

DOCKET

ments entered in a given court, methodically kept by the clerk or other proper officer, open to public inspection, and intended to afford official notice to interested parties of the existence or lien of judgments.

In General

Docket fee. An attorney's fee, of a fixed sum, chargeable with or as a part of the costs of the action, for the attorney of the successful party; so called because chargeable on the docket, not as a fee for making docket entries. *Bank v. Neill*, 13 Mont. 377, 34 Pac. 180; *Goodyear v. Sawyer*, C.C., 17 Fed. 2.

Docket, striking a. A phrase formerly used in English bankruptcy practice. It referred to the entry of certain papers at the bankruptcy office, preliminary to the prosecution of the fiat against a trader who had become bankrupt. These papers consisted of the affidavit, the bond, and the petition of the creditor, and their object was to obtain from the lord chancellor his fiat, authorizing the petitioner to prosecute his complaint against the bankrupt in the bankruptcy courts. *Brown*.

DOCTOR, v. To prescribe or treat medically or to treat as a doctor or physician. *Haines v. Indiana Trust Co.*, 95 Ind.App. 651, 131 N.E. 89, 91.

DOCTOR, n. A learned man; one qualified to give instruction of the higher order in a science or art; particularly, one who has received the highest academical degree in his art or faculty, as, a doctor of laws, medicine, or theology. In colloquial language, however, the term is practically restricted to practitioners of medicine. *Harrison v. State*, 102 Ala. 170, 15 So. 563; *State v. McKnight*, 131 N.C. 717, 42 S.E. 580, 59 L.R.A. 187. But it is not synonymous with surgeon. *State v. Miller*, 59 N.D. 286, 229 N.W. 569, 574.

DOCTOR AND STUDENT. The title of a work written by St. Germain in the reign of Henry VIII, in which many principles of the common law are discussed in a popular manner. It is in the form of a dialogue between a doctor of divinity and a student in law, and has always been considered a book of merit and authority. 1 Kent, Comm. 504; Crabb, Eng. Law, 482.

DOCTORS' COMMONS. An institution near St. Paul's Churchyard, in London, where, for a long time previous to 1857, the ecclesiastical and admiralty courts used to be held.

DOCTRINAL INTERPRETATION. See Interpretation.

DOCTRINE. A rule, principle, theory, or tenet of the law; as, the doctrine of merger, the doctrine of relation, etc.

DOCUMENT. An instrument on which is recorded, by means of letters, figures, or marks, matter which may be evidentially used. In this sense the term "document" applies to writings; to words printed, lithographed, or photographed; to seals, plates, or stones on which inscriptions are cut or

engraved; to photographs and pictures; to maps or plans. The inscription may be of stone or gems, or on wood, as well as on paper or parchment. 1 Whart. Ev. § 614; *Johnson Steel Street-Rail Co. v. North Branch Steel Co.*, C.C.Pa., 48 F. 194; *Arnold v. Water Co.*, 18 R.I. 189, 26 A. 55, 19 L.R.A. 602. It has various statutory meanings. *Hays v. Hinkle*, Tex.Civ.App., 193 S.W. 153, 155; *Cohn v. U. S.*, C.C.A.N.Y., 258 F. 355, 361; *Smith v. Lingelbach*, 177 Wis. 170, 187 N.W. 1007, 1008.

In the plural, the deeds, agreements, title-papers, letters, receipts, and other written instruments used to prove a fact.

In the Civil Law

Evidence delivered in the forms established by law, of whatever nature such evidence may be. The term is, however, applied principally to the testimony of witnesses. Sav. Dr. Rom. § 165.

In General

Ancient documents. Deeds, wills, and other writings more than thirty years old are so called; they are presumed to be genuine without express proof, when coming from the proper custody.

Foreign document. One which was prepared or executed in, or which comes from, a foreign state or country.

Judicial documents. Proceedings relating to litigation. They are divided into (1) judgments, decrees, and verdicts; (2) depositions, examinations, and inquisitions taken in the course of a legal process; (3) writs, warrants, pleadings, etc., which are incident to any judicial proceedings. See 1 Starkie, Ev. 252.

Public document. A state paper, or other instrument of public importance or interest, issued or published by authority of congress or a state legislature. Also any document or record, evidencing or connected with the public business or the administration of public affairs, preserved in or issued by any department of the government. See *Hammatt v. Emerson*, 27 Me. 335, 46 Am. Dec. 598. One of the publications printed by order of congress or either house thereof. *McCall v. U. S.*, 1 Dak. 328, 46 N.W. 608. Broadly, any document open to public inspection. *Flint v. Stone Tracy Co.*, 220 U.S. 107, 31 S.Ct. 342, 55 L.Ed. 389, Ann.Cas.1912B, 1312.

DOCUMENTARY EVIDENCE. Evidence supplied by writings and documents of every kind in the widest sense of the term; evidence derived from conventional symbols (such as letters) by which ideas are represented on material substances. Such evidence as is furnished by written instruments, inscriptions, documents of all kinds, and also any inanimate objects admissible for the purpose, as distinguished from "oral" evidence, or that delivered by human beings viva voce. *People v. Purcell*, 22 Cal.App.2d 126, 70 P.2d 706, 709.