

Aliud est distinctio, aliud separatio. Distinction is one thing; separation is another. It is one thing to make things distinct, another thing to make them separable.

Aliud est possidere, aliud esse in possessione. It is one thing to possess; it is another to be in possession. Hob. 163.

Aliud est vendere, aliud vendenti consentire. To sell is one thing; to consent to a sale (seller) is another thing. Dig. 50, 17, 160.

ALIUD EXAMEN. A different or foreign mode of trial. 1 Hale, Com. Law, 38.

ALIUNDE. Lat. From another source; from elsewhere; from outside. Evidence *aliunde* (i. e., from without the will) may be received to explain an ambiguity in a will. 1 Greenl. Ev. § 291.

ALL. Collectively, this term designates the whole number of particulars, individuals, or separate items; distributively, it may be equivalent to "each" or "every." State v. Maine Cent. R. Co., 66 Me. 510; Sherburne v. Sischo, 143 Mass. 442, 9 N. E. 797.

—All and singular. A comprehensive term often employed in conveyances, wills, and the like, which includes the aggregate or whole and also each of the separate items or components. McClaskey v. Barr (C. C.) 54 Fed. 798.—**All faults.** A sale of goods with "all faults" covers, in the absence of fraud on the part of the vendor, all such faults and defects as are not inconsistent with the identity of the goods as the goods described. Whitney v. Boardman, 118 Mass. 242.—**All fours.** Two cases or decisions which are alike in all material respects, and precisely similar in all the circumstances affecting their determination, are said to be or to run on "all fours."—**All the estate.** The name given in England to the short clause in a conveyance or other assurance which purports to convey "all the estate, right, title, interest, claim, and demand" of the grantor, lessor, etc., in the property dealt with. Dav. Conv. 93.

Allegans contraria non est audiendus. One alleging contrary or contradictory things (whose statements contradict each other) is not to be heard. 4 Inst. 279. Applied to the statements of a witness.

Allegans suam turpitudinem non est audiendus. One who alleges his own infamy is not to be heard. 4 Inst. 279.

Allegari non debuit quod probatum non relevat. That ought not to be alleged which, if proved, is not relevant. 1 Ch. Cas. 45.

ALLEGATA. In Roman law. A word which the emperors formerly signed at the bottom of their rescripts and constitutions; under other instruments they usually wrote *signata* or *testata*. Enc. Lond.

ALLEGATA ET PROBATA. Lat. Things alleged and proved. The allegations made by a party to a suit, and the proof adduced in their support.

Allegatio contra factum non est admittenda. An allegation contrary to the deed (or fact) is not admissible. **B**

ALLEGATION. The assertion, declaration, or statement of a party to an action, made in a pleading, setting out what he expects to prove. **C**

A material allegation in a pleading is one essential to the claim or defense, and which could not be stricken from the pleading without leaving it insufficient. Code Civil Proc. Cal. § 463. **D**

In ecclesiastical law. The statement of the facts intended to be relied on in support of the contested suit.

In English ecclesiastical practice the word seems to designate the pleading as a whole; the three pleadings are known as the allegations; and the defendant's plea is distinguished as the defensive, or sometimes the responsive, allegation, and the complainant's reply as the rejoining allegation. **E**

—Allegation of faculties. A statement made by the wife of the property of her husband, in order to her obtaining alimony. See Faculties. **F**

ALLEGE. To state, recite, assert, or charge; to make an allegation. **G**

ALLEGED. Stated; recited; claimed; asserted; charged. **H**

ALLEGIANCE. By allegiance is meant the obligation of fidelity and obedience which the individual owes to the government under which he lives, or to his sovereign in return for the protection he receives. It may be an absolute and permanent obligation, or it may be a qualified and temporary one. The citizen or subject owes an absolute and permanent allegiance to his government or sovereign, or at least until, by some open and distinct act, he renounces it and becomes a citizen or subject of another government or another sovereign. The alien, while domiciled in the country, owes a local and temporary allegiance, which continues during the period of his residence. Carlisle v. U. S., 16 Wall. 154, 21 L. Ed. 426; Jackson v. Goodell, 20 Johns. (N. Y.) 191; U. S. v. Wong Kim Ark, 169 U. S. 649, 18 Sup. Ct. 456, 42 L. Ed. 890; Wallace v. Harmstad, 44 Pa. 501. **I**

"The tie or *ligamen* which binds the subject [or citizen] to the king [or government] in return for that protection which the king [or government] affords the subject, [or citizen.]" 1 Bl. Comm. 366. It consists in "a true and faithful obedience of the subject due to his sovereign." 7 Coke, 4b. **J**

B**C****D****E****F****G****H****I****J****K****L****M**

Allegiance is the obligation of fidelity and obedience which every citizen owes to the state. Pol. Code Cal. § 55.

In Norman French. Alleviation; relief; redress. Kelham.

—**Local allegiance.** That measure of obedience which is due from a subject of one government to another government, within whose territory he is temporarily resident.—**Natural allegiance.** In English law. That kind of allegiance which is due from all men born within the king's dominions, immediately upon their birth, which is intrinsic and perpetual, and cannot be divested by any act of their own. 1 Bl. Comm. 369; 2 Kent, Comm. 42. In American law. The allegiance due from citizens of the United States to their native country, and also from naturalized citizens, and which cannot be renounced without the permission of government, to be declared by law. 2 Kent, Comm. 43-49. It differs from *local* allegiance, which is temporary only, being due from an alien or stranger born for so long a time as he continues within the sovereign's dominions and protection. Post. Cr. Law, 184.

ALLEGIARE. To defend and clear one's self; to wage one's own law.

ALLEGING DIMINUTION. The allegation in an appellate court, of some error in a subordinate part of the *nisi prius* record.

ALLEVIARE. L. Lat. In old records. To levy or pay an accustomed fine or composition; to redeem by such payment. Cowell.

ALLIANCE. The relation or union between persons or families contracted by intermarriage.

In international law. A union or association of two or more states or nations, formed by league or treaty, for the joint prosecution of a war, or for their mutual assistance and protection in repelling hostile attacks. The league or treaty by which the association is formed. The act of confederating, by league or treaty, for the purposes mentioned.

If the alliance is formed for the purpose of mutual aid in the prosecution of a war against a common enemy, it is called an "offensive" alliance. If it contemplates only the rendition of aid and protection in resisting the assault of a hostile power, it is called a "defensive" alliance. If it combines both these features, it is denominated an alliance "offensive and defensive."

ALLISION. The running of one vessel into or against another, as distinguished from a collision, *i. e.*, the running of two vessels against each other.

ALLOCATION. An allowance made upon an account in the English exchequer. Cowell.

ALLOCATIONE FACIENDA. In old English practice. A writ for allowing to an accountant such sums of money as he hath lawfully expended in his office; directed to

the lord treasurer and barons of the exchequer upon application made. Jacob.

ALLOCATO COMITATU. In old English practice. In proceedings in outlawry, when there were but two county courts holden between the delivery of the writ of *exigi facias* to the sheriff and its return, a special *exigi facias*, with an *allocato comitatu* issued to the sheriff in order to complete the proceedings. See **EXIGENT**.

ALLOCATUR. Lat. It is allowed. A word formerly used to denote that a writ or order was allowed.

A word denoting the allowance by a master or prothonotary of a bill referred for his consideration, whether touching costs, damages, or matter of account. Lee.

—**Special allocatur.** The special allowance of a writ (particularly a writ of error) which is required in some particular cases.

ALLOCATUR EXIGENT. A species of writ anciently issued in outlawry proceedings, on the return of the original writ of exigent. 1 Tidd, Pr. 123.

ALLOCUTION. See **ALLOUTUS**.

ALLOUTUS. In criminal procedure, when a prisoner is convicted on a trial for treason or felony, the court is bound to demand of him what he has to say as to why the court should not proceed to judgment against him; this demand is called the "*allocutus*," or "allocution," and is entered on the record. Archb. Crim. Pl. 173; State v. Ball, 27 Mo. 324.

ALLODARI. Owners of allodial lands. Owners of estates as large as a subject may have. Co. Litt. 1; Bac. Abr. "*Tenure*," A.

ALLODIAL. Free; not holden of any lord or superior; owned without obligation of vassalage or fealty; the opposite of feudal. Barker v. Dayton, 28 Wis. 384; Wallace v. Harmstad, 44 Pa. 490.

ALLODIUM. Land held absolutely in one's own right, and not of any lord or superior; land not subject to feudal duties or burdens.

An estate held by absolute ownership, without recognizing any superior to whom any duty is due on account thereof. 1 Washb. Real Prop. 16. McCartee v. Orphan Asylum, 9 Cow. (N. Y.) 511, 18 Am. Dec. 516.

ALLOGRAPH. A document not written by any of the parties thereto; opposed to autograph.

ALLONGE. When the indorsements on a bill or note have filled all the blank space, it is customary to annex a strip of paper, called an "*allonge*," to receive the further