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# LAW QUESTIONS AND ANSWERS FOR REVIEW

By J. M. FLANNERY.

(Blackstone's Commentaries).

1. What is "Law" in its broadest sense?  
It is a rule of action, and is applied to all kinds of action, whether animate or inanimate, rational or irrational.
2. What is municipal or civil law?  
It is a rule of civil conduct prescribed by the supreme power in a State.
3. In whom is the supreme power of a State vested?  
In the people.
4. Of what is municipal law composed?  
Written or Statutory and Unwritten or Common.
5. Define Statutory or Written law.  
It is the express will of the Legislature, by certain prescribed forms and solemnities.
6. Define Unwritten or Common law.  
It is a rule of authority, the power of which is based on long and immemorial usage, without any legislative act or interference.
7. Have our courts of justice a right to say whether a statute is or is not constitutional?  
They have. It belongs to the judicial power, as a matter of right, to declare every act of the Legislature, made in violation of the constitution, null and void, when the constitutionality of such questions arise.
8. When does it become the duty of a court to decide as to the constitutionality of a statute?  
When the question is involved in the issue presented to the court for determination.
9. What is the difference between Public acts and Private acts.  
A Public act is a universal rule and effects the whole community, while Private acts concern, only, a particular locality or class of persons.
10. From whence did we derive the chief body of American Common law?  
It was imported by our colonial ancestors, as far as it was applicable, and was sanctioned by our royal charters and colonial statutes.
11. Where is the best evidence of the Common law to be found?  
In the decisions of the courts of justice, contained in numerous volumes of reports, and in the digests of learned men.
12. Name the parts of which every law consists.  
Four. The "declaratory," which defines what is right and wrong; the "directory," which consists in commanding the observation of right or prohibiting the commission of wrong; the "remedial," whereby a method is pointed out to recover private rights or redress private wrongs; and the "vindicatory," which signifies what punishment shall be incurred by wrong-doers.

13. How do we interpret the law?

By an inquiry after the will or intention of the maker, which is collected from the context, the subject-matter, and the results of the spirit and reason of the law.

14. What is "Equity?"

It is the correction of that wherein the law, by reason of its universality is deficient.

15. What is the object of equity?

To give a more specific relief than can sometimes be had, through the generality of both the Written and the Unwritten law, in matters of private right.

16. Of what subjects do the four books of Blackstone treat?

Book 1, The rights of persons. Book 2, The rights of things. Book 3, Private wrongs. Book 4, Public wrongs.

17. Name the persons as classified under Book 1.

Natural persons and Artificial persons.

18. What are the rights of Natural persons? Absolute and Relative.

19. What are Absolute rights? The enjoyment of personal security, personal liberty and private property.

20. What are Relative rights? Such as relate to the public, and private individuals.

21. How are Public persons classified? They are known as the Magistrates and the people.

22. Classify Private persons. 1. Master and servant, 2. Husband and wife, 3. Parent and child, 4. Guardian and ward.

23. What are Artificial persons? They are bodies politic, or corporations.

24. What is meant by the right of personal security? A person's right to the legal and uninterrupted enjoyment of his life, his limbs, his body, his health and his reputation.

25. What is meant by limbs? By limbs are meant only those members which may be useful to him in fight, and the loss of which alone amounts to mayhem by the Common law.

26. What is meant by the rights of things? Those rights which a man may acquire in and to such external things as are unconnected with his person.

27. How are things divided? Into things Real and things Personal.

28. What is meant by things Real? Things Real are such as are of a permanent nature, and can not be carried out of their place such as lands and tenements and hereditaments.

29. What is meant by things personal? Things Personal are such as goods, money, and other movables, which may attend the owner's person wherever he may go.

30. What is Tenure? Tenure denotes the manner of holding or possessing property. Tenement is the thing holden. Tenant is the person holding lands or tenements by any title.

31. What is an Estate or Freehold? It is such as it created by livery of seizin at Common law; or, in tenements of an incorporate nature, by what is equivalent thereto.

32. How are Estates of Freehold divided? Into Estates of Inheritance and not of Inheritance.

33. How are Estates of Inheritance divided? Into Fees-Simple and Limited Fees.

34. What is meant by "Fee?" It signifies an Estate of Inheritance, which is the highest interest that a man can have in lands.

35. What is a Fee-Simple title in an Estate? It is an Estate of Inheritance, in law, belonging to the owner, and transmissible to his heirs and assigns forever.

36. What is a Limited Fee? It is an Estate of Inheritance clogged and confined with conditions or qualifications.

37. What was meant by Fee-tail? It was a conditional fee shorn of the right of alienation after condition performed, and vesting on the doner an indefeasible reversion.

38. What is meant by the Curtesy of England? It is where a man marries a woman seized of an Estate of Inheritance, in Fee-simple or Fee-tail, and has by her issue born alive, after the death of his wife, the husband holds the lands for his natural life as tenant by the Curtesy.

39. What is tenancy in dower? It is where a woman's husband is seized of an Estate of Inheritance, of which her issue might, by any possibility become heir, and dies, the wife shall have the third part of all the lands and tenements whereof he was seized at any time during coverture, to hold for her natural life.

40. What is an Estate in Possession? It is one in which the terms have been executed, or one in which a present interest passes:

41. What is an Estate in Expectancy? It is one to be enjoyed in the future, and depends on some subsequent circumstance or contingency.

42. What is an Estate in Remainder? One to take effect after another estate is determined.

43. What was the rule in Shelley's case, relative to granting Freeholds? Where a Freehold is granted to a man, and the remainder to his heirs, "his heirs" are declared to be words of limitation of the estate, and not words of purchase, and is equivalent to giving him a Fee-simple, or the entire estate.

44. What is meant by a title to Things Real? A title is the means whereby a man has the just possession of his property.

45. What are the stages or degrees requisite to form a complete title? Naked possession, right of possession, and right of property.

46. How are titles to lands and tenements acquired or lost? By descent or by purchase.

47. What is Affinity? Relationship by marriage.

48. What is Consanguinity? The relation of persons descended from the same stock or common ancestor. It is either Lineal or Collateral.

49. What is Lineal Consanguinity? It is where one kinsman is descended in a direct line from the other. Collateral, is where the kinsman descended from the same stock or ancestor, but not in a direct line.

50. What is Title by Purchase? It is the possession of lands which a man hath by his own act or agreement, and not by the mere act of law, or descent.

51. What is Title by Occupancy? It is taking possession of those things which before belonged to nobody.

52. What is the difference between Usage and Custom? Usage is long and uniform practice. Custom is local usage that has acquired the force of law.

53. What is a Deed? It is a writing, sealed and delivered by the parties.

54. What is Deed-poll? A plain deed, made by one party only, not indented, but polled or shaven quite even.

55. What are the requisites of a deed? Sufficient parties and proper subject matter; a good and sufficient consideration; must be written on parchment or paper; legal and orderly parts, properly set forth; reading it, if desired; sealing and signing it; delivery by the party himself or his attorney; and attestation, or execution in the presence of witnesses.

56. What are the legal, or formal and orderly, parts of a deed? The premises, the habendum, the tenendum, the reddendum, the conditions, the warranty, the covenants, and the conclusion.

57. How are considerations divided? Good, and valuable.

58. What is a good consideration? Such as that of blood, or natural love or affection, as where a man grants an estate to a near relative.

59. What is a valuable consideration? Such as money, marriage, or the like.

60. What is an escrow? A deed delivered to a third party, to hold as a scrawl or writing, that is not to take effect as a deed until some condition be performed by the grantee.

61. What is meant by livery of seizin? It is the feudal investiture, or delivery of corporeal possession, of the land or tenement.

62. What is a recognizance? An obligation of record, entered into before some court of record or magistrate duly authorized, with conditions to do some particular act; as, to appear at court, to keep the peace, etc.

63. What is a Will? It is a disposition of real and personal property, to take effect after the death of the testator. When a will operates on personal property only it is called a "testament," and when upon real estate only, a "devise."

64. What is a Chose in action? It is a thing incorporeal, or a right, as an annuity, money due on a bond, etc.

65. By what instruments was the right of personal liberty first guaranteed to the people of England? By the Magna Charta, which provides that no freeman shall be taken or imprisoned but by the lawful judgment of his equals, or by the law of the land.

66. What protection to personal liberty is extended to the people generally against illegal imprisonment at the hands of those intrusted with the administration of justice? The protection afforded by the writ of habeas corpus, by virtue of which any person illegally restrained of his liberty may compel those having him in custody to take him before the proper court or officer and obtain his discharge, if it shall appear that his commitment was unjust.