

sion. If the defendant has only trespassed on the land, the action is for trespass (*i.e.* damages).

See also Eviction; Forcible entry and detainer; Process (*Summary process*).

Ejectment bill. A bill in equity brought merely for the recovery of real property, together with an account of the rents and profits, without setting out any distinct ground of equity jurisdiction; hence demurrable.

Equitable ejectment. A proceeding brought to enforce specific performance of a contract for the sale of land, and for some other purposes, which is in form an action of ejectment, but is in reality a substitute for a bill in equity.

Justice ejectment. A statutory proceeding for the eviction of a tenant holding over after termination of the lease or breach of its conditions.

Ejector. One who ejects, puts out, or dispossesses another.

Casual ejector. The nominal defendant in an action of ejectment; so called because, by a fiction of law peculiar to that action, he is supposed to come casually or by accident upon the premises and to eject the lawful possessor. 3 Bl.Comm. 203.

Ejectum /əjɛktəm/. That which is thrown up by the sea. Also jetsam, wreck, etc.

Ejectus /əjɛktəs/. In old English law, a whore-monger.

Ejercitoria /eyhɛrsiɔˈtɔːriə/. In Spanish law, the name of an action lying against a ship's owner, upon the contracts or obligations made by the master for repairs or supplies. It corresponds to the *actio exercitoria* of the Roman law.

Ejidos /eyhiɔˈðɔʊz/. In Spanish law, commons; lands used in common by the inhabitants of a city, pueblo, or town, for pasture, wood, threshing-ground, etc.

Ejuration /ijjɛˈreɪʃən/. Renouncing or resigning one's place.

Ejusdem generis /ijjɛsdəm ʒɛnərəs/. Of the same kind, class, or nature. In the construction of laws, wills, and other instruments, the "ejusdem generis rule" is, that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. *U. S. v. LaBrecque*, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.

Under "ejusdem generis" canon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. *Campbell v. Board of Dental Examiners*, 53 Cal.App.3d 283, 125 Cal.Rptr. 694, 696.

Ejus est interpretari cujus est condere /ijjɛs ɛst intɛrprɛˈtɛrɪj kjuːwʒɛs ɛst kɔndərij/. It is his to interpret whose it is to enact.

Ejus est nolle, qui potest velle /ijjɛs ɛst nɔli, kwɔj pɔwtɛst vɛli/. He who can will [exercise volition], has a right to refuse to will [to withhold consent]. This maxim is sometimes written, *Ejus est non nolle qui potest velle*, and is translated, "He may consent tacitly who may consent expressly."

Ejus est periculum cujus est dominium aut commodum /ijjɛs ɛst pɛˈrikyələm kjuːwʒɛs ɛst dɔˈmɪniəm ɔt kɔmɔdəm/. He who has the dominion or advantage has the risk.

Ejus nulla culpa est, cui parere necesse sit /ijjɛs nɔlə kɔlpə ɛst, kjuːwɔj pɛˈrɛrij nɛsɛsij sɪt/. No guilt attaches to him who is compelled to obey. Obedience to existing laws is a sufficient extenuation of guilt before a civil tribunal.

Elaborare /ɛləbərɛrij/. In old European law, to gain, acquire, or purchase, as by labor and industry.

Elaboratus /ɛləbərɛytəs/. Property which is the acquisition of labor.

Elder brethren. A distinguished body of men, elected as masters of Trinity House, an institution incorporated in the reign of Henry VIII, charged with numerous important duties relating to the marine, such as the superintendence of light-houses. The full title of the corporation is Elder Brethren of the Holy and Undivided Trinity.

Elder title. A title of earlier date, but coming simultaneously into operation with a title of younger origin, is called the "elder title," and prevails.

Eldest. Oldest; first born; one with greatest seniority.

Electa una via, non datur recursus ad alteram /ɛlɛktə juːwnə vɪə, nɔn dɛytɛr rɛkɔrsəs æd ɔltɛrəm/. He who has chosen one way cannot have recourse to another.

Elected. The word "elected," in its ordinary signification, carries with it the idea of a vote, generally popular, sometimes more restricted, and cannot be held the synonym of any other mode of filling a position.

Electio est interna libera et spontanea separatio unius rei ab alia, sine compulsionem, consistens in animo et voluntate /ɛlɛksh(i)ɔw ɛst intɛrnə libərə ɛt spɔntənɪə sɛpərəʃh(i)ɔw jənəvəs riːjəɪ æb ɛyliːə, sɔːniːj kəmpɔlsɪjɔwniːj, kɔnsɪstɛnz ɪn ɛnəmɔw ɛt vɔləntɛtiːj/. Election is an internal, free, and spontaneous separation of one thing from another, without compulsion, consisting in intention and will.

Election. The act of choosing or selecting one or more from a greater number of persons, things, courses, or rights. The choice of an alternative. The internal, free, and spontaneous separation of one thing from another, without compulsion, consisting in intention and will. The selection of one person from a specified class to discharge certain duties in a state, corporation, or society. An expression of choice by the voters of a public