

### Glossary of legal terms

<b>Word</b>	<b>Meaning</b>
Action	Legal proceedings where one party claims something from another party. An action normally starts with issue of a Summons
Ad idem	A Latin term meaning that there is agreement or consensus between the parties
Appeal	A process whereby the decision of a court is referred to a higher court to examine
Aval	A person who signs a cheque or bill of exchange as a surety
Bona Fide	Latin term meaning in good faith
Boni mores	Latin term meaning good morals
Casus fortuitus	Latin term meaning something that could not have been prevented
Caveat emptor	Latin term meaning let the buyer beware – if you buy something you are assumed to know what you are buying
Caveat subscriptor	Latin term meaning let the signer beware – if you sign a document you cannot say you did not understand what you signed
Contra bonos mores	Latin term meaning against the good morals of society or against public policy
Defendant	The person being sued in a civil action
Domicilium or domicilium citandi et executandi	An address that a party agrees can be used to deliver documents or legal notices to even if the person receiving it is not there
Ex turpi causa or ex turpi causa non oritur actio	Latin term meaning from an illegal cause no action arises. This means that a party who enters into an illegal agreement cannot sue the other party for breach of contract
In par delictum or in pari delictio potior conditio possidentis vel defendentis	Latin term meaning in equal guilt the position of the defendant is stronger. This means that where a person enters into an illegal contract and performs the party receiving performance is in a stronger position as they cannot be sued for breach
Inter partes	Latin term meaning between the parties
Mala fides	Latin term meaning in bad faith
Merx	Latin word meaning the goods or thing being sold
Mora	Latin word meaning default to perform on time or delay
Mora creditoris	Latin term meaning a failure by the creditor to perform on time
Mora debitoris	Latin term meaning a failure by the debtor to perform on time
Novation	An new agreement between parties that replaces an existing agreement
Obiter dictum	Latin term meaning by the way. It refers to a remark made by a judge that is not part of the reason for his decision
Perfecta	Latin word meaning complete
Plaintiff	The person who issues summons in a civil action
Prima facie	Latin term meaning on the face of it

Pro rata	Latin term meaning proportionate
Quantum	Amount
Ratio decidendi	Latin term meaning the reason for the courts decision
Rei vindicatio	An action available to the owner of something to have his goods returned to him by the person who is in possession of the goods
Spes	Latin word meaning hope
Stare decisis	Latin term meaning the decision stands. This is the system of precedent whereby courts are bound to follow the decision of a higher court
Summons	A document used to start action proceedings in court
Ubermae fides	Latin term meaning the utmost good faith, a higher level of good faith than bona fide
Ultra vires	Latin term meaning outside the powers or authority of someone
Vis major or vis maior	Latin term meaning an Act of God such as a flood