

**UNSEATED LAND.** A phrase used in Pennsylvania to designate uncultivated land subject to taxation. A tract of land ceases to be unseated as soon as it is actually occupied with a view to permanent residence; *Wallace v. Scott*, 7 W. & S. (Pa.) 248.

**UNSEAWORTHY SHIP.** See **SEAWORTHINESS.**

**UNSHIPMENT.** Throwing goods overboard protected in such manner that they may be recovered, may constitute unshipment. *U. S. v. Hutchinson*, 1 Hask. 146, Fed. Cas. No. 15,431.

**UNSOLEMN WAR.** That war which is not carried on by the highest power in the states between which it exists, and which lacks the formality of a declaration. *Grotius, de Jure Bel. ac Pac.* l. 1, c. 3, § 4.

**UNSOLEMN WILL.** In the Civil Law. One in which an executor is not appointed. *Swinb. Wills* 29.

**UNSOUND MIND, UNSOUND MEMORY.** See **INSANITY.**

**UNSOUNDNESS.** See **SOUNDNESS.**

**UNTIL.** When a charter continues the incorporation of a company until a day named, *until* is exclusive in its meaning, unless the context show that the contrary is intended; *People v. Walker*, 17 N. Y. 502; *Kendall v. Kingsley*, 120 Mass. 94. That it is inclusive of the date see *Houghwout v. Boisaubin*, 18 N. J. Eq. 315; *Rogers v. E. Co.*, 70 Ga. 717.

**UNTRUE.** *Prima facie* inaccurate, but not necessarily wilfully false. 3 B. & S. 929.

**UNVALUED POLICY.** One in which the value of the interest at risk is not fixed in the policy but is estimated by a certain standard, and, in case of loss, is made out by proof. *Peninsular & O. S. S. Co. v. Ins. Co.*, 185 Fed. 172.

**UNWHOLESOME FOOD.** Food not fit to be eaten; food which if eaten would be injurious. See **ADULTERATION**; **HEALTH**; **FOOD AND DRUG LAWS.**

**UNWRITTEN LAW.** See **LEX NON SCRIPTA.**

A popular expression to designate a supposed rule of law that a man who takes the life of his wife's paramour or daughter's seducer is not guilty of a criminal offence. A trial judge is said to have expressed to a jury his approval of a verdict based upon such a theory; see 43 Canada L. J. 764; it is said to have received recognition in California; see 19 Green Bag 721, an article from the London L. J.; see also 12 Law Notes 224. The rule was much urged upon a jury in the common pleas of Philadelphia: *Biddle, J.*, said to counsel: "In this court the 'unwritten law' is not worth the paper it isn't written on."

In *Knights of Pythias v. Crenshaw*, 129 Ga. 195, 58 S. E. 628, 13 L. R. A. (N. S.) 258,

121 Am. St. Rep. 216, 12 Ann. Cas. 307, on a policy of life insurance which provided that "the death of the insured at the hands of justice, either punitive or preventive," or "in violation of or attempt to violate any criminal law," should avoid the policy (in the latter instance *pro tanto*), it was held that the killing of the insured by an injured husband was not within the policy.

**UPLIFTED HAND.** When a man accused of a crime is arraigned, he is required to raise his hand, probably in order to identify the person who pleads. Perhaps for the same reason when a witness adopts a particular mode of taking an oath, as when he does not swear upon the Gospel, but by Almighty God, he is to hold up his hand.

**UPPER BENCH.** The king's bench was so called during Cromwell's protectorate, when Rolle was chief-justice. 3 Bla. Com. 202.

**UPSET PRICE.** The price at which any subject, as lands or goods, is exposed to sale by auction, below which it is not to be sold. In a final decree in foreclosure, the decree should name an upset price large enough to cover costs and all allowances made by the court, receiver's certificates and interest, liens prior to the bonds, amounts diverted from the earnings, and all undetermined claims which will be settled before the confirmation and sale; *Blair v. R. Co.*, 25 Fed. 232.

**URBAN SERVITUDES.** All servitudes are established either for the use of houses or for the use of lands. Those of the first kind are called urban servitudes, whether the buildings to which they are due be situated in the city or in the country. Those of the second kind are called rural servitudes.

The principal kinds of urban servitudes are the following: the right of support; that of drip; that of drain, or of preventing the drain; that of view or lights, or of preventing the view or lights from being obstructed; that of raising buildings or walls, or of preventing them from being raised; that of passage; and that of drawing water. See 3 Toullier 441.

**URBS (Lat.)** A walled city. Often used for *ovitas*. *Ainsworth, Dict.* It is the same as *oppidum*, only larger. *Urbs*, or *urbs aurea*, meant Rome. *Du Cange.* In the case of Rome, *urbs* included the suburbs. *Dig.* 50. 16. 2. pr. It is derived from *urbum*, a part of the plough by which the walls of a city are first marked out. *Ainsworth, Dict.*

**USAGE.** Uniform practice.

Usage and custom are now used interchangeably, though custom seems to have been originally confined to local usages immemorially existing; *Browne, Us. & Cust.* 13.

A usage must be established; that is, it must be known, certain, uniform, reasonable, and not contrary to law; but it may be of very recent origin; 4 B. & Ald. 210; *McMas-*