THE DEFINITIVE CHECKLIST OF LEGAL MAXIMS FOR PROPERTY LAWYERS
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1. *A communi observantia non est recedendum*. There should be no departure from common observance or usage.

2. *A l'impossible nul n'est tenu*. No one is bound to do what is impossible / *Nemo tenetur ad impossibile*. No one is bound to an impossibility.

3. *Absoluta sententia expositore non indiget*. An unqualified sentence needs no exposition.

4. *Adversus extraneos vitiosa possessio prodesse solet* Prior possession is a good title of ownership against all who cannot show a better title.

5. *Aequitas agit in personam*. Equity acts upon the person.

6. *Aequitas est aequalitas*. Equity is equality

7. *Aequitas factum habet quod fieri oportuit*. Equity looks upon that as done which ought to have been done.

8. *Aequum petenti idem agendum est*. He who seeks equity must do equity.

9. *Alienatio rei praefertur juri accrescendi*. The law prefers alienation to accumulation.

10. *Animus ad se omne jus ducit*. It is to the intention that all law applies / Equity looks to the intent, rather than the form.

11. *Aqua cedit solo*. The water accompanies the soil (the grant of the land includes the water).

12. *Argumentum ab inconvenienti est validum in lege; quia lex non permittit aliquod inconveniens*. An argument drawn from what is inconvenient is good in law, because the law will not permit any inconvenience.

13. *Augupia verforum sunt judice indigna*. Twisting of language is unworthy of a judge.

14. *Causa proxima, non remota spectatur*. The immediate, and not the remote cause, is to be considered.

15. *Caveat emptor*. Let the buyer beware.

16. *Commodum ex injuri su non habere debet*. No man ought to be able to take advantage of his own wrong.

17. *Consensus tollit errorem*. Consent removes a mistake.

18. *Consequentiae non est consequentia*. A consequence ought not to be drawn from another consequence.
19. *Contr non volentem agere nulla currit praescriptio.* No prescription runs against a person unable to act.

20. *Cujus est commodum ejus debet esse incommodum.* He who has the benefit should bear the burden.

21. *Cujus est solum, ejus est usque ad caelum.* He who owns the soil, owns up to the sky.

22. *Currit tempus contra desides et sui juris contemptores.* Time runs against the slothful and those who neglect their rights (equity aids the vigilant, not those who sleep on their rights).

23. *De minimis non curat lex.* The law does not care about trifling matters.

24. *Dolus auctoris non nocet successori.* The fraud of a possessor does not prejudice the successor.

25. *Dormiunt aliquando leges, nunquam moriuntur.* The laws sometimes sleep, but it never dies.

26. *Ejus est periculum cujus est dominium aut commodum.* He who has the risk has the advantage.

27. *Elect un vi, non datur recursus ad alteram.* When there is concurrence of means, he who has chosen one cannot have recourse to another.

28. *Error scribentis nocere non debet.* An error made by a clerk ought not to injure.

29. *Ex diuturnitate temporis, amnia praesumuntur solemniter esse acta.* From length of time, all things are presumed to have been done in due form.

30. *Ex dolo malo non oritur action.* Out of fraud, no action arises.

31. *Ex turpi causa non oritur. Ex dolo malo non oritur actio.* No cause of action comes from a base cause / He who comes to equity must come with clean hands / No right of action can have its origin in fraud.

32. *Ex uno disces omnes.* From one thing you can discern all.

33. *Expressio unius est exclusio alterius.* The expression of one thing is the exclusion of another.

34. *Expressum facit cessare tacitum.* What is expressed renders what is implied silent.

35. *Id certum est quod certum reddi potest.* That is certain which may be rendered certain.

36. *In eo quod plus sit, semper inest et minus.* The less is included in the greater / *In toto et pars continetur.* A part is included in the whole.
37. *In pari causa possessor potior haberi debet.* When two parties have equal rights, the presumption is in favour of the possessor.

38. *Interpretatio fienda est ut res magis valeat quam perceat.* That construction is to be made to give effect rather than give none.

39. *Judicia posteriora sunt in lege fortiora.* The later decisions are stronger in law.

40. *Lex citius tolerare vult privatum damnum quam publicum malum.* The law would rather tolerate a private wrong than a public evil.

41. *Lex non requirit verificare quod apparent curiae.* The law does not require that to be proved, which is apparent to the court.

42. *Lex semper dabit remedium / Maxim ubi jus ibi remedy.* The law always gives a remedy (where there’s a right, there’s a remedy).

43. *Locus contractus regit actum.* The place of the contract governs the act.

44. *Melius est in tempore occurrere, quam post causam vulneratum remedium quaerere.* It is better to deal with something in time, than to pursue a remedy after the wrong has been inflicted.

45. *Minim mutanda sunt quae certam habuerint interpretationem.* Things which have had a certain interpretation are to be changed as little as possible.

46. *Necessitas facit licitum quod alias non est licitum.* Necessity makes that lawful which otherwise is unlawful.

47. *Nemo allegans suam turpitudinem, audiendus est.* No one alleging his own turpitude is to be heard as a witness.

48. *Nemo contra factum suum venire potest.* No man can undermine his own deed.

49. *Nemo debet esse judex in propri caus.* No one should be judge in his own cause.

50. *Nemo dat qui non habet.* No one can give who does not possess.

51. *Nemo debet rem suam sine facto aut defectu suo amittere.* No one should lose property without his act or omission / *Domus sua cuique est tutissimum refugium.* A man’s home is his castle.

52. *Nemo plus juris ad alienum transfere potest, quam ispe habent.* You cannot transfer to another a right which you don’t have.

53. *Nemo potest esse tenes et dominus.* You cannot be both tenant and landlord of the same premises.
54. *Nemo potest facere per alium quod per se non potest.* You can’t do by another what you can’t do yourself.

55. *Nemo praesumitur donare.* No one is presumed to give.

56. *Nil facit error nominis, si de corpore constat.* An error in the name is immaterial, if the body is certain.

57. *Nihil habet forum ex scen.* The court has nothing to do with what is not before it.

58. *Non consentit qui errat.* He who errs does not consent.

59. *Non debet, cui plus licet, quod minus est, non licere.* He who is permitted to do the greater, may with greater reason do the less.

60. *Nulla impossibilia aut inhonesta sunt praesumenda.* Impossibilities and dishonesty are not to be presumed.

61. *Nulle regle sans faute.* There is no rule without a fault

62. *Nulli enim res sua servit jure servitutis.* No one can have a servitude over his own property

63. *Omissio eorum quae tacite insunt nihil operatur.* The omission of those things which are silently expressed is of no consequence.

64. *Omnia praesumuntur contra spoliatorem.* All things are presumed against a wrongdoer.

65. *Omnia praesumuntur legitime facta donec probetur in contrarium.* All things are presumed to be done legitimately, until the contrary is proved.

66. *Omnis interpretatio si fieri potest ita fienda est in instrumentis, ut omnes contrarietates amoveantur.* The interpretation of instruments is to be made, if they will admit of it, so that all contradictions may be removed

67. *Omnis regula suas patitur exceptiones.* All rules of law are liable to exceptions.

68. *Omnis ratihabitio retro trahitur et mandato aequiparatur.* Every consent given to what has already been done has retrospective effect.

69. *Oportet quod certa sit res venditur.* A thing, to be sold, must be certain or definite

70. *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.* A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit.

71. *Prior tempore, potior jure.* He who is first in time, is preferred in right.

73. Proprietas verborum est salus proprietatum. The propriety of words is the safety of property.

74. Quae ad unum finem loquuta sunt; non debent ad alium detorqueri. Words spoken to one end, ought not to be perverted to another.

75. Quae in auri acta sunt rite agi praesumptur. Whatever is done in court is presumed to be correctly done.

76. Quaelibet concessio fortissime contra donatorem interpretanda est. Every grant is to be taken most strongly against the grantor.

77. Quamvis aliquid per se non sit malum, tamen si sit mali exemplo, non est faciendum. Although, in itself, a thing may not be had, yet, if it holds out a bad example, it is not to be done.

78. Quando aliquid prohibitur ex directo, prohibitetur et per obliquum. When anything is prohibited directly, it is prohibited indirectly.

79. Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur. When the law gives anything, it gives implicitly that which is incident to it.

80. Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est. When more is done than ought to be done, that shall be considered as performed, which should have been performed.

81. Qui male agit, odit lucem. He who acts badly, despises the light.

82. Qui prior est tempore, potior est jure. He who is first or before in time, is stronger in right.

83. Qui tacet consentire videtur. He who is silent appears to consent.

84. Quicquid plantatur solo, solo cedit. Whatever is affixed to the soil belongs to it.

85. Quod ab initio non valet, in tractu temporis non convalescere. What is not good in the beginning cannot be rendered good by time.

86. Quod constat clare, non debet verificari. What is clearly apparent need not be proved.

87. Regula pro lege, si deficit lex. In default of the law, the maxim rules.

88. Secundum naturam est, commoda cujusque rei eum sequi, quem sequentur incommoda. He who bears the charge of a thing, should receive the profits.
89. *Sensus verborum ex causa dicendi accipiendus est, et sermones semper accipiendi sunt secundum subjectam materiam.* The sense of words is to be taken from the occasion of speaking them: discourses are always to be interpreted according to the subject-matter.

90. *Sic interpretandum est ut verba accipiantur cum effectu.* Such an interpretation is to be made, that the words may have an effect.

91. *Sine possessione usucapio procedere non potest.* There can be no prescription without possession.

92. *Sublata causa tollitur effectus.* Remove the cause and the effect will cease.

93. *Tantum bona valent, quantum vendi possunt.* Things are worth what they will sell for

94. *Terminus annorum certus debet esse et determinatus.* A term of years ought to be certain and determinate.

95. *Terra transit cum onere.* Land passes with the incumbrances.

96. *Tout ce que la loi ne defend pas est permis.* Everything is permitted, which is not forbidden by law.

97. *Ubi jus, ibi remedium.* Where there’s a right, there’s a remedy

98. *Verba chartarum fortius accipiuntur contra proferentem.* The words of deeds are to be interpreted most strongly against him who uses them.

99. *Verba nihil operandi melius est quam absurde.* It is better that words should have no operation, than to operate absurdly.

100. *Verba posteriora propter certitudinem addita, ad priora quae certitudine indigent, sunt referenda.* Words added for the purpose of certainty are to be referred to preceding words, in which certainty is wanting.