

BLACK'S LAW DICTIONARY

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

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CONSTITUTION. In American law. The written instrument agreed upon by the people of the Union or of a particular state, as the absolute rule of action and decision for all departments and officers of the government in respect to all the points covered by it, which must control until it shall be changed by the authority which established it, and in opposition to which any act or ordinance of any such department or officer is null and void. Cooley, Const. Lim. 3.

CONSTITUTIONAL. Consistent with the constitution; authorized by the constitution; not conflicting with any provision of the constitution or fundamental law of the state. Dependent upon a constitution, or secured or regulated by a constitution; as "constitutional monarchy," "constitutional rights."

CONSTITUTIONAL ALCALDE. A person of official status under Mexican law corresponding in many respects in dignity and authority to a justice of the peace under the American system of government. Tietzel v. Southwestern Const. Co., 48 N.M. 567, 154 P.2d 238, 242.

CONSTITUTIONAL CONVENTION. A duly constituted assembly of delegates or representatives of the people of a state or nation for the purpose of framing, revising, or amending its constitution. Bass v. Albright, Tex.Civ.App., 59 S.W.2d 891, 894.

CONSTITUTIONAL COURT. A court named or described and expressly protected by Constitution, or recognized by name or definite description in Constitution but given no express protection thereby. Gorham v. Robinson, 57 R.I. 1, 186 A. 832.

CONSTITUTIONAL LAW. (1) That branch of the public law of a state which treats of the organization and frame of government, the organs and powers of sovereignty, the distribution of political and governmental authorities and functions, the fundamental principles which are to regulate the relations of government and subject, and which prescribes generally the plan and method according to which the public affairs of the state are to be administered. (2) That department of the science of law which treats of constitutions, their establishment, construction, and interpretation, and of the validity of legal enactments as tested by the criterion of conformity to the fundamental law. (3) A constitutional law is one which is consonant to, and agrees with, the constitution; one which is not in violation of any provision of the constitution of the particular state.

CONSTITUTIONAL LIBERTY OR FREEDOM. Such freedom as is enjoyed by the citizens of a country or state under the protection of its constitution; the aggregate of those personal, civil, and political rights of the individual which are guaranteed by the constitution and secured against invasion by the government or any of its agencies. People v. Hurlbut, 24 Mich. 106, 9 Am.Rep. 103.

CONSTITUTIONAL OFFICER. One whose tenure and term of office are fixed and defined by the

constitution, as distinguished from the incumbents of offices created by the legislature. Foster v. Jones, 79 Va. 642, 52 Am.Rep. 637.

CONSTITUTIONAL PSYCHOPATHIC INFERRORITY. Individuals who show a lifelong and constitutional tendency not to conform to the customs of the group, and who habitually misbehave, and have no sense of responsibility to their fellowmen or to society as a whole. These individuals fail to learn by experience and are inadequate, incompatible, and inefficient. State ex rel. Pearson v. Probate Court of Ramsey County, 205 Minn. 545, 287 N.W. 297, 300; Wilson v. Walters, Cal.App., 112 P.2d 964.

CONSTITUTIONAL RIGHT. A right guaranteed to the citizens by the Constitution and so guaranteed as to prevent legislative interference therewith. Delaney v. Plunkett, 146 Ga. 547, 91 S.E. 561, 567, L.R.A.1917D, 926, Ann.Cas.1917E, 685.

CONSTITUTIONES. Laws promulgated, *i. e.*, enacted, by the Roman Emperor. They were of various kinds, namely, the following: (1) *Edicta*; (2) *decreta*; (3) *rescripta*, called also "*epistolæ*." Sometimes they were general, and intended to form a precedent for other like cases; at other times they were special, particular, or individual, (*personales*), and not intended to form a precedent. The emperor had this power of irresponsible enactment by virtue of a certain *lex regia*, whereby he was made the fountain of justice and of mercy. Brown.

CONSTITUTIONES TEMPORE POSTERIORES POTIORES SUNT HIS QUÆ IPSAS PRÆCESSERUNT. Dig. 1, 4, 4. Later laws prevail over those which preceded them.

CONSTITUTIONS OF CLARENDON. See Clarendon.

CONSTITUTIONS OF THE FOREST. See Charta de Foresta.

CONSTITUTOR. In the civil law. One who, by a simple agreement, becomes responsible for the payment of another's debt. Inst. 4, 6, 9.

CONSTITUTUM. In the civil law. An agreement to pay a subsisting debt which exists without any stipulation, whether of the promisor or another party. It differs from a stipulation in that it must be for an existing debt. Du Cange.

A day appointed for any purpose. A form of appeal. Calvinus, Lex.

CONSTITUTUM ESSE EAM DOMUM UNICUIQUE NOSTRUM DEBERE EXISTIMARI, UBI QUISQUE SEDES ET TABULAS HABERET, SUARUMQUE RERUM CONSTITUTIONEM FE-CISSET. It is settled that that is to be considered the home of each one of us where he may have his habitation and account-books, and where he may have made an establishment of his business. Dig. 50, 16, 203.