

DOLUS — DOMESTICUS

DOLUS LATET IN GENERALIBUS. Fraud lurks in generalities. Tray. Lat. Max. 162.

DOLUS VERSATUR IN GENERALIBUS. Fraud deals in generalities. 2 Coke, 34a; 3 Coke, 81a.

DOM. PROC. An abbreviation of *Domus Procerum* or *Domo Procerum*; the house of lords in England. Sometimes expressed by the letters D. P.

DOMAIN. The complete and absolute ownership of land; a paramount and individual right of property in land. *People v. Shearer*, 30 Cal. 658. Also the real estate so owned. The inherent sovereign power claimed by the legislature of a state, of controlling private property for public uses, is termed the "right of eminent domain." 2 Kent, Comm. 339. See Eminent Domain.

A distinction has been made between "property" and "domain." The former is said to be that quality which is conceived to be in the thing itself, considered as belonging to each or such person, exclusively of all others. By the latter is understood that right which the owner has of disposing of the thing. Hence "domain" and "property" are said to be correlative terms. The one is the active right to dispose of; the other a passive quality which follows the thing and places it at the disposition of the owner. 3 Toddler, no. 83.

National domain is sometimes applied to the aggregate of the property owned directly by a nation. Civ. Code La. art. 486. Public domain embraces all lands, the title to which is in the United States, including as well land occupied for the purposes of federal buildings, arsenals, dock-yards, etc., as land of an agricultural or mineral character not yet granted to private owners. *Day Land & Cattle Co. v. State*, 68 Tex. 526, 4 S.W. 865.

DOMBEC, DOMBOC. (Sax. From *dom*, judgment, and *bec, boc*, a book.) Dome-book or doom-book. A name given among the Saxons to a code of laws. Several of the Saxon kings published *domboos*, but the most important one was that attributed to Alfred. Crabb, Com. Law, 7. This is sometimes confounded with the celebrated *Domesday-Book*. See Dome-Book; Domesday.

DOOM. (Sax.) Doom; sentence; judgment. An oath. The homager's oath in the black book of Hereford. Blount.

DOOM-BOOK. A book or code said to have been compiled under the direction of Alfred, for the general use of the whole kingdom of England; containing, as is supposed, the principal maxims of the common law, the penalties for misdemeanors, and the forms of judicial proceedings. It is said to have been extant so late as the reign of Edward IV., but is now lost. 1 Bl.Comm. 64, 65.

DOMESDAY, DOMESDAY-BOOK. (Sax.) An ancient record made in the time of William the Conqueror, and now remaining in the English exchequer, consisting of two volumes of unequal size, containing minute and accurate surveys of the lands in England. 2 Bl.Comm. 49, 50. The work was begun by five justices in each county in 1081, and finished in 1086.

DOMESMEN. (Sax.) An inferior kind of judges. Men appointed to doom (judge) in matters in controversy. Cowell. Suitors in a court of a manor in ancient demesne, who are judges there. Blount; Whishaw; Termes de la Ley.

DOMESTIC, n. A domestic, or, in full, domestic servant, is a servant who resides in the same house with the master. The term does not extend to workmen or laborers employed out of doors. *Ex parte Meason*, 5 Bin. (Pa.) 167; *Richardson v. State*, 43 Tex. 456; *Anderson v. Ueland*, 197 Minn. 518, 267 N.W. 517, 518.

The Louisiana Civil Code enumerates as domestics those who receive wages and stay in the house of the person paying and employing them, for his own service or that of his family; such as valets, footmen, cooks, butlers, and others who reside in the house. Persons employed in public houses are not included. *Cook v. Dodge*, 6 La. Ann. 276.

The term is sometimes extended, however, to include servants who do not reside in the same house as the master. *Catto v. Plant*, 106 Conn. 236, 137 A. 764, 766 (gardner); *Douglas v. State*, 88 Tex. Cr. R. 295, 225 S.W. 536, 538 (house porter).

DOMESTIC, adj. Pertaining, belonging, or relating to a home, a domicile, or to the place of birth, origin, creation, or transaction. *Catto v. Plant*, 106 Conn. 236, 137 A. 764, 765; *In re Savin's Estate*, 131 N.J. Eq. 563, 26 A.2d 270, 273.

As to domestic "Administrators," "Attachment," "Bill of Exchange," "Commerce," "Corporations," "Creditors," "Factors," "Fixtures," "Judgment," and "Manufactures," see those titles.

DOMESTIC ANIMALS. Such as are habituated to live in or about the habitations of men, or such as contribute to the support of a family or the wealth of the community. This term includes horses, (*State v. Gould*, 26 W. Va. 264; *Osborn v. Lenox*, 2 Allen [Mass.] 207,) male goat, (*Young v. Blaum*, La. App., 146 So. 168, 169); cattle (*Yazoo & Mississippi R. Co. v. Gordon*, 184 Miss. 885, 186 So. 631, 632; parrot (*K. G. O. Construction Co. v. King*, N.J. Dist. Ct., 12 N.J. Misc. 291, 171 A. 164, 165).

DOMESTIC COURTS. Those existing and having jurisdiction at the place of the party's residence or domicile. *Dickinson v. Railroad Co.*, 7 W. Va. 417.

DOMESTIC PURPOSES. As regards rights of riparian owner, extends to culinary purposes and to purposes of cleansing, washing, feeding, and supplying an ordinary quantity of cattle. *Cowell v. Armstrong*, 290 P. 1036, 1038, 210 Cal. App. 218. It includes consumption and sustenance of human being and does not necessarily exclude occupants of hotels, apartments, boarding houses, etc. *Prather v. Hoberg*, 24 Cal. 2d 549, 150 P. 2d 405, 412.

DOMESTIC SERVANT. See Domestic.

DOMESTICATED. Made domestic or converted to domestic use. *Commonwealth v. Flynn*, 285 Mass. 136, 188 N.E. 627, 628, 92 A.L.R. 206.

DOMESTICUS. In old European law. A *seneschal*, steward, or *major domo*; a judge's assistant; an assessor, (q. v.). Spelman.