

Chapter 1 : "Robert M Hughes, Ma"

Get this from a library! Horae juridicae subsecivae: a connected series of notes, respecting the geography, chronology, and literary history of the principal codes and original documents of the Grecian, Roman, feudal and canon law.

Among the Romans this letter was used in criminal trials. The judges were furnished with small tables covered with wax, and each one inscribed on it the initial letter of his vote; A, when he voted to absolve the party on trial; C, when he was for condemnation; and N L, non liquet when the matter did not appear clearly, and he desired a new argument. A divorce a mensa et thoro, is rather a separation of the parties by act of law, than a dissolution of the marriage. It may be granted for the causes of extreme cruelty or desertion of the wife by the husband. This kind of divorce does not affect the legitimacy of children, nor authorize a second marriage. A vinculo matrimonii; Cruelty Divorce. A QUO, A Latin phrases which signifies from which; example, in the computation of time, the day a quo is not to be counted, but the day ad quem is always included. A court a quo, the court from which an appeal has been taken; a judge a quo is a judge of a court below. Profits a rendre; under this term are comprehended rents and services. A marriage may be dissolved a vinculo, in many states, as in Pennsylvania, on the ground of canonical disabilities before marriage, as that one of the parties was legally married to a person who was then living; impotence, q. In New York a sentence of imprisonment for life is also a ground for a divorce a vinculo. When the marriage is dissolved a vinculo, the parties may marry again but when the cause is adultery, the guilty party cannot marry his or her paramour. When a man enters upon lands or into the house of another by authority of law, and afterwards abuses that authority, he becomes a trespasser ab initio. And if an officer neglect to remove goods attached within a reasonable time and continue in possession, his entry becomes a trespass ab initio. See also as to other cases, 2 Stra. But in case of an authority in fact, to enter, an abuse of such authority will not, in general, subject the party to an action of trespass, Lane, 90 ; Bae. Trespass, B ; 2 T. See generally 1 Chit. An heir, ab intestat, is one on whom the law casts the inheritance or estate of a person who dies intestate. A Latin phrase, which signifies by a man in anger. It is applied to bequests or gifts, which a man makes adverse to the interest of his heir, in consequence of anger or hatred against him. Thus a devise made under these circumstances is called a testament ab irato. And the suit which the heirs institute to annul this will is called an action ab irato. In the French law, the act by which a debtor surrenders his property for the benefit of his creditors. In insurances the act by which the insured relinquishes to the assurer all the property to the thing insured. In the following cases an abandonment may be made: In maritime contracts in the civil law, principals are generally held indefinitely responsible for the obligations which their agents have contracted relative to the concern of their commission but with regard to ship owners there is remarkable peculiarity; they are bound by the contract of the master only to the amount of their interest in the ship, and can be discharged from their responsibility by abandoning the ship and freight. The relinquishment of a right; the giving up of something to which we are entitled. By the Roman law, when the master was sued for the tort of his slave, or the owner for a trespass committed by his animal, he might abandon them to the person injured, and thereby save himself from further responsibility. It is enacted by the civil code that the master shall be answerable for all the damages occasioned by an offence or quasi offence committed by his slave. He may, however, discharge himself from such responsibility by abandoning the slave to the person injured; in which case such person shall sell such slave at public auction in the usual form; to obtain payment of the damages and costs; and the balance, if any, shall be returned to the master of the slave, who shall be completely discharged, although the price of the slave should not be sufficient to pay the whole amount of the damages and costs; provided that the master shall make abandonment within three days after the judgment awarding such damages, shall have been rendered; provided also that it shall not be proved that the crime or offence was committed by his order, for in such cases the master shall be answerable for all damages resulting therefrom, whatever be the amount, without being admitted to the benefit of abandonment. The act of a husband or wife, who leaves his or her consort wilfully, and with an intention of causing perpetual separation. It differs from an abatement at law in this, that in the latter the action is in general entirely dead, and cannot be revived, 3 Bl. By this term is understood the deduction sometimes made at the custom-house

from the duties chargeable upon goods when they are damaged See Act of Congress, March 2, , s. ABATEMENT, pleading, is the overthrow of an action in consequence of some error committed in bringing or conducting it when the plaintiff is not forever barred from bringing another action. Abatement is by plea. There can be no demurrer in abatement. Pleas in abatement will be considered as relating, 1, to the jurisdiction of the court; 2, to the person of the plaintiff; 3, to that of the defendant; 4, to the writ; 5, to the qualities. As to pleas relating to the jurisdiction of the court, see article Jurisdiction, and Arch. There is only one case in which the jurisdiction of the court may be inquired of under the general issue, and that is where no court of the country has jurisdiction of the cause, for in that case no action can be maintained by the law of the land. Law Journal 64, Meredith v. Relating to the person of the plaintiff. The defendant may plead to the person of the plaintiff that there never was any such person in rerum natura. Brief, 25 ; 19 Johns. And if one of several plaintiffs be a fictitious person, it abates the writ. Abatement, E 16; 1 Chit. But a nominal plaintiff in ejectment may sustain an action. As to the rule in Pennsylvania, see 5 Watts, Abatement, E 6; 1 Chit. Coverture occurring after suit brought is a plea in abatement which cannot be pleaded after a plea in bar, unless the matter arose after the plea in bar; but in that case the defendant must not suffer a continuance to intervene between the happening of this new matter, or its coming to his knowledge, and pleading it. Abatement, G; 4 Mass. That the plaintiff unless he sue with others as executor is an infant and has declared by attorney. A suit brought by a lunatic under guardianship, shall abate. Death of plaintiff before the purchase of the original writ, may be pleaded in abatement. Death of plaintiff pending the writ might have been pleaded since the last continuance, Com. Abatement, H 32; 4 Hen. But in some states, as in Pennsylvania, the, death of the plaintiff does not abate the writ; in such case the executor or administrator is substituted. The rule of the common law is, that whenever the death of any party happens, pending the writ, and yet the plea is in the same condition, as if such party were living, then such death makes no alteration; and on this rule all the diversities turn. Alienage, or that the plaintiff is an alien enemy. Abatement, E 4; Id. Alien, C 5; 1 S. Misnomer of plaintiff may also be pleaded in abatement. If one of several joint tenants, sue in action ex contractu, Co. Joint-tenants, K; 1 B. Abatement, E 9, E 12, E 13, E If persons join as plaintiffs in an action who should not, the defendant may plead the misjoinder in abatement. When the plaintiff is an alleged corporation, and it is intended to contest its existence, the defendant must plead in abatement. Wright, 12; 3 Pick. To a suit brought in the name of the "judges of the county court," after such court has been abolished, the defendant may plead in abatement that there are no such judges. Phillips; 2 Bay, Relating to the person of the defendant. In an action against two or more, one may plead in abatement that there never was such a person in rerum natura as A, who is named as defendant with him. If the defendant be a married woman, she may in general plead her coverture in abateraent, 8 T. The exceptions to this rule arise when the coverture is suspended. Abatement, F 2, 3; Co. The death of the defendant abates the writ at common law, and in some cases it does still abate the action, see Com. Abatement, H 34; 1 Hayw. Vide Actio Personalis moritur cum persona. The misnomer of the defendant may be pleaded in abatement, but one defendant cannot plead the misnomer of another. Abatement, F 18 ; Lutw. See form of a plea in abatement for a misnomer of the defendant in 3 Saund. When one joint tenant, Com. Abatement, F 5, or one tenant in common, in cases, where they ought to be joined, Ibid. F 6, is sued alone " he may plead in abatement. And in actions upon contracts if the plaintiff do not sue all the contractors, the defendant may plead the non-joinder in abatement. F 8, a; 1 Wash. When husband and wife should be sued jointly, and one is sued alone, the non-joinder may be pleaded in abatement. The non-joinder of all the executors, who have proved the will; and the non-joinder of all the administrators of the deceased, may be pleaded in abatement. In a real action if brought against several persons, they may plead several tenancy, that is, that they hold in severalty and not jointly, Com. Abatement, F 12; or one of them may take the entire tenancy on himself, and pray judgment of the writ. But mis-joinder of defendant in a personal action is not the subject of a plea in abatement. In cases where the defendant may plead non-tenure, see Arch. Where he may plead a disclaimer, see Arch. A defendant may plead his privilege of not being sued, in abatement. Abridgment C ; see this Dict. Plea in, abatement of the writ. Pleas in abatement of the writ or a bill are so termed rather from their effect, than from their being strictly such pleas, for as oyer of the writ can no longer be craved, no objection can be taken to matter which is merely contained in the writ, 3 B. Those of the first

description were formerly either matter apparent on the face of the ;Writ, Com. Abatement, H l, or matters dehors.

Chapter 2 : Bouvier's Law Dictionary, Edition - Letter A

Horae juridicae subsecivae: a connected series of notes, respecting the geography, chronology, and literary history of the principal codes and with additional notes and illustrations by an.

Most of the 8, books in the Catalogue were purchases made under the direction of Thomas Jefferson, who in compiled a list of 6, volumes he believed should form the core of the new library. Fire and time destroyed and scattered these foundational texts of the University of Virginia Law Library. Placed in the Rotunda Annex in , some original law books suffered the fate of most of the University of Virginia Library when the Rotunda and Annex burned in . Although students and professors saved many law books from the flames, the poor provenance of surviving texts makes it impossible to bring together the original volume law library. The Catalogue Law Books Collection is a reconstitution of this library through the assemblage of exact editions of the law books listed in the Catalogue. Fortunately, Wertebaker noted the edition year of nearly every work in his Catalogue, facilitating efforts to recreate the law portion of the first University of Virginia Library as closely as possible. Highlights from the Collection Robert Brooke, La Graunde Abridgement edition This two-volume work is an abridgement or collection of abstracts of legal cases compiled by Robert Brooke, English judge and speaker of the House of Commons during the reign of Mary I. Such books greatly facilitated the task of finding and citing legal cases. First published in , subsequent editions appeared in , , , and William Lambarde, Eirenarcha, or Of the Office of the Justices of Peace edition This treatise, first published in , is an early example of English manuals produced for local legal officials lacking legal training. Revised in , it remained popular well into the s. Written in Latin by Dutch jurist Hugo Grotius, the work presented the thesis that the sea is international territory. Aside from its important content, the book is notable for its striking engraved title page depicting a ship in full sail. Care considered England a land of liberty because its constitution, the Magna Carta, restricted the arbitrary will of the sovereign. Little known today, Care was among the most influential political writers of Restoration-era England. John Selden, Opera Omnia This three-volume work contains the vast scholarly output of a man considered the most learned Englishman of the midth century. The first and second volumes are in Latin, the third in English. Most of it would have been of little or no use to any 19th-century Virginia law student Hebrew marriage law, Anglo-Saxon law. It is considered a masterpiece of 18th-century English printing. For the list of these texts, see below. We have provided a list of the 58 missing texts here.

Chapter 3 : Legal Reclamations

Horae Juridicae Subsecivae: A Connected Series of Notes Respecting the Geography, Chronology, and Literary History of the Principal Codes and Original Documents of the Grecian, Roman, Feudal and Canon Law by Charles Butler Esq. of Lincoln's Inn.

One of the most prominent figures among the English Catholics of his day, b. He belonged to an ancient Northamptonshire family , and was a nephew of the Rev. Alban Butler , the author of "The Lives of the Saints". After spending two or three years at a private school at Hammersmith, he was sent to the preparatory house at Equech, dependent on the English College at Douai , then to the college itself, where he went through the full course. On his return to England he gave himself to the study of law. Owing to his religion, he was unable to become a barrister; so he followed the example of a large class of Catholics of that day, who became conveyancers and practised in chambers. He studied successively under Mr. Maire, both conveyancers of eminence, and Catholics. In he began to practise, and continued for over forty years. From the first he was very successful, and for more than half the period named he was acknowledged as the first conveyancer of the day. Among his pupils were some distinguished men, notably Sir Thomas Denman, afterwards attorney-general. Butler was not, however, content with his position. The fact that he could not be called to the Bar was a continual mortification to him, and it was chiefly this which led him to take an active part in the efforts of Catholics to obtain the repeal of the Penal Laws. He was elected secretary to the committee of laymen appointed for this end, and he put his heart and soul into the work. This brought him into the dissensions which unhappily existed at that time between laymen and the bishops. From the first Butler sided with the former, and the "Blue Books" which were the official publications of the committee, were almost entirely written by him. Notwithstanding the internal dissensions among the Catholic body, the bill for their partial relief was passed through Parliament in , and Butler the first to profit by the enactment, was called to the Bar that year. The disputes connected with the Catholic Committee brought under direct conflict with Milner , then a simple priest. Early in the nineteenth century, when the Veto Question arose, Milner , by this time a bishop , became the strong opponent of Butler, against whom he wrote and spoke for many years. With such an active life both professional and political, we may wonder how Charles Butler could have found time for any literary pursuits; but by a habit of early rising, a systematic division of his time, and unceasing industry, he contrived, as he himself tells us, to provide himself with an abundance of literary hours. His writings were many, and their variety indicate an extraordinary versatility of talent. He could write with facility on such different subjects as law, history, music, social questions, and Holy Scripture. Among his own profession his work on Coke-Littleton, on which he collaborated with Mr. Hargrave, is best known; among the general Catholic public his "Historical Memoirs of English, Scottish and Irish Catholics" was most read. This work brought him again into conflict with Bishop Milner , who replied with his "Supplementary Memoirs". Charles Butler was married in to Mary, daughter of John Eyston, of Hendred, Berks, by whom he had one son, who died young, and two daughters. In private life he was a devout Catholic ; even Milner admitted that he might with truth be called an ascetic. Every Catholic work of importance numbered him among its chief subscribers. He survived his opponent, Dr. Milner , and lived to see Catholic emancipation. His chief works are: About this page APA citation. In The Catholic Encyclopedia. Robert Appleton Company, This article was transcribed for New Advent by Joseph P. The editor of New Advent is Kevin Knight. My email address is webmaster at newadvent. Dedicated to the Immaculate Heart of Mary.

Chapter 4 : Thomas Jefferson Catalogue | Arthur J. Morris Law Library

Horae juridicae subsecivae [electronic resource]: a connected series of notes respecting geography, chronology, and literary history, of the principal codes, and original documents of the Grecian, Roman, Feudal and Canon law /.

Chapter 5 : Browse subject: Law, Ancient | The Online Books Page

Est quodam prodire tenus, si non datur ultra--Hor.

Chapter 6 : Browse subject: Feudal law | The Online Books Page

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Chapter 8 : Charles Butler (lawyer) | Revolvly

Horae juridicae subsecivae: a connected series of notes, respecting the geography, chronology, and literary history, of the principal codes, and original documents, of the Grecian, Roman, feudal and canon law.

Chapter 9 : Charles Butler (lawyer) - Wikipedia

Horae Juridicae Subsecivae () Book of the Roman Catholic Church (), which was directed against Southey and excited some controversy lives of Erasmus, Grotius, Bossuet, Fénelon.