

the safe-keeping of personalty, and for the carriage of persons or personalty.

"Storage" and "carriage" are in more common use than any inflections of hire, to designate a contract for the custody of ordinary merchandise, or for the transportation of persons or property.<sup>1</sup>

The idea of "hiring" may be involved in "employment," but its application is not restricted to any particular mode of use.<sup>2</sup>

See BAILMENT; DEPOSIT, 1; LOCATIO.

**HISTORIES.** See BOOK.

Historical facts, of general and public notoriety, may be proved by reputation; and that reputation may be established by historical works of known character and accuracy. But evidence of this sort is confined in a great measure to ancient facts, which do not presuppose better evidence in existence; and where, from the nature of the transaction, or the remoteness of the period, or the public and general reception of the facts, a just foundation is laid for general confidence. The work of a living author who is within reach of process is not of this nature. He may be called as a witness, and examined as to the sources and accuracy of his information. If the facts are of recent date, and within the knowledge of many persons living, from whom he derived his materials, his book is not the best evidence.<sup>3</sup>

**HITHERTO.** Restrains the meaning of a phrase to a period of time then elapsed.<sup>4</sup>

**HOC.** See under H.

**HODGE-PODGE.** See HOTCHPOT.

**HOE.** See WEAPON, Deadly.

**HOG.** Hogs are "cattle," within the meaning of a guaranty of drafts against shipments of "cattle."<sup>5</sup>

And also within a statute requiring fencing to protect lands from "straying cattle."<sup>6</sup>

Hogs are "swine;" and the word "hog" will also include a "sow."<sup>7</sup>

In a statute punishing larceny, the live animal or its carcass may be meant;<sup>8</sup> and the word will describe a pig four or five months old.<sup>9</sup>

See ANIMAL; CATTLE.

**HOLD.** 1. To decide, adjudge, decree.

Whence *held*, decided, ruled, adjudged; as, the court "held" the evidence admissible, or the defendant not liable. In head-notes to reports of cases, fol-

lows the statement of the facts and introduces the decision of the court thereon.

2. To deduce as a rule or principle; to maintain on the strength of decided cases: as, the authorities "hold" so and so.

3. To assert, declare, maintain; to occupy the position of propounding as a fact or as law: as, the plaintiff "holds" the affirmative of the issue. See BURDEN, Of proof.

4. To cause to be bound or obligated; to confine or restrain: as, "to hold him to his contract," "the obligor is held and firmly bound," "persons held to service;" "hold" and "held to bail," or "for court," or "for trial." Compare BIND.

5. To sit for a specified purpose; to sit to administer justice: as, to "hold court," "hold pleas;" to "hold an election;" to "hold a hearing" or "session."

6. To possess by virtue of a lawful title: as, "hold a note" or "bond;" "hold lands" or "property," "to have and to hold" described premises; "hold office;" "hold" a fund, or lien, a policy of insurance, a share, stakes, stocks, etc. Compare TENURE.

Whence also *freehold*, *leasehold*.

"Holding," relating to ownership in property, embraces two ideas: actual possession of some subject of property, and being invested with the legal title. It may be applied to anything the subject of property, in law or in equity.<sup>1</sup>

Under an act forbidding a foreign corporation to "acquire and hold" land, a conveyance is not necessarily void. The holding may be subject to the right of escheat.<sup>2</sup>

**Holder.** One who has possession of anything. One who possesses by virtue of a lawful title:

As, a bondholder, fundholder, lienholder, officeholder, property holder, policyholder, shareholder, stakeholder, stockholder, *qq. v.*

*Holder in good faith; holder for value; innocent holder.* He is a holder of negotiable paper or bonds for value, who pays real, in contradistinction from apparent, value, without notice of any fraud or illegality affecting the instrument.<sup>3</sup>

<sup>1</sup> Witsell v. Charleston, 7 S. C. 99 (1875). See also Godfrey v. Godfrey, 17 Ind. 9 (1861); Hurst v. Hurst, 7 W. Va. 297 (1874); Runyan v. Coster, 14 Pet. 120 (1840); 39 N. J. E. 547.

<sup>2</sup> Hickory Farm Oil Co. v. Buffalo, & C. R. Co., 32 F. R. 22 (1887); Runyan v. Lessee of Coster, 14 Pet. 128 (1840).

<sup>3</sup> Montclair Township v. Ramsdell, 107 U. S. 161, 159 (1883), Harlan, J.; Story, Prom. Notes, § 195; Byles, Bills, 117, 119, 124.

<sup>1</sup> [1 Abbott's Law Dict. 565.

<sup>2</sup> Hightower v. State, 72 Ga. 484 (1884).

<sup>3</sup> Morris v. Lessee of Harmer's Heirs, 7 Pet. \*558 (1833), Story, J. See 1 Greenl. Ev. § 497; 1 Whart. Ev. §§ 664, 338.

<sup>4</sup> Mason v. Jones, 13 Barb. 479 (1852).

<sup>5</sup> First Nat. Bank of Decatur v. Home Savings Bank of St. Louis, 21 Wall. 299 (1874).

<sup>6</sup> Child v. Hearn, L. R., 9 Ex. 181 (1874).

<sup>7</sup> Rivers v. State, 10 Tex. Ap. 179 (1881).

<sup>8</sup> Whitson v. Culbertson, 7 Ind. 195 (1855); Hunt v. State, 55 Ala. 140 (1876); Reed v. State, 16 Fla. 564 (1876).

<sup>9</sup> Lavender v. State, 60 Ala. 60 (1877).

If any previous holder of bonds in suit was a *bona fide* holder for value, the plaintiff, without showing that he himself paid value, can avail himself of the position of such previous holder.<sup>1</sup>

See further BEARER; CHECK; FAITH, Good; NEGOTIATE, 2.

**Holding over; hold over.** (1) Retaining possession of premises after a lease has expired, and without fresh leave from the owner.

Such tenant holds "at sufferance," and his estate is destroyed when the owner makes actual entry, or gives notice to quit. Being once in possession, the law supposes a continuance authorized. The tenant may be required to account for profits made.<sup>2</sup> See DETAINER, 2; ENTRY, I, 1; QUIT, 2.

(2) Continuing to exercise the functions of an office after the end of one's term, and before a successor is qualified.

In many cases statutes, and in others common-law rules, to prevent an interregnum in an office, authorize the incumbent to continue to serve until a successor has been regularly qualified. See VACANCY.

**HOLIDAY.** A secular day on which the law exempts all persons from the performance of contracts for labor or other personal service, from attendance at court, and from attention to legal proceedings.

**Legal or public holidays** are appointed by statute law, or are authorized by custom having the force of law. These are New Year's day, Washington's birthday, Decoration day, Independence day, Thanksgiving day, Christmas day; in some States good Friday; general election days; and other days appointed by the President or the governor of the State for thanksgiving, fasting, or other observance.

On these days public business is suspended, and the presentment and protest of paper is excused, as on Sunday. Falling on Sunday, the Monday succeeding is generally observed; paper becoming due on such Monday is payable on the Saturday preceding. Paper due on Decoration day or Good Friday is generally payable on the secular day next previous thereto.<sup>3</sup>

The observance of a holiday binds no man's conscience. It is his privilege to labor or not, as he prefers.<sup>4</sup>

The expression "legal holiday" of itself imports a *dies non juridicus*.<sup>5</sup> See SUNDAY.

<sup>1</sup> Montclair Township v. Ramsdell, *ante*.

<sup>2</sup> See 2 Bl. Com. 150; 3 *id.* 210; Pickard v. Kleis, 56 Mich. 604 (1885).

<sup>3</sup> See Penn. Acts 25 May, 1874, 12 April, 1869, 2 April, 1873; N. Y. Stat. 1873, c. 577.

<sup>4</sup> Richardson v. Goddard, 23 How. 43, 41 (1859).

<sup>5</sup> Lampe v. Manning, 38 Wis. 676 (1875); 14 Bank. Reg. 388.

**HOLOGRAPH.**<sup>1</sup> An instrument written entirely in the hand of one person, as, by a grantor, or testator. Spelled also *olograph*. Whence *holographic*, and *olographic*.<sup>2</sup>

An olographic will being "one that is entirely written, dated, and signed by the hand of the deceased," a will partly written upon a printed form is not such.<sup>3</sup> Opposed, *dictated* will.

Generally speaking, holograph wills require no attestation.<sup>4</sup>

**HOMAGE.** See ALLEGIANCE; FEUD.

**HOME.** While children "remain at home," in a will, may refer to the household of which the testator was head.<sup>5</sup> See HOUSEHOLD.

Where a person takes up his abode, without any present intention to remove therefrom permanently.<sup>6</sup> See further ABODE; DOMICIL; HOUSE; RESIDENCE.

**Homestall.** In ancient law, a mansion house.<sup>7</sup>

"Stall" and "stead" were Anglo-Saxon for place, seat, fixed spot, station.

**Homestead.** The home-stall, home-place.

The dwelling-house, at which the family resides, with the usual and customary appurtenances, including outbuildings of every kind necessary and convenient for family use, and lands used for the purposes thereof.<sup>8</sup> Whence *homesteader*.

In its popular sense, whatever is used, being either necessary or convenient, as a place of residence for the family, as contradistinguished from a place of business.<sup>9</sup>

Sometimes used as a verb; as, he "homesteaded his pre-emption."<sup>10</sup>

**Homestead laws.** Constitutional or stat-

<sup>1</sup> Gk. *holo-graphos*, wholly written.

<sup>2</sup> See La. Civ. Code, art. 1581; Code Civ. 970.

<sup>3</sup> Cal. Civ. Code, § 1277; *Re Estate of Rand*, 61 Cal. 468 (1833); 14 Rep. 716; 3 Woods, 77.

<sup>4</sup> See 3 Jarman, Wills (R. & T.), 767, note.

<sup>5</sup> Manning v. Woff, 2 Dev. & B., Eq. 12 (N. C. 1838).

<sup>6</sup> Warren v. Thomaston, 43 Me. 418 (1857); 3 *id.* 229; 15 *id.* 58; 19 *id.* 293; 35 Vt. 232.

<sup>7</sup> Dickinson v. Mayer, 11 Heisk. 521 (1872); 4 Bl. Com. 225.

<sup>8</sup> Gregg v. Bostwick, 33 Cal. 227 (1867); Sanderson, J.; Estate of Delaney, 37 *id.* 179 (1869); 4 *id.* 23; 16 *id.* 181. See also 63 Ala. 238; 31 Ark. 468; 48 *id.* 236; 54 Ill. 175; 12 Kan. 257; 77 N. C. 384; 7 N. H. 245; 36 *id.* 166; 46 *id.* 52; 51 *id.* 266; 63 *id.* 428; 6 Tex. 102; 23 *id.* 498; 48 *id.* 37; 23 Vt. 672; 46 *id.* 292; 1 Wash. R. P. 352.

<sup>9</sup> Gregg v. Bostwick, 33 Cal. 228, 226-27 (1867); *Re Crowley*, 71 *id.* 308 (1866).

<sup>10</sup> Timber Cases, 11 F. R. 81 (1881).