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G. In the Law French orthography, this letter is often substituted for the English W, particularly as an initial. Thus, "gage" for "wage," "garranty" for "warranty," "gast" for "waste."

GABEL. An excise; a tax on movables; a rent, custom, or service. Co. Litt. 213.

GABELLA. A tax or duty on personalty. Cowell; Spelman.

GABLATORES. Persons who paid *gabel*, rent, or tribute. Domesday; Cowell.

GABLUM. A rent; a tax. Domesday; Du Cange. The gable-end of a house. Cowell.

GABULUS DENARIORUM. Rent paid in money. Seld. Tit. Hon. 321.

GAFFOLDGILD. The payment of custom or tribute. Scott.

GAFFOLDLAND. Property subject to the gaffoldgild, or liable to be taxed. Scott.

GAFOL. The same word as "gabel" or "gavel." Rent; tax; interest of money.

GAGE, *v.* In old English law. Topawn or pledge; to give as security for a payment or performance; to wage or wager.

GAGE, *n.* In old English law. A pawn or pledge; something deposited as security for the performance of some act or the payment of money, and to be forfeited on failure or non-performance. Glanv. lib. 10, c. 6; Britt. c. 27.

A mortgage is a *dead-gage* or pledge; for, whatever profit it yields, it redeems not itself, unless the whole amount secured is paid at the appointed time. Cowell.

In French law. The contract of pledge or pawn; also the article pawned.

GAGE, ESTATES IN. Those held *in vadio*, or pledge. They are of two kinds: (1) *Vivum vadium*, or living pledge, or *vifgage*; (2) *mortuum vadium*, or dead pledge, better known as "mortgage."

GAGER DE DELIVERANCE. In old English law. When he who has distrained, being sued, has not delivered the cattle distrained, then he shall not only avow the distress, but *gager deliverance*, *i. e.*, put in surety or pledge that he will deliver them. Fitzh. Nat. Brev.

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GAGER DEL LEY. Wager of law, (*q. v.*)

GAIN. Profits; winnings; increment of value.

GAINAGE. The gain or profit of tilled or planted land, raised by cultivating it; and the draught, plow, and furniture for carrying on the work of tillage by the baser kind of *sokemen* or *villeins*. Bract. l. i. c. 9.

GAINERY. Tillage, or the profit arising from it, or from the beasts employed therein.

GAINOR. In old English law. A *soke-man*; one who occupied or cultivated arable land. Old Nat. Brev. fol. 12.

GAJUM. A thick wood. Spelman.

GALE. The payment of a rent, tax, duty, or annuity.

A gale is the right to open and work a mine within the Hundred of St. Bravel's, or a stone quarry within the open lands of the Forest of Dean. The right is a license or interest in the nature of real estate, conditional on the due payment of rent and observance of the obligations imposed on the galee. It follows the ordinary rules as to the devolution and conveyance of real estate. The galee pays the crown a rent known as a "galeage rent," "royalty," or some similar name, proportionate to the quantity of minerals got from the mine or quarry. Sweet.

GALEA. In old records. A piratical vessel; a galley.

GALENES. In old Scotch law. Amends or compensation for slaughter. Bell.

GALLI-HALFPENCE. A kind of coin which, with suskins and doitkins, was forbidden by St. 3 Hen. V. c. 1.

GALLIVOLATIUM. A cock-shoot, or cock-glade.

GALLON. A liquid measure, containing 231 cubic inches, or four quarts. The *imperial* gallon contains about 277, and the ale gallon 282, cubic inches.

GALLOWS. A scaffold; a beam laid over either one or two posts, from which malefactors are hanged.

GAMACTA. In old European law. A stroke or blow. Spelman.

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GAMALIS. A child born in lawful wedlock; also one born to betrothed but unmarried parents. Spelman.

GAMBLE. The word "gamble" is perhaps the most apt and substantial to convey the idea of unlawful play that our language affords. It is inclusive of hazarding and betting as well as playing. 2 Yerg. 474.

GAMBLER. One who follows or practices games of chance or skill, with the expectation and purpose of thereby winning money or other property. 113 Mass. 193.

GAMBLING. See GAMING.

GAMBLING DEVICE. A machine or contrivance of any kind for the playing of an unlawful game of chance or hazard.

GAMBLING POLICY. In life insurance. One issued to a person, as beneficiary, who has no pecuniary interest in the life insured. Otherwise called a "wager policy." 50 Mo. 47.

GAME. Birds and beasts of a wild nature, obtained by fowling and hunting. Bacon, Abr. See 11 Metc. (Mass.) 79. The term is said to include (in England) hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards. Brown. See 1 & 2 Wm. IV. c. 32.

A sport or pastime played with cards, dice, or other contrivance. See GAMING.

GAME-KEEPER. One who has the care of keeping and preserving the game on an estate, being appointed thereto by a lord of a manor.

GAME-LAWS. Laws passed for the preservation of game. They usually forbid the killing of specified game during certain seasons or by certain described means. As to English game-laws, see 2 Steph. Comm. 82; 1 & 2 Wm. IV. c. 32.

GAMING. The act or practice of playing games for stakes or wagers; gambling; the playing at any game of hazard. An agreement between two or more persons to play together at a game of chance for a stake or wager which is to become the property of the winner, and to which all contribute.

Gaming is an agreement between two or more to risk money on a contest or chance of any kind, where one must be loser and the other gainer. 5 Sneed, 507.

In general, the words "gaming" and "gambling," in statutes, are similar in meaning, and either one comprehends the idea that, by a bet, by chance, by some exercise of skill, or by the transpiring of

some event unknown until it occurs, something of value is, as the conclusion of promises agreed, to be transferred from a loser to a winner, without which latter element there is no gaming or gambling. Bish. St. Crimes, § 853.

"Gaming" implies, when used as describing a condition, an element of illegality; and, when people are said to be "gaming," this generally supposes that the "games" have been games in which money comes to the victor or his backers. When the terms "game" or "gaming" are used in statutes, it is almost always in connection with words giving them the latter sense, and in such case it is only by averring and proving the *differentia* that the prosecution can be sustained. But when "gaming" is spoken of in a statute as indictable, it is to be regarded as convertible with "gambling." 2 Whart. Crim. Law, § 1465b.

"Gaming" is properly the act or engagement of the players. If by-standers or other third persons put up a stake or wager among themselves, to go to one or the other according to the result of the game, this is more correctly termed "betting."

GAMING CONTRACTS. See WAGER.

GAMING-HOUSES. In criminal law. Houses in which gambling is carried on as the business of the occupants, and which are frequented by persons for that purpose. They are nuisances, in the eyes of the law, being detrimental to the public, as they promote cheating and other corrupt practices. 1 Russ. Crimes, 299; Rosc. Crim. Ev. 663; 3 Denio, 101.

GANANCIAL PROPERTY. In Spanish law. A species of community in property enjoyed by husband and wife, the property being divisible between them equally on a dissolution of the marriage. 1 Burge, Confl. Law, 418. See 18 Tex. 634; 22 Mo. 254.

GANANCIAS. In Spanish law. Gains or profits resulting from the employment of property held by husband and wife in common. White, New Recop. b. 1, tit. 7, c. 5.

GANG-WEEK. The time when the bounds of the parish are lustrated or gone over by the parish officers,—rogation week Enc. Lond.

GANGIATORI. Officers in ancient times whose business it was to examine weights and measures. Skene.

GANTELOPE, (pronounced "gauntlett.") A military punishment, in which the criminal running between the ranks receives a lash from each man. Enc. Lond. This was called "running the gauntlett."

GAOL. A prison for temporary confinement; a jail; a place for the confinement of offenders against the law.

There is said to be a distinction between "gaol" and "prison;" the former being a place for temporary or provisional confinement, or for the punishment of the lighter offenses and misdemeanors, while the latter is a place for permanent or long-continued confinement, or for the punishment of graver crimes. In modern usage, this distinction is commonly taken between the words "gaol" and "penitentiary," (or state's prison,) but the name "prison" is indiscriminately applied to either.

GAOL DELIVERY. In criminal law. The delivery or clearing of a gaol of the prisoners confined therein, by trying them. A commission of general gaol delivery is one of the four commissions under which the judges in England sit at the assizes; and it empowers them to try and *deliver* every prisoner who shall be in the *gaol*, (that is, either in actual custody, or out on bail,) when the judges arrive at the circuit town. 4 Chit. Bl. 270, and notes; 4 Steph. Comm. 333; 1 Chit. Crim. Law, 145, 146.

GAOL LIBERTIES, GAOL LIMITS. A district around a gaol, defined by limits, within which prisoners are allowed to go at large on giving security to return. It is considered a part of the gaol.

GAOLER. The master or keeper of a prison; one who has the custody of a place where prisoners are confined.

GARANDIA, or GARANTIA. A warranty. Spelman.

GARANTIE. In French law. This word corresponds to warranty or covenants for title in English law. In the case of a sale this *garantie* extends to two things: (1) Peaceful possession of the thing sold; and (2) absence of undisclosed defects, (*défauts cachés*.) Brown.

GARATHINX. In old Lombardic law. A gift; a free or absolute gift; a gift of the whole of a thing. Spelman.

GARAUNTOR. L. Fr. In old English law. A warrantor of land; a vouchee; one bound by a warranty to defend the title and seisin of his alienee, or, on default thereof, and on eviction of the tenant, to give him other lands of equal value. Britt. c. 75.

GARBA. In old English law. A bundle or sheaf. *Blada in garbis*, corn or grain in sheaves. Reg. Orig. 96; Bract. fol. 209.

GARBA SAGITTARUM. A sheaf of arrows, containing twenty-four. Otherwise called "*schaffa sagittarum*." Skene.

GARBALES DECIMÆ. In Scotch law. Tithes of corn, (grain.) Bell.

GARBLE. In English statutes. To sort or cull out the good from the bad in spices, drugs, etc. Cowell.

GARBLER OF SPICES. An ancient officer in the city of London, who might enter into any shop, warehouse, etc., to view and search drugs and spices, and garble and make clean the same, or see that it be done. Mozley & Whitley.

GARCIO STOLÆ. Groom of the stole.

GARCIONES. Servants who follow a camp. Wals. 242.

GARD, or GARDE. Wardship; care; custody; also the ward of a city.

GARDEIN. A keeper; a guardian.

GARDEN. A small piece of land, appropriated to the cultivation of herbs, fruits, flowers, or vegetables.

GARDIA. Custody; wardship.

GARDIANUS. In old English law. A guardian, defender, or protector. In feudal law, *gardio*. Spelman.

A warden. *Gardianus ecclesiæ*, a churchwarden. *Gardianus quinque portuum*, warden of the Cinque Ports. Spelman.

GARDINUM. In old English law. A garden. Reg. Orig. 1b, 2.

GARENE. L. Fr. A warren; a privileged place for keeping animals. **H**

GARNESTURA. In old English law. Victuals, arms, and other implements of war, necessary for the defense of a town or castle. Mat. Par. 1250. **I**

GARNISH, n. In English law. Money paid by a prisoner to his fellow-prisoners on his entrance into prison. **J**

GARNISH, v. To warn or summon. To issue process of garnishment against a person. **K**

GARNISHEE. One garnished; a person against whom process of garnishment is issued; one who has money or property in his possession belonging to a defendant, or who owes the defendant a debt, which money, property, or debt is attached in his hands, with notice to him not to deliver or pay it over until the result of the suit be ascertained. **L**

GARNISHMENT. In the process of attachment. A warning to a person in whose hands the effects of another are attached not **M**

to pay the money or deliver the property of the defendant in his hands to him, but to appear and answer the plaintiff's suit. Drake, *Attachm.* § 451.

A "garnishment," as the word is employed in this Code, is process to reach and subject money or effects of a defendant in attachment, or in a judgment or decree, or in a pending suit commenced in the ordinary form, in the possession or under the control of a third person, or debts owing such defendant, or liabilities to him on contracts for the delivery of personal property, or on contracts for the payment of money which may be discharged by the delivery of personal property, or on a contract payable in personal property; and such third person is called the "garnishee." Code Ala. 1886, § 2994.

Garnishment is a proceeding to apply the debt due by a third person to a judgment defendant, to the extinguishment of that judgment, or to appropriate effects belonging to a defendant, in the hands of a third person, to its payment. 4 Ga. 393.

Also a warning to any one for his appearance, in a cause in which he is not a party, for the information of the court and explaining a cause. Cowell.

GARNISTURA. In old English law. Garniture; whatever is necessary for the fortification of a city or camp, or for the ornament of a thing. 8 Rymer, 328; Du Cange; Cowell; Blount.

GARSUMME. In old English law. An americiament or fine. Cowell.

GARTER. A string or ribbon by which the stocking is held upon the leg. The mark of the highest order of English knighthood, ranking next after the nobility. This military order of knighthood is said to have been first instituted by Richard I., at the siege of Acre, where he caused twenty-six knights who firmly stood by him to wear thongs of blue leather about their legs. It is also said to have been perfected by Edward III., and to have received some alterations, which were afterwards laid aside, from Edward VI. The badge of the order is the image of St. George, called the "George," and the motto is "*Honi soit qui mal y pense.*" Wharton.

GARTH. In English law. A yard; a little close or homestead in the north of England. Cowell; Blount.

A dam or wear in a river, for the catching of fish.

GARYTOUR. In old Scotch law. Warder. 1 Pitt. Crim. Tr. pt. 1, p. 8.

GASTALDUS. A temporary governor of the country. Blount. A bailiff or steward. Spelman.

GASTEL. L. Fr. Wastel; wastel bread; the finest sort of wheat bread. Britt. c. 30; Kelham.

GASTINE. L. Fr. Waste or uncultivated ground. Britt. c. 57.

GAUDIES. A term used in the English universities to denote double commons.

GAUGE. The measure of width of a railway, fixed, with some exceptions, at 4 feet 8½ inches in Great Britain and America, and 5 feet 3 inches in Ireland.

GAUGEATOR. A gauger. Lowell.

GAUGER. A surveying officer under the customs, excise, and internal revenue laws, appointed to examine all tuns, pipes, hogsheads, barrels and tierces of wine, oil, and other liquids, and to give them a mark of allowance, as containing lawful measure. There are also private gaugers in large seaport towns, who are licensed by government to perform the same duties. Rapal. & L.

GAUGETUM. A gauge or gauging; a measure of the contents of any vessel.

GAVEL. In English law. Custom; tribute; toll; yearly rent; payment of revenue; of which there were anciently several sorts; as *gavel-corn*, *gavel-malt*, *oat-gavel*, *gavel-fodder*, etc. Termes de la Ley; Cowell; Co. Litt. 142a.

GAVELBRED. In English law. Rent reserved in bread, corn, or provision; rent payable in kind. Cowell.

GAVELCESTER. A certain measure of rent-ale. Cowell.

GAVELET. An ancient and special kind of *cessavit*, used in Kent and London for the recovery of rent. Obsolete. The statute of gavellet is 10 Edw. II. 2 Reeve, Eng. Law, c. 12, p. 298.

GAVELGELD. That which yields annual profit or toll. The tribute or toll itself. Cowell; Du Cange.

GAVELHERTE. A service of plowing performed by a customary tenant. Cowell; Du Cange.

GAVELING MEN. Tenants who paid a reserved rent, besides some customary duties to be done by them. Cowell.

GAVELKIND. A species of socage tenure common in Kent, in England, where the lands descend to all the sons, or heirs of the nearest degree, together; may be disposed of by will; do not escheat for felony; may be aliened by the heir at the age of fifteen; and dower and curtesy is given of half the land. *Stim. Law Gloss.*

GAVELLER. An officer of the English crown having the general management of the mines, pits, and quarries in the Forest of Dean and Hundred of St. Briavel's, subject, in some respects, to the control of the commissioners of woods and forests. He grants gales to free miners in their proper order, accepts surrenders of gales, and keeps the registers required by the acts. There is a deputy-gaveller, who appears to exercise most of the gaveller's functions. *Sweet.*

GAVEL-MAN. In old English law. A tenant liable to the payment of gavel or tribute. *Somn. Gavelkind, 23.*

GAVELMED. A customary service of mowing meadow-land or cutting grass, (*con-suetudo falcandi.*) *Blount.*

GAVELREP. In old English law. *Bed-rea,* or *bidreap*; the duty of reaping at the bid or command of the lord. *Somn. Gavelkind, 19, 21; Cowell.*

GAVELWERK. A customary service, either *manuopera*, by the person of the tenant, or *carropera*, by his carts or carriages. *Blount; Somn. Gavelkind, 24; Du Cange.*

GAZETTE. The official publication of the English government, also called the "London Gazette." It is evidence of acts of state, and of everything done by the queen in her political capacity. Orders of adjudication in bankruptcy are required to be published therein; and the production of a copy of the "Gazette," containing a copy of the order of adjudication, is evidence of the fact. *Mozley & Whitley.*

GBOCCED. An Anglo-Saxon term, meaning "conveyed."

GBOCIAN. In Saxon law. To convey; to transfer *boe* land, (book-land or land held by charter.) The grantor was said to *gebocian* the alienee. See *l Reeve, Eng. Law, 10.*

GEBURSCRIPT. Neighborhood or adjoining district. *Cowell.*

GEBURUS. In old English law. A country neighbor; an inhabitant of the same *geburscript*, or village. *Cowell.*

GELD. In Saxon law. Money or tribute. A mulct, compensation, value, price. *Angeld* was the single value of a thing; *twigeld*, double value, etc. So, *weregeld* was the value of a man slain; *orfgeld*, that of a beast. *Brown.*

GELDABILIS. In old English law. Taxable; geldable.

GELDABLE. Liable to pay geld; liable to be taxed. *Kelham.*

GELDING. A horse that has been castrated, and which is thus distinguished from the horse in his natural and unaltered condition. A "ridgling" (a half-castrated horse) is not a gelding, but a horse, within the denomination of animals in the statutes. *4 Tex. App. 219.*

GEMMA. Lat. In the civil law. A gem; a precious stone. Gems were distinguished by their transparency; such as emeralds, chrysolites, amethysts. *Dig. 34, 2, 19, 17.*

GEMOT. In Saxon law. A meeting or moot; a convention; a public assemblage. These were of several sorts, such as the *witena-gemot*, or meeting of the wise men; the *folc-gemot*, or general assembly of the people; the *shire-gemot*, or county court; the *burg-gemot*, or borough court; the *hundred-gemot*, or hundred court; the *hali-gemot*, or court-baron; the *hal-mote*, a convention of citizens in their public hall; the *holy-mote*, or holy court; the *swein-gemote*, or forest court; the *ward-mote*, or ward court. *Whar-ton; Cunningham.*

GENEALOGY. An account or history of the descent of a person or family from an ancestor; enumeration of ancestors and their children in the natural order of succession. *Webst.*

GENEARCH. The head of a family.

GENEATH. In Saxon law. A villein, or agricultural tenant, (*villanus villicus*;) a hind or farmer, (*firmarius rusticus*.) *Spelman.*

GENER. Lat. In the civil law. A son-in-law; a daughter's husband. (*Filia vir.*) *Dig. 38, 10, 4, 6.*

GENERAL. Pertaining to, or designating, the *genus* or class, as distinguished from that which characterizes the *species* or individual. Universal, not particularized; as opposed to special. Principal or central; as opposed to local. Open or available to all,

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as opposed to select. Obtaining commonly, or recognized universally; as opposed to particular. Universal or unbounded; as opposed to limited. Comprehending the whole, or directed to the whole; as distinguished from anything applying to or designed for a portion only.

As a noun, the word is the title of a principal officer in the army, usually one who commands a whole army, division, corps, or brigade. In the United States army, the rank of "general" is the highest possible, next to the commander in chief, and is only occasionally created. The officers next in rank are lieutenant general, major general, and brigadier general.

GENERAL AGENT. A person who is authorized by his principal to execute all deeds, sign all contracts, or purchase all goods, required in a particular trade, business, or employment. Story, Ag. § 17.

In another sense, a person who has a general authority in regard to a particular object or thing. Id. § 18.

A general agent is one appointed to act in the affairs of his principal generally; a special agent is one appointed to act concerning some particular object. 7 Ala. 800, 804.

GENERAL APPEARANCE. An unqualified or unrestricted submission to the jurisdiction of the court. See APPEARANCE.

GENERAL ASSEMBLY. A name given in some of the United States to the senate and house of representatives, which compose the legislative body.

GENERAL ASSIGNMENT. An assignment made for the benefit of *all* the assignor's creditors, instead of a few only; or one which transfers the *whole* of his estate to the assignee, instead of a part only.

GENERAL AVERAGE. In commercial law. A contribution made by the proprietors in general of a ship or cargo, towards the loss sustained by any individual of their number, whose property has been voluntarily sacrificed for the common safety; as where, in a storm, jettison is made of any goods, or sails or masts are cut away *levanda navis causa*, (to lighten the vessel.) 2 Steph. Comm. 179.

The term expresses that contribution to a loss or expense voluntarily incurred for the preservation of the whole, in which all who are concerned in ship, freight, and cargo are to bear an equal part, proportionable to their respective interests. And for the loss incurred by this contribution,

however small in amount, the respective owners are to be indemnified by their insurers. 4 Mass. 548.

GENERAL CHALLENGE. A species of challenge for cause, being an objection to a particular juror, to the effect that the juror is disqualified from serving in any case. Pen. Code Cal. § 1071.

GENERAL CHARACTER. See CHARACTER.

GENERAL CHARGE. A charge or instruction by the court to the jury upon the case as a whole, or upon its general features or characteristics.

GENERAL COUNCIL. (1) A council consisting of members of the Roman Catholic Church from most parts of the world, but not from every part, as an ecumenical council. (2) One of the names of the English parliament.

GENERAL COVENANT. One which relates to lands generally, and places the covenantee in the position of a specialty creditor. Brown.

GENERAL CREDIT. The character of a witness as one generally worthy of credit. According to Bouvier, there is a distinction between this and "particular credit," which may be affected by proof of particular facts relating to the particular action.

GENERAL CUSTOM. General customs are such as prevail throughout a country and become the law of that country, and their existence is to be determined by the court. Particular customs are such as prevail in some county, city, town, parish, or place; their existence is to be determined by a jury upon proof. 23 Me. 95.

GENERAL DAMAGES. In pleading and practice. Such damages as necessarily result from the injury complained of, and which may be shown under the *ad damnum*, or general allegation of damages at the end of the declaration. 2 Greenl. Ev. § 254.

GENERAL DEMURRER. In pleading. A demurrer framed in general terms, without showing specifically the nature of the objection, and which is usually resorted to where the objection is to matter of substance. Steph. Pl. 140-142; 1 Chit. Pl. 663. See DEMURRER.

GENERAL DEPOSIT. A general deposit is where the money deposited is not itself to be returned, but an equivalent in

money (that is, a like sum) is to be returned. It is equivalent to a loan, and the money deposited becomes the property of the depositor. 43 Ala. 138.

GENERAL ELECTION. 1. One at which the officers to be elected are such as belong to the *general* government,—that is, the general and central political organization of the whole state; as distinguished from an election of officers for a particular locality only.

2. One held for the selection of an officer after the expiration of the full term of the former officer; thus distinguished from a *special* election, which is one held to supply a vacancy in office occurring before the expiration of the full term for which the incumbent was elected. 52 Cal. 164.

GENERAL EXECUTOR. One whose power is not limited either territorially or as to the duration or subject of his trust.

GENERAL FIELD. Several distinct lots or pieces of land inclosed and fenced in as one common field. 14 Mass. 440.

GENERAL FUND. This phrase, in New York, is a collective designation of all the assets of the state which furnish the means for the support of government and for defraying the discretionary appropriations of the legislature. 27 Barb. 575, 588.

GENERAL GAOL DELIVERY. In English law. At the assizes (*q. v.*) the judges sit by virtue of five several authorities, one of which is the commission of "general gaol delivery." This empowers them to try and deliverance make of every prisoner who shall be in the gaol when the judges arrive at the circuit town, whether an indictment has been preferred at any previous assize or not. 4 Bl. Comm. 270.

GENERAL GUARDIAN. One who has the general care and control of the person and estate of his ward.

GENERAL IMPARLANCE. In pleading. One granted upon a prayer in which the defendant reserves to himself no exceptions.

GENERAL INCLOSURE ACT. The statute 41 Geo. III. c. 109, which consolidates a number of regulations as to the inclosure of common fields and waste lands.

GENERAL INTENT. An intention, purpose, or design, either without specific

plan or particular object, or without reference to such plan or object.

GENERAL INTEREST. In speaking of matters of public and general interest, the terms "public" and "general" are sometimes used as synonyms. But in regard to the admissibility of hearsay evidence, a distinction has been taken between them, the term "public" being strictly applied to that which concerns every member of the state, and the term "general" being confined to a lesser, though still a considerable, portion of the community. Tayl. Ev. § 609.

GENERAL ISSUE. In pleading. A plea which traverses and denies, briefly and in general and summary terms, the whole declaration, indictment, or complaint, without tendering new or special matter. See Steph. Pl. 155. Examples of the general issue are "not guilty," "*non assumpsit*," "*nil debet*," "*non est factum*."

GENERAL JURISDICTION. Such as extends to all controversies that may be brought before a court within the legal bounds of rights and remedies; as opposed to *special* or *limited* jurisdiction, which covers only a particular class of cases, or cases where the amount in controversy is below a prescribed sum, or which is subject to specific exceptions.

The terms "general" and "special," applied to jurisdiction, indicate the difference between a legal authority extending to the whole of a particular subject and one limited to a part; and, when applied to the terms of court, the occasion upon which these powers can be respectively exercised. 1 N. Y. 232.

GENERAL LAND-OFFICE. In the United States, one of the bureaus of the interior department, which has charge of the survey, sale, granting of patents, and other matters relating to the public lands.

GENERAL LAW. A general law, as contradistinguished from one that is special or local, is a law that embraces a class of subjects or places, and does not omit any subject or place naturally belonging to such class. 40 N. J. Law, 1.

A law, framed in general terms, restricted to no locality, and operating equally upon all of a group of objects, which, having regard to the purposes of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves, is not a special or local law, but a general law. 40 N. J. Law, 123.

GENERAL LEGACY. A pecuniary legacy, payable out of the general assets of a testator. 2 Bl. Comm. 512; Ward, Leg. 1, 16.

GENERAL LIEN. A right to detain a chattel, etc., until payment be made, not only of any debt due in respect of the particular chattel, but of any balance that may be due on general account in the same line of business. A general lien, being against the ordinary rule of law, depends entirely upon contract, express or implied, from the special usage of dealing between the parties. Whar- ton.

GENERAL MALICE. General malice is wickedness, a disposition to do wrong, a "black and diabolical heart, regardless of social duty and fatally bent on mischief." 11 Ired. 261.

GENERAL MEETING. A meeting of all the stockholders of a corporation, all the creditors of a bankrupt, etc.

GENERAL MONITION. In civil law and admiralty practice. A monition or summons to all parties in interest to appear and show cause against the decree prayed for.

GENERAL OCCUPANT. At common law where a man was tenant *pur auter vie*, or had an estate granted to himself only (without mentioning his heirs) for the life of another man, and died without alienation during the life of *cestui que vie*, or him by whose life it was holden, he that could first enter on the land might lawfully retain the possession, so long as *cestui que vie* lived, by right of occupancy, and was hence termed a "general" or common "occupant." 1 Steph. Comm. 415.

GENERAL ORDERS. Orders or rules of court, promulgated for the guidance of practitioners and the regulation of procedure in general, or in some general branch of its jurisdiction; as opposed to a rule or an order made in an individual case; the rules of court.

GENERAL OWNER. The general owner of a thing is he who has the primary or residuary title to it; as distinguished from a *special* owner, who has a special interest in the same thing, amounting to a qualified ownership, such, for example, as a bailee's lien.

GENERAL PARTNERSHIP. A partnership in which the parties carry on all their trade and business, whatever it may be, for

the joint benefit and profit of all the parties concerned, whether the capital stock be limited or not, or the contributions thereto be equal or unequal. Story, Partn. § 74.

GENERAL PROPERTY. The right and property in a thing enjoyed by the *general owner*, (*q. v.*)

GENERAL RESTRAINT OF TRADE. One which forbids the person to employ his talents, industry, or capital in any undertaking within the limits of the state or country. 9 How. Pr. 337.

GENERAL RETAINER. A general retainer of an attorney or solicitor "merely gives a right to expect professional service when requested, but none which is not requested. It binds the person retained not to take a fee from another against his retainer, but to do nothing except what he is asked to do, and for this he is to be distinctly paid." 6 R. I. 206.

GENERAL RETURN-DAY. The day for the general return of all writs of summons, subpoena, etc., running to a particular term of the court.

GENERAL RULES. General or standing orders of a court, in relation to practice, etc. See **GENERAL ORDERS**.

GENERAL SESSIONS. A court of record, in England, held by two or more justices of the peace, for the execution of the authority given them by the commission of the peace and certain statutes. General sessions held at certain times in the four quarters of the year pursuant to St. 2 Hen. V. are properly called "quarter sessions," (*q. v.*) but intermediate general sessions may also be held. Sweet.

GENERAL SHIP. Where a ship is not chartered wholly to one person, but the owner offers her generally to carry the goods of all comers, or where, if chartered to one person, he offers her to several subfreighters for the conveyance of their goods, she is called a "general" ship, as opposed to a "chartered" one. Brown.

A vessel in which the master or owners engage separately with a number of persons unconnected with each other to convey their respective goods to the place of the ship's destination. 6 Cow. 173.

GENERAL SPECIAL IMPARLANCE. An imparlance (*q. v.*) granted upon a prayer in which the defendant reserves to himself "all advantages and exceptions whatsoever." 2 Chit. Pl. 408.

GENERAL STATUTE. A statute relating to the whole community, or concerning all persons generally, as distinguished from a private or special statute. 4 Coke, 75a; 1 Bl. Comm. 85, 86.

GENERAL TAIL. An estate tail where one parent only is specified, whence the issue must be derived, as to A. and the heirs of his body.

GENERAL TENANCY. A tenancy which is not fixed and made certain in point of duration by the agreement of the parties. 22 Ind. 122.

GENERAL TERM. A phrase used in some jurisdictions to denote the ordinary session of a court, for the trial and determination of causes, as distinguished from a *special* term, for the hearing of motions or arguments or the despatch of various kinds of formal business, or the trial of a special list or class of cases. Or it may denote a sitting of the court *in banc*.

GENERAL TRAVERSE. One preceded by a general inducement, and denying in general terms all that is last before alleged on the opposite side, instead of pursuing the words of the allegations which it denies. Gould, Pl. vii. 5.

GENERAL USAGE. One which prevails generally throughout the country, or is followed generally by a given profession or trade, and is not local in its nature or observance.

GENERAL VERDICT. A verdict whereby the jury find either for the plaintiff or for the defendant in general terms; the ordinary form of a verdict; distinguished from a *special* verdict, (*q. v.*)

GENERAL WARRANT. A process which formerly issued from the state secretary's office in England to take up (without naming any persons) the author, printer, and publisher of such obscene and seditious libels as were specified in it. It was declared illegal and void for uncertainty by a vote of the house of commons on the 22d April, 1766. Wharton.

GENERAL WARRANTY. The name of a covenant of warranty inserted in deeds, by which the grantor binds himself, his heirs, etc., to "warrant and forever defend" to the grantee, his heirs, etc., the title thereby conveyed, against the lawful claims of all persons whatsoever. Where the warranty is only against the claims of persons claiming

"by, through, or under" the grantor or his heirs, it is called a "special warranty."

GENERALE. The usual commons in a religious house, distinguished from *pietartia*, which on extraordinary occasions were allowed beyond the commons. Cowell.

Generale dictum generaliter est interpretandum. A general expression is to be interpreted generally. 8 Coke, 116a.

Generale nihil certum implicat. A general expression implies nothing certain. 2 Coke, 34b. A general recital in a deed has not the effect of an estoppel. Best, Ev. p. 408, § 370.

Generale tantum valet in generalibus, quantum singulare in singulis. What is general is of as much force among general things as what is particular is among things particular. 11 Coke, 59b.

Generalia præcedunt, specialia sequuntur. Things general precede, things special follow. Reg. Brev.; Branch, Princ.

Generalia specialibus non derogant. Jenk. Cent. 120, cited L. R. 4 Exch. 226. General words do not derogate from special.

Generalia sunt præponenda singularibus. Branch, Princ. General things are to precede particular things.

Generalia verba sunt generaliter intelligenda. General words are to be understood generally, or in a general sense. 3 Inst. 76; Broom, Max. 647. H

Generalibus specialia derogant. Special things take from generals. Halk. Lat. Max. 51. I

Generalis clausula non porrigitur ad ea quæ antea specialiter sunt comprehensa. A general clause does not extend to those things which are previously provided for specially. 8 Coke, 154b. Therefore, where a deed at the first contains special words, and afterwards concludes in general words, both words, as well general as special, shall stand. J

Generalis regula generaliter est intelligenda. A general rule is to be understood generally. 6 Coke, 65. K

GENERALS OF ORDERS. Chiefs of the several orders of monks, friars, and other religious societies. L

GENERATIO. The issue or offspring of a mother-monastery. Cowell. M

GENEROSA. Gentlewoman. Cowell; 2 Inst. 668.

GENEROSI FILIUS. The son of a gentleman. Generally abbreviated "*gen. fil.*"

GENEROSUS. Gentleman; a gentleman. Spelman.

GENICULUM. A degree of consanguinity. Spelman.

GENS. In Roman law. A tribe or clan; a group of families, connected by common descent and bearing the same name, being all free-born and of free ancestors, and in possession of full civic rights.

GENTES. People. *Contra omnes gentes*, against all people. Bract. fol. 37b. Words used in the clause of warranty in old deeds.

GENTILES. In Roman law. The members of a *gens* or common tribe.

GENTLEMAN. In English law. A person of superior birth.

Under the denomination of "gentlemen" are comprised all above yeoman; whereby noblemen are truly called "gentlemen." Smith de Rep. Ang. lib. 1, cc. 20, 21.

A "gentleman" is defined to be one who, without any title, bears a coat of arms, or whose ancestors have been freemen; and, by the coat that a gentleman giveth, he is known to be, or not to be, descended from those of his name that lived many hundred years since. Jacob.

GENTLEMAN USHER. One who holds a post at court to usher others to the presence, etc.

GENTLEWOMAN. A woman of birth above the common, or equal to that of a gentleman; an addition of a woman's state or degree.

GENTOO LAW. See HINDU LAW.

GENUINE. This term, when used with reference to a note, imports nothing in regard to the collectibility of the note, or in regard to its legal effect or operation, other than that the note is not false, fictitious, simulated, spurious, counterfeit, or, in short, that the apparent maker did make and deliver the note offered for sale. 37 N. Y. 487.

GENUS. In the civil law. A general class or division, comprising several species. *In toto jure generi per speciem derogatur, et illud potissimum habetur quod ad spectem directum est*, throughout the law, the species takes from the genus, and that is most particularly regarded which refers to the species. Dig. 50, 17, 80.

A man's lineage, or direct descendants.

In logic, it is the first of the universal ideas, and is when the idea is so common that it extends to other ideas which are also universal; e. g., incorporeal hereditament is *genus* with respect to a *rent*, which is *species*. Woolley, Introd. Log. 45; 1 Mill, Log. 133.

GEOPONICS. The science of cultivating the ground; agriculture.

GEORGE-NOBLE. A gold coin, value 6s. 8d.

GERECHTSBODE. In old New York law. A court messenger or constable. O'Callaghan, New Neth. 322.

GEREFA. In Saxon law. Greve, reve, or reeve; a ministerial officer of high antiquity in England; answering to the *grave* or *graf* (*grafio*) of the early continental nations. The term was applied to various grades of officers, from the *scyrc-gerefa*, *shire-grefe*, or *shire-reeve*, who had charge of the county, (and whose title and office have been perpetuated in the modern "sheriff,") down to the *tun-gerefa*, or town-reeve, and lower. Burrill.

GERENS. Bearing. *Gerens datum*, bearing date. 1 Id. Raym. 336; Hob. 19.

GERMAN. Whole, full, or own, in respect to relationship or descent. Brothers-german, as opposed to half-brothers, are those who have both the same father and mother. Cousins-german are "first" cousins; that is, children of brothers or sisters.

GERMANUS. Descended of the same stock, or from the same couple of ancestors; of the whole or full blood. Mackeld. Rom. Law, § 145.

GERMEN TERRÆ. A sprout of the earth. A young tree, so called.

GERONTOCOMI. In the civil law. Officers appointed to manage hospitals for the aged poor.

GERONTOCOMIUM. In the civil law. An institution or hospital for taking care of the old. Cod. 1, 3, 46, 1; Calvin.

GERSUMARIUS. Finable; liable to be amerced at the discretion of the lord of a manor. Cowell.

GERSUME. In old English law. Expense; reward; compensation; wealth. It is also used for a fine or compensation for an offense. 2 Mon. Angl. 973.

GEST. In Saxon law. A guest. A name given to a stranger on the *second night*

of his entertainment in another's house. *Two-night gest.*

GESTATION, UTERO-GESTATION. In medical jurisprudence. The time during which a female, who has conceived, carries the embryo or *fœtus* in her *uterus*.

GESTIO. In the civil law. Behavior or conduct.

Management or transaction. *Negotiorum gestio*, the doing of another's business; an interference in the affairs of another in his absence, from benevolence or friendship, and without authority. Dig. 3, 5, 45; Id. 46, 3, 12, 4; 2 Kent, Comm. 616, note.

GESTIO PRO HÆREDE. Behavior as heir. This expression was used in the Roman law, and adopted in the civil law and Scotch law, to denote conduct on the part of a person appointed heir to a deceased person, or otherwise entitled to succeed as heir, which indicates an intention to enter upon the inheritance, and to hold himself out as heir to creditors of the deceased; as by receiving the rents due to the deceased, or by taking possession of his title-deeds, etc. Such acts will render the heir liable to the debts of his ancestor. Mozley & Whitley.

GESTOR. In the civil law. One who acts for another, or transacts another's business. Calvin.

GESTU ET FAMA. An ancient and obsolete writ resorted to when a person's good behavior was impeached. Lamb. Eir. 1. 4, c. 14.

GESTUM. Lat. In Roman law. A deed or act; a thing done. Some writers affected to make a distinction between "*gestum*" and "*factum*." But the best authorities pronounced this subtle and indefensible. Dig. 50, 16, 58.

GEVILLOURIS. In old Scotch law. Gaolers. 1 Pitt. Crim. Tr. pt. 2, p. 234.

GEWINEDA. In Saxon law. The ancient convention of the people to decide a cause.

GEWITNESSA. In Saxon and old English law. The giving of evidence.

GEWRITE. In Saxon law. Deeds or charters; writings. 1 Reeve, Eng. Law, 10.

GIBBET. A gallows; the post on which malefactors are hanged, or on which their bodies are exposed. It differs from a common gallows, in that it consists of one per-

pendicular post, from the top of which proceeds one arm, except it be a double gibbet, which is formed in the shape of the Roman capital T. Enc. Lond.

GIFT. A voluntary conveyance of land, or transfer of goods, from one person to another, made gratuitously, and not upon any consideration of blood or money. 2 Bl. Comm. 440; 2 Steph. Comm. 102; 2 Kent, Comm. 437.

A gift is a transfer of personal property, made voluntarily and without consideration. Civil Code Cal. § 1146.

In popular language, a voluntary conveyance or assignment is called a "deed of gift."

"Gift" and "advancement" are sometimes used interchangeably as expressive of the same operation. But, while an advancement is always a gift, a gift is very frequently not an advancement. 3 Brewst. 314.

In English law. A conveyance of lands in tail; a conveyance of an estate tail in which the operative words are "I give," or "I have given." 2 Bl. Comm. 316; 1 Steph. Comm. 473.

GIFT ENTERPRISE. A scheme for the division or distribution of certain articles of property, to be determined by chance, among those who have taken shares in the scheme. The phrase has attained such a notoriety as to justify a court in taking judicial notice of what is meant and understood by it. 81 Ind. 17; 106 Mass. 422. H

GIFTA AQUÆ. The stream of water to a mill. Mon. Angl. tom. 8.

GIFTOMAN. In Swedish law. The right to dispose of a woman in marriage; or the person possessing such right,—her father, if living, or, if he be dead, the mother. I

GILD. In Saxon law. A tax or tribute. Spelman. J

A fine, mulct, or amerciamt; a satisfaction or compensation for an injury.

A fraternity, society, or company of persons combined together, under certain regulations, and with the king's license, and so called because its expenses were defrayed by the contributions (*geld, gild*) of its members. Spelman. In other words, a corporation; called, in Latin, "*societas*," "*collegium*," "*fratria*," "*fraternitas*," "*sodalitium*," "*adunatio*;" and, in foreign law, "*gildonia*." Spelman. There were various kinds of these *gilds*, as merchant or commercial *gilds*, religious *gilds*, and others. 3 Turn. Anglo K
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Sax. 98; 3 Steph. Comm. 173, note *u*. See **GILDA MERCATORIA**.

A friborg, or decennary; called, by the Saxons, "*gyldscipes*," and its members, "*gildones*" and "*congildones*." Spelman.

GILD-HALL. See **GUILDHALL**.

GILD-RENT. Certain payments to the crown from any gild or fraternity.

GILDA MERCATORIA. A gild merchant, or merchant gild; a gild, corporation, or company of merchants. 10 Coke, 30.

GILDABLE. In old English law. Taxable, tributary, or contributory; liable to pay tax or tribute. Cowell; Blount.

GILDO. In Saxon law. Members of a *gild* or decennary. Oftener spelled "*congildo*." Du Cange; Spelman.

GILL. A liquid measure, containing one-fourth of a pint.

GILOUR. L. Fr. A cheat or deceiver. Applied in Britton to those who sold false or spurious things for good, as pewter for silver or laton for gold. Britt. c. 15.

GIRANTE. An Italian word, which signifies the drawer of a bill. It is derived from "*girare*," to draw.

GIRTH. In Saxon and old English law. A measure of length, equal to one yard, derived from the girth or circumference of a man's body.

GIRTH AND SANCTUARY. In old Scotch law. An asylum given to murderers, where the murder was committed without any previous design, and in *chaude mella*, or heat of passion. Bell.

GISEMENT. Agistment; cattle taken in to graze at a certain price; also the money received for grazing cattle.

GISER. L. Fr. To lie. *Gist en le bouche*, it lies in the mouth. *Le action bien gist*, the action well lies. *Gisant*, lying.

GISETAKER. An agister; a person who takes cattle to graze.

GISLE. A pledge. *Fredgisle*, a pledge of peace. *Gislebert*, an illustrious pledge.

GIST. In pleading. The essential ground or object of the action in point of law, without which there would be no cause of action. Gould, Pl. c. 4, § 12; 19 Vt. 102.

The gist of an action is the cause for which an action will lie; the ground or foundation of a suit, without which it would not

be maintainable; the essential ground or object of a suit, and without which there is not a cause of action. 101 Ill. 394.

GIVE. A term used in deeds of conveyance. At common law, it implied a covenant for quiet enjoyment. 2 Hil. Real Prop. 366.

In their ordinary and familiar signification, the words "sell" and "give" have not the same meaning, but are commonly used to express different modes of transferring the right to property from one person to another. "To sell" means to transfer for a valuable consideration, while "to give" signifies to transfer gratuitously, without any equivalent. 14 Md. 184.

"GIVE AND BEQUEATH." These words, in a will, import a benefit in point of right, to take effect upon the decease of the testator and proof of the will, unless it is made in terms to depend upon some contingency or condition precedent. 9 Cush. 519; 83 Conn. 297; 8 Wheat. 538.

GIVE BAIL. To furnish or put in bail or security for one's appearance.

GIVE COLOR. To admit an apparent or colorable right in the opposite party. See **COLOR**.

GIVER. A donor; he who makes a gift.

GIVING IN PAYMENT. In Louisiana law. A phrase (translating the Fr. "*dation en payement*") which signifies the delivery and acceptance of real or personal property in satisfaction of a debt, instead of a payment in money. See Civil Code La. art. 2655.

GIVING RINGS. A ceremony anciently performed in England by serjeants at law at the time of their appointment. The rings were inscribed with a motto, generally in Latin.

GIVING TIME. The act of a creditor in extending the time for the payment or satisfaction of a claim beyond the time stipulated in the original contract. If done without the consent of the surety, indorser, or guarantor, it discharges him.

GLADIOLUS. A little sword or dagger; a kind of sedge. Mat. Paris.

GLADIUS. Lat. A sword. An ancient emblem of defense. Hence the ancient earls or *comites* (the king's attendants, advisers, and associates in his government) were made by being girt with swords, (*gladio succincti*.)

The emblem of the executory power of the law in punishing crimes. 4 Bl. Comm. 177.

In old Latin authors, and in the Norman laws, this word was used to signify supreme jurisdiction, (*ius gladii*.)

GLAIVE. A sword, lance, or horseman's staff. One of the weapons allowed in a trial by combat.

GLANS. In the civil law. Acorns or nuts of the oak or other trees. In a larger sense, all fruits of trees.

GLASS-MEN. A term used in St. 1 Jac. I. c. 7, for wandering rogues or vagrants.

GLAVEA. A hand dart. Cowell.

GLEANING. The gathering of grain after reapers, or of grain left ungathered by reapers. Held not to be a right at common law. 1 H. Bl. 51.

GLEBA. A turf, sod, or clod of earth. The soil or ground; cultivated land in general. Church land, (*solum et dos ecclesiæ*.) Spelman. See GLEBE.

GLEBÆ ASCRIPTITII. Villein-socmen, who could not be removed from the land while they did the service due. Bract. c. 7; 1 Reeve, Eng. Law, 269.

GLEBARIÆ. Turfs dug out of the ground. Cowell.

GLEBE. In ecclesiastical law. The land possessed as part of the endowment or revenue of a church or ecclesiastical benefice.

In Roman law. A clod; turf; soil. Hence, the soil of an inheritance; an agrarian estate. *Servi addicti glebæ* were serfs attached to and passing with the estate. Cod. 11, 47, 7, 21; Nov. 54, 1.

GLISCYWA. In Saxon law. A fraternity.

GLOMERELLS. Commissioners appointed to determine differences between scholars in a school or university and the townsmen of the place. Jacob.

GLOS. Lat. In the civil law. A husband's sister. Dig. 38, 10, 4, 6.

GLOSS. An interpretation, consisting of one or more words, interlinear or marginal; an annotation, explanation, or comment on any passage in the text of a work, for purposes of elucidation or amplification. Particularly applied to the comments on the *Corpus Juris*.

GLOSSA. A gloss, explanation, or interpretation. The *glossæ* of the Roman law are

brief illustrative comments or annotations on the text of Justinian's collections, made by the professors who taught or lectured on them about the twelfth century, (especially at the law school of Bologna,) and were hence called "*glossators*." These glosses were at first inserted in the text with the words to which they referred, and were called "*glossæ interlineares*;" but afterwards they were placed in the margin, partly at the side, and partly under the text, and called "*glossæ marginales*." A selection of them was made by Accursius, between A. D. 1220 and 1260, under the title of "*Glossa Ordinaria*," which is of the greatest authority. Mackeld. Rom. Law, § 90.

Glossa viperina est quæ corrodit viscera textus. 11 Coke, 34. It is a poisonous gloss which corrupts the essence of the text.

GLOSSATOR. In the civil law. A commentator or annotator. A term applied to the professors and teachers of the Roman law in the twelfth century, at the head of whom was Irnerius. Mackeld. Rom. Law, § 90.

GLOUCESTER, STATUTE OF. The statute is the 6 Edw. I. c. 1, A. D. 1278. It takes its name from the place of its enactment, and was the first statute giving costs in actions.

GLOVE SILVER. Extraordinary rewards formerly given to officers of courts, etc.; money formerly given by the sheriff of a county in which no offenders are left for execution to the clerk of assize and judges' officers. Jacob.

GLOVES. It was an ancient custom on a maiden assize, when there was no offender to be tried, for the sheriff to present the judge with a pair of white gloves. It is an immemorial custom to remove the glove from the right hand on taking oath. Wharton.

GLYN. A hollow between two mountains; a valley or glen. Co. Litt. 5b.

GO. To be dismissed from a court. To issue from a court. "The court said a *mandamus* must *go*." 1 W. Bl. 50. "Let a *supersedeas go*." 5 Mod. 421. "The writ may *go*." 18 C. B. 35.

This word, in a statutory provision that property "shall *go* to the survivor," etc., is to be construed as equivalent to *vest*.

GO BAIL. To assume the responsibility of a surety on a bail-bond.

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GO TO PROTEST. Commercial paper is said to "go to protest" when it is dishonored by non-payment or non-acceptance and is handed to a notary for protest.

GO WITHOUT DAY. Words used to denote that a party is dismissed the court. He is said to go without day, because there is no day appointed for him to appear again.

GOAT, GOTE. In old English law. A contrivance or structure for draining waters out of the land into the sea. Callis describes *goats* as "usual engines erected and built with portcullises and doors of timber and stone or brick, invented first in Lower Germany." Callis, *Sewers*, (91,) 112, 113. Cowell defines "gote," a ditch, sewer, or gutter.

GOD AND MY COUNTRY. The answer made by a prisoner, when arraigned, in answer to the question, "How will you be tried?" In the ancient practice he had the choice (as appears by the question) whether to submit to the trial by ordeal (by God) or to be tried by a jury, (by the country;) and it is probable that the original form of the answer was, "By God or my country," whereby the prisoner averred his innocence by declining neither of the modes of trial.

GOD-BOTE. An ecclesiastical or church fine paid for crimes and offenses committed against God. Cowell.

GOD-GILD. That which is offered to God or his service. Jacob.

GOD'S ACRE. A churchyard.

GOD'S PENNY. In old English law. Earnest-money; money given as evidence of the completion of a bargain. This name is probably derived from the fact that such money was given to the church or distributed in alms.

GOGING-STOLE. An old form of the word "cucking-stool," (*q. v.*) Cowell.

GOING CONCERN. A firm or corporation which, though embarrassed or even insolvent, continues to transact its ordinary business. 30 Fed. Rep. 865.

GOING OFF LARGE. This is a nautical phrase, and signifies having the wind free on either tack. 1 Newb. Adm. 8, 26; 6 McLean, 152, 170.

A vessel, in nautical technicality, "is going off large" when the wind blows from some point "abaft the beam;" is going "before the wind" when the wind is "free," comes over the stern, and the yards of the

ship are braced square across. 1 Newb. Adm. 115.

GOING THROUGH THE BAR. The act of the chief of an English common-law court in demanding of every member of the bar, in order of seniority, if he has anything to move. This was done at the sitting of the court each day in term, except special paper days, crown paper days in the queen's bench, and revenue paper days in the exchequer. On the last day of term this order is reversed, the first and second time round. In the exchequer the postman and tubman are first called on. Wharton.

GOING TO THE COUNTRY. When a party, under the common-law system of pleading, finished his pleading by the words "and of this he puts himself upon the country," this was called "going to the country." It was the essential termination to a pleading which took issue upon a material fact in the preceding pleading. Wharton.

GOING WITNESS. One who is about to take his departure from the jurisdiction of the court, although only into a state or country under the general sovereignty; as from one to another of the United States, or from England to Scotland.

GOLDA. A mine. Blount. A sink or passage for water. Cowell.

GOLDSMITHS' NOTES. Bankers' cash notes (*i. e.*, promissory notes given by a banker to his customers as acknowledgments of the receipt of money) were originally called in London "goldsmiths' notes." from the circumstance that all the banking business in England was originally transacted by goldsmiths. Wharton.

GOLDWIT. A mulct or fine in gold.

GOLIARDUS. L. Lat. A jester, buffoon, or juggler. Spelman, *voc.* "Goliardensis."

GOMASHTAH. In Hindu law. An agent; a steward; a confidential factor; a representative.

GOOD. 1. Valid; sufficient in law; effectual; unobjectionable.

2. Responsible; solvent; able to pay an amount specified.

3. Of a value corresponding with its terms; collectible. A note is said to be "good" when the payment of it at maturity may be relied on.

Writing the word "Good" across the face of a check is the customary mode in which bankers at

the present day certify that the drawer has funds to meet it, and that it will be paid on presentation for that purpose.

GOOD ABEARING. See **ABEARANCE.**

GOOD AND LAWFUL MEN. Those who are not disqualified for service on juries by non-age, alienage, infamy, or lunacy, and who reside in the county of the venue.

GOOD AND VALID. Reliable, sufficient, and unimpeachable in law; adequate; responsible. See **GOOD.**

GOOD BEHAVIOR. Orderly and lawful conduct; behavior such as is proper for a peaceable and law-abiding citizen. Surety of good behavior may be exacted from any one who manifests an intention to commit crime or is otherwise reasonably suspected of a criminal design.

GOOD CONSIDERATION. As distinguished from *valuable* consideration, a consideration founded on motives of generosity, prudence, and natural duty; such as natural love and affection.

GOOD COUNTRY. In Scotch law. Good men of the country. A name given to a jury.

GOOD FAITH. Good faith consists in an honest intention to abstain from taking any unconscientious advantage of another, even through the forms or technicalities of law, together with an absence of all information or belief of facts which would render the transaction unconscientious. Civil Code Dak. § 2105; 1 Dak. 399, 46 N. W. Rep. 1132.

As to a purchaser in good faith, see **BONA FIDE PURCHASER.**

GOOD JURY. A jury of which the members are selected from the list of special jurors. See L. R. 5 C. P. 155.

GOOD TITLE. This means such a title as a court of chancery would adopt as a sufficient ground for compelling specific performance, and such a title as would be a good answer to an action of ejectment by any claimant. 6 Exch. 373. See, also, 23 Barb. 370.

GOOD-WILL. The custom or patronage of any established trade or business; the benefit or advantage of having established a business and secured its patronage by the public.

The advantage or benefit which is acquired by an establishment, beyond the mere value of the capital, stocks, funds, or property em-

ployed therein, in consequence of the general public patronage and encouragement which it receives from constant or habitual customers, on account of its local position, or common celebrity, or reputation for skill or affluence or punctuality, or from other accidental circumstances or necessities, or even from ancient partialities or prejudices. Story, Partn. § 99; 33 Cal. 624.

The good-will of a business is the expectation of continued public patronage, but it does not include a right to use the name of any person from whom it was acquired. Civil Code Cal. § 992; Civil Code Dak. § 577.

The term "good-will" does not mean simply the advantage of occupying particular premises which have been occupied by a manufacturer, etc. It means every advantage, every positive advantage, that has been acquired by a proprietor in carrying on his business, whether connected with the premises in which the business is conducted, or with the name under which it is managed, or with any other matter carrying with it the benefit of the business. 61 N. Y. 226.

GOODRIGHT, GOODTITLE. The fictitious plaintiff in the old action of ejectment, most frequently called "John Doe," was sometimes called "Goodright" or "Goodtitle."

GOODS. In contracts. The term "goods" is not so wide as "chattels," for it applies to inanimate objects, and does not include animals or chattels real, as a lease for years of house or land, which "chattels" does include. Co. Litt. 118; 1 Russ. 376.

In wills. In wills "goods" is *nomen generalissimum*, and, if there is nothing to limit it, will comprehend all the personal estate of the testator, as stocks, bonds, notes, money, plate, furniture, etc. 1 Atk. 180-182.

GOODS AND CHATTELS. This phrase is a general denomination of personal property, as distinguished from real property; the term "chattels" having the effect of extending its scope to any objects of that nature which would not properly be included by the term "goods" alone, *e. g.*, living animals, emblements, and fruits, and terms under leases for years. The general phrase also embraces choses in action, as well as personalty in possession.

In wills. The term "goods and chattels" will, unless restrained by the context, pass all the personal estate, including leases for years, cattle, corn, debts, and the like. Ward, Leg. 208, 211.

GOODS SOLD AND DELIVERED. A phrase frequently used in the action of *as-*

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sumpsit, when the sale and delivery of goods furnish the cause.

"GOODS, WARES, AND MERCHANDISE." A general and comprehensive designation of such chattels as are ordinarily the subject of traffic and sale. The phrase is used in the statute of frauds, and is frequently found in pleadings and other instruments. As to its scope, see 20 Pick. 9; 118 Mass. 285; 2 Mason, 407; 2 Sum. 362; 4 Blatchf. 136; 20 Mich. 357; 6 Wend. 355; 40 Ind. 593; Dudley, 28; 55 Iowa, 520, 8 N. W. Rep. 334; 2 Pars. Cont. 330; Benj. Sales, 111; 2 Kent, Comm. 510, note.

GOOLE. In old English law. A breach in a bank or sea wall, or a passage worn by the flux and reflux of the sea. St. 16 & 17 Car. II. c. 11.

GORCE, or GORS. A wear, pool, or pit of water. *Termes de la Ley*.

GORE. A small, narrow slip of ground. Cowell.

GOSSIPRED. In canon law. Com-paternity; spiritual affinity.

GOUT. In medical jurisprudence. An inflammation of the fibrous and ligamentous parts of the joints.

GOVERNMENT. 1. The regulation, restraint, supervision, or control which is exercised upon the individual members of an organized jural society by those invested with the supreme political authority, for the good and welfare of the body politic; or the act of exercising supreme political power or control.

2. The system of polity in a state; that form of fundamental rules and principles by which a nation or state is governed, or by which individual members of a body politic are to regulate their social actions; a constitution, either written or unwritten, by which the rights and duties of citizens and public officers are prescribed and defined, as a monarchical government, a republican government, etc. Webster.

3. An empire, kingdom, state, or independent political community; as in the phrase, "Compacts between independent governments."

4. The sovereign or supreme power in a state or nation.

5. The machinery by which the sovereign power in a state expresses its will and exercises its functions; or the framework of political institutions, departments, and offices,

by means of which the executive, judicial, legislative, and administrative business of the state is carried on.

6. The whole class or body of office-holders or functionaries considered in the aggregate, upon whom devolves the executive, judicial, legislative, and administrative business of the state.

7. In a colloquial sense, the United States, or its representatives, considered as the prosecutor in a criminal action; as in the phrase, "the government objects to the witness."

We understand, in modern political science, by "state," in its widest sense, an independent society, acknowledging no superior, and by the term "government," that institution or aggregate of institutions by which that society makes and carries out those rules of action which are necessary to enable men to live in a social state, or which are imposed upon the people forming that society by those who possess the power or authority of prescribing them. "Government" is the aggregate of authorities which rule a society. By "administration," again, we understand in modern times, and especially in more or less free countries, the aggregate of those persons in whose hands the reins of government are for the time being, (the chief ministers or heads of departments.) But the terms "state," "government," and "administration" are not always used in their strictness. The government of a state being its most prominent feature, which is most readily perceived, "government" has frequently been used for "state;" and the publicists of the last century almost always used the term "government," or "form of government," when they discussed the different political societies or states. On the other hand, "government" is often used, to this day, for "administration," in the sense in which it has been explained. Bouvier.

GOVERNMENT ANNUITIES SOCIETIES. These societies are formed in England under 3 & 4 Wm. IV. c. 14, to enable the industrious classes to make provisions for themselves by purchasing, on advantageous terms, a government annuity for life or term of years. By 16 & 17 Vict. c. 45, this act, as well as 7 & 8 Vict. c. 83, amending it, were repealed, and the whole law in relation to the purchase of government annuities, through the medium of savings banks, was consolidated. And by 27 & 28 Vict. c. 43, additional facilities were afforded for the purchase of such annuities, and for assuring payments of money on death. Wharton.

GOVERNMENT DE FACTO. A government of fact. A government actually exercising power and control in the state, as opposed to the true and lawful government; a government not established according to the constitution of the state, or not lawfully entitled to recognition or supremacy, but which

has nevertheless supplanted or displaced the government *de jure*.

A government deemed unlawful, or deemed wrongful or unjust, which, nevertheless, receives presently habitual obedience from the bulk of the community. Aust. Jur. 324.

There are several degrees of what is called "*de facto* government."

Such a government, in its highest degree, assumes a character very closely resembling that of a lawful government. This is when the usurping government expels the regular authorities from their customary seats and functions, and establishes itself in their place, and so becomes the actual government of a country. The distinguishing characteristic of such a government is that adherents to it in war against the government *de jure* do not incur the penalties of treason; and, under certain limitations, obligations assumed by it in behalf of the country or otherwise will, in general, be respected by the government *de jure* when restored.

But there is another description of government, called also by publicists a "government *de facto*," but which might, perhaps, be more aptly denominated a "government of paramount force." Its distinguishing characteristics are (1) that its existence is maintained by active military power, within the territories, and against the rightful authority, of an established and lawful government; and (2) that, while it exists, it must necessarily be obeyed in civil matters by private citizens who, by acts of obedience, rendered in submission to such force, do not become responsible, as wrong-doers, for those acts, though not warranted by the laws of the rightful government. Actual governments of this sort are established over districts differing greatly in extent and conditions. They are usually administered directly by military authority, but they may be administered, also, by civil authority, supported more or less by military force. 8 Wall. 8, 9.

The term "*de facto*," as descriptive of a government, has no well-fixed and definite sense. It is, perhaps, most correctly used as signifying a government completely, though only temporarily, established in the place of the lawful or regular government, occupying its capitol, and exercising its power, and which is ultimately overthrown, and the authority of the government *de jure* re-established. 42 Miss. 651, 703.

A government *de facto* is a government that unlawfully gets the possession and control of the rightful legal government, and maintains itself there, by force and arms, against the will of such legal government, and claims to exercise the powers thereof. 43 Ala. 204.

GOVERNMENT DE JURE. A government of right; the true and lawful government; a government established according to the constitution of the state, and lawfully entitled to recognition and supremacy and the administration of the state, but which is actually cut off from power or control.

A government deemed lawful, or deemed rightful or just, which, nevertheless, has been supplanted or displaced; that is to say, which

receives not presently (although it received formerly) habitual obedience from the bulk of the community. Aust. Jur. 324.

GOVERNOR. The title of the chief executive in each of the states and territories of the United States; and also of the chief magistrate of some colonies, provinces, and dependencies of other nations.

GRACE. This word is commonly used in contradistinction to "right." Thus, in St. 22 Edw. III., the lord chancellor was instructed to take cognizance of matters of grace, being such subjects of equity jurisdiction as were exclusively matters of equity. Brown.

A faculty, license, or dispensation; also general and free pardon by act of parliament. See ACT OF GRACE.

GRACE, DAYS OF. Time of indulgence granted to an acceptor or maker for the payment of his bill of exchange or note. It was originally a gratuitous favor, (hence the name,) but custom has rendered it a legal right.

GRADATIM. In old English law. By degrees or steps; step by step; from one degree to another. Bract. fol. 64.

GRADIENT. Moving step by step; a grade; the deviation of rail ways from a level surface to an inclined plane.

GRADUATES. Scholars who have taken a degree in a college or university. **H**

GRADUS. In the civil and old English law. A measure of space. A degree of relationship. **I**

A step or degree generally; *e. g.*, *gradus honorum*, degrees of honor. Vicat. A pulpit; a year; a generation. Du Cange.

A port; any place where a vessel can be brought to land. Du Cange. **J**

GRADUS PARENTELÆ. A pedigree; a table of relationship.

GRAFFARIUS. In old English law. A graffer, notary, or scrivener. St. 5 Hen. VIII. c. 1. **K**

GRAFFER. A notary or scrivener. See St. 5 Hen. VIII. c. 1. The word is a corruption of the French "*greffier*," (*q. v.*) **L**

GRAFFIUM. A writing-book, register, or cartulary of deeds and evidences. Cowell.

GRAFIO. A baron, inferior to a count. A fiscal judge. An advocate. Spelman; Cowell. **M**

GRAFT. A term used in equity to denote the confirmation, by relation back, of the right of a mortgagee in premises to which, at the making of the mortgage, the mortgagor had only an imperfect title, but to which the latter has since acquired a good title.

GRAIL. A gradual, or book containing some of the offices of the Romish Church.

A chalice; a broad dish or vessel. The holy grail was the vessel out of which our Lord was believed to have eaten at the Last Supper. Cowell.

GRAIN. In Troy weight, the twenty-fourth part of a pennyweight. Any kind of corn sown in the ground.

GRAINAGE. An ancient duty in London under which the twentieth part of salt imported by aliens was taken.

GRAMMAR SCHOOL. In England, this term designates a school in which such instruction is given as will prepare the student to enter a college or university, and in this sense the phrase was used in the Massachusetts colonial act of 1647, requiring every town containing a hundred householders to set up a "grammar school." See 103 Mass. 97. But in modern American usage the term denotes a school, intermediate between the primary school and the high school, in which English grammar and other studies of that grade are taught.

Grammatica falsa non vitiat chartam. 9 Coke, 48. False grammar does not vitiate a deed.

GRAMMATOPHYLACIUM. (Græco-Lat.) In the civil law. A place for keeping writings or records. Dig. 48, 19, 9, 6.

GRAMME. The unit of weight in the metric system. The gramme is the weight of a cubic centimeter of distilled water at the temperature of 4° C. It is equal to 15.4341 grains troy, or 5.6481 drachms' avoirdupois.

GRANATARIUS. In old English law. An officer having charge of a granary. Fleta, lib. 2, c. 82, § 1; Id. c. 84.

GRAND ASSIZE. A peculiar species of trial by jury, introduced in the time of Henry II., giving the tenant or defendant in a writ of right the alternative of a trial by battle, or by his peers. Abolished by 3 & 4 Wm. IV. c. 42, § 13. See 3 Bl. Comm. 341.

GRAND BILL OF SALE. In English law. The name of an instrument used for the transfer of a ship while she is at sea.

An expression which is understood to refer to the instrument whereby a ship was originally transferred from the builder to the owner, or first purchaser. 3 Kent, Comm. 133.

GRAND CAPE. In practice. A judicial writ in the old real actions, which issued for the demandant where the tenant, after being duly summoned, neglected to appear on the return of the writ, or to cast an essoin, or, in case of an essoin being cast, neglected to appear on the adjournment day of the essoin; its object being to compel an appearance. Rosc. Real Act. 165, et seq. It was called a "cape," from the word with which it commenced, and a "grand cape" (or *cape magnum*) to distinguish it from the *petit cape*, which lay after appearance.

GRAND COUTUMIER. A collection of customs, laws, and forms of procedure in use in early times in France. See **COUTUMIER**.

GRAND DAYS. In English practice. Certain days in the terms, which are solemnly kept in the inns of court and chancery, viz., Candlemas day in Hilary term, Ascension day in Easter, St. John the Baptist's day in Trinity, and All Saints in Michaelmas; which are *redies non juridici*. Termes de la Ley; Cowell; Blount. They are days set apart for peculiar festivity; the members of the respective inns being on such occasions regaled at their dinner in the hall, with more than usual sumptuousness. Holthouse.

GRAND DISTRESS, WRIT OF. A writ formerly issued in the real action of *quare impedit*, when no appearance had been entered after the attachment; it commanded the sheriff to distrain the defendant's lands and chattels in order to compel appearance. It is no longer used, 23 & 24 Vict. c. 126, § 26, having abolished the action of *quare impedit*, and substituted for it the procedure in an ordinary action. Whar-ton.

GRAND JURY. A jury of inquiry, consisting of from twelve to twenty-three men, who are summoned and returned by the sheriff to each session of the criminal courts, and whose duty is to receive complaints and accusations in criminal cases, hear the evidence adduced on the part of the state, and find bills of indictment in cases where they are satisfied a trial ought to be had. They are first sworn, and instructed by the court. This is called a "grand jury" because it com-

prises a greater number of jurors than the ordinary trial jury or "petit jury."

GRAND LARCENY. In criminal law. In England, simple larceny was originally divided into two sorts,—*grand* larceny, where the value of the goods stolen was above twelve pence, and *petit* larceny, where their value was equal to or below that sum. 4 Bl. Comm. 229. The distinction was abolished in England by St. 7 & 8 Geo. IV. c. 29. and is not generally recognized in the United States.

GRAND SERJEANTY. A species of tenure *in capite*, resembling knight-service, as the service or render was of a free and honorable nature and military in its character. But the tenant by grand serjeanty was bound, instead of attending the king generally in his wars, to do some special honorary service to the king in person, as to carry his banner or sword, or to be his butler or champion at his coronation. Litt. § 153; 2 Bl. Comm. 73; 1 Steph. Comm. 188.

GRANDCHILD. The child of one's child.

GRANDFATHER. The father of either of one's parents.

GRANDMOTHER. The mother of either of one's parents.

GRANGE. A farm furnished with barns, granaries, stables, and all conveniences for husbandry. Co. Litt. 5a.

GRANGEARIUS. A keeper of a grange or farm.

GRANGIA. A grange. Co. Litt. 5a.

GRANT. A generic term applicable to all transfers of real property. 3 Washb. Real Prop. 181, 353.

A transfer by deed of that which cannot be passed by livery. Williams, Real Prop. 147, 149.

An act evidenced by letters patent under the great seal, granting something from the king to a subject. Cruise, Dig. tit. 33, 34.

A technical term made use of in deeds of conveyance of lands to import a transfer. 3 Washb. Real Prop. 378-380.

Though the word "grant" was originally made use of, in treating of conveyances of interests in lands, to denote a transfer by deed of that which could not be passed by livery, and, of course, was applied only to incorporeal hereditaments, it has now become a gen-

eric term, applicable to the transfer of all classes of real property. 3 Washb. Real Prop. 181.

As distinguished from a mere license, a grant passes some estate or interest, corporeal or incorporeal, in the lands which it embraces; can only be made by an instrument in writing, under seal; and is irrevocable, when made, unless an express power of revocation is reserved. A license is a mere authority; passes no estate or interest whatever; may be made by parol; is revocable at will; and, when revoked, the protection which it gave ceases to exist. 3 Duer, 255, 258.

The term "grant," in Scotland, is used in reference (1) to original dispositions of land, as when a lord makes grants of land among tenants; (2) to gratuitous deeds. Paterson. In such case, the superior or donor is said to grant the deed; an expression totally unknown in English law. Mozley & Whitley.

By the word "grant," in a treaty, is meant not only a formal grant, but any concession, warrant, order, or permission to survey, possess, or settle, whether written or parol, express, or presumed from possession. Such a grant may be made by law, as well as by a patent pursuant to a law. 12 Pet. 410. See 9 Adol. & E. 532; 5 Mass. 472; 9 Pick. 80.

"GRANT, BARGAIN, AND SELL." Operative words in conveyances of real estate.

GRANT OF PERSONAL PROPERTY. A method of transferring personal property, distinguished from a gift by being always founded on some consideration or equivalent. 2 Bl. Comm. 440, 441. Its proper legal designation is an "assignment," or "bargain and sale." 2 Steph. Comm. 102. H

GRANT TO USES. The common grant with uses superadded, which has become the favorite mode of transferring realty in England. Wharton. I

GRANTEE. The person to whom a grant is made. J

GRANTOR. The person by whom a grant is made. K

GRANTZ. In old English law. Noblemen or grandees. Jacob. L

GRASS HEARTH. In old records. The grazing or turning up the earth with a plow. The name of a customary service for inferior tenants to bring their plows, and doone day's work for their lords. Cowell. M

GRASS WEEK. Rogation week, so called anciently in the inns of court and chancery.

GRASS WIDOW. A slang term for a woman separated from her husband by abandonment or prolonged absence; a woman living apart from her husband. Webster.

GRASSON, or GRASSUM. A fine paid upon the transfer of a copyhold estate.

GRATIFICATION. A gratuity; a recompense or reward for services or benefits, given voluntarily, without solicitation or promise.

GRATIS. Freely; gratuitously; without reward or consideration.

GRATIS DICTUM. A voluntary assertion; a statement which a party is not legally bound to make, or in which he is not held to precise accuracy. 2 Kent, Comm. 486; 6 Metc. (Mass.) 260.

GRATUITOUS. Without valuable or legal consideration. A term applied to deeds of conveyance.

In old English law. Voluntary; without force, fear, or favor. Bract. fols. 11, 17.

GRATUITOUS CONTRACT. In the civil law. One which tends wholly to the benefit or advantage of one of the parties, without any compensation, profit, or gain moving to the other.

GRATUITOUS DEEDS. Instruments made without binding consideration.

GRAVA. In old English law. A grove; a small wood; a coppice or thicket. Co. Litt. 4b.

A thick wood of high trees. Blount.

GRAVAMEN. The burden or gist of a charge; the grievance or injury specially complained of.

In English ecclesiastical law. A grievance complained of by the clergy before the bishops in convocation.

GRAVATIO. An accusation or impeachment. Leg. Ethel. c. 19.

GRAVE. A sepulcher. A place where a dead body is interred.

GRAVIS. Grievous; great. *Ad grave damnum*, to the grievous damage. 11 Coke, 40.

GRAVIUS. A graf; a chief magistrate or officer. A term derived from the more ancient "*grafio*," and used in combination with various other words, as an official title in Germany; as *Margravius*, *Rheingravius*, *Landgravius*, etc. Speiman.

Gravius est divinam quam temporalem lædere majestatem. It is more serious to hurt divine than temporal majesty. 11 Coke, 29.

GRAY'S INN. An inn of court. See INNS OF COURT.

GREAT CATTLE. All manner of beasts except sheep and yearlings. 2 Rolle, 173.

GREAT CHARTER. *Magna Charta*, (q. v.)

GREAT LAW, THE, or "The Body of Laws of the Province of Pennsylvania and Territories thereunto belonging, Past at an Assembly held at Chester, *alias* Upland, the 7th day of the tenth month, called 'December,' 1682." This was the first code of laws established in Pennsylvania, and is justly celebrated for the provision in its first chapter for liberty of conscience. Bouvier.

GREAT SEAL. In English law. A seal by virtue of which a great part of the royal authority is exercised. The office of the lord chancellor, or lord keeper, is created by the delivery of the great seal into his custody. There is one great seal for all public acts of state which concern the United Kingdom. Mozley & Whitley.

GREAT TITHES. In English ecclesiastical law. Tithes of corn, pease and beans, hay and wood. 2 Chit. Bl. Comm. 24, note; 3 Steph. Comm. 127.

GREE. Satisfaction for an offense committed or injury done. Cowell.

GREEK KALENDS. A colloquial expression to signify a time indefinitely remote, there being no such division of time known to the Greeks.

GREEN CLOTH. In English law. A board or court of justice held in the counting-house of the king's (or queen's) household, and composed of the lord steward and inferior officers. It takes its name from the green cloth spread over the board at which it is held. Wharton; Cowell.

GREEN SILVER. A feudal custom in the manor of Writtel, in Essex, where every tenant whose front door opens to Greenbury shall pay a half-penny yearly to the lord, by the name of "green silver" or "rent." Cowell.

GREEN WAX. In English law. The name of the estreats in the exchequer, deliv-

ered to the sheriff under the seal of that court, which was impressed upon green wax.

GREENBACK. The popular and almost exclusive name applied to all United States treasury issues. It is not applied to any other species of paper currency; and, when employed in testimony by way of description, is as certain as the phrase "treasury notes." 23 Ind. 21.

GREENHEW. In forestlaw. The same as *vert*, (*q. v.*) Termes de la Ley.

GREFFIERS. In French law. Registrars, or clerks of the courts. They are officials attached to the courts to assist the judges in their duties. They keep the minutes, write out the judgments, orders, and other decisions given by the tribunals, and deliver copies thereof to applicants.

GREGORIAN CODE. The code or collection of constitutions made by the Roman jurist Gregorius. See *CODEX GREGORIANUS*.

GREGORIAN EPOCH. The time from which the Gregorian calendar or computation dates; *i. e.*, from the year 1582.

GREMIO. In Spanish law. A guild; an association of workmen, artificers, or merchants following the same trade or business; designed to protect and further the interests of their craft.

GREMIUM. Lat. The bosom or breast; hence, derivatively, safeguard or protection. In English law, an estate which is in abeyance is said to be *in gremio legis*; that is, in the protection or keeping of the law.

GRENVILLE ACT. The statute 10 Geo. III. c. 16, by which the jurisdiction over parliamentary election petitions was transferred from the whole house of commons to select committees. Repealed by 9 Geo. IV. c. 22, § 1.

GRESSUME. In English law. A customary fine due from a copyhold tenant on the death of the lord. 1 Strange, 654; 1 Crabb, Real Prop. p. 615, § 778. Called also "*grassum*," and "*grossome*."

GRETNA GREEN MARRIAGE. A marriage celebrated at Gretna, in Dumfries, (bordering on the county of Cumberland,) in Scotland. By the law of Scotland a valid marriage may be contracted by consent alone, without any other formality. When the marriage act (26 Geo. II. c. 33) rendered the publication of banns, or a license, necessary in England, it became usual for persons who

wished to marry clandestinely to go to Gretna Green, the nearest part of Scotland, and marry according to the Scotch law; so a sort of chapel was built at Gretna Green, in which the English marriage service was performed by the village blacksmith. Wharton.

GREVA. In old records. The sea shore, sand, or beach. 2 Mon. Angl. 625; Cowell.

GRIEVED. Aggrieved. 3 East, 22.

GRITH. Peace; protection. Termes de la Ley.

GRITHBRECH. Sax. Breach of the king's peace, as opposed to *frithbrech*, a breach of the nation's peace with other nations.

GRITHSTOLE. Sax. In Saxon law. A seat, chair, or place of peace; a sanctuary; a stone within a church-gate, to which an offender might flee.

GROCER. In old English law. A merchant or trader who *engrossed* all vendible merchandise; an engrosser. St. 37 Edw. III. c. 5. See *ENGROSSER*.

GRONNA. In old records. A deep hollow or pit; a bog or miry place. Cowell.

GROOM OF THE STOLE. In England. An officer of the royal household, who has charge of the king's wardrobe.

GROOM PORTER. Formerly an officer belonging to the royal household. Jacob. H

GROSS. Great; culpable. General. Absolute or entire. A thing *in gross* exists in its own right, and not as an appendage to another thing. I

GROSS ADVENTURE. In maritime law. A loan on bottomry. So named because the lender, in case of a loss, or expense incurred for the common safety, must contribute to the *gross* or general average. J

GROSS AVERAGE. In maritime law. A contribution made by the owners of a ship, its cargo, and the freight, towards the loss sustained by the voluntary and necessary sacrifice of property for the common safety, in proportion to their respective interests. More commonly called "general average," (*q. v.*) See 3 Kent, Comm. 232; 2 Steph. Comm. 179. K

GROSS NEGLIGENCE. In the law of bailment. The want of slight diligence. The want of that care which every man of common sense, how inattentive soever, takes of his own property. The omission of that L
M

care which even inattentive and thoughtless men never fail to take of their own property.

GROSS WEIGHT. The whole weight of goods and merchandise, including the dust and dross, and also the chest or bag, etc., upon which tare and tret are allowed.

GROSSE AVANTURE. Fr. In French marine law. The contract of bottomry. Ord. Mar. liv. 3, tit. 5.

GROSSE BOIS. Timber. Cowell.

GROSSEMENT. L. Fr. Largely, greatly. *Grossement enseint*, big with child. Plowd. 76.

GROSSOME. In old English law. A fine, or sum of money paid for a lease. Plowd. 270, 271. Supposed to be a corruption of *gersuma*, (q. v.) See **GRESSUME**.

GROUND ANNUAL. In Scotch law. An annual rent of two kinds: *First*, the feu duties payable to the lords of erection and their successors; *second*, the rents reserved for building lots in a city, where *sub-feus* are prohibited. This rent is in the nature of a perpetual annuity. Bell.; Ersk. Inst. 11, 3, 52.

GROUND LANDLORD. The grantor of an estate on which a ground-rent is reserved.

GROUND-RENT. A perpetual rent reserved to himself and his heirs, by the grantor of land in fee-simple, out of the land conveyed. It is in the nature of an emphyteutic rent. Also, in English law, rent paid on a building lease.

GROUND WRIT. By the English common-law procedure act, 1852, c. 121, "it shall not be necessary to issue any writ directed to the sheriff of the county in which the venue is laid, but writs of execution may issue at once into any county, and be directed to and executed by the sheriff of any county, whether a county palatine or not, without reference to the county in which the venue is laid, and without any suggestion of the issuing of a prior writ into such county." Before this enactment, a *ca. sa.* or *fi. fa.* could not be issued into a county different from that in which the venue in the action was laid, without first issuing a writ, called a "ground writ," into the latter county, and then another writ, which was called a "*testatum* writ," into the former. The above enactment abolished this useless process. Wharton.

GROUNDAGE. A custom or tribute paid for the standing of shipping in port. Jacob.

GROWING CROP. A crop must be considered and treated as a *growing* crop from the time the seed is deposited in the ground, as at that time the seed loses the qualities of a chattel, and becomes a part of the freehold, and passes with a sale of it. 69 Ala. 435.

Growing crops of grain, and other annual productions raised by cultivation of the earth and industry of man, are personal chattels. Growing trees, fruit, or grass, and other natural products of the earth, are parcel of the land. 1 Denio, 550.

GROWTH HALF-PENNY. A rate paid in some places for the tithe of every fat beast, ox, or other unfruitful cattle. Clayt. 92.

GRUARII. The principal officers of a forest.

GUADIA. In old European law. A pledge. Spelman; Calvin. A custom. Spelman. Spelled also "wadia."

GUARANTEE. He to whom a guaranty is made. This word is also used, as a noun, to denote the contract of guaranty or the obligation of a guarantor, and, as a verb, to denote the action of assuming the responsibilities of a guarantor. But on the general principle of legal orthography,—that the title of the person to whom the action passes over should end in "ee," as "donee," "grantee," "payee," "bailee," "drawee," etc.,—it seems better to use this word only as the correlative of "guarantor," and to spell the verb, and also the name of the contract, "guaranty."

GUARENTIGIO. In Spanish law. A written authorization to a court to enforce the performance of an agreement in the same manner as if it had been decreed upon regular legal proceedings.

GUARANTOR. He who makes a guaranty.

GUARANTY, v. To undertake collaterally to answer for the payment of another's debt or the performance of another's duty, liability, or obligation; to assume the responsibility of a guarantor; to warrant. See **GUARANTY, n.**

GUARANTY, n. A promise to answer for the payment of some debt, or the performance of some duty, in case of the failure of another person, who, in the first instance,

is liable to such payment or performance. Fell, Guar. 1; 3 Kent, Comm. 121; 60 N. Y. 438; 1 Miles, 277.

A guaranty is an undertaking by one person to be answerable for the payment of some debt, or the due performance of some contract or duty, by another person, who himself remains liable to pay or perform the same. Story, Prom. Notes, § 457.

A guaranty is a promise to answer for the debt, default, or miscarriage of another person. Civil Code Cal. § 2787.

A guaranty is a contract that some particular thing shall be done exactly as it is agreed to be done, whether it is to be done by one person or another, and whether there be a prior or principal contractor or not. 27 Conn. 31.

The definition of a "guaranty," by text-writers, is an undertaking by one person that another shall perform his contract or fulfill his obligation, or that, if he does not, the guarantor will do it for him. A guarantor of a bill or note is said to be one who engages that the note shall be paid, but is not an indorser or surety. 72 Ill. 18.

The terms "guaranty" and "suretyship" are sometimes used interchangeably; but they should not be confounded. The contract of a surety corresponds with that of a guarantor in many respects; yet important differences exist. The surety is bound with his principal as an original promisor. He is a debtor from the beginning, and must see that the debt is paid, and is held ordinarily to know every default of his principal, and cannot protect himself by the mere indulgence of the creditor, nor by want of notice of the default of the principal, however such indulgence or want of notice may in fact injure him. On the other hand, the contract of a guarantor is his own separate contract. It is in the nature of a warranty by him that the thing guaranteed to be done by the principal shall be done, not merely an engagement jointly with the principal to do the thing. The original contract of the principal is not his contract, and he is not bound to take notice of its non-performance. Therefore the creditor should give him notice; and it is universally held that, if the guarantor can prove that he has suffered damage by the failure to give such notice, he will be discharged to the extent of the damage thus sustained. It is not so with a surety. 32 Ind. 11; 2 N. Y. 533.

A guaranty relating to a future liability of the principal, under successive transactions, which either continue his liability, or from time to time renew it after it has been satisfied, is called a "continuing guaranty." Civil Code Cal. § 2814.

GUARANTY INSURANCE. A guaranty or insurance against loss in case a person named shall make a designated default or be guilty of specified conduct. It is usually against the misconduct or dishonesty of an employee or officer, though sometimes against the breach of a contract. 9 Amer. & Eng. Enc. Law, 65.

GUARDAGE. A state of wardship.

GUARDIAN. A guardian is a person lawfully invested with the power, and charged with the duty, of taking care of the person and managing the property and rights of another person, who, for some peculiarity of *status*, or defect of age, understanding, or self-control, is considered incapable of administering his own affairs.

A guardian is a person appointed to take care of the person or property of another. Civil Code Cal. § 236.

One who legally has the care and management of the person, or the estate, or both, of a child during its minority. Reeve, Dom. Rel. 311.

This term might be appropriately used to designate the person charged with the care and control of idiots, lunatics, habitual drunkards, spendthrifts, and the like; but such person is, under many of the statutory systems authorizing the appointment, styled "committee," and in common usage the name "guardian" is applied only to one having the care and management of a minor.

The name "curator" is given in some of the states to a person having the control of a minor's estate, without that of his person; and this is also the usage of the civil law.

A *testamentary* guardian is one appointed by the deed or last will of the child's father; while a guardian *by election* is one chosen by the infant himself, in a case where he would otherwise be without one. H

GUARDIAN AD LITEM. A guardian appointed by a court of justice to prosecute or defend for an infant in any suit to which he may be a party. 2 Steph. Comm. 342. Most commonly appointed for infant *defendants*; infant plaintiffs generally suing by *next friend*. This kind of guardian has no right to interfere with the infant's person or property. 2 Steph. Comm. 343. I

GUARDIAN BY APPOINTMENT OF COURT. The most important species of guardian in modern law, having custody of the infant until the attainment of full age. It has in England in a manner superseded the guardian in socage, and in the United States the guardian by nature also. The appointment is made by a court of chancery, or probate or orphans' court. 2 Steph. Comm. 341; 2 Kent, Comm. 226. J

GUARDIAN BY NATURE. The father, and, on his death, the mother, of a child. 1 Bl. Comm. 461; 2 Kent, Comm. 219. This guardianship extends only to the custody of K

the person of the child to the age of twenty-one years. Sometimes called "natural guardian," but this is rather a popular than a technical mode of expression. 2 Steph. Comm. 337.

GUARDIAN BY STATUTE. A guardian appointed for a child by the deed or last will of the father, and who has the custody both of his person and estate until the attainment of full age. This kind of guardianship is founded on the statute of 12 Car. II. c. 24, and has been pretty extensively adopted in this country. 1 Bl. Comm. 462; 2 Steph. Comm. 339, 340; 2 Kent, Comm. 224-226.

GUARDIAN DE L'EGLISE. A church-warden.

GUARDIAN DE L'ESTEMARY. The warden of the stannaries or mines in Cornwall, etc.

GUARDIAN FOR NURTURE. The father, or, at his decease, the mother, of a child. This kind of guardianship extends only to the person, and determines when the infant arrives at the age of fourteen. 2 Kent, Comm. 221; 1 Bl. Comm. 461; 2 Steph. Comm. 338.

GUARDIAN IN CHIVALRY. In the tenure by knight's service, in the feudal law, if the heir of the feud was under the age of twenty-one, being a male, or fourteen, being a female, the lord was entitled to the wardship (and marriage) of the heir, and was called the "guardian in chivalry." This wardship consisted in having the custody of the body and lands of such heir, without any account of the profits. 2 Bl. Comm. 67.

GUARDIAN IN SOCAGE. At the common law, this was a species of guardian who had the custody of lands coming to the infant by descent, as also of the infant's person, until the latter reached the age of fourteen. Such guardian was always "the next of kin to whom the inheritance cannot possibly descend." 1 Bl. Comm. 461; 2 Steph. Comm. 338.

GUARDIAN OF THE PEACE. A warden or conservator of the peace.

GUARDIAN OF THE POOR. In English law. A person elected by the rate-payers of a parish to have the charge and management of the parish work-house or union. See 3 Steph. Comm. 203, 215.

GUARDIAN OF THE SPIRITUALITIES. The person to whom the spiritual jurisdiction of any diocese is committed during the vacancy of the see.

GUARDIAN OF THE TEMPORALITIES. The person to whose custody a vacant see or abbey was committed by the crown.

GUARDIAN, or WARDEN, OF THE CINQUE PORTS. A magistrate who has the jurisdiction of the ports or havens which are called the "Cinque Ports," (*q. v.*) This office was first created in England, in imitation of the Roman policy, to strengthen the sea-coasts against enemies, etc.

GUARDIANSHIP. The office, duty, or authority of a guardian. Also the relation subsisting between guardian and ward.

GUARDIANUS. A guardian, warden, or keeper. Spelman.

GUARNIMENTUM. In old European law. A provision of necessary things. Spelman. A furnishing or garnishment.

GUASTALD. One who had the custody of the royal mansions.

GUBERNATOR. Lat. In Roman law. The pilot or steersman of a ship.

GUERPI, GUERPY. L. Fr. Abandoned; left; deserted. Britt. c. 33.

GUERRA, GUERRE. War. Spelman.

GUERRILLA PARTY. In military law. An independent body of marauders or armed men, not regularly or organically connected with the armies of either belligerent, who carry on a species of irregular war, chiefly by depredation and massacre.

GUEST. A traveler who lodges at an inn or tavern with the consent of the keeper. Bac. Abr. "Inns," C, 5; 8 Coke, 32.

A guest, as distinguished from a boarder, is bound for no stipulated time. He stops at the inn for as short or as long time as he pleases, paying, while he remains, the customary charge. 24 How. Pr. 62.

GUEST-TAKER. An agister; one who took cattle in to feed in the royal forests. Cowell.

GUET. In old French law. Watch. Ord. Mar. liv. 4, tit. 6.

GUIA. In Spanish law. A right of way for narrow carts. White, New Recop. l. 2, c. 6, § 1.

GUIDAGE. In old English law. That which was given for safe conduct through a strange territory, or another's territory. Cowell.

The office of guiding of travelers through dangerous and unknown ways. 2 Inst. 526.

GUIDE-PLATE. An iron or steel plate to be attached to a rail for the purpose of guiding to their place on the rail wheels thrown off the track. Pub. St. Mass. 1882, p. 1291.

GUIDON DE LA MER. The name of a treatise on maritime law, by an unknown author, supposed to have been written about 1671 at Rouen, and considered, in continental Europe, as a work of high authority.

GUILD. A voluntary association of persons pursuing the same trade, art, profession, or business, such as printers, goldsmiths, wool merchants, etc., united under a distinct organization of their own, analogous to that of a corporation, regulating the affairs of their trade or business by their own laws and rules, and aiming, by co-operation and organization, to protect and promote the interests of their common vocation. In mediæval history these fraternities or guilds played an important part in the government of some states; as at Florence, in the thirteenth and following centuries, where they chose the council of government of the city. But with the growth of cities and the advance in the organization of municipal government, their importance and prestige has declined. The place of meeting of a guild, or association of guilds, was called the "Guildhall." The word is said to be derived from the Anglo-Saxon "*gild*" or "*geld*," a tax or tribute, because each member of the society was required to pay a tax towards its support.

GUILD RENTS. Rents payable to the crown by any guild, or such as formerly belonged to religious guilds, and came to the crown at the general dissolution of the monasteries. Tolins.

GUILDHALL. The *hall* or place of meeting of a *guild*, or *gild*.

The place of meeting of a municipal corporation. 3 Steph. Comm. 173, note. The mercantile or commercial *gilds* of the Saxons are supposed to have given rise to the present municipal corporations of England, whose place of meeting is still called the "Guildhall."

GUILDHALL SITTINGS. The sittings held in the Guildhall of the city of London for city of London causes.

GUILT. In criminal law. That quality which imparts criminality to a motive or act, and renders the person amenable to punishment by the law.

That disposition to violate the law which has manifested itself by some act already

done. The opposite of innocence. See Ruth. Inst. b. 1, c. 18, § 10.

GUILTY. Having committed a crime or tort; the word used by a prisoner in pleading to an indictment when he confesses the crime of which he is charged, and by the jury in convicting.

GUINEA. A coin formerly issued by the English mint, but all these coins were called in in the time of Wm. IV. The word now means only the sum of £1. 1s., in which denomination the fees of counsel are always given.

GULE OF AUGUST. The first of August, being the day of *St. Peter ad Vincula*.

GULES. The heraldic name of the color usually called "red." The word is derived from the Arabic word "*gule*," a rose, and was probably introduced by the Crusaders. Gules is denoted in engravings by numerous perpendicular lines. Heralds who blazoned by planets and jewels called it "Mars," and "ruby." Wharton.

GURGITES. Wears. Jacob.

GUTI. Jutes; one of the three nations who migrated from Germany to Britain at an early period. According to Spelman, they established themselves chiefly in Kent and the Isle of Wight.

GUTTER. The diminutive of a sewer. Callis, Sew. (80,) 100. H

GWABR MERCHED. Maid's fee. A British word signifying a customary fine payable to lords of some manors on marriage of the tenant's daughters, or otherwise on their committing incontinence. Cowell. I

GWALSTOW. A place of execution. Jacob. J

GWAYF. Waif, or waived; that which has been stolen and afterwards dropped in the highway for fear of a discovery. Cowell. K

GYLPUT. The name of a court which was held every three weeks in the liberty or hundred of Pathbew in Warwick. Jacob. L

GYLTWITE. Sax. Compensation for fraud or trespass. Cowell. M

GYNARCY, or GYNÆOCRACY. Government by a woman; a state in which women are legally capable of the supreme command; *e. g.*, in Great Britain and Spain.

GYROVAGI. Wandering monks.

GYVES. Fetters or shackles for the legs. M