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H. A. Abbreviation of "in this year," being derived from "hoc anno."

hab. corp. An abbreviation of **habeas corpus**.

habeas corpora. Same as **habeas corpora juratorum**.

habeas corpora juratorum. That you have the bodies of the jurors, a writ of the court of common pleas commanding the sheriff to have the bodies of jurors named in the panel, or else to distrain them by their lands and goods, to compel their appearance in court upon the day appointed. See 3 Bl Comm 354.

habeas corpus. A high prerogative writ of ancient origin, the vital purposes of which are to obtain immediate relief from illegal confinement; to liberate those who may be imprisoned without sufficient cause, and to deliver them from unlawful custody; or to obtain a proper custody of persons illegally detained from the control of those who are entitled to the custody of them. 25 Am J1st Hab C § 2. A generic term in one sense, being applicable to each of several different writs, but as used generally, referring to the writ of habeas corpus ad subjiciendum. 25 Am J1st Hab C § 2.

Habeas Corpus Act. An English statute (31 Car. II) passed to remedy a condition of indifference or disregard of the rights of the people which had through royal influence and other causes reached the point where the common law writ became so little respected that it no longer afforded real or substantial benefits to English subjects.

The act had the desired effect, although it introduced no new principle, conferred no right upon the subject and made no change in the practice of the courts in granting the writ, but it did correct certain imperfections of the common law writ and tended to make the prisoner's remedy a speedy one. 25 Am J1st Hab C § 6.

habeas corpus ad deliberandum et recipiendum. A writ of habeas corpus which issues where it is necessary to remove a prisoner in order that he may be tried in the proper jurisdiction namely, that wherein the act was committed. 25 Am J1st Hab C § 4.

habeas corpus ad faciendum et recipiendum. A common writ of habeas corpus which issues where a person is sued and arrested in some inferior jurisdiction and is desirous of removing the action into a superior court, commanding the inferior judges to produce the body of the defendant and to state the day and cause of his caption and detainer. 25 Am J1st Hab C § 4.

habeas corpus ad prosequendum. A writ of habeas corpus which issues for the purpose of removing a prisoner in order to prosecute him in the proper jurisdiction, namely, that wherein the act was committed, or to enable him to become the prosecuting witness in a criminal case. 25 Am J1st Hab C § 4.

habeas corpus ad respondendum. A writ of habeas corpus which issues where one has a claim against another, who is in custody under process of an inferior court, in order to remove the prisoner and prefer the claim against him in the higher court. 25 Am J1st Hab C § 4.

habeas corpus ad satisfaciendum. A writ of habeas corpus which issues where a prisoner has had judgment against him in an action, and the plaintiff is desirous of bringing him up to some superior court to charge him with process of execution. 25 Am J1st Hab C § 4.

This writ is not available in the United States, because here one court never awards execution on the judgment of another. 25 Am J1st Hab C § 4.

habeas corpus ad subjiciendum. The ordinary writ of habeas corpus.

See **habeas corpus**.

habeas corpus ad testificandum. A writ of habeas corpus, although not a high prerogative writ, its issuance lying in the sound discretion of the court, which issues to remove a prisoner in order for him to bear testimony. 25 Am J1st Hab C § 4.

habeas corpus cum causa. The same as habeas corpus ad faciendum et recipiendum.

habeas ibi tunc hoc breve. See **et habeas ibi tunc hoc breve**.

Habemus optimum testem, confitentem reum. We have the best witness, a defendant who is confessing.

habendum clause. That part of a deed, usually following the premises, which sets forth the estate to be held and enjoyed by the grantee.

Words of inheritance are commonly used, but contrary to the rule at common law, under the statutes now in force in most states, such are not necessary to pass a title in fee simple. 23 Am J2d Deeds § 38.

habendum et tenendum. To have and to hold.

habentes homines. Men who have things; wealthy men.

habentia. Riches.

habere. To have.

habere facias possessionem. The technical term applied to a writ of possession for the execution of a judgment in favor of a plaintiff in ejectment. 25 Am J2d Eject § 133. A writ of possession directed to the sheriff of the county commanding him to give actual possession to the plaintiff who had established his right to recover a chattel interest in land in a real or mixed action. See 3 Bl Comm 412.

Habere facias seisinam. That you give him seisin,—a writ of seisin of a freehold,—a writ directed to the sheriff of the county commanding him to give actual possession to the plaintiff, who had established his right to recover land in a real action. See 3 Bl Comm 412.

habere facias visum. A writ which directs the sheriff to view the premises in controversy.

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habere licere. To allow to hold, to allow a person to take possession.

Habeto tibi res tuas. Take your effects or belongings to yourself—a Roman formula for divorcing a wife.

hab. fa. An abbreviation of **habere facias possessionem**.

habiles ad matrimonium. Fit for marriage.

habilis. Suitable; proper; fit; capable.

habit. A customary method of doing a thing. See 29 Am J2d Ev § 303. Customary conduct, deriving as a tendency arising from frequent repetition. *Knickerbocker Life Ins. Co. v Foley*, 105 US 350, 26 L Ed 1055.

When a person has repeatedly acted in a particular way at intervals, whether regular or irregular, for such length of time as that we can predicate with reasonable assurance that he will continue so to act, we may affirm that this is his habit. *State ex rel. Atty. Gen. v Savage*, 89 Ala 1, 7 So 183.

It would be incorrect to say that a man has a habit of anything from a single act. A habit of early rising, for instance, could not be affirmed of one because he was once seen abroad before sunrise; nor could intemperate habits be imputed to him because his appearance and actions might indicate a night of excessive indulgence. *Knickerbocker Life Ins. Co. v Foley* (US) 15 Otto 350, 26 L Ed 1055.

habitable. Fit for habitation; tenantable; reasonably fit for occupation by a tenant of the class which occupies it. *Miller v McCardell*, 19 RI 304, 33 A 445.

habitable repair. Good repair; such state of repair as renders a building fit for occupancy by an inhabitant.

habitancy. Residence or domicil; a residence at a place with the intent to make and regard it as a home. *Lyman v Fiske*, 34 Mass (17 Pick) 231.

See **domicil; residence.**

habit and repute. Habits and reputation.

habitat. Same as **habitation.**

habitation. A component part of the concept of domicil, as an abiding in a place. *Re Lester*, 377 Pa 411, 105 A2d 376. A place of abode, either permanent or temporary. *Union Hotel Co. v Hersee*, 79 NY 454.

habit-forming drugs. Narcotic drugs.

habitual. By habit; constant; customary, accustomed, usual; common; ordinary; regular; familiar. *Peltz v Printz*, 186 Pa 347, 349.

habitual carnal intercourse. Sexual intercourse, had at least more than one time, between persons not husband and wife. 2 Am J2d Adult § 3.

habitual criminal. A second or subsequent offender; a convicted person with a prior criminal record. A term usually defined with precision by statute in a jurisdiction where the status permits or requires an increase in term of imprisonment imposed for a crime.

See **sterilization.**

habitual criminal statute. A statute which imposes a greater punishment for a second or subsequent offense than for the first. *Tucker v State*, 14 Okla Crim 54, 167 P 637.

Such statutes have been enacted in order that one who persists in the commission of crime may be put away permanently and the state may rid itself of the depravity when its efforts to reform have failed. *Coleman v Commonwealth*, 276 Ky 802, 125 SW2d 728.

habitual drunkard. One who drinks intoxicating liquors to excess and with habitual frequency, as the opportunity permits. One who has lost the power or will to control his appetite for intoxicating liquors or narcotics, and has the fixed habit of drunkenness. 29 Am J Rev ed Ins Per § 8.

habitual drunkenness. A very frequent condition of intoxication. The result of indulging a natural or acquired appetite for intoxicating liquors, by continued use, until it becomes a customary practice. 29 Am J Rev ed Ins Per § 8. A disease of mind and body, analogous to insanity. *Leavitt v Morris*, 105 Minn 170, 117 NW 393. As ground for divorce:—habitually drinking intoxicating drinks immoderately and a habit of getting drunk. Anno: 120 ALR 1177.

habitual intemperance. A very frequent condition of intoxication.

See **habitual drunkenness**.

habitual intoxication. Same as **habitual drunkenness**.

habitually. By habit, customarily. By frequent practice.

The word does not appear to mean "exclusively" or "entirely." *Stanton v French*, 91 Cal 274, 27 P 657.

habitual user. A drug addict.

See **habitual drunkenness**.

habitum et tonsuram clericalem. The clerical garb and tonsure. See 4 Bl Comm 367.

habitus. Habit; garb; appearance; apparel.

habitus et tonsura clericalis. The dress and tonsure of a priest or clergyman.

hacienda. (Spanish). An estate; the public domain.

hack. A vehicle for hire in the transportation of persons. A term inclusive of automobiles in so far as a regulation of the transportation of passengers for hire is concerned. *Fletcher v Bordelon* (Tex Civ App) 56 SW2d 313, error ref.

See **taxicab**.

hadbote. A fine or mulct imposed for the offense of committing an assault on a clergyman.

Haddock Case. A decision of the United States Supreme Court in a divorce case (*Haddock v Haddock*, 201 US 562, 50 L Ed 867, 26 S Ct 525) involving the application of the full faith and credit clause of the United States Constitution to a divorce decree obtained against a nonresident defendant upon constructive service of process, once regarded as a leading authority upon the question determined, but now to be considered in the light of more recent decisions of the same court. 24 Am J2d Div & S § 951.

hade. A grassy slope.

haderunga. Hatred; ill will; malevolence.

hadgonel. A tax.

Hadley v Baxendale. An English case notable for the principle that the damages recoverable for breach

of contract are such as may fairly and reasonably be considered as arising naturally—that is, according to the usual course of things—from the breach of the contract itself, or such as may reasonably be supposed to have been in the contemplation of both parties at the time they made the contract, as the probable result of its breach. 9 Exch 341, 156 Eng Reprint 145.

Haec est conventio. This is the agreement.

Haec est finalis concordia. This is the final agreement,—the formal words which usually formed the beginning or introductory part of the indentures which after being engrossed were delivered to the cognizor and cognizee, and which recited at length all of the steps in the levying of a fine at common law. See 2 Bl Comm 351.

Haec quae nullius in bonis sunt, et olim fuerunt inventoris de jure naturali, jam efficiuntur principis de jure gentium. These things which are the goods of no one and which were formerly the property of the finder by natural right, now are made those of the king by the law of nations. See 1 Bl Comm 299.

Haec sunt institutiones, quas Rex Edmundus et episcopi sui cum sapientibus suis instituerunt. These are the institutions which King Edmund and his bishops and his wise men have established. See 1 Bl Comm 148.

Haec sunt judicia quae sapientes consilio regis Ethelstani instituerunt. These are the decrees which the wise men with the advice of King Ethelstane have ordained. See 1 Bl Comm 148.

haec verba. See **in haec verba; pleading in haec verba.**

haereda. The name given to the hundred-court in the Gothic constitution. See 3 Bl Comm 35.
See **hundred-court.**

haerede deliberando. See **de haerede deliberando, etc.**

Haeredem Deus facit, non homo. God makes an heir, not man.

haerede rapto et abducto. See **de haerede et abducto.**

haeredes. Heirs, plural of haeres.

Haeredes est nomen collectivum. Heirs is a collective name.

haeredes extranei. (Civil law.) Foreign heirs; that is, heirs who were neither the children nor the slaves of the decedent.

haeredes facti. (Civil law.) Made heirs; that is, beneficiaries under the will of the decedent.

haeredes necessarii. (Civil law.) Heirs of necessity; that is, heirs who were so without their election to become heirs.

haeredes proximi. Nearest heirs, next heirs, children or descendants of the decedent.

haeredes recti. Right heirs. See **right heirs.**

haeredes remotiores. More remote heirs; that is heirs of more remote relationship than haeredes proximi.

haeredes sui et necessarii. (Civil law.) Descendants of the deceased and haeredes necessarii.

Haeredi magis parcendum est. An heir should be dealt with more leniently.

haeredipeta. A person seeking an inheritance; that is, the next heir.

Haeredipetae suo propinquo vel extraneo periculoso sane custodi nullus committatur. No one should be committed to his next heir or to a stranger, certainly a dangerous guardian.

haereditas. An inheritance.

Haereditas, alia corporalis, alia incorporalis; corporalis est, quae tangi potest et videri; incorporalis quae tangi non potest nec videri. An inheritance is either corporeal or incorporeal; corporeal is that which can be touched or seen; incorporeal is that which can neither be touched nor seen.

haereditas damnosa. A detrimental or burdensome inheritance; that is, an inheritance which would render the heir liable for debts of the deceased ancestor.

Haereditas est successio in universum jus quod defunctus habuerat. Inheritance is the succession to every right which the deceased had.

haereditas jacens. (Roman law.) A fallen or prostrate inheritance; an inheritance which the heir has not yet received or accepted; an inheritance with no owner. See 2 Bl Comm 259.

haereditas luctuosa. (Civil law.) A sorrowful or mournful inheritance,-an inheritance in the ascending line, as by parents from children was considered as disturbing the natural order of inheritance. See 4 Kent Comm 397.

Haereditas nihil aliud est, quam successio in universum jus, quod defunctus habuerit. An inheritance is nothing but the succession to all the rights which the deceased had.

Haereditas nunquam ascendit. An inheritance never ascends. This very ancient maxim was recorded in writings in the time of Henry the Second and was probably of feudal origin and formed the basis of the first canon of descent that inheritances should lineally descend to the issue of the person who last died actually seised in infinitum; but should never lineally ascend. See 2 Bl Comm 208, 211.

See **haereditas luctuosa.**

haereditas paterna. A paternal inheritance, an inheritance from the heir's father.

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Haeredum appellatione veniunt haeredes haeredum in infinitum. Under the name "heirs" come the heirs of heirs without limit.

haeres. (Roman law.) A person who succeeds to the rights of a decedent in real or personal property, whether by the law of descent or under a will. *Adams v Akerlund*, 168 Ill 632, 639, 48 NE 454.

haeres actu. (Roman law.) A person who became such by the act or appointment of the deceased in his lifetime.

haeres astrarius. An heir in the actual possession of his inheritance.

haeres de facto. Same as **haeres factus**.

Haeres est alter ipse, et filius est pars patris. An heir is a man's other self, and the son is a part of his father.

Haeres est aut jure proprietatis aut jure representationis. A person is an heir either by right of property or by right of representation.

Haeres est eadem persona cum antecessore. An heir is the same person as his ancestor.

Haeres est nomen collectivum. Heir is a collective name.

Haeres est nomen juris; filius est nomen naturae. Heir is the legal name, son is the natural name.

Haeres est pars antecessoris. The heir is a part of his ancestor. *Schoonmaker v Sheely* (NY) 3 Hill 165, 167.

Haeres est quem nuptiae demonstrant. The heir is the person whom the marriage shows to be the heir.

haeres ex asse. (Civil law.) An heir to the whole estate of the deceased; a sole heir.

haeres extraneus. (Civil law.) A foreign heir,-an heir who was neither a slave nor a child of the deceased.

haeres factus. (Civil law.) A made heir,-a heir appointed by will or by settlement, as distinguished from an heir born; a devisee. See 1 Bl Comm 196.

haeres fideicommissarius. (Civil law.) A beneficiary heir,-a testamentary cestui que trust.

haeres fiduciarius. (Roman law.) A fiduciary heir, a fiduciarius or trustee who was made haeres by will for the benefit of the fidei-commissarius. Mackeldey's Roman Law § 783.

Haeres haeredis mei est meus haeres. The heir of my heir is my heir.

haeres legitimus. A lawful heir,-an heir born out of lawful wedlock.

Haeres legitimus est quem nuptiae demonstrant. He is the lawful heir whom the marriage points out to be such. *Jackson v Jackson*, 82 Md 17, 33 A 317.

Haeres minor uno et viginti annis non respondebit, nisi in casu dotis. An heir who is under twenty-one years of age is not answerable, except in the matter of dower.

haeres natus. A born heir; an heir who is entitled to inherit by descent. See 1 Bl Comm 196.

haeres necessarius. Singular of **haeredes necessarii**.

Haeres non tenetur in Anglia ad debita antecessoris reddenda, nisi per antecessorem ad hoc fuerit obligatus, praeterquam debita regis tantum. The heir is not bound in England to pay his ancestor's debts unless he was bound to this by the ancestor, excepting whatever is owed to the king.

haeres rectus. A right heir.

See **right heir**.

haeres suus. (Civil law.) His own heir,—a proper heir; an heir by descent.

haeretare. To attach an hereditary character to a gift.

haeretico comburendo. See **de haeretico comburendo**.

haesitabant. They were in doubt.

hafne courts. Haven courts,—courts anciently held in ports of England.

haga. A house; a house in a city or borough.

Hague Tribunal. A name applied first to an international court of arbitration established by the International Peace Conference of 1889, later to the Permanent Court of International Justice established under the auspices of the League of Nations in 1920, but now to the International Court of Justice established as the judicial branch of the United Nations. 30 Am J Rev ed Internat L § 54.

haie. (French.) A hedge; an enclosure.

haiebote. Same as **haybote**.

hail. Whole; the whole.

hailworkfolk. Same as **halywerfolk**.

haimsucken. Same as **hamesecken**.

hair stylist. A hairdresser. 10 Am J2d Barbers § 2.

hale. Healthy.

halegemot. Same as **halmote**.

half. A fraction. The part obtainable in an equal division. As descriptive of the premises in a deed:—an undivided interest of one half. 23 Am J2d Deeds § 246. A half section of land.

half blood. Broadly defined, relatives by blood but having only one common ancestor. The relationship between children who have but one of their parents in common. *Butler v King*, 10 Tenn (2 Yerg) 115, 118.

In a number of cases wherein the language of the will was unambiguous or there was no expression of an intent to the contrary, it has been held that half bloods share equally with whole bloods in a testamentary gift to "heirs," "heirs at law," "legal heirs," etc. Anno: 49 ALR2d 1369. In other cases, however, it has been held that half bloods do not share equally in such gifts. Anno: 49 ALR2d 1372.

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half brother. A man or boy related to one through a common parentage limited to one parent. *Wood v Mitcham*, 92 NY 375, 379.

See **half blood**.

half-endeal. One-half.

half fare. A reduced charge made by a carrier of passengers for certain persons, especially children and students. 14 Am J2d Car § 847.

half gelt. A horse castrated to the extent only of removing one of his testicles. Douglas v Moses, 89 Iowa 40.

half-notes. Notes which were given as payment and torn in half; half of each note was given to the seller when the buyer ordered the goods and the other half upon delivery of them.

half pilotage. The fee to which a pilot is entitled under compulsory pilotage laws where his services are offered but declined. 48 Am J1st Ship § 204.

half-proof. An obsolete term for proof by a single witness or by a single document. 3 Bl Comm 370.

half-section. Three hundred twenty acres of land according to the government survey.

half sister. A woman or girl related to one through a common parentage limited to one parent. Wood v Mitcham, 92 NY 375, 379.

See **half blood**.

half-tongue. A term applied to a jury, part of whom speak one language and part another.

half-truth. Deceit consisting in only a partial disclosure of the facts. 37 Am J2d Fraud § 151. A fraud where spoken with a design of influencing the opposite party who does not have equal means of knowledge. Addison v Wilson, 238 Ky 143, 37 SW2d 7.

half-year. One hundred and eighty-two days, odd hours being rejected in the computation. 52 Am J1st Time § 15.

hali-gemote. Same as **halle-gemote**.

Halimass. Same as **Hallowmass**.

hallage. A toll charged for the privilege of selling goods in a hall or fair.

hallazco. (Spanish.) The acquisition of title to goods which have been abandoned by finding them.

hall day. A court day.

halle-gemote. A manor court; a court baron.

Halloween. The evening of Oct. 31; the evening preceding All Saints Day, generally celebrated by masquerading, especially by children who go from house to house seeking treats under threat of "tricks."

Hallowmass. All Saints' Day, the first day of november.

hallucination. A morbid error in one or more of the senses; a perception of objects which do not, in fact, make any impression on the external senses.

The basic distinction between an hallucination and a delusion is that the former is a matter of false perception, the latter a matter of false idea or belief. 29 Am J Rev ed Ins Per § 3.

halmote. Same as **court-baron**.

halt. Infirm. A stop. To stop, especially on command.

halywerfolk. Tenants who held their land by the service of repairing or defending a church.

ham. A home; a house; a dwelling house. In the more modern sense, meat of the hog taken from the quarters, usually marketed after curing; the thigh and buttock. A slang term for an incompetent actor or an actor who overplays.

hamble. To hamstring an animal; to expeditate a dog, that is, to remove the balls of his feet to prevent the chasing of game.

hamel. A village.

hamesecken. Home-sacking,—the ancient word for burglary, or nocturnal housebreaking. See 4 Bl Comm 223.

hamesucken. Same as **hamesecken**.

hamfare. An assault upon a person committed within a house or dwelling.

hamlet. A small village; a vill.

hamma. Same as **curtilage**.

hamsocne. Same as **hamesecken**.

hamsoken. Same as **hamesecken**.

hamstring. To disable an animal by severing the hamstring, the tendon in the hock. To place such restraint upon a person that he is unable to act.

hanaper. A hamper; a receptacle where writs and their returns were kept. See 3 Bl Comm 49.

hanaper office. An old term for an office in the English court of chancery where original writs pertaining to subjects, as distinguished from writs relating to the crown, were issued. *Yates v People* (NY) 6 Johns 337, 363.

Hanc Tuemur, Hac Nitimur. This we defend, this we lean upon.

The words are those of a motto which appears on the face of a medallion on the title page of the journal of the proceedings of the Colonial Congress of 1774, representing Magna Charta as the pedestal on which was raised the column and cap of liberty, supported by twelve hands; one for each of the twelve colonies. *Hurtado v California*, 110 US 516, 554, 28 L Ed 232, 245, 4 S Ct 111, 292.

hand. The terminal of the arm; a member of man and apes adapted for grasping things. *Champlin Refining Co. v State Industrial Cont.* 153 Okla 45, 4 P2d 1. A lineal measure of four inches. A word often used to indicate handwriting.

See **beat hand; bloody hand; clean hands; entire loss of hands or feet; note of hand; strong hand; unclean hands; witness my hand; witness my hand and seal.**

hand baggage. See **baggage.**

handbill. A printed sheet of advertising, of a convenient size for passing out along the street or from house to house. A circular. *People v McLaughlin*, 33 Misc 691, 693, 68 NYS 1108.

handborow. A hand pledge; a pledge; a frank pledge.

handcar. A small car upon which railroad trackmen ride to and from work, the term continuing in use notwithstanding hand-power has been replaced by diesel or electric power. Any small cart or vehicle pushed by hand.

handcuffing. Putting handcuffs on a person.

handcuffs. Manacles; shackles. Metal rings or chains placed around the wrists and locked to prevent the use of the hands and incidentally the escape of a prisoner. 5 Am J2d Arr § 75.

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handfasting. A kind of trial marriage which prevailed anciently in parts of Scotland, referred to in *The Monastery* by Sir Walter Scott, Chapter XXV.

See **trial marriage.**

hand grith. Protection at the hands of the king himself.

handhabend. Same as **bacberend.**

handholds. See **grab irons; handrail.**

handicap. Something that hampers a person in an endeavor or activity. A game, especially golf or bowling, in which the competition is equalized by artificially burdening the better players and favoring the players with an inferior record by adding to or subtracting points from the actual score as the plan or scheme of the game play requires. The number of points imposed to the disadvantage of a particular player. A horse race in which the horses are weighted according to the estimate of the handicapper for the purpose of equalizing their chances of winning. *Stone v Clay* (CA7 Ill) 61 F 889.

handicapper. One who fixes the handicaps of horses in a race or of players in a game such as bowling or golf.

See **handicap.**

handled. Moved or manipulated by the hand. Bought or sold in commerce. For the purposes of the Fair Labor Standards Act: very kind of incidental operation preparatory to putting goods in the stream of commerce. *Western Union Tel. Co. v Lenroot*, 323 US 490, 89 L Ed 414, 65 S Ct 335.

handling. As used in the Federal Fair Labor Standards Act of 1918, the word has been defined as those physical operations customarily performed in obtaining agricultural or horticultural commodities from producers' farms, transporting them to and receiving them at the establishment, weighing them or otherwise determining on what basis the producer is to be paid, placing them in the establishment where further operations are to be performed, and delivering the commodities to warehouses. *Gordon v Paducah Ice Mfg. Co.* (DC Ky) 41 F Supp 980.

handling charges. Charges covering a variety of small services by brokers, banks, even cooperative associations, in completing transactions on behalf of customers or clients.

handling firearms. Using firearms or merely carrying firearms. 29A Am J Rev ed Ins § 1284.

handling, slaughtering or dressing. An expression pertaining to labor relations, meaning work in reference to the processing of meat and poultry concluded when the product is placed in the cooler, thus not including packing, loading, grading, or shipping. *Shain v Armour & Co.* (DC Ky) 50 F Supp 907.

handrail. A metal or wooden handhold securely fastened along a stairway to give support to users. A handhold of metal affixed to passenger cars for the convenience and protection of passengers boarding or leaving; also a metal handhold at .points inside a passenger car for the protection of passengers standing or walking when the car sways on curves or is stopped abruptly.

handsale. A sale made under the ancient custom of the northern countries by shaking hands to bind the bargain; later the same word came to be used to signify the price or earnest which was given immediately after the shaking of hands, or instead of shaking hands. See 2 Bl Comm 448.

handsel. Same as **handsale**.

hand signals. Signals made by movement of the arm and hand, especially those made by a brakeman on a railroad train or a motorist.

hand sled. See **sled**.

hands of justice. A familiar term in exceptions from the risk found in life insurance policies, meaning an act performed under public authority, as by a police officer in the discharge of his duty. Not including the killing by a husband of the paramour of his wife, although under the circumstances and the law, such killing is a justifiable homicide. *Supreme Lodge, K. T. v Crenshaw*, 129 Ga 195, 58 SE 628.

handsworn. See **mainsworn**.

handwriting. Chirography; penmanship. In the broad sense, anything written by the hand. *Commonwealth v Webster*, 59 Mass (5 Cush) 295.

See **comparison of handwriting; court hand**.

handwriting expert. A person qualified by study and practice to identify handwriting as that of a particular person by comparison with a sample of handwriting known to be that of such person, irrespective of whether or not he makes a business of identification of handwriting. *Christman v Pearson*, 100 Iowa 634, 635.

hangar. The structure in which aircraft are sheltered, repaired, or serviced.

hanging. A method of execution of the death penalty. 21 Am J2d Crim L § 613. Suspending a person convicted of a capital offense by the neck until he is dead, as the penalty for such an offense.

hanging-gale. An old term for overdue rent.

hanging in chains. The practice, at one time common in England, of suspending the body of a murderer, who had been executed, by chains in a public place.

hangman. An executioner; a person employed to execute a capital sentence by hanging the convict.

hangwite. The ancient practice of hanging a thief without bringing him to trial; a fine for permitting a thief to escape.

hanse. An association formed by the merchants of different towns and cities for their mutual protection, welfare, and advantage.

hanseatic. Relating to a hanse or to the Hanse towns.

Hanseatic League. A politico-commercial association or league of cities in the north of Germany and adjoining states during the middle ages.

Hanse towns. Those towns which were associated together as members of the Hanseatic League.

See **Hanseatic League.**

hantelode. An arrest.

happiness. Contentment, consisting in many things or depending upon many circumstances, such as the right of an individual to follow his preference in selecting an occupation. *Ruhrstrat v People*, 185 Ill 133, 57 NE 41.

See **life, liberty and the pursuit of happiness.**

harangue. A noisy, bombastic, ranting speech. *Commonwealth v Brown*, 309 Pa 515, 164 A 726, 86 ALR 892.

harassing litigation. Vexatious or oppressive litigation. 28 Am J Rev ed Inj § 210.

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harassment. Torment. A form of abuse of process. 1 Am J2d Abuse P § 10.

See **harassing litigation.**

harbor. Noun: A haven for a vessel. A place on navigable waters, either landlocked or artificially protected, where vessels may resort for safety. 48 Am J1st Ship § 223. A word sometimes used as synonymous with "port", which is in fact a broader term. 48 Am J1st Ship § 223. Verb: To secrete or conceal a person. *Jones v Van Zandt (US)* 5 How 215, 12 L Ed 122. To keep, shelter, or protect.

harbor dues. Fixed charges for a ship's use of a harbor.

harboring a criminal. Almost indistinguishable from being an accessory after the fact; secreting a criminal or acting as a go-between to enable him to escape arrest and punishment. 39 Am J1st Obst J § 17.

harboring an alien. Keeping, maintaining, or aiding an alien to reside in the United States contrary to law. 3 Am J2d Aliens § 104.

Within the meaning of the Federal statutes dealing with the importation and harboring of alien girls not lawfully entitled to enter or to reside within the United States, to harbor means only that the girls shall be sheltered from the immigration authorities and shielded from observation to prevent their discovery as aliens. *United States v Smith (CA2 NY)* 112 F2d 83.

harboring an animal. Giving shelter and protection to an animal, as by keeping it in one's house or place of business. *McClain v Lewiston Interstate Fair & Racing Asso.* 17 Idaho 6, 104 P 1015.

harbor lines. Limits established in a navigable body of water by the federal government, a state, or a municipality for the erection of wharves, piers, or other structures to be available for convenient use in the loading or unloading of vessels. 56 Am J1st Wat § 201.

harbor master. The officer who enforces the public regulations pertaining to a harbor. 56 Am J1st Whar § 27.

harbor watch. One or a small number of men detailed to keep a lookout for the safety of a vessel while it is in harbor. O'Hara v Luchenbach Steamship Co. 269 US 364, 70 L Ed 313, 46 S Ct 157.

Harbor Worker's Compensation Act. See **Longshoremen's and Harbor Workers' Compensation Act.**

hard action. A tort action or an action to recover a penalty. Cronemillar v Duluth-Superior Milling Co. 134 Wis 248, 114 NW 432.

hard cider. Cider which has fermented. 30 Am J Rev ed Intox L § 17.

hard labor. A special condition of imprisonment for crime. 21 Am J2d Crim L § 615.

Describing the labor as hard, in a sentence imposing imprisonment at hard labor, does not signify that it shall be of unusual severity. It means no more than that it is compulsory, and continuous during the term of imprisonment. Brown v State, 74 Ala 478, 483.

hard money. Specie; a coin of the precious metals, of a certain weight and fineness, with the government stamp thereon, denoting its value as a medium of exchange, or currency. Henry v Bank of Salina (NY) 5 Hill 523, 536.

hardpan. A hard stratum of earth. Dickinson v Poughkeepsie, 75 NY 65, 76. Earth difficult to dig because of its hardness:-(1) semi-indurated clay, with or without admixture of stony matter; (2) cemented gravel; or (3) clay, with or without admixture of stony matter, which is very tough because of its strong cohesion. Newport v Temescal Water Co. 149 Cal 531, 87 P 372; Baker v Multnomah County, 118 Or 143, 246 P 352.

hardship. Suffering privations; financial loss suffered in the performance of a contract. 17 Am J2d Contr § 402. Conditions making life miserable and productive activities difficult. 49 Am J1st Spec Per § 59.

Hare System. A form of proportional representation, whereby candidates for public office are not elected by their obtaining a majority or plurality of the votes cast, but by their obtaining a quota of a designated number of votes or a certain proportion of the entire vote, the electors being permitted to express second, third, or additional choices. Johnson v New York, 274 NY 411, 9 NE2d 30, 110 ALR 1502.

Harger drunkometer. A device used in taking a breath test for the purpose of determining intoxication according to the amount of alcohol in the breath. 7 Am J2d Auto § 332.

hariot. Same as **heriot**.

harlot. A whore; a prostitute.

harm. Hurt; injury.

See **bodily harm; great bodily harm; serious bodily harm.**

harmless. Not causing or productive of harm. In a more rare sense, unharmed.

harmless error. Trivial, formal, or merely academic error; a determination which although erroneous, is not prejudicial to the substantial rights of the party who assigns it and in no way affects the final outcome of the case. *State v Britton*, 27 Wash 2d, 336, 178 P2d 341.

harmonizing. Preserving a statute or part of a statute against repeal by another statute or part of a statute by construction which reconciles the statutes and parts with one another so that effect may be given to all provisions. 50 Am J1st Stat § 363. Reconciling clauses or provisions of a contract in construction, so as to ascertain the meaning of the contract by reasoning which dispels apparent repugnancy between the clauses or provisions. 17 Am J2d Contr § 267. Giving effect to an entire will by reconciling apparent inconsistencies, on the theory that the testator intended all parts of the will to operate. 57 Am J1st Wills § 1129. Reconciling apparent conflicts in testimony for the purpose of giving effect to all testimony, if possible. *State v Pettit*, 33 Idaho 326, 193 P 1015.

harnasca. Harness; armor.

haro. Hue and cry.

Harrison Narcotic Act. See **Narcotic Act.**

harrou. Hue and cry.

harsh contract. A hard bargain, even a foolish contract, from the standpoint of a party, but not necessarily the result of undue advantage having been taken of his trust and confidence. 17 Am J2d Contr § 192.

Harter Act. An act of Congress approved February 13th, 1893, which was designed to fix the relations

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between the cargo and the vessel and to prohibit contracts restricting the liability of the vessel and owners in certain particulars connected with the construction, repair and outfit of the vessel and the care and delivery of the cargo. 48 Am J1st Ship § 447.

harth-penny. Same as **chimney-money.**

harvest. Noun: A crop produced and taken from the ground. The time when crops of small grain, such as wheat, oats, and rye, are gathered; not applicable to the cutting of a second crop grown on a field from which one crop was taken during the same season. *Wendall v Osborne & Co.* 63 Iowa 99, 103. Verb: To sever a crop from the soil and take it in hand for giving it such care at the time as is necessary to conserve it for ultimate use or processing as food or clothing.

As used in a statute providing that crops raised and harvested pass with a judicial sale of the land, raised is used in the sense of "matured" and harvested in the sense of "severed." The words are not thus used synonymously, for it is well known that there are a variety of crops that are harvested before their maturity, grain especially. *McNulty v Dean*, 154 Wash 110, 281 P 9, 66 ALR 1417.

harvesting ice. The cutting and taking of ice from the water upon which it has formed. 52 Am J1st Trespass § 17.

has been. A term which, as it appears in a statute, may be construed to permit retrospective operation, provided such construction is not in violation of constitutional provisions. *Nervo v Mealy*, 175 Misc 952, 25 NYS2d 632.

haspa. The hasp of a door, which was often used in making livery of seisin of the land on which the building stood.

hasp and staple. See **seizin by hasp and staple.**

hasten death. In legal effect, to cause death. *Avignone Freres, Inc. v Cardillo*, 73 App DC 149, 117 F2d 385.

Hastings. A city of England, the name of which has been given to the battle of Oct. 14, 1066, near the English Channel, in which the Normans, invading from across the channel, defeated the Anglo Saxons, thereby winning a victory which lead ultimately to Norman control of all England.

hasty legislation. Statutes enacted without time for due consideration by the legislative body. 50 Am J1st Stat § 71.

hatch. An opening in the deck of a vessel; an opening in the roof or the floor of a building permitting access below.
See **hatchway.**

Hatch Act. A federal statute making it unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof, or for any such officer or employee to take any active part in political management or in political campaigns, although such person maintains the right to vote as he may choose and to express his opinions on all political subjects and candidates. 5 USC § 118i(a).

hatchway. An opening through the deck of a vessel to a lower deck or the hold. An opening through a sidewalk over an areaway. 25 Am J1st High § 263. Not a stairway or basement-way. *State v Armstrong*, 97 Neb 343, 350, 149 NW 786.
See **hatch.**

hat-money. Prim age,—compensation paid to the master of a ship for his care of goods entrusted to him.

hauberik. A coat of mail.

haubert. Same as **hauberik.**

hauberticum. See **feudum hauberticum.**

haugh. Low lands which were sometimes overflowed by a river.

haul. A pull. The movement of railroad cars whether on the main line or in switching operations. *United States v Erie R. Co.* 237 US 402, 59 L Ed 1019, 35 S Ct 621.

See **line haul; long-and-short haul.**

haura. A hall; a court.

hauled or used. A term employed in safety appliance acts in reference to railroad cars. Hauled in a train or otherwise used. *United States v St. Louis S. W. R. Co.* (CA5 Tex) 184 F 28.

hauler. One who hauls goods, merchandise, or other things for compensation.
See **contract hauler.**

hauling crosscut. A way in the underground workings of a mine. Anno: 15 ALR 1504.

haul-out. The removal of a yacht or other watercraft from the water for storage, repairs, and care. 12 Am J2d Boats § 30.

haur. Hate; malevolence.

haustus. A drawing, as of water from a well.

haut. High.

haut bois. High wood.

haut chemin. A highway.

haut en bas. See **de haut en bas.**

haut estret. A high street.

Havana. The capital of Cuba. A cigar made in Cuba or of Cuban tobacco. *El Moro Cigar Co. v Federal Trade Com.* (CA4) 107 F2d 429.

have. To possess, either temporarily or permanently. *State v Lowry*, 166 Ind 372, 77 NE 728.

have and hold. See **to have and to hold.**

haven. A shelter or place of safety. A bay, recess, or inlet of the sea, or the mouth of a river, which affords a good anchorage and a safe station for ships. *Lowndes v Huntington*, 153 US 1, 23, 38 L Ed 615, 621, 14 S Ct 758.

having a car under control. See **control of vehicle.**

having an interest. See **interest.**

having due regard. A directory phrase, as it appears in a statute, not of mandatory or all-controlling influence. *Lape v Lape*, 99 Ohio St 143, 124 NE 51, 6 ALR 187.

having lottery tickets in possession. An offense by ordinance or statute passed to suppress lotteries, some of which make it an offense to have the tickets in one's possession, unless it is shown that the possession is innocent or for a lawful purpose. See 34 Am J1st Lot §26.

having received full value. A recital in a deed, insufficient in itself to establish a good or valuable consideration. 23 Am J2d Deeds § 65.

See **for value received.**

Hawaii. The fiftieth state of the Union, admitted in 1959.

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Hawaiian Islands. A group of islands in the Pacific Ocean, formerly incorporated as a territory of the United States, now contained in the fiftieth state of the Union, the State of Hawaii.

hawker. A peddler who makes noise in advertising his product, either by crying or shouting, or by ringing of bells, or by other means. 40 Am J1st Ped § 3. One who not only carries goods for sale, but seeks for purchasers, either by outcry, by actual

exhibition or exposure of the goods, by placards or labels, or by a conventional signal, such as the sounding of a horn for the sale of fish. *South Bend v Martin*, 142 Ind 31, 41 NE 315.

Hawkeye. An Indian chief, whose name has been given to residents of Iowa and the athletic teams of the University of Iowa at Iowa City, Iowa.

hawser. A tow line. 48 Am J1st Ship § 503.

hay. A harvested crop growing annually from grasses, such as clover, alfalfa, or timothy. *Baumgartner v Sturgeon River Boom Co.* 120 Mich 321, 323, 79 NW 566, 567.

haybote. One of the three estovers implied in England from the mere leasing of land, whereby a tenant for life or years may take from the land a sufficient amount of timber for repairing hedges and fences. 32 Am J1st L & T § 219.

hay grinder. A machine on wheels, used in the grinding or shredding of hay into small particles for blowing into a silo or for commercial use; a vehicle within the exception of the use of an insured automobile for towing any vehicle. *Moffitt v State Auto. Ins. Asso.* 140 Neb 578, 300 NW 837.

Haymarket Riot. The violent result in deaths and serious injuries, sometimes attributed to anarchists, of a demonstration by the forces of labor at Hay-market Square in Chicago, Illinois, March 4, 1886.

hay press. A machine for bailing hay. *Phoenix Ins. Co. v Stewart*, 53 Ill App 273.

haywards. Officers regularly appointed whose duty it is to impound estrays. *Adams v Nichols (Vt)* 1 Aik 316, 319.

hazard. Danger; peril. In the parlance of insurance, risk, the likelihood or probability of loss. *State Ins. Co. v Taylor*, 14 Colo 499, 24 P 333.

See **increase of hazard; moral hazard.**

hazardous. Subject to hazard, that is to possibility of danger or of loss.

hazardous contract. A contract, the performance of which depends on an uncertain event.

hazardous employment or occupation. A relative term in the absence of qualifying terms, meaning an employment or occupation attended with greater risk of injury or death than is true of other employments or occupations under consideration. 58 Am J1st Workm Comp § 90.

hazardous goods. Articles or substances which are explosive or highly inflammable. A classification of goods made for the purpose of prohibited-article clauses of fire insurance policies; a classification not inclusive of articles or substances which are specially hazardous or extra-hazardous. *Pindar v Continental Ins. Co.* 38 NY 364.

hazing. Horseplay and practical jokes perpetrated on a freshman student, or neophyte in an organization, by way of initiation or discipline. 15 Am J2d Colleges § 27.

H. B. M. An abbreviation of His or Her Britannic Majesty.

H-bomb. A hydrogen bomb.

H. C. An abbreviation of House of Commons. Also an abbreviation of habeas corpus.

h.e. of l. Abbreviation of high cost of living.

head. A leader or commander. Nautical slang for a toilet.

headborough. Same as **headborow.**

headborow. The head or chief man of a borough; a frank pledge or tithing.

head gate. A gate controlling the flow of water in an irrigation canal or other canal as at a lock. 30 Am J Rev ed brig § 14.

heading. See **caption.**

headings. Words and phrases placed at the head of main subdivisions of codes and other law books to indicate the character of matter contained therein. 50 Am J1st Stat § 157.

See **caption.**

headland. A strip of unploughed land left at the end of a ploughed field.

headlights. The lights on a motor vehicle which illuminate the way in front of the vehicle as it advances. The front lights carried by locomotives.

head money. A gratuity distributed among the officers and crew of a ship in the same manner as prize money is distributed. A reward for the taking of a person wanted for prosecution, or an escaped convict, dead or alive. An admission tax.

Head Money Cases. Certain famous cases in which the United States Supreme Court sustained the validity of the Act of August 3, 1882, imposing upon the owners of steam or sailing vessels bringing passengers from a foreign port a duty of fifty cents for each such passenger not a United States citizen. *Cunard S.S. Co. v Robertson*, 112 US 580, 28 L Ed 798, 5 S Ct 247.

headnote lawyer. A term applied to a lawyer who relies on the headnotes of decisions and omits the reading of the decisions.

headnotes. Statements in summary and concise form, otherwise known as syllabi, which appear in law reports at the head of the reported cases, to indicate the propositions decided by a case and, in general, the order in which various propositions declared in a case appear in the opinion. 18 Am J2d Copyr § 44. Usually the work of the court reporter, but sometimes of the court itself, in which event they may constitute the official opinion of the court under a rule of court to such effect. 20 Am J2d Cts § 77. Often prepared by members of the editorial staff of the publisher of court reports.

head of a department. A person in charge of a department, whether it be in a business or industry or in the municipal, state, or national government.

As the term is used in connection with the Federal Government, it means the secretary in charge of a great division of the executive branch of the government, such as the state, treasury, and war, who is a member of the cabinet. The term does not include the heads of bureaus or lesser divisions. *Burnap v United States*, 252 US 512, 515, 64 L Ed 692, 694, 40 S Ct 374; *Brooks v United States* (DC NY) 33 F Supp 68.

head of a family. A phrase familiar in statutes pro-

viding exemption from execution, especially the exemption of the homestead The person who is under a legal or moral obligation for the support of a family, consisting of two or more persons, living in one household. *Moyer v Drummond*, 32 SC 165, 10 SE 952. The person who has assumed the burden of supporting such a family although under no duty to do so. *Holloway v Holloway*, 86 Ga 576, 12 SE 943; *Sternberg v Levy*, 159 Mo 617, 60 SW 1114.

See **householder**.

head of stream. In common parlance, the source of a stream, whether it be a spring, a lake, or a swamp. Technically, the highest point on a stream which furnishes a continuous stream, not necessarily the longest fork or sprong. *Uhl v Reynolds*, 23 Ky LR 759, 64 SW 498.

head of water. That quantity of water which will flow each second through an opening one foot square. *Watkins Land Co. v Clements*, 98 Tex 578, 86 SW 733. More precisely, the quantity of water which will flow in a given time, through an opening of a specified size, from a source defined in terms of a measurement taken with the water at rest. 56 Am J1st Wat § 263.

head-on. A term descriptive of a collision of motor vehicles in which the impact of each vehicle is against the front of the other vehicle.

See **end on**.

head pistareen. A Spanish silver coin which in 1835 passed current in the United States for twenty cents, or one fifth of a dollar; not a coin made current by the laws of the United States. *United States v Gardner (US)* 10 Pet 618, 9 L Ed 556.

headquarters of state officer. A room for the discharge of duties; something more than mere space in the capitol. *People v Peck*, 138 NY 386, 34 NE 347.

headright certificate. A certificate issued by the United States Land Office representing a conditional grant of 640 acres of land. *Cannon v Vaughan*, 12 Tex 399, 400.

headspring. A spring which is the original surface source of the water which flows away from it.

"Toyah creek is a stream with well-defined channels and banks, its source being what is called a 'headspring,' which flows twelve heads of water." See *Watkins Land Co. v Clements*, 98 Tex 578, 86 SW 733.

headstone. A cornerstone; a stone marker placed at the head of a grave.

head tax. See **poll tax**.

headwater. See **head of stream**; **head of water**.

healer. A person or thing that heals.

See **Christian Science healer**.

healgemote. Same as **halmote**.

healing. Making better; making well.

healsfang. A pillory, a means of punishment for certain offenses, consisting of a wooden bar, through which the head and hands of the culprit protruded, affixed across the top of an upright post.

health. The condition of a living being in reference to well-being and the presence or absence of sickness or disease afflicting him. Absence of disease; soundness of body; freedom from pain, sickness or disease.

The word is said to be derived from an Anglo Saxon word which is to be traced through the word "hale," and which may be rendered "whole" or "sound." *State, etc., v Paterson*, 45 NJL 310.

See **bill of health; good health; sound health.**

health board. See **board of health.**

health insurance. A contract wherein one known as the insurer agrees, in consideration of the premium paid and to be paid by the other party known as the insured, to indemnify the latter for losses caused by illness, providing indemnification for both expenses and loss of time resulting from sickness and disease. 29A Am J Rev ed Ins § 1154.

For the purpose of the exemption from taxable income under the Internal Revenue Code, the term "health insurance" is not limited to the particular forms of conventional insurance made available by commercial companies, but includes sickness benefits payable under an employer's plan. *Haynes v United States*, 353 US 81, 1 L Ed 2d 671, 77 S Ct 649.

health laws. Statutes and bylaws or ordinances pertaining to sanitation and the preservation of the health of the public.

See **health regulations.**

health officers. Members of a board of health and administrative officers empowered to enforce ordinances, rules, bylaws, and regulations, as well as statutes, enacted and promulgated for the purpose of preserving public health.

health plan. An arrangement or contract for medical services or medical supplies. 29 Am J Rev ed Ins § 12.

See **health insurance.**

health regulations. Statutes, ordinances, and administrative regulations in the interest of promoting or preserving health, for example regulations respecting the installation in buildings of water closets, flush bowls, etc. 13 Am J2d Bldgs § 29.

health resort. A place to which people resort for improvement of health, often having hot or mineral springs for bathing or even imbibing. A boarding house rather than an inn or hotel. 29 Am J Rev ed Innk § 10.

healthy. In good health. Free from disease or bodily ailment, or a state of the system peculiarly susceptible or liable to disease or bodily ailment. *Bell v Jeffreys*, 35 NC (13 Ired L) 356, 357.

See **health.**

healthy condition. In the condition of good health. In reference to a sale of animals, a healthy as opposed to a diseased condition. 46 Am J1st Sales § 150.

hear. To exercise the sense of hearing. To try a case; to consider a motion upon presentation thereof by counsel.

As the verb "to hear" is used in an artistic sense, it requires certain procedural minima to insure an informed judgment by the one who has the responsibility of making the final decision and order. *Southern Garment Mfrs. Asso. v Fleming*, 74 App DC 228, 122 F2d 622.

hear and determine. To try and decide all the questions involved in a controversy presented to court. *Quarl v Abbett*, 102 Ind 233, 1 NE 476. The disposal of a case by a referee by proceeding to trial and decision of the matter as distinguished from the function of a referee under a reference to hear and report. 45 Am J1st Ref § 22.

hear and report. The function of a referee under a reference to take testimony and report it to the court for decision by the court. 45. Am J1st Ref § 22.

hear and see. Literally, the exercise of the senses of sight and hearing. A metaphor in expressing apprehension or conscious knowledge.

A person may hear or see and yet not observe; that is, he may not have a conscious knowledge of the object or noise he actually sees or hears, and, ordinarily, when questioned as to the fact, he will say that he did not see or hear. *Seaboard Air Line Railway Co. v Myrick*, 91 Fla 918, 109 So 193, 195.

Heard Act. A federal statute of 1894 requiring a contractor's bond, containing conditions prescribed by the statute, in any case of a contract for the construction, alteration, or repair of any public building or other public improvement of the United States. 17 Am J2d Cont Bond § 43. The statute has been succeeded by the Miller Act of 1955. 40 USC §§ 270a-270d.

hearing. The physical sense through which sound becomes audible, thereby constituting a means of communication. A term originating in equity but almost as familiar in present-day law actions. A prerequisite to a finding of facts. *Re Anderson*, 191 Or 49, 229 P2d 633, 230 P2d 770, 29 ALR2d 1051, 1073. A constitutional right of one accused of crime. 21 Am J2d Crim L § 309. An essential of due process of law. *Denver v State Invest. Co.* 49 Colo 244, 112 P 789.

The presentation and consideration of proofs and arguments, and determinative action with respect to the issue. *Re Enger*, 225 Minn 229, 30 NW2d 694, 1 ALR2d 1048; *Handlon v Belleville*, 4 NJ 99, 71 A2d 624, 16 ALR2d 1118. Either an interlocutory hearing, the purpose of which is to get the case into such shape that it may, in the end, be properly heard and finally adjudicated on the merits, or the final hearing in which the case is absolutely determined. 27 Am J2d Equity § 235. The presentation of a case or defense before an administrative agency, with opportunity to introduce evidence in chief and on rebuttal, and to cross-examine witnesses, as may be required for a full and true disclosure of the facts. 2 Am J2d Admin L § 397. An arbitration at which the arbitrators are present to hear the persons whose rights are affected, such persons having been given notice and opportunity to be heard. 5 Am J2d Arb & A § 122.

Where statute provides for a "hearing," the term necessarily implies the power to administer some adequate remedy. See *Adams v Shelbyville*, 154 Ind 467, 57 NE 114.

See **final hearing; interlocutory hearing; rehearing; rehearing on appeal; trial.**

hearing officer. An examiner in an administrative proceeding, similar to an auditor or special master in a plenary action. 2 Am J2d Admin L § 407.

hearsay. Evidence, whether oral or written, which derives its value, not solely from the credit to be given to the witness upon the stand, but in part from the veracity and competency of some other person. 29 Am J2d Ev § 493. Evidence which is inadmissible because the statements thus made are not subjected to the ordinary tests required by law for ascertaining their truth, the author not being exposed to cross-examination in the presence of a court of justice and not speaking under the sanction of an oath, no opportunity being afforded to investigate his character and motives, and his deportment not being subject to observation. 29 Am J2d Ev § 493.

hearsay evidence. See **hearsay.**

heart attack. A sudden impairment of the heart.

See **coronary occlusion.**

heart balm statutes. Legislation abolishing the right of action for breach of promise to marry. 12 Am J2d Breach P § 18.

hearth money. A duty or tax laid by the king upon the hearth of every dwelling; abolished in 1688 by the statute 1 W. & M., st. 1, c. 10. See 1 Bl Comm 324.

hear ye, hear ye, the polls are now closed. The formal statement made by an election officer at the closing of the polls.

hear ye, hear ye, the polls are now open. The formal statement made by an election officer at the opening of an election, the polls.

hear ye, hear ye, this honorable court is now in session. The formal statement made by the bailiff at the opening of court.

heating service. The furnishing of steam by a public utility to heat business places and dwellings. *Milligan v Miles City*, 51 Mont 374, 153 P 276.

heat of passion. The expression for a mental state on the part of the accused reducing the offense of the killing of a person from murder to manslaughter; heat in the sense of an emotional state, produced by an adequate or reasonable provocation and before a reasonable time has elapsed for the blood to cool and reason to assume its habitual control. *State v Forsha*, 190 Mo 296, 88 SW 746; *State v Seaton*, 106 Mo 198, 204; *Johnson v State*, 129 Wis 146, 108 NW 55.

heat prostration. Same as **heat stroke**.

heatstroke. A morbid condition of the person resulting from exposure to excessive heat. *Continental Casualty Co. v Johnson*, 74 Kan 129, 85 P 545.

hebbberman. A person who fished in the Thames below London bridge, which was against the law.

he be out of the state. An expression common in statutes of limitation, meaning the personal absence of the debtor from the state. 34 Am J1st Lim Ac § 219.

hectare. A land measure under the metric system; the equivalent of 2,471 acres. *Ainsa v United States*, 161 US 208, 219, 40 L Ed 673, 677, 16 S Ct 544.

hedagium. A toll charged for landing goods at a wharf.

hedge-bote. Same as **hay-bote**.

hedgerow. A row of shrubs, usually shrubs with prickles or needles, and usually kept trimmed to a height between 5 and 6 feet, maintained as a fence.

hedging. A transaction by which one who has made a contract for the sale or purchase of a commodity protects himself against loss through a fluctuation in the market by making a countercontract for purchase or sale of an equal quantity of the commodity; a practice generally recognized as a legitimate and useful method of insuring against losses on contracts for future delivery. 24 Am J1st Gaming § 94.

See **sales against the box**.

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hedging bets. The placing of a bet or bets upon a team or contestant in a sporting event after having made a bet or bets upon the opposing team or contestant, the purpose being to minimize losses.

hedging sales. See **hedging; sales against the box**.

heed. To pay attention, especially to an instruction or direction as to conduct in a situation fraught with some danger.

heedlessness. Carelessness or negligence. *Silver v Silver*, 108 Conn 371, 143 A 240, 65 ALR 943.

Hegira. The escape of Mohammed from the Meccans on Friday, July sixteenth, 622 A. D., which date marks the beginning of the calendar used by the Arabians and the Turks.

heifer. A female calf of the bovine species, from the end of the first year, until she has had a calf; a young cow. *Freeman v Carpenter*, 10 Vt 433, 435.

height regulations. Statutes or municipal ordinances which limit the height of buildings in the promotion of public health, safety, and welfare. 13 Am J2d Bldgs § 16. Zoning ordinances establishing a maximum or minimum height for buildings in certain districts. 58 Am J1st Zon § 49.

heir. Broadly, one who succeeds to either real or personal property of a decedent who dies intestate. *Re Rawnsley's Estate*, 94 Cal App 2d 384, 210 P2d 888. At common law and by modern technical usage in some jurisdictions, one who succeeds to the real property of one dying intestate. 23 Am J2d Desc & D § 43.

See **heirs**.

heir apparent. A person who stands in such relationship to another that he is sure to inherit the estate of the latter if he outlives the latter and the latter dies intestate.

See **heir presumptive**.

heir beneficiary. An heir who has accepted his inheritance under an inventory regularly made.

heir by adoption. One who inherits by force of a legal adoption of him as the child of another or by or through a relationship created by the legal adoption of a child. 2 Am J2d Adopt § 100.

heir by custom. A term used in England for one who inherits in accordance with a local custom.

heir by devise. An anomalous expression applied to a person to whom land is devised by will.

heir collateral. See **collateral descent**; **collateral heir**.

heir conventional. A person who succeeds to an estate under a contract or agreement, usually between him and the decedent.

See **heir of provision**.

heiress. A female who is an heir.

See **heir**.

heir expectant. See **heir apparent**.

heir general. An heir who inherits an estate by the ordinary rules of descent.

heir hunter. One who makes a business of ascertaining and contacting potential distributees of estates. 7 Am J2d Attys § 87.

heir institute. A term of the Scotch law for an heir conventional.

See **heir conventional**.

heir-land. Land which descended to an heir upon the death of his ancestor.

heir legal. (Civil law.) An heir who succeeded to the estate of his ancestor by descent under the law of succession, as distinguished from an heir who took under a will or a contract.

heirloom. A piece of property that goes to an heir along with an estate, being defined in this respect as property which is not altogether real or altogether personal, but a compound of both. 42 Am J1st Prop § 28.

Such goods and personal chattels, as, contrary to the nature of chattels, go by special custom to the heir along with the inheritance, and not to the executor, of the last proprietor. Loom is from the Saxon, meaning a limb or member. Hence, an heirloom is a limb or member of the inheritance. See 2 Bl Comm 427.

heir of conquest. An heir who succeeded to property which his ancestor acquired by conquest.

heir of line. An heir who succeeded to an estate as a lineal descendant of his ancestor.

heir of provision. A person who succeeded to property of a decedent under the provision of some instrument.

See **heir conventional.**

heir of tailzie. Same as **heir special.**

heir presumptive. One who would be the heir if the ancestor were to die at the contemplated time, but whose possibility of inheritance may be destroyed by the birth of some one more nearly related, as well as by his death before that of the ancestor.

See **heir apparent.**

heirs. The plural of heir; persons taking by descent. Designation of grantees in a deed:-the persons who are entitled under the law of intestate succession. 23 Am J2d Deeds § 215. Sometimes construed as meaning children, as where otherwise the deed will be void for uncertainty. 23 Am J2d Deeds § 215.

Designation of beneficiaries under a wrongful death statute:-kin of the decedent who would inherit from him under the governing statute of descent and distribution. 22 Am J2d Dth § 47. Designation of beneficiaries of a life insurance policy:-those persons entitled under the statutes of descent to the personal estate of the insured in the event of his intestacy. 29A Am J Rev ed Ins § 1659. Designation of beneficiaries of a certificate or policy issued by a mutual benefit society: those persons entitled under the statutes of descent to the personal estate of the member or insured in the event of his intestacy. 36 Am J2d Frat O § 154.

A word of art in a grant or devise, constituting a word of limitation rather than of purchase. 33 Am J1st Life Est § 147; 28 Am J2d Est § 119. Essential at common law to the passing of a fee by deed, such requirement having been eliminated by statute in many jurisdictions. 28 Am J2d Est §§ 14-16.

Used as a designation of beneficiaries in a will, the primary significance of the word "heirs" is, in the absence of context to the contrary, the persons who would take the property of the person designated as ancestor in case of his death intestate. Generally speaking, the term, as used in a will, will apply to a gift of personal property notwithstanding the applicable statute of the jurisdiction designates different persons for taking an intestate's personalty from those indicated to take his real property. 57 Am J1st Wills § 1369. The term may be interpreted as the equivalent of "children" or

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"next of kin," where the context so requires. 33 Am J1st Life Est § 140; 57 Am J1st Wills § 1369.

Sufficient as a designation of the beneficiaries of a trust. 54 Am J1st Trusts § 140.

See **behavior as heir; bodily heirs; co-heir; defect of heirs; fellow-heir; forced heir; heir; illegitimate child; irregular heirs; joint heir; last heir; lawful heirs; lineal heirs; natural heirs; nearest heir; nearest male heir; present heirs; presumptive heir; pretermitted heir; right heirs; unconditional heirs.**

heirs and assigns. Words which are used in the habendum clause of a deed and which have a well defined and settled meaning in the law as words apt and appropriate to pass a fee simple absolute, if not followed or accompanied by other modifying words. *Jamaica Pond Aqueduct Corp. v Chandler*, 91 Mass (9 Allen) 159, 168. Words of inheritance or limitation in the grant of an easement. *Riley v Pearson*, 120 Minn 210, 139 NW 361.

The words of the statute, "the patentee, his heirs and assigns," whether construed according to the rules of grammar or to the intent of Congress mean "the patentee, or his heirs or assigns." They comprehend the legal representatives, assignees in law, and assignees in fact, and the phraseology raises no limitation in the sense of the strict common law rule applied to realty. *De La Vergne Refrigerating Machine Co. v Featherstone*, 147 US 209, 37 L Ed 138, 13 S Ct 283.

heirs at law. Essentially the same as the more simple term "heirs." *Mullen v Reed*, 64 Conn 240, 29 A 478. Sometimes construed as words of purchase. 28 Am J2d Est § 118. Designation of beneficiaries of contract or certificate issued by a mutual benefit society:-those persons who under the statutes of distribution would be entitled to the personal estate in the event of the member's intestacy. 36 Am J2d Frat O § 154. Sufficient designation of beneficiaries of a trust. 54 Am J1st Trusts § 140.

Used in a will, the term "heirs at law" indicates those persons on whom the law casts the descent of real estate or admits to participation in the distribution of personal property, except as a contrary intention may be exhibited in the context of the instrument considered in its entirety. 57 Am J1st Wills § 1371.

heirs by blood. Words of limitation sufficient to confer a fee simple title when used in a deed. 23 Am J2d Deeds § 215. As words of purchase, persons whose relationship is by consanguinity.

heirship. The status of an heir; the right of an heir to inherit.

heirship movables. Certain personal property of a decedent which under the law went to the heir and not to the executor. In a will, sometimes equivalent to "issue," "heirs," or "natural heirs." 57 Am J1st Wills § 1371.

See **bodily heirs.**

heirship proceeding. A special proceeding, authorized only by statute, to determine the heirs and distributees of the property of a decedent. 23 Am J2d Desc & D § 104.

heirs of her body begotten. A technical term but sometimes construed as words of purchase. 28 Am J2d Est § 118. Technical words used in creating an estate in fee tail, being construed as words of limitation except as the entire context discloses an intention of the testator to use them as words of purchase. 28 Am J2d Est § 49.

heirs of the body. Ordinarily considered to be a technical legal term, or word of art, constituting Words of limitation, not of purchase. 28 Am J2d Est § 119.

heir special. An heir in respect of an entailed estate.

heir substitute, in a bond. The obligee of a bond payable on the death of a creditor.

heir testamentary. A person to whom property is left by will.

Hejira. Same as **Hegira.**

held. Having grasped or clutched. In reference to property, a word of variable meaning; actual possession; the right to possession; invested with title. *Federal National Bank v Miller*, 128 Okla 82, 261 P 206, 208.

See **hold.**

held for sale. Property in the possession of an agent authorized to sell it. Merchandise or stock of goods in place of business. A clause describing the subject matter of a dealers' collision insurance policy, so that the protection of the dealer's automobile continues until the sale thereof, whether absolute or conditional, has been completed, by transfer of title if absolute, or of possession if conditional. 7 Am J2d Auto Ins § 73.

held in trust. Property in the possession of a trustee; property in the possession of, one other than the owner, such as an agent, bailee, factor, etc., who must account to the owner for the property or the proceeds thereof.

As used in fire insurance policies, phrases describing property as held in trust, or on commission, and kindred terms in a policy to an agent, factor, or the like, have been held to give to the owner a right to take the place of the insured, to adopt the contract, and enforce it in his own name or that of his agent. *Waring v Indemnity Fire Ins Co.* 45 NY 610.

helicopter. An aircraft the propeller of which is placed on top the fuselage, thereby enabling a craft to rise without the take-off required for an ordinary aircraft; an aircraft becoming increasingly useful in the transportation of passengers in populated areas and also as a military plane.

hell. A place under the English exchequer chamber where debtors of the king were confined. A profane word for a very disagreeable experience. The place to which, according to the Christian faith as expressed by fundamentalists, sinners and unbelievers are sent at death.

"There are those who, for reasons satisfactory to themselves, contend that there is no such place; but even this class will admit that, if there is such a place, there is nothing there which is consistent with honesty, decency, or the right conception of things. Both the popular and the theological idea of hell has nothing in it to make any connection with the place either desirable or comfortable from a physical or spiritual point of view. The word is a synonym for all that is evil and corrupt in the grossest and basest sense of those terms." *Atlanta News Publishing Co. v Medlock*, 123 Ga 714, 51 SE 756.

hell and high-water rule. A term for the liberal rule in the construction of the omnibus clause of an automobile liability insurance policy. *United States Fidelity & Guaranty Co. v Smith* (CA9 Ariz) 279 F2d 678.

helmet. A head covering worn for protection of members of the armed services in combat, of par-

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ncipants in violent sports, and persons exposed to the sun.

See **branding-helmet**.

hemiplegia. A brain disease, usually caused by a tumor pressing on the brain or by a blow, resulting in a paralysis of one-half of the body.

The disease may be either complete or incomplete. When it is complete, one-half of the body is paralyzed; when incomplete, one-half of the body is only partially paralyzed. If the disease comes on quickly, it is called quick hemiplegia; if it comes on gradually, it is called chronic. Quick hemiplegia is more apt to affect the mental faculties than chronic. *Baughman v Baughman*, 32 Kan 538, 542.

he must protect himself if he can do so at trifling expense. A principle of the law of damages; the obligation of an injured person to take steps of alleviation, even by incurring expense, where such is small in relation to the consequential damages. 22 Am J2d Damg § 32.

henceforward. Henceforth; hereafter.

The word does not necessarily convey the idea of perpetuity; it means no more than the word "hereafter," which may import a temporary or a permanent arrangement, according to the general tenor of the instrument, and the nature of the subject matter about which it is used. *Adams v Bucklin*, 24 Mass (7 Pick) 121, 128, footnote.

hence without day. See **go hence without day.**

henfare. A fine which was imposed upon a person for having fled from a charge of murder.

henghen. A prison; a house of correction.

hengwyte. Same as **hangwite.**

Henricus vetus. Henry the Elder, -a name which was applied to Henry the First to distinguish him from the subsequent kings of that name.

Henry I. Henry the First, the king of England from August 5th, 1100, to December 1st, 1135.

Henry II. Henry the Second, the king of England from December 19th, 1154, to July 6th, 1189.

Henry III. Henry the Third, the king of England from October 28th, 1216, to November 16th, 1272.

Henry IV. Henry the Fourth, the king of England from September 30th, 1399, to March 20th, 1413.

Henry V. Henry the Fifth, the king of England from March 21st, 1413, to August 31st, 1422.

Henry VI. Henry the Sixth, the king of England from September 1st, 1422, to March 4th, 1461.

Henry VII. Henry the Seventh the king of England from August 22nd, 1485, to April 21st, 1509.

Henry VIII. Henry the Eighth, the king of England from April 22nd, 1509, to January 28th, 1547.

heordwerch. Same as **herdwerck.**

he or they paying freight. A term in a bill of lading indicating the consignee's obligation for payment of freight charges. 13 Am J2d Car § 477.

Hepburn Act. An act of Congress amendatory of the Interstate Commerce Act, June 29, 1906, 34 Stat 589.

heptarchy. A government by seven rulers; that period of English history beginning with the coming of the Saxons in 449 and the uniting of the seven kingdoms of Northumbria, Mercia, East Anglia, Essex, Kent, Sussex and Wessex, in 828.

herald. A messenger; an English officer in charge of matters pertaining to heraldry.

heraldry. The office of a herald in England; the art of tracing genealogy and inheritable titles and decorations.

Heralds' College. A corporation chartered by the king (Richard the Third) in 1483, for the purpose of tracing and preserving the records of heraldry.

herbage. The right or easement of pasturing one's cattle on the land of another.

herbagium. Same as **herbage**.

herbagium anterius. A first crop of grass or hay.

herb doctor. One who treats sick persons by herbs, sometimes combining such treatment with massage. 41 Am J1st Phys & S § 31.

herbergare. To entertain at an inn; to harbor; to accommodate with lodgings.

herbery. An inn.

herd. Noun: A collection of many beasts assembled together. *Brimm v Jones*, 13 Utah 440, 448. Verb: To form beasts into a large body for care or for moving the animals. A colloquial term for attending animals to keep them from straying or from encroaching upon growing or matured crops in field.

herdbook. A record kept of the breeding of animals, particularly cattle, which show the date of breeding of a female, the sire, and the date, also facts respecting the date of birth of the progeny.

herdwerck. Herd work,-the work of a herdsman or shepherd.

hereafter. A word of futurity. *Keller v Ashford*, 133 US 610, 33 L Ed 667, 10 S Ct 494. Sometimes, but not necessarily, conveying the idea of perpetuity; importing a temporary or permanent arrangement according to the tenor of the context in which it appears. *Adams v Bucklin*, 24 Mass (7 Pick) 121, 128, footnote.

hereby granted. See **there is hereby granted**.

heredad. (Spanish.) Farmed land.

heredad yacente. (Spanish.) Same as **haereditas jacens**.

heredero. A term frequently encountered in Spanish-American title records, which means the person who by a testamentary disposition or by law succeeds to the rights which a deceased person held at the time of his death. *Emeric v Alvarado*, 64 Cal 529, 2 P 418.

hereditaments. A comprehensive term, including anything capable of being inherited, be it corporeal, incorporeal, real, personal or mixed. 42 Am J1st Prop § 17.

See **corporeal hereditament; incorporeal hereditament**.

hereditary. Something inherited. Passed along by inheritance. *Douglas v Lewis*, 131 US 75, 33 L Ed 53, 9 S Ct 634.

hereditary disease. A disease arising in a physical or mental weakness inherited from an ancestor.

See **hereditary insanity**.

hereditary insanity. Mental illness of a character to

be transmitted from parent to child or later descendant.

"There is nothing unreasonable in referring wild, furious and unnatural actions, not otherwise accounted for, to the aberrations of a mind the reflux of that of a crazy parent." *People v Smith*, 31 Cal 467; *Prewitt v State*, 106 Miss 82, 6 ALR 1476, 1478, 63 So 330.

hereditary real estate. Real estate of inheritance. *Douglas v Lewis*, 131 US 75, 33 L Ed 53, 9 S Ct 634.

hereditary succession. The passing of title under the laws of descent.

hereditary successor. A successor by hereditary succession.

hereditas. Same as **haereditas**.

heredity. The universal law of organic life, the biological law by which all things living tend to repeat themselves in their descendants; the natural tendency to reproduce in offspring the characteristics of the parent organ or body. *Prewitt v State*, 106 Miss 82, 63 So 330, 6 ALR 1476.

heredium. (Roman Law.) The homestead or hereditary domain allotted as the private property of a citizen, and which was inheritable and alienable; comprising space for house, yard, and garden, -usually about one and a quarter acres.

heregeat. Same as **heriot**.

heregeld. A tax or tribute levied for the support of an army.

heregild. Same as **heregeld**.

herein. A locative adverb, the meaning of which varies according to the context, referring to a certain part, page, or paragraph of a writing, or, in other connections, to the entire writing, such being true whether the word be used in a statute or a private writing or document. *Re Pearsons*, 98 Cal 603, 33 P 451.

hereinafter. Relating to a thing or matter mentioned in a later part of a private writing or statute.

hereinbefore. Relating to a thing or matter mentioned in a preceding part of a private writing or statute.

heres. (Civil law.) Same as **haeres**.

heresy. The ecclesiastical offense of entertaining religious views or beliefs which are not in harmony with those of the established church; the entertainment of an erroneous religious belief. Any political or philosophical view contrary to established view.

heretofore. At a time before the present; formerly. *Andrews v Thayer*, 40 Conn 156.

As used in the constitutional phrase "the right of trial by jury as heretofore enjoyed," the word relates to the past and to determine the true meaning of the phrase, it is necessary to go back to the common law of England. See *State v Harney*, 168 Mo 167, 67 SW 620.

hereunder. A word of location in a private writing or a statute, the meaning varying according to the context, sometimes referring to the entire instrument, and, at other times, to only a clause, paragraph, section or other division or subdivision of the writing or statute. *Pringle v Wilson*, 156 Cal 313, 104 P 316.

hereyeld. Same as **heregeld.**

heriot. A fruit or appendage of copyhold tenure consisting of a render of the best beast or other thing (as the custom may be) to the lord of the manor on the death of the tenant. See 2 Bl Comm 97.

heriot custom. A heriot due under custom or usage.

heriot service. A heriot which was due the lord of the manor under a special reservation in his grant.

herischild. A species of military service under feudal tenure.

heritable. Inheritable; capable of being inherited; subject to inheritance.

heritable bond. A bond secured by inheritable property; that is, by land.

heritable jurisdiction. A royal grant of criminal jurisdiction to a family.

heritable rights. Rights in real property. Rights capable of being inherited.

heritable security. The pledge of an inheritance as security for the fulfillment of an obligation.

heritage. An inheritance; an inheritable estate. *Dowdel v Hamm* (Pa) 2 Watts 61, 65. A culture handed down from one generation to another.

heritor. The proprietor of an inheritance.

hermandad. A Spanish society organized for the preservation of public peace and order.

hermaphrodite. A human being with sexual organs, more or less perfect, of both sexes.

In some of the states, to say of a woman that she is a hermaphrodite is actionable as defamation without alleging special damages. *Eckert v Van Pelt*, 69 Kan 357, 76 P 909.

Hermaphroditus tam masculo quam foeminae comparatur, secundum prevalentiam sexus incalescentis. A hermaphrodite is regarded as male or female according to the predominance of the attributes of sex.

hermer. A great lord.

hernia. As commonly understood by laymen, -a rupture or noticeable protrusion from some part of the abdominal cavity. 29A Am J Rev ed Ins § 1217.

What constitutes "hernia" within exclusionary clause of health or accident insurance policy. Anno: 55 ALR2d 1020.

heroin. A habit forming narcotic; a derivative of opium. *Chadwick v United States* (CA5 Tex) 117 F2d 902; *Baker v State*, 123 Tex Crim 209, 58 SW2d 534. An item of the illegal traffic in narcotic drugs. 25 Am J2d Drugs § 2.

herring silver. Customary money payments made for the purpose of supplying a religious house with herring.

herus. Master; owner; lord; head of a household.

Heraus dat, ut servus faciat. The master gives or pays that the servant may work. See 2 Bl Comm 445.

hesia. An easement.

hetaeria. (Roman law.) An association; a society.

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heterogeneous goods. Articles or substances dissimilar in kind. Goods of different structure. The antithesis of homogeneous goods.

he that hath committed inequity shall not have equity. A maxim of equity. 27 Am J2d Equity § 136.

heugelborh. (Saxon). A guarantor; a surety.

he who comes into equity must come with clean hands. A maxim of equity. 27 Am J2d Eq § 136.
See **clean hands doctrine.**

he who made the loss possible must suffer. A maxim applicable especially in the law of bailments. 8 Am J2d Bailm §§ 198 et seq.

he who owns land owns to the sky above it. A maxim which is qualified as between adjoining owners, giving way to a rule of convenience more just, equitable, and beneficial to both parties. 1 Am J2d Adj L § 22. A maxim considerably modified in adjudicating rights in air space for the operation of aircraft. 8 Am J2d Avi § 3.

he who owns the soil, owns to the heavens. Same as he who owns land owns to the sky above it.

he who seeks equity must do equity. A maxim of equity. 27 Am J2d Eq §§ 131 et seq. A condition of injunctive relief. 28 Am J Rev ed Inj § 34. A maxim which requires one who seeks the cancellation of an instrument to restore to the defendant the position occupied by the latter before the transaction sought to be nullified. 13 Am J2d Cane Inst § 2.

heybote. Same as **hay-bote.**

HHFA. Abbreviation for **Housing and Home Finance Agency.**

hidage. A tax which was levied by the king on each hide of land.

hidalgo. A Spanish nobleman of lower rank.

hidden defects. Those imperfections which cannot be discovered by simple inspection. *Bulkley v Honold* (US) 19 How 390, 15 L Ed 663.

The term is a relative one and what may be apparent in the daytime may become a pitfall in darkness or in dim light, and conditions obvious to one with opportunity to investigate maybe a trap to one precluded by nature of his work from making careful examination. *Franklin v Maine Amusement Co.* 133 Me 203, 175 A 305.

hidden meaning. A refined or subtle meaning. 50 Am J1st Stat § 238.

hidden property. See **conceal; treasure trove.**

hide. A raw or tanned skin of an animal. An ancient measure of land, a quantity of land which could be worked by one team of oxen.

The number of acres contained in a hide varies in the works of different writers and has been variously estimated at from thirty to one hundred and twenty.

See **conceal; secrete; treasure trove.**

hide and gain. Ploughable land; arable land.

hidegild. A tax levied on each hide of land.

hidel. A hiding place; a sanctuary; an asylum.

hide lands. Lands allotted in hides.

See **hide.**

hierarchy. The government of a church, such as the Roman Catholic Church, by ecclesiastics in an ascending scale of authority.

higgling. A stock-exchange term for negotiations by offers to sell and offers to purchase through which a price is agreed upon and a sale accomplished. *Nicol v Ames*, 173 US 509, 518, 43 L Ed 786, 792, 19 S Ct 522.

high. As stated of things, not of persons, tall and lofty; elevated in reference to some other level. That which is common, open, and public, such as a road, way, or navigable river which used freely by the public. *United States v Rodgers*, 150 US 249, 258, 37 L Ed 1071, 1074, 14 S Ct 109. Slang for: intoxicated.

high bailiff. In England, an officer of the county court who performs certain services which are not within the duties of a sheriff; in Vermont, an officer with functions similar to those of an elisor.

highbinder. An old term for a member of a Chinese tong or society organized for blackmailing or murder, or both.

High Commission Court. An English ecclesiastical court which was "justly abolished by statute" in 1641, because of its having arbitrarily usurped powers which were almost despotic. See 3 Bl Comm 67.

high constable. The constable or peace officer of a hundred. They were appointed by the court leets of the franchise or hundred over which they presided. See 1 Bl Comm 355.

High Court of Admiralty. An English court of admiralty which was presided over by the lord high admiral until its jurisdiction and functions were taken over by the high court of justice.

High Court of Chancery. An English court which appears to have attained its full development in the reign of Edward II, 1307-1327, and which by reason of the royal prerogative could afford relief above and beyond that available in the common-law courts.

High Court of Delegates. An English court, no longer existing, which formerly had jurisdiction of appeals from the ecclesiastical and admiralty courts.

High Court of Justice. A division of the English supreme court of judicature, established in the reign of Victoria.

High Court of Parliament. The English parliament comprising the house of lords and the house of commons; the house of lords in the exercise of its judicial functions.

high crimes and misdemeanors. Such immoral and unlawful acts as are nearly allied and equal in guilt to felony, yet, owing to some technical circumstance, do not fall within the definition of felony. *State v Knapp*, 6 Conn 415.

The term "high misdemeanor" is of statutory origin, invented to permit a distinction between petty offenses and those of a more serious nature. *State v Kelly*, 218 Minn 247, 15 NW2d 554, 162 ALR 477.

See **gross misdemeanor**.

high degree of care. Great care; more than ordinary care. 8 Am J2d Bailm § 205.

high diligence. Great care; more than ordinary care. 8 Am J2d Bailm § 205.

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higher and lower scales. The two scales or schedules regulating the fees to be paid to counsel in England.

Higher Education Facilities Act. A federal statute of 1963 enacted to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions. 20 USC §§ 701 et seq.

higher schools. Public schools which includes grades above the eighth grade.

highest and best. A term in reference to price; the best price obtainable under the circumstances, even the price offered by one bidder, where he is the only bidder present. *Lathrop v Tracy*, 24 Colo 382, 51 P 486.

highest bidder. The successful bidder at an auction, but the unsuccessful bidder at the letting of a contract.

highest court. See **court of last resort; highest court of a state**.

highest court of a state. A state court, the decision of which is not subject to review by a higher state court by appeal or otherwise. *Southern Electric Co. v Stoddard*, 269 US 186, 70 L Ed 227, 46 S Ct 71.

A judgment rendered by a division of the state supreme court, consisting of four of the seven judges of that court, is not reviewable in the United States Supreme Court, as one of the highest courts of a state, where the state constitution, although providing that the state court shall consist of two divisions, and that the judgments of either division shall have the force and effect of a judgment of the court, also authorizes the transfer of a cause from a division to the court en banc, and requires such a transfer, on the application of the losing party, "when a federal question is involved," and the rules of the state supreme court authorize a transfer from either division to the court en banc after final disposition of the cause by a division. *Gorman v Washington University*, 316 US 98, 86 L Ed 938, 5 S Ct 369.

highest degree of care. Care in an extraordinary degree. The standard of care required of a common carrier of passengers. 14 Am J2d Car § 916.

highest legal interest. Any rate of interest up to that fixed by statute as the maximum rate. *Daniel v Gibson*, 72 Ga 367.
highest point. The apex of a vein of mineral.

high justice. The right or jurisdiction of a feudal lord to try all crimes.

See **high Court of Justice**.

high justicier. A feudal lord who asserted the right or jurisdiction of high justice.

high line. A line carrying an electric current of high voltage.

high misdemeanor. A misdemeanor of a more serious nature than the ordinary misdemeanor. 21 Am J2d Crim L § 21.

See **gross misdemeanor; high crimes and misdemeanors.**

high power accelerator. An organic accelerator used in the vulcanization of crude rubber, the outstanding feature of which is efficiency in permitting vulcanization, without pressure, at a relatively low degree of heat. *Vultex Corp. v Heveatex Corp.* (CAI Mass) 100 F2d 838.

high prerogative writ. A writ issued not as an ordinary writ, of strict right, but at the discretion of the sovereign acting through that court in which the sovereign is supposed to be personally present. *Ex parte Thompson*, 85 NJ Eq 221, 96 A 102.

high-pressure gas line. A line of pipe through which gas is conveyed at a high pressure, as contrasted with a line which conveys gas for household use at a pressure which is safe for use in household appliances. *McKenna v Bridgewater Gas Co.* 193 Pa 633, 45 A 52.

high school. A school where the higher branches of a common school education are taught. *Whitlock v State ex rel. School Dist.* 30 Neb 815, 822. One of the common or public schools, usually including grades 9 to 12, inclusive, but sometimes divided so as to have a junior high and a senior high school. *McLeod v State*, 154 Miss 468, 122 So 737, 63 ALR 1161.

high seas. Rough water. The waters of the oceans and the arms thereof beyond the territorial jurisdiction of any nation. Including waters on the sea coast without the boundaries of low-water mark, such as the waters of the port of Yokohama. *Ross v McIntyre*, 140 US 453, 471, 35 L Ed 581, 588, 11 S Ct 897. Also including any large body of navigable water other than a river, which is of an extent beyond the measurement of one's unaided vision, and is open and unconfined, and not under the exclusive control of any one nation or people, but is the free highway of adjoining nations or people. *United States v Rodgers*, 150 US 249, 259, 37 L Ed 1071, 1075, 14 S Ct 109.

high-tension wire. A wire carrying electric current of high voltage.

high tide. The highest line to which the tide rises. The time of day at which the tide reaches such line.

See **mean high tide; neap tide; spring tide.**

high treason. Treason against the king or the government.

See **treason.**

high water. See **flood; high tide; high-watermark.**

high-watermark. As applied to tidal waters:-the line marked by the periodical flow of the tide, excluding the advance of the water above the line, occasioned by wind, storm, or other unusual condition; usually construed to indicate the "ordinary" high water-that is, the line of the medium high tide between the spring and the neap tide. 12 Am J2d Bound § 13. As applied to fresh water lakes and streams:-the mark where the presence and action of the water are so common and usual as to mark upon the soil of the bed a character distinct from that of the banks in respect to vegetation as well as to the nature of the soil itself. *Re Minnetonka Lake Improv.* 56 Minn 513, 58 NW 295. The line to which the water rises in the seasons of ordinary high water; the line at which the presence of water is continued for such length of time as to mark upon the soil and vegetation a distinct character. 56 Am J1st Wat § 448.

Bounding a grant on a pond does not per se extend title to the center if the boundary of the tract is indicated by an old and definite line following the high watermark. *Jennings v Marston*, 121 Va 79, 92 SE 821, 7 ALR 855.

See **ordinary high-watermark**.

highway. A generic term including all public roads and ways. *Carlin v Chicago*, 262 Ill 564, 104 NE

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905. A way open to the public at large, for travel or transportation, without distinction, discrimination, or restriction, except such as is incident to regulations calculated to secure to the general public the largest practical benefit therefrom and enjoyment thereof. 25 Am J1st High § 2. In a broad or general sense, every common way for travel in any ordinary mode or by any ordinary means, which the public has the right to use either conditionally or unconditionally, including turnpikes and toll roads, bridges, canals, ferries, navigable waters, lanes, pent roads, and crossroads. 25 Am J1st High § 5.

See **by-road; cartway; common highway; country road; established highway; intersection; lane; neighborhood road; park strips; pavement; pent road; right of way; road; rules of the road; shun pike; thoroughfare; town way; turnpike**.

highway by prescription. A highway the right to maintain which has been obtained by prescription. *Brown v Peck*, 125 Iowa 624, 625, 101 NW 443.

highway by user. A highway established by long continued use, that is, a prescriptive way. 25 Am J1st High § 11.

See **highway by prescription**.

highway commission. An agency of the state, a subdivision of the state, or a municipal corporation, exercising governmental functions pertaining to highways. 25 Am J1st High § 600.

highway district. An improvement district established for the construction and maintenance of highways. 25 Am J1st High § 601.

highway easement. An easement belonging to the public embracing all public travel not prohibited by law, on foot, in carriages, omnibuses, stages, sleighs, or other vehicles, as the wants and habits of the public demand. *Carli v Stillwater Street Railway and Transfer Co*. 28 Minn 373.

"Whether it be travel, the transportation of persons and property, or the transmission of intelligence, and whether accomplished by old methods or new ones, they are all included within the public highway easement, and impose no additional servitude upon the land, provided they are not inconsistent with the reasonably safe and practical use of the highway in other and usual necessary modes, and provided they do not unreasonably impair the special easements of abutting owners in the street for purposes of access, light and air." *Cater v Northwestern Tel. Exchange Co*. 60 Minn 539, 63 NW 111.

highway intersection. See **intersection**.

highwayman. A person who commits the crime of highway robbery. *Anderson v Hartford Acci. & Indem. Co*. 77 Cal App 641, 247 P 507. A robber who finds his prey on highways.

highway patrol. Police or other law enforcement officers assigned to the highways; an independent department of law enforcement officers organized for service upon highways.

highway robbery. The common-law crime of robbery committed on the highway. *Anderson v Hartford Acci. & Indem. Co*. 77 Cal App 641, 247 P 507.

high wind. See **gale**; **storm**.

higler. Same as **huckster**.

higuela. (Spanish.) A receipt for his inheritance, signed by the heir.

H. I. H. An abbreviation of His or Her Imperial Highness.

hiis testibus. With these witnesses.

hiis testibus clause. An attestation clause.

hiis testibus Johanne Moore, Jacobo Smith, et aliis, ad hanc rem convocatis. By these witnesses, John Moore, Jacob Smith and others gathered together for that purpose, i. e. as witnesses to attest the deed. See 2 Bl Comm 307.

hijacker. A robber. *Franklin v State* (Tex Crim) 283 SW 802, 803. More precisely, one who robs by taking property in transit, especially property such as intoxicating liquors or narcotic drugs illegally possessed or transported.

hijodalgo. Same as **hidalgo**.

Hikenild Street. One of the four great ancient Roman roads in England, also known as Ikenild street.

Hilary rules. A set of English rules and forms of pleading and practice which were adopted by the superior courts in 1834.

Hilary term. An English term of court which began with the eleventh of January and ended on the thirty-first.

himself order. Words of negotiability, the same as "himself or order." *Day & Night Bank v Coffee* (CA6 Ky) 25 F2d 403, 58 ALR 1002.

himself or order. A phrase appended to the payee of an instrument, making the instrument negotiable. *Day & Night Bank v Coffee*, (CA6 Ky) 25 F2d 403, 58 ALR 1002.

hinc inde. On each side; mutually; reciprocally.

hind. An agricultural servant; a field hand; a rustic.

Hinde Palmer's Act. An English statute of 1869, placing specialty debts and simple contract debts in the same rank in the settlement of decedents' estates.

hindering and delaying creditors. Acts which impede or retard creditors in their lawful efforts to subject the property of their debtor to their lawful claims, performed with the fraudulent intent to defraud. *Clayton v Clark*, 76 Kan 832, 92 P 1117. An act impeding or retarding creditors, whether done innocently or with intent to hinder and delay them; a sale of property by a debtor at less than the fair value. *Mente & Co. v Old River Co.* (CA5 Tex) 17 F2d 350.

Hindu. A name applied to one of the peoples of India. One who is a believer in the religion of Hinduism.

hine. Same as **hind**.

hinny. The hybrid offspring of a horse and a jennet or female donkey.

hipoteca. (Spanish.) A real property mortgage.

hire. Verb: To employ a person. To rent or engage the use of an article, receiving it as a bailee under obligation to return the article at the end of the term of the hiring. *Farquhar v McAlevy*, 142 Pa, 233. Noun: The amount paid or to be paid for the services of a person. The amount paid or to be paid for the use of a chattel. *Bledsoe v Nixon*, 69 NC 89.

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See **bailee for hire; carrier for hire; contract of hire; operator for hire.**

hired automobile clause. The clause of an automobile liability insurance policy which provides coverage for the insured while operating a rented automobile, but usually excluding from coverage the owner of such vehicle or his employee. 7 Am J2d Auto Ins § 108.

hired driver. One employed for the specific purpose of driving, not including one whose duties under employment by another include driving, for example one employed to sell soft drinks and proceeding from house to house to make sales from the vehicle. Anno: 138 ALR 425.

hire or retain. To engage the services of another, especially professional services.

The phrase as used in a statute making it a criminal offense to "hire or retain" any person to go beyond the limits of the United States with intent to be enlisted in a foreign military or naval service means to pay for services, or to engage services, and the consideration need not be pecuniary or be paid at once. *United States v Blair-Murdock Co.* (DC Cal) 228 F 77.

hirer. A person who by contract acquires the right to use a thing belonging to another. *Turner v Cross*, 83 Tex 218, 18 SW 578. One who employs a person to render service for him.

See **hire.**

hiring. See **hire; hiring at will; hiring out convicts.**

hiring at will. A hiring which can be terminated by either of the parties at any time, subject to such notice of intent to terminate as may be required by the contract of hire. *Warden v Hinds* (CA4 Va) 163 F 201.

hiring automobile. See **drive-it-yourself system; renting automobiles; taxicab.**

hiring hall. A place where prospective employers may engage the services of persons available for employment, maintained by a labor union. 31 Am J Rev ed Lab § 250.

hiring-hall agreement. A provision in a collective labor agreement respecting the maintenance of a hiring hall by the union, the characteristic feature of which is the clause respecting discrimination against prospective employees because of the presence or absence of union membership. *International Brotherhood of T. C. W. & H. v NLRB*, 365 US 667, 6 L Ed 2d 11, 81 S Ct 835.

hiring out prisoners. See **convict labor; convict labor contract.**

hirst. Same as **hurst.**

his heirs. See **heirs; heirs and assigns.**

his mark. Words frequently employed in identifying a signature by mark, in a form such as: "his x mark," but not essential to the validity of the signature, authenticity being sufficiently assured by the attestation required by law. 23 Am J2d Deeds § 25.

His saltem accumulem donis, et fungar inani munere. At least I have added to what he has given and I have served to defend one who is dead. *Briscoe v Bank of Kentucky* (US) 11 Pet 257, 350, 9 L Ed 709, 746.

historical society. A society the purpose of which is to preserve historical records and mementos and to arouse an interest in history and the realization of its significance. *Mitchell v Reeves*, 123 Conn 549, 196 A 785, 115 ALR 1114.

his verbis. See **in his verbis**.

hit-and-run. See **leaving scene of accident**.

hit-and-run driver. See **leaving scene of accident**.

hitch. A fastener or coupler by means of which one object is attached to another, as a trailer to a motor vehicle. Slang for a period of enlistment in the armed services.

hitchhiker. A person who stands in the highway close to the paved or traveled portion for the purpose of obtaining a ride, usually indicating such purpose by gestures.

hitching. Tying an animal to a post, tree, or other object, so as to prevent him from running at large. Tying an object to an engine or vehicle under power for the purpose of towing the object. *hithe.* A harbor; a port.

hit the jackpot. To win the stake in a game of chance. To have a great success.

H. L. An abbreviation of **house of lords**.

hlaford. A lord.

hlafordswice. Betraying a lord; treason.

hlothbote. (Saxon.) A fine for attending a hlothe or unlawful assembly.

hlothe. An unlawful assembly.

H. M. Abbreviation of His Majesty or Her Majesty.

H₂O. The symbol representing the chemical compound of water; two parts of hydrogen and one part of oxygen.

hoard. Noun: An accumulation of savings. A supply held in reserve. Verb: To accumulate by way of having a reserve.

As defined by the Lever Act which was a war measure of Congress passed in 1917 and amended in 1919, "necessaries shall be deemed to be hoarded when withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price." *United States v Cohen Grocery Co.* 255 US 81, 65 L Ed 516, 41 S Ct 298, 14 ALR 1045, 1052.

hoarding. Noun: A protective board fence; a palisade; a billboard. Verb: See **hoard**.

Hobbs Act. A federal Anti-racketeering Act. 18 USC § 1951. A statute manifesting a purpose to use all the constitutional power of Congress to punish interference with interstate commerce by extortion, robbery, or physical violence. *Stirone v United States*, 361 US 212, 4 L Ed 2d 252, 80 S Ct 270.

Hobson's choice. An election by compulsion or without freedom of choice; a choice without an alternative. *Pictorial Review Co. v Helvering*, 68 F2d 766.

hoc. This; with, by, or in, this. See **absque hoc**; **ad hoc**.

hoccus saltis. A salt-pit.

hochepot. Same as **hotchpot**.

hock. Noun: The joint between the upper and lower bones of the hind leg of an animal or the leg of a fowl. Verb: To hamstring an animal. Slang for pawning.

hock-day. An ancient English festival, the second or third Tuesday after Easter.

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hockey. A game, usually played on ice by teams on skates, the players using sticks curved at the end, the object being to make goals constituting scores by driving a disc, known as a puck, into the goal of the opposing team. A popular spectator sport where played by professionals in indoor arenas. 4 Am J2d Amuse § 79.

hockle. Same as **hamstring**.

hock-money. Contributions for the celebration of hock-day.

Hoc paratus est verificare. This he is ready to verify.

Hoc paratus est verificare per recordum. This he is ready to verify by the record.

hoc paratus verificare. See **et hoc paratus verificare**.

hoc petit quod inquiratur per patriam. See **et hoc petit quod inquiratur pro patriam**.

hoc ponit se super patriam. See **et hoc ponit se super patriam**.

Hoc quidem perquam durum est, sed ita lex scripta est. This indeed is very hard, but such is the written law. See 3 Bl Comm 430.

Hoc servabitur quod initio convenit. That shall be preserved which is useful in the beginning.

hoc titulo. Under this title.

Hoc vobis ostendit. This makes clear to you; this shows you.

hoc voce. By or under this word.

hodge-podge. Same as **hotchpot.**

hog. A domestic animal which provides ham, bacon, and lard upon butchering. 4 Am J2d Ani §§ 2, 21, 22. Slang for a greedy person.

hoghenhyne. (Saxon.) A domestic servant; a house servant.

hogshead. A big barrel. A measure of volume or capacity equivalent to sixty-three gallons.

hoist. Noun: A device for lifting materials or articles. Verb: To lift or raise.

H.O.L.C. An abbreviation of **Home Owner's Loan Corporation.**

hold. Verb: To stand fast. To maintain a grip on something. To own or have title to something. To retain in one's keeping; to possess, occupy, and maintain authority over real property, whatever the source of title or authority may be. Miller v Oliver, 54 Cal App 495, 202 P 168; Ure v Ure, 185 Ill 216, 217; Cooke v Doron, 215 Pa 393, 64 A 595. Noun: The space in a ship below deck for cargo.

See **held.**

holder. A person who holds; a person who is in the actual or constructive possession of land. State v Wheeler, 23 Nev 143, 44 P 430. A technical term of the law merchant, the Negotiable Instruments Law, and the Uniform Commercial Code. The person in possession of a bill or note which is payable to bearer. Capitol Hill State Bank v Rawlins Nat. Bank, 24 Wyo 423, 160 F 1171, 11 ALR 937, 950. A person in legal possession of a negotiable instrument and entitled to demand payment in accordance with its terms, whether in his own right or as an agent. Bowling v Harrison (US) 6 How 248, 258, 12 L Ed 425, 429. The payee or indorsee of a bill or note, who is in the possession of it, or the bearer thereof. Uniform Negotiable Instruments L § 191. A person who is in possession of a document of title or an instrument or an investment security drawn, issued, or indorsed to him or his order or to bearer or in blank. UCC § 1-201 (20). One in possession of a negotiable instrument and entitled to maintain an action at law on it or anyone in actual or constructive possession of such an instrument and entitled to recover or receive its contents from the parties to it. Buckman v Hill Military Academy, 182 Or 621, 189 P2d 575.

holder for value. One who has given a legal consideration for a negotiable instrument. Birket v Elward, 68 Kan 295, 74 F 1100.

See **holder in due course.**

holder in due course. Broadly, a bona fide holder for value without notice. 11 Am J2d B & N § 397. A holder of a negotiable instrument or document of title who has taken the instrument under the following conditions: that it is complete and regular upon its face; that he became the holder of it before it was overdue, and without notice that it had previously been dishonored, if such was the fact; that he took it in good faith and for value; that at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it. Uniform Negotiable Instruments L § 52. A holder who takes a negotiable instrument, document of title, or an investment security, for value, in good faith, and without notice that it is overdue or has been dishonored or of any defense against of claim to it on the part of any person. UCC § 3-305; 11 Am J2d B & N § 397.

holder in good faith. One who has accepted a bill or note without notice that it is overdue or has been dishonored or of any defense to it or claim thereto on the part of any person.

See **bona fide holder; holder in due course.**

holder of life insurance policy. The named insured or an assignee, for the purpose of obtaining the cash surrender value under a nonforfeiture provision of the policy. 29 Am J Rev ed Ins § 686.

holder of warehouse receipt. A person who has both actual possession of, and a right of property in, a warehouse receipt. Uniform Warehouse Receipts Act § 58. The person in possession of a document of title which is a warehouse receipt. UCC § 1-201(5).

holding. The land which is held by a person; a tenure. Possessing; occupying.
See **hold**.

holding company. A supercorporation which owns or at least controls such a dominant interest in one or more other corporations that it is enabled to dictate their policies through voting power, or which is in position to control or materially to influence the management of one or more companies by virtue, in part at least, of its ownership of securities in the other company or companies. 18 Am J2d Corp § 12. A term often applied to a corporation which owns banks. 10 Am J2d Bks § 60. A device sometimes employed to obtain a monopoly or suppress competition between the constituent companies. 36 Am J1st Monop etc § 94.

holding corporation. See **holding company**.

holding court. The act of a judge in presiding over a term or session of a court. Keeping a court open, the judge and all officers of the court being present.

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holding for ransom or reward. An element of the offense of kidnapping. *Gooch v United States*, 297 US 124, 80 L Ed 522, 56 S Ct 395.

holding out. Assuming a status, for example holding out to be a carrier. 13 Am 12d Car §§ 2, 5. Refusing to join in an agreement or course of action entered into or upon by others.

holding over. Any actual retention of possession by a tenant under a lease, without the consent of the landlord, after the expiration of the term of the lease. 32 Am J1st L & T § 920. The acts of a public officer, elected or appointed for a fixed term, in continuing to exercise the functions and duties of the office after the expiration of such term. *State v Simon*, 20 Or 365, 26 P 170. The act of a bailee under a bailment for a definite term of holding the property after the expiration of the term. 8 Am J2d Bailm § 277. A method of adverse possession. 3 Am J2d Adv P § 229.

See **hold over**.

holding period. The period of time that the taxpayer holds property before disposing of it, such being determinative of whether a gain is short term or long term. IRC § 1222.

holding track. See **hold track**.

holdman. One who works, within the hold of a ship. *Union Stevedoring Corp. v Norton* (CA3 Pa) 98 F2d 1012.

hold over. A public officer who continues in office after the expiration of the term for which appointed or elected, sometimes by re-election or re-appointment, sometimes for want of a successor, sometimes under color of right or title but without legal authority. 43 Am J1st Pub Of § 484. A tenant under a lease who continues in possession without the consent of the landlord after the expiration of the term of the lease.

See **holding over**.

hold pleas. To take jurisdiction as a court or judicial tribunal. Thus, the county court might hold pleas of debt or damages under the value of forty shillings. See 3 Bl Comm 35.

hold to bail. See **affidavit to hold to bail; binding over.**

hold track. A railroad track used by a railroad company for cars awaiting movement to the place where the freight carried shall be delivered ultimately to the consignee. State ex ref. Crow v Atchison, T. & S. F. R. Co. 176 Mo 687, 75 SW 776.

holdup. A robbery committed by threats and the use of deadly weapons. Leo v State, 63 Neb 723, 724, 89 NW 303.

holiday. A day set aside for worship, or reverence to the memory of a great leader and benefactor of humanity, to rejoice over some great national or historical event, or to rekindle the flame of an ideal. Gidal v Backs, 218 Cal 99, 21 P2d 952. A day declared a holiday by statute.

See **feasts; grand days; legal holiday; nonjudicial day.**

holimote. Same as **halmote.**

Hollywood muffler. A muffler on a motor vehicle so constructed that the noise from the exhaust is much louder than that permitted by a standard type muffler. 7 Am J2d Auto § 158.

holm. A small island.

holografo. (Spanish.) A holographic will,

holograph. A writing which is wholly in the handwriting of the ostensible author. A holographic will.

holographic will. A will that is entirely written and signed by the testator in his own handwriting. 57 Am J1st Wills § 632.

The requirement of attestation is not imposed in the case of a holographic will, since a successful counterfeit of another's handwriting is exceedingly difficult and the requirement that the instrument be in the testator's own handwriting is a sufficient protection against forgery. If a date is required, as it is in some jurisdictions by statute, the date must also be in the handwriting of the testator. 57 Am J1st Wills § 632.

holt. A grove; a piece of wooded land.

holymote. Same as **halmote.**

holy orders. The rank or station of ecclesiastical officers.

homage. A formal acknowledgment or profession of fealty by a feudal vassal or tenant to his lord upon investiture.

The vassal or tenant knelt openly and humbly, ungirt and uncovered, and holding up his hands together between those of the lord, who sat before him, he there professed that "he did become his man, from that day forth of life and limb and earthly honor," and then the lord kissed him. The feudists called the ceremony "homagium" or "manhood." See 2 Bl Comm 53.

homage ancestral. A feudal tenure wherein a man and his ancestors had immemorially held land of another by the service of homage. This also bound the lord to warranty, the homage being an evidence of such a feudal grant. See 2 Bl Comm 300.

homage jury. The jury of a courtbaron drawn from tenants. See 2 Bl Comm 54.

homager. A tenant or vassal by homage.

homagio respectuando. See **de homagio respectuando.**

homagium. Same as **homage.**

homagium ligium. Liege homage; that is, such homage as is due the king irrespective of land tenure.

Homagium, non per procuratores nec per literas fieri potuit, sed in propria persona tam domini quam tenentis capi debet et fieri. Homage cannot be done by proxy nor by letter, but ought to be received and made in the proper person of the lord as well as that of the tenant.

homagium planum. Plain homage; that is, homage made by the service of fidelity alone.

homagium reddere. To renounce homage.

hombre bueno. (Spanish.) A good or worthy man; a district judge.

home. A word so suggestive of love, affection, and security as to be one of the most pleasantly sound-

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ing words in the English language. A place where a husband and wife may live in the enjoyment of each other's society and rear their offspring. Anno: 38 ALR 340. The place to which, when weary, one can go and sit, with shoes unlaced, and rest. *Johnson v Harvey*, 261 Ky 522, 88 SW2d 42. The place where a family lives in the close relation of people who enjoy the company of each other and the comfort and security of abiding together or where some are dependent upon others for care and protection.

A word of variable meaning in legal significance. A house in one respect, but in a proper sense including not only the house, but the entire surroundings and appurtenances enjoyed with the house. 57 Am J1st Wills § 1356. Sometimes, but not necessarily, the equivalent of domicil, since one may abandon his home without losing his domicil at the place (25 Am J2d Dom § 7) and incidental references to a place as "my home" are not conclusive against the existence of the domicil of the declarant in another place. *Dodd v Lorenz*, 210 Iowa 513, 231 NW 422. Sometimes including not only a place of abode, but also support and maintenance. Anno: 101 ALR 1487.

In ancient law French, the word also signified a man.

As to what passes under a devise of my "home." Anno: 38 ALR2d 840.

home consumption. The consumption of merchandise either by use or by its being manufactured into another product. *J. H. Cottman & Co. v United States*, 20 Cust & Pat App 344, cert den 289 US 750, 77 L Ed 1495, 53 S Ct 695.

home factor. A factor who resides in the same state or country as his principal. *Ruffner v Hewitt*, 7 W Va 585.

home farm. The farm upon which a family, some of whom, at least, are farmers, make their home. *Doolittle v Blakesley* (Conn) 4 Day 265.

home loan bank. A financial institution organized and operating under Title 12 of the United States Code, making loans to its members consisting of building and loan associations, savings and loan associations, and homestead associations, and also to certain non-member borrowers.

Home Loan Bank Board. A federal agency directing the operations of the federal home loan bank system and the federal savings and loan insurance corporation. 12 USC § 1464(a).

Home Loan Bank System. A creation of the federal government for providing a reserve credit pool for member home-finance institutions.

Home ne sera puny pur suer des briefes en court le roy, soit il a droit ou a tort. A man shall not be punished for suing out writs in the king's court, whether he is right or wrong.

home occupation. An occupation, customarily incidental to the use of a building as a residence, carried on in a home or a building accessory thereto, by an occupant of the dwelling, usually the owner or some member of his immediate family, without employees or assistants other than resident members of the family or other occupants of the dwelling. Anno: 73 ALR2d 442.

home office. The office or department of the British government which supervises the internal affairs of the empire.

homeopath. A physician of the school which teaches that a disease is cured by the administration in small amounts of a drug which will produce the disease if administered in large amounts to a person theretofore healthy. Anno: 78 ALR 699.

Homeopathic Pharmacopoeia. See **United States Homeopathic Pharmacopoeia.**

Home Owners Loan Act. A chapter of the United States Code which provides for the organization, incorporation, examination, operation, and regulation of associations to be known as Federal Savings and Loan Associations, delegating authority to the Federal Home Loan Bank Board to give charters to and regulate such associations. 13 Am J2d B & L Assoc § 10.

Home Owners' Loan Corporation. A corporation established by Act of Congress in 1933 to refinance the indebtedness of homeowners threatened by foreclosure; liquidated in 1951.

home place. The dwelling house and the entire estate and appurtenances which surround it. 57 Am J1st Wills § 1356. In the usage of the Middle West, a farm which is held and occupied by the owner as his place of residence.

As to what passes under a device of "my home place." Anno: 38 ALR2d 840.

home port. The port where a documented vessel of the United States is registered or enrolled, or the place in the same district where the vessel was built, or where one or more of the owners resides. 46 USC § 47.

home rule. The powers of local self-government conferred upon municipalities by constitutional provision. 37 Am J1st Mun Corp § 102.

home rule charter. A charter of a municipal corporation which is framed by the municipality itself and is adopted by popular vote of its own people.

The constitutions of many states authorize such charters. In some of them the state legislature must confirm the charter before it can become effective, and the legislature is permitted to alter and amend the submitted charter both before and after confirmation. In other states, the legislature is given no power of confirmation, alteration, or amendment, the charter becomes final upon its adoption by vote of the people of the municipality and it may be amended by them at future elections. 37 Am J1st Mun Corp § 103.

homesoken. Same as **hamesecken.**

homestall. A word used in the ancient law to designate the mansion house. *Dickinson v Mayer*, 58 Tenn (11 Heisk) 515, 521.

homestead. In a popular sense, the place of the home—the residence of the family; it represents the dwelling house in which the family resides, with the usual and customary appurtenances, including the outbuildings of every kind necessary or convenient for family use, and the lands used for the purposes thereof. In a legal sense, a term strictly American, but susceptible to a variety of conceptions, one being immunity from the claims of creditors, another the restriction of the conveyance or encumbering of such property, still another a provision for surviving spouse and minor children to be made out of the lands of a decedent, which may or may not be property to which a homestead exemption has attached, and, in still other senses, the right, based on residence and cultivation, to acquire a tract of land out of the public lands of the United States,

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and the subject of such a right. 26 Am J1st Home § I.

Used in a will by way of describing the subject matter of a devise, it is uniformly held that the term "homestead" is not limited to the quantity or value of land denominated in applicable statutes as constituting an exemption from execution. 57 Am J1st Wills § 1356.

See **abandonment of homestead; admeasurement of homestead; declaration of homestead; entry under homestead law; excessive homestead; head of family; homestall; homestead entry; homesteader; homestead ex vi terminis; homestead right; householder; probate homestead; reassignment of homestead; right of homestead; rural homestead; urban homestead.**

homestead association. An association comparable to a savings and loan association.

homestead entry. See **entry under homestead law.**

homesteader. The claimant of a homestead; one who has made a homestead entry on public lands and is residing, upon the lands entered for the purpose of perfecting his entry and ultimately acquiring title. 42 Am J1st Home §§ 19 et seq.

homestead exemption. The exemption created by act of Congress declaring that no lands acquired under federal homestead and timber culture laws shall be liable for the satisfaction of any debt contracted prior to their acquisition from the government. 42 Am J1st Pub L § 27. The exemption from execution, provided by constitution or statute, of a prescribed amount or tract of land occupied by the debtor as the head of the family residing thereon. 26 Am J1st Home §§ 2 et seq.

homestead ex vi termini. A homestead by the force of the term or expression; that is, in its ordinary meaning, the family seat or mansion. *Turner v Turner*, 107 Ala 465, 18 So 310.

homestead laws. The statutes relative to the acquisition of a homestead out of the public domain. 42 Am J2d Pub L § 20.

See **homestead exemption; pre-emption laws.**

homestead right. A quality annexed to land whereby an estate is exempted from sale under execution for debt. *Littlejohn v Egerton*, 77 NC 379, 384. A statutory privilege which may be asserted where the homestead property of the family is sought to be subjected to the payment of a debt not a lien, whereunder either or both spouses may claim the homestead as exempt from seizure. *Thompson v Marlin*, 116 Okla 159, 243 P 950. The right to enter upon unappropriated public land for the purpose of occupying a tract and ultimately acquiring title to it under the homestead laws. 42 Am J1st Pub L §§ 19 et seq.

homestead servants. Domestic servants. 57 Am J1st Wills § 1395.

homework. Industrial work performed at home according to instructions and directions given by the employer, a good example of which is needlework on clothing. Anno: 143 ALR 420.

homeworker. One who performs industrial work in his or her own home for others. Anno: 143 ALR 419.

homicidal insanity. See **homicidal mania.**

homicidal mania. A morbid and uncontrollable appetite for man-killing. 29 Am J1st Homi § 3. A heart totally depraved and fatally bent on mischief. Leache v State, 22 Tex Crim 279.

homicide. The killing of a human being under any circumstances by the act, agency, or omission of another. 26 Am J1st Homi § 2.

The word is generic and embraces every mode by which the life of one man is taken by the act of another man. It may be lawful, as where a man is killed in war or put to death under the valid sentence of a court, or it may be unlawful. It may also be justifiable or excusable, as in the prevention of a violent felony or in self-defense. The word includes both murder and manslaughter. Commonwealth v Webster, 59 Mass (5 Cush) 295.

See **criminal homicide; felonious homicide; femicide; fratricide; infanticide; manslaughter; matricide; murder; parricide; patricide; prolicide; regicide; retreat to the wall; self-defense; suicide; uxoricide.**

homicide by misadventure. An accidental killing of a human being. 26 Am J1st Homi § 220. A killing by pure accident, that is, where a man, doing a lawful act, without any intention of hurt, unfortunately kills another; as where a man is at work with a hatchet, and the head of it flies off and kills a by-slander. See 4 Bl Comm 182.

homicide per infortunium. Same as **homicide by misadventure.**

homicide se defendendo. The killing of a human being in self-defense.

See **self-defense.**

homicidium. Same as **homicide.**

homicidium in rixu. The killing of a human being while engaged in a quarrel.

homicidium per infortunium. Same as **homicide by misadventure.**

homicidium per misadventure. Same as **homicide by misadventure.**

homicidium se defendendo. Same as **homicide se defendendo.**

hominatio. Same as **homage.**

homine capto in withernam. See **de homine capto in withernam.**

homine eligendo. A writ which directed the members of a corporation to select a successor to a dead man who had held one part of an indenture under a statute merchant.

homine replegiando. See **de homine replegiando.**

homines. Plural of homo; men.

homines ligil. Liege Men,—the vassals of their sovereign or liege lord under that exalted species of fealty called feudum ligium, a liege fee. See 1 Bl Comm 367.

hominium. Same as **homage.**

Hominum cause jus constitutum est. Law is constituted for the benefit of mankind.

homiplagium. Mayhem.

homme. A man.

hommes de fief. Men of the fief or feud, —feudal tenants or vassals.

hommes feodaux. Same as **hommes de fief.**

homo. A man; a feudal tenant or vassal.

homo astrer. A householder.

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homo chartularis. A freeman by deed or charter.

homo commendatus. A freeman who voluntarily placed himself under the subjection of a lord in order to secure his protection.

homo ecclesiasticus. A vassal or bond slave of the church.

homo exercitalis. A man of the army; a soldier.

homo feodalis. A man of the feud; a feudal tenant; a vassal.

homo francus. A freeman.

homogenous goods. Uniform in structure; composed of the same elements. Substances, such as seeds of grass, which are indistinguishable when intermingled. The antithesis of heterogenous goods.

homo ingenuus. A freeman.

homo liber. A freeman.

homo ligius. Singular of homines ligii.

homologacion. (Spanish.) Same as **homologation.**

homologare. Same as **homologate.**

homologate. (Civil law.) To say the like, homos logos similiter dicere. *Viales' Syndics v Gardenier* (La) 9 Mart 324, 325.

homologation. A confirmation; an approval; saying the same. *Hecker v Brown*, 104 La 524, 527, 29 So 232.

homo novus. A new man; that is, a feudal tenant who took a new fee.

homonymiae. (Civil law.) Cases containing repetitions of the same principles and rules of law which had been set down in previous cases.

homo pertinens. A feudal vassal who went with the soil.

Homo potest esse habilis et inhabilis diversis temporibus. A man can be capable and incapable at different times.

homo regius. A man of the king, a king's vassal.

homo Romanus. A Roman.

homosexual. One, especially a male, whose desire for sexual relations is directed to a person of the same sex.

homosexuality. Sexual relations between persons of the same sex, males especially.

See **sodomy.**

homos logos similiter dicere. See **homologate.**

homo sui juris. See **datio in adoptionem.**

homo trium litterarum. A man of three letters; that is "F" "u" "r," meaning a thief.

Homo vocabulum est naturae; persona juris civilis. Man is a natural word; person is a term of the civil law.

homsoken. Same as **hamesecken.**

homstd. An abbreviation of "homestead," sometimes employed in descriptions of real estate, but the use of which is not recommended, since it is only a little shorter than the whole word.

Hon. An abbreviation of **Honorable.**

honest. Descriptive of one who does not lie or cheat.

See **true.**

honeste vivere. To live honorably or respectably.

Honeste vivere, alteri non laedere suum cuique tribuere. Live honorably, injure no one else, render to each man that which is his.

honesty. The quality of being honest, neither cheating nor lying.

The word is derived from the Latin "honestus," and is essentially one which takes its meaning from its context. Primarily, it means suitable, becoming, or decent. In money transactions, it means financial integrity. In affairs of state, it means loyalty. In matters of friendship, it means steadfast. In sexual relations, it imports fidelity. State v Snover, 63 NJL 382, 384, 43 A 1059.

honey. A product of bees, whether produced in a hive or in the hollow of a tree by wild bees. 4 Am J2d Ani § 18. A term of endearment.

honor. Verb: To pay or to accept and pay. UCC § 1-201(21). Noun: Adherence to right principles of conduct; integrity. Respect accorded another. A seigniorship consisting of an aggregation of manors held under one lord paramount was so called, especially if it had belonged to an ancient feudal baron, or had been at any time in the hands of the crown. See 2 Bl Comm 91.

See **acceptance for honor; payment for honor.**

honorable. An English title bestowed upon younger sons of earls and upon the children of viscounts and barons; in the United States, a title of courtesy applied to judges, members of Congress and state legislatures, and other federal and state officers of rank.

honorable discharge. A formal final judgment passed by the government upon the entire military record of a soldier, and an authoritative declaration by the government that the soldier has left the service in a status of honor. *United States v Kelly* (US) 15 Wall 34, 21 L Ed 106.

honorarium. A fee paid for professional services rendered gratuitously or under such conditions that there is no legal obligation for payment.

honorary. As an honor; without profit, fee or reward, and in consideration of the honor conferred by holding a position of responsibility and trust. *Haswell v New York*, 81 NY 255, 258.

honorary feud. A feudal honorary rank or title of nobility, which was not of a divisible nature and which could only be inherited by the eldest son. See 2 Bl Comm 56.

honorary office. A public office to which no fees or salary are annexed; an office accepted from desire to be of service to the public. *State v Stanley*, 66 NC 59. An office in an association, society, or corporation created to honor an incumbent, not to impose duties upon him.

honorary rank. See **brevet; emeritus; honorary office.**

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honorary services. Feudal services of a special nature rendered to the king in person, such as carrying his banner or his sword. See 2 Bl Comm 73.

See **honorary office.**

honorary trust. An alleged trust predicated upon nothing more than a moral, ethical, or honorary obligation. 54 Am J1st Trusts § 15.

honor-court. A court held within an honor or seigniorship.

honoring paper. See **honor.**

honoris causa. As a mark of honor.

honour. Same as **honor.**

hood. Slang for hoodlum or gangster.

hoodlum. A rowdy. A gangster.

See **gangster**.

Hooper ratings. A system used to ascertain the number of listeners tuned in to a particular radio program. *Stanley v Columbia Broadcasting System*, 35 Cal 2d 653, 221 P2d 73, 23 ALR2d 216.

hootch. Slang for an alcoholic beverage. *State v Vesper (Mo)* 289 SW 862, 863.

"We should take judicial notice that the words hootch, moonshine, white mule, etc., are generally used in connection with the unlawful manufacture of whisky." *State v Wright*, 312 Mo 626, 632.

hop ale. A drink akin to hop beer.

See **hop beer**.

hop beer. A nonintoxicating malt liquor, otherwise known as near beer, widely marketed during the period of National Prohibition. 30 Am J Rev ed Intox L § 11.

A court will not recognize, by way of taking judicial notice, that hop beer or hop jack is an intoxicating liquor. *Jacob Ruppert, Inc. v Caffey*, 251 US 264, 64 L Ed 260, 40 S Ct 141.

hope. A desire; an expectation. A precatory word; the equivalent of a command or direction in a will where coming from a testator who has the power to command. *Pembroke Academy v Epsom School Dist.* 75 NH 408, 75 A 100. A term of the old English for valley.

hopelessly insolvent. Irretrievably insolvent; such state of insolvency that it is manifestly impossible to continue in business and meet obligations. *Forsythe v First State Bank*, 185 Minn 255, 241 NW 66, 81 ALR 1074.

Where, at the time in question, there is a reasonable hope and expectation on the part of the officers of a bank that a consolidation plan may be consummated and that the business of the bank may be continued and its fortunes retrieved, the bank is not hopelessly and irretrievably insolvent. *Washington Shoe Mfg. Co. v Duke*, 126 Wash 510, 218 P 232, 37 ALR 611.

hope of benefit. As an inducement to a confession: -a temporal or worldly benefit, the hope of escaping punishment in whole or in part, not hope of a moral or spiritual benefit. 29 Am J2d Ev § 560.

hop jack. Same as **hop beer**.

hopping car. Boarding a vehicle while it is in motion, especially the car of a carrier.

hops. A crop mainly dependent on annual cultivation, used in the making of beer. 21 Am J2d Crops § 4.

horae judiciae. The hours of the sessions of a court.

Hora non est multum de substantia negotii, licet in appello de ea aliquando fiat mentio. The hour (of the day) is not of much consequence in business affairs, but mention of it is sometimes made in appeals.

hord. See **bock hord**.

hordera. A treasurer.

horizontal. Toward the horizon; lateral rather than vertical; across the board; uniform.

"It was not the intention to prohibit carriers from making reductions in tariffs at will, provided such reductions were uniform,—what are frequently called `horizontal reductions.' " Steenerson v Great Northern Railway Co. 60 Minn 461, 472, 62 NW 826.

horizontal agreement. An agreement entered into between competing producers or dealers, whereby they seek to control the market price off a commodity. 52 Am J1st Tradem § 173.

horizontal measurement. The use of the chain in measuring land which is mountainous or hilly in such manner that it is kept level rather than following the acclivities or depressions. The antithesis of the surface measurement wherein the chain is run along the surface, following the acclivities and depressions. 12 Am J2d Bound § 58.

Horizontal Property Acts. Statutes relative to condominiums or similar structures under other names. 15 Am J2d Con Apt § 1.

horizontal union. Same as **trade union.**

horn. A musical instrument used in an orchestra or band, occasionally in a solo a device on a motor vehicle to signal its approach by sound.

hornage. Same as **cornage.**

horngeld. A tax which was levied on horned animals in a forest.

horning. An ancient practice under the Scotch law whereby a debtor was summoned by the sounding of a horn to satisfy his obligation under pain of imprisonment for default. Borden v State, 11 Ark 519; Fisher, Brown & Co. v Fielding, 67 Conn 91, 34 A 714.

hornswoggle. Slang for cheat or swindle. United States Fidelity & Guaranty Co. v Rochester (Tex Civ App) 281 SW 306, 314.

horn tenure. Same as **cornage.**

horoscope reading. A purported demonstration of the determination of the destiny of a person by examining the position of the planets and other heavenly bodies at the time of his birth. State v Neitzel, 69 Wash 567, 125 P 939.

hors. Out; outside; out of; without.

hors de combat. Out of the combat or struggle; worsted.

hors de court. Out of or away from court.

hors de son fee. Out of his fee.

In England at common law, the property of the tenant could never be taken after the disruption of the relation of landlord and tenant and a removal from the demised premises. In such cases the tenant pleaded "Hors de son fee." That was to say, "I am no longer your tenant and am with my goods out of your land." In other words, "I am out of your seignior." Mather v Wood, 12 Pa Co 3, 4.

horse. A domestic animal. 4 Am J2d Am § 2. A large four-footed animal, characterized by flowing mane and tail and solid hoofs. In one sense limited to a gelding or stallion; in another sense, inclusive of a female or mare as well as a male. *McCarver v Griffin*, 194 Ala 634, 69 So 920; *State v Dunnavant*, 5 SCL (3 Brev) 9.

See **colt; filly; gelding; mare; ridgling; work horse.**

horse game. See **horseplay.**

horseless carriage. An obsolete term for motor vehicle.

horseplay. Having fun in a rough and boisterous manner, often at hazard of personal injury to participant or spectator. The "good, clean, fun" of assaulting a victim from behind, when his attention is directed elsewhere, by rushing at him and violently pushing him forward. *Markley v Whitman*, 95 Mich 236, 54 MW 763.

See **rush.**

horsepower. A unit of measure first used in reference to steam engines but now employed for other engines and motors. The unit in estimating the power required to drive machinery. *Eastern Pennsylvania Power Co. v Lehigh Coal & Navigation Co.* 246 Pa 72, 77, 92 A 47. The power required to lift a weight of 550 pounds 1 foot in 1 second.

horsepower rating. The rating of a watercraft or vehicle according to the horsepower of its motor or engine, sometimes noted for purposes of identification in licensing.

horse race. A contest by way of sport wherein horses are pitted against each other, either a flat race wherein the horses are ridden by jockeys, or a harness race wherein they are driven by drivers riding in light carts known as sulkies. A game or gaming within the meaning of some statutes prohibiting gambling or gaming. 24 Am J1st Gaming § 22.

As defined by the American racing rules, a race is any contest for purse, stake, premium, or wager for money, or involving admission fees, on any course, and in the presence of a judge or judges. *Stone v Clay* (CA7 Ill) 61 F 889, 890.

See **bookmaking; French pool; handicap; pool; pool selling; parimutuel; purse; race meeting; sweepstakes.**

horse show. An exhibition of horses, often including a demonstration of the gaits of the animals.

horse trailer. A trailer towed by a motor vehicle and used for the transportation of a horse or horses.

horseway. A private way usable for a rider on horseback. *Jones v Venable*, 120 Ga 1, 47 NE 549

horsing around. A slang expression for activities directed toward no serious purpose and often of a mischievous nature.

hors pris. Taken out; except.

horticulture. A branch of agriculture; the science or art of cultivating the soil and its fruits. 3 Am J2d Agri § 1.

hortus. A garden.

hospes. See **hospitium.**

hospital. A place for the reception of persons sick or infirm in body or in mind; a building founded through charity, where the sick and disabled may be treated solely at their own expense, or at the expense of the institution. An institution for receiving, maintaining and, as far as possible, ameliorating the condition of persons suffering from bodily defects, mental maladies, or other misfortunes affecting health and physical condition adversely. 26 Am J1st Hospit § 2.

A hospital is primarily a service organization. It serves three groups: the patients, its doctors, and the public. It furnishes the place where the patient, whether poor or rich, can be treated under ideal conditions. It makes available room, special diet, X-ray, laboratory, surgery, and a multitude of other services and equipment now available through the advances of medical science. *Cedars of Lebanon Hospital v Los Angeles County*, 35 Cal 2d 729, 221 P2d 31, 15 ALR2d 1045.

As the term appears in a policy of hospital insurance, it does not include a nursing home, a convalescent home, or a private dwelling. 29A Am J Rev ed Ins § 1532.

See **public hospital**.

hospitaler. Another spelling for **hospitaller**.

hospital fee. An incidental charge imposed upon a student in a university or college. 15 Am J2d Colleges § 19. Broadly, a fee charged by a hospital for a service rendered a patient.

hospital insurance. A policy or contract whereby the one party, known as the insurer, in consideration of the payment of premiums by the other party, known as the insured, agrees to pay the hospital expenses of the insured or members of his family for care required because of sickness, disease, or disability suffered or incurred during the term of the policy.

hospitalization contract. See **Blue Cross; hospital insurance; hospital service contract**.

hospitaller. A member of an order of knighthood which cared for the sick and the poor.

hospital liability insurance. A contract of insurance insuring a hospital against liability in damages for the death of or injury to a patient. 29A Am J Rev ed Ins § 1355.

hospital service contract. A contract issued by a corporation, ordinarily one organized as a nonprofit body, whereby the corporation agrees to provide the members with hospitalization as such may be required by a member or the members of his family. 29 Am J Reved Ins § 12.

See **Blue Cross; blue cross contract**.

hospital service corporation. See **hospital service contract**.

hospital staff. The officers and employees of a hospital, especially professional people such as physicians, surgeons, and nurses. 26 Am J1st Hospit § 8.

hospital zone. An area surrounding a hospital wherein motor vehicle traffic is regulated as to the speed of the vehicles and sometimes the sounding of horns.

hospitator. A host; an innkeeper.

hospitelarius. A host; an innkeeper.

hospites. The proprietors or hosts in mansions of ancient Rome.

See **hospitium**.

hospitia. Plural of **hospitium**.

hospitia curiae. The inns of court.

hospiticide. The killing of a host or the guest at an inn; the person who did the killing.

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hospitium. An inn; a hostel; a household.

Among the ancient Romans, on either side of the spacious mansions of the wealthy patricians were smaller apartments, known as the "hospitium," or place for the entertainment of strangers, and the word "hospes" was a term to designate the proprietor of such a mansion, as well as the guest whom he received. *Cromwell v Stephens* (NY) 2 Daly 15, 17.

See **intra hospitium**.

host. Noun: An innkeeper. One who receives another for refreshment, lodging, or entertainment. Verb: To be a host on a particular occasion. In a usage now obsolete, to put up at an inn. *Cromwell v Stephens* (NY) 2 Daly 15, 20.

hostage. An inn; a lodging; a person held in unlawful custody for the purpose of obtaining the performance of demands made by the person holding him.

hosteler. A host; an innkeeper.

hostelier. Same as **hosteler**.

hostellagium. A lord's right of lodging on the premises of his tenant.

hostelry. An inn; a lodginghouse; a hotel.

hostes. Enemies.

Hostes hi sunt qui nobis, aut quibus nos, publice bellum decrevimus; caeteri latrones aut praedones sunt. Those are enemies who have publicly declared war against us, or against whom we have done so; the others are thieves or robbers. See 1 BI Comm 257.

hostes humani generis. Enemies of the human race.

Hostes sunt qui nobis vel quibus nos bellum decernimus; caeteri traditores vel praedones sunt. Enemies are those against whom we declare war or who declare it against us; others are either traitors or pirates.

host-guest relationship. See **guest**.

hosticide. The killing of an enemy; a person who kills an enemy.

hostile. Belonging to an enemy; appropriate to an enemy; showing ill-will and malevolence, or a desire to thwart and injure; occupied by an enemy or a hostile people; inimical; a hostile country; hostile to a sudden change. *Ballard v Hansen*, 33 Neb 861, 865, 51 NW 295; *Brewer v Brewer*, 238 NC 607, 78 SE2d 719, 40 ALR2d 763.

hostile act. An act of war; that is, an act which tends to involve one nation in war with another nation; an act committed with intent to injure another.

hostile embargo. An embargo directed against the ships of a present or prospective enemy nation.

See **embargo**.

hostile fire. A term familiar in the law of fire insurance as signifying the opposite of friendly fire. A fire unexpected, unintended, not anticipated, in a place not intended for it to be and where fire is not ordinarily maintained, or a fire which has "escaped" in the usual and ordinary sense of the word. 29A Am J Rev ed Ins § 1287.

See **escaping fire**.

hostile in its inception. Referring to an adverse claim by a disseisor; relating, not to the original entry of the disseisor, but to the act by which the possession became adverse. 3 Am J2d Adv P § 33.

hostile paramount title. An element of constructive eviction of tenant; an assertion of title which justifies the bona fide belief that the threat of dispossession will be carried out in the foreseeable future. Anno: 172 ALR 37.

hostile possession. Possession of land under a claim of an exclusive right thereto, thereby denying the right of any other person. An open and notorious possession of such a character that a claim of ownership inconsistent with the existence of a right on the part of any other person is unquestionably to be inferred. 3 Am J2d Adv P § 34.

Ill will, malevolence or a desire to thwart and injure are not essential characteristics of hostile possession. *Brewer v Brewer*, 238 NC 607, 78 SE2d 719, 40 ALR2d 763.

hostile witness. A witness who is subject to cross-examination by the party who called him, because of his evident antagonism toward that party as exhibited in his direct examination.

hostilian law. See **lex hostilia**.

hostilities. Actual operations, offensive or defensive, in the conduct of war. Anno: 95 L Ed 80.

hostility. See **bias; hostile; hostilities; prejudice**.

hot. Stolen or otherwise involved in illegal operations. *People v Carrow*, 207 Cal 366, 278 P 857.

hot cargo clause. A provision in a collective labor agreement under which union members have the right to refuse to handle unfair or struck goods. 31 Am J Rev ed Lab § 255.

hotchpot. The blending and mixing of property belonging to different persons in order to divide it equally. *Pitts v Metzger*, 195 Mo App 677, 187 SW 610. The grouping with the assets of a decedent's estate of the value of property given by him by way of advancement to heirs or distributees during his lifetime, so that the whole may be divided so far as possible in accordance with the statutes of descent and distribution, each share being charged with what has already been received. 3 Am J2d Advancem § 54. In admiralty practice, the adding of all the items of damage to both ships injured in a collision, once it has been determined that both contributed to the collision, for the purpose of dividing the loss between the two ships. *Cayzer, Irvine Co. v Carron Co.* (Eng) LR 1883-1884, 9 App Cas 873.

hot dog. See **wiener**.

hotel. A word usually considered synonymous with "inn." A house which is held out to the public by the proprietor as a place where transient persons who come in a fit condition will be received and entertained as guests for compensation. 29 Am J Rev ed Innk § 2. Sometimes considered an inn of the better class. *Dixon v Robbins*, 246 NY 169, 158 NE 63, 53 ALR 986.

hotel keeper. See **innkeeper**.

See **American plan; apartment hotel; European plan; tavern**.

hot-foot. An ill-conceived practical joke in secretly placing a match between the sole and vamp of a person's shoe and then igniting the match.

hot gasoline. Gasoline manufactured from hot oil.

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United States v Socony-Vacuum Oil Co. (CA7 Wis) 105 F2d 809.

See **hot oil.**

hot iron ordeal. An ancient form of trial for crime.

hot oil. Crude oil produced in violation of state prorating statutes limiting oil production. United States v Socony-Vacuum Oil Co. (CA7 Wis) 105 F2d 809.

See **Connally Act.**

hot pursuit. See **fresh pursuit.**

hot rod. A slang term for an automobile, usually an older vehicle, which has been equipped by some form of supercharger for high speed.

hot vulcanization. The process of incorporating vulcanizing ingredients, such as sulphur, and accelerators, into a mass of crude dry rubber by milling, and subjecting the mass to heat and pressure. Vultex Corp v Heveatex Corp. (CA1 Mass) 100 F2d 838.

hot-water ordeal. An ancient form of trial for crime in which the defendant's arms were plunged into scalding hot water.

hound-bailiff. Same as **bound-bailiff.**

hours for presentment. The hours for presenting a bill of exchange or draft for acceptance. 11 Am J2d B & N § 732. The hours for presenting a bill or note for payment, for the purpose of charging a person secondarily liable. 11 Am J2d B & N §§ 755, 756.

hours of banking. See **banking hours.**

hours of business. See **business hours.**

hours of labor. The time in hours per day or per week spent by an employee in the service of his employer. Statutes enacted under the police power, in consideration of the health of laborers and the safety of the public, applicable in certain occupations which are particularly fatiguing, such statutes being distinguishable from those which prescribe what shall constitute a day's work in the absence of an agreement by the parties on the point. 31 Am J Rev ed Lab § 780.

As used in the Federal Fair Labor Standards Act, the term includes not only the hours that employees were actually engaged in manual labor, but also such hours during which they were charged with the operation of the plant. Fleming v Rex Oil & Gas Co. (DC Mich) 43 F Supp 951.

Whether sleeping time allowed an employee at his station is work time within the meaning of the Fair Labor Standards Act depends upon the express or implied agreement of the parties and, in the absence of an agreement, upon the nature of the service. General Electric Co. v Porter (CA9 Wash) 208 F2d 805, 44 ALR2d 854.

See **day's work; Hours of Service Act.**

hours of service. See **day's work; hours of labor; Hours of Service Act.**

Hours of Service Act. A federal statute intended to promote the safety of employees and travelers upon railroad by regulating and limiting the hours of labor of railroad employees who are engaged in or connected with the movement of train in interstate or foreign commerce. 31 Am J Rev ed Lab § 799.

hours of voting. See **voting hours.**

hours worked. See **day's work; hours of labor; Hours of Service Act.**

housage. A fee or charge paid for, the storage of goods.

house. A building, *Simmons v State*, 234 Ind 489, 129 NE2d 121. Any building, edifice, or structure enclosed with walls and covered. *State v Beckwith*, 135 Me 423, 198 A 739; *Mulligan v State*, 25 Tex App 199, 7 SW 664. A building, whether for private or public use. *State v Beckwith*, 135 Me 423, 198 A 739. A structure intended or used for human habitation; especially a human habitation which is fixed in place and is intended for the private occupation of a family or families. *Bolin v Tyrol Invest Co.* 273 Mo 257, 200 SW 1059. For some purposes, a dwelling house. 5 Am J2d Arson § 19; 13 Am J2d Burgl § 6. Sometimes confined to a single-family residence. 20 Am J2d Cov § 196. For other purposes a single room. *Wolcott v Ashenfelter*, 5 NM 442, 23 P 780, landlord's lien statute. Including for some purposes, outhouses, party walls, and subsidiaries necessary to convenient occupancy. 5 Am J2d Arson § 20; 29 Am J Rev ed Ins § 293. Including, where it is the subject of a grant, an interest in land upon which the structure is located, except as the contrary appears by other terms of the instrument. 23 Am J2d Deeds § 244. Including, where it indicates the subject of a devise, not only the land physically covered, but an additional amount, necessary or convenient to the enjoyment of the structure itself. 57 Am J1st Wills § 1356.

house boat. A vessel within admiralty jurisdiction. 2 Am J2d Adm § 33.

housebote. A right of estover; the right of a tenant to cut and take timber and wood for the repair of buildings and fences and for fuel. 32 Am J1st L & T § 219.

housebreaking. The breaking and entering into the dwelling house of another; an element of the crime of burglary. Sometimes a statutory offense similar to burglary.

house-burning. See **arson; pyromania.**

house confinement clause. A clause of a health and accident policy, generally understood to be intended to show the extent of disability rather than to impose a strict condition of absolute confinement to a house. A clause which calls for substantial confinement by reason of illness or accident, not confinement so close as to exclude a period of disability during which the insured went out for exercise or visits to his physician. 29A Am J Rev ed Ins § 1530. A clause which is satisfied by confinement in a hospital or sanitarium, as well as at home. Anno: 29 ALR2d 1427.

household. Noun: Persons who dwell together as a family. *Arthur v Morgan*, 112 US 495, 499, 28 L Ed 825, 5 S Ct 241. A family residing together in one dwelling, using common living quarters and facilities under such domestic arrangements and circumstances as create a single family unit or establishment. Anno: 88 ALR2d 923. A family relation of a character both permanent and domestic, not that of persons abiding together as strangers or mere boarders. *Robbins v Bangor Railway & Electric Co.* 100 Me 496, 62 A 136. Quite the same as "family" for the purpose of the exclusion, in a policy of automobile theft insurance, of "theft" by a member of insured's "hou'sehold." Anno: 48 ALR2d 93. Adjective: Pertaining to or belonging to the house or family. *Rydstrom v Queen Ins. Co.* 137 Md 349, 112 A 586, 14 ALR 212, 214.

household effects. Articles having some connection with the management of a household. 57 Am J1st Wills § 1347.

See **household furniture**.

householder. For some purposes, the head of a family, not necessarily an owner of property. The head, master, or person who has charge of and provides for a family. *Nelson v State*, 57 Miss 286. (Qualification as a juror). For the purpose of a homestead exemption:—the head or master of a family who provides for it. 26 Am J1st Home § 17. For the purpose of exemption statutes generally, a person owning or holding and occupying a house. 31 Am J2d Exemp § 26.

Under some statutes, a person may qualify, as a "householder," for a homestead exemption notwithstanding he or she is not the head of a family. 26 Am J1st Home § 17.

household furnishings and effects. An expression which, appearing in a will, may include all of the testator's personal property. 57 Am J1st Wills § 1347.

See **household effects; household furniture**.

household furniture. Not necessarily synonymous with "household goods". As the term appears in a statement of the subject matter of a fire insurance policy:—a variety of articles chiefly associated with the household in their general nature and use. Anno: 41 ALR2d 720; 29 Am J Rev ed Ins § 298. As the term appears in a statute exempting certain property from execution:—those articles which, not becoming fixtures, are designed in their manufacture originally as instruments of the household, essential or useful for comfortable living persons. 31 Am J Rev ed Exemp § 73.

See **necessary household furniture**.

household goods. Not necessarily synonymous with "household furniture." 57 Am J1st Wills § 1347. As the term appears in the statement of the subject matter of a fire insurance policy:—articles in great variety, associated with the household in their general nature and use. 29 Am J Rev ed Ins § 298.

household servant. Domestic servant. 57 Am J1st Wills § 1395.

See **menial servant**.

household stuff. See **household effects; household furnishings and effects; household furniture**.

housekeeper. A woman who takes care of a house or supervises servants of the household.

Generally speaking, the term has reference to services performed in the taking care of a house in connection with the inmates residing therein, but exactly what special and particular duties are to be regarded as embodied within the term must always be decided by the duties which are actually performed under the agreement as made. *Edgecomb v Buckhout*, 146 NY 332, 40 NE 991.

housekeeping unit. A family under certain zoning laws. 58 Am J1st Zon § 56.

house money. The sum put up for play by the proprietor of a gambling house. Anno: 1 ALR 1403. The percentage of the pool claimed by the proprietor of a gambling house.

house number. The number of a house on a designated street. Sufficient as a description of property conveyed by deed where the municipality, having a known system of numbering, is designated. 23 Am J1st Deeds § 229.

house of assignation. A bawdyhouse or house of ill fame; a house resorted to for purposes of prostitution. *McAlister v Clark*, 33 Conn 91, 92.

House of Commons. The lower house of the English parliament.

house of correction. An institution for the reception and care of orphans, indigent, wayward, incorrigible, or vicious youths, children whose parents are incapable or unworthy, and, in some instances, adults, such as unfortunate or abandoned women, first offenders, and other particular classes, where they may be taught habits of industry, morality, and religion, and be freed from the corrupting influence of improper associates. 26 Am J1st House of C § 2.

house of entertainment. A tavern; an inn. *Bonner v Welborn*, 7 Ga 296, 304.

house of his usual abode. The house where a person resides which, in the case of a married man, is prima facie or presumptively the house wherein his wife and family reside. *Berryhill v Sepp*, 106 Minn 458, 119 NW 404.

house of ill fame. A disorderly house. A house resorted to for the purpose of prostitution. Anno: 74 ALR 314, 320 et seq. A place kept for the convenience of people of both sexes in resorting to lewdness; a place many people may frequent for immoral purposes; a house where one may go for immoral purposes without an invitation. 24 Am J2d Disord H § 2.

House of Keys. The lower house of the legislature of the Isle of Man.

house of legislature. One of the bodies of a bicameral legislature. The membership of a house of the legislature or a majority of the members of such a house. According to some usage, the number of members constituting a quorum. *State v McBride*, 4 Mo 303.

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

house of prostitution. A house of ill fame. A house resorted to for the purpose of prostitution. 42 Am J1st Prost § 3.

See **house of ill fame**.

house of public worship. Any building which is primarily devoted to the worship of God and to such incidental exercises and functions as are usually connected with such worship. *St. Paul's Church v Concord*, 75 NH 420, 75 A 531.

A schoolhouse does not become a house of religious worship merely because the Bible is read to the classes without note or comment thereon by the teachers. *Hackett v Brooksville School Dist.* 120 Ky 608, 87 SW 792.

See **church**.

house of reformation. Same as **house of correction**.

house of refuge. Essentially the same as **house of correction**.

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

House of Representatives. The lower house of the Congress of the United States. One of the houses of a bicameral state legislature.

house of usual abode. See **house of his usual abode**.

house physician. A resident physician in a hospital; a physician available in a hotel for the treatment of guests.

house rules. The regulations provided by a hotel, apartment house, co-operative apartment, or lodg-

ing house, respecting the conduct of the guests and occupants and their visitors with reference to the safety of the premises and the comfort and convenience of all concerned.

house to house. Advertising by distribution of circulars and bills. 3 Am J2d Advertg § 11.

house trailer. See **trailer.**

Housing Administration. An agency of the United States within the Housing and Home Finance Agency, operating programs for the improvement of housing conditions and the creation of a sound mortgage market.

Housing and Home Finance Agency. A federal agency created for the purpose of co-ordinating federal functions in reference to housing projects.

See **Housing Administration.**

Housing laws. See **public housing.**

housing projects. Arrangements for the construction of a number of houses in a particular locality, often for the construction of public housing.

hovel. A hut; a shed.

hovering vessel. Any vessel found or kept off the coast of the United States, if from its history, conduct, character, or location, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the revenue laws. 19 USC §§ 1401(n), 1709(d).

howe. A word of the Old English for hill.

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

hoymen. A man in charge of a hoy.

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

hstd. An unrecommended abbreviation of homestead.

huckster. A dealer in smaller items of merchandise; a peddler rather than a merchant. One who carries his stock with him, going house to house to make sales. *Mays v Cincinnati*, 1 Ohio St 268, 272.

huckstering. The business or trade carried on by a huckster.

hue and cry. "The old common-law process of pursuing with horn and with voice, all felons, and such as have dangerously wounded another." 4 Bl Comm 293.

See **Statute of Hue and Cry; vociferatio.**

huebra. A land measure used in Spanish-American grants signifying as much land as two oxen can plough up in a day.

huis. Same as **huy**.

huisher. Same as **huissier**.

huissier. (French.) A court usher; a process server.

hull. An outer covering. As a marine term, the body of a ship; the container of the cargo. 29 Am J Rev ed Ins § 304.

hullus. A hill.

humagium. A humid or moist place.

human. Of the form and characteristics of man.

human being. A person, male or female.

human body. See **body**.

humane. Kind, tender, compassionate. Disposed to eliminate the cause of suffering of man or beast.

Humane differs from the ordinary use of "merciful," in that it expresses active endeavors to find and relieve suffering, and especially to prevent it, while "merciful" expresses the disposition to spare one the suffering which might be inflicted. Willett v Willett, 197 Ky 663, 247 SW 739, 31 ALR 426, 428.

Humane Society. An organization for the prevention of cruelty to animals. 4 Am J2d Ani § 30

humanitarian considerations. Feelings of kindness and sympathy as illustrated by the motivation of the good Samaritan to minister to the sick and wounded at the roadside. 38 Am J1st Negl § 16.

humanitarian doctrine. A doctrine; unsupported in law, which would render one liable for the injurious consequences of an accident which was within his power to avert, because of the existence of a moral duty, where he was under no legal duty to act. Oklahoma Natural Gas Co. v Young (CA10 Okla) 116 F2d 720. Another term for the doctrine of "last clear chance." 38 Am J1st Negl § 215

human laws. Laws made by man; not divine law. Borden v State, 11 Ark 519.

humbug. An impostor; a deceiver; a cheat.

humdinger. A slang expression for a case decided in another jurisdiction, but well-considered and clearly in point.
howe. A word of the Old English for hill.

humiliating insults. Personal indignities, sometimes constituting a ground for divorce. 24 Am J2d Div & S § 150.

humiliation. The feeling that one is disgraced or made to seem weak, unimportant, foolish, or contemptible. An element of damages for tort, but measured by no precise rules of damages. 22 Am J2d Damg § 86.

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

hundred. The round number of ten times ten. A superior division made up of ten towns or tithings, which, in turn, were each composed of ten families of freeholders. In some of the more northern counties these hundreds were called "wapentakes." See 1 Bl Comm 115.

See **bailiffs of hundreds; century; Chiltern hundreds; wapentakes.**

hundredarius. Same as **hundredary.**

hundredary. The chief officer of a hundred.

hundred court. A larger court-baron which was held for all the inhabitants of a particular hundred, instead of a manor. Not a court of record. See 3 Bl Comm 34.

hundreders. Those members of a hundred who were liable to jury service.

hundredfeh. Same as hundred-penny.

hundred gemote. An assembly of the freeholders of a hundred.

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

hundredman. Same as hundreders.

hundredors. Same as **hundreders.**

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hundred-penny. A tax levied on a hundred and collected by the sheriff or by the lord of the hundred.

hung jury. A trial or petit jury which cannot reach a unanimous verdict or a verdict supported by the requisite number of jurors.

hunting. Looking for that which is lost. Looking for a person whose whereabouts for the time are unknown. The pursuit and taking of wild game.

See **season; closed season.**

hunting heirs. See **heir hunter.**

hunting license. A license required in most, if not all of the states, under statutes which usually prescribe the fee to be paid therefor and make the procuring of such a license a prerequisite to hunting wild game in the state. 24 Am J1st Game § 45.

hunting preserve. See **game-preserve.**

hunting privilege. See **hunting license; hunting right.**

hunting right. The right to hunt on the land of another; a profit a prendre. 25 Am J2d Ease § 4.

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

hurricane. A violent storm characterized by the vehemence of the wind and its sudden changes. Queen Ins. Co. v Hudnut Co. 8 Ind App 22, 26, 35 NE 397. Known in recent years as a storm originating in tropical seas, often moving to land in the

temperate zone, causing terrific losses in life and property by the violence of the wind and the heavy rains which accompany it. Not to be confused with the cyclone or tornado.

See **cyclone; tornado.**

It appears that for the purposes of insurance, the terms "hurricane," "tornado," and "windstorm" are often treated as synonymous. See **windstorm insurance.**

hurricane insurance. See **windstorm insurance.**

hurst. A grove; a wooded place.

hurt. Noun: A very general term for an injury to the body or even the feelings. *Montgomery v Lansing City Electric Railway Co.* 103 Mich 46, 61 NW 543. In an application for life insurance:-an injury to the body causing an impairment of health or strength, or rendering the person more liable to contract disease or less able to resist its effects. *Bancroft v Home Benefit Asso.* 120 NY 14, 23 NE 997. Verb: To injure; to cause pain.

husband. Noun: The male of the two parties to a marital relationship. A farmer; a manager. Verb: To farm; to till the soil; to engage in husbandry. To conserve, for example, a supply of food in the wilderness.

See **husbandry; ship's husband.**

husband and wife. A natural and legal relation. The relation between a man and a woman created by their valid marriage to each other giving rise to the mutual rights; duties and liabilities arising out of that relation. 26 Am J1st H & W § 2.

See **marriage; married woman; unity of husband and wife; wife.**

husband de facto. A husband in conjugal relation, not living apart.

husband de jure. A husband by a legal marriage.

husband infra brachia. A husband both de jure and de facto.

husbandry. Care and management, especially of a farm. The business of a farmer, comprehending the various branches of agriculture. *Estate of Slade*, 122 Cal 434, 55 P 158. The business of a farmer, comprehending agriculture or tillage of the ground, the raising, managing, and fattening of cattle and other domestic animals, the management of the dairy and whatever the land produces. *Slycord v Horn*, 179 Iowa 936, 162 NW 249, 7 ALR 1285, 1290.

See **animal husbandry; implements of husbandry.**

husband's faculties. The financial condition and the ability and power of a husband to earn money, whether or not he exerts such power, considered with reference to the determination of the amount of an award of alimony. *Fowler v Fowler*, 61 Okla 280, 161 P 227.

husbrece. Same as **housebreaking.**

huscarle. A household or domestic servant.

husgablum. House rent; a tax levied on houses.

hustings. Same as **hustings court.**

hustings court. A city police court with jurisdiction in criminal cases similar to that of a justice of the peace. *Smith v Commonwealth*, 47 Va (6 Gratt) 696, 697. Formerly, the county court of the city of London.

There were also hustings courts at York, Winchester and Lincoln. See 3 Bl Comm 80.

hustler. An employee of a house of prostitution. 24 Am J2d Disord H § 35.

hutesium et clamor. Same as **hue and cry**.

hybrid class action. An action maintained by one on behalf of others, not as a typical class suit, since the requisite community of interest is absent, the interests of the members of the class being several, not joint or common, support for the action in such form existing in the presence of property in which all members of the class have an interest and a mutuality of interest in the question involved. *Deckert v Independent Shares Corp.* (DC Pa) 39 F Supp 592.

hydraulic mining. A method of mining free gold wherein a large volume of water is thrown with great force through a pipe or hose upon the sides of a hill, the gold-bearing earth and gravel thereby being washed down so that the gold can readily be separated. *Jennison v Kirk*, 98 US 453, 25 L Ed 240.

hydraulic power. Power developed by the movement and force of a liquid, such as the power applied to the brakes on a motor vehicle or to a lifting jack. 58 Am J1st Workm Comp § 108.

hydrophobia. See **rabies**.

hydroplane. An airplane equipped to land on water; a light motor boat with a flat bottom, such structure rendering it possible to skim at the surface of a water at high speed.

hydrostatic pressure. The pressure of water coming from a higher to a lower level. 1 Am J2d Adj L § 22. A phenomenon of Alaska due to the fact that the source of many of the streams is in the mountains at a high altitude.

hymen. The membrane that covers part of the opening of the vagina in a virgin. 44 Am J1st Rape § 3.

hypermetropia. An affection of the eye commonly described as farsightedness.

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Baker v State, 91 Tex Crim 521, 240 SW 924, 22 ALR 1163, 1165.

hypersensitiveness. Undue sensitivity to some unpleasant thing, such as a surgical operation. *Cody v John Hancock Mut. Life Ins. Co.* 111 W Va 518, 163 So 4, 86 ALR 354.

hypersusceptibility. A peculiarity which renders a person subject to painful consequences of the administration of a certain drug, such as penicillin or novocain. 29A Am J Rev ed Ins § 1211.

hypnotism. A state of artificial catalepsy or induced somnambulism. 29 Am J Rev ed Ins Per § 3.

hypobolum. A testamentary gift of a husband to his wife in addition to her dowry.

hypothec. Same as **hypothecation**.

hypotheca. (Roman law.) A mortgage of real property; a mortgage or pledge of personal property.

hypothecaria actio. Same as **hypothecary action.**

hypothecary action. A term known in Louisiana, being an action brought by a creditor against the property which has been hypothecated to him by his debtor, in order to have it seized and sold for the payment of the debt. *Lovell v Cragin*, 136 US 130, 142, 34 L Ed 372, 376, 10 S Ct 1024.

hypothecate. To enter into a contract whereby certain specified real or personal property is designated as security for the performance of an act, without any transfer of the possession of the property. *Spect v Spect*, 88 Cal 437, 26 P 203.

hypothecation. A Roman-law name for a pawn or pledge wherein the feigned pledge remained in the possession of the pledgor. 41 Am J1st Pldg & Col § 2. A contract whereby, without change of possession, specific property is designated as security for the payment of a debt or the performance of an obligation.

The contract does not include a transfer of possession as one of its essentials and, therefore, when, in addition to the contract of hypothecation, the debtor gives to his creditor the possession of the premises, he thereby pledges to him the land also as security for the debt, and confers upon him such rights as are incident to a pledge. *Spect v Spect*, 88 Cal 437, 26 P 203.

See **general hypothecation; maritime hypothecation; tacit hypothecation.**

hypothecation bond. The bond given under a contract of bottomry or respondentia.

See **bottomry; respondentia.**

hypothèque. Same as **hypothecation.**

hypothesi. See **ex hypothesi.**

hypothesis. A supposition, a proposition, or principle which is assumed or taken for granted, in order to draw a conclusion or inference for proof of the point in question; something not proved, but assumed for the purpose of argument, or to account for a fact or an occurrence. *People v Ward*, 105 Cal 335, 38 P 945, quoting Webster's Dictionary.

hypothetical case. A case, the facts of which are assumed for the purpose of explaining and discussing the law applicable.

hypothetical instruction. An instruction to the jury as to the law on a hypothetical statement of facts, submitting to the jury the question whether such facts are proved. 53 Am J1st Trial § 547.

hypothetical question. A question addressed to an expert witness, based upon assumed facts stated. 23 Am J2d Dep § 103. A question addressed to an expert witness which assumes or hypothesizes the existence of a certain state of facts and asks for the opinion of the expert witness based upon such facts. 31 Am J2d Expert § 53; 53 Am J1st Trial § 605. A question designed to elicit the opinion of an expert witness on a given condition or state of facts in evidence in the case, the things which counsel claims or assumes to have been proved being stated as an hypothesis and the opinion of the expert asked thereon. *Shaughnessy v Holt*, 236 Ill 485, 86 NE 256.

hysterical diathesis. A highly emotional state of congenital origin which may aggravate an injury. 22 Am J2d Damg § 123.

hysterotomy. Same as **caesarean operation.**

hythe. Same as **hithe.**