

## K.

**KAIN.** In Scotch Law. A payment of fowls, etc., reserved in a lease. It is derived from *canum*, a word used in ancient grants to signify fowls or animals deliverable by the vassal to his superior as part of the *reddendum*. Erskine, Inst. 11. 10. 32; 2 Ross, Lect. 236, 405.

**KANSAS.** The name of one of the states of the United States of America.

The territory of Kansas was organized by an act of congress, dated May 30, 1854.

The constitution was adopted at Wyandotte, July 29, 1859, and Kansas was admitted into the Union as a state, by an act of congress, approved January 20, 1861.

The state was carved out of a portion of the Louisiana purchase, and a small portion of the territory ceded to the United States by Texas, and is bounded as follows, to wit:—

“Beginning at a point on the western boundary of the state of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the state of Missouri; thence south with the western boundary of said state to the place of beginning.”

The portion of Kansas that originally belonged to Texas, is that part of the state lying south of the Arkansas river and west of longitude twenty-three degrees west from Washington.

Under the constitution, the powers of the state government are divided into three departments, viz.: executive, legislative, and judicial.

**EXECUTIVE DEPARTMENT.**—The executive department consists of a governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney general, and superintendent of public instruction, who are chosen by the electors of the state, at the time and place of voting for members of the legislature, and hold their offices for two years from the second Monday in January next after their election, and until their successors are elected and qualified.

The secretary of state, lieutenant-governor, and attorney general constitute a board of state canvassers of election, whose duty it is to meet on the second Tuesday of December succeeding each election for state officers, and proclaim the result of such election.

No member of congress, or officer of the state, or of the United States, shall hold the office of governor, except as herein provided.

In all cases of the death, impeachment, resignation, removal, or other disability of the governor, the power and duties of the office, for the residue of the term, or until the disability shall be removed, shall devolve upon the president of the senate.

The lieutenant-governor shall be president of the senate, and shall vote only when the senate is equally divided.

The senate shall choose a president *pro tempore*, to preside in case of his absence or impeachment, or when he shall hold the office of governor.

**LEGISLATIVE DEPARTMENT.**—The legislative power of this state shall be vested in a house of representatives and senate.

The number of representatives is regulated by law, but shall never exceed one hundred and twenty-five representatives and forty senators.

A majority of all the members elected to each house, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived or amended, unless the new act contain the entire act revived, or section or sections amended, and the section or sections so amended shall be repealed.

All laws of a general nature shall have a uniform operation throughout the state; and in all cases where a general law can be made applicable, no special law shall be enacted.

The legislature may confer upon tribunals transacting the county business of the several counties, such powers of local legislation and administration as it shall deem expedient.

For any speech or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest, except for felony or breach of the peace, in going to or returning from the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

All sessions of the legislature shall be held at the state capital, and, beginning with the session of eighteen hundred and seventy-seven, all regular sessions shall be held once in two years, commencing on the second Tuesday of January each alternate year thereafter.

The house of representatives has the sole power to impeach. All impeachments are tried by the senate. No person shall be convicted without the concurrence of two-thirds of the senators elected.

**JUDICIAL DEPARTMENT.**—The judicial power of this state is vested in a supreme court, district courts, probate courts, justices of the peace, and such other courts, inferior to the supreme court, as may be provided by law.

The supreme court consists of one chief justice and two associate justices, who are elected by the electors of the state at large, and whose term of office, after the first, shall be six years. At the first election a chief justice shall be chosen for six years, one associate justice for four years, and one for two years.

The supreme court has original jurisdiction in proceedings in *quo warranto*, *mandamus*, and *habeas corpus*; and such appellate jurisdiction as may be provided by law.

The state is divided into five judicial districts, in each of which there is elected a district judge, who holds his office for four years.

The district courts have such jurisdiction in their respective districts as may be provided by law.

There is a probate court in each county, which is a court of record and has such probate jurisdiction and care of estates of deceased persons, minors, and persons of unsound mind, as may

be prescribed by law, and shall have jurisdiction in cases of *habeas corpus*. This court consists of one judge, who is elected and holds his office for two years.

Two justices of the peace are elected in each township.

Justices of the supreme court and judges of the district courts may be removed from office by resolution of both houses, if two-thirds of the members of each house concur, but no such removal shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard.

**Elections.**—All elections by the people shall be by ballot, and all elections by the legislature shall be *viva voce*.

**Suffrage.**—Every person who shall give or accept a challenge to fight a duel, or who shall, knowingly, carry to another person such challenge, or shall go out of the state to fight a duel, shall be ineligible to any office of trust or profit.

Every person who shall have given or offered a bribe to procure his election, shall be disqualified from holding office during the term for which he may have been elected.

**Education.**—The legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement, by establishing a uniform system of common schools and schools of a higher grade, embracing normal, preparatory, collegiate, and university departments.

No religious sect or sects shall ever control any part of the common school or university funds of the state.

**Corporations.**—The legislature shall pass no special act conferring corporate powers. Corporations may be created under general laws; but such laws may be amended or repealed.

The term corporation, as used in this article, includes all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships; and all corporations may sue and be sued in their corporate name.

**Miscellaneous.**—Lotteries and the sale of lottery tickets are forever prohibited.

The legislature shall provide for the protection of the rights of women in acquiring and possessing property, real, personal, and mixed, and separate and apart from the husband; and shall also provide for their equal rights in the possession of their children.

A homestead to the extent of one hundred and sixty acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all the improvements on the same, is exempted from forced sale, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon; Provided, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife.

The manufacture and sale of intoxicating liquors shall be forever prohibited in this state, except for medical, scientific, and mechanical purposes.

No distinction shall ever be made between citizens and aliens in reference to the purchase, enjoyment, or descent of property.

There are no common law crimes in this state. All crimes are defined and punished by statute.

The common law, as modified by constitutional

and statutory law, judicial decisions, and the conditions and wants of the people, shall remain in force in aid of the general statutes in this state; but the rule of the common law, that statutes in derogation thereof shall be strictly construed, shall not be applicable to any general statute in this state, but all such statutes shall be liberally construed to promote their object.

“The body of the laws of England as they existed in the fourth year of the reign of James I. (1607) constitutes the common law of this state;” 9 Kan. 252.

**KEELAGE.** The right of demanding money for the bottom of ships resting in a port or harbor. The money so paid is also called *keelage*.

**KEELS.** This word is applied, in England, to vessels employed in the carriage of coals. Jacob, Law Dict.

#### KEEP.

Neither a single act of play at a gaming table, called a sweat cloth, at the races, nor even a single day's use of it on the race field, is a keeping of a common gaming table, within the Penitentiary Act for the District of Columbia; 4 Cr. C. C. 659. When it is said that a certain man keeps a woman, the popular inference is, that the relation is one which involves illicit intercourse; 36 Ala. 717. See 3 Allen, 101; 52 N. H. 368.

#### KEEPER.

To warrant the conviction of one as the keeper of a common gaming house, he need not be the proprietor or lessee; it is sufficient if he has the general superintendence; 67 Ill. 587.

**KEEPER OF THE FOREST** (called, also, the chief warden of the forest). An officer who had the principal government over all officers within the forest, and warned them to appear at the court of justice-seat on a summons from the lord chief-justice in eyre. Manw. For. Law, part 1, p. 156; Jacob, Law Dict.

#### KEEPER OF THE GREAT SEAL

(lord keeper of the great seal). A judicial officer who is by virtue of his office a lord, and a member of the privy council. Through his hands pass all charters, commissions, and grants of the crown, to be sealed with the *great seal*, which is under his keeping. The office was consolidated with that of lord chancellor by 5 Eliz. c. 18; and the lord chancellor is appointed by delivery of the great seal, and taking oath. Co. 4th Inst. 87; 1 Hale, Pl. Cr. 171, 174; 3 Bla. Com. 47.

#### KEEPER OF THE PRIVY SEAL.

The officer through whose hands go all charters, pardons, etc. signed by the king before going to the great seal, and some which do not go there at all. He is of the privy council *virtute officii*. He was first called clerk of the privy seal, then guardian, then lord privy seal, which is his present designation. 12 Ric. II. c. 12; Rot. Parl. 11 Hen. IV.; Stat. 34 Hen. VIII. c. 4; 4 Inst. 55; 2 Bla. Com. 347.

#### KEEPING HOUSE. In English Law.

As an act of bankruptcy, is when a man absents himself from his place of business and retires to his private residence, so as to evade the impor-

tunity of creditors. The usual evidence of "keeping house" is denial to a creditor who has called for money. Robson, Bkey.; 6 Bing. 363.

#### KEEPING OPEN.

A statute prohibiting shops to be kept open on Sunday is violated where one allows general access to his shop for purposes of traffic, though the outer entrances are closed; 11 Gray, 308; 16 Mich. 472.

#### KEEPING TERM. In English Law.

A duty performed by students of law, consisting in eating a sufficient number of dinners in hall to make the term count for the purpose of being called to the bar; Moz. & W.

**KENNING TO THE TERCE. In Scotch Law.** The ascertainment by a sheriff of the just proportion of the husband's lands which belongs to the widow in virtue of her *terce* or third. An assignment of dower by sheriff. Erskine, Inst. 11. 9. 50; Bell, Diet.

**KENTLEDGE, or KINTLEDGE.** The permanent ballast of a ship. Ab. Sh. 6.

**KENTUCKY.** The name of one of the states of the United States of America.

This state was formerly a part of Virginia, which by an act of its legislature, passed December 18, 1789, consented that the district of Kentucky within the jurisdiction of the said commonwealth, and according to its actual boundaries at the time of passing the act aforesaid, should be formed into a new state. By the act of congress of February, 1791, 1 Story, Laws, 168, congress consented that, after the first day of June, 1792, the district of Kentucky should be formed into a new state, separate from and independent of the commonwealth of Virginia. And by the second section it is enacted, that upon the aforesaid first day of June, 1792, the said new state, by the name and style of the state of Kentucky, shall be received and admitted into this Union, as a new and entire member of the United States of America.

The present constitution of this state was adopted June 11, 1850. The powers of government are divided into three distinct departments, each of them confided to a separate body of magistracy, the legislative, the executive, and the judicial.

**LEGISLATIVE DEPARTMENT.**—The legislative power is vested in two branches; a house of representatives and a senate, which together constitute the general assembly of the commonwealth of Kentucky. The house of representatives consists of one hundred members. Representatives are elected for a term of two years on the first Monday in August in every second year beginning with 1851, and must have attained the age of twenty-four years, and have resided in the state two years preceding the election, the last year thereof in the county, town, or city for which they are chosen. Voters for representative shall be male citizens of the age of twenty-one years, who have resided in the state two years, or in the county, town, or city one year next preceding the election.

The senate consists of thirty-eight senators, who are elected for a term of four years. Upon its first session under this constitution in 1851, the senators then elected were divided by lot into two classes. The seats of the first class became vacant at the end of two years, so that half of the senate is chosen every second year. Sena-

tors must be citizens of the United States, of the age of thirty years, and have resided in the state six years preceding the election, the last year thereof in the district for which they are chosen.

The general assembly convenes at the seat of government, which is at the town of Frankfort, in Franklin county.

**EXECUTIVE DEPARTMENT.**—The executive power is vested in the chief magistrate, who is styled the governor of the commonwealth of Kentucky. He is elected for a term of four years by the qualified voters of the state, and is ineligible for the succeeding four years after the expiration of the term for which he shall have been elected. He must be at least thirty-five years of age, a citizen of the United States, and must have been an inhabitant of the state six years next preceding his election. No member of congress, or person holding any office under the United States, or minister of any religious society, is eligible to this office. The governor is commander-in-chief of the army and navy of the commonwealth, and its militia, except when they shall be called into the service of the United States. He has power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason, he has power to grant reprieves until the end of the next session of the general assembly. He may, on extraordinary occasions, convene the general assembly, and in case of a disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. "He shall take care that the laws are faithfully executed."

A lieutenant-governor is chosen at every regular election for governor in the same manner and for the same term. He must have the same qualifications, and he is, by virtue of his office, speaker of the senate; has a right in committee of the whole to debate and vote on all subjects, and when the senate is equally divided, to give the casting vote. Should the governor be impeached, removed from office, die, refuse to qualify, resign, or be absent from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, or until another be duly elected and qualified, or the governor, if absent or impeached, shall return or be acquitted.

The governor has power to return bills which have passed the general assembly, to the house in which they originated, with his objections thereto, which are to be entered upon its journal, and such house shall then proceed to reconsider the bill, and if, after such reconsideration, a majority of all the members elected to that house agree to pass the bill, it shall be sent to the other house with the objections, and there be likewise considered, and if approved by a majority of all the members elected to that house, it shall be a law, but the votes of both houses must be determined by yeas and nays, and the names of the members voting for and against the bill entered in the journal. Any bill not returned by the governor within ten days (Sundays excepted), after it shall have been presented to him, shall become a law, as if he had signed it, unless the general assembly by their adjournment prevent its return, in which case it shall be a law unless sent back within three days after the next meeting of the legislature. Every order, resolution, or vote, in which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor and be approved by him before it shall take effect, or, being disapproved, shall be re-passed as be-

fore provided. Contested elections for governor and lieutenant-governor shall be determined by both houses of the general assembly, according to such regulations as may be established by law.

**JUDICIAL DEPARTMENT.**—The judicial power of the commonwealth, both as to matters of law and equity, is vested in one supreme court, styled the court of appeals, and such courts, inferior to the supreme court, as the general assembly may from time to time recommend and establish. The court of appeals consists of four judges, who hold their offices eight years and until their successors are duly qualified, but for any reasonable cause the governor shall remove any of them on the address of two-thirds of each house of the general assembly. The judges are elected; and for the purpose of electing judges the state is by law divided into four districts, in each of which the qualified voters elect one judge of the court of appeals. One judge is elected every two years. A judge of this court must be a citizen of the United States, and resident in the district for which he may be a candidate two years next preceding his election. He must be at least thirty years of age, and have been a practising lawyer or a practising lawyer and judge for eight years.

The inferior courts consist of circuit courts of general jurisdiction, having cognizance of suits both at common law and equity and of criminal cases, but in some circuits the common law jurisdiction is vested in courts of common pleas, and the equity jurisdiction in chancery courts.

In each county there is a county court with probate jurisdiction, and appellate jurisdiction of certain minor appeals from magistrates. The county court is, at stated times, organized as a levy court, composed of the presiding judge of the county court and the magistrates of the county, which has the power of a local legislature for county matters.

There are also justices of the peace. All judges are elected for terms provided by law, by the qualified voters of the district in which they hold office.

**KEY.** An instrument made for shutting and opening a lock.

The keys of a house are considered as real estate, and descend to the heir with the inheritance; 11 Co. 50 b; 30 E. L. & Eq. 598. See 5 Blackf. 417; 5 Taunt. 518.

When the keys of a warehouse are delivered to a purchaser of goods locked up there, with a view of effecting a delivery of such goods, the delivery is complete. The doctrine of the civil law is the same; Dig. 41. 1. 9. 6; 18. 1. 74.

Keys are implements of housebreaking within statute 14 & 15 Vict. c. 19, § 1; for, though commonly used for lawful purposes, they are capable of being employed for purposes of housebreaking; and it is a question for the jury whether the person found in possession of them by night had them without lawful excuse, with the intention of using them as implements of housebreaking; 2 Den. Cr. Cas. 472; 3 C. & K. 250.

**KEYAGE.** A toll paid for loading and unloading merchandise at a key or wharf.

**KEYS.** In the Isle of Man are the twenty-four chief commoners, who form the local legislature. 1 Steph. Com. 99.

**KIDNAPPING.** The forcible abduction or stealing away of a man, woman, or child from their own country and sending them into another; 4 Bla. Com. 219. At common law it is a misdemeanor; Comb. 10.

There is no wide difference in meaning between kidnapping, false imprisonment, and abduction. The better view seems to be that kidnapping is a false imprisonment, which it always includes, aggravated by the carrying of the person to some other place; 2 Bish. Cr. L. §§ 750-756. It has been held that transportation to a foreign country is not necessary, though this conflicts with Blackstone's definition, *supra*; 8 N. H. 550; see 1 East, P. C. 429. The consent of a mature person of sound mind prevents any act from being kidnapping; otherwise as to a young child: a child of nine years has been held too young to render his consent available as a defence; 41 N. H. 53; 5 Allen, 518; Thach. Cr. Cas. 488. Physical force need not be applied. The crime may be effected by means of menaces; 20 Ill. 315; or by getting a man drunk; 25 N. Y. 373. Where the custody of a child is assigned to one of two divorced parents, and the other, or a third person employed for the purpose, carries it off, it is kidnapping; 41 N. H. 53; 5 Allen, 518. New York, Illinois, and other states, have passed statutes on kidnapping. See ABDUCTION; 1 Russ. Cr. 962; 3 Tex. 282; 12 Metc. 56; 2 Park. Cr. Ca. 590.

It has been held, however, that the carrying away is not essential; 8 N. H. 550. The crime includes a false imprisonment; 2 Bishop, Crim. Law, § 671. See ABDUCTION; 1 Russ. Cr. 716; 2 Harr. Del. 538; 3 Tex. 282; 12 Metc. 56.

*Kidnapping Act, 1872.* The stat. 35 & 36 Vict. c. 19, for the prevention and punishment of criminal outrages upon natives of the islands of the Pacific ocean. Amended by the 38 & 39 Vict. c. 51.

**KILDERKIN.** A measure of capacity, equal to eighteen gallons.

**KIN.** Legal relationship.

**KINDRED.** Relations by blood. This properly includes only legitimate kindred; 1 Bla. Com. 459; 38 Me. 153.

Nature has divided the kindred of every one into three principal classes. 1. His children, and their descendants. 2. His father, mother, and other ascendants. 3. His collateral relations; which include, in the first place, his brothers and sisters, and their descendants; and, secondly, his uncles, cousins, and other relations of either sex, who have not descended from a brother or sister of the deceased. All kindred, then, are descendants, ascendants, or collaterals. A husband or wife of the deceased, therefore, is not his or her kindred; 14 Ves. 372. See Wood. Inst. 50; Ayliffe, Parerg. 325; Dane, Abr.; Toul-lier, Ex. 382, 383; 2 Sharsw. Bla. Com. 516. n.; Pothier, Des Successions, c. 1, art. 3.

**KING.** The chief magistrate of a kingdom, vested usually with the executive power.

The following table of the reigns of English and British kings and queens is added, to

assist the student in many points of chronology:—

	Accession.
William I. . . . .	1066
William II. . . . .	1087
Henry I. . . . .	1100
Stephen . . . . .	1135
Henry II. . . . .	1154
Richard I. . . . .	1189
John . . . . .	1199
Henry III. . . . .	1216
Edward I. . . . .	1272
Edward II. . . . .	1307
Edward III. . . . .	1326
Richard II. . . . .	1377
Henry IV. . . . .	1399
Henry V. . . . .	1413
Henry VI. . . . .	1422
Edward IV. . . . .	1461
Edward V. . . . .	1483
Richard III. . . . .	1483
Henry VII. . . . .	1485
Henry VIII. . . . .	1509
Edward VI. . . . .	1547
Mary . . . . .	1553
Elizabeth. . . . .	1558
James I. . . . .	1603
Charles I. . . . .	1625
Charles II. . . . .	1649
James II. . . . .	1685
William and Mary . . . . .	1689
William III. . . . .	1695
Anne . . . . .	1702
George I. . . . .	1714
George II. . . . .	1727
George III. . . . .	1760
George IV. . . . .	1820
William IV. . . . .	1830
Victoria . . . . .	1837

#### KING CAN DO NO WRONG.

This maxim means that the king is not responsible legally for aught he may please to do, or for any omission. Aust. Jur. sect. VI. It does not mean that everything done by the government is just and lawful, but that whatever is exceptionable in the conduct of public affairs is not to be imputed to the king; 2 Steph. Com. 478; Moz. & W.

This maxim has no place in the system of constitutional law of the United States, as applicable either to the government or any of its officers. Our government is not liable for the wrongful and unauthorized acts of its officers, however high their place, and though done under a mistaken zeal for the public good; 21 Alb. L. Jour. 397; 2 Wall. 561; 7 *id.* 122; 8 *id.* 269.

**KING'S BENCH.** See COURT OF KING'S BENCH.

#### KING'S or QUEEN'S COUNSEL.

Barristers or serjeants who have been called within the bar and selected to be the king's counsel. They answer in some measure to the *advocati fisci*, or advocates of the revenue, among the Romans. They must not be employed against the crown without special leave, which is, however, always granted, at a cost of about nine pounds. 3 Sharsw. Bla. Com. 27, note.

**KING'S EVIDENCE.** An accomplice in a felony, who, on an implied promise of pardon if he fully and fairly discloses the truth, is admitted as evidence for the crown against his accomplices. 1 Phill. Ev. 31. A jury may, if they please, convict on the

unsupported testimony of an accomplice; 4 Steph. Com. 398. On giving a full and fair confession of truth, the accomplice has an equitable title to a recommendation to mercy. He cannot be admitted to testify as king's evidence after judgment against him; 2 Russ. Cri. 956-958. In the United States, this is known as state's evidence.

**KING'S SILVER.** A fine or payment due to the king for leave to agree in order to levying a fine (*finalis concordia*). 2 Bla. Com. 350; Dy. 320, pl. 19; 1 Leon. 249, 250; 2 *id.* 56, 179, 233, 234; 5 Coke, 39.

**KINGDOM.** A country where an officer called a king exercises the powers of government, whether the same be absolute or limited. Wolff. Inst. Nat. § 994. In some kingdoms, the executive officer may be a woman, who is called a queen.

**KINSBOTE** (from *kin*, and *bote*, a composition). In Saxon Law. A composition for killing a kinsman. Anc. Laws & Inst. of Eng. Index, *Bote*.

**KIRBY'S QUEST.** An ancient record remaining with the remembrancer of the English exchequer; so called from being the inquest of John de Kirby, treasurer to Edward I.

**KISSING THE BOOK.** A ceremony used in taking the corporal oath, the object being, as the canonists say, to denote the assent of the witness to the oath in the form it is imposed. The witness kisses either the whole Bible, or some portion of it; or a cross, in some countries. See the ceremony explained in Oughton's Ordo, tit. lxxx.; Consitt. on Courts, part 3, sect. 1, § 3; Junkin, Oath, 173, 180; 2 Pothier, Obl. Evans ed. 234.

**KNAVE.** A false, dishonest, or deceitful person. This signification of the word has arisen by a long perversion of its original meaning, which was merely servant or attendant.

To call a man a knave has been held to be actionable; 1 Rolle, Abr. 52; 1 Freem. 277; 5 Pick. 244.

**KNIGHT.** In English Law. The next personal dignity after the nobility. Of knights there are several orders and degrees. The first in rank are knights of the garter, instituted by Edward III. in 1344; next follows, a knight banneret; then come knights of the bath, instituted by Henry IV., and revived by George I.; and they were so called from a custom of bathing the night before their creation. The last order are knights bachelors, who, though the lowest, are yet the most ancient, order of knighthood; for we find that King Alfred conferred this order upon his son Athelstan. 1 Bla. Com. 403. These are sometimes called knights of the chamber, being such as are made in time of peace, and so called because knighted in the king's chamber, and not in the field. Co. 2d Inst. 666. Knights were called *equites*, because they always served on horseback;

*aurati*, from the gilt spurs they wore; and *milites*, because they formed the royal army, in virtue of their feudal tenures.

**KNIGHT'S FEE** was anciently so much of an inheritance in land as was sufficient to maintain a knight; and every man possessed of such an estate was obliged to be knighted, and attend the king in his wars, or pay a pecuniary sum in lieu thereof, called *escuage*. In the time of Henry II. the estate was estimated at twenty pounds a year; but Lord Coke, in his time, states it to be an estate of six hundred and eighty acres. Co. Litt. 69 a.

**KNIGHT'S SERVICE.** Upon the Norman conquest, all the lands in England were divided into knight's fees, in number above sixty thousand; and for every knight's fee, a knight was bound to attend the king in his wars forty days in a year, in which space of time, before war was reduced to a science, a campaign was generally finished. If a man only held half a knight's fee, he was only bound to attend twenty days; and so in proportion. But this personal service, in process of time, grew into pecuniary commutations, or aids; until at last, with the military part of the feudal system, it was abolished at the restoration, by the statute of 12 Car. II. c. 24. 1 Bla. Com. 410; 2 *id.* 62.

**KNOW ALL MEN BY THESE PRESENTS.** See PRESENTS.

**KNOWINGLY.** In Pleading. The word "knowingly," or "well knowing," will supply the place of a positive averment, in an indictment or declaration, that the defendant knew the facts subsequently stated; if notice or knowledge be unnecessarily stated, the allegation may be rejected as surplusage. See Comyns, Dig. *Indictment* (G 6); 2 Cush. 577; 2 Stra. 904; 2 East, 452; 1 Chitty, Pl. 367.

**KNOWLEDGE.** Information as to a fact.

Many acts are perfectly innocent when the party performing them is not aware of certain circumstances attending them; for example,

a man may pass a counterfeit note, and be guiltless, if he did not know it was so; he may receive stolen goods, if he were not aware of the fact that they were stolen. In these and the like cases it is the guilty knowledge which makes the crime.

Such guilty knowledge is made by the statute a constituent part of the offence; and therefore it must be averred and proved as such. But it is in general true, and may be considered as a rule almost necessary to the restraint and punishment of crimes, that when a man does that which by the common law or by statute is unlawful, and in pursuing his criminal purpose does that which constitutes another and different offence, he shall be held responsible for all the legal consequences of such criminal act. When a man, without justifiable cause, intends to wound or maim another, and in doing it kills him, it is murder, though he had no intention to take life. It is true that in the commission of all crimes a guilty purpose, a criminal will and motive, are implied. But, in general, such bad motive or criminal will and purpose, that disposition of mind and heart which is designated by the generic and significant term "malice," is implied from the criminal act itself. But if a man does an act, which would be otherwise criminal, through mistake or accident, or by force or the compulsion of others, in which his own will and mind do not instigate him to the act or concur in it, it is matter of defence, to be averred and proved on his part, if it does not arise out of the circumstances of the case adduced on the part of the prosecution. *Per Shaw, C. J.*, in 2 Metc. Mass. 192. Thus, it is not necessary, in an indictment against an unmarried man for adultery with a married woman, to aver that he knew, at the time when the offence was committed, that she was a married woman; nor is it necessary to prove such knowledge at the trial. 2 Metc. Mass. 190. See, as to the proof of guilty knowledge, 1 B. & H. Lead. Cr. Cas. 185-191. See INTENTION; IGNORANCE OF LAW. As to the doctrine of *imputed knowledge*, see NOTICE

## L.

**LABEL.** A slip of ribbon, parchment, or paper, attached to a deed or other writing to hold the appended seal.

In the ordinary use of the word, it is a slip of paper attached to articles of manufacture for the purpose of describing them or specifying their quality, etc., or the name of the maker. The use of a label has been distinguished from a trade mark proper; Browne,

Trade Marks, §§ 133, 537, 538. The use of labels will be protected by a court of equity under some circumstances; *id.* 538. A copy of a writ in the Eng. Exch. Tidd, Pr. \*156.

**LABOR.** Continued operation; work.

The labor and skill of one man are frequently used in a partnership, and valued as equal to the capital of another.

When business has been done for another.