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LATIN MAXIM

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The collection of the key Latin Maxims which are primarily used in the Indian Courts and English Common Law

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A

A Fortiori

all the more; from a stronger reason

A Posteriori

argument from the consequence to the antecedent

A Priori

deductive; from earlier i.e. original or antecedent; argument from antecedent to the consequent; not empirical

A Verbis Legis Non Est Recedendum

from the words of the law there is not any departure

Ab Initio

from the beginning

Ab Intestato

'succession ab intestato' means succession to the property of a person who has not made his will

Absolute Sententia Expositore Non Indiget

plain language does not need an interpreter

Abundans Cautela Non Nocet

great caution does no harm

Acqessorium Non Ducit, Sed Sequitur Suum Principale

the accessory right does not lead, but follows its principal

Accessorius Sequitur Naturam Sui Principalis

an accessory follows the nature of its principle

Accusator Post Rationabile Tempus Non Est Audiendus, Nisi Se Bene De Omissione Excusaverit

an accuser is not to be heard after a reasonable time unless he can account satisfactorily for the delay



A

Act In Pais

a judicial or other act performed out of court and not a matter of record

Actio Non Datur Non Damnificato

an action is not given to him who is not injured

Actio Personalis Moritur Cum Persona

a personal right of action dies with the person, in other words, the personal action dies with a man

Actori Incumbit Onus Probandi

the burden of proof lies on the plaintiff or the prosecution

Actus Curiae Neminem Gravabit

an act of the court shall prejudice no one

Actus Dei Nemini Fa Cit Injuriam

the act of God is prejudicial to no one; the law holds no man responsible for the act of God; the act of God or Vis major is some inevitable natural calamity which generally excuses from liability, contractual or statutory

Actus Legis Nemini Est Damnosus

an act in law shall prejudice no man

Actus Non Facit Reum, Nisi Mens Sit Rea

the act itself does not constitute guilt unless done with a guilty intent. An act is not a crime unless it is committed with a particular criminal intention (mens rea).

Actus Reus

wrongful act

Ad Alium Diem

at another day



A

Ad Ea Quae Frequentius Acciduntjura Adaptantur

the laws are adapted to those cases which more frequently occur

Ad Hoc

for particular purpose

Ad Hominem

to the man; personal

Ad Infinitum

without limit; for ever

Ad Interim

in the meantime

Ad Litem

for the suit e.g. guardian ad litem

Ad Valorem

according to the value

Adversus Extraneous Vitiosa Possessio Prodesse Solet

an imperfect possession is accustomed to prevail as against outsiders claiming adversely

Aedificare In Tuo Proprio Sole Non Licet Quod Alteri Non Neceat

it is no proper to build upon one's own land what may be injurious to another



A

Aequitas Est Correctio Legis Generaliter Latae, Qua Parte Deficit

equity is a correction of the general law in the part where it is defective

Aequitas Est Quasi Equalitas

equity is as if it were equality

Aequitas Factum Habet Quod Fieri Oportuit

equity regards as done that which ought to have been done. Equity treats a contract to do a thing as producing the state of affairs which the parties intended should exist when the contract had been duly performed

Aequitas Nunquam Contravenit Leges

equity never counteracts the laws

Aequitas Sequitur Legem

Equity follows the law. Equity does not claim to over-ride the law. Equity generally operates by recognising the legal rule and adding some further rule, remedy or other machinery of its own. Thus in the case of a trust, equity recognises the legal title of the trustee but compels him to hold it on trust for the beneficiary

Aequum Et Bonum Est Lex Legum

that which is equal and good is the law of laws

Affirmanti Non Neganti Incumbit Probatio

the burden of proof lies upon him who affirms, not upon him who denies



A

Alibi

a plea by a person accused of an offence that he was 'elsewhere'- that having regard to the time and place when and where he is alleged to have committed the offence, he could not have been present

Alieno Solo

in the land of another; on other's land

Aliter

otherwise

Allegans Contraria Non Est Audiendus

he who alleges contradictory things is not to be heard. A man shall not be permitted to "blow hot and cold" with reference to the same transaction or insist at different times, on the truth of each of two conflicting allegations, to suit his private interests

Allegatio Contra Factum Non Est Admittenda

an allegation contrary to a deed is not admissible

Ambigua Responsio Contra Proferentem Est Accipienda

an ambiguous answer is to be taken against him who offers it

Ambiguitas Verborum Latens Verificatione Suppletur, Nam Quod Ex Facto Oritur Ambiguum Verificatione Facti Tollitur

latent ambiguity of words may be removed by parole evidence, for an ambiguity arising upon proof" of extraneous fact may be removed in like manner

Ambiguitas Verborum Patens Nulla Verificatione Excluditur

a patent ambiguity cannot be cleared up by extrinsic evidence

Amicus Curiae

friend of the court; one who voluntarily or on invitation of the court, and not on the instructions of any party helps the court in any judicial proceedings



A

Animus

intention | hostility | ill will | hatred

Animus Deserendi

intention to desert

Animus Domini

the intention of possession and ownership by entry or user

Animus Hominis Est Anima Scripti

intention is the soul of an instrument

Animus Possidendi

the intention of possessing

Animus Revertendi

the intention of returning

Animus Testandi

intention of making a will

 Applicatio Est Vita Regulae

application is the life of a rule

Arbitrium Est Judicium

an award is a judgment

Argumentum A Simili Valet In Lege

An argument from a like case is good in law. The binding effect of decision does not depend upon whether a particular argument was considered therein or not, provided that the point with reference to which an argument was subsequently advanced was actually decided

Argumentum Ab Inconvenienti Plurimum Valet

an argument from inconvenience avails much in law



A

Assensio Mentium

the meeting of minds i.e. mutual consent

Assignatus Utitur Jure Auctoris

an assignee is clothed with the rights of his assignor

Audi Alteram Partem

hear the other side. Both sides should be heard before a decision is arrived

Auter Droit

the right of another

Autrefois Acquit

formerly acquitted. By this plea, a person charged with an offense pleads that he had been tried before and acquitted of the same offence by a competent court

Autrefois Convict

formerly convicted. By this plea, a person charged with an offence pleads that he had been tried before and convicted of the same offence by a competent court



Benignae Sunt Faciendae Interpretationes Carhlrum, Propter Simplicitem Laicorum, Ut Res Magis Valeat Quam Per Eat; Et Verba Intentioni, None Contra, Debent Inservire

liberal constructions of written documents are to be made, because of the simplicity of the laity, and uphold the document; and words ought to be made subservient, not contrary, to the intension

Benignior Sententia In Verbis Generalibus Seu Dubiis Est Praeferenda

othe most favourable construction is to be placed on general or doubtful expressions

Bona Fide

In good faith

Bonae Fidei Possessor In Id Tantom Quod Ad Se Pervenerit, Tenetur

a possessor in good faith is only liable for that which he himself has obtained

Boni Judicis Est Judicium Sine Dilatione Mandare Executioni

it is the duty of a good judge to order judgment to be executed without delay

Bonijudicis Est Lites Dirimere Ne Lis Ex Lite Oritur

it is the duty of a good judge to prevent litigation lest suit arises from suit

Breve Judiciale Non Cadit Pro Defectu Formae

a judicial writ fails not through defect of form



B

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C

Cause Causans

the immediate cause; the proximate or efficient cause, opposed to some remote cause

Causa Proxima Non Remota Spectator

the immediate, not the remote cause, is to be considered

Causa Sine Qua Non

a cause without which the effect would not have been caused

Caveat Emptor

let the purchaser beware. A maxim implying that the buyer must be cautious, as the risk is his and not that of the seller

Caveat Emptor Oui Ianorare Non Debit Quod Jus Alienum Emit

one ought in ignorance to buy that which is the right of another. The buyer according to the maxim has to be cautious, as the risk is his and not that of the seller

Cepi Corpus

I have taken the body and have it ready

Cessante Ratione Legis, Cessat Ipsa Lex

the reason of the law ceasing, the law itself ceases

Cestui Que Trust

a beneficiary under a trust, the person for whose benefit a trust is created

Chirographum Apud Debitorem Repertum Praesumitur Solutum

a deed or bond found with the debtor is presumed to be paid

Civilis Possessis

Civil physical possession



Commodum Ex Injuria Sua Memo Habere Debet

a person cannot be allowed to take advantage of his own wrongs. Convenience cannot accrue to a party from his own wrongs, in other words no one can be allowed to benefit from his own wrongful act

Communis Error Facit Jus

common or universal error makes law

Conditio Praecedens Adimpleri Debet Priusquam Sequatur Effectus

a condition precedent must be fulfilled before the effect can follow

Consensus Ad Idem

agreement by two or more persons upon the same thing in the same sense; the common consent necessary for a binding contract

Consentientes Et Agentes Pari Poena Plectentur

those consenting and those perpetrating are embraced in the same punishment

Constitutiones Tempore Posteriores Potiores Sunt His Quae Ipsas Praecesserunt

later laws prevail over those which preceded them

Coasuetudo Debet Esse Certa; Nam Incerta Pro Nullis Habentur

a custom should be certain, for uncertain things are held as nothing

Contemporaneu Exposito Est Optima Et Fortissima In Lege

a contemporaneous interpretation is the best and strongest in law

Contra

Against; on the other hand



Contractile Uberrima Fides

contract requiring of utmost goodwill

Coram Non Judice

before one who is not the judge. Before a court which. has no jurisdiction of the matter

Corpus Delicti

the body of facts which constitute an offence; gist or substance of the offence

Corpus Possessionis

the thing possessed

Cuiques In Sua Arte Perito Credendum Est

to each one skilled in his own art credence should be given

Cullibet In Sua Arte Perito Est Credendum

whosoever is skilled in his profession is to be believed

Cullibet Licetjuri Pro Se Introduce To Renuntiare:

one may waive a legal right existing in his favour

Cum Duo Inter Se Pugnancia Reperiuntur In Testamento Ultimum Ratum Est

Where two clauses in a will are repugnant one to the other, the last in order shall prevail

Custodia Legis

Custody of the law



D

Damnum Sine (Absque) Injuria

damage without injury, that is damage caused without legal wrong

Data

what is given; the promises upon which an argument is based; certain given facts from which others may be inferred

De Facto

in fact; an expression indicating the actual state of circumstances independently of any remote question of right or title

De Hors

outside of; Unconnected with; unrelated to

De Jure

in law, independent of what obtains in fact

De Minimis Non Curat Lex

the law takes no account of very trifling matters

De Novo

anew

Debita Sequuntur Personam Debitoris

debts follow the person of the debtor

Debitorum Pactionibus Creditorum Petitio Nee Tolli Nee Minui Potest

the rights of creditors can neither be taken away nor diminished by agreements among the debtors

Decree Nisi

decree is said to be made nisi when it is to take effect after a specified period or after the person affected by it fails to show cause against it within a certain time



D

Delegatus Non Potest Delegare

a delegated power cannot be further delegated

Divorce A Mensa Et Thoro

An obsolete form of divorce order which did not end the marriage but allowed the parties to reside separate; in effect, a legal or judicially-sanctioned separation of two married persons.

Doli In Capax

Incapable of malice. In Indian Law, this conclusive presumption has been adopted for children under seven years of age

Dolo Malo Pactum Se Non Servabit

a pact made with malicious intent will not be upheld

Dolo Malo Pactum Se Non Servabit

a pact made with malicious intent will not be upheld

Donator Nunquam Desinit Possidere Antequam Donatorius Incipiat Possidere

donor never ceases to possess before the donee begins to possess

Donation Mortis Causa

oA gift of personal property by a person on the point of death

Duo Non Posseunt In Solido Unam Rem Possidere

two persons cannot possess one thing in entirety



E

Ei Incumbit Probatio Qui Dicit, Non Qui Negat

the proof lies upon him who affirms, .not upon him who denies

Ejus Nulla Culpa Est Cui Parere Necessesse Sit

he who is bound to obey is in no fault

Ejusdem Generis

of the same kind or nature. Where a list of specific items is followed by general concluding clause, this is deemed to be limited to things of the same kind as those specified

Eminent Domain

the right of power of the government to take private property for public use on making just compensation therefor. The power of a Sovereign State to take or to authorise the taking of any property within its jurisdiction for public use without the owner's consent

En Ventre Sa Mere

child in womb

Ex Abundanti Cautela

from or out of abundance of caution

Ex-Debito Justiciae

from a debt of justice: from that which is owing; from one's right; as of tight

Ex-Delicto

from a delict, tort, fault, crime or malfeasance

Ex Dolo Malo Non Oritur Actio

ono right of action arises out of a fraud

Ex-Gratia

As a matter of grace or favour



E

Ex-Maleficio Non Oritur Contractus

a contract cannot arise out of an illegal act

Ex-Nudo Pacto On Oritur Actio

no action arises from a contract without consideration

Ex-Officio

by virtue of an office

Ex-Pacto Illicito Non Oritur Actio

no action arises on an illegal agreement

Ex Parte

expression used to signify something done or said by one person not in the presence of his opponent

Ex Post Facto

by subsequent act; by virtue of a thing done after some particular event; done after another thing and operating retrospectively

Ex Turpi Causa

from a base cause

Executio Est Finis Et Fructus Legis

execution is the end and fruit of the law

Executio Juris Non Habet Injuriam

the execution of the process of law does no injury

Executor De Son Tort

one who takes upon himself the office of an executor by intrusion, not being so constituted by the testator

Expedit Reipublicae Ne Sua Re Quis Male Utatur

it is for the public good that no one should use his property badly



F

Factum Valet

the "fact which cannot be altered" though it should not have been done

Fait Accompli

an accomplished act

Falsus In Uno, Falsus In Omnibus

false in one, false in all i.e. false in one particular, false in all

Felo De Se

one who feloniously commits suicide

Fiat Justitia

let justice be done

Fiat Justitia, Ruat Caelum

let justice be done, though heavens falls

Forma Legalis Formis Essentialis

legal form is an essential form

Functus Officio

one who has fulfilled his office or is out of office; an authority who has performed the act authorised so that the authority is exhausted



G

Generalia Specialibus Non Derogant

general things do not derogate from special

Generalis Verba Sunt Generaliter Intelligenda

general words are to be understood in a general sense



H

Habemus Optimum Testem Confitentem Reum

We have the best witness in an accused who confesses the charge

Hors De Combat

Unfit to fight, disabled



I

Ignorantia Eorum Quae Quis Scire Tenetur Non Excusat

ignorance of those things which everyone is bound to know, excuses not

Ignorantia Facti Excusat; Ignorantia Juris Non Excusat

ignorance of fact excuses; ignorance of law does not excuse

Ignorantia Legis Neminem Excusat (Ignorantia Legis Haud Excusat; Ignorantia Legis Non Excusat)

ignorance of law is no excuse

Impossibilium Nulla Obligatio Est

there is no obligation to do impossible things

In Aequali Jure Melior Est Conditio Possidentis

in equal rights the condition of the possessor is the better; or, where the rights of the parties are equal, the claim of the actual possessor shall prevail

In Esse

in existence

In Forma Pauperis

in the character of a pauper

In Limine

at the outset

In Loco Parentis

in the place of a parent

In Pari Delicto

Where both parties are equally in fault; in equal fault

In Pari Materia (In Pari Causa):

In an analogous cause, case or position



I

In Personam

an act or proceeding done or directed against or with reference to a specific person

In Posse

Possibility of being

In Presenti

at the present time; at once; immediately effective

In Rem

an act or proceeding done or directed with reference to no specific person or with reference to all whom it might concern

Injuria Sine Damno

injury without damage; an infringement of a right without causing damage

Intelligible Differentia

a difference capable of being understood. A factor that distinguishes one in different state or class from another which is capable of being understood

Inter Alia

Amongst other things

Interest Reipublicae Ut Quilibet Re Sua Bene Utatur

it is to the advantage of the State that everyone uses his property properly

Interest Reipublicae Ut Sit Fms Litiuum

It is in the interest of the State that there should be an end of law-suit

Intra Vires

within the powers; within the authority given by law

Ipsa Jure:

by the law, itself



J

Jura Non-Remota Causa Sed Proxima Spectatur

In law the immediate or proximate not the remote cause of any event is regarded

Jus Ad Rem

a right without possession; an inchoate or incomplete right to a thing

Jus Commune

the common and natural rule of right

Jus Dicere Et Non Jus Dare

to declare the law, not to make it

Jus Non Scriptum

the unwritten law

Jus Tertii

the right of a third party



L

Lex Non Cogit Ad Impassibilia

the law does not compel the impossible

Lex Tallienis

law of retaliation

Lis Pendens

a pending suit

Litera Legis

letter of legislation

Locus Penitentiae

an opportunity to withdraw from the commission of a crime

Locus Standi

signifies a right to be heard



M

Mala In Se

acts which are wrong in themselves as being opposed to morality and ethics, contrasted with the acts which are only wrong because they are prohibited by law

Mala Prohibita

acts which are wrong because they are prohibited by law

Malus Usuo

a bad custom

Mens Rea

guilty mind

Mesne Profits

the profits which a person in wrongful possession of the property actually received or might with ordinary diligence have received therefrom together with interest on such profits excluding the profits due to improvement made by the person in wrongful possession

Modus Operandi

mode of operating; the way in which a thing, cause etc. operates; the way in which a person goes to work

Modus Vivendi

the manner of living; a way of life

Mora Debit Oris Non Debet Esse Creditori Damnosa

delay on the part of a debtor ought not be injurious to a creditor

Mutatis Mutandis

with the necessary changes in points of detail



N

•**Nemo**

no one, nobody

Nemo Dat Quod Non Habet

no man can transfer better title than he himself has

Nemo Debet Bis Puniri Pro Uno Delicto

no one should be punished twice for one fault

Nemo Debet Bis Vexari, Si Constet Curiae Quod Sit Pro Una Et Eadem Causa

no one ought to be vexed twice if it' appears to the court that it is for one and the same

Nemo In Propria Causa Judex, Esse Debet:

no one ought to be a judge in his own cause

Nemo Plus Juris Ad Alium Transferre Potest Quam Ipse Habet

no one can transfer to another a greater right than he has himself

Nexus

bond, link or connection

Nihil Dat Qui Non Habet

he gives nothing who has nothing

Nihil Quod Est In Conveniens Est Bicitum

nothing which is inconvenient is lawful

Nolle Prosequi

to be unwilling to prosecute. Withdrawal by the Public Prosecutor of a criminal proceeding against an accused

Nomen Generalissimum

Extremely common name

Non Bis In Idem

not twice for the same



N

Non Obstante Clause

"notwithstanding clause"

Non Est Factum

It is a defence in an action founded on a document when there has been a mistake as to the very nature of the transaction

Noscitur A Sociis

one is known by his companions; the meaning of a word or expression is to be gathered from the surrounding words, that is, from the context

Nova Constitutio Futuris Formam Imponere Debet, Non Praeteritis

a new law ought to be prospective, not retrospective in its operation

Novos Actus Interveniens

a new act intervening

Nudum Pactum

without consideration



Obiter Dicta

an opinion of law not necessary to the decision

Obligations Ex Contractu

Obligations arising from legal actions

Obligations Ex Delicto

Obligations arising from illegal, unlawful actions

Omne Quod Solo Inaedificatur Solo Cedit

Everything which is built upon the soil passes with the soil

Ominia Praesumuntur Legitime Facta Donecprobetur M Contrarium

All things are presumed legitimately done, until the contrary be proved

Ominia Praesumuntur Rite Legitime Solemniter Esse Acta, Donec Probetur In Contrarium

All things are presumed to have been done correctly, lawfully and with due formality until the contrary is proved

Ominis Nova Constitutio Futuris Temporibus Formam Imponere Debet, Non Praeteritis

every new law should give a form to future times, not to past

Onus Probandi

the burden of proving; the burden of proof



P

Pacta Quae Turpem Causam Continent Non Sunt Observanda

Agreements founded upon a base consideration are not to be observed

Pacta Sunt Servanda

Contracts are to be kept

Pari Passu

at an equal rate or pace

Participient Criminis

sharer of crime

Pendente Lite

During litigation

Per Annum

by the year

Per Capita

(counting) by Heads

Per Diem

by the day

Per Incuriam

through carelessness, through inadvertence

Per Mensem

by the month

Per Stirpes

by stocks in inheritance the children of each descendant dividing only the share that would have been their parents

Per Centum Ad Valorem

percentage according to the value



P

Persona Designata

a person pointed out or described as an individual, as opposed to a person ascertained as a member of a class, or as filling a particular character

Persona Grata

an acceptable person (in diplomatic parlance)

Persona Non Grata

an unacceptable person (in diplomatic parlance)

Plenum Dominium

full ownership, the right of property in a thing coupled with the right to its use and enjoyment

Postmortem

An examination of a corpse made under the direction of the constituted authorities. An autopsy

Prima Facie

on the face of it; at first sight; arising at first sight; based on the first impression

Pro Bono Publico

for the public good

**Pro Rata
in proportion****Pro Tanto
to that extent****Pro Tempore**
for the time being, temporarily, provisionally**Proprio Vigore**
by its own force



Q

Quantum Merit

as much as merited the reasonable amount to be paid for services rendered or work done

Quia Timet Injunction

where an injunction is granted to prevent a threatened as distinguished from an existing wrongful act it is called quia timet injunction

Quid Pro Quo

what for what; the person owing the duty had received from the person to whom duty was due something which he Whom bound to return and pay for



R

Raison D'etre (French not Latin)

Reason or justification for existence

Ratio Decidendi

reasons for deciding; grounds of decision

Ratio Legis

the reasons for occasion of the law

Reductio Ad Absurdum

the method of disproving an argument by showing that it leads to an absurd consequence

Res Communes

things common to all

Res Gestae

acts; declarations and incidents accompanying or explaining the fact in issue or which are deemed to constitute the fact in issue; facts so connected with a fact in issue as to form part of the same transaction

Res Integra

an untouched matter; a point without a precedent; a case of novel impression



R

Res Ipsa Loquitur

the thing speaks for itself; this maxim means that in certain cases one fact raises prima facie presumption of another fact unless and until the contrary is proved. This phrase is used in actions for injury occasioned by negligence where no proof is required of negligence beyond the accident itself

Res Judicata

a case or suit already decided

Res Judicata Pro Veritate Accipitur

a matter which has been adjudicated is accepted or received as true

Res Judicata Pro Veritate Habetur

an adjudicated matter shall be deemed correct

Res Nullius

a thing which has no owner

Res Publique

things of the state dedicated to the use of citizens

Rule Nisi

a rule or order upon condition that is to become absolute when cause is shown to the contrary



S

Sans Recourse

without recourse

Secundum Allegataet Probata

according to the pleadings and the proofs

Sine Qua Non

an indispensable requisite

Solatium

a sum paid to an injured party over and above actual damages by way of solace to his wounded feelings

Spes Successionis

the chance of an heir apparent succeeding to an estate

Stare Decisis

to stand by things decided : to abide by precedents where the same points come again in litigation

Status Quo

existing condition

Sub Judice

in course of trial



S

Sub Silentio

silently

Sui Juris (Of His Own Right):

a phrase used to denote a person who is under no disability affecting his legal power to make conveyances of his property, to bind himself by contracts and to sue and be sued as opposed to persons wholly or partially under disability, as minors, mentally disordered persons, etc.

Suo Motu

relating to an action taken by a court of its own accord, without any request by the parties involved.

Suppressio Veri; Suggestio Falsi:

suppressing the truth ; suggesting the false



T

Transfer Inter Vivos

transfer between living persons

Terminus A Quo

place of beginning; point of beginning

Trustee Do Son Tort

one who, of his own authority, enters into the possession or attends to the management of the property which belongs beneficially to another



U

Uberrimae Fide (Uberrima Fides)

of the fullest confidence; of the utmost good faith. A contract is said to be uberrima fide when the promise is bound to communicate to the promisor every fact and circumstance which may influence him in deciding whether to enter into contract or not. Contracts which require uberrima fide; are those entered into between persons in a particular relationship

Ubi Jus Ibi Remedium

where there is a right, there is a remedy

Ultra Vires

beyond one's powers

Ut Res Magis Valeat Quam Pereat

that it may rather become operative than null. To uphold the constitutionality of statutes whenever it can rationally be done



V

Vigilantibus, Et Non Dormientibus, Jura Sub Veniunt

the laws give help to those who are watchful and not to those who go to sleep

Vires

authority; power

Viva Voce

expressed on conducted by word of month; •oral



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