THE
LAW-DICTIONARY:
EXPLAINING THE
RISE, PROGRESS, AND PRESENT STATE,
OF THE
ENGLISH LAW;
DEFINING AND INTERPRETING
THE TERMS OR WORDS OF ART;
AND
Comprising Copious Information on the Subjects
OF
LAW, TRADE, AND GOVERNMENT.

ORIGINALY COMPILED BY
GILES JACOB:
CORRECTED AND GREATLY ENLARGED,
BY T. E. TOMLINS,
Of the Inner Temple, Barrister at Law.

The first American from the second London edition.

IN SIX VOLUMES.
VOL. I.

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PRÉFÈRE

TO TOULOUSE. ENTRETOIN.

The title of a prominent academic in Toulouse mentioned at the beginning of a text. The text discusses various aspects related to the city and its historical importance, mentioning events and figures associated with Toulouse. The document appears to be discussing historical or academic content, possibly related to the University of Toulouse.
PREFACE

TO TOMLINS' FIRST EDITION.

THE utility of a Dictionary, containing not only a definition and explanation of the terms used in the science of the English law, but also a general summary of the theory and practice of the law itself, having been so fully evinced by the success of ten editions of the work on which the volumes here presented to the reader are founded; any observations upon that subject would be superfluous: something, however, is requisite to introduce the following sheets; as due both to the proprietors and the editor of this General Law-Dictionary; which is offered to the attention and patronage, not only of the profession, but of all who wish to obtain a knowledge of the duties imposed upon them, and the rights secured to them, by the laws of their country.

It is now more than four years since the proprietors of Jacob's Law-Dictionary (the last edition of which was published in the year 1782) applied to the present editor, to prepare the work for republication. This he very cheerfully undertook; imagining at first that nothing more could be required than to employ his attention on such statutes and reports as the course of time had produced since that edition: little aware that a thorough revisal of the whole had become absolutely necessary, from the numerous improvements in our law; which had by no means been sufficiently attended to, either in that, or even in the preceding edition.

A cursory perusal of Jacob's Dictionary soon convinced the writer, that, to render the work really useful to the profession and the public, in the present state of the law, much labour, time, and study must be employed; that unremitting diligence alone could collect
and digest the materials for such a compilation; and that, strictly keeping in view Jacob's original plan, it would demand some judgment so to arrange, simplify, and methodize the information obtained, as to preserve the general character of the work, and yet to introduce every proper correction and improvement.

To this task, then, he seriously applied himself. He first carefully examined the text, as it stood in the tenth edition. Here he found much sound learning on the origin and antiquity of our law, defaced with unskilful interpolations: innumerable statutes, long repealed, detailed at large as existing laws:* the other statutes quoted throughout the work, (by continued errors of the press through various editions,) incorrectly cited: except in some few instances, a want of method, and poverty of language, pervading the whole body of the work: and the improvements of our law, during the last thirty years and more, either wholly passed over, or very superficially noticed.

His next step, therefore, was to correct the errors which appeared. Solely to perform this was a long and tedious labour. Every statute quoted has been examined; and it is by no means an exaggeration to say, that many thousand errors, in this particular alone, have been detected and amended. To erase whatever was superseded or contradicted by modern laws or determinations, was next requisite. And when thus much was performed, a vast void remained, to be filled up with a summary of the state of the law, as at present existing.

In many instances, where the law relative to one subject was scattered through the book, the whole has been brought together under a single title, consolidated, rearranged, and enlarged; and the proper references made from title to title.† In some few others, it was found convenient to remove the whole of a title, as it stood in the former work; and to supply its place by a new abridgment of the law on that particular subject.‡ In no case, however, has any alteration been made, without mature

* Titles Highways, Turnpike, and others.
† Award, Arbitration, Homicide, Murder, Manslaughter, Executor, Administrator, Advoce, Presentation, Usurpation, and very many others.
‡ Bankruptcy, Bill of Exchange, Highways, Wills, &c.
consideration, and a sincere wish for the improvement of the work, and the instruction of the reader.

In the next place, the editor considered himself called upon to introduce many new titles; some on the origin and antiquity of our law;* and several connected with the commercial concerns of the country;† which had for the most part been entirely omitted, or at best very slightly referred to, by Jacob or his continuators. These additions, it is believed, do not make less than one fourth part of the present volumes.

To enable himself to perfect the plan which his mind soon formed, in the order above stated, the editor has applied to all such publications as seemed more immediately adapted to his purpose.

The statutes have been perused with peculiar care and diligence: almost all which are material, even to the end of the session of parliament in 1796, are introduced; and throughout the work it is believed, that none are omitted to be noticed which passed before the thirty-third year of the present reign. The long time which the Dictionary has taken in going through the press, has therefore, it is hoped, on the whole, operated rather to the benefit than the prejudice of all who may have occasion to consult it.

To the excellent series of modern term reports in the courts of Westminster-Hall, which have appeared within the last ten years; to the various new editions of former reports, and other law books of long established reputation; in alluding to which, it would be injustice not to particularize the Coke upon Littleton, Peere Williams's Reports, and Hawkins's Pleas of the Crown: together with many other smaller volumes well deserving notice, as including systems of particular branches of the law; to all these recourse has been had; and the information contained in them has been applied to the present purpose, with a care and attention which, the editor trusts, have not been totally fruitless.

But above all, the Commentaries of the learned Blackstone have been fully and freely applied to, and the most material parts of them adopted; sometimes abridged; but

* Tenures, &c.
more frequently enlarged by additions from the various sources above alluded to. The edition last published has been used, whenever the term of its publication allowed; and many of the new notes there introduced have been added to the mass of modern intelligence here presented to the reader.

Whenever, in consulting any of the above authorities, the writer of this had occasion to question or differ from the positions there laid down, he intended to state his dissent with modesty and candour. To error every author is liable; opere in longo fas est. Many mistakes have been silently corrected in all the books consulted on this occasion. The editor seeks only that indulgence which he has bestowed, with a liberality more unbounded than can well be imagined.

Systematical rules, and their exceptions, seem in general of more consequence than a multiplied variety of cases. Rules give the effect of cases, without the tediousness of their detail. It has been said by a very eminent lawyer, "that precedents are frequently rather apt to confound; that every case has its own peculiar circumstances, and therefore ought to stand on its own bottom." On this maxim chiefly are all the additions to the work compiled, and the whole re-digested. The deviations from it, where they still occur, have frequently arisen, rather from a deference to the names of former editors, and from a desire of not making alterations which might be thought merely capricious, than from a conviction of the necessity or propriety of such a mode of compilation.

The principle, therefore, of this Dictionary, thus enlarged and improved, is to convey to the uninformed a competent general knowledge of every subject connected with the law, trade and government, of these kingdoms: to show the origin, foundation, progress, and present state of our policy and jurisprudence. Information of this nature must interest every man of liberal education in whatever sphere: to magistrates, whether superior or subordinate, it will be found particularly useful: by lawyers it will, doubtless, be applied to, as a digest of learning previously obtained; and an index to further inquiries on the theory and practice of our law, in all its various branches.

In endeavouring to complete an undertaking of such
length and importance, the editor is fully conscious that many errors and inadvertencies must, even yet, have escaped; omissions, he hopes, there are now but few; and for the inconsistencies which must inevitably appear, he relies for pardon on the good sense of all who are competent to judge on a work so multifarious and extensive.

It was impossible to enter into the great variety of subjects contained in these volumes, without being occasionally led into observations, which apply rather to the system of politics, and the general theory of government, than to the confined question of law. This license was necessarily taken by former editors of Jacob; and was used, to some extent, by Cowell in his Interpreter.

The true interest of nations would best be consulted by preserving the greatest harmony between those, whom it seems to be the business and the pleasure of political (at least of party) writers, "more studious to divide than to unite," to set at variance. Government has no rights, and the people have no duties, inconsistent with the true welfare of each other: the reciprocal conditions of their friendship and security may be comprised in two words; protection and obedience. It has been the constant wish of the editor, in compiling the following sheets, to place in the strongest light every argument and decision which may tend to show, what care the laws and constitution of Great Britain have progressively taken to enforce both those principles, and to guard Britons against the fatal consequences which must attend a violation of either.

The indulgence of the reader is yet a little longer requested, to a few words, which the editor hopes to be excused for stating respecting himself.

Anxious, from very early youth, to become a member of the profession to which he has the honour to belong, it was his misfortune to be compelled, by certain untoward circumstances, to enter into that profession, and into life, prematurely; without either education or experience sufficient to enable him to perform the duties imposed upon him by such a situation. He very soon perceived his deficiencies, and endeavoured to supply them by diligent study and observation. A few years brought him near the point at which he aimed: but at the moment when assistance was most wanted, he was disappointed of receiving it; through his own neglect, in
omitting to apply to those who were really capable and desirous to have afforded it. He retired, for a while, from his public practice at the bar; and betook himself to more silent, but not less laudable, employments. He found friends; where indeed he least expected them! He has since succeeded in life beyond his merits, almost beyond his hopes. His former literary efforts have not been thought wholly unworthy approbation; on the present he rests with somewhat more confidence, though with no small portion of fear; since his future fate and pursuits may depend on its success. On the candour of the public (more particularly of the profession) he relies; and whether he shall retain the pen, or resume the gown, in public or in private, it shall be his unceasing study to deserve that encouragement, which seldom fails to await on well-meant endeavours, and honourable exertions.

T. E. TOMLINS.

DOCTORS' COMMONS,
Jan. 23, 1797.
In the Preface to the former Edition of this Work, published by the present Editor in the year 1797, the errors and deficiencies of preceding Editions of the Law Dictionary, founded on that originally compiled by Giles Jacob, were very fully pointed out; as also the method pursued in amending those errors, and supplying those deficiencies: these it would be useless here to recapitulate. The Work, as then published, has met with much indulgence and encouragement: The new impression now called for is improved by the addition throughout of the Statutes to the end of the Session of Parliament 46 Geo. III.; and in all instances where it was possible, the Acts passed during the time the Work was in the press, as late as those of 48 Geo. III. have been noticed: Such modern decisions of the Courts of Law and Equity have also been inserted as appeared to be of importance in explaining or elucidating the general System of Law, or any of the particular Subjects treated of.

The Dictionary has hitherto been confined to the Definition of the Terms, and the History of the Principles and Practice, of the English Law. The Law of Scotland, in its Terms, and in many of its Principles, differs materially from that of England. Into Ireland the Doctrines of the Common Law of England were early introduced; and many of the provisions of English and British Statutes have been from time to time extended to Ireland by Acts made in the Parliaments held there. The Legislative Union between England and Scotland, which took place at the beginning of the eighteenth Century, and that between Great Britain and Ireland, which distinguished its close, seem to call for information how far the Laws and Sta-
tutes of the various parts of the United Kingdom agree with each other. As the first step for the purpose of affording such information, many of the Terms of the Law of Scotland have been inserted in these Volumes, with such explanations of them as it was in the power of the Editor to afford, from resources not very extensive: The immediate effects also produced by the respective Unions, together with instances in which the Laws now in force in Scotland or Ireland accord with, or differ from, those of England, have been occasionally stated and explained.

T. E. T.

Hilary Vacation,
1809.