

N

<i>nasciturus</i>	child conceived but not yet born
<i>naturalia contractus</i>	natural elements or components of a contract
<i>naturalis</i>	natural
<i>naturalis obligatio</i>	natural [or unenforceable] obligation
<i>ne bis in idem</i>	no double jeopardy for an accused person
<i>ne plus ultra</i>	the last word, perfection
<i>nec vi, nec clam, nec precario</i>	neither by violence, nor secretly, nor by sufferance
<i>necessariae impensae</i>	necessary expenses
<i>necessitas</i>	necessity
<i>neglegentia</i>	negligence
<i>negotiorum gestio</i>	spontaneous agency [without a mandate or authority], gratuitous intervention
<i>nemine contradicente</i>	no one saying otherwise, unanimously, no one voting against
<i>nemine dissentiente</i>	no one dissenting
<i>nemini res sua servit</i>	no one can have a servitude over his own thing

<i>nemo agit in seipsum</i>	no one can take proceedings against himself
<i>nemo censetur legem ignorare</i>	no one is considered to be ignorant of the [criminal] law
<i>nemo dat quod non habet</i>	no one can give what he does not possess
<i>nemo debet bis puniri pro uno delicto</i>	no one should be punished twice for one fault
<i>nemo debet esse iudex in propria causa</i>	no man ought to be a judge in his own cause
<i>nemo est heres viventis</i>	no one is heir of a person still alive
<i>nemo est supra leges</i>	no one is above the law
<i>nemo penitus</i>	no one at all
<i>nemo potest in alium transferre plus quam ipse habet</i>	no one can transfer a greater right to another than he himself has
<i>nescit vox missa reverti</i>	a word spoken cannot be recalled
<i>nexus</i>	link
<i>nihil simul inventum est et perfectum</i>	nothing was invented and perfected at the same time

<i>nisi</i>	a decree, order, rule, declaration or other adjudication of the court is said to be made <i>nisi</i> when it is not to take effect unless the person affected by it fails to show cause against it within a certain time
<i>nobile officium</i>	noble duty or function of the court as upper guardian
<i>nolens volens</i>	whether willing or not, consenting or not, willy-nilly
<i>nolle</i>	refuse to
<i>nolle prosecute</i>	refusal to prosecute
<i>nomine alicuius</i>	on behalf of someone
<i>nomine culpa tenetur</i>	he is guilty of negligence
<i>nomine officii [no]</i>	by virtue of his office, in his official capacity
<i>non compos mentis</i>	insane, not of sound mind
<i>non constat</i>	it does not follow, it is not certain, not evident
<i>non culpabilis</i>	not guilty
<i>non est factum</i>	it is not his deed
<i>non est inventus</i>	he has not been found
<i>non fatetur qui errat</i>	a confession founded on error is meaningless

<i>non iure</i>	element of wrongfulness
<i>non liquet</i>	it is not clear, apparent, established by evidence
<i>non obstante</i>	notwithstanding
<i>non placet</i>	it does not please me, I do not like it
<i>non sequitur</i>	it does not follow [logically]
<i>non usus</i>	non user [servitude]
<i>normaliter</i>	according to the rule
<i>noscitur a sociis</i>	the meaning of a word can be gathered from the context
<i>nota bene</i>	please note
<i>nova causa interveniens</i>	a new cause intervening
<i>novatio</i>	novation, renewal of existing obligation, intervening
<i>novitas</i>	novelty, a new thing
<i>nuda cogitatio</i>	mere intention
<i>nuda detentio</i>	mere detention
<i>nuda habitatio</i>	mere [right of free] residence
<i>nuda possessio</i>	mere possession
<i>nudum pactum</i>	naked agreement, contract without consideration

<i>nulla bona</i>	no goods
<i>nulla poena sine lege</i>	no punishment except in accordance with the law
<i>nullum crimen sine lege</i>	no crime without a law (prescribing a punishment)
<i>nullum damnum sine iniuria</i>	there is no claim for damages without an actionable wrong
<i>numerus clausus</i>	restricted number
<i>nunc pro tunc</i>	now for then [with retrospective validity]
<i>nuntius</i>	messenger
<i>nuptiae</i>	marriage
<i>nuptiae iustae</i>	legal marriage
<i>nuptias non concubitus sed consensus facit</i>	it is consent not cohabitation which makes a marriage

O

<i>obaeratus</i>	insolvent person
<i>obiter dictum</i>	remark in passing [unnecessary for the decision of the case], hence not binding on subsequent court cases, a saying by the way, remark in passing

<i>obligatio</i>	obligation
<i>obligatio civilis</i>	obligation enforceable by action
<i>obligatio ex contractu</i>	obligation arising from contract
<i>obligatio ex delicto</i>	obligation founded on delict
<i>obtentu</i>	under the pretence or pretext of
<i>occasio legis</i>	reason for proposing a law
<i>occupare</i>	[1] occupy [2] appropriate [ownerless property]
<i>occupatio</i>	appropriation of ownerless property
<i>odium</i>	hatred, unpopularity
<i>officium</i>	duty
<i>omissio</i>	offence consisting in failure to act
<i>omne maius continet in se minus</i>	the greater always includes the lesser
<i>omne quod inae dificatur solo cedit</i>	everything built upon the soil belongs to the soil
<i>omni iure</i>	with every right
<i>omnis exceptio est ipsa quoque regula</i>	every exception itself also constitutes a rule
<i>omnium consensu</i>	with the concurrence (consent) of all
<i>onus</i>	burden
<i>onus probandi</i>	burden of proof

<i>opere citato [op cit]</i>	in the work cited
<i>optimo iure</i>	quite rightly
<i>orare causam</i>	argue a case, plead

P

<i>pace</i>	by permission of
<i>pacta dotalia</i>	antenuptial contract
<i>pacta sunt servanda</i>	agreements are to be observed
<i>pactum</i>	agreement, pact, compact
<i>pactum antichreseos</i>	agreement granting right of user to holder of pledge
<i>pactum commissorium</i>	see <i>lex commissoria</i>
<i>pactum de emendo</i>	agreement to buy
<i>pactum de non compensando</i>	agreement that there shall be no set-off
<i>pactum de vendendo</i>	option to buy
<i>pactum displicentiae</i>	cancellation clause [or agreement]
<i>pactum successorium</i>	agreement concerning the devolution of an estate, succession pact

<i>pari passu</i>	[1] simultaneously and in equal measure [2] without preference or favouritism
<i>paroemia</i>	legal maxim, rule of conduct
<i>particeps criminis</i>	accessory, accomplice
<i>paterfamilias</i>	father, head of the family
<i>patria carere</i>	be in exile
<i>patria potestas</i>	paternal authority or power
<i>paucis verbis</i>	in brief, in short
<i>peculatus</i>	embezzlement of public money
<i>pecunia</i>	money
<i>pecunia non numerata</i>	money not paid
<i>pecunia praesens</i>	cash money
<i>pedetemptim</i>	gradually, step by step
<i>per ambages</i>	in a round-about way
<i>per annum</i>	per year
<i>per aspera ad astra</i>	through trials to glory
<i>per capita</i>	individually, per person, per head
<i>per contra</i>	on the contrary
<i>per curiam [per cur]</i>	by the court

<i>per diem</i>	per day
<i>per incuriam</i>	through an oversight, through want of care, through inadvertence
<i>per mensem</i>	by the month
<i>per omnia</i>	in every respect
<i>per procurationem</i> [pp]	as an agent, on behalf of another, by proxy
<i>per quod</i>	whereby
<i>per se</i>	by himself, on its own, by its very nature, intrinsically
<i>per stirpes</i>	by representation [succession laws]
<i>per totam curiam</i>	by the whole court
<i>per vim legis</i>	by force of a law
<i>peregrinus</i>	foreigner, litigant not residing within the jurisdiction of the court
<i>periculum</i>	hazard, risk
<i>persona</i>	person, human being, being capable of legal rights
<i>persona grata</i>	desirable person
<i>persona non grata</i>	undesirable person
<i>persona publica</i>	public officer, notary
<i>persuadeo</i>	persuade someone to, prevail upon

<i>petitio</i>	claim [before the court]
<i>petitio principii</i>	begging the question [assumption that the proof has been established of what has yet to be proven], acceptance of what still has to be proved
<i>pignus</i>	[1] pledge [delivered to creditor] [2] contract of pledge
<i>plagiarius</i>	kidnapper
<i>poena</i>	[1] penalty, [2] punishment
<i>portorium</i>	toll charge, customs duties
<i>possessio</i>	possession
<i>post litem motam</i>	after the suit has commenced
<i>post meridiem [pm]</i>	after midday
<i>post mortem</i>	after death
<i>post scriptum</i>	postscript, written afterwards
<i>postea</i>	later, afterwards, thereafter
<i>posterii</i>	descendants
<i>potestas</i>	power, authority
<i>potestas maritalis</i>	marital power
<i>praedium</i>	estate, land, tenement
<i>praedium dominans</i>	dominant tenement or land, the land in favour of which a servitude existed over the land of another

<i>praedium rusticum</i>	rustic or rural land
<i>praedium serviens</i>	servient tenement or land, land subject to a servitude in favour of another tenement or land
<i>praedium urbanum</i>	urban tenement
<i>praerogativa</i>	preference, privilege, prerogative
<i>praescriptio</i>	prescription
<i>praesumptio iuris</i>	presumption of law, legal or rebuttable presumption
<i>pretium</i>	price, value
<i>pretium succedit in locum rei</i>	the price stands in the place of the thing sold [lost]
<i>prima facie</i>	on the face of it, at first sight
<i>primo loco</i>	in the first place
<i>primus inter pares</i>	first among peers/equals
<i>prior in tempore, potior in iure</i>	priority is given to him who establishes a right first
<i>privatus</i>	private person, citizen
<i>pro amico</i>	for the sake of friendship, for a friend
<i>pro bono publico</i>	for the public weal
<i>pro deo</i>	referring to the defence at state cost of an accused appearing on a capital charge and lacking funds to brief counsel

<i>pro et con</i>	for and against
<i>pro forma</i>	as a matter of form
<i>pro hac vice</i>	for this particular occasion
<i>pro non scripto haberi</i>	regarded as if not written
<i>pro parte</i>	in part, partly
<i>pro rata</i>	in proportion
<i>pro tanto</i>	to that extent, in so far
<i>pro tempore</i>	temporarily, provisionally, for the time being
<i>probabilis</i>	reasonable, plausible
<i>probabilis causa litigandi</i>	reasonable cause of action
<i>probandum</i>	what must be proved
<i>procurator</i>	agent acting for principal
<i>procurator ad causas</i>	attorney employed to assist a litigant in the conduct of his lawsuit
<i>procurator ad negotia</i>	attorney assisting his client in transacting other business
<i>procurator in rem suam</i>	holder of an irrevocable power of attorney
<i>prodigus</i>	spendthrift
<i>provisione legis</i>	by provision of a law

<i>provocatio</i>	appeal
<i>prudens futuri</i>	mindful of the future
<i>prudentia</i>	sound sense, legal knowledge, jurisprudence
<i>pure</i>	unconditionally
<i>putare</i>	think, be of the opinion

Q

<i>qua</i>	as, in the capacity of
<i>quae invito te acta sunt tibi non praeiudicant</i>	acts performed without your consent do not prejudice you
<i>quaere</i>	query, problematical, uncertain, doubtful
<i>quaestio facti</i>	question of fact
<i>quaestio iuris</i>	question of law
<i>qualitate qua [qq]</i>	in the given capacity
<i>quando acciderint</i>	when it happens
<i>quantum</i>	size, volume, amount of its value, quantity
<i>quantum meruit</i>	amount of enrichment, as much as he has earned

<i>quantum ramificatus</i>	amount of damage suffered
<i>quasi</i>	as if it were, seemingly, as if
<i>qui facit per alium facit per se</i>	he who acts through another is deemed to act in person, a principal is liable for the acts of his agents
<i>quia timet</i>	because he fears
<i>quicquid plantatur solo, solo cedit</i>	whatever is fixed to the soil belongs to the soil
<i>quid pro quo</i>	something for something, mutual consideration
<i>quietare</i>	to quit, discharge
<i>quo ligatur eo dissolvitur</i>	whatever binds can also release
<i>quo vadis</i>	where are you going?
<i>quod cito acquiritur cito perit</i>	easy come easy go
<i>quod erat demons- trandum [qed]</i>	which was to be proved
<i>quod metus causa</i>	on the ground of fear or intimidation
<i>quod non apparet non est</i>	what does not appear does not exist [law of evidence]
<i>quod per me non possum, nec per alium</i>	what I cannot do in person I cannot do by proxy

<i>quod vide [qv]</i>	see
<i>quorum</i>	minimum number of competent persons present at a meeting to transact business, <i>quorum</i>
<i>quota litis</i>	proportionate share [in the proceeds of a suit]
<i>quota pars</i>	share, proportion

R

<i>rara avis</i>	rare bird, rare phenomenon
<i>ratam rem habere</i>	to ratify a matter
<i>ratio</i>	ground, reason, cause, motive
<i>ratio decidendi</i>	ground for decision, the reason for a judicial decision, decisive [underlying] ground for the court's ruling
<i>ratio legis</i>	reason for passing a law
<i>ratione soli</i>	by reason only
<i>re</i>	in the matter of, in the case of, in connection with
<i>recedere ab emptione</i>	resile/withdraw from the sale
<i>rectus in curia</i>	litigant with an honest cause
<i>recusare</i>	reject, decline

<i>reditus</i>	return, revenue, income, profit
<i>regula</i>	rule
<i>rei vindicatio</i>	vindictory action [recovery of property by the owner from any person in possession of it]
<i>religio</i>	oath, respect, conscientiousness
<i>relocatio</i>	renewal of lease
<i>remedium iuris</i>	legal remedy
<i>requiescat in pace</i>	may he/she rest in peace
<i>res</i>	thing, case, object of rights
<i>res accessoria sequitur rem principalem</i>	accessory thing follows the principal thing
<i>res alicuius</i>	thing belonging to someone [as against <i>res nullius</i>]
<i>res communes omnium</i>	things common to all
<i>res corporalis</i>	corporeal thing
<i>res decisa</i>	decided case
<i>res derelicta</i>	abandoned thing
<i>res extra commercium</i>	thing not being capable of being owned, not falling within the province of trade
<i>res furtiva</i>	stolen thing

<i>res habilis</i>	thing susceptible of ownership, capable of being held in ownership
<i>res in commercio</i>	thing susceptible of private ownership
<i>res integra</i>	a point, governed neither by any decision nor by any rule of law, which must be decided upon principle, an open question
<i>res ipsa loquitur</i>	it [the thing] speaks for itself, stands to reason
<i>res iudicata</i>	the matter has been judged and the case therefore closed, matter settled by judgment
<i>res nova</i>	a new case [not yet decided]
<i>res nullius</i>	thing which has no owner, property of nobody, ownerless thing
<i>res publicae</i>	public property
<i>res sic stantibus</i>	things standing so, remaining the same
<i>reservatio</i>	reservation, proviso
<i>restitutio in integrum</i>	return or restoration to the previous legal position, act of rescission
<i>retentio</i>	right of lien
<i>rigore iuris</i>	according to the strict interpretation of the law

S

<i>sacrosanctus</i>	sacrosanct, inviolable
<i>saeculum</i>	century, one hundred years
<i>salva rerum substantia</i>	without impairment of the essential qualities of the things
<i>salvo iure</i>	without prejudice
<i>salvo officio</i>	without neglecting one's duty
<i>satisfactio</i>	payment, settlement, compliance
<i>scienter</i>	knowingly and wilfully, of set purpose
<i>scilicet</i>	namely, that is to say
<i>scribere est agere</i>	to write is to act
<i>senatus consultum Velleianum</i>	decree declaring women incompetent to stand surety (abolished)
<i>sententia</i>	opinion, judgment
<i>separatio a mensa et toro</i>	judicial separation, separation from bed and board
<i>sequester</i>	to take (property) out of possession of owner until a debt has been settled
<i>seriatim</i>	individually, severally, point by point
<i>servitus</i>	servitude
<i>servitus itineris</i>	servitude of passage

<i>servitus ne luminibus officiat</i>	servitude of unobstructed lights
<i>servitus oneris ferendi</i>	servitude for the support of a burden [of a house]
<i>servitus servitutis esse non potest</i>	there cannot be a servitude of a servitude
<i>servitus tigni immittendi</i>	servitude of letting in a beam, right of inserting beams in a neighbour's walls
<i>servitus viae</i>	servitude of right of way
<i>si bene se gesserit</i>	subject to good behaviour
<i>sic</i>	[just like that], inserted in or after a quotation to draw attention to some error of grammar, spelling or fact
<i>sic utere tuo ut alienum non laedas</i>	use your own property so as not to injure that of another
<i>simul ac semel</i>	simultaneously, all together
<i>sine</i>	without
<i>sine causa</i>	without good cause or reason
<i>sine die</i>	without fixing a day, without fixing a date
<i>sine qua non</i>	indispensable condition
<i>singuli et in solidum</i>	jointly and severally
<i>societas</i>	partnership

<i>socius criminis</i>	accomplice
<i>solvitur ambulando</i>	the question is resolved by action
<i>specificatio</i>	specification, creation of a thing
<i>spes</i>	hope, expectation
<i>sponsalia</i>	engagement to marry, betrothal
<i>stante matrimonio</i>	during the existence of a marriage
<i>stare decisis</i>	adhere to, abide by, decided cases remain authoritative
<i>status</i>	the legal position or condition of a person
<i>status quo</i>	the state in which things are, present condition
<i>status quo ante</i>	the state in which things were, the previous situation
<i>stet</i>	let it stand [in proofreading]
<i>stricto sensu</i>	in the strict sense
<i>strictum ius</i>	strict law
<i>stuprum</i>	illicit intercourse, fornication
<i>sub iudice</i>	in course of trial, the matter is still under consideration, pending litigation
<i>sub modo</i>	subject to restriction or condition
<i>sub voce</i>	under the title

<i>sublocatio</i>	sublease
<i>substitutio</i>	substitution
<i>successio</i>	succession [as heir]
<i>successor</i>	successor
<i>sui generis</i>	only one of its kind, peculiar
<i>sui iuris</i>	having legal or contractual capacity
<i>summa cum lauda</i>	with the greatest distinction
<i>summa ratio</i>	decisive, strongest ground
<i>summum bonum</i>	the highest good, the best
<i>suo tempore</i>	in due course
<i>superficies solo cedit</i>	buildings form part of the land
<i>supplicium sumere de aliquo</i>	to execute the death sentence
<i>suppressio veri</i>	suppression of the truth
<i>supra</i>	above
<i>suspicio</i>	suspicion

T

<i>tabernarius</i>	shopkeeper
<i>tabula rasa</i>	clean slate, complete obliteration, a blank
<i>tabularius</i>	notary public
<i>tacitus consensus</i>	tacit agreement
<i>tale quale</i>	just as it is
<i>tempus fugit</i>	time flies
<i>terminus a quo</i>	starting point
<i>terminus ad quem</i>	finishing point, terminal point
<i>terra</i>	land
<i>testamentum</i>	last will
<i>testamentum destitutum</i>	abandoned will, rendered void by refusal of heir to adiate
<i>testamentum ordinare</i>	execute a will
<i>testator</i>	one who makes a will
<i>testimonium</i>	evidence, statement by witness
<i>testimonium de auditu</i>	hearsay evidence
<i>testis</i>	witness [in court]
<i>totidem verbis</i>	in so many words

<i>totis viribus</i>	with all one's might
<i>toto caelo</i>	entirely, totally
<i>totus tuus</i>	yours sincerely, entirely yours
<i>transactio</i>	settlement of a matter in dispute [by the parties themselves]
<i>tunica propior pallio est</i>	charity begins at home
<i>turpis</i>	mean, disgraceful, vile
<i>tutor</i>	guardian

U

<i>uberrima fides</i>	the utmost/absolute good faith
<i>ubi ius ibi remedium</i>	where there is a right there is a remedy
<i>ubi lex ibi poena</i>	where there is a law there is a penalty
<i>ultra vires</i>	beyond the scope of powers conferred, in excess of authority
<i>uno flato</i>	with one breath
<i>usque ad filum aquae</i>	up to the middle of the stream
<i>usucapio</i>	prescription
<i>usus magister est optimus</i>	practice makes perfect

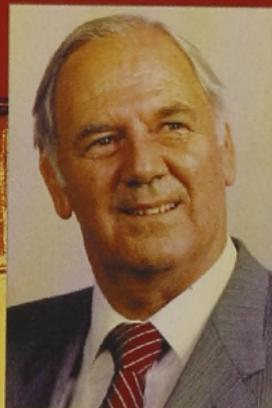
<i>uti possidetis</i>	as you possess
<i>uxor</i>	wife
<i>uxor sequitur domicilium viri</i>	a wife follows the domicile of her husband

V

<i>vacua possessio</i>	vacant or undisturbed possession
<i>vagabundus</i>	person of no certain domicile or fixed abode
<i>vanus</i>	frivolous, groundless, idle
<i>venalis</i>	for sale
<i>venditioni exponas</i>	that which you expose for sale
<i>venditor</i>	seller
<i>verba ipsissima</i>	the very or exact words
<i>verbatim</i>	word for word, verbatim
<i>verberare</i>	whip, flog
<i>verborum obligatio</i>	verbal obligation
<i>veritatis simplex oratio est</i>	the language of the truth is simple
<i>versus [vs]</i>	against
<i>verus</i>	genuine, true

<i>vexata quaestio</i>	moot point
<i>vi</i>	by force
<i>via</i>	way, street
<i>vice mutua</i>	in turn, reciprocally
<i>vice versa</i>	the other way around, conversely
<i>vicissim</i>	in turn, alternately
<i>vide</i>	see
<i>videlicet [viz]</i>	namely, that is to say
<i>vigilantibus non dormientibus iura subveniunt</i>	the laws help those who are watchful and not those who sleep
<i>vigor legis</i>	force of law
<i>vilis</i>	cheap, common, worthless
<i>vinculum</i>	bond
<i>vinculum iuris</i>	bond of law [obligation]
<i>vis</i>	[1] duress, force, compulsion [2] power, violence, strength [3] legal effect, force, validity [4] purport, tenor
<i>vis legis</i>	power of the law
<i>vis maior</i>	irresistible force [earthquake], act of God
<i>vitium</i>	defect, flaw, imperfection

<i>vitium latens</i>	latent defect
<i>viva voce</i>	verbally, orally
<i>vocatio in ius</i>	to summon before a magistrate
<i>volenti non fit iniuria</i>	consent to injury removes unlawfulness, he who consents cannot receive an injury
<i>voluntas in delictis, non exitus spectatur</i>	in crime the intention [or will] is looked to and not the result
<i>voluntas testatoris servanda est</i>	the will of a testator must be upheld
<i>vox nihili</i>	group of letters making no sense



Dr Theo Bosman Rood, the compiler of this Glossarium, retired as attorney and notary in 2001 at the age of 80.

Dr Rood served as chairman and director of many companies and various charitable institutions during his long career. Most importantly, however, is the fact that he served on the Council of the University of South Africa for 36 years. On retirement he served as chairman of the Council of the University of South Africa, Chairman of the Unisa Graduate School of Business Leadership and Chairman of the Board of Trustees of the Unisa Foundation.

In 1988 the University of South Africa honoured him with the granting of an honorary degree (Doctor in Business Leadership (*honoris causa*)), thereby acknowledging his excellent contributions as entrepreneur, community leader and Unisaman.

ISBN 0-620-31078-2



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