

Word Study Jurisdiction Torah Author, *In Rem, In Personam*

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Introduction.

This article is a study in etymology. My question is can we make a connection between Torah and Jurisdiction. The root of Torah is *yara*. Jurisdiction is two words *juris* (right, law, justice) + *dicto* (word, saying, expression of ideas in words). *juris* is Latin *ius* or *iuris* which means law. If you take *juris*, and substitute a **Y** your get **Yuris**. Therefore the first two consonant letters of “Yuris” are the letters that make up the Hebrew words Yara.

The meaning for Jurisdiction and has a geographic sense in that it has “range of administrative power”. Etymologically it is law dictated, law spoken or law written (expressed). This is very much the concept of contract. To understand law is to understand the contract. For a judge to adjudicate a matter, he has to understand the applicable contract.

ADJUDICATION – a judgment

in practice. The giving or pronouncing a judgment in a cause; a judgment.

SENTENCE – a judgment (usually criminal proceedings)

1. A judgment, or judicial declaration made by a judge in a cause. The term judgment is more usually applied to civil, and sentence to criminal proceedings.
2. Sentences are final, when they put, an end to the case; or interlocutory, when they settle only some incidental matter which has arisen in the course of its progress. Vide Aso & Man. Inst. B. 3, t. 8, c. 1.

Authority:

Where is the authority found, but in the contract. How was the authority created by the **authors** of the contract.

H8451 torah ^{KJC:219} law(s) (from H3384 yara)

From [H3384](#); a precept or statute, especially the Decalogue or Pentateuch: - law.

תורה / תרה

Total KJV Occurrences: 219

law, 206 [Exo 12:49](#), [Exo 13:9](#), [Exo 16:4](#), [Exo 24:12](#), [Lev 6:9](#), [Lev 6:14](#), [Lev 6:25](#), [Lev 7:1](#), [Lev 7:7](#), [Lev 7:11](#), [Lev 7:37](#), [Lev 11:46](#), [Lev 12:7](#), [Lev 13:59](#), [Lev 14:2](#), [Lev 14:32](#), [Lev 14:54](#), [Lev 14:57](#), [Lev 15:32](#), [Num 5:29-30](#) (2), [Num 6:13](#), [Num 6:21](#) (2), [Num 15:16](#), [Num 15:29](#), [Num 19:2](#), [Num 19:14](#), [Num 31:21](#), [Deu 1:5](#), [Deu 4:8](#), [Deu 4:44](#), [Deu 17:11](#), [Deu 17:18-19](#) (2), [Deu 27:3](#), [Deu 27:8](#), [Deu 27:26](#), [Deu 28:58](#), [Deu 28:61](#), [Deu 29:21](#), [Deu 29:29](#), [Deu 30:10](#), [Deu 31:9](#), [Deu 31:11-12](#) (2), [Deu 31:24](#), [Deu 31:26](#), [Deu 32:46](#), [Deu 33:4](#), [Deu 33:10](#), [Jos 1:7-8](#) (2), [Jos 8:31-32](#) (2), [Jos 8:34](#) (2), [Jos 23:5-6](#) (2), [Jos 24:26](#), [1Ki 2:3](#), [2Ki 10:31](#), [2Ki 14:6](#), [2Ki 17:13](#), [2Ki 17:34](#), [2Ki 17:37](#), [2Ki 22:8](#) (2), [2Ki 22:11](#), [2Ki 23:24-25](#) (2), [1Ch 16:40](#), [1Ch 22:12](#), [2Ch 6:16](#), [2Ch 12:1](#), [2Ch 14:4](#), [2Ch 15:3](#), [2Ch 19:9-10](#) (2), [2Ch 23:18](#), [2Ch 25:4](#), [2Ch 30:16](#), [2Ch 31:3-4](#) (2), [2Ch 31:21](#), [2Ch 33:8](#), [2Ch 34:14-15](#) (2), [2Ch 34:19](#), [2Ch 35:26](#), [Ezr 3:2](#), [Ezr 7:6](#), [Ezr 7:10](#), [Ezr 10:3](#), [Neh 8:1-3](#) (3), [Neh 8:7-9](#) (3), [Neh 8:13-14](#) (2), [Neh 8:18](#), [Neh 9:3](#), [Neh 9:26](#), [Neh 9:29](#), [Neh 9:34](#), [Neh 10:28-29](#) (2), [Neh 10:34](#), [Neh 10:36](#), [Neh 12:44](#), [Neh 13:3](#), [Job 22:22](#), [Psa 1:2](#) (2), [Psa 19:7](#), [Psa 37:31](#), [Psa 40:8](#), [Psa 78:1](#), [Psa 78:5](#), [Psa 78:10](#), [Psa 89:30](#), [Psa 94:12](#), [Ps 119](#) (25), [Pro 1:8](#), [Pro 4:1-2](#) (2), [Pro 6:20](#), [Pro 6:23](#), [Pro 7:2](#), [Pro 13:14](#), [Pro 28:4](#) (2), [Pro 28:7](#), [Pro 28:9](#), [Pro 29:18](#), [Pro 31:26](#), [Isa 1:10](#), [Isa 2:3](#), [Isa 5:24](#), [Isa 8:16](#), [Isa 8:20](#), [Isa 30:9](#), [Isa 42:4](#), [Isa 42:21](#), [Isa 42:24](#), [Isa 51:4](#), [Jer 2:7-8](#) (2), [Jer 6:19](#), [Jer 8:8](#), [Jer 9:13](#), [Jer 16:11](#), [Jer 18:18](#), [Jer 26:4](#), [Jer 31:33](#), [Jer 32:23](#), [Jer 44:10](#), [Jer 44:23](#), [Lam 2:9](#), [Eze 22:26](#) (2), [Eze 43:12](#) (2), [Dan 9:11](#) (2), [Dan 9:13](#), [Hos 4:6](#), [Hos 8:1](#), [Hos 8:12](#), [Amo 2:4](#), [Mic 4:2](#), [Zep 3:4](#) (2), [Zec 7:11-12](#) (2), [Mal 2:6-9](#) (4), [Mal 4:4](#)

laws, 13 [Gen 26:4-5](#) (2), [Exo 16:28](#), [Exo 18:16](#), [Exo 18:20](#), [Lev 26:46](#), [Neh 9:13-14](#) (2), [Psa 105:45](#), [Isa 24:5](#), [Eze 43:11](#), [Eze 44:5](#), [Eze 44:24](#), [Dan 9:10](#)

LXX related word(s): My Strong's doesn't show any references and I don't know why, so I went backwards with, see [G3551 Nomos](#).

H3384 *yara* ^{KJC:82} teach(ers)(ing), sho(o)t(ers), archers, cast(eth), rain, instructed

ירא / ירה

A primitive root; properly to *flow* as water (that is, to **rain**); transitively to *lay* or *throw* (especially an **arrow**, that is, to *shoot*); figuratively to **point out** (as if by *aiming* the finger), to **teach**: - (+) archer, cast, direct, inform, instruct, lay, shew, shoot, teach (-er, -ing), through.

LXX related word(s)

G906 ballo	G1002 bolis	G1627 ek phero	G4261 pro ballo	G611 st. apo krino
G312 an aggello	G1080 genema	G1166 deiknumi	G1213 deloo	G1321 didasko
G1413 dunastes	G1834 ex egeomai	G2233 hegeomai	G3549 nomotheteo	G3811 paideuo
G4264 pro bibazo	G4406 proimos	G5263 hupo deiknumi	G5419 phrazo	G5461 photizo
G2700 kata toxeuo				

Total KJV Occurrences: 82 teach(ers)(eth)(er)(ing)(taught) (49)

teach, 33 [Exo 4:12](#), [Exo 4:15](#), [Exo 24:12](#), [Exo 35:34](#), [Lev 10:11](#), [Lev 14:57](#), [Deu 17:11](#), [Deu 24:8](#), [Deu 33:10](#), [Jdg 13:8](#), [1Sa 12:23](#), [1Ki 8:36](#), [2Ki 17:27](#), [Job 6:24](#), [Job 8:10](#), [Job 12:7-8](#) (2), [Job 27:11](#), [Job 34:32](#), [Psa 25:8](#), [Psa 25:12](#), [Psa 27:11](#), [Psa 32:8](#), [Psa 45:4](#), [Psa 86:11](#), [Psa 119:33](#), [Isa 2:3](#), [Isa 28:9](#), [Isa 28:26](#), [Eze 44:23](#), [Mic 3:11](#), [Mic 4:2](#), [Hab 2:19](#)

shoot, 10 [1Sa 20:20](#), [1Sa 20:36](#), [2Sa 11:20](#), [2Ki 13:17](#), [2Ki 19:32](#), [2Ch 26:15](#), [Psa 11:2](#), [Psa 64:4](#) (2), [Psa 64:7](#)

shot, 7 [Exo 19:13](#), [Num 21:30](#), [1Sa 20:36-37](#) (2), [2Sa 11:24](#), [2Ki 13:17](#), [2Ch 35:23](#)

archers, 5 [1Ch 10:3](#) (4), [2Ch 35:23](#)

taught, 5 [2Ki 17:28](#), [2Ch 6:27](#), [Psa 119:102](#), [Pro 4:4](#), [Pro 4:11](#)

cast, 4 [Gen 31:51](#), [Exo 15:4](#), [Jos 18:6](#), [Job 30:19](#)

teachers, 3 [Pro 5:13](#), [Isa 30:20](#) (2);

teacheth, 3 [Job 36:22](#), [Pro 6:13](#), [Isa 9:15](#)

rain, 2 [Hos 6:3](#), [Hos 10:12](#)

casteth, 1 [Pro 26:18](#)

direct, 1 [Gen 46:28](#)

inform, 1 [Deu 17:10](#)

instructed, 1 [2Ki 12:2](#)

laid, 1 [Job 38:6](#)

shooters, 1 [2Sa 11:24](#)

showed, 1 [Exo 15:24-25](#) (2)

teacher, 1 [Hab 2:18](#)

teaching, 1 [2Ch 15:3](#)

watered, 1 [Pro 11:25](#)

G3551 *nomos* ^{KJC:197} law

νόμος

From a primary word $\nu \epsilon \acute{\mu} \omega$ nemo⁻ (to *parcel* out, especially *food* or *grazing* to animals); *law* (through the idea of prescriptive *usage*), generally (*regulation*), specifically (of Moses [including the volume]; also of the Gospel), or figuratively (a *principle*): - law.

LXX related word(s)

[H1697](#) davar; [H1881](#) dat; [H2703](#) chuqqah; [H2706](#) choq; [H4687](#) mitsvah; [H4941](#) mishpat; [H6600](#) pitgam; [H8452](#) torah

Total KJV Occurrences: 197 (This only shows NT but the LXX has 232 references in the OT)

law, 195 Mat 5:17-18 (2), Mat 11:12-13 (2), Mat 12:5, Mat 22:36, Mat 22:40, Mat 23:23, Luk 2:22-24 (3), Luk 2:27, Luk 2:39, Luk 10:26, Luk 16:16-17 (2), Luk 24:44, Joh 1:17, Joh 1:45, Joh 7:19 (2), Joh 7:23, Joh 7:49, Joh 7:51, Joh 8:5, Joh 8:17, Joh 12:34 (2), Joh 15:25, Joh 18:31, Joh 19:7 (2), Act 6:13, Act 7:53, Act 13:15, Act 13:39, Act 15:5, Act 15:24, Act 18:13, Act 18:15, Act 21:20, Act 21:24, Act 21:28, Act 22:3, Act 22:12, Act 23:3, Act 23:29, Act 24:6, Act 24:14, Act 25:8, Act 28:23, Rom 2 (19), Rom 3:21 (6), Rom 3:27-28 (3), Rom 3:31 (2), Rom 4:13-16 (5), Rom 5:13 (2), Rom 5:20, Rom 6:14-15 (2) Rom 8:4 (4), Rom 8:7, Rom 9:31-32 (3), Rom 10:4-5 (2), Rom 13:8, Rom 13:10, 1Co 7:39, 1Co 9:8-9 (2), 1Co 14:20-21 (4), 1Co 14:34, 1Co 15:56, Gal 2:16 (3), Gal 2:19 (2), Gal 2:21, Gal 3 (15), Gal 4:5 (2), Gal 4:21 (2), Gal 5:3-4 (2), Gal 5:14, Gal 5:18, Gal 5:23, Gal 6:2, Gal 6:13, Eph 2:15, Phi 3:5-6 (2), Phi 3:9, 1Ti 1:8-9 (2), Heb 7:5, Heb 7:12, Heb 7:16, Heb 7:19, Heb 7:28 (2), Heb 8:4, Heb 9:19, Heb 9:22, Heb 10:1, Heb 10:8, Heb 10:28, Jam 1:25, Jam 2:8-12 (5), Jam 4:11

laws, 2 Heb 8:10, Heb 10:16

Gen 26:5 – 1st use of *Torah, Mismereh, Mitsvah & Chuqqah*

“Because that Abraham obeyed my voice, and kept my **charge**^b, my **commandments**^c, my **statutes**^d, and my **laws**^a.”

The verse has 4 legal terms that are first used in scriptures...

- a) Torah and my laws. [H8451 Torah](#) VTarot.
- b) my charge, [H4931 mishmereth](#), (feminine of [H4929](#); watch, *Shomer* ==> From [H8104](#); a *guard*)
- c) my commandments, [H4687 mitsvah](#)
- d) my statutes, [H2708 chuqqah](#), Feminine of [H2706](#); *choq*, an enactment

Gen 26:4 ^{HSB5} – (previous verse) Standalone Aleph Tav

ke·choch·Vei as the stars כְּכּוֹכְבֵי zar·'a·Cha thy seed זָרַעְךָ אֶת־ ve hir·bei·Ti to multiply וְהִרְבִּיתִי
 et' אֵת le·zar·'a·Cha, unto thy seed לְזָרְעֶךָ ve·na·tat·Ti and will give וְנָתַתִּי hash·sha·Ma·yim, of heaven הַשָּׁמַיִם
 ve·hit·ba·ra·Chu be blessed וְהִתְבָּרַכְוּ ha·'El; all these הָאֵל ha·'a·ra·Tzot countries הָאָרְצוֹת kol- all כֹּל
 ha·'A·retz. of the earth הָאָרֶץ : go·Yei shall all the nations גּוֹיֵי כֹל ve zar·'a·Cha, and in thy seed בְּזָרְעֶךָ

Jurisdiction Etymology; Jurist + Diction

<http://www.etymonline.com/index.php?term=jurisdiction>

early 14c. "administration of justice" (attested from mid-13c. in Anglo-Latin), from Old French *juridiccion* (13c.) and directly from Latin *iurisdictionem* (nominative *iurisdicctio*) "administration of justice, jurisdiction," from *ius* (genitive *iuris*; see [jurist](#)) "right, law" + *dictio* "a saying" (see [diction](#)). Meaning "extent or range of administrative power" is from late 14c. Related: *Jurisdictional*.

[jurist \(n.\)](#)

mid-15c., "one who practices law," from Middle French *juriste* (14c.), from Medieval Latin *iurista* "jurist," from Latin *ius* (genitive *iuris*) "law," from PIE *yewes- "law," originally a term of religious cult, perhaps meaning "sacred formula" (cf. Latin *iurare* "to pronounce a ritual formula," Vedic *yos* "health," Avestan *yaoz-da-* "make ritually pure," Irish *huisse* "just").

The Germanic root represented by Old English *æ* "custom, law," Old High German *ewa*, German *Ehe* "marriage," though sometimes associated with this group, seems rather to belong to PIE *ei- "to go." Meaning "a legal writer" is from 1620s.

[diction \(n.\)](#)

1540s, "a word;" 1580s, "expression of ideas in words," from Late Latin *dictionem* (nominative *dictio*) "a saying, expression, word," noun of action from *dic-*, past participle stem of Latin *dicere* "speak, tell, say" (source of French *dire* "to say"), related to *dicare* "proclaim, dedicate," from PIE root *deik- "to point out" (cf. Sanskrit *dic-* "point out, show," Greek *deiknynai* "to prove," Latin *digitus* "finger," Old High German *zeigon*, German *zeigen* "to show," Old English *teon* "to accuse," *tæcan* "to teach").

Jurisdiction (Bouvier's)

Practice.

1. A power constitutionally conferred upon a judge or magistrate, to take cognizance of, and decide causes according to law, and to carry his sentence into execution. ^{6 Pet. 591; 9 John. 239}. **The tract of land or district within which a judge or magistrate has jurisdiction, is called his territory, and his power in relation to his territory is called his territorial jurisdiction.**
2. Every act of jurisdiction exercised by a judge without his territory, either by pronouncing sentence or carrying it into execution, is null. An inferior court has no jurisdiction beyond what is expressly delegated. ^{1 Salk. 404, n.; Gilb. C. P. 188; 1 Saund. 73; 2 Lord Raym. 1311; and see Bac. Ab. Courts, &c., C, et seq; Bac. Ab. Pleas, E 2.}
3. Jurisdiction is **original**, when it is conferred on the court in the first instance, which is called **original jurisdiction**; (q. v.) or it is appellate, which is when an appeal is given from the judgment of another court. Jurisdiction is also civil, where the subject-matter to be tried is not of a criminal nature; or criminal, where the court is to punish crimes. Some courts and magistrates have both civil and criminal jurisdiction. Jurisdiction is also concurrent, exclusive, or assistant. **Concurrent jurisdiction** is that which may be entertained by several courts. It is a rule that in cases of concurrent jurisdictions, that which is first seized of the case shall try it to the exclusion of the other. **Exclusive jurisdiction** is that which has alone the power to try or determine the Suit, action, or matter in dispute. **assistant jurisdiction** is that which is afforded by a **court of chancery**, in aid of a court of law; as, for example, by a bill of discovery, by the examination of witnesses de bene esse, or out of the jurisdiction of the court; by the perpetuation of the testimony of witnesses, and the like.
4. It is the law which gives jurisdiction; the consent of, parties, cannot, therefore, confer it, in a matter which the law excludes. ^{1 N. & M. 192; 3 M'Cord, 280; 1 Call. 55; 1 J. S. Marsh. 476; 1 Bibb, 263; Cooke, 27; Minor, 65; 3 Litt. 332; 6 Litt. 303; Kirby, 111; 1 Breese, 32; 2 Yerg. 441; 1 Const. R. 478.} **But where the court has jurisdiction of the matter, and the defendant has some privilege which exempts him from the jurisdiction, he may waive the privilege.** ^{5 Cranch, 288; 1 Pet. 449; 8 Wheat. 699; 4 W. C. C. R. 84; 4 M'Cord, 79; 4 Mass. 593; Wright, 484. See Hardin, 448; 2 Wash. 213.}
5. Courts of inferior jurisdiction must act within their jurisdiction, and so it must appear upon the record. ^{5 Cranch, 172 Pet. C. C. R. 36; 4 Dall. 11; 2 Mass. 213; 4 Mass. 122; 8 Mass. 86; 11 Mass. 513; Pr. Dec. 380; 2 Verm. 329; 3 Verm. 114; 10 Conn. 514; 4 John. 292; 3 Yerg. 355; Walker, 75; 9 Cowen, 227; 5 Har. & John. 36; 1 Bailey, 459; 2 Bailey, 267}. **But the legislature may, by a general or special law, provide otherwise.** ^{Pet. C. C. R. 36. Vide 1 Salk. 414; Bac. Ab. Courts, &c., C. D; Id. Prerogative, E 6; Merlin, Rep. h. t.; Ayl. Pat. 317, and the art.} **Competency.** As to the force of municipal law beyond the territorial jurisdiction of the state, ^{see Wheat. Intern. Law, part a, c. 2, 7, et seq.; Story, Confl. of Laws, c. 2; Huberus, lib. 1, t. 3; 13 Mass. R. 4 Pard. Dr. Com. part. 6, t. 7, c. 2, 1;} and the articles Conflict of Laws; Courts of the United States. See generally, Bouv. Inst. Index, h. t.

DE BENE ESSE (of well being)

practice. A technical phrase applied to certain proceedings which are deemed to be well done for the present, or until an exception or other avoidance, that is, conditionally, and in that meaning the phrase is usually accepted. For example, a declaration is filed or delivered, special bail put in, witness examined, &c. de bene esse, or **conditionally; good for the present**. 2. When a judge has a doubt as to the propriety of finding a

verdict, h(, may direct the jury to find one de bene esse; which verdict, if the court shall afterwards be of opinion it ought to have been found, shall stand. Bac. Ab. Verdict, A. Vide 11 S. & R. 84.

IN REM - the proceedings are against the thing (*res*)

remedies.

1. This technical term is used to designate proceedings or **actions instituted against the thing**, ^{the res} in contradistinction to personal actions which are said to be **in personam**. Proceedings *in rem* include not only judgments of property as forfeited, or as **prize in the admiralty, or the English exchequer**, but also the decisions of other courts upon the personal status, or relations of the party, such as **marriage, divorce, bastardy**, settlement, or the like. ^{1 Greenl. Ev. 525, 541.}

2. Courts of admiralty enforce the performance of a contract by seizing into their custody the very subject of **hypothecation**; for in these case's the parties are not personally bound, and the proceedings are confined to the **thing in specie**. ^{Bro. Civ. and Adm. Law, 98; and see 2 Gall. R. 200; 3 T. R. 269, 270.}

3. There are cases, however, where the remedy is either *in personam* or *in rem*. **Seamen**, for example, may proceed against the ship or cargo for their wages, and this is the most expeditious mode; or they may proceed against the master or owners. ^{4 Burr. 1944; 2 Bro. C. & A. Law, 396. Vide, generally, 1 Phil. Ev. 254; 1 Stark. Ev. 228; Dane's Ab. h. t.; Serg. Const. Law, 202, 203, 212.}

IN PERSONAM – the proceedings are against the person

remedies. A remedy in personam, is one where the proceedings are against the person, in contradistinction to those which are against specific things, or in rem. ^{(q. v.) 3 Bouv. Inst. n. 2646.}

HYPOTHECATION - a right which a creditor has over a thing belonging to another

civil law.

1. This term is used principally in the civil law; it is defined to be a right which a creditor has over a thing belonging to another, and which consists in the power to cause it to be sold,¹ in order to be paid his claim out of the proceeds.

2. There are two species of hypothecation, one called pledge, pignus, and, the other properly denominated hypothecation. Pledge is that species, of hypothecation which is contracted by the delivery of the debtor to the creditor, of the thing hypothecated. Hypothecation, properly so called, is that which is contracted without delivery of the thing hypothecated. 2 Bell's Com. 25, 5th ed.

3. Hypothecation is further divided into general and special when the debtor hypothecates to his creditor all his estate and property, which he has, or may have, the hypothecation is general; when the hypothecation is confined to a particular estate, it is special.

¹ Is the right of **hypothecation** the power used by YHVH against Pharaoh because YHVH was the creditor of the res namely Israel?

4. Hypothecations are also distinguished into conventional, legal, and tacit. 1. Conventional hypothecations are those which arise by the agreement of the parties. ^{Dig. 20, 1, 5.}

5. - 2. Legal hypothecation is that which has not been agreed upon by any contract, express or implied; such as arises from the effect of judgments and executions.

6. - 3. A tacit, which is also a legal hypothecation, is that which the law gives in certain cases, without the consent of the parties, to secure the creditor; such as, 1st. The lien which the public treasury has over the property of public debtors. ^{Code, 8, 15, 1. 2d.} The landlord has a lien on the goods in the house leased, for the payment of his rent. ^{Dig. 20, 2, 2; Code, 8, 15, 7, 3d}. The builder has a lien, for his bill, on the house he has built. ^{Dig. 20, 1. 4th.} The pupil has a lien on the property of the guardian for the balance of his account. ^{Dig. 46, 6, 22; Code, 6, 37, 20. 5th}. There is hypothecation of the goods of a testator for the security of a legacy he has given. ^{Code, 6, 43, 1.}

7. In the common law, cases of hypothecation, in the strict sense of the civil law, that is, of a pledge of a chattel, without possession by the pledgee, are scarcely to be found; cases of bottomry bonds and claims for seamen's wages, against ships are the nearest approach to it; but these are liens and privileges rather than hypothecations. Story, Bailm. 288. It seems that chattels not in existence, though they cannot be pledged, can be hypothecated, so that the lien will attach, as soon as the chattel has been produced. 14 Pick. R. 497. Vide, generally, Poth. de l'Hypothèque; Poth. Mar. Contr. translated by Cushing, note. 26, p. 145; Commercial Code of France, translated by Rodman, note 52, p. 351; Merl. Répertoire, mot Hypothèque, where the subject is fully considered; ^{2 Bro. Civ. Law, 195; Ayl. Pand. 524; 1 Law Tracts, 224; Dane's Ab. h. t.; Abbott on Ship. Index, h. t.; 13 Ves. 599; Bac. Ab. Merchant, &c. G; Civil Code of Louis. tit. 22}, where this sort of security bears the name of mortgage. (q. v.)

hypothecate (v.) 1680s, from hypothecat-, past participle stem of Medieval Latin hypothecare, from Late Latin hypotheca, from Greek hypotheke "a deposit, pledge, mortgage," from hypo- "down" + tithenai "to put, place" (see theme). Related: Hypothecated; hypothecating; hypothecation. Source: <http://www.etymonline.com/index.php?term=hypothecate>

BOTTOMRY² - A contract, in nature of a mortgage of a ship maritime law.

1. **A contract, in nature of a mortgage of a ship**, on which the owner borrows money to enable him to fit out the ship, or to purchase a cargo, for a voyage proposed: and he pledges the keel or bottom of the ship, pars pro toto,³ as a security for the repayment; and it is stipulated that if the ship should be lost in the course of the voyage, by any of the perils enumerated in the contract, the lender also shall lose his money but if the ship should arrive in safety, then he shall receive back his principal, and also the interest agreed upon, which is generally called marine interest, however this may exceed the legal rate of interest. Not only the ship and tackle, if they arrive safe, but also the person of the borrower, is liable for the money lent and the marine interest. ^{See 2 Bl. Com. 458; Marsh. Ins. B. 21 c. 1; Ord. Louis XIV. B. 3, tit. 5; Laws of Wisbuy, art. 45 Code de Com. B. 2, tit. 9.}

² See D:\Documents\Law\Law C Drive\Shawn Rice Biblical Trust Brief 7 Covenants FOT 2008.doc, where it states "Admiralty/Maritime has four items (areas of concern): **maritime wages, bottomry, salvage, limited liability.**"

³ *pars pro toto*: Latin for "a part (taken) for the whole", [1] is a figure of speech where the name of a portion of an object, place or concept represents the entire object, place or concept. ... https://en.wikipedia.org/wiki/Pars_pro_toto

2. The contract of bottomry should specify the principal lent, and the rate of marine interest agreed upon; the subject on which the loan is effected the names of the vessel and of the master those of the lender and borrower whether the loan be for an entire voyage; for what voyage and for what space of time; and the period of repayment. Code de Com. art. 311 Marsh. Ins. B. 2.

3. Bottomry differs materially from a simple loan. In a loan, the money is at the risk of the borrower, and must be paid at all events. But in bottomry, the money is at the risk of the lender during the voyage. Upon a loan, only legal interest can be received; but upon bottomry, any interest may be legally reserved which the parties agree upon. See, generally, Metc. & Perk. Dig. h. t.; Marsh. Inst. B. 2; Bac. Abr. Merchant, K; Com. Dig. Merchant. E 4; 3 Mass. 443; 8 Mass. 340; 4 Binn. 244; 4 Cranch, 328; 3 John. R. 352 2 Johns. Cas. 250; 1 Binn. 405; 8 Cranch, 41 8; 1 Wheat. 96; 2 Dall. 194. See also this Dict. tit. Respondentia; Vin. Abr. **Bottomry**
Bonds 1 Bouv. Inst. n. 1246-57.

Authority, Author - Etymology

[authority \(n.\)](#)

early 13c., *autorite* "book or quotation that settles an argument," from Old French *auctorité* "authority, prestige, right, permission, dignity, gravity; the Scriptures" (12c.; Modern French *autorité*), from Latin *auctoritatem* (nominative *auctoritas*) "invention, advice, opinion, influence, command," from *auctor* "master, leader, author" (see [author](#) (n.)).

[author \(n.\)](#)

c.1300, *autor* "father," from Old French *auctor*, *acteur* "author, originator, creator, instigator" (12c., Modern French *auteur*), from Latin *auctorem* (nominative *auctor*) "enlarger, founder, master, leader," literally "one who causes to grow," agent noun from *auctus*, past participle of *augere* "to increase" (see [augment](#)). Meaning "one who sets forth written statements" is from late 14c. The *-t-* changed to *-th-* 16c. on mistaken assumption of Greek origin.

...[W]riting means revealing oneself to excess This is why one can never be alone enough when one writes, why even night is not night enough. ... I have often thought that the best mode of life for me would be to sit in the innermost room of a spacious locked cellar with my writing things and a lamp. Food would be brought and always put down far away from my room, outside the cellar's outermost door. The walk to my food, in my dressing gown, through the vaulted cellars, would be my only exercise. I would then return to my table, eat slowly and with deliberation, then start writing again at once. And how I would write! From what depths I would drag it up! [Franz Kafka]