# Citations from:
# "Words and Phrases".

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**These are approximately 90 volumes of precedent-based American Court Definitions.**

Summary of key words & phrases cited & defined here-in:
**Affidavit; Due Process of Law; Habeas Corpus; Joint Tenancy; Judicial Power; Jurisdiction; Jury; Law, in general; Law, Municipal; Municipal Corporations; "Malum In Se", Vs: "Malum Prohibitum"; Neighborhood; Precincts.**

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**Affidavits, Complaint or Answer (Volume 2A, Page 328)**
(Showing Similarities between Affidavits & Complaints)

It would be no strain upon substance, though perhaps some on form, to hold that a sworn petition is an "affidavit"; but if not an affidavit, it certainly is testimony. The important matter is to have the truth of the petition vouched under the usual sanctions, religious and secular, on which the law depends for securing truth and excluding falsehood; in other words, to have the petition verified. To swear to a petition is to affirm on oath that the matters of fact alleged therein are true. The signature of the witness and the jurat of the magistrate annexed to the petition are sufficient evidence that the oath was taken by the one and administered by the other.
Landrum v. Landrum, 125c S.E. 832, 833, 159 Ga. 324.

Under Or.L. ss 826, 827, ORS 45.020, 45.030, distinction between "affidavit" and "deposition" is that latter is taken with notice to adverse party for purpose of enabling him to attend and cross-examine. … State v. Quartier, 236 P. 746, 748, 114 Or. 657.

The test of sufficiency of paper as "affidavit" is the privelage to assign perjury if statements therein are false. … Mitchell v. McGuire, 12 So.2d 180, 182, 244 Ala. 73.

Under the statute providing for extradition whenever executive of a state demands person as a fugitive and produces copy of "affidavit" made before magistrate of state charging person demanded with a crime, quoted word includes a complaint.
Ex parte Norris, 255 S.W.2d 193, 194, 154 Tex.Cir.R. 68.

The terms "complaint" and "affidavit" are often used interchangeably.
Hebebrand v. State, 196 N.E. 412, 415, 129 Ohio St. 574.

The word "complaint" is synonymous with word "affidavit" in executive warrant for return of fugitive.
Ex parte Combs, 105 S.W.2d 1096, 1097, 132 Tex.Cr.R. 500.

An affidavit is an ex parte statement made without notice, and with no notice for cross-examination. … Zinner v. Louis ?Meyers & Son; 43 N.Y.S.2d 319, 320, 181 Misc 344.
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Document acknowledged by a member of Jehovah's Witnesses, before a notary republic, but not sworn, was not an affidavit. … Bardley v, U.S., C.A.Cal., 218 F2d. 657, 659.

The term "Affidavit", as used in Laws 1833, c. 271, ss 8, providing that in all actions at law a certificate of the notary, under his hand and seal, on the presentment by him for any promissory note for payment, and of the protest thereof for nonpayment, shall be presumptive evidence of the facts contained in the certificate, unless the defendant shall annex to his plea an affidavit denying the fact of having received notice of nonpayment of said note, means an affidavit separate and distinct from the answer, and attached thereto, and the sworn answer cannot be treated as being such an affidavit. … Gawry v. Doane, 51 N.Y. 84, 89.

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**Due Process of Law:**

"Due process of law" requires complete vindication of constitutional guarantee of presumption of innocence, and fair and impartial jury trail.

State v . Cole, 155 N.E. 2d 507, 508, 107 Ohio App. 444.

Within the principle that no person shall be deprived of life, liberty, or property except by due course of law, by the phrase "due course of law" is meant a proceeding which the adversary parties have the right to be confronted by the witnesses against them, and to have the issues between them tried by a jury in a due and orderly manner as provided by law.

Nettles v . Sommervell, 25 S.W. 658, 660, 6 Tex.Civ.App 627

"Due process of law" carries with it the right of trial by jury, when trail by jury has been the usual course of administration in the particular class of cases, through the courts of justice to which the one in question belongs. Light v. Canadian County Bank, 37 P. 1057, 1077, 2 Okl 543.

A courts failure to protect accused's constitutional rights to jury trail, to be informed of nature and cause of accusation, confront adverse witnesses, have compulsory process to obtain witnesses, and have counsel's assistance, is denial of "due process of law".

State ex rel. Nenning v. Jameson, 22 N.W.2d 731, 732, 71 S.D. 144.

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**Habeas Corpus, Volume 19,**

A "habeas corpus proceeding" is a collateral attack of a civil nature to impeach validity of judgement of another court in a criminal proceeding, & hence should be limited to cases in which judgement attacked is clearly void by reason of lack of jurisdiction, and not where judgement is merely erroneous and voidable. … Rust v. Pratt. 72 P.2d 533, 535, 157 Or. 505

Habeas corpus is a civil action in which the state on the relation of the petitioner is plaintiff, and the person charged with unlawfully imprisoning and restraining the prisoner is at least one of the defendants. … State v. Flynn, 193 N.W. 651, 654, 180 Wis. 566.

Habeas corpus is a "civil action." … Tunnell v. Reeves, Tex., 35 S.W.2d 707, 710

Habeas corpus is not a criminal proceeding.
Will v. Fields, 219 N.E. 2d 896, 898, 247, Ind. 589.

Habeas corpus proceedings are "civil" and not "criminal."
Winnovich v. Emery, 93 P. 988, 989, 33 Utah, 345.

Habeas corpus is a collateral and not a direct proceeding, when regarded as a means of attack on a judgement sentencing a defendant.
Davis v. O.Grady, 291 N.W. 82, 85, 137, Neb. 708.

The purpose of the writ of habeas corpus ... If ... it appears that such person is restrained by reason of his supposed violation of some criminal law, or quasi criminal law, as offense against a person or contempt of court, then the proceeding must be classed as a criminal case ... . It is the cause of restraint which determines the proceeding to remove the restraint be a civil or criminal case. A proceeding to determine a parents right to the custody of her minor child is a civil action. … Legate . League, 28 S.W. 281, 282, 87 Tex. 248.

The writ of habeas corpus never goes to courts, but to individuals only, to inquire into the legality of the imprisonment complained of.
State v. First Judicial Dist. Ct. 63 P. 395, 399, 24 Mont. 539

Office of writ of habeas corpus is not to determine guilt or innocence of prisoner, but to determine if prisoner is restrained by due process of law.
Ex parte Davis, 31 P.2d 623, 624, 55 Okl.Cr. 380.

Office of writ of "habeas corpus" is not to determine guilt or innocence of prisoner, but to determine if prisoner is restrained by due process.
Ex parte Presnel, 49 P.2d 232, 58 Okl.Cr. 50.

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**Joint Tenancy:**

"Joint Tenancy requires that tenants acquire interest simultaneously and by same instrument, and have interest identical to each of other cotenants, and that each be entitled to common possession. Moore Lumber Co. v. Behrman, 259 N.Y.S. 248, 144 Misc. 291.

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**Judicial Power:**

To declare a statute unconstitutional is a "judicial power".
Wilentz v. Hendrickson, 33 A.2d 366, 390; 133 N.J.Eq. 447.

To declare a statute unconstitutional is a "judicial power" to be delicately exercised by court. Sbrolla v. Hess, 43 A.2d 498, 500; 23 N.J.Misc. 299.

"Judicial power", as contradistinguished from the power of the laws, has no existence.

In re Philadelphia County Grand Jury, April 1943, 32 A.2d 199, 204; 347 Pa. 316.

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**Jurisdiction:**

"'Jurisdiction' in courts is the power and authority to declare the law. The very word in it's origin imports as much. It is derived from 'Juris' and 'dicto' -- 'I speak the law.' And that sentence ought to be inscribed in living light on every tribunal of criminal power. It is the right of administering justice through the laws, by the means which the law has provided for that purpose. * * * " Johnston v. Hunter, 40 S. E. 448, 449, 50 W.Va. 52 quoting and adopting the definition in Mills v. Comm, 13 Pa. 630.

(same as above; but, edited shorter):

"'Jurisdiction' ... is the ... authority to declare the law ... the word ... is derived from 'Juris' and 'dicto' -- 'I speak the law' ... And ... ought to be inscribed in living light on every tribunal of criminal power."

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**Jury:**

"In the constitutional provisions that trial by jury shall remain inviolate, by "jury" is meant a common-law jury, which is a tribunal of 12 persons impartially selected ..." Cooley, Const. Law (3rd Ed.) P. 321. People v Dunn, 52 N.E. 572, 574, 157 N.Y. 528, 43 L.R.A. 247

The courts have uniformly held that the word "jury," as used in our Constitution ... means a common-law jury, composed of 12 men, whose verdict shall be unanimous. First Nat. Bank of Rock Springs v. Foster, 61 P. 466, 9 Wyo, 157, 54 L.R.A. 546.

All the authorities agree that the substantial features of a trial jury ... are the number of 12, and unanimity of the verdict. These cannot be altered, and the uniform result of the very numerous cases growing out of legislative attempts to make juries out of a less number, or to authorize less than the whole to render a verdict, is that, as to all matters which were the subject of jury trials at the date of the Constitution, the right which is to remain inviolate is to a jury of 12 men, who shall render a unanimous verdict.

Smith v. Times Pub. Co. 36 A. 296, 297, 178 Pa. 481, 35 L.R.A. 819. See also Dennee v. McCoy, Ind.T., 69 S.W. 858, 860

The phrase "jury according to law" ... means a jury of 12 men according to the usages of the common law. Postal Tel. Cable Co. v. Alabama G. S. R. Co., 9 So. 555, 92 Ala. 331.

The word "jury" as used in the Constitution, means a common-law jury of 12 men. State v. Patterson, 41 Vt. 504, 520.

"Jury" referred to in constitutional provision that jury trial shall remain inviolate is common-law jury of 12. People ex rel. Cooley v. Wilder, 255, N.Y.S. 218, 222, 234, App.Div. 256.

A "jury" within the meaning of the federal Constitution, and the sixth amendment thereto, is a jury constituted as at common law of 12 persons – neither more nor less. Bettge v. Territory, 87 P. 897, 898, 17 Okl. 85.

(Bad but Insightful Precedent on Juries:)

The provision of the Constitution securing the trial by jury "in all cases in which it has heretofore been used" does not prevent the Legislature from authorizing a trial to be had otherwise than by the common-law jury of 12, in civil courts of local jurisdiction... ."

People v. Lane, N.Y., 6 Abb.Prac., N.S., 105, 120, 125 .

(CBS Note: There are many more cases of interest under "Jury" in "Words & Phrases".

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**Law; in general, Volume 24A:**

... in technical precision the word "law" is usually restricted to the common law, and other words such as "statute" or "act", are applied to legislative provisions. ...

Smith v. U.S., 22 Fed.Cas. 694, 696.

"Law" means not only any applicable statutes but also the common law concepts of due process and fair play and avoidance of arbitrary action. State ex rel.

Ball v. McPhee, 94 N.W.2d 711, 716, 6 Wis.2d 190.

"Law" is a statement of circumstances in which public force will be brought to bear on men through the courts. Hafner Mfg. Co. v. City of St. Louis, 172 S.W. 28, 262 Mo. 621.

Law is the enforcement of justice among men.

McAllister v. Marshall, PA. 338 , 350, 6 Am.Dec. 458.

Law is the rule of reason applied to existing conditions.

City of Milwaukee v. Milwaukee Elec. Ry. & Light Co., 180 N.W. 339, 341, 173 Wis. 400.

In the seventh amendment of the Constitution of the United States, and in the judiciary acts, by "common law" is meant what the Constitution denominated in the third article as "law"; not merely suits which the common law recognized among old and settled proceedings, but suits in which legal rights were to be ascertained and determined, in contradistinction to those where equitable rights alone were recognized and equitable remedies administered;

Fenn v. Holme, 62 U.S. 481, 486, 21 How. 481, 486, 16 L.Ed. 198; Michaelson v. Cautley, 32 S.E. 170, 172, 45 W. Va. 533; U.S. v. Block, 24 Fed.Cas. 1176, 1179;

or where, as in admiralty, a measure of public law and of maritime law and equity was often found in the same suit. … U.S. v. Block, 24 Fed.Cas. 1176, 1179.

Thus a fact once tried by a jury, cannot be retried or reexamined except by another jury, if either party require it, according to such procedure.

Michaelson v. Cautley, 32 S.E. 170, 172, 45 W. Va. 533.

Law is a rule, not a transient, sudden order from a superior to or concerning a particular person, but something permanent, uniform, universal.

In re Opinion of the Justices, 33 A. 1076, 1078, 66 N.H. 629.
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It is not every act, legislative in form, that is “law”. “Law” is something more than mere will asserted as an act of power.

It must not be a special rule for a particular person or a particular case, but, in the language of Mr Webster, “the general law, (is) a law which hears before it condemns, which proceeds upon inquiry, and renders judgement only after trial, so that every citizen shall hold his life, liberty, property, and immunities under protection of the general rules which govern society”; and thus excluding as not due process of law, acts of attainder, bills of pains, and penalties, acts of confiscation, acts reversing judgements, and acts directly transferring one mans estate to another, legislative judgements and decrees, and other similar special, partial, and arbitrary exertions of power under the forms of legislation.

Arbitrary power, enforcing its edicts to the injury of the persons and property of its subjects, is not law, whether manifested as the decree of a personal monarch or an impersonal multitude.

In re McNaught, 99 P. 241, 247, 1 Okl.Cr. 528, quoting with approval from Hurtado v people of Stare of California, 4 S.Ct. 111, 110, U.S. 516, 28 I.Ed. 232.

In the Century Dictionary, "law" is described as "a lucrative science, a professional science", and with it are included medicine and theology.

U.S. v. Massachusetts General Hospital, 100 F. 932, 41 C.C.A. 114

The term "law", when used without restriction or qualification, refers not to a special charter or private act, but to the public law of the state or sovereignty.

McMurray v. Wright, 73 P. 257, 261, 19 Colo.App. 17.

"Justice" is the dictate of right, according to the common consent of mankind generally, or of that portion of mankind who may be associated in one government, or who may be governed by the same principles and morals; while "law" is a system of rules, comfortable, as must be supposed, to this standard, and devised upon an enlarged view of the relations of persons and things, as they practically exist."

Snipes v. McGhee, 24 N.W.2d 638, 645, 316 Mich. 614.

(Bad but Insightful Precedent on “law”:)

The word “law”, as used in federal rule authorizing service of process upon agent authorized by law to serve process, refers to statutory law rather than to common law or general law. Fleming v. Malouf, D.C. N.Y., 7 F.R.D. 56, 57. (Poor cite)

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**Law: Municipal or other ordinances. Volume 24A.**

“Ordinances” are mere rules or by-laws of a municipal corporation. The word “law” does not ordinarily include a municipal ordinance.

Wright v. City of Macon, 64 S.E. 807, 813, 2 GaApp. 750.

Municipal “ordinance” held not “law” within constitutional provision requiring concurrence of at least all but one judges of Supreme Court to declare law unconstitutional.

Village of Brewster v. Hills, 191 N.E. 366, 128 Ohio St. 354.
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Ordinances are not "laws" within P.S. Const. Art. 3, ss 7, prohibiting local or special legislation. Taylor v. City of Philadelphia, 104, A. 766, 770, 261 Pa. 458.

"Law," as used in P.S.Const. Art. 10, ss 7, prohibiting the Legislature from passing local or civil law regulating the affairs of towns or boroughs, cannot be construed to include an ordinance of a borough. … Klinger v.Bickel, 11 A. 555, 557, 117 Pa. 326.

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**Municipal Corporations:**

A "municipal corporation" is … created by government for political purposes, having subordinate and local powers of legislation, an incorporation by the authority of the government of the inhabitants of a particular place or district, authorizing them in their corporate capacity to exercise subordinate specified powers of legislation and regulation over their affairs; such power of local government being the distinctive feature of a municipal corporation proper. …
Hersey v. Nelson, 131 P. 30, 31, 47 Mont. 132, Ann.Cas. 1914C, 963.

A "municipal corporation" in the machinery of the state is a mere agency. It possesses no inherent and independent authority to create rights in others which affect the public interest.
Rienhart v. Redfield, 87 N.Y.S. 789, 791, 93 App.Div. 410.

Counties, cities and towns are "municipal corporations" created by authority of legislature and they derive all powers from source of their creation, except where the constitution of the state other wise provides.
Laramie County Com'rs v. Albany County Com'rs, 92 U.S. 307, 23 L.Ed. 552.

"Municipal corporations" are created by the legislature, they derive all their powers from the source of their creation, and those powers are at all times subject to the control of the legislature. … St. Joseph Tp. V. Rogers, 83 U.S. 644, 16 Wall, 21 L.Ed. 326.

Municipal corporations are but limited agencies of the general legislative power that resides in the state. They have only such powers as are conferred upon them by the larger sovereignty known as the state. … Beeson v. City of Chicago, 75 F. 880, 881.

City court of Evansville held not "municipal court", within Laws 1925 ... limiting number of justices of peace in townships within corporate limits of city where municipal courts exist, since court referred to in such statute is municipal court created by Laws 1925 ... and "municipal" pertains to local self-government similar to that of Roman municipum ... being used in contradistinction to international law. State v. Grange, 165 N.E. 239, 240, 200 Ind. 506. ...

Municipal corporations are the creatures of the states in which they are located.
They derive their powers from the Constitution & the statutes.
In re Pryor, 41 P. 958, 959, 55 Kan. 724 29 L.R.A. 398 49 Am. St.Rep. 280.
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"Municipal Corporations" are creatures of the Legislature & possess no inherent powers.
City of Ottowa v. Brown, 24 N.E.2d 363, 365, 372 Ill 468.

Municipalities are instrumentalities of the government and their creation involves exercise of "governmental power" as distinguished from "judicial power".
In re City of Berkley, Mo.App., 155 S.W.2d 138, 140.

Municipal Corporations are voluntary associations created and built upon voluntary assent of the community and its citizens.
Carey v. City of Haleyville, 161 So. 496, 497, 230 Ala. 401. ...

A "municipal corporation" is but an arm or branch of the state government.
Batchellor v. Madison Park Corp., 172 P2d 268, 277, 25 Wash.2d 907.

"Municipal Corporations" are political institutions created to be employed in the internal government of the state. La Guardia v. Smith, 41 N.E.2d 153, 155, 288 N.Y. 1.

All governments are, in a sense, "municipal corporations," including the United States & the several states and various political subdivisions, such as counties, townships, school districts, and road boards, none of which are liable to suit unless made so by statute.
Coffield v. Territory, 13 Haw. 478.

Counties, townships, and cities are "municipal corporations", created by state, and their powers, rights, and duties may be changed as legislature sees fit. … /… Cow Creek Val. Flood Prevention Ass'n v. City of Hutchinson, 200 P.2d 299, 306, 166 Kan. 78.

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**"Malum In Se", Vs: "Malum Prohibitum": Volume 26:**

The phrase "malum in se" means literally a wrong in itself and is an act involving illegality from the very nature of the transaction upon principles of natural, moral and public law.
State v. Shedoudy, 118 P.2d 280, 287, 45 N.M. 516.

The ancient differentiation between "malum prohibitum" and "malum in se" is a manifestation of the same common-sense separation between offenses which spring from wickedness of character and those which do not.
Petition of Schlau, D.C.N.Y., 41 F.Supp. 161, 163.

An offense "malum in se" is one which is naturally evil, as adjudged by sense of civilized community; but act "malum prohibitum" is wrong only because made so by statute.
State v. Trent, Or., 259 P. 893, 898.

Crimes are of two classes, "malum prohibitum" which do not require criminal intent and "malum in se" which require criminal intent.
Duncan v. Commonwealth, 158 S.W.2d 396, 397, 289 Ky. 231.
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An offense malum in se is one which is naturally evil, as adjudged by the sense of civilized community, such as murder, arson, theft, and the like. Bouv. Law Dict. ; Hanauer v. Doane, 79 U.S. (12 Wall.) 342, 20 L.Ed. 439. The offense of selling liquor without a license by an innkeeper is not malum in se. Lewin v. Johnson, N.Y., 32 Hun, 408, 411.

Theft, whether it is grand or petit larceny, is "malum in se" and consensus of opinion deduces from the commission of crimes malum in se the conclusion that the perpetrator is depraved in mind and is without moral character because his very act involves "moral turpitude" ... . Chartrand v. Karnuth, D.C.N.Y., 31 F. Supp. 799, 800.

Driving of automobile at excessive speeds on left side of road is not "malum in se", but merely "malum prohibitum". Hurt v. State, 201 S.W.2d 988, 990, 184 Tenn. 608.

Generally crimes "malum in se" involve moral turpitude.
In re Pearce, 136 P2d 969, 971, 972, 103 Utah 522.

Acts "malum prohibita" are such acts as are in themselves indifferent and become right or wrong as the municipal legislature sees proper for protecting the welfare of society and more adequately carrying on the purposes of civil life.
People v. Herbert, 58 P.2d 909, 912, 6 Cal.2d 541.

"Malum in se" requires the commission of a crime that is not merely prohibited by statute, but is criminal by its inherent nature. … State v. Barker, 196 P2d 723, 727, 113 Utah 514.

Driving of automobile at excessive speed on left side of road is not "malum in se" but merely "malum prohibitum". … Hurt v. State, 201 S.W.2d 988, 990, 184 Tenn. 608.

… driving while merely under influence of liquor is only "malum prohibitum," and homicide resulting therefrom may be excusable on such ground, if violation of statute in no way contributed thereto. … State v. Budge, 137 A. 244, 247, 126 Me. 223.

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**Neighborhood: Volume 28:**

The general rule is that, to impeach a witness by proof of bad character, the predicate is a knowledge of his character in the neighborhood in which he resides, the terms "community" and "neighborhood" meaning in a general way where the witness is well known and has established a reputation, and the inquiry is not necessarily confined to his domicile; and hence, where it appears that, through a witness resided in Baltimore, he had an established business in Mobile, and spent much of his time there, evidence as to a knowledge of his character in Mobile was admissable as a predicate for impeaching testimony. … /… Richard P. Baer & Co. v. Mobile Cooperage & BoxMfg. Co. 49 So. 92, 93, 96, 159 Ala. 491.

Generally, to impeach by proof of bad character, the predicate necessary is a knowledge of the witness' character in the community or neighborhood in which he resides, although the term "community" or "neighborhood" is not susceptible to exact geographical definition, but
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means, generally, where the person is well known and has established a reputation, and the inquiry is not necessarily confined to the domicile or residence of the witness, but may extend to any community or society in which he has a well-known or established reputation.

Marasso v. State, 93 So. 226, 227, 18 Ala.App. 488.

Where accused endeavored to prove her good character and character for truth by some of her associates in hotel where she was employed rather than by neighbors in "community" in which she lived, who knew little of her reputation for truth, , term "community" or "neighborhood" should have been expanded to include place where she worked for many years where her character and reputation for truth were well known, and testimony of hotel employees was admissable. Hamilton v. State, 176 So. 89, 94, 129 Fla. 219, 112 A.L.R. 1013.

The term "neighborhood," in the rule that a person called to impeach the reputation of a witness must reside in the neighborhood of the residence of the witness, comprises the natural radius of repute, and includes the territory wherein one resides, moves, circulates, does business, and has intercourse with his fellows; and is not confined to the same village, town, or city, and a person residing in a town less than 14 miles distant from a town in the same county in which a witness resides may testify to the reputation of the witness, especially where he does business in the later town. … /… People v. Loris, 115 N.Y.S. 236, 237, 238, 131 App.Div/ 127, citing Greenl. On Ev. (15th Ed.) 451; State v. Henderson, 1 S.E. 225, 29 W.Va. 147, Peters v. Bourneau, 22 Ill.App 177; Chess v. Chess, Pa., 1 Pen. & W. 32, 21 Am.Dee. 450, Hadjo v. Gooden, 13 Ala. 718; Dupree v. State, 33 Ala. 38, 73 Am.Dee. 422, State v. McLaughlin, 50 S.W. 315, 149 Mo. 19; Wallis v. White, 15 N.W. 767, 58 Wis. 26; Burr-Junes, Ev. (2d Ed.) 1097; Best, Ev. (International Ed.) p. 255.

While evidence of reputation to impeach a witness is restricted to reputation in the neighborhood, that is, the territory where he resides, moves, circulates, does business, and has intercourse with his fellows, that neighborhood is not arbitrarily limited by geographical lines.

Ulrich v. Chicago, B. & Q. R. Co., 220 S.W. 682, 684, 281 Mo. 697.

Inquiry as to accused's previous good character need not be limited to community or neighborhood where he lives, but may be extended to any community, society, or neighborhood where he is known or has well known or established reputation; "community" or "neighborhood" meaning in general where person is well known and has established a reputation.

Craven v. State, 111 So. 767, 769, 22 Ala.App. 39.

A man's "neighborhood," within the meaning of the rule that evidence of character must come from the neighborhood of the person whose character has been called into question, "is not necessarily defined to the particular locality in which he resides, but is coextensive to the extent of territory occupied by those with whom he associates and frequently comes in contact. One mans neighborhood may be a small hamlet, while the neighborhood of another may be a county or state." … /… Peters v. Bourneau, 22 Ill.App. 177, 179.

The "neighborhood" in which the neighbors and acquaintences of a person must reside in order to testify as to his general reputation means the neighborhood in which the party resides, which includes where he moves and circulates and transacts his business, and attends church and

stores, and mixes generally with the people in the usual calls of life, and is best known, not extending to any great number of miles, and not extending beyond the same immediate section of his residence, and such acquaintences must be within that limit.

State v. Henderson, 1 S.E. 225, 239, 29 W.Va. 147.

In construing an inquiry into the reputation of a witness in the neighborhood in which he lived, the court said: "With regard to the meaning of the terms 'neighbors,' 'neighborhood,' 'immediate neighborhood,' I would say, in reference to the present objection, that they were coextensive with the range of the witness's frequent intercourse with his fellow citizens, which from the evidence included the county of Allegheny.

Chess v. Chess, Pa., 1 Pen. & W. 32, 40, 21 Am.Dec. 350.

The word "neighborhood" means a place near; vicinity; adjoining district. "Neighborhood" is Anglo-Saxon, "vicinity" is Latin. "Vicinity" does not denote so close a place as "neighborhood". A neighborhood is a more immediate vicinity. The houses directly adjoining a square are in the "neighborhood" of that square; those which are somewhat further removed are in the "vicinity" of the square. … /… Coyle v. Chicago & A. R. Co., 27 Mo.App. 584, 593.

The term "jury of the vicinage" literally signifies of the neighborhood where a crime was committed. … /… Com. v. Jones, 82 S.W. 643, 644, 118 Ky. 889, 4 Ann.Cas. 1192.

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**Precincts: Volume 33:**

The words "precinct" and "district" are often used interchangeably in election law.

Anderson v. Crow, TexCivApp., 200 S.W.2d 227, 234.

The words "precinct" and"district" in the election law are frequently used interchangeably, and the meaning must be gathered very largely from the connection in which they are used.

Welch v. Shumway, 83 N.E. 549, 555, 232 Ill. 54.

The term "precinct," in its general sense, indicates any district marked out and defined.

Union Pac. Ry. Co. vs Ryan Wyo., 5 S.Ct. 601, 604, 113 U.S. 516, 28 L.Ed. 1098.

A "precinct" is a certain, definite, particular subdivision of a county.

Claudle v. Court of Com'rs of Talladega County, 39 So. 307, 308, 144 Ala. 502.

(There are more good citations, copied in words-&-phrases page in work-book.)
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