A form of security by equitable charge wherein the property standing as security is left with the debtor to be handled and even sold in the due course of a business, with provisions for replenishing the security whenever it becomes depleted. *Pennsylvania Co., etc. v United Railways, etc.* (DC Me) 26 F Supp 379.

It is what might be called an equitable lien, a continuing charge on the assets of the company creating it, but permitting the company to deal freely with the property in the usual course of business until the security holder shall intervene to enforce his claim, whereupon the lien or charge becomes fixed or crystallized and the company which gave it has no further authority to deal with the property. Nor can the general creditors take the property charged with the lien after the secured creditor has intervened to enforce the lien. *Pennsylvania Co., etc. v United Railways, etc.* (DC Me) 26 F Supp 379.

**float policy.** Another term for blanket policy.

See **blanket policy**.

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**flodemark.** The highest mark left by the sea on the shore at high tide.

**flogging.** Inflicting punishment by whipping. *State v Cannon*, 55 Del 587, 190 A2d 514; *Commonwealth v Wyatt*, 27 Va (6 Rand) 694.

**flood.** An overflow of water, classified as an ordinary or extraordinary flood. 56 Am J1st Wat § 91. An overflow of a natural watercourse. 29A Am J Rev ed Ins § 1332. An Act of God, particularly if unprecedented. 1 Am J2d Act of God § 5. A relative term which may refer to mere surface water causing temporary inconvenience or which may refer to a collection of water so great as to amount to an inundation. *Tulsa v Grier*, 114 Okla 93, 243 P 753.

See **extraordinary flood; ordinary flood**.

**flood channel.** The channel of a river when swollen by rains and melting snows, extending over the bottom lands along the regular channel. *Cole v Missouri, Kansas & Oklahoma Railroad Co.* 20 Okla 227, 94 P 540.

**flood control.** An enterprise, sometimes private, but usually public, in character, whereby artificial channels are dug, dams constructed, storage basins created, and dikes built, for the purpose of preventing floods, or if they do occur, preventing great damage therefrom. 56 Am J1st Wat §§ 95 et seq.

See **conservancy districts**.

**Flood Control Act.** A federal statute providing Flood Control Act. A federal statute providing for the control of floods along the Mississippi River. 56 Am J1st Wat § 97.

**Flood Control Acts.** Federal and state statutes, including the Mississippi Flood Control Act, providing for the control of floods by various means and methods. 56 Am J1st Wat § 97.

**flood insurance.** A policy of insurance protecting the insured against loss of or damage to property caused by flood. 29A Am J Rev ed Ins § 1332.

**floodlight.** An intense artificial light, covering an area of considerable dimension, usually with the aid of a reflector; blinding to motorists within the beam. Anno: 22 ALR2d 413 § 26.

**flood-tide.** The rising or in-coming tide of the sea. A river out of its banks, inundating land not normally covered by its flow. *Perkins v Byrnes*, 364 Mo 849, 269 SW2d 52, 48 ALR2d 97.

**flood waters.** Waters above the highest line of the ordinary flow of the stream. *Texas Co. v Burkett*, 117 Tex 16, 296 SW 273, 54 ALR 1397. Forming a continuous body with the water flowing in the ordinary channel, or, if temporarily overflowing presently to return to such channel, to be regarded as still a part of the stream. 56 Am J1st Wat § 92; Anno: 20 ALR2d 656.

**floor.** The surface of a room, house, or other building at the bottom; the surface that an occupant uses. A single story of a building two or more stories in height, including the walls. 32 Am J1st L & T § 166.

See **story**.

**floor area restrictions.** Zoning laws prescribing minimum floor areas for dwellings to be erected in a certain district. 58 Am J1st Zon § 53.

**floor tax.** A tax levied under act of Congress upon liquor and tobacco produced in or imported into the United States upon which the internal revenue tax previously imposed had been paid, and which thereafter are held for sale or for use in the manufacture of an article intended for sale. *Leeb v United States* (DC NY) 16 F2d 937.

**Florentine Pandects.** A copy of the Pandects or Digests of Justinian which was found at Amalphi in Italy in 1137.

**florin.** An English coin which at one time was the equivalent of six shillings, but later, since 1849, two shillings. A coin of medieval Florence.

**flotage.** Same as **flotsam**.

**flotation of securities.** Issuing securities and selling the issue for the purpose of beginning or financing a business.

**floterial district.** A multimember legislative district. 25 Am J2d Elect § 25.

**flotsam.** Goods cast into the sea in order to save a ship, or by shipwreck, and floating. 48 Am J1st Ship § 647. Odds and ends of little value.

**flotsan.** Same as **flotsam**.

**flow.** See **flowage**; **return flow**.

**flowage.** A right to overflow the land of another in the accumulation and maintenance of an artificial body of water, acquired by grant or prescription, or reserved in conveyance. *Union Falls Power Co. v Marionette County*, 238 Wis 134, 298 NW 598, 134 ALR 958.

**flowage right.** See **flowage**.

**floud-marke.** Same as **flode-mark**.

**fluctus.** Same as **flood-tide**.

**flues.** Chimneys; tubes in a steam boiler for the passage of hot air and smoke.

**flume.** An artificial waterway in the nature of an inclined chute or narrow channel for transporting logs or other materials down a mountainside or conducting water for power purposes.

**flumen.** An old term for eavesdrip.

See **easement of drip**.

**Flumina et portus publica sunt; ideoque jus piscandi omnibus commune est.** Rivers and ports are public and the right to fish is therefore common to all.

**Fluminis naturalem cursum non avertere.** A stream should flow unimpeded in its natural course. *Cubbins v Mississippi River Coin*. 241 US 351, 60 L Ed 1041, 36 S Ct 671.

**fluorspar.** A mineral. Anno: 86 ALR 984.



**flushing streets.** A governmental function. *Hale v Knoxville*, 189 Tenn 491, 226 SW2d 265, 15 ALR2d 1283.

**fluvius.** A river; a stream.

**fluxus.** The flow of the tides.

**flying machine.** An obsolete term for airplane.

**flying nondescript.** A facetious characterization of a sleeping car company.

**flying school.** A school for instruction in the science and art of flying and in the repair, alteration, maintenance, and overhauling of aircraft. 8 Am J2d Avi § 36.

**flying switch.** A method of switching railroad cars wherein at one point in the operation a car or cars run free, having been "kicked", that is shoved violently by a locomotive. *Chicago & Northwestern R. Co. v Calumet Stock Farm*, 194 1119, 61 NE 1095.

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**flyma.** A fugitive from justice; a fugitive.

**flyman-frymth.** Same as **flemens-firth**.

**fly the flag.** Acts of possession which put the true owner of real estate upon notice that his land is held under an adverse claim of ownership. 3 Am J2d Adv P § 23.

**flywheel insurance.** Casualty insurance covering injuries from a flywheel.

**FM.** Abbreviation of frequency modulation.

See **frequency modulation**.

**f.o.b.** Abbreviation of free on board.

See **free on board**.

**f. o. b. acceptance final.** See **free on board acceptance final**.

**f.o.b. cars.** See **free on board cars**.

**focage.** A right of estovers.

See **firebote**.

**focale.** Same as **focage**.

**fodder.** Roughage for animals, usually the stalk and leaves of the corn plant.

**fodder shed.** A building for the storage of fodder or other roughage for animals; a structure to be distinguished from a barn. 5 Am J2d Arson § 21.

**foderum.** Fodder.

**foedus.** (Latin.) A compact or agreement between individuals or between nations; a league; a treaty between nations.

**Foeminae ab omnibus officiis civilibus vel publicis remotae sunt.** Women are excluded from all offices whether private or public.

**Foeminae non sunt capaces de publicis officiis.** Women are not qualified for public office.

**foemina viro co-operta.** A feme covert,—a married woman.

**foeneration.** Same as **feneration.**

**foenus.** That which is produced; the interest of money.

**foenus nauticum.** An agreement for the repayment of a marine loan, with extraordinary interest. See 2 Bl Comm 458.

**foeticide.** The killing of a foetus or unborn child; a criminal abortion.

**foetura.** The increase of animals; fruit.

**foetus.** An unborn child.

**foetus in utero.** See **pregnant woman.**

**fog.** Technically, water vapor in fine particles lying close to the surface of the earth or sea. In the law of navigation, a generic term, descriptive of all conditions of the atmosphere increasing the perils of navigation by obscuration. *Flint & Pere Marquette R. Co. v Marine Ins. Co.* (CC Mich) 71 F 210, 215. In common usage, something that prevents clear thought.

**fogagium.** A kind of rank grass available for feed only at certain times of the year.

**foghorn.** A horn or other device for giving sound signals in time of fog; required equipment under rules of navigation. 48 Am J1st Ship § 271.

**fogy pay.** Same as **longevity pay.**

**foi.** Fealty; loyalty.

**foil.** To prevent the accomplishment of the purpose of another.  
See **counterfoil.**

**foinesun.** Same as **fenatio.**

**foirfault.** Same as **forfeit.**

**foirthocht.** Aforethought; premeditated.

**fois.** Time.

**foiterers.** Vagrants; vagabonds.

**folc-gemote.** Same as **folcmote.**

**folc-land.** Same as **folk-land.**

**folcmote.** An ancient Saxon assembly of the people.

**folc-right.** A jus commune,—a law to all the people of the kingdom; the common law. See 1 Bl Comm 67.

**foldage.** Same as faldage.

**folgarii.** Followers; menial servants.

**folgere.** A follower; a retainer; a menial servant.

**folgers.** Same as **folgarii.**

**folio.** A large sheet of paper folded so as to form two leaves, making available four pages for a manuscript or book numbered on both sides of the leaves. A unit for the measurement of the length of a legal document; in the United States, a page of one hundred words; in England, as used in conveyancing, seventy-two words; in English parliamentary, chancery and probate matters, ninety words.

In this country, in counting, each figure in a folio is counted as a word, and when there are over fifty and under a hundred words, they are counted as one folio, but a less number than fifty words is not counted, unless the whole document contains less than fifty words. *Erwin v United States* (DC Ga) 37 F 470.

**Folio Edition.** An edition of the Year books, otherwise known as the Vulgate Edition or the Edition of 1679.

See **Year Books.**

**folk.** The people, particularly the common people.

See **borel folk.**

**folk-land.** Land which was held by no assurance in writing, but distributed among the common folk or people at the pleasure of the lord, and resumed at his discretion. See 2 Bl Comm 90.

**folknote.** Same as **folcmote.**

**follow.** To come after; to result from; to pursue. To adhere to a decision as a precedent.

See **ensue.**

**following federal rule.** The binding effect of federal court decisions in state court.

**following fund.** See **following trust fund or property.**

**following proceeds of sale.** The right of a mortgagee under a chattel mortgage to the proceeds of a sale of the property by the mortgagor. 15 Am J2d Chat Mtg § 161.

**following state court decisions.** The duty of a federal court, not only as to questions of the statutory law

of the state, but also as to questions of general common law or commercial law. *Erie Railroad Co. v Tompkins*, 304 US 64, 82 L Ed 1188, 58 S Ct 817, 114 ALR 1487; *Fashion Originators' Guild v Federal Trade Com.* 312 US 457, 85 L Ed 949, 61 S Ct 703.

**following too closely.** Negligence or even negligence per se on the part of a motorist. 8 Am J2d Auto § 773.

**following trust fund** or property. Pursuing property wrongfully converted by a fiduciary for the purpose of compelling restitution to the beneficiary, such pursuit encompassing a following through all changes in state and form, so long as such property, its product, or its proceeds are capable of identification and so long as the property has not passed into the hands of a bona fide purchaser for value. 54 Am J1st Trusts § 248. A practice in favor of a surety on the bond of a trustee who has diverted funds. 50 Am J1st Subro § 132. Tracing specific funds in the hands of a trustee in insolvency or assignee for the benefit of creditors and enforcing the trust therein. 6 Am J2d Assign for Crs § 116. Identifying or tracing trust funds for the purpose of reclaiming them from an insolvent trust company or bank. 10 Am J2d Bks § 805.

**foment.** To encourage; to incite; to abet.

**fond.** See **au fond; au fond en droit; au fond en fait.**

**fonsadera.** (Spanish.) A loan or tribute paid to the king for the purpose of carrying on war.

**fontana.** A fountain; a spring.

**food.** Anything eaten for the nourishment of the body. 35 Am J2d Food § I. Articles used for food or drink for man or animals and the components of any such article. 21 USC § 321. All articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. 35 Am J2d Food § 2.

**Food and Drug Administration.** A federal agency of the Department of Health, Education, and Welfare.

**food coloring.** See **coal tar colors.**

**Food, Drug and Cosmetic Act.** A statute regulating interstate traffic in food, drugs and cosmetics, covering such matters as adulteration, misbranding, false guaranties against adulteration or misbranding, the alteration, obliteration, removal, or destruction of labels, and having the purpose in general of keeping dangerous products out of interstate commerce, preventing fraud, and protecting the public health. 21 USC § 331(a)-(k).

**food premium.** Something of value given a purchaser of food in addition to the commodity purchased. 52 Am J1st Trad St § 11.

**food preservative.** See **preservative.**

**fool natural.** An idiot.

**foot.** A lineal measure, consisting of 12 inches. The segment of the limb of a vertebrate upon which the body rests in standing.

The human foot consists of three parts: the ankle or torsos, the instep or metatarsus, and the toes or phalanges. *Jones v Continental Casualty Co.* 189 Iowa 678, 179 NW 203, 18 ALR 1329.

See **loss of feet.**

**foot acre.** A method of determining the value of coal land for tax purposes, applying the measure of one acre of coal one foot thick, but excluding exhausted areas, barrier pillars, areas entirely unminable because of physical conditions, or areas of unproved minability, unless development and exploration discloses minable coal therein. *Re Hudson Coal Co.* 327 Pa 247, 193 A 8.

**footage drilling.** The drilling of an oil well under a contract whereby the contracting driller is paid at an agreed rate per foot of well drilled, plus the cost of equipment. *Walker v Chitty* (CA6 Ohio) 112 F2d 79.

**foot frontage.** A basis of apportionment of a special or local assessment. 48 Am J1st Spec A § 67.

**footgeld.** An amercement which was imposed under the forest laws for failure to expedite a dog.  
See **expedition of dogs.**

**footing.** A base or support. A place to stand.

**footman.** A male servant in the household. A person on foot; a pedestrian.

A person riding on a bicycle is not a footman or pedestrian, whether he is riding on the sidewalk or elsewhere. *Mercer v Corbin*, 117 Ind 450, 20 NE 132.

**foot of the fine.** The fifth or concluding part of a fine. This part included the whole proceeding, reciting the parties, day, year, and place, and before whom the fine was acknowledged or levied. Indentures of this were made, or engrossed at the chirographer's office, and delivered to the cognizor and the cognizee; usually beginning, "haec est finalis concordia," this is the final agreement, and then reciting the whole proceeding at length. See 2 Bl Comm 351.

**footpath.** See **path.**

**footpound.** A unit of energy; the energy required to raise a weight of one pound one foot.

**footstool.** A stool placed below the lower step of a railroad passenger car for the use of passengers in boarding or leaving the car. 14 Am J2d Car § 1010.

**footway.** A sidewalk; a path.  
See **iter; public footway.**

**for.** Because of, on account of, by reason of. *Glassell Development Co. v Citizens' Nat Bank*, 191 Cal 375, 216 P 1012, 28 ALR 1427, 1434. In consideration of *Brooks v Coppedge*, 71 Idaho 156, 228 P2d 248, 27 ALR2d 645. Throughout or during the continuance of a period of time. *Finlayson v Peterson*, 5 ND 587.

A designation of agency in the execution of a contract by an agent on behalf of his principal, that is, purporting to sign "for" for the principal, e.g. Robert Roy, Agent "for" John Smith, by which liability is imposed upon the principal and not the agent. 3 Am J2d Ag § 190.

**for account of.** A form of indorsement of commercial paper for collection. 10 Am J2d Bks § 407; 12 Am J2d B & N § 1277.

**for account of whom it may concern.** See **on account of whom it may concern.**

**forage.** Verb: To search for food or other need. Noun: Rough feed for domestic animals; fodder; hay.

**Foraker Act.** An act of Congress approved April 12, 1900, entitled "An Act Temporarily to Provide Revenues and a Civil Government for Porto Rico, and for Other Purposes." *Downes v Bidwell*, 182 US 247, 45 L Ed 1088, 21 S Ct 770.

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**foraneus.** A foreigner; an alien.

**forathe.** A term used in the forest laws meaning a witness who would testify in one's behalf.

**forbalca.** Same as **forebalk**.

**forbannitus.** A person who had been banished or exiled.

**forbarrer.** To bar out; to exclude; to estop.

**forbatudus.** An aggressor who was killed in an encounter.

**forbearance.** Submitting without complaint. Giving a debtor additional time for payment. Withholding of action constituting a sufficient consideration for a guaranty. Anno: 78 ALR2d 1418.

It has long been settled that the term, as applied to usury laws, cannot be predicated of any other transaction than a loan of money. *Title Guaranty & Surety Co. v Klein* (CA3 Pa) 178 F 689.

**forbearance to sue.** Refraining from the commencement of an action. Abandonment of the right to institute or assert a claim in legal proceedings. 15 Am J2d Compr § 17.

See **covenant not to sue**.

**for cause.** For legal cause, e.g. the challenge of a juror on voir dire for want of the qualifications prescribed by law, 31 Am J Rev ed Jur § 147, or the removal of a public officer upon a ground of removal provided by constitution or statute. *State ex rel. Nagle v Sullivan*, 98 Mont 425, 40 P2d 995, 99 ALR 321.

**force.** The impetus of power; physical power or strength exerted against a person or thing. 5 Am J2d Arr § 80; 6 Am J2d Asslt & B §§ 5, 39. Not necessarily confined to a physical manifestation; there may be an exertion of force through the practice of a deceit. *Commonwealth v Stratton*, 114 Mass 303.

As an essential ingredient of rape, "force" does not necessarily imply the positive exertion of actual physical force in the act of compelling submission; but force or violence threatened as the result of noncompliance, and for the purpose of preventing resistance, or extorting consent, is equivalent to force actually exerted. 44 Am J1st Rape § 5.

See **actual force; armed force; constructive force; duress; excessive force; force and violence; forcible entry and detainer; fresh force; irresistible force; superior force**.

**force account.** A contract between a contractor and his employer under which the workmen are paid by the foot or yard, the contractor hiring the labor and supervising the job and receiving from the employer an agreed percentage above the total cost. Anno: 55 ALR 292.

**force and arms.** Actual violence. *Taylor v State*, 25 Tenn (6 Humph) 284, 286.

**force and violence.** As used in a statutory definition of riot:—something more than the force necessary to do an unlawful act; a defiance of constituted authority or of the rights of a person injured, or of his effort to protect such rights. *Walter v Northern Ins. Co.* 370 111 283, 18 NE2d 906, 121 ALR 244. As an element of the crime of robbery:—actual force, which implies personal violence, and constructive force which includes all demonstrations of force, menaces, and other means by which the person

robbed is put in fear sufficient to suspend the free exercise of his will or prevent resistance to the taking. *State v Snyder*, 41 Nev 453, 172 P 364.

**forced heir.** A person who, in reference to a certain portion of his ancestor's property, can not be disinherited by the will of the ancestor, except where there is a just and legal cause to disinherit him.

The doctrine of forced heir is one of the Roman law and the civil law of the Continent of Europe, and is preserved in Louisiana by a provision of the state constitution. 23 Am J2d Desc & D § 90.

**forced landing.** An aircraft landing in an emergency, caused by lack of fuel, weather turbulence, or mechanical mishap.

**forced sale.** A sale other than at the will and pleasure of the owner. An execution sale; a sale on foreclosure; a sale made under the authority of any judicial proceeding at law or in equity which seeks to appropriate the property to the payment of debts, whether or not denominated a sale. 26 Am J1st Home § 99.

**force majeure.** (French.) The equivalent of vis major.

**force with force.** Repelling an unlawful use of force with force. *State v Durham*, 141 NC 741, 53 SE 720.

**forcheapum.** Same as **forestalling**.

**forcible detainer.** The unlawful holding or detention of real property by force, threats, or menaces after the making of a peaceable, though unlawful, entry thereon. 35 Am J2d Fore E & D § 1.

See **forcible entry and detainer**.

**forcible entry.** An entry by breaking doors to make an arrest or a search of premises. 5 Am J2d Arr §§ 86, 87. An entry, with at least some degree of actual force, for the purpose of committing a felony. 13 Am J2d Burgl §§ 11, 12. An entry on real property peaceably in the possession of another, against his will, without authority of law, by actual force, or with such an array of force and apparent intent to employ it for the purpose of overcoming resistance, that the occupant, in yielding and permitting possession to be taken from him, must be regarded as acting from a well-founded apprehension that resistance by him would be perilous or unavailing. 35 Am J2d Forc E & D § 1.

See **forcible entry and detainer**.

**forcible entry and detainer.** A common-law offense against the public peace committed by violently taking or keeping possession of lands and tenements, with menaces, force and arms, and without the authority of law. 4 Bl Comm 148. A remedy to obtain restitution to possession of one turned or kept out of possession of real property by strong hand, violence, or terror. 35 Am J2d Forc E & D § 5.

**forcible trespass.** A trespass amounting to a breach of the peace. *Carroll v State*, 23 Ala 28.

**forcibly.** With force, as in a breaking and entry for the purpose of committing a felony. 13 Am J2d Burgl §§ 11, 12.

**forcibly to defile.** To commit rape. *State v Montgomery*, 79 Iowa 737, 45 NW 292.

**for clearing house purposes only.** An ordinary form of indorsement of a check by a bank holding it for collection; an indorsement which does not constitute a representation that the bank is the owner. 10 Am J2d Bks § 840.

**for collection.** A form of restrictive indorsement. 12 Am J2d B & N § 1278. A form of restrictive endorsement of commercial paper left with a bank for

collection, whereunder the bank becomes a mere agent of the depositor for the purpose of obtaining funds upon the paper. 10 Am J2d Bks § 402. An indorsement which warns the drawee bank that the responsibility of determining the genuineness of the paper is placed upon it. 10 Am J2d Bks § 615.

**for commerce.** See **production of goods for commerce.**

**for compensation.** For a consideration. A test of the character of a company as a public utility; not the equivalent of "for profit." *Mountain States Tel. Co. v Project Mut. Tel. & Electric Co.* PUR 1916E 370.

See **for hire; for hire or compensation.**

**ford.** A place for crossing a stream where there is no bridge.

**forda.** A ford.

**fordanno.** The aggressor in an encounter.

**for deposit.** A form of restrictive indorsement. 11 Am J2d B & N § 362. A restrictive indorsement which indicates that the indorsee bank is an agent for collection, not the owner. 10 Am J2d Bks § 403.

**for deposit only.** A form of restrictive indorsement. 11 Am J2d B & N § 362.

See **for deposit.**

**fordyka.** Grass growing on the bank of a dyke or ditch.

**fore.** Before.

**forebalk.** A strip of land left unploughed on lands adjoining a highway.

**foreclose.** To obtain an order for foreclosure or otherwise to proceed with a foreclosure.

See **foreclosure.**

**foreclosure.** In the original inception of the term, a suit to extinguish the equity of redemption. A proceeding in a court of justice, conducted according to legal forms, in and by which a mortgagee, or assigns, or successor, or anyone who has by law succeeded to the rights and liabilities of a mortgagee, undertakes to dispose of, or bar, or cut off the legal or equitable claims of lien-holders, or of the mortgagor, or those who have succeeded to the rights and liabilities of the mortgagor. *Arrington v Liscom*, 34 Cal 365. In the ordinary present-day sense of the term, the enforcement of a lien, deed of trust, or mortgage in any method provided or sanctioned by law. *Arrington v Liscom*, 34 Cal 365.

**foreclosure by action and sale.** A suit to obtain a decree of foreclosure and a sale of the mortgaged premises in accordance with that decree, the proceeds to be applied, first to the payment of the costs of suit, the mortgage debt, and interest thereon, second to junior encumbrancers, and third to the owner of the premises. *McMillan v Richards*, 9 Cal 365, 411.

**foreclosure by entry and writ of entry.** The remedy in some jurisdictions for enforcing a mortgage by entry and possession by the mortgagee. 37 Am J1st Mtg § 531.



Upon a foreclosure by entry and possession after a breach of the condition of the mortgage, and by holding such possession for the period allowed for redemption, the mortgage debt will be deemed paid to the extent of the value of the land. 37 Am J1st Mtg § 531.

**foreclosure by sale.** A summary method of foreclosure of a mortgage or deed of trust by sale of the mortgaged premises under a power of sale contained in the mortgage or deed of trust, or even in a separate instrument. 37 Am J1st Mtg § 647.

See **foreclosure of chattel mortgage.**

**foreclosure of chattel mortgage.** An action to declare judicially the forfeiture for condition broken and to obtain a sale and transfer of title to the subject of the mortgage. 15 Am J2d Chat Mtg § 208. A sale of the property covered by the mortgage, upon a default by the mortgagor, under a power of sale contained in the instrument. 15 Am J2d Chat Mtg § 211.

**foreclosure receivership.** See **receivership in foreclosure.**

**foreclosure sale.** A sale, judicial or otherwise, made in the enforcement of alien, mortgage, or deed of trust.

**foreclosure suit.** See **foreclosure by action and sale.**

**forefault.** Same as **forfeit.**

**foregift.** A premium or bonus paid for a leasehold in addition to rent.

**foregoer.** A progenitor; an ancestor.

**foregoing instrument.** An identifying term commonly used in acknowledgments. 1 Am J2d Ack § 59.

**forehand rent.** Rent paid in advance. Also the bonus or foregift paid by the tenant upon the making of the lease.

See **foregift.**

**foreign.** Belonging to another nation or country.

In a political sense, we call every country foreign which is not within the jurisdiction of the same government. In this sense, Canada, Mexico, and all transatlantic countries are foreign to the United States. *Cherokee Nation v Georgia* (US) 5 Pet 1, 56, 8 L Ed 25, 45.

**foreign acknowledgment.** An acknowledgment taken outside the state wherein the efficacy of the instrument authenticated is to be determined. 1 Am J2d Ack § 26.

**foreign administration.** The administration of property belonging to the estate of a decedent situated in a jurisdiction other than that of his residence; otherwise known as ancillary administration. 31 Am J2d Ex & Ad § 680.

**foreign administrator.** See **foreign representative.**

**foreign adoption.** An adoption under a decree granted by a court in state or country other than that wherein effect is sought to be given to it. 2 Am J2d Adopt §§ 12, 115.

**foreign affidavit.** An affidavit involving a matter of concern in one state but taken in another state or country before an officer of that state or country. 3 Am J2d Affi § 19.

Statutes relating to the authentication of affidavits taken in a foreign state may require, in addition to the ordinary attestation with the seal of the notary or other officer, that the affidavit be accompanied by a certificate of the county clerk or other proper officer of the foreign state, under his hand and official seal, stating that the officer before whom the affidavit was taken is duly commissioned and authorized by the statutes of his state to administer oaths. *Turtle v Turtle*, 31 AD 49, 52 NYS 857.

**Foreign Agents Registration Act.** A federal statute enacted for the purpose of protecting the national defense, internal security, and foreign relations of the United States, by requiring public disclosure by

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persons engaged in propaganda and other activities for or on behalf of foreign governments, foreign political parties, and other foreign principals, so that the government and people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities. 47 Am J1st Sedit etc. § 10.

**foreign aid.** The making of loans and of grants of money and property, particularly grain, by the United States for the benefit of foreign nations, intended for the rehabilitation of countries in distress economically, thereby assisting them to establish and maintain stable government of the democratic form.

**foreign attachment.** The attachment of property within the jurisdiction but owned by a nonresident defendant. *Greene v Johnston*, 34 Del Ch 115, 99 A2d 627, 42 ALR2d 906.

**foreign award.** An award made in arbitration in another state or country. 5 Am J2d Arb & A § 153.

See **foreign judgment**.

**foreign bank.** A bank in a foreign country; a bank incorporated under the laws of another state.

**foreign bill.** A bill of exchange which is not, or does not purport to be, both drawn and payable within the state. Uniform Negotiable Instruments L § 129.

The primary importance of the distinction between an inland and a foreign bill of exchange lies in the necessity of protest of a foreign bill upon nonacceptance or nonpayment. 11 Am J2d B & N § 790.

**foreign broker.** A broker from without the state. 12 Am J2d Brok § 17.

**foreign building and loan association.** A building and loan association operating outside the jurisdiction of its origin or domicil. 13 Am J2d B & L Assoc § 122.

**foreign cause.** A cause of action arising under the laws of another jurisdiction.

**foreign charity.** A charity which by the terms of the instrument creating it is to be administered in a state or country other than the one in which it is created. *Taylor v Trustees of Bryn Mawr College*, 34 NJ Eq 101, 104. A charitable institution or operation outside the jurisdiction of the domicil of the donor. 15 Am J2d Char § 109.

**foreign commerce.** Commerce between citizens of the United States and citizens or subjects of foreign nations; every species of commercial intercourse between the United States and foreign nations, including the entrance of ships, the importation of goods and property, and the bringing of persons into the ports of the United States. 15 Am J2d Coin § 4.

**foreign consul.** See **consul**; **exequatur**.

**foreign corporation.** In respect of a particular state or country:-a corporation created by, or organized under, the laws of another state, government, or country. 36 Am J2d For Corp § 1. As the term is used in federal statutes:-a corporation created or organized outside the United States. *Hecht v Malley*, 265 US 144, 154, 68 L Ed 949, 956, 44 S Ct 46. For income tax purposes, a corporation which is organized outside the United States or under any law other than that of the United States, a state or the District of Columbia. IRC § 7701(a)(3), (4), (9).

See **residence of corporation**.

**foreign country.** A country exclusively within the sovereignty of a foreign nation, and without the sovereignty of the United States. *De Lima v Bidwell*, 182 US 1, 45 L Ed 1041, 21 S Ct 743.

**foreign court.** A court of a foreign state or nation.

See **foreign judgment**.

**foreign credit.** Credit provided by a bank to a customer in a foreign country or another state by the transmission of funds. 10 Am J2d Banks § 308.

**foreign currency.** The coin or bills constituting money in a foreign country.

**Foreign Depositions Act.** One of the uniform laws, adopted in a number of states, with modifications in some instances, concerned with the taking of depositions within the enacting state to be used in a foreign jurisdiction. 23 Am J2d Dep § 12.

**foreign divorce.** A divorce granted in another state or country.

**foreigner.** A citizen of a foreign country; an alien who has not been naturalized. *Lessee of Spratt et al. v Spratt (US)* 1 Pet 343, 7 L Ed 171.

See **transient foreigner**.

**foreign exchange.** Foreign money; commercial paper payable in foreign money; the rate at which money of one country is converted to the money of another by exchange; the transfer of credits from one country to another in settlement of debts of residents of the former owing to residents of the latter.

**foreign executor.** See **foreign representative**.

**foreign extradition.** International extradition, that is, extradition to the United States from a foreign country or from the United States to a foreign country: See 31 Am J2d Extrad § 7.

**foreign government.** The government of a foreign country. The recognized government of a foreign country. *Zaph v Ridenour*, 198 Iowa 1006, 200 NW 618.

**foreign guardian.** A guardian appointed in a jurisdiction other than that of the ward's residence. 25 Am J1st G & W § 215.

**foreign investment.** The investment of trust funds in property, securities, and obligations, where the property or obligor is outside the state. *Merchants Loan & Trust Co. v Northern Trust Co.* 250 Ill 86, 95 NE 59.

**foreign investment company.** A foreign corporation which is either (a) registered as a management company, or a unit investment trust under the 1940 Investment Company Act, or (b) engaged in the investment business at a time when a majority interest is held by United States investors-United States citizens or residents, domestic partnerships or corporations, and "domestic" (nonforeign) trusts. IRC § 1246(b); IRC § 7701(a)(30).

**foreign judgment.** A judgment rendered by a foreign court or a court of an independent unconnected jurisdiction. 30A Am J Rev ed Judgm § 232. Narrowly defined, a judgment rendered by a court of a foreign country. 30A Am J Rev ed Judgm § 232. Precisely, any judgment, decree or order of a court of the United States or of any state or territory which is entitled to full faith and credit. Anno: 72 ALR2d 1256, quoting provisions of Uniform Enforcement of Foreign Judgments Act.

**foreign jurisdiction.** A jurisdiction other than that of the forum.

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**foreign law.** The law of a state or country other than the forum. The law of a state or jurisdiction other than the state or jurisdiction in which it is sought to enforce such law. *Marshall v Sherman*, 148 NY 9, 42 NE 419.

See **conflict of laws**.

**foreign minister.** In the diplomatic use of the term, any minister who comes as the representative of another jurisdiction or government. *Cherokee Nation v Georgia*, (US) 5 Pet I, 56, 8 L Ed 25, 45.

See **diplomatic officers**.

**foreign nation.** A political union or community of people under a sovereignty other than that of the United States.

A nation is foreign to another nation, that is, it is a foreign nation with reference to that nation, unless the two nations owe a common allegiance; so that the term is applicable by either nation to the other. *Cherokee Nation v Georgia* (US) 5 Pet 1, 8 L Ed 25.

**foreign office.** That department of a government which carries on the communications of its government with those of foreign countries.

**foreign pauper.** An indigent person who has no legal settlement in the city, town, district, or county in which aid is sought to be obtained for him from the department of public welfare. *Opinion of the Justices*, 42 Mass (1 Met) 572, 578.

**foreign personal holding company.** A foreign corporation, the primary part of the income of which is personal holding company income and the stock of which is owned to the extent of 50 percent in value by less than six individual United States citizens or residents. IRC § 554.

**foreign port.** Precisely, a port in a foreign country. Sometimes applied more broadly to a port of a foreign country or of another state of the Union. *Cohen v Charleston Fire & Marine Ins. Co.* 23 SCL (Dud) 147.

**foreign representative.** An ambassador or other diplomatic officer. A consul. An agent representing his principal in a foreign country. The status of an executor or administrator in a state other than that of the domicil of the decedent in which he was appointed. An ancillary executor or administrator. *Hopper v Hopper*, 125 NY 400.

**foreign state.** Another state; another country.

For all national purposes embraced by the Federal Constitution, the states and the citizens thereof are one: united under the same sovereign authority, and governed by the same laws. But in other respects the states are necessarily foreign to and independent of each other. See *Cherokee Nation v Georgia* (US) 5 Pet 1, 57, 8 L Ed 25, 45.

**foreign surety company.** A corporation organized in one state for the purpose of transacting business as surety on the obligations of persons or corporations, authorized by statute of another state to transact business therein, upon compliance with certain specified conditions, the most common of which is assuring its financial responsibility by the deposit of securities with a specified officer of the authorizing state. 50 Am J1st Suret § 315.

**foreign tax credit.** A credit against income tax designed to ease the burden of double taxation by permitting a dollar-for-dollar credit against the United States tax for the tax paid to a foreign country. IRC § 901(a).

**foreign trademark.** A trademark registered or used in a foreign country and not registered in this country or established in this country by actual use. 52 Am J1st Tradem § 27.

**foreign-trade zone.** An isolated policed area adjacent to a port of entry where foreign goods may be unloaded for immediate transshipment or stored, repacked, sorted, mixed, or otherwise manipulated without being subject to import duties. 21 Am J2d Cust D § 17.

**foreign will.** A will made and executed in, and in conformity with, the laws of a state of the Union other than the state in which it is offered for probate, or made and executed in, and in conformity with, the laws of a foreign country. Estate of Clark, 148 Cal 108, 82 P 760.

**foreign.** Same as **foreign.**

**forejudge.** To expel from the court; to take away by a judgment; to banish.

**forejudger.** A judgment by which a person is forejudged.

**foreman.** A man in charge of a group of employees in an industrial plant or in construction work. Moore v Dublin Colton Mills, 127 Ga 609, 56 SE 839. One of the jury appointed by it, or, in some jurisdictions, by the court, as the spokesman of the jury. Bulk v Hodge, 211 Mass 156, 97 NE 920.

The foreman of the jury is not an officer of the court; he can neither exercise authority over the jury nor control their deliberations. 53 Am J1st Trials § 849.

See **foreman of grand jury.**

**foreman of grand jury.** A member of the grand jury appointed by the court to act as such, thus constituting him the organ through which their inquiries and proceedings are reported to the court, and upon whom particular duties are devolved which are distinct from the duties of the other members of the jury. Cody v State, 4 Miss (3 How) 27, 29.

**forensic.** Pertaining to or belonging to the courts. In the field of public discussion or debate.

**forensic medicine.** Medical jurisprudence, that is, the science of medicine as connected with law.

**forensis.** Same as **forensic.**

**fore-rent.** Same as **forehand rent.**

**foreright.** The first or preferred right to inherit; tile right of primogeniture.

**foresaid.** Aforesaid; previously mentioned in the same instrument.

**foreseeable.** The characteristic of an event making it one to be anticipated. 14 Am J2d Car § 914; 38 Am J1st Negl § 24.

**foresight.** Prudence in anticipation of an event, particularly one fraught with danger. 14 Am J2d Car § 914; 38 Am J1st Negl § 24.

**foreshore.** The territory lying between the lines of high water and low water, over which the tide ebbs and flows. 12 Am J2d Bound § 13.

**forest.** See **forests.**

**forestage.** Duties which were exacted by the royal foresters.

**forestagium.** Same as **forestage.**

**forestal.** Pertaining or relating to the royal forests.

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**forestall.** To prevent something by anticipating it and taking obstructive tactics against it. To forestall the market.

See **forestalling the market.**

**forestaller.** A person who committed the ancient offense of forestalling the market. 36 Am J1st Monop etc. § 20. A tenant who by an ancient method of forestalling worked a disseisin of freehold rent either by besetting the way with force and arms or by threats of bodily violence so frightening the landlord as to keep him off the premises. See 3 Bl Comm 170.

**forestalling the market.** Buying victuals on their way to market before they reach it, with intent to sell them again at a higher price, or in dissuading persons from buying merchandise there; every practice or device by act, word, or news to enhance the price of victuals or other merchandise. 36 Am J1st Monop etc. § 20.

**forestarius.** Same as **forester.**

**forest courts.** Courts which were instituted for the government of the king's forests in different parts of England, and for the punishment of all injuries done to the king's deer or venison, to the vert or greensward, and to the covert in which the deer were lodged. These were the courts of attachments, of regard, of sweinmote, and of justice-seat. See 3 Bl Comm 71.

**forester.** One of the officers of the king who had charge of the royal forests and of the wild game therein.

**forest law.** The laws pertaining to the royal forests.

See **Charta de Foresta; disafforest.**

**forest liberties.** The royal grant of the right or privilege of hunting in royal forests.

**forest products.** Logs, timber, lumber, turpentine, tar, etc.

**forest reserves.** National Forest Areas of the United States, under supervision and control of the Forest Service of the Department of Agriculture; state forests in areas reserved from private acquisition, developed and maintained in the interests of conservation and recreation.

**forests.** Woodlands. In an earlier time in England, waste grounds belonging to the king, replenished with all manner of beasts of chase or venery and under the king's protection, for the sake of his royal recreation and delight. For the preservation of the king's game, there are particular laws, privileges, courts and offices belonging to the king's forests. See 2 Bl Comm 38, 289.

See **beasts of the forest; drift of the forest; logs; timber.**

**Forest Service.** A federal agency under the Department of Agriculture, exercising authority over National Forest Areas, National Grasslands, land utilization projects, and other special areas, and engaging in the acquisition of land for National Forests.

**forethought.** See **aforethought**; **malice aforethought**.

**forethought felony.** Premeditated felony; felony previously planned.

**forever.** A word not necessarily inconsistent with the grant of a life estate, where it appears in the granting clause of a deed. *Johnson v Barden*, 86 Vt 19, 83 A 721. A word ineffective in the grant of an estate to vest more than a life estate, in the absence of a limitation to "heirs." 28 Am J2d Est § 14.

**forfang.** The recaption of goods which have been stolen; a reward paid for the return of stolen goods.

**forfault.** Same as **forfeit**.

**forfaulture.** Same as **forfeiture**.

**forfeit.** Verb: To lose, particularly in consequence of a default or an offense. 36 Am J2d Forf & P § 3. Noun: That which is forfeited or lost by neglect of duty, or, in other words a fine, a mulct, a penalty, a forfeiture. *State v Baltimore & Ohio Railroad Co.* (Md) 12 Gill & J 399.

See **forfeiture**.

**forfeiment.** Same as **forfeiture**.

**forfeiture.** A word often used as a synonym of "penalty" but which is, precisely, a divestiture of property without compensation, in consequence of a default or an offense, 36 Am J2d Forf & P § 1; an enforced and involuntary loss of a right. *Storm v Barbara Oil Co.* 177 Kan 589, 282 P2d 417.

A judicial act, such as the forfeiture of a bail bond or recognizance. *Re Wright*, 228 NC 584, 46 SE2d 696. An incident of the old attainder whereby, as a form of punishment for crime, the estate of a convicted felon was extinguished, the property going to the king. 21 Am J2d Crim L § 616. An incident of attainder consequent upon the flight of a felon. 23 Am J2d Desc & D § 91.

**forfeiture by alienation.** The forfeiture of land to the crown by the alienation of it to a stranger. See 2 Bl Comm 274.

**forfeiture of bail.** The consequence of a breach of the condition of a bail bond, particularly, the failure of the surety to deliver the principal into the custody of the proper officer of the law, or to procure his attendance in court, as required by the bond. 8 Am J2d Bail § 139.

**forfeiture of bond.** A breach of condition in consequence of which the obligee is entitled to declare a forfeiture.

See **forfeiture of bail**.

**forfeiture of insurance.** See **nonforfeiture provisions**.

**forfeiture of lease.** The forfeiture of a leasehold at common law, as in the case of a disclaimer of title, by virtue of a statutory provision, or under a clause in the lease providing for a forfeiture upon breach of covenant or condition. 32 Am J1st L & T § 847.

**forfeiture of marriage.** A forfeiture or penalty exacted of a ward in chivalry for marrying without the consent of his guardian.

**forfeiture of mining claim.** The loss of the right to a mining claim consequent to the failure to perform conditions imposed by law, particularly the condition requiring the performance of annual development work. 36 Am J1st Min & M § 115.

**forfeiture of mining lease.** The forfeiture of a mining lease for nonpayment of rent or the breach of other conditions of the lease. 36 Am J1st Min & M §§ 58 et seq. The forfeiture of a mining lease of property constituting public lands of the United States for default in nonpayment of royalty or the violation of other provisions of the lease. 36 Am J1st Min & M § 141.

**Forfeitures Abolition Act.** An English statute enacted in 1876 which abolished the forfeiture of property as a punishment for felony.

**forfeng.** Same as **forfang**.

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**forgavel.** A small rent which was payable in money.

**forge.** To shape by beating, particularly metal. In law, to fabricate an instrument by imitation with intent to defraud. *People v Mitchell*, 92 Cal 590, 28 P 597; *State v Sotak*, 100 W Va 652, 131 SE 706, 46 ALR 1523, 1526. To commit a forgery.

See **forgery**.

**forged check.** In common parlance, a check upon which the maker's name is forged. *Kleinman v Chase Nat. Bank*, 124 Misc 173, 207 NYS 191.

**forged deed.** A deed of conveyance to which the grantor's name has been forged, such instrument being absolutely void and wholly ineffectual to pass title, even to a subsequent innocent purchaser. 23 Am J2d Deeds § 139.

**forgery.** A criminal offense at common law and under statutes defining the term variously. 36 Am J2d Forg § 1. Essentially, the false making or material alteration, with intent to defraud, or, under some statutes, intent to injure. (*Green v State (Fla)* 76 So 2d 645, 49 ALR2d 847), of any writing which, if genuine, might apparently be of legal efficacy or the foundation of a legal liability. 36 Am J2d Forg § 1.

For the purposes of a policy of forgery insurance: an act which, under applicable principles of criminal law, will amount to the crime of forgery. 29A Am J Rev ed Ins § 1339. Of course, where a policy insuring against "forgery" contains its own definition of the term, such definition rather than a technical definition of the crime of forgery will prevail. Anno: 52 ALR2d 209.

Falsification of a paper or the making of a false paper of legal efficacy apparently capable of effecting a fraud and a fraudulent intent are essentials of the offense of forgery; and the falsity of the writing relates to the want of genuineness in its making and not to the truth or falsity of the statements contained therein. To constitute forgery, the name signed on writings designed and used as instruments of fraud need not be identical with that of the person whose signature it purports to be, but merely idem sonans; and the use of a recurrent middle initial not in the simulated signature is not a fatal variance. *Peoples Bank & T. Co. v Fidelity & Casualty Co.* 231 NC 510, 57 SE2d 809, 15 ALR2d 996.

**forgiveness.** See **condonation; reconciliation**.

**for good cause.** See **good cause**.

**forgotten invention.** An art or device which has been forgotten, thereby becoming unknown and of no use to society. 40 Am J1st Pat § 38.



**forgotten notice doctrine.** A rule applicable where one taking a negotiable instrument contends that he did not have notice of an infirmity in the instrument at that time, although he had such notice at a prior time, the principle being that a lapse of memory or inadvertent omission to look for the notice is mere negligence, not bad faith destroying the taker's status as a holder in due course. 11 Am J2d B & N § 429.

**forgotten property.** Property of which the owner has no recollection.

See **mislaid property**.

**for hire.** A test applied in determining the character of a company as a public utility; a test by which a mutual company furnishing telephone service without profit held not to be a public utility. *State ex rel. Buffum Tel. Co. v Public Service Com.* 272 Mo 627, 199 SW 962, PUR1918C 158.

See **for compensation; for hire or compensation**.

**for hire or compensation.** In reference to a motor vehicle:—a vehicle operated to carry passengers or freight of other persons for a direct charge, not a vehicle used for the delivery of one's own property or products. 7 Am J2d Auto § 74.

Transactions in which a company delivering goods to customers outside the city makes a direct charge to them for the cost of transportation are within the contemplation of a statute requiring the licensing or registration of motor vehicles for hire or compensation. *Collins-Dietz-Morris Co. v State Corp. Com.* 154 Okla 121, 7 P2d 123, 10 ALR 561.

**forinsecus.** Same as **forinsic**.

**forinsic.** Foreign; outside; extrinsic; external.

**foris.** Outside; without; abroad; foreign.

**forisbanitus.** Banished; exiled.

**forisfacere.** To forfeit.

**Forisfacit omnia quae juris sunt.** He has forfeited all of his legal rights.

**Forisfacit patriam et regnum, et exul efficitur.** He has forfeited his country and his kingdom and has been made an exile.

**Forisfacit utlagatus omnia quae pads sunt.** An outlaw forfeits all things which pertain to peace.

**forisfacta.** Lands and goods whereof the property is gone away or departed from the owner; that is, which have been forfeited to the king for offenses. The underlying reason for such forfeitures appears to be that since the individual has derived his property from society, as a right conferred upon him in exchange for the natural freedom which he relinquishes as a member of society, it is just that for good cause the state should resume the property which the laws had assigned to him. See 1 Bl Comm 299.

**forisfactum.** Singular of **forisfacta**.

**forisfactura.** Same as **forfeiture**.

**forisfactura maritagii.** See **de forisfactura maritagii**.

**forisfactus.** A person who has forfeited his life; a felon.

**forisfamiliaratus.** A son provided for by his father in the latter's lifetime instead of inheriting after his father's death. See 2 Bl Comm 220.

**forisfamiliaratus.** Same as **forisfamiliaratus.**

**forisjudicatio.** Same as **forejudger.**

**forisjudicatus.** Forejudged.

See **forejudge.**

**forisjurare.** To forswear; to abjure, to renounce by oath.

**forjudge.** Same as **forejudge.**

**forjurer.** Same as **forisjurare.**

**fork.** A term unfamiliar in present usage for the practice of delaying the progress of litigation against joint defendants by entering appearances at intervals instead of all at once.

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**form.** The antithesis of substance; the appearance or superficial aspect rather than the substance or the essence. *State v Japone*, 202 Iowa 450, 455, 209 N W 468, 471. Shape or configuration of a body; the figure as defined by lines and surfaces. See *Sherill v O'Brien*, 188 NY 185, 81 NE 124. A printed or typed formulary contract or other instrument with blank spaces for the insertion of the names of the parties and such other particulars as may be required to make it a complete instrument. *Mutual Ben. Life Ins. Co. v Welch*, 71 Okla 59, 175 P 45, 48. A printed or typed composition of allegations typical of a particular kind of a pleading, motion, court order, or judgment, containing blanks for the insertion of the names of parties and allegations required to adapt the composition to use in a particular case.

See **common form; matter of form.**

**forma.** Form.

See **modo et forma; pro forma.**

**Forma dat esse.** Form imparts existence.

**Forma dat esse rei.** The form of the thing imparts to it its existence. *District of Columbia v Bailey*, 171 US 161, 178, 43 L Ed 118, 126, 118 S Ct 868.

**forma et figura judicii.** The forms and shapes of judgment or judicial action. See 3 Bl Comm 271.

**formal conclusion.** A conclusion drawn by the court in the exercise of its legal judgment as a basis of the decision in the case. 53 Am J1st Trial § 1132. The concluding statement in a special verdict that "if on the facts found, the law is with the plaintiff, then we find for the plaintiff; if the law is with the defendant, then we find for the defendant." 53 Am J1st Trial § 1092.

**formal contract.** A written contract duly executed, also under seal where a seal is required by law.

**formaldehyde.** An organic compound oxidation product of alcohol. *St. Louis v Schuler*, 190 Mo 524, 89 SW 621. In solution, a disinfectant and preservative.

**Forma legalis forma essentialis.** Legal form is essential form.

**formal error.** Harmless error. 5 Am J2d A & E § 776.

**formalities.** The prescribed robes of office.

**formality.** Adherence to forms and customs.

**formal party.** A classification of parties to an action. A nominal party rather than a necessary or indispensable party. *Minnis v Southern Pacific Co.* (CA9 Cal) 98 F2d 913. A person having no interest in the subject matter of the action but whose joinder as a party is required by statute. *Tregear v Etiwanda Water Co.* 76 Cal 537, 18 P 658.

**Forma non observata, infertur adnullatio actus.** If form is not observed, it is inferred that the act is a nullity.

**forma pauperis.** See **in forma pauperis.**

**form a quorum.** See **quorum.**

**formata brevia.** Same as **brevia formata.**

**formed action.** An action in which a set form of words has been established or prescribed.

**formed design.** A plan or course of conduct deliberately conceived with premeditation. *Lang v State*, 84 Ala 1.

**formedon.** An ancient writ of right which lay to recover lands according to the form of a gift or grant in tail.

**formedon in the descender.** A writ which lay where a gift in tail was made, and the tenant in tail aliened the lands entailed, or was disseised of them and then died. In such a case the heir in tail had his writ of formedon in the descender to recover these lands so given in tail against him who was then the actual tenant of the freehold. See 3 Bl Comm 192.

**formedon in the remainder.** A writ which a remainderman had against a stranger who intruded and kept him out of possession of land upon the death of the tenant for life or in tail without issue inheritable. See 3 Bl Comm 192.

**formedon in the reverter.** A writ which a reversioner had where there was a gift in tail, and then by the death of the donee or his heirs without issue of his body the reversion fell in upon the donor, his heirs or assigns. See 3 Bl Comm 192.

**former.** Prior in point of time.

See terms and expressions beginning "prior", such as **prior adjudication; prior jeopardy; prior testimony.**

**formerly.** See **heretofore.**

**formido periculi.** The fear of danger.

**form of action.** The designation by which an action is known in the law, as trover, trespass, assumpsit, an action ex delicto or an action ex contractu.

While technical forms of action have been abolished in most jurisdictions, leaving only one form of action in civil suits, known as the "civil action," in all jurisdictions, the fundamental and substantial distinctions upon which the old common-law forms of actions were based, remain. 1 Am J2d Actions § 5.

**formula.** A set or prescribed form of words which remains in use but has lost its original meaning, having become a merely conventional expression. A list of ingredients and directions for preparing or compounding a food or medicine. 25 Am J2d Drugs § 3.

**formulae.** Plural of **formula**.

**Formulary.** An official list of medicines with description of method of compounding. 25 Am J2d Drugs § 1.

**fornagium.** Same as **furnage**.

**fornication.** At common law, the act of illicit intercourse by a man, married or single, with an unmarried woman; more broadly defined by modern authorities as illicit sexual intercourse, whether between married or unmarried persons. 2 Am J2d Adult § 1. Particularly defined by some authority as the living together and having intercourse with each other, or habitual intercourse without living together, of a man and a woman, neither of whom is married. 2 Am J2d Adult § 1.

The word is derived from the Latin word "fornix," which originally meant the forceps of a beetle, then an arch, then an underground vault or cavern,

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then a brothel, because in Roman cities brothels were kept in underground vaults or caverns. A "fornicator," then, was one who carried on illicit sexual intercourse in a brothel or for hire; that is, what we now term a "prostitute." State v Phillips, 26 ND 206, 144 NW 94.

**fornication statutes.** Modern statutes which place fornication in the catalogue of crimes. 2 Am J2d Adult § 8.

**fornicator.** See **fornication**.

**fornix.** A brothel; a house of prostitution.

**forno.** An oven; a bakehouse.

**foro.** In the forum; within the jurisdiction; in the court.

**foro seculari.** In the secular court.

**for other purposes.** A phrase in the title of a statute which calls attention to provisions in the body of the statute germane to the general subject, although not referred to expressly in the title. 50 Am J1st Stat § 175.

**for own use.** A limitation or restriction.

For meaning of term as it pertains to the rights and duties of a life tenant with power to anticipate or enjoy the principal, see Anno: 2 ALR 1266.

**for plaintiff.** See **verdict for plaintiff**.

**forprise.** Something withheld; an exception or reservation in a grant or conveyance.

**for public use.** As a test of the character of a company as a public utility:—of or belonging to the people; open to all the people to the extent of the capacity of the plant. *State Public Utilities Com. v Monarch Refrigerator Co.* 267 Ill 528, 108 NE 716.

**for purpose of argument.** A phrase often used in qualifying a concession. 5 Am J2d A & E § 712.

**Forrester intoximeter test.** An alcohol breath test used to determine intoxication. 7 Am J2d Auto § 332.

**for so long as he shall occupy.** A phrase which gives a life estate. 28 Am J2d Est § 63.

**forsque.** Only; but.

**forstal.** Same as forestall.

**forstellarius.** A forestaller.

**Forstellarius est pauperum depressor, et totius communitatis et patriae publicus inimicus.** A forestaller is an oppressor of the poor and is a public enemy of the whole community and the country.

**forswear.** To abjure; to swear falsely; to commit perjury.

**forsworn.** Having made a false statement under oath; sometimes, but not necessarily, the committing of perjury. *Sheely v Biggs* (Md) 2 Harr & J 363.

**fort.** A place, usually a location having some natural advantages pertinent to the purpose, equipped for defense against an attacking force and protected by heavy walls or embankments of earth. *United States v Tichenor* (CC Or) 12 F 415, 424.

**fortax.** To tax heavily or immoderately.

**forthcoming.** An action to carry out an arrestment.

**forthcoming bond.** Same as **delivery bond**.

**for the purpose and consideration stated.** A formal clause in an acknowledgment. 1 Am J2d Ack § 77.

**for the uses and purposes herein set forth.** A formal clause in an acknowledgment. 1 Am J2d Ack § 77.

**forthwith.** With all reasonable diligence and dispatch. Within a reasonable time. As a limitation of time in a covenant for repairs contained in a lease:—with all reasonable celerity, not immediately. 32 Am J1st L & T § 800. As a limitation of time for the giving of a notice:—with reasonable promptness, 8 Am J2d Auto § 869; 32 Am J1st L & T § 800; with promptness according to the exigency of the occasion, such as the necessity of locating the person to receive notice. *Northwestern Nat. Ins. Co. v Cohen*, 138 Va 177, 121 SE 507.

**fortia.** Force; violence.

**fortia frisca.** Same as fresh force.

**fortility.** A fort; a stronghold; a castle.

**fortior.** Stronger; more forcible; greater; more powerful; more effective.

**Fortior est custodia legis quam hominis.** The custody of the law is stronger than that of man.

**Fortior et equior est dispositio legis quam hominis.** The disposition of the law is stronger and fairer than that of man. See Jackson v Gardner (NY) 8 Johns 393, 401.

**Fortior et potentior est dispositio legis quam hominis.** The disposition of the law is stronger and more powerful than that of man.

**fortiori.** See **a fortiori**; **multo fortiori**.

**fortis.** Strong; forcible; effective; powerful.

**fortius contra proferentem.** More strictly against the party offering. Dodge v Walley, 22 Cal 224, 228.

**fortuit.** Fortuitous; accidental; occurring by the arbitrament of chance.  
See **cas fortuit**.

**fortuitment.** Same as **fortuit**.

**fortuitous.** Accidental. Zappala v Industrial Acci. Com.82 Wash 314, 144 P 54. Occurring by the arbitrament of chance.

**fortuitous collision.** An accidental collision of vessels without fault on either side. Peters v Warren Ins. Com. (US) 14 Pet 99, 112, 10 L Ed 371, 378.

**fortuitous event.** An accident; something happening by chance. Stertz v Industrial Ins. Com. 91 Wash 588, 158 P 256.

No sound distinction can be made between those injuries to employees resulting from accident and those resulting from some fortuitous event. See Zappala v Industrial Acci. Com. 82 Wash 314, 144 P 54.

**fortuitum.** See **forum fortuitum**.

**fortunam faciunt iudicem.** They make fortune or chance the judge.

**forty.** A word in common use, especially in the middle west and west, to designate a quarter of the quarter section of land, that is, a forty acre tract.

**forty-days court.** One of the ancient English forest courts.

**fortunetelling.** The craft of looking into the future and foretelling or predicting events to occur, par-

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ticularly those which bear upon the life of a particular person. 36 Am J2d Fortunetelling § 1.

**forum.** A court; a tribunal; a jurisdiction; a place where justice is administered; the place of jurisdiction.  
See **law of the forum**.

**forum actus.** The place of jurisdiction over the act.

**forum conscientiae.** The court or forum of conscience; a term sometimes used to characterize a court of equity.

**forum contractus.** The forum of the contract, the place where the contract is entered into.

**forum domesticum.** A domestic forum or jurisdiction.

**forum domicilii.** The forum of domicile; the place or jurisdiction where a man resides and has the right to be sued.

**forum domicilii actoris.** The forum or jurisdiction of the plaintiff's domicile.

**forum domicilii rei.** The forum or jurisdiction of the domicile of the defendant.

**forum ecclesiasticum.** An ecclesiastical court or forum.

**forum fortuitum.** The forum of chance; that is, the jurisdiction in which the action happens to be filed.

**forum ligeantiae actoris.** The forum of the plaintiff's allegiance that is the court or forum of the country to which the plaintiff owes allegiance.

**forum ligeantiae rei.** The forum of the defendant's allegiance; that is, the court or forum of the country to which he owes allegiance.

**forum litis motae.** The forum or jurisdiction in which the action is brought.

**forum non conveniens.** (Latin.) The doctrine or principle that where, in a broad sense, the ends of justice strongly indicate that the controversy may be more suitably tried elsewhere, jurisdiction should be declined and the parties relegated to relief to be sought in another forum. *Universal Adjustment Corp. v Midland Bank*, 281 Mass 303, 184 NE 152, 87 ALR 1407. The doctrine that an American court has power to decline to assume jurisdiction where the litigation is between aliens or nonresidents, or can more appropriately be conducted in a foreign tribunal. *Canada Malting Co. v Paterson Steamships*, 258 US 413, 76 L Ed 837, 52 S Ct 413.

**forum originis.** The forum or jurisdiction in which the person was born.

**forum regis.** The king's court.

**forum rei.** The forum of the defendant; that is, the forum or jurisdiction of the residence of the defendant; also the forum or jurisdiction of the subject matter of the action.

**forum rei gestae.** The forum or jurisdiction where the act was done or committed.

**forum rei sitae.** The forum or jurisdiction where the subject matter of the action is situated.

**forum saeculare.** A secular court, as distinguished from an ecclesiastical court.

**for value.** For consideration.

See **purchaser for value; trust for value.**

**for value received.** An admission of the receiving of value by way of consideration. 29 Am J Rev ed Ins § 659. Importing, where used in a contract, that the promisor did receive something of some value. Sullivan v Lear, 23 Fla 463. Importing, where used in a deed, a consideration sufficient to raise a use in the bargainee. Jackson ex dem. Hudson v Alexander (NY) 3 Johns 484.

See **having received full value; value received.**

**forward.** Adverb: Onward; toward the front. Adjective: Advanced; precocious. Verb: To dispatch; to transmit; in one sense, to put something on its way to an ultimate destination, not including the idea of completing a delivery. Nicoletti v Bank of Los Banos, 190 Cal 637, 214 P 51, 27 ALR 1479, 1483. In reference to the obligation of a receiving carrier:—To undertake under the terms of the contract with the shipper for through transportation to a point beyond the carrier's own line. 14 Am J2d Car § 691.

See **forwarder.**

**forwarder.** A lawyer who sends an item of business accepted from a client to another lawyer, usually a lawyer at a distance, who, by reason of jurisdictional considerations or of proximity to a party or the subject matter of the business, can handle it more expeditiously. 7 Am J2d Attys § 259. One who, without owning or controlling the actual means of carriage, such as ships, railroad cars, etc., arranges for the transportation of the goods of a consignor in the ships or vehicles of an actual carrier. Anno: 141 ALR 919; 93 L Ed 831.

With the appearance of the practice by railroad companies of offering shippers greatly reduced freight rates for shipments in carload quantities, a modern concept of the term "forwarder" arose, as one who picked up the less-than-a-carload shipment at the shipper's place of business and engaged to deliver it safely at its ultimate destination, charging a rate covering the entire transportation and making its profit by consolidating the shipment with others in carload quantities to take advantage of the spread between the carload rates paid by him to the railroad company and the higher rates, approximating less-than-carload rates, which he charged the various shippers. United States v Chicago Heights Trucking Co. 310 US 344, 84 L Ed 1243, 60 S Ct 931.

**Forwarder Act.** A federal statute which subjects freight forwarders and their operations to the jurisdiction of the Interstate Commerce Commission. 49 USC §§ 1001 et seq.; Anno: 93 L Ed 831.

**forwarder's receipt.** The receipt for goods given by a forwarder. Another term for bill of lading.

**forwarding.** See **forwarder.**

**forwarding bank.** A bank which transmits an item for collection to another bank.

**forwarding fee.** The part of the fee for handling a matter of legal business forwarded by one attorney to another attorney to which the forwarder is entitled. 7 Am J2d Attys § 259.

**forwarding suit papers.** The obligation of one insured under an automobile liability policy, arising under a co-operation clause or an express provision of the policy, which requires the insured to forward im-

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mediately to the insurer every demand, notice, summons, other process, or pleadings received by him or his representative in connection with a claim made or suit brought against him based upon a liability alleged to arise out of the use and operation of the vehicle covered by the policy. 7 Am J2d Auto Ins § 185.

**forwards and backwards at sea.** From port to port in the course of the voyage.



**for whom it may concern.** A phrase which, appearing in an insurance policy, may extend the protection to any person having an insurable interest and within the contemplation of the parties at the time of the execution and delivery of the policy. 29 Am J Rev ed Ins § 241.

**fossa.** A ditch; a grave; a water hole where female felons were drowned; a castle moat.

**fossage.** A tax or duty paid by the inhabitants of a town for the upkeep of a moat surrounding the town.

**fossagium.** Same as **fossage**.

**fossatorium operatio.** Work or service performed on moats or ditches.

**fossatum.** A ditch; a dyke; a moat.

**fossway.** One of the ancient roads constructed by the Romans in England.

**fosterage.** The rearing of the child of another as one's own.

**foster-child.** The child of another who is being reared by a person as his or her own.

**fosterland.** Land which has been assigned or set apart for the support of a person or an institution.

**fosterlean.** Remuneration given to a foster-parent for the rearing of a foster-child.

**foster-parent.** One who is rearing the child of another as his or her own.

See **adoptive parent**.

**foto-patrol.** A device, similar to the photo-traffic camera, for measuring the speed of an automobile, operating on an electronic impulse which activates a light and a camera. *People v Pett*, 13 Misc 2d 975, 178 NYS2d 550.

See **photo-traffic camera**.

**fouage.** Same as **fuage**.

**fouling waters.** Corrupting waters. 56 Am J1st Wat §§ 405 et seq.

**found.** Room and board. Past tense of verb "find": Determined as a fact or facts; a finding made. Discovered or ascertained, as where, for jurisdictional purposes, a corporation is "found" to be doing business in a given judicial district. *Haskell v Aluminum Co. of America* (DC Mass) 14 F2d 864.

See **finding of fact; office found**.

**foundation.** A support, as of a building. The preliminary basis required for the admission of certain evidence.

A term often applied in modern times to a charitable organization, especially where a large fund of money is involved in the dispensing of charity. The endowment of a charitable or educational institution.

**founded on statute.** A proposition of law for which a statute is cited or which involves the application of statute. *Compagnie Transatlantique v United States* (DC NY) 21 F2d 465.

**founded upon contract.** Any action based on a contract which requires the support of the contract to sustain it. Republic Iron Mining Co. v Jones (CC Ga) 37 F 721.

**founder.** The person who makes the first gift for the foundation of a college, a hospital or other eleemosynary institution. In the sense that the king alone could incorporate a society, he was called the founder of all corporations. See 1 Bl Comm 481.

**founderosa.** Founderous; out of repair; in need of repair.

**foundling.** A child of very tender years abandoned by unknown parents. Anno: 16 ALR 1027.

**foundling home.** A charitable institution for the care of abandoned children.

**fountain-pen gun.** A weapon for the discharge of tear gas, of such size as to be carried easily and secretly. Bates v Taylor, 115 W Va 4, 174 SE 485, 92 ALR 1093.

**fourcher.** To fork,—a practice of delaying the progress of a litigation against two or more defendants by entering their appearances at intervals instead of all at once.

**fourching.** Delaying a litigation.

**four corners.** A figurative expression signifying the whole face of an instrument, omitting nothing in arriving at its meaning and intent.

**four seas.** The four seas surrounding the British Isles.

See **beyond the four seas.**

**Fourteenth Amendment.** The amendment to the Constitution of the United States which extends citizenship to all persons born or naturalized in the United States and subject to the jurisdiction thereof, and contains the due process and equal protection clauses.

**fourteen-year-old child.** See **child of fourteen.**

**fourth branch of government.** The administrative agencies. 1 Am J2d Admin L § 11.

**fourth class mail.** See **parcel post.**

**fourth-degree manslaughter.** See **manslaughter.**

**Fourth of July.** See **Independence Day.**

**four unities.** Essentials in the creation and existence of an estate by the entireties; interest; title, time, and possession. Anno: 44 ALR2d 603.

**fowl.** Domesticated birds, especially large birds used for food; poultry. In one sense, any bird. Domestic fowl and wild fowl, the distinction being whether the fowl has been tamed and subjected so as to constitute property. 4 Am J2d Ani § 12.

**fowls of warren.** Wild fowl which were protected from promiscuous killing by the English forest laws. These fowls were of three classes, campestres, as partridges, rails and quails; sylvestres, as woodcocks and pheasants; and aquatiles, as mallards and herons. See 2 Bl Comm 38, note.

**fox hunt.** Literally, a hunt for a fox. In popular usage, an elaborate enterprise with social significance, referring to a group of riders from a hunt club or assembled by invitation, mounted on wellbred horses known as "hunters," and following hounds directed by a master of the hunt in pursuit of a fox raised from cover or one turned loose for the purpose of chasing him.

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**fox raising and pelting.** Agricultural labor. *Fromm Bros. v United States* (DC Wis) 35 F Supp 145.

**foy.** Fealty; fidelity; allegiance.

See **en bonne foy**.

**f.p.** Abbreviation of fire policy, also of floating policy.

**FPC.** Abbreviation of Federal Power Commission.

See **Power Commission**.

**fr.** Abbreviation of fractional, often used in descriptions of real estate.

**fractio.** A fraction; a fragment; a fractional part; a division.

**fraction.** A quantity less than the whole of something, expressed as a decimal or by numerator and denominator. A fragment; a fragmentary part of a whole, disconnected and distinct within itself, rather than an undivided interest; a several, not a joint, interest. *Jory v Palace Dry-goods & Shoe Co.* 30 Or 196, 46 P 786.

**fractional.** Small, comprising no more than a fraction of the whole.

**fractional lot.** A city or village lot containing an area less than that of the normal lot laid out by a survey.

**fractional part.** A fraction of an entire unit.

A conveyance of a fractional part of a designated tract of land, without specifying the location within the tract, is construed as conveying an undivided interest to the extent of the fraction. 23 Am J2d Deeds § 246.

**fractional section.** A section of land laid off in the governmental survey with less than the normal 640 acres, by way of allowance for the convergence of the meridians in running toward the pole.

See **fraction of section**.

**fractional share.** A fractional part of a share of corporate stock, such being nonvoting, except as voting has been authorized by statute. *Commonwealth ex rel. Cartwright v Cartwright*, 350 Pa 638, 40 A2d 30, 155 ALR 1088.

**fractionem diei non recipet lex.** The law does not recognize fractions of a day.

**fraction of a day.** A fractional part of a day. A division of a day; a half-day; an hour or a minute.

At common law, fractions of a day are generally rejected in computing the time for the performance of an act. 52 Am J1st Time § 15.

The maxim that there are no fractions of a day is a fiction of law, and when it is material to distinguish, the truth may be shown; for a fiction of law, introduced for the sake of convenience and justice, ought never to be allowed to work a wrong; thus, when it is necessary to determine the priority of two attachments, the precise time of each attachment may be shown; and so in many other cases. *Westbrook Manufacturing Co. v Grant*, 60 Me 88.

**fraction of section.** A fraction of a section of land as laid out by the government survey, designated in words or figures, for example, "northeast quarter" or "NE4"

Throughout those portions of the United States in which the government system of land surveys is used, initials of the points of the compass, followed by the figure "2" or the figure "4," are employed to describe fractional portions of a 640-acre section of land, the figure "4," written as above, meaning one quarter, and the figure "2," thus written, meaning one half; thus E2 NE4 sec. 10 means eighty acres comprising the east half of the northeast quarter of section 10. *Power v Bowdle*, 3 ND 107, 54 NW 404.

See **fractional section**.

**fractura navium.** The breaking up of ships; shipwrecks.

**fracture.** A break, crack, or split in a bone. A crack or break in a steam boiler. 29A Am J Rev ed Ins § 1365.

See **Pott's fracture**.

**fragentibus prisonam.** See **de fragentibus prisonam**.

**fragmentary appeals.** Successive appeals from the same decision. 4 Am J2d A & E § 49.

**frais.** Costs; expenses; charges.

**frais de justice.** Costs incurred in an action; costs of suit.

**frame.** Verb: To give a shape to something. To put a border around something, e.g. a picture. To draft the outline of a constitution or a form of government. *Friesleben v Shallcross* 14 Del (9 Houst) 1, 19 A 576. A term on the border between slang and accepted usage for producing a case to convict an accused, without scruples as to the propriety or the trustworthiness of the evidence offered.

**franc.** Free. The standard unit of the currency of France, also of Switzerland and Belgium.

**franc aleu.** Free land; allodial land; land held free from any service to a superior.

**franchilanus.** A freeman; a free tenant.

**franchise.** In the most general sense of the term, a right or privilege conferred by law, e.g. the right to vote. 23 Am J2d Franch § 2. A privilege conferred by law upon a corporation or an individual which permits the recipient to make use of a street or public place in an activity or operation which, except for the grant of the franchise, would constitute a wrong or trespass. *People ex rel. New York C. & H. R. Co. v Gourley*, 198 NY 486, 92 NE 398. In a narrower sense, the privilege of doing something which does not belong to all citizens as a matter of common right. 23 Am J2d Franch § 2; a privilege or immunity of a public nature which cannot be legally exercised without a legislative grant. 23 Am J2d Franch § 2. A special privilege, conferred by the state on an individual, which did not theretofore exist and which does not belong to the individual as a matter of right. *Madden v Queens County Jockey Club*, 296 NY 249, 72 NE2d 697, 1 ALR2d 1160. A grant to a public service corporation or public utility conferring the right to carry on business, which, when accepted by the grantee, constitutes a contract between the parties

by which their rights and obligations are to be determined in accordance with its terms and conditions. 43 Am J1st Pub Util § 16.

A primary corporate franchise, the result of a grant of special privileges to incorporators which enables them to act for certain designated purposes as a single individual and exempts them, unless otherwise specially provided, from individual liability; a secondary corporate franchise in the powers granted to a corporation by the sovereign and specified in its charter. 18 Am J2d Corp § 66.

See **special franchise**.

**franchise taxes.** Taxes in five classes:—(1) organization taxes, or fees exacted of domestic corporations for the grant of corporate powers; (2) excises levied periodically, usually annually, upon the fran-

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chise of domestic corporations; (3) excises charged foreign corporations for the privilege of entering and doing business within the state; (4) excises upon special privileges enjoyed by particular corporations; (5) ad valorem taxes on franchises as property. 51 Am J1st Tax § 809.

**Francigena.** A native of France; hence, an alien in the United States until naturalized.

**franclaine.** A freeholder; a freeman.

**franc tenancier.** A freeholder. francum.

See **feudum francum**.

**francus.** Free; a freeman.

**francus bancus.** Same as **free bench**.

**francus homo.** A freeman.

**francus plegius.** Same as frankpledge.

See **frank-pledges**.

**francus tenens.** A freeholder.

**frank.** Free. The privilege of sending mail matter without postage. The mark or indorsement used in exercising such privilege.

See **franking privilege**.

**frankalmoign tenure.** A form of land tenure whereby a religious corporation held lands of the donor to them and their successors forever. Tenure in free alms,—a Saxon tenure which survived the Norman revolution, and under which tenure an ecclesiastical corporation held land without fealty and merely by prayer service for the soul of the donor. See 2 Bl Comm 101.

**frank bank.** Same as **free bench**.

**frank chase.** Free chase,—the exclusive liberty or privilege of hunting within a prescribed area. The granting of such a liberty was a prohibition against the cutting of any wood on the land, even by the owner, without the consent of the king's forester. See 2 Bl Comm 39.

**frank fee.** A species of freehold tenure which was exempt from all services, but not from homage. Copyhold lands could be altered into frank fee by means of a fine levied in the king's court, but a writ of deceit lay to change it back to copyhold. See 2 Bl Comm 368, footnote.

**frank ferme.** A species of socage tenure which was exempt from homage, ward, marriage and relief, and with respect to which the nature of the fee was changed by feoffment out of chivalry or knight service for certain yearly services. See 2 Bl Comm 80.

**frank fold.** Same as **faldage**.

**franking privilege.** A privilege conferred by statute upon certain persons and certain classes of mail matter by virtue of which certain matters may be transmitted by mail without postage, subject to conditions prescribed in the statute. 39 USC §§ 321 et seq.

**frank law.** The aggregate rights of a freeman or a citizen.

**franklyn.** A freeholder; a freeman.

**frank marriage.** A species of entailed estate which was created when an estate-tail special was given to a man and his wife, the near relative of the donor, and to the heirs of their bodies to the fourth generation, free of all service but fealty. See Bl Comm 115.

**frank-pledges.** Free pledges. The tithings or decennaries of the Saxons were so called because each of the members of a tithing was a surety or free pledge to the king for the good behavior of the other members, and if any offense was committed in the district, they were bound to produce the offender. See 1 Bl Comm 114.

**frank tenant.** A freeholder.

**frank tenement.** A free tenement; a freehold.

**frank tenure.** Same as **free tenure**.

**frassetum.** A tract of wooded land.

**frater.** A brother.

**frater consanguineus.** A brother born of the same father, but a different mother.

**frater fratri uterino non succedet in haereditate paterna.** A brother shall not succeed his uterine brother in the paternal inheritance. See 2 Bl Comm 233.

**fraternal beneficial society.** A mutual benefit society. As defined by statute in one jurisdiction, a corporation, society, or voluntary association, organized and carried on for the sole benefit of its members, and their beneficiaries, and not for profit, and in which the payment of death benefits shall be for families, heirs, blood relatives, affianced husband or wife, or dependents. *Lafferty v Supreme Council Catholic Mot. Ben. Asso.* 259 Pa 452, 103 A 280.

See **mutual benefit society**.

**fraternal benefit society.** See **mutual benefit society**.

**fraternal insurance.** Mutual life, accident, and health insurance which is issued to their members by fraternal orders or societies.

**fraternal order or society.** An organization of men created and maintained for the improvement of its members by instruction through rituals and lectures in the principles of true brotherhood, real charity, and loyalty to country, for fellowship, and for aiding the widows and orphans of members, often by providing mutual benefit or fraternal insurance. *Re Mason Tire & Rubber Co.* 56 App DC 170, 11 F2d 556.

**fraternia.** A fraternity; a brotherhood.

**fraternity.** A fraternal order or society; an organization of college students, usually providing living quarters for the members. An organization of highschool students.

See **fraternal order or society.**

**frater nutrients.** A bastard brother.

**frater uterinus.** A uterine brother,—a brother by the mother's side; that is one who had the same mother but a different father. See 2 Bl Comm 232.

**fratriage.** Inheritance by a younger brother.

**fratricide.** The killing of a brother or a sister; a person who kills a brother or a sister.

**fraud.** Deceit, deception, artifice, or trickery operating prejudicially on the rights of another, and so intended, by inducing him to part with property or surrender some legal right. 23 Am J2d Fraud § 2. Anything calculated to deceive another to his prejudice and accomplishing the purpose, whether it be an act, a word, silence, the suppression of the truth,

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or other device contrary to the plain rules of common honesty. 23 Am J2d Fraud § 2. An affirmation of a fact rather than a promise or statement of intent to do something in the future. *Miller v Sutliff*, 241 111 521, 89 NE 651.

For the purpose of the exception to discharge in bankruptcy of debts incurred by officers and fiduciaries through "fraud":—positive fraud, fraud in fact, involving moral turpitude or intentional wrong. 9 Am J2d Bankr § 801. As a ground for annulment of a marriage:—concealment or deception affecting the free consent of the injured party, involving such matters as identity, birth, rank, family, fortune, health, character, morality, habits, temper, reputation, etc. 35 Am J1st Mar § 90.

See **badge of fraud; constructive fraud; deceit; extrinsic fraud; fraudulent conveyance; legal fraud; misrepresentation; positive fraud.**

**fraud in equity.** A conception of fraud which includes whatever amounts to actionable fraud in law and other acts, transactions, and circumstances, wherein it appears that one person has obtained an unconscionable advantage over another, from which equity conceives the existence of a constructive fraud. *Gierth v Fidelity Trust Co.* 93 NJ Equity 163, 115 A 397, 18 ALR 976.

**fraud in the factum.** Fraud exercised in reference to the manual acts of signing and delivering an instrument, sometimes by a substitution of documents accomplished by deception. *Blackburn v Morrison*, 29 Okla 510, 118 P 402. *Gomillion v Forsythe*, 218 SC 211, 62 SE2d 297, 53 ALR2d 169.

**fraud in the inducement.** Fraud exercised in inducing the signing of an instrument. *Gomillion v Forsythe*, 218 SC 211, 62 SE2d 297, 53 ALR2d 169.

**fraud of creditors.** See **fraudulent conveyance.**

**fraud order.** An order by the Postmaster General directing the return of mail to the sender upon finding that the addressee is engaged in conducting prohibited schemes, enterprises, or devices. 41 Am J1st P 0 § 97.

**fraud or dishonesty.** As a phrase expressive of the undertaking of the surety in a fidelity bond:—acts extending beyond those which are criminal; a phrase inclusive under a broad construction against a paid surety of acts and circumstances whereby loss is caused the obligee, even though not such as would support a criminal prosecution. *Prior Lake State Bank v National Surety Corp.* 248 Minn 383, 80 NW2d 612, 57 ALR2d 1306.

**frauds, statute of.** See **Statute of Frauds.**

**fraudulent.** That which is done with intent to defraud. *Luttrell v State*, 85 Tenn 232.

See **fraud.**

**fraudulent assignment.** An assignment for the benefit of creditors made with intent to prevent the immediate application of the property to the payment of assignor's debts. 6 Am J2d Assign for Crs § 63.

**fraudulent concealment.** The suppression of, or silence concerning, a fact material to be known and which the party is under a duty to communicate because of a confidential relationship between the parties or the particular circumstances of the case. *American Nat. Bank v Fidelity & Deposit Co.* 131 Ga 854, 63 SE 622. As a bar to discharge in bankruptcy:—the failure of the bankrupt to disclose his property to his trustee in bankruptcy after having had reasonable opportunity so to do. 9 Am J2d Bankr § 695. As a criminal offense against the Bankruptcy Act:—knowingly to conceal from the receiver, custodian, trustee, marshal, or other officer of the court charged with the custody or control of property, or from creditors in any proceeding under the Bankruptcy Act, any property belonging to the estate of a bankrupt; to conceal property knowingly, in contemplation of a bankruptcy proceeding, with intent to defeat the bankruptcy law. 18 USC § 152, paragraphs (1),(6).

**fraudulent contract of marriage.** A ground of absolute divorce consisting of fraud perpetrated upon the plaintiff in inducing him or her to enter into a marriage which is void because of consanguinity, imbecility, or other circumstance rendering the marriage void from the beginning. *Gould v Gould*, 74 Conn 242, 61 A 604.

**fraudulent conversion.** An essential element of the crime of embezzlement, which may consist either of an appropriation of the money or other personal property to the personal use of the accused, that is, of his disposition of it for his own personal benefit and his own private business, or in putting it to some other use than a proper discharge of the trust imposed, or after obtaining lawful possession, in failing to account for or pay over on proper or lawful demand. *Blake v State*, 12 Okla Crim 549, 160 P 30. A conversion by a fiduciary made with intent to deprive the beneficiary of the money permanently, or at least until restoration should be compelled. *United States v Summers* (DC Va) 19 F2d 627.

**fraudulent conveyance.** A conveyance in fraud of creditors. A transaction by means of which the owner of real or personal property has sought to place the land or goods beyond the reach of his creditors, or which operates to the prejudice of their legal or equitable rights, or a conveyance which operates to the prejudice of the legal or equitable rights of other persons, including subsequent purchasers. 37 Am J2d Frd Conv § 1.

See **Bulk Sales Acts; fraudulent transfer.**

**Fraudulent Conveyance Act.** One of the uniform laws. 37 Am J2d Frd Conv § 3.



**fraudulent disposition of property.** A disposition of property with respect to which three things must concur:—first, the thing disposed of must be of value, out of which the creditor could have realized all, or a portion of his claim; second, it must be transferred or disposed of by the debtor, and, third, it must be done with intent to defraud. *Hoyt v Godfrey*, 88 NY 669, 670.

**fraudulent-enlistment or appointment.** The procuring of one's own enlistment or appointment in the armed forces by false representations or deliberate concealment as to his qualifications for the enlistment or appointment and receiving pay or allowances thereunder. 10 USC § 883. The effecting by one person of an enlistment or appointment in the armed forces of one known by him to be ineligible for such enlistment or appointment. 10 USC § 884.

**fraudulent exchange.** An exchange of property fraudulent as to the creditors of one of the parties. 37 Am J2d Frd Conv § 59.

**fraudulent joinder.** A plaintiff's joinder of a resident of the state as a party defendant without the right to do so and in bad faith, but in order to prevent a removal of the cause to the federal court. *Good v Hartford Acci. & Indem. Co.* (DC SC) 39 F Supp 475.

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**fraudulently.** Acting with a deliberately-planned purpose and intent to deceive and thereby to gain an unlawful advantage. *Bank of Montreal v Thayer* (CC Iowa) 7 F 622, 625. A word insufficient in itself as an allegation of fraud, a sufficient allegation being nothing less than a statement of the fraudulent conduct. *Garst v Hall & Lyon Co.* 179 Mass 588, 61 NE 219.

**fraudulent mortgage.** A mortgage fraudulent as to the creditors of the mortgagor. 37 Am J2d Frd Conv § 58.

**fraudulent practice.** Literally, the practice of fraud that is, fraudulent conduct. In reference to conduct proscribed by a Blue Sky Law, all acts which have a tendency to deceive or mislead the purchasing public, whether or not they originate in an actual evil design or contrivance to perpetrate fraud or do injury to the rights of another person. *People v Federated Radio Corp.* 244 NY 33, 154 NE 65.

**fraudulent preference.** Giving a creditor an undue advantage over other creditors in securing his agreement to a composition. 15 Am J2d Comp Cred § 8. The act of a debtor in preferring one of his creditors by making payment to him with intent thereby to hinder, delay, or defraud other creditors. 37 Am J2d Frd Conv §§ 87 et seq.

A preferential transfer voidable under the Bankruptcy Act is not necessarily fraudulent. In the actual cases, however, a purpose to prefer, which is usually aimed at benefiting relatives or business associates, is important for consideration in determining whether there was also a purpose to defraud. *Van Iderstine v National Discount Co.* 227 US 575, 57 L Ed 652, 33 S Ct 343.

**fraudulent representation.** A representation proceeding from, or characterized by, fraud, and the purpose of which is to deceive. 37 Am J2d Fraud § 2. A representation that is knowingly untrue, or made without belief in its truth, or made recklessly, and, in any event, for the purpose of inducing action upon it. *Clark v Haggard*, 141 Conn 668, 109 A2d 358, 54 ALR2d 655.

**fraudulent separation.** The procuring of one's own separation from the armed forces by false representations or deliberate concealment as to his eligibility for separation. 10 USC § 883. The effecting by one person of the separation of another from the armed forces, knowing the latter to be ineligible for separation. 10 USC § 884.

**fraudulent transfer.** A transfer voidable in bankruptcy because made with actual intent to hinder, delay, or defraud existing or future creditors, or a transfer fraudulent in law, without reference to an actual fraudulent intent on the part of the bankrupt, because of the insolvency of the bankrupt at the time of the transfer and the absence of a fair consideration. 9 Am J2d Bankr § 1115.

See **fraudulent conveyance.**

**fraudulent use of process.** A form of abuse of process; the use of legal process for a fraudulent purpose, as by attempting to enforce a judgment on a fictitious claim or the use of legal process as a mere cover for the creditors in obtaining property of the defendant in order to put it to their own use. I Am J2d Abuse P §§ 9-12.

**fraudum legis.** See **in fraudum legis**.

**fraunche.** Free. Same as **frank**.

**fraunchise.** Same as **franchise**.

**fraunke.** Free. Same as **frank, fraunke**.

**ferme.** Same as **frank ferme**.

**fraunk homo.** A freeman.

**fraus.** Fraud.

**fraus dans locum contractui.** Fraud inducing the making of the contract.

**fraus est celare fraudem.** It is fraud to conceal a fraud. Anno: 50 ALR 807.

**fraus est odiosa, et non praesumenda.** Fraud is odious and will not be presumed.

**fraus et dolus nemini patrocinari debent.** Fraud and deceit ought not to excuse anyone.

**fraus et jus nunquam cohabitant.** Fraud and justice never live together.

**fraus latet in generalibus.** Fraud lurks or lies hidden in generalities.

**fraus legis.** Fraud of the law; fraud upon the law.

**fraus meretur fraudem.** Fraud merits or begets fraud.

**fray.** An affray.

**frectare.** To freight; to load.

**frectum.** Freight.

**frednite.** Immunity or exemption from fine or amercement.

**fredum.** A payment made to obtain a pardon where the offense was breach of peace. A sum paid to a magistrate for protection against vengeance.

**free.** Without restraint or coercion; not enslaved; not bound; exonerated. Thrown open, or made accessible to all; to be enjoyed without limitations; unrestricted; not obstructed, engrossed, or appropriated; open for use or enjoyment without charge. *Flaherty v Fleming*, 58 W Va 669, 52 SE 857. Not subject to customs duty. 21 Am T2d Cust D § 36.

**free alms.** See **frankalmoign**; in **libera eleemosyna**.

**free alongside steamer.** Free alongside ship; a term in commercial usage which binds a seller to delivery of the goods to the buyer at the dock. *Iwai & Co. v Hercules Powder Co.* 162 Ga 795, 802, 134 SE 763.

**Free Baptists.** A religious body of the Baptist persuasion generally, characterized in particular by adherence to the doctrine of conditional election and reprobation as opposed to absolute predestination. *Park v Champlin*, 96 Iowa 55, 64 NW 674.

**free bed.** An endowed bed in a hospital or sanitorium. *Kapiolani Maternity & G. Hospital v Wodehouse* (CA9 Hawaii) 70 F2d 793.

**free bench.** A widow's dower in copyhold lands, which she usually held subject to the condition that she should remain chaste and unmarried. See 2 Bl Comm 129.

**free-borough men.** The inhabitants of a free burgh.

**free burgh.** A borough which had its charter rights from the crown.

**free competition.** A free and open market among

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both buyers and sellers for sale and distribution of commodities. *Maple Flooring Mfrs. Asso. v United States*, 268 US 563, 69 L Ed 1093, 45 S Ct 578. The requisite of the bidding at a judicial sale. 30A Am J Rev ed Jud S § 98.

**free course.** A vessel sailing with a favorable wind.

**free delivery.** A service rendered by some retail establishments.

See **rural free delivery**.

**free delivery limits.** The boundaries of the area within which a telegraph company will deliver messages without charge.  
**freedman.** A person who has been freed from bondage, involuntary servitude or slavery. *Slaughter House Cases* (US) 16 Wall 36, 21 L Ed 395.

**freedom.** Liberty; absence of restraint.

See also **liberty** and phrases beginning "**liberty**."

**freedom of contract.** Same as **liberty of contract**.

**freedom of movement.** The right to travel-to go where and when one pleases-only so far restrained as the rights of others may make restraint necessary for the welfare of all other citizens. 16 Am J2d Const L § 359. The right of removal from one state to another. 16 Am J2d Const L § 478.

**freedom of religion.** A constitutional guaranty under the First Amendment, and the due process clause of the Fourteenth Amendment, to the Constitution of the United States and the provisions of some state constitutions, embracing the two concepts

of freedom to believe and freedom to act, the first being absolute and beyond interference by legislation, the second being subject to regulation to prevent acts subversive of the civil government or otherwise criminal. *Oney v Oklahoma City* (CA10 Okla) 126 F2d 861; 16 Am J2d Const L §§ 336 et seq. One of the liberties included within and protected by the due process clause of the Fourteenth Amendment. *Hamilton v Regents of the University of California*, 293 US 245, 79 L Ed 343, 55 S Ct 197.

**freedom of speech and of the press.** A constitutional guaranty under the First Amendment, and the due process clause of the Fourteenth Amendment, to the Constitution of the United States and provisions in many state constitutions, embracing the concept that free discussion is essential to the growth, development, and well being of our free society under a democratic form of government and should be limited by regulation only to prevent abuse of the right. 16 Am J2d Const L §§ 341 et seq.

Liberty and freedom of speech under the Constitution do not mean the unrestrained right to do and say what one pleases at all times and under all circumstances, and certainly they do not mean that, contrary to the will of Congress, one may make of the post office establishment an agency for the publication of his views of the character and conduct of others, as distinguished from the carriage of the mails. *Warren v United States* (CA8 Kan) 183 F 718.

**freedom of the press.** See **freedom of speech and of the press.**

**free election.** An election at which the voter is left in the untrammelled exercise, whether by civil or military authority, of his right or privilege,—that is, where no impediment or restraint of any character is imposed upon him either directly or indirectly whereby he is hindered or prevented from participation at the polls. 25 Am J2d Elect § 7. An election where the voters are subject to no intimidation or improper influence, and where every voter is allowed to cast his ballot as his own judgment and conscience dictate. *Blue v State*, 206 Ind 98, 188 NE 583, 91 ALR 334.

**free employment agency.** A state employment agency. 31 Am J Rev ed Lab § 761.

**free fee.** See **feudum apertum.**

**free feud.** See **feudum francum.**

**free fishery.** The exclusive liberty of taking and killing fish in a public stream or river. By an express provision of Magna Charta no new franchise of this liberty could be granted by the crown. See 2 Bl Comm 417.

**free flow of labor.** The right of a prospective employer to be free from unlawful interference with the employment of workmen who wish to enter his employment, not a right to employ workmen who for any reason do not wish to enter such employment. *Boylston Housing Corp. v O'Toole*, 321 Mass 538, 74 NEW 288, 172 ALR 1251.

**freefold.** Same as **faldage.**

**free from average unless general.** A limitation of liability in a marine insurance policy, having the same effect as the clause free from particular average. 29A Am J Rev ed Ins § 1585.

**free from particular average.** A clause in a marine insurance policy used in a limitation of liability, generally defeating liability of the insurer for a partial loss. 29A Am J Rev ed Ins § 1585.

**free government.** A government of the republican form, the powers of which are divided between departments, preferably, legislative, executive, and judicial, each of which is separate from the others, neither being subordinated to nor encroaching upon the functions of the others, and each operating as a check upon the activities of the others, thereby preventing the usurpation of

absolute power by any one of the separate departments. *Re Davies*, 168 NY 89, 61 NE 118; *State ex rel. Zillmer v Kreutzberg*, 114 Wis 530, 90 NW 1098.

**free handicap.** A horse race as to which no liability for entrance fee or stake is incurred until acceptance of the weight allotted to the entry, either by direct acceptance or omission to declare the horse out of the race. *Stone v Clay* (CA7 111) 61 F 889.

**freehold.** Any estate of inheritance or for life, in either a corporeal or incorporeal hereditament, existing in, or arising from, real property of free tenure. 28 Am J2d Est § 8.

See **freehold estate not of inheritance; freehold estate of inheritance.**

**freeholder.** The owner of a freehold. One who owns lands, having an estate of inheritance or an estate for life, not merely a contingent or an expectant estate. *State ex rel. Cain v Toomey*, 27 SD 37, 129 N W 563. For the purpose of qualification as a voter in certain elections:—one having legal title to real estate or one in the possession and control of real estate as the apparent owner thereof. 25 Am J2d Elect § 80.

See **chosen freeholders; freehold; freeholder voter of such city; resident freeholder.**

**freeholder voter of such city.** As a qualification of the signer of a petition for a local option election:—a voter as well as a freeholder of the city, not

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including a voter of the city whose only land is located outside the city or a man who lives in the city but has no interest in real estate in the city other than the contingent or expectant interest of a husband in real estate owned by his wife. *State ex rel. Cain v Toomey*, 27 SD 37, 129 NW 563.

**freehold estate.** Same as **freehold.**

**freehold estate not of inheritance.** A freehold estate for the life of the grantee or some other person. 28 Am J2d Est § 8.

**freehold estate of inheritance.** A freehold estate in fee simple absolute, fee simple conditional, fee simple determinable or defeasible, and estates in fee tail. 28 Am J2d Est § 8.

**freehold in law.** A freehold to which a person is lawfully entitled, but upon which he has not entered.

**freehold land societies.** Societies formed for the assistance of workingmen in acquiring freeholds.

**freehold tenure.** Same as **free tenure.**

**free justice.** A constitutional guaranty against the sale of justice under the guise of exorbitant fees imposed on litigants or demands by judges for gratuities for giving or withholding decisions. 16 Am J2d Const L § 382.

**free labor market.** The right of one conducting a business or industry to have a free flow of labor for the purpose of carrying on the business or industry, such being not merely an abstract right, but one recognized as the basis of a cause of action where there is an unlawful interference therewith. *L. D. Willcutt & Sons Co. v Driscoll*, 200 Mass 110, 85 NE 897. A right to a market in which no compulsion is put upon the will of others a right to a market to which transactions proceed according to the ordinary laws of trade, without interference other than may be occasioned by the bona fide exercise of rights by others. Anno: 6 ALR 913, 16 ALR 230, 27 ALR 652, 32 ALR 779, 116 ALR 485.

**free legal advice.** A ground for disciplinary proceedings against an attorney at law when offered in an advertisement. *Re Cohen*, 261 Mass 484, 159 NE 495, 55 ALR 1309.

**free list.** A list of articles on the importation of which no duties are charged, contained in the former § 1201 of Title 19 of the United States Code.

In the present tariff schedules, the dutiable list and the free list are combined in 19 USC § 1202 by specifying, in the "rates of duty" columns, either the particular duty payable or the word "free."

**freeman.** One born free; one who has been freed from the bonds of slavery. A person in possession in all the civil rights to which a person may be entitled. *McCafferty v Guyer*, 59 Pa 109, 116. In the feudal period, a freeholder, as distinguished from a villein.

**freeman's roll.** A list of those persons who are entitled to participate in the government of a village.

**Freemasons.** See **Masons.**

**free negro.** See **freedman; freeman; free woman of color.**

**free of average.** See **free from all average; free from average unless general.**

**free of duty.** The characterization of an article which may be imported without payment of customs duty. 21 Am J2d Cust D § 36.

**free on board.** A commercial term, familiar in sales contracts under the abbreviation "f.o.b." which, where no place is designated, binds the seller to deliver the goods upon car, truck, or vessel at the usual place of shipping goods of the kind sold, without expense to the buyer for such delivery, but leaving to the buyer the responsibility for the payment of charges for the transportation from such point of delivery; and which means, where it appears as "F.o.b." point of destination, that the charges for delivery and transportation to the point of destination are to be paid by the seller. 46 Am J1st Sales § 188.

No agreement by the consignee of goods to pay the freight charges thereon will be implied from his acceptance of the goods from the carrier, where the goods have been purchased by the consignee under an agreement providing for their delivery "free on board" at the place of destination. 13 Am J2d Car § 475.

**free on board acceptance final.** A regulation adopted under the authority of the Secretary of Agriculture, whereunder a buyer accepting produce f.o.b. cars at shipping point is without recourse against a seller because of change in condition of the produce while in transit. *Anne*: 21 ALR2d 845.

**free on board cars.** A sale upon the terms that the subject of the sale is to be placed on the cars for shipment without any expense or act on the part of the buyer, and that as soon as so placed the title is to pass absolutely to the buyer, and the property be wholly at his risk, in the absence of any circumstances indicating a retention of such control by the seller as security for purchase money, by preserving the right of stoppage in transitu. *Geogehan Sons & Co. v Arbuckle Bros.* 139 Va 92, 123 SE 387, 36 ALR 399.

Sometimes construed as meaning merely that the seller is required to load the property for shipment without expense to the purchaser, not involving the matter of time of passing of title. *Sadler Machinery Co. v Ohio Nat. Inc.* (CA6 Ohio) 202 F2d 887, 38 ALR2d 649.

**free pass.** See **pass.**

**free passage.** The passage of vehicles in the ordinary course of traffic on the improved portion of the highway; a sufficient width of the improved portion of the highway left unobstructed to permit the passage of vehicles in separate adjacent lanes of traffic. Pugh v Akron-Chicago Transp. Co. 64 Ohio App 479, 18 Ohio Ops 211, 32 Ohio L Abs 159, 28 NE2d 1015, affd 137 Ohio St 164, 17 Ohio Ops 511, 28 NE2d 501.

**free right of way.** A right of way unobstructed by any act of the servient owner. Flaherty v Fleming, 58 W Va 669, 52 SE 857.

**free services.** See **gratuitous services.**

**free ships.** Ships of nations which are neutral during a war.

**free socage.** Tenure of land by services which were certain, free and honorable. See 2 Bl Comm 62.

**free socmen.** Tenants in free socage. See 2 Bl Comm 79.

**freestone.** A mineral. 36 Am J1st Min & M § 35. A stone fit for the facade or any exterior wall of a

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building because it is easily shaped or cut without splitting.

**free tenure.** Freehold tenure; tenure by free services; that is, by services which were becoming a freeman or a soldier. See 2 Bl Comm 62, 89, 90.

**free textbooks.** A means of aid to poor persons. 41 Am J1st Poor L § 32. A service in education in the public schools and high schools in many states, being applied without reference to financial circumstances of the parents of the recipients. 47 Am J1st Sch § 204.

**free time.** Hours or days not counted in determining liability for demurrage. 13 Am J2d Car § 482.

**free transportation.** The transportation of pupils to and from school at public expense. 47 Am J1st Sch § 160. Discrimination by a common carrier. 13 Am J2d Car § 204.

See **pass.**

**free warren.** The liberty, franchise or royalty, derived from the crown, of taking or killing all inferior species of game, called beasts and fowls of warren. See 2 Bl Comm 417.

**freeway.** A public highway, particularly, a superior or divided highway for fast movement of traffic, for the use of which there is no toll.

**freewheeling.** Coasting in an automobile, unimpeded by the motor. Anno: 78 ALR2d 231, § 6. A slang term for unrestrained action.

**free white.** See **white person.**

**Free Will Baptists.** See **Free Baptists.**

**free woman of color.** A female of African descent freed from slavery. Hearn v Bridault, 37 Miss 209.

**freeze.** An Act of God where unprecedented as to time or violence. 1 Am J2d Act of God § 5.

**freezer.** A device for freezing anything. A place for the preservation of meat or poultry where the temperature is kept below the freezing point,—from zero up to thirty-two degrees. Allen v Somers, 73 Conn 355, 47 A 653.

**freezing.** Subjecting something to freezing temperature, causing it to harden or solidify. Preserving the status quo—for example, prohibiting withdrawals from, or additions to, a fund in litigation.

**fregit.** See **clausum fregit.**

**freight.** A freight train. The load or cargo carried by a carrier by land or water. The charge or hire for a carrier's services in the transportation and delivery of property, 48 Am J1st Ship § 424; it is in such sense that the term appears in a marine insurance policy on "freight." 29A Am J Rev ed Ins § 1308.

See **dead freight; lien for freight; local freight.**

**freight agent.** An agent of a carrier authorized to receive freight and make contracts for transportation thereof at least over the line of the carrier and, under certain circumstances, over connecting lines in order to accomplish through transportation. 14 Am J2d Car § 690.

**freight booking.** The making, in advance, of specific arrangements for the transportation of goods by a particular vessel. Ocean S.S. Co. v Savannah Locomotive Works. 131 Ga 831, 837, 63 SE 577.

**freight car.** A railroad car for the transportation of goods, merchandise, and other property, not of passengers.

**freight charges.** The charges made by a carrier for the transportation of property. 13 Am J2d Car §§ 461 et seq.

**freight collected from consignee.** A stipulation in a contract of sale of personalty or a bill of lading, indicating that the charges for transportation are to be collected from the consignee. 13 Am J2d Car § 477.

**freight depot.** A place provided by a carrier for the receiving and delivery of freight.

**freight elevator.** A classification sometimes made on the basis of the regular and primary use of the instrumentality in carrying goods, merchandise, and other property, irrespective of its form or size; at other times made according to the construction of the instrumentality. 26 Am J2d Elev § 2.

**freighter.** A ship used for carrying cargo primarily; also the owner of the vessel hired under a contract of affreightment. The latter definition derives from the French and is not accepted in common-law jurisdictions without some disagreement. At times, the person to whom the vessel is let is called the "freighter."

**freight forwarder.** See **forwarder.**

**Freight Forwarder Act.** See **Forwarder Act.**

**freight lien.** See **carrier's lien.**

**freight line company.** A company furnishing or leasing cars to railroads for freight transportation. Cudahy Packing Co. v Minnesota, 246 US 450, 452, 62 L Ed 827, 829, 38 S Ct 373.



**freight prepaid.** A term familiar in sales contracts, imposing upon the seller the obligation of payment of freight charges. A term, which, when marked or stamped on a bill of lading, does not necessarily, but may, under the circumstances of a particular case, estop the carrier to deny the prepayment of freight charges. 13 Am J2d Car § 479.

**freight pro rata.** Or **freight pro rata itineris peracti**,—freight for the completed portion of the voyage; freight in the proportion that the part of the voyage performed bears to the entire length of it, the right to which is exclusively a matter of contract, express or implied. 48 Am J1st Ship § 432.

**freight pro rata itineris.** Freight charges proportioned to the voyage.  
See **freight pro rata**.

**freight pro rata itineris peracti.** See **freight pro rata**.

**freight rate.** The rate according to which a carrier is compensated for the transportation of goods, merchandise, and other property. 13 Am J2d Car §§ 105 et seq. Not necessarily the rate for transportation by railroad, the term being applicable as well to the rate for transportation by truck. *Lyman-Richey Sand & Gravel Co. v State*, 123 Neb 674, 243 NW 891, 83 ALR 1301.

See **class rate**.

**freight shipment.** See **shipment by freight**.

**freight train.** A railroad train which carries freight alone, and which has a caboose attached to it for the use of the train crew. *Arizona Eastern Railroad Co. v State*, 29 Ariz 446, 242 P 870. A railroad train provided by a carrier primarily for the carriage of freight, but used incidentally for the carriage of passengers. 14 Am J2d Car § 860.

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**French.** The people of France. The language of France.  
See **Law French**.

**French pool.** The pari-mutuel system in betting, particularly on horse races.  
See **pari-mutuel**.

**French Spoliation Claims.** Claims of two classes:(1) claims of American citizens arising out of depredations by French naval forces against American ships between 1793 and 1798, used by the United States government as an offset against claims of France against the United States in effecting a treaty with France, thereby becoming claims against the United States, some of which remain unpaid to this day, particularly claims held by insurance companies under the right of subrogation; (2) claims growing out of French seizure and confiscation of American ships and cargoes under a series of decrees issued by Napoleon, finally settled for about sixty cents on the dollar of the total award of damages made by a special commission.

**frendlesman.** Same as **friendlesman**.

**frendwit.** A fine imposed upon a person for the offense of harboring a friend who had been outlawed.

**freneticus.** A madman; a lunatic.

**frentike.** Same as **freneticus**.

**frenzy.** A state of delirium of short duration, approaching madness or insanity. *Lowe v State*, 118 Wis 641, 96 NW 417.

See **blood-frenzy**.

**freoborgh.** Same as **frank pledge**.

**frequency.** The number of times something occurs within a stated period. A term pertaining particularly to electricity, signifying the number of cycles per second of an alternating electric current.

**frequency modulation.** Abbreviated FM; reproduction of sound over the radio in which exactness is maintained by changing the frequency of the wave in accord with the sound intended to be transmitted.

**frequent.** Adjective: Occurring at short intervals. Verb: To visit or resort to a place often.

To frequent a gaming house is to make a habit of going there. A person may be guilty of frequenting a gaming house for the purpose of gaming without actually engaging in any game. *Green v State*, 109 Ind 175, 176.

**frequenter.** One who comes to a place often. A person, other than an employee, in a place of employment who, by reason of the circumstances, particularly the acquiescence of the employer in many past visits by such person, is not to be regarded as a trespasser. *Sullivan v School Dist.* 179 Wis 502, 191 NW 1020, 22 NCCA 863 (statutory definition).

**Frequentia actus multum operatur.** The frequency of an act effects much.

**fresh.** New; recent; recently produced; uncured; not salty.

**fresh disseisin.** Recent disseisin, such disseisin as the person disseised might resist with force.

**freshet.** The sudden overflow of a stream from a heavy rain or an accumulation of water from melting snow or other source.

**freshet waters.** See **enemy waters; storm waters**.

**fresh fine.** A fine of land which had been levied within the year next preceding.

**fresh force.** Recent force, that is force used to effect a disseisin within the next preceding forty days.

See **assize of fresh force**.

**fresh pursuit.** The pursuit of a person for the purpose of arresting him, which has been continued without substantial interruption from the time of the issuance of the warrant for his arrest or from the time of the commission of the offense, or the discovery of the offense, where the arrest is to be made without a warrant. An "immediate pursuit" in a reasonable sense of the term. *People v Pool*, 27 Cal 573. A pursuit maintained purposefully, albeit with some interruptions, such as a delay for the purpose of seeking assistance. 5 Am J2d Arr § 33. A pursuit of a thief immediately after the theft to apprehend him and recover the property. 1 Bl Comm 297.

**fresh suit.** An Old English term for fresh pursuit.

**fresh water.** See **inland waters**.

**fresh-water river.** A river which has banks, not shores such as are characteristic of a tidal river. *State v Faudre*, 54 W Va 122, 46 SE 269.

**fret.** Verb: To worry; to be irritated. Noun: An irritation. (French.) Freight.

**freter.** (French.) To freight.

**freteur.** (French.) See **freighter.**

**frettum.** Freight. The charge for carrying a shipment.

**fretum.** An arm of the sea; a strait.

**friars.** The members of certain religious orders who lived in monasteries.

**friborg.** Same as **frank pledge.**

**friction-hoist elevator.** An elevator in which the lifting power is transmitted by friction gears instead of the conventional gears with teeth.

**fridborg.** Same as **frank pledge.**

**friend.** An acquaintance for whom one has at least some degree of fondness. An alien enemy residing in this country but not adhering to the enemy. 3 Am J2d Aliens § 173. Insufficient as a designation of beneficiary of a trust. 54 Am J1st Trusts § 140.  
See **next friend.**

**friendlesman.** One who could not, by law, have a friend; an outlaw. *Drew v Drew*, 37 Me 389, 381.

**friendly fire.** A fire lighted and contained in a usual place for fire, such as furnace, stove, incinerator, and the like, and used for the purposes of heating, cooking, manufacturing, or other common and usual every day purposes. *Youse v Employers Fire Ins. Co.* 172 Kan 111, 238 P2d 473.

**friendly receivership.** A receivership constituted where contending parties have agreed to the appointment of a receiver of certain property for a certain purpose in a bona fide case by a court with jurisdiction. 45 Am J1st Rec § 3. A receivership which is obtained indirectly by the debtor himself or with his connivance, wherein through his attorney or otherwise he contrives to cause his creditor to institute proceedings for the appointment of the receiver. *Harkin v Brundage*, 276 US 36, 72 L Ed 457, 48 S Ct 268.

**friendly society.** A mutual aid or benefit society.

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**friendly suit.** Same as **amicable action.**

**friend of the court.** Same as **amicus curiae.**

**fright.** Sudden fear; apprehension of immediate injury to the person. 6 Am J2d Asslt & B § 4.

The fright of one who is robbed must be under the law an objective fright, as contradistinguished from subjective fright; it must have been due to some act on the part of the accused, and not arise from the mere temperamental timidity of the person whose property happens to be stolen from his person or presence. *State v Parker*, 262 Mo 169, 170 SW 1121.

See **fear.**

**frigidity.** Want of normal sexual desires, but not equivalent to impotency. *S. v S.* 211 Ga 365, 86 SE2d 103.

**frilingi.** Freemen.

**fringe benefits.** Benefits received by any employee in addition to wages or salary, such as group insurance, pension rights, etc.

**friscus.** Fresh; recent; new; not salty.

**friscus fortia.** Same as **fresh force.**

**frisk.** To filch; to steal; to search a person, particularly by running the hands over his clothing. *Mason v Wrightson*, 205 Md 481, 109 A2d 128.

**frithbote.** A fine imposed for a breach of the peace.

**frithbreach.** A breach of the peace.

**frithman.** A member of a company or fraternity.

**frithsocne.** Same as **frithsoken.**

**frithsoken.** Power to preserve the peace.

**frithsplot.** Sacred ground, where fugitives from justice might safely hide; a sanctuary; an asylum.

**frivolous.** So clearly and palpably bad and insufficient as to require no argument or illustration to show the character as indicative of bad faith upon a bare inspection; as a pleading, argument, motion, or objection. *Strong v Sproul*, 53 NY 497, 499.

**frivolous answer.** An answer which does not, in any view of the facts pleaded, present a defense to the action; an answer which forms or tenders no material issue; a false answer, a sham answer. 41 Am J1st Pl § 50.

**frivolous appeal.** An appeal where the exceptions are so obviously frivolous on their face as to require no argument. *Dachrach v Manhattan R. Co.* 154 NY 178, 47 NE 1087.

**frivolous claim.** A claim asserted where there is no bona fide dispute between the parties. *Excercycle Corp. v Maratta*, 9 NY2d 329, 214 NYS2d 353, 174 NE2d 463.

**frivolous demurrer.** A demurrer which is so clearly untenable, the insufficiency of which is so manifest upon a bare inspection of the pleadings, that the court or judge is able to determine its character without argument or research. *Farmers & Millers' Bank v Sawyer*, 7 Wis 379, 383.

**frivolous plea.** A plea which does not in any view of the facts pleaded present a defense to the action; a plea which tenders no material issue; a false or sham plea. 41 Am J1st Pl § 50.

**frivolous pleading.** A pleading good in form but false in fact and not pleaded in good faith. 41 Am J1st Pl § 50. A pleading palpably and manifestly false on its face. *Commonwealth ex rel. Meredith v Murphy*, 295 Ky 466, 174 SW2d 681.

See **frivolous answer.**

**frivolous question.** A question presented to the court which is devoid of substance or so clearly determined by previous decisions as to foreclose the subject. *California Water Service Co. v Redding*, 304 US 252, 82 L Ed 1323, 58 S Ct 865.

**frivolous suit.** A suit without purpose to determine an actual controversy, as where the parties control by interest both sides of the litigation. 1 Am J2d Actions § 56.

**frl.** An abbreviation of fractional, often used in descriptions of real estate.

**frodmortel.** An exemption or immunity from punishment for manslaughter.

**frog.** In common parlance, a small four-legged creature developing from a tadpole and living in water or on land, characterized by ability to leap. In the parlance of a railroad man, a section of a rail, or of several rails combined, at a point where two railways cross or at the point of a switch from a line to a siding or to another line, its function being to enable a car or train to be turned from one track to another track. 35 Am J1st M & S § 221.

See **blocked frog; unblocked frog.**

**frolic of his own.** The activity of an agent or an employee who has departed from the scope of the agency or the employment and is not while thus engaged a representative of his principal or employer or one whose acts are binding upon, or productive of liability of, the principal or employer.

**from.** As the word appears in a statement of the voyage covered by a marine insurance policy, e.g. "from" New York to Port au Prince:-the risk attaches at the time of weighing anchor and breaking ground for the voyage, but is not exclusive of intermediate ports stated in the policy. *Bradley v Nashville Ins. Co.* 3 La Ann 708. As the word appears in the designation of a boundary of real estate, e.g. "from" the [a designated monument or object]:-the designation is exclusive of the monument or object specified. except as the entire context requires its inclusion. *Bonney v Morrill*, 52 Me 252.

A word productive of some confusion in determining whether it denotes inclusion or exclusion of the day from which a reckoning is to be made, the courts, however, ordinarily proceeding on the theory that the word is not per se a word either of inclusion or exclusion, but is to be construed as one or the other according to the tenor of the instrument or the intent of the parties and the equities of the particular case. 52 Am J1st Times § 23.

When the words "from" a day named, are used in connection with the creation of an estate or interest, and it is not contrary to the express intention of the parties, the date named from which the estate or interest is to exist is to be included, and the estate vests on that day. *Budds v Frey*, 104 Minn 481, 117 NW 158.

**from and after.** A term ordinarily signifying the exclusion of the day from which the reckoning is to be made, but not so considered where such construction will defeat the purpose of the contract or statute in which the term appears. 52 Am J1st Time § 27. An expression of futurity but, as it appears in a testamentary gift of a remainder, following a

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life estate, it does not make the remainder contingent, in the absence of anything else on the face of the will to show that vesting was postponed or intended to be postponed beyond the death of the testator. 33 Am J1st Life Est § 111.

**from and after passage.** A provision in a statute specifying the effective date, sometimes interpreted as meaning that the statute takes effect on the day of its passage, but in other cases interpreted as rendering the statute effective the day following passage. 50 Am J1st Stat § 506.

**from the making.** A common term in a provision of the statute of frauds respecting agreements not to be performed within one year "from the making" thereof; the words excluding the day on which the agreement was made. *Nickerson v Harvard College*, 298 Mass 484, 11 NE2d 444, 114 ALR 414.

**from the person.** See **taking from the person.**

**from time to time.** At intervals. *First Nat. Bank v Stover*, 21 NM 453, 155 P 905.

**from whatever cause arising.** An expression in a bill of lading or other contract of carriage in reference to relief of the carrier from liability for damage to the shipment. 14 Am J2d Car § 566.

**front.** Noun: That which faces forward. Appearance. A union which has complied with the National Labor Relations Act acting on behalf of a union which has not complied with such statute. 31 Am J Rev ed Lab § 222. Verb: To stand opposite something. A store operating in a basement which extends under the sidewalk and out to the curb of a street, from which an entrance was made to the store, "fronts" on that street within the meaning of a provision in a lease giving the lessee the exclusive right to sell cigars and tobacco in that part of the building "fronting" on such street. Anno: 90 ALR 1461.

The narrow end of a lot "fronts" on the street upon which it abuts; it does not front on another street although it is a corner lot which abuts on both streets. The end of an unimproved lot fronts on the street upon which it abuts, toward which the house, when constructed, is intended to face according to the plan or usage in the particular block or district. *Rhinehart v Leitch*, 107 Conn 400, 140 A 763. But some authority holds that a corner lot "fronts" on both streets. *Des Moines v Dorr*, 31 Iowa 89, 93.

**frontage.** The measure in feet or other linear unit of measurement of the boundary between a street or highway and an abutting property. The measure of the line between a river or other body of water and land abutting thereon. The buildings fronting upon a street, whether business or residential. 7 Am J2d Auto § 191.

In determining "frontage" occupied by business buildings, for the purpose of applicability of a speed limit prescribed by statute for business districts, an intersecting street or highway is not included. *Hinson v Dawson*, 241 NC 714, 86 SE2d 585, 50 ALR2d 333.

**frontage cost.** The entire cost of a local improvement in front of the property assessed. 48 Am J1st, Spec A § 66.

**front door of the courthouse.** A good and sufficient designation of the place where a judicial sale of real estate shall be made at auction.

**front foot plan.** A plan or method of levying local assessments for street work upon the property abutting on the portion of the street to be improved, in proportion to the length of the frontage of each lot along the improvement. *Crummey v Popp*, 79 Cal App 230, 249 P 29.

**fronting.** See **front.**

**fronting and abutting property.** A term, frequently used in statutes providing for street improvement by special assessment, for property between which and the improvement there is no intervening land. *Wilburton v McConnell*, 119 Okla 242, 249 P 708.

**front tooth.** A part or member of the body within the meaning of the offense of mayhem. *High v State*, 26 Tex App 545.

Whether a corner tooth is a front tooth is a question of fact for the jury. *High v State*, 26 Tex App 545.

**frost damage.** Injury by freezing.

**frozen navigable river.** A public highway, a way on which a traveler has the paramount right of passage. 56 Am J1st Wat § 208.

fructuarius. A person entitled to the fruits and profits of property; a lessee.

**fructus.** Fruit; fruits; increase; usufruct.

**Fructus augent haereditatem.** The fruits go to increase the inheritance.

**fructus civiles.** Civil fruits; revenues; recompenses; compensations.

**fructus industriae.** Same as **fructus industriales.**

**fructus industriales.** Crops that must be planted or sown each year and which require the attention of man to produce them. 21 Am J2d Crops § 2.

See **emblems.**

**fructus legis.** The fruit or product of the law,—execution.

**fructus naturales.** Crops produced by the powers of nature alone. 21 Am J2d Crops § 2. The fruits and produce of perennial trees, bushes, and grasses.

**fructus pecudum.** The produce of the flocks; such as the wool and milk of sheep and goats.

**fructus pendentes.** Hanging fruits; unplucked fruits.

**Fructus pendentes pars fundi videntur.** Unplucked fruits are regarded as part of the soil.

**Fructus perceptos villae non esse constat.** Gathered fruits are not a part of the farm.

**fructus rei alienae.** The fruit or product of the property of another.

**fructus separati.** Severed fruit; plucked fruit.

**fruges.** Fruits; produce.

**fruit.** The seed of plants, or that part of plants which contains the seed, and especially the juicy, pulpy products of certain plants, covering and containing the seed. *Nix v Hedden*, 149 US 304, 37 L Ed 745, 13 S Ct 881.

See **first-fruits; natural fruits.**

**fruitless.** Unproductive; unavailing.

As applied to a congressional investigation, the word means that it could result in no valid legislation on the subject to which the inquiry refers. *Sin-*

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*clair v United States*, 279 US 263, 73 L Ed 692, 49 S Ct 257.

**fruits of crime.** Loot; booty; anything acquired in or by the commission of a criminal offense.

**fruits of property.** Gains and profits from property.

**Frumenta quae sata sunt solo cedere intelliguntur.** Grain which has been sowed is understood to go with the soil.

**frumentum.** (Civil law.) Grain; anything which grows on an ear.

**frumgild.** The initial recompense paid to the relatives of a person who has been murdered.

**frusca terra.** Barren, waste, or desert land; uncultivated land.

**frussura.** A breaking up or ploughing.

**frustra.** In vain; vainly; unsuccessfully; to no purpose.

**Frustra agit qui iudicium prosequi nequit cum effectu.** He sues vainly who is unable to prosecute his judgment with effect.

**Frustra est potentia quae nunquam venit in actum.** A power or authority is a vain one if it is never exercised.

**Frustra expectatur eventus cujus effectus nullus sequitur.** It is vain to look forward to an event which is not to be followed by any result.

**Frustra feruntur leges nisi subditis et obedientibus.** Laws are made to no purpose unless for those who are subject and obedient.

**Frustra fit per plura, quod fieri potest per pauciora.** That is done or executed vainly through many means or agencies, if it could be done through few.

**Frustra legis auxilium quaerit qui in legem committit.** A person who has transgressed the law vainly seeks the law's aid.

**Frustra petis, quod mox es restiturus.** You vainly seek to get what you must immediately restore. *Jarvis v Rogers*, 15 Mass (15 Tyng) 389, 407.

**Frustra petis quod statim alteri reddere cogeris.** You vainly seek that which you will be compelled to restore to another immediately.

**Frustra probatur quod probatum non relevat.** It is idle to prove that which when proved is irrelevant. *Farnum v Farnum*, 79 Mass (13 Gray) 508, 511.

**frustrated expectations.** Developments or absence of developments contrary to expectations; not the equivalent of failure of consideration. 11 Am J2d B & N § 245.

**frustrum terrae.** A piece or parcel of land lying segregated from other land.

**frustration.** The prevention of accomplishment of purpose.

See **commercial frustration; frustrated expectations.**

**frustration of ancestral or testamentary intention.** The violation by heir, devisee, or legatee of a promise to the testator to hold an inheritance, devise, or legacy, for another or to give it to another, upon which the testator relied in the making or changing of his will in order to favor such other person. 54 Am J1st Trusts § 242.



**frustration of contract.** See **commercial frustration.**

**frustration of conversion.** See **reconversion.**

**frutex.** Singular of **frutices.**

**frutices.** Bushes; shrubs.

**frutos.** (Spanish.) Fruits; profits; products.

**frythe.** Clear land between woods; a strait; an arm of the sea.

**FSLIC.** Abbreviation for Federal Savings and Loan Insurance Corporation.

**ft.** An abbreviation of "feet" or "foot."

**FTC.** Abbreviation of Federal Trade Commission.

**ft-lb.** Abbreviation of foot pound.

**fuage.** An old tax of England. A duty or tax paid by custom to the king for every chimney in the house; hearth-money, a tax upon every hearth or fireplace.

**fuel oil.** Oil used for fuel in industrial plants, also in dwelling houses.

**fuer.** To fly; to flee; flight.

**fuer en fait.** Flight in fact; actual flight; the physical act of fleeing.

**fuer en ley.** Flight in law, a failure to appear in court when summoned.

**fuero.** (Spanish.) A use and custom combined, having the force of law. See *Strother v Lucas* (US) 9 Pet 410, 446, 9 L Ed 1137, 1151.

**fuero de Castilla.** The ancient law of the Castellians.

**fuero de correos y caminas.** A Spanish tribunal which had jurisdiction over post offices and roads.

**fuero de guerra.** A Spanish tribunal which had jurisdiction over military matters.

**fuero de marina.** A Spanish tribunal which had jurisdiction over naval affairs.

**fuero juzgo.** The ancient Visigothic law of Spain.

**fuero municipal.** The charter of a Spanish town or city.

**fuga catallorum.** A drove of cattle.

**fugacia.** A chase; a hunt.

**fugam fecit.** He has fled.

**fugatio.** A privilege of hunting.

**fugator.** A driver.

**fugatores carucarum.** Wagon drivers.

**fugie.** A fugitive.

**fugie-warrant.** A warrant for the arrest of a debtor who has fled.

**fugitate.** To outlaw a person accused of crime.

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**fugitation.** Outlawry; the flight of a criminal from justice.

**fugitive.** A person fleeing from danger or from justice. People ex rel. Merklen v Enright, 217 App Div 514, 517, 217 NYS 288.

See **fugitive from justice.**

**fugitive from justice.** A person who commits a crime and then withdraws himself from the jurisdiction, whether or not such jurisdiction is his home state. 31 Am J2d Extrad § 15. A person who, having committed a crime, is absent from the state when he is sought to answer therefor and is found within the jurisdiction of another state. 31 Am J2d Extrad § 15. One who, with knowledge that he is being sought pursuant to court process, absents himself or flees, even though he believes himself innocent. Tobin v Casaus, 128 Cal App 2d 588, 275 P2d 792, 49 ALR2d 1419. Under federal law:—a person who, having committed a crime in violation of the laws of the United States, flees from the jurisdiction of the court where the crime was committed, or departs from his usual place of abode and conceals himself within the district. United States v Farrell (CA8 Minn) 87 F2d 957. See, also, Greene v United States (CA5 Ga) 154 F 401.

**fugitive oil and gas.** A redundant expression, since oil and gas in their natural state in the earth are always fugitive in nature, possessing no fixed situs in any particular portion of the area where they may be, having the power, as it were, of self-transmission. 24 Am J1st Gas & O § 2. Oil and gas drained from premises by operations on adjoining property. 24 Am J1st Gas & O § 43.

See **hot oil.**

**fugitive slave.** A slave who had fled from his master.

**Fugitive Slave Acts.** The Act of Congress of February 12, 1793, and that of September 18, 1850, recognizing the existence of slavery, the object and purposes of the acts being to authorize and enable the owners to recover their fugitive slaves who should escape from their service and flee into a state where slavery did not exist. McElvain v Mudd, 44 Ala 48.

**fugitive witness.** A person wanted as a witness who has left the jurisdiction in order to avoid service of a subpoena upon him. A person wanted as a witness who is a fugitive from justice. 17 Am J2d Contin § 31.

**fugitivus.** A fugitive; a fugitive from justice.

**fait coactus.** He was compelled.

**full.** Ample; complete; perfect; not wanting in any essential quality. *Mobile School Com. v Putnam*, 44 Ala 506, 537.

**full actual loss.** The entire loss, which, in the case of goods damaged in transit, is ordinarily established by the difference between the fair market value of the goods undamaged and their fair market value as delivered in damaged condition. *Meltzer v Baltimore & Ohio R. Co.* (DC Pa) 38 F Supp 391.

**full admiral.** An admiral, as distinguished from a vice admiral or rear admiral.

See **admiral**.

**full age.** The status of a person who has reached the age of majority, usually, as at common law, the completion of the twenty-first year, but in some jurisdictions, in respect of females, the end of the eighteenth year. 27 Am J1st Inf § 5. The status of a person who has become an adult in the eyes of the law by a proceeding removing the disability of infancy or, as provided by statute in some jurisdictions, by marriage. 27 Am J1st Inf § 5.

**full and fair statement of all the facts.** As an element of a defense to an action for malicious prosecution:—all the facts within the knowledge of the person making the statement, not all facts discoverable. 34 Am J1st Mal Pros § 7.

**full and satisfactory evidence.** A refinement of the law which imposes a requirement in reference to the degree of proof in a civil case beyond that of a preponderance of the evidence. 30 Am J2d Evi §§ 1167.

A statute which provides that a divorce may be granted only upon "full and satisfactory evidence" does not mean that plaintiff's testimony must be corroborated in all cases. Anno: 15 ALR2d 186, § 5.

**full and true value.** A value determined by reference to all relevant facts in evidence; not a fictional value in cases where there is no standardized market for the subject of valuation. *State v Wagner*, 233 Minn 241, 46 NW2d 676, 23 ALR2d 762. The amount the owner would be entitled to receive as just compensation upon a taking of the property by a state or the United States in the exertion of the power of eminent domain. *Great Northern R. Co. v Weeks*, 297 US 135, 80 L Ed 532, 56 S Ct 426.

So far as respects the rule by which the duties on imported goods are to be ascertained, the true value shall be deemed to be the actual cost of the goods to the importer at the place from which they were imported, and not the current market value of the goods at that place. *United States v Tappan* (US) 11 Wheat 419, 424, 6 L Ed 509, 510.

**full answer.** An answer to a bill in equity which is full and complete; that is an answer which is ample and sufficient. See *Bentley v Cleaveland*, 22 Ala 814, 817.

**full bench.** The court with all the qualified judges sitting in a case, particularly an appellate court.

See **in bank**.

**full blood.** The relationship between children of the same father and mother.

**full cash value.** As the criterion for the assessment of property for taxation:—the amount at which the property would be appraised if taken in payment of a just debt due from a solvent debtor. *State v Virginia & Truckee Railroad Co.* 23 Nev 283, 46 P 723 (statutory definition.)

**full court.** Same as **full bench**.

**full cousin.** A first cousin. Anno: 54 ALR2d 1011.

**full crew law.** A statute requiring crews of a certain minimum in number of employees on a railroad locomotive or train. 44 Am J1st RR § 405.

**full faith and credit.** The measure of the recognition required by Article IV, section 1, of the Constitution of the United States to be accorded by a court to the public acts, records, and judicial proceedings of a state other than that in which the court is sitting. 16 Am J2d Const L § 585. The requirement that the public acts of every state shall be given the same effect by the courts of another state that they have by law and usage at home. *Chicago & Alton Railroad Co. v Wiggins Ferry Co.* 119 US 615, 30 L Ed 519, 7 S Ct 398. A provision of the United States Constitution, one essential purpose of which is that litigation once pursued to judgment shall be

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as conclusive of the rights of the parties in every other court as in that in which the judgment was rendered, so that a cause of action merged in a judgment in one state is likewise merged in every other. *Magnolia Petroleum Co. v Hunt*, 320 US 430, 321 US 801, 88 L Ed 149, 64 S Ct 208, 150 ALR 413.

**full hearing.** A hearing in which ample opportunity is afforded to all parties to make, by evidence and argument, a showing fairly adequate to establish the propriety or impropriety, from the standpoint of justice and law, of the steps asked to be taken. 2 Am J2d Admin L § 415.

The right to a full hearing in a quasi-judicial proceeding conducted by an administrative agency embraces not only the right to present evidence, but also a reasonable opportunity to know the claims of the opposing party and to meet them. The full hearing upon which the Packers and Stockyards Act conditions the power of the Secretary of Agriculture to fix maximum rates to be charged by market agencies at stockyards requires that the agencies under investigation be fairly advised of what the government proposes and be heard upon its proposals before it issues its final command, even where the proceeding is not of an adversary character but is initiated as a general inquiry. *Morgan v United States*, 304 US 1, 82 L Ed 1129, 58 S Ct 773, 999.

**full income.** As the term appears in a bequest of the income from designated securities purchased at a premium:—the annual interest paid in on the securities, without deducting therefrom a progressively increasing sum in each year to meet the wearing away of the premiums as the times of the maturity of the securities approach. *McLouth v Hunt*, 154 NY 179, 48 NE 548.

**full indorsement.** An indorsement of a bill or note which is not a mere signature; an indorsement with words added, such words varying from those of special indorsement adding the name of the indorsee, to words of assignment and transfer, waiver, or other agreements. 11 Am J2d B & N § 359.

**full life.** Life or existence both in law and in fact, de jure and de facto.

**full name.** In a literal sense, first name, middle name, if any, and surname or, with almost equal formality, first name, initial of middle name, and surname. In a practical sense, the name which provides the most certainty of identification, the whole of such name as is used by a person and his associates to identify him. *Lafin & Rand Powder Co. v Steytler*, 146 Pa 434, 23 A 215.

The early rule that both first and middle names of a person were essential to a proper designation of a person no longer prevails. 38 Am J1st Name § 6.

**full officer.** An officer of the military holding a regular commission, as distinguished from an officer holding a rank by brevet. *United States v Hunt* (US) 14 Wall 550, 20 L Ed 739.

**full pardon.** A pardon which remits the punishment and blots out the existence of guilt, so that in the eyes of the law the offender is as innocent as if he had never committed the offense. *Ex parte Garland* (US) 3 Wall 333, 380, 18 L Ed 366, 371.

**full priority.** See **strict priority.**

**full proof.** A degree of proof higher than the degree of preponderance of evidence usually prevailing in civil cases; evidence which satisfies the minds of the jury of the truth of the fact in dispute, to the entire exclusion of every reasonable doubt. *Kane v Hibernia Mut. Ins. Co.* 38 NJL 441.

**full prosecution.** The prosecution of an action or proceeding to a final judgment. *Bensley v Mountain Lake Water Co.* 13 Cal 307.

**full settlement.** See **in full settlement.**

**full stop.** A complete stop by a vehicle a stop to the extent that no wheel turns. 7 Am J2d Auto § 228.

**full time.** The characterization of an employee in regular rather than casual, seasonal, or temporary employment. 58 Am J1st Workm Comp § 92. As used in a provision of a workmen's compensation act making the basis of compensation the average weekly earnings of the workman when at work on full time during the preceding year; the normal labor period for the kind of work which the workman is hired to perform, and not to such time during the preceding year as the employer had work for him. *Cote v Bachelder-Worcester Co.* 85 NH 444, 160 A 101.

Compensation for a week or other period without deduction for absence or hours of work missed.

**full-time child.** Under an older view, a child whose birth is forty weeks after conception. *Young v Makepeace*, 103 Mass 50, 51. In the modern view, a child born within or after the thirty-sixth week of gestation, especially if he has a birth weight over 5-1/2 pounds.

**fullum aquae.** An aqueduct or flume; a stream of water.

**full value.** See **full cash value.**

**fully.** Amply; sufficiently; clearly; distinctly. *Riley v State* (Miss) 18 So 117, 118.

**fully accounted.** A full account rendered, not necessarily a proper expenditure of all money received. *Kane v Kane*, 120 Conn 184, 180 A 308.

**full year.** As an element of a legal settlement of a pauper, the full space of one year continuously and without interruption. *Eaton Town v Shrewsbury*, 49 NJL 188, 6 A 319.

**fully equipped.** Literally, completely equipped, but subject to explanation by parol evidence of usage. *Halifax Auto Co. v Redden*, 48 NS 20, 12 BRC 307, 15 DLR 34.

**fully paid stock.** Corporate stock for which the full par value has been paid to the corporation. 18 Am J2d Corp § 494.

**fulmen.** See **brutum fulmen.**

**fumage.** Same as **fuage.**

**fumes.** Gases which may be inhaled. 29A Am JRev ed Ins § 1277.

**function.** Whatever a person is employed or appointed to do; the duty of an office or officer. The operation of a mechanism. 40 Am J1st Pat § 15.

See **judicial function; ministerial functions; quasi-judicial functions.**

**functional.** Having or performing a function. Affecting the purpose, action, or performance of goods, or the facility or economy of processing, handling, or using them. *J. C. Penney Co. v H. D. Lee Mercantile Co.* (CA8 Mo) 120 F2d 949.

Where used in patent law with reference to the exact point of novelty in an invention, "means" or "mechanism" may expose the inventor's claim of

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patentability to attack on the ground that it is functional, but where used with reference to the makeup of the field in which the real invention finds its usefulness or with reference to the connecting parts which permit the salient novelty of the invention to accomplish its function, these words are only a convenient formula of the broadest equivalency of which the real invention permits. *Goodwin v Carloss Co.* (CA6 Tenn) 116 F2d 644.

**functional depreciation.** As considered in the valuation of property for taxation:—the result of lack of adaptation to function; the result of change of conditions and surroundings which renders the structure ill adapted to the work, especially a growth of business which calls for the substitution of other equipment and structures. *Central Railroad Co. v Martin* (DC NJ) 30 F Supp 41.

**functionary.** A public officer.

**functus.** Dead; expired; void; of no effect. *Manning v Louisville & Nashville Railroad Co.* 95 Ala 392, 11 So 8.

**functus officio.** Having performed its office; legally defunct.

The term is applied to a process which has been returned; to an agent or officer whose authority has expired; to an association which has ceased to function. *Allen v Long*, 80 Tex 261.

**fund.** Noun: A sum of money, either in hand or on deposit in a bank or other institution. A deposit or accumulation of resources, such as the assets of a decedent's estate, from which supplies are drawn, out of which expenses are provided, or which may be available for the payment of debts or the discharge of liabilities. *Jewett v State*, 94 Ind 549, 552. As used in a disposing clause in a will:—an accumulation of money, a security, an evidence of indebtedness, etc., but ordinarily not any kind of property. Anno: 67 ALR2d 1445. A designation of one of the accounts of a state or public body to be applied to a particular purpose, e.g. a school fund. *People v New York Cent. Railroad Co.* (NY) 34 Barb 123, 135. Verb: To convert an indebtedness, such as a warrant, into a more permanent form with an extended time of payment. 43 Am J1st Pub Sec § 155.

See **blended fund; current funds; funded debt; funding system; guaranty fund; public funds; school fund; sinking fund; slush funds; surplus funds.**

**fundamental.** At the foundation; basic.

**fundamental error.** An error of such character as to render a judgment void, as where the lower court proceeded without jurisdiction of the subject matter of the action. *State v Cruikshank*, 138 W Va 332, 76 SE2d 744. An error of the court which goes to the foundation of the case, or which takes from a defendant a right essential to his defense on appeal. *Morrison v State*, 37 Okla Crim 359, 258 P 1050. An error of the court which, in some jurisdictions, will be considered on appeal, notwithstanding the absence of an exception in the lower court or of an assignment of the error on appeal. *Hollywood v Wellhausen*, 28 Tex Civ App 541, 544, 68 SW 329.

**fundamental law.** Those principles, some in the form of declaration, others by way of implied or express provision, and some in the form of grant, deemed supposed to be limitations essential to conserve human liberty, security, equality and happiness, and not to be subject to change except in a way calculated to arouse the highest judgment and the most efficient, deliberate, and considered choice. *State ex rel. Mueller v Thompson*, 149 Wis 488, 137 NW 20.

**fundamental rights and privileges.** Life, liberty and property, except as such may be declared to be forfeited by the judgment of one's peers of the law of the land; the inherent rights common to all citizens. 16 Am J2d Const L § 328. Freedom of religion, freedom of speech and press, due process, etc. Individual rights immutable against all hostile legislation not required by considerations of public health or safety. *National Mut. Ins. Co. v Tidewater Transfer Co.* 337 US 582, 93 L Ed 1556, 69 S Ct 1173.

See **bill of rights**.

The preservation of fundamental rights by principle is primarily an Anglo-American concept. *Conger v Pierce County*, 116 Wash 27, 198 P 377, 18 ALR 393.

**fundamus.** We found:—a formal word used in the king's letters patent or charter upon his creation of a corporation. Other similar words thus used were "creamus," we create; "erigimus," we erect; "incorporamus," we incorporate. See 1 Bl Comm 473.

**fundatio.** A foundling.

**fundator.** A founder; a person who makes an endowment to an institution.

**funded debt.** A debt for which revenues have been provided to pay the interest and to make payments upon the principal so that the debt will be gradually reduced. *Ketchum v Buffalo*, 14 NY 356, 367.

**fundi.** Lands.

**funding.** See **fund**.

**funding system.** A plan whereby on the creation of a debt for money borrowed provision is made for the revenues whereby the interest can be paid and the principal gradually reduced. *Merrill v Monticello (CC Ind)* 22 F 589, 596.

**fund in hand.** Cash on hand or money due. *Parsons v Armor (US)* 3 Pet 413, 70 L Ed 724; *Marrow v Marrow*, 45 NC 148.

See **fund**.

**fundi patrimoniales.** Lands of inheritance.

**fundi publici.** Public lands; lands belonging to the state.

**funditores.** Pioneers.

**fundus.** Land; soil; a farm; an estate. See 3 Bl Comm 209.

**funds.** See **fund**; **fund in hand**.

**funeral.** A ceremony or service conducted upon the burial or cremation of a dead person.

See **first-class funeral**; **funeral director**; **funeral expenses**; **monument**; **undertaker**.

**funeral director.** A person who follows the profession or business of arranging and conducting funerals.

See **undertaker**.

**funeral expenses.** Those necessary and, in fact, compulsory expenditures, the necessity for which arises immediately upon and after the death of a person and which embrace the embalming, arraying, coffining, and sepulture or cremation of his body, together with those accustomed forms and ceremonies which attend upon the present disposition of

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his remains. 31 Am J2d Ex & Ad § 322. Allowable as a debt of a decedent's estate or an expense of administration where reasonable in amount in the light of the station in life, pecuniary circumstances, and social condition of the decedent. 31 Am J2d Ex & Ad § 321.

**funeral expenses clause.** A clause usually contained in standard automobile liability policies which provide, by way of extra coverage, for the payment of funeral expenses of a person killed as a result of the condition or use of the automobile covered by the policy. 7 Am J2d Auto Ins § 154.

**funeral procession.** See **procession**.

**funeral vehicles.** The hearse and other vehicles in a funeral procession.

**fungible.** Consumable by use, and returnable in kind.

**fungible goods.** Goods of such nature that one unit is identical with another unit and is a replacement for another unit, the primary example being grain, such as wheat, oats, or corn. 1 Am J2d Access § 15.

**fungible goods or securities.** Goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. UCC § 1-201(17).

**F. U. R.** See **homo trium litterarum**.

**fur.** The hair on the bodies of certain animals. A processed skin of a fur-bearing animal with the fur on it; merchandise within the meaning of an insurance policy covering loss by robbery. *Kaplan v United States Fidelity & Guaranty Co.* 343 Ill 44, 174 NE 834. (Latin.) A thief; a person who has committed larceny.

**furandi animo.** With intent to steal.

**furandi animus.** Intent to steal.

**fur-bearing animals.** Animals whose skins are well covered with fur, especially such animals as the mink, beaver, etc., which bear fur that thickens and becomes more valuable with the onset of winter.

**furca.** A fork; a gallows; a gibbet.

**furca et flagellum.** Gallows and whip,-the name of the lowest form of servile tenure, wherein the body and the life itself of the tenant were in the hands of the lord.

**furca et fossa.** Gallows and pit,-signifying the punishment of men by hanging and that of women by drowning.

**furcare.** To fork. Same as **fourcher**.



**fur diurnus.** A daytime thief.

**furem, si aliter capi non posset, occidere permittunt.** They allow one to kill a thief if he cannot otherwise be taken. See 4 Bl Comm 179.

**furent criblés.** They were debated.

**furigeldum.** The payment of a fine for stealing.

**Furiosi nulla voluntas est.** A madman has no will.

**furiosity.** Raving madness.

**furiosus.** Mad; insane; a madman; a lunatic who is violent.

**Furiosus absentis loco est.** A madman is in the same position as a person who is absent.

**Furiosus furore solo punitur.** A lunatic is punished by his madness alone. State v Strasburg, 60 Wash 106, 110 P 1020.

If a man becomes non compos after he commits a crime, he shall not be indicted; if after conviction, he shall not receive judgment; if after judgment, he shall not be ordered for execution. Nobles v Georgia, 168 US 398, 407, 42 L Ed 515, 518, 18 S Ct 87.

**Furiosus furore solum punitur.** Only because of his insanity, a lunatic is not punished. See 4 Bl Comm 24.

**Furiosus nullum negotium contrahere (gerere) potest (quia non intelligit quod agit).** An insane person cannot make a contract (because he cannot understand what he is doing.)

**Furiosus nullum negotium gerere potest, quia non intelligit quod agit.** A lunatic cannot transact any business, because he does not understand what he is doing.

It is a rule, not merely of municipal law, but of universal law, that contracts of all such persons are utterly void. The Roman law adopted this doctrine as expressed in the maxim. See American Trust & Banking Co. v Boone, 102 Ga 202, 29 SE 182.

**Furiosus stipulari non potest nee aliquod negotium agere, qui non intelligit quid agit.** An insane person who does not understand what he is doing, cannot contract nor transact any business.

**furlong.** An eighth of a mile.

**furlough.** Leave of absence for more than three days granted to an enlisted member of the armed forces. Williams v Brents, 171 Ark 367, 372, 284 SW 56.

**fur manifestos.** A person who is manifestly or palpably a thief,—a thief who is caught in the act of stealing.

**furnage.** Fees exacted from tenants for the use of the oven or bakehouse of the lord of the manor.

**furnish.** To supply, provide, equip, or fit out. Tibbets v Moore, 23 Cal 208; Dickinson v Gray, 10 Ky LR 292, 8 SW 876, 9 SW 291.

Although it has been said that "furnish" is synonymous with "deliver," the terms are usually not synonymous. 17 Am J2d Contr § 281. But a person indicted for "furnishing" opium may be convicted upon evidence of a sale and delivery of the narcotic. Territory v Hu Seong, 20 Hawaii 669.

**furnishing.** The furniture and fixtures in a room or house. Attaway v Hoskinson, 37 Mo App 132.

See **furnish.**

**furnishing instrumentality for commission of crime.** The handing or delivery of an instrumentality ordinarily used for lawful purposes to one who uses it in the commission of a crime. 21 Am J2d Crim L § 116.

**furnishing liquor.** Selling, disposing, or making a gift of liquor. 30 Am J Rev ed Intox L § 219.

**furniture of a store.** Implements and instruments used in carrying on the business. 15 Am J2d Chat Mtg § 77. The equipment or outfit of a trade or business; whatever may be supplied to a stock of

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goods or to a business, to make it convenient, useful, or gainful. Brody v Chittenden, 106 Iowa 524, 526.

**furniture.** Articles of common household use or ornament, excluding articles which have a personal history or peculiar relation as keepsakes to the proprietor or his family or which are kept for some special purpose which is independent of housekeeping. 15 Am J2d Chat Mtg § 77. As the word is used in an exemption statute:—about everything of the nature of personalty with which a house or any other building or place may be equipped. 31 Am J2d Exemp § 73.

See **household furniture.**

**furniture of a ship.** Everything required to be furnished a ship in order to make her seaworthy.

**fur nocturnus.** A nighttime thief.

**furor brevis.** Sudden anger.

**furor contrahi matrimonium non sinit, quia consensu opus est.** Insanity prevents a marriage from being contracted, because consent is essential.

**furrow.** A groove or rut 12 to 14 inches in width from which the earth has been turned by a plow.

**further.** Adjective: Farther out; at a greater distance. Adverb: A word of comparison; additional; moreover; furthermore; something beyond what has been said; likewise; also. Jones v Executors of Creveling, 19 NJL 127, 133.

**further advance.** An additional loan made to a mortgagor, often secured in anticipation by the original mortgage.

See **future advances.**

**further assurance.** See **covenant for further assurance.**

**further assessment.** See **additional assessment.**

**further disability.** See **new and further disability.**

**further proceedings.** Additional proceedings, usually in the same case. *Schlaefer v Schlaefer*, 71 App DC 350, 112 F2d 177, 130 ALR 1014.

**furtively.** Stealthily; by stealth.

**furto.** A theft, a taking by stealth.

**furtum.** Theft; larceny; anything which has been stolen.

**furtum conceptum.** Discovered or detected larceny or theft.

**furtum est contrectatio fraudulosa, lucri faciendi gratia, vet ipsius rei, vet etiam usus, possessionisve.** Larceny is the fraudulent taking or making use of a thing, or of the possession of it, for the sake of making gain.

**furtum est contrectatio rei alienae fraudulenta, cum animo furandi, invito illo domino cujus res illa fuerat.** Larceny is the fraudulent taking of the goods of another with intent to steal and against the will of the person in whose control they were.

**furtum grave.** Aggravated larceny.

**furtum manifestum.** Manifest, open, palpable theft; as, where the thief is caught in the act of stealing.

**furtum non est ubi initium habet detentionis per dominum rei.** It is no larceny where the detention of the thing has its beginning through the owner of it.

**furtum oblatum.** The offering of stolen property; the offense of receiving stolen goods.

**fuse.** A device for setting off an explosion without injury to the person. An explosive cap, sometimes employed by railroad trainmen to signal a stop by placing it on the rail ahead of an approaching train. An electrical term; a wire of low melting point inserted in an electric circuit as a safety measure taken against the possibility of a current exceeding the safety level, the fuse wire melting and breaking upon an unwanted increase in the current, thereby breaking the circuit and cutting off the current.

**Fusian Caninian Law.** See **Lex Furia Caninia**.

**fustigatio.** An old form of punishment for certain offenses by beating the culprit with a club or cudgel.

**fustis.** A staff. Same as **fistuca**.

**futile act.** See **vain act**.

**future acquired property.** See **after acquired property**.

**future advances.** Loans made by a mortgagee to a mortgagor after the initial loan for which the mortgage was given, usually secured by the mortgage under an express affirmative provision therein. 36 Am J1st Mtg § 64.

**future damages.** The consequences of the defendant's wrongful act to occur in the future, that is, after the commencement of action. 22 Am J2d Damg § 26.

**future debt.** An existing debt which is not yet due.

See **future advances**.

**future earnings.** Wages, salaries, or the net income from an occupation, profession, or business to be earned or accrue later.

**future estates.** Estates to vest, either in title or in enjoyment, at a future time, whether or not under a limitation that creates an intervening estate. *Moore v Little*, 41 NY 66, 75.

See **expectancies; future interests**.

**future fund.** A fund to accrue and be developed in the future.

**future interests.** Remainders, reversions, executory interests, and other interests to come into possession or enjoyment in the future, whether vested or contingent, and whether or not supported by a particular estate. The title of an advanced course on the law of property in law schools.

See **expectancies**.

**future premiums.** As the term appears in a waiver of premiums clause in an accident insurance policy:—all premiums which the insurer would otherwise be entitled to demand after the commencement of the disability of the insured. 29 Am J Rev ed Ins § 581.

**future rent.** Rent to accrue in the future.

**future right.** A right, expected to mature in the future under a contract already in existence, but conditional rather than absolute. *Re New York, N. H. & H. R. Co.* (DC Conn) 25 F Supp 874.

See **future interests**.

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**futures.** Contracts for the sale of securities, such as bonds and stocks, or of certain commodities, such as grain and cotton, which call for delivery at a future time, the value of such a contract fluctuating with changes in the market value of the security or commodity. *Lemonius v Mayer*, 71 Miss 514, 521, 14 So 33. Transactions upon stock and commodity exchanges calling for future delivery and payment, wherein it is understood that the vendor is not at the time of the transaction the owner of the property which is the subject matter of the transaction but that he intends to purchase it on or before the date of delivery. 50 Am J1st Stock Ex § 24. Transactions in stocks or commodities ostensibly calling for future delivery and payment but which actually do not contemplate delivery under any circumstances, the arrangement, as understood by the parties, being for a settlement between the parties to be made according to the rise and fall of the market. 24 Am J1st Gaming § 66.

Those who deal in "futures" are divided into three classes: First, those who use them to hedge, i.e. to insure themselves against loss by unfavorable changes in price at the time of actual delivery of what they have to sell or buy in their business; second, legitimate capitalists, who, exercising their judgment as to the conditions, purchase or sell for future delivery with a view to profit based on the law of supply and demand; and, third, gamblers, or irresponsible speculators, who buy or sell as upon the turn of a card. *United States v New York Coffee & Sugar Exchange*, 263 US 611, 619, 68 L Ed 475, 477, 44 S Ct 225.

See **margin; matching; option**.

**future sales.** In a sense developed in some commercial activities, a sale under terms calling for delivery later in the current month, or in some future month. *Board of Trade v United States*, 246 US 231, 62 L Ed 683, 38 S Ct 242.

**futuri.** Persons of the future; persons who have not yet come into existence.

**futuro.** See **de futuro; in futuro**.

**fyhtwite.** Same as **fightwite.**

**fyrdwite.** Same as **ferdwit.**