

LEGAL TERMS and SOLICITORS' 'LANGUAGE'

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Above all else, legal documents must be accurate, honest, true and precise. There must be no 'loop-holes' and no room for individual interpretation of the original words or concepts.

Certain terms are used to avoid this, - eg. a 'building' may be anything from a garden shed to a 20 roomed mansion. The word 'messuage' means 'a house together with its land and out-buildings'. 'Easement' is the right to use someone else's land, such as a right of way.

Many of these terms are centuries old and have been used down the ages and are still used today. – hence the odd-sounding names.

Some of these terms began during the feudal system in this country when the Lord of the Manor owned land and rented it out to peasants (or vassals, who were in his service).

In identifying a person in a document several times, to ensure the same person not confused with another person of the same name, at the second mention of the first person's name, the words 'the said.....' every time to identify the first person mentioned.

Today, the archaic terms still have meaning so here is a Glossary to explain the meanings.

GLOSSARY OF LEGAL TERMS

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ALL AND SINGULAR - each and every

AMERCEMENTS – fines or financial penalties

APPURTENANCES - minor rights in land, such as a right to do something with it.

ASSIGNS - formal transfer eg. ownership of property from one person to another.

BEHOOFE - be required or compelled or conformed to do something.

BY THE ROD (or ROOD) - a rod or pole or perch is a unit of length between 3 and 8 metres (16 U.S. feet). It was phased out of legal unit measurement in 1965

CONVEYANCING - activities needed to transfer ownership of a piece of land.

COPYHOLD – holding land at the will of the custom of the lord of the manor.

COURT ROLLS - a daily list of business to appear in courts.

COVERTURE – 1) protective or concealing coating. 2) the legal status of a married woman, considered to be under her husband's protection and authority.

DISTRAINTMENT - to seize the property of an individual and retain it an obligation is fulfilled.

The taking by a landlord in order to satisfy an unpaid debt

DEVISEE – a recipient of a bequest in a Will, eg. an estate .

EASEMENT - a right to use someone else's land, such as a right of way.

ENFEOFFMENT - the act of investing with an estate held in fee. The possession of a fief held in FEE.

ENFRANCHISEMENT - giving freedom to: Investiture with privileges or capabilities of freedom.

Granting the right to vote. Power to leaseholders to acquire 90 years lease extension to the lease or buy the freehold of the building.

EQUITY - fairness

FEALTY- a feudal tenant's or vassal's sworn loyalty to a lord. Formal acknowledgement of loyalty to a lord

FEE SIMPLE – absolute ownership of land or estate.

FEOFFMENT a deed by which a person was given in exchange for a pledge of service. English law with transfer of land or property gave the new holder the right to sell it as well as the right to pass it on to his heirs as an inheritance.

FEIF - a feudal estate or FEE. Domain controlled by a feudal lord.

FIEFDOM - a territory or sphere of operation controlled by a particular person or group eg a feudal lord, (or a Mafia boss)

FINE -1. financial punishment of a crime. 2. A form of tax

HEREDITAMENT - property capable of being inherited.

HERIOT – services or tribute of goods and chattels to a feudal lord on the death of a tenant or owner.

HOMAGE – acknowledgement by a vassal, in the presence of his lord, of his allegiance to the lord.

IMPEACHMENT – action against serious misconduct

INDEFEASIBLE – not capable of being lost, voided, annulled or undone

INDENTURE - a Deed , Contract or Sealed Agreement between two or more parties.

A deed formally drawn up in duplicate, each party having correspondingly indented edges for identification and security.

INTERLIENATION - writing inserted between lines for clarity or explanation

LAND - includes – buildings on it, the subsoil, airspace above it necessary for ordinary use of it and the property fixed to it.

LEASE and RELEASE INDENTURES – 2 separate documents. The purposes are 1) sale of property from 1 party to another. 2) mortgage of property from 1 mortgagee to another for money 3) settlement of descent to specified people. (In 1941 this w1845 and replaced by a grant, later known as a conveyance.as changed to Conveyance by the Release Act. Releases were abolished in 1845 and replaced by a grant, later known as a conveyance.)

MESSUAGE - a house together with its land and outbuildings.

PRIVITY – an agreement which is not legally binding

PROBATE - lawful process where a Will is “proved” in a court of law and accepted as a valid public document that it is a true last testament of the deceased.

QUADRIPARSISE – an agreement between 4 parties or people

RELICT – a widow

RESPITE – a debtor who is unable to pay his debts is given time by his creditor(s) to delay payment.

RESPITED FEALTY - permission to delay payment of a debt.

REVOCATION –1) official cancellation of a decree, decision or promise. 2) recall or annulment of an Indenture.

SEIZIN / SEISIN - legal possession of a feudal fiefdom or ‘fee’, ie. in an estate in land eg. the son or heir of ‘x’ has obtained seizin of his inheritance.

SUIT - a civil proceeding

TENEMENT – (1) room(s) forming a separate residence in a block of flats (2) a house divided into and let as separate residences (3) a piece of land held by an owner.

TO HAVE AND TO HOLD – means that the one who has the property in hand transfers it and intends to hold it and transfers it to the transferee.

VASSAL – a holder of land by feudal tenure on conditions of homage and allegiance.

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