

CAPITAL

Capital Surplus

Property paid into corporation by shareholders in excess of capital stock liability. *Commissioner of Corporations and Taxation v. Filoon*, 310 Mass. 374, 38 N.E.2d 693, 699, 700.

CAPITALE. A thing which is stolen, or the value of it. Blount.

CAPITALE VIVENS. Live cattle. Blount.

CAPITALIS. In old English law. Chief ; principal; at the *head*. A term applied to persons, places, judicial proceedings, and some kinds of property.

CAPITALIS BARO. In old English law. Chief baron. *Capitalis baro scaccarii domini, regis*, chief baron of the exchequer. Townsh.Pl. 211.

CAPITAL'S CUSTOS. Chief warden or magistrate; mayor. Fleta, lib. 2, c. 64, § 2.

CAPITAL'S DEBITOR. The chief or principal debtor, as distinguished from a surety, (*plegius*.)

CAPITALIS DOMINUS. Chief lord. Fleta, lib. 1, c. 12, § 4; Id. c. 28, § 5.

CAPITALIS JUSTICIARIUS. The chief justice; the principal minister of state, and guardian of the realm in the king's absence.

This office originated under William the Conqueror ; but *its* power was greatly diminished by *Magna Charta*, and finally distributed among several courts by Edward I. Spelman; 3 Bl.Comm. 38.

CAPITALIS JUSTICIARIUS AD PLACITA CORAM REGE TENENDA. Chief justice for holding pleas before the king. The title of the chief justice of the king's bench, first assumed in the latter part of the reign of Henry III. 2 Reeve, Eng. Law, 91, 285.

CAPITALIS JUSTICIARIUS BANCI. Chief justice of the bench. The title of the chief justice of the (now) court of common pleas, first mentioned in the first year of Edward I. 2 Reeve, Eng. Law, 48.

CAPITALIS JUSTICIARIUS TOTIUS ANGLIIE. Chief justice of all England. The title of the presiding justice in the court of *aula regis*. 3 Bl.Comm. 38; 1 Reeve, Eng. Law, 48.

CAPITALIS PLEGIUS. A chief pledge; a head borough. Townsh.Pl. 35.

CAPITALIS REDITUS. A chief rent.

CAPITAL'S TERRA. A head-land. A piece of land lying at the head of other land.

CAPITALIST. One exclusively dependent on accumulated property, whether denoting a person of large wealth or one having an income from investments. *Elliott v. Frankfort Marine, Accident & Plate Glass Ins. Co. of Frankfort-on-the-Main, Germany*, 172 Cal. 261, 156 P. 481, 483, L.R.A. 1916F, 1026. The word has no legal meaning. In re Green's Estate, 109 Misc. 112, 178 N.Y.S. 353, 361.

CAPITALIZATION METHOD. A method of measuring values of realty for purpose of determining values of mortgages by expertly estimating the gross income which property should throw off, and separately the expenses reasonably required to carry it, and thus arriving at a fair estimate of net income and using a capitalization figure or factor, expertly chosen. Depreciation must be taken into consideration in use of such method. In re New York Title & Mortgage Co. (Series B-K), 21 N.Y.S.2d 575, 594, 595.

CAPITALIZE. In one sense, to convert a periodical payment into a sum in hand. *Brown v. Erie R. Co.*, 87 N.J.Law, 487, 91 A. 1023, 1026, Ann.Cas. 1917C, 496.

CAPITANEUS. A tenant *in capite*. He who held his land or title directly from the king himself. A captain; a naval commander. This latter use began A. D. 1264. Spelman, Gloss. *Capitaneus, Admiralius*. A commander or ruler over others, either in civil, military, or ecclesiastical matters.

CAPITARE. In old law and surveys. To head, front, or abut; to touch at the head, or end.

CAPITATIM. Lat. By the head; by the poll; severally to each individual.

CAPITATION TAX. A poll tax. A tax or imposition upon the person. *Leedy v. Bourbon*, 12 Ind. App. 486, 40 N.E. 640; *Hattiesburg Grocery Co. v. Robertson*, 126 Miss. 34, 88 So. 4, 5, 25 A.L.R. 748. It is a very ancient kind of tribute, and answers to what the Latins called "*tributum*," by which taxes on persons are distinguished from taxes on merchandise, called "*vectigalia*." Whar-ton.

CAPITE. Lat. By the head.

Tenure *in capite* was an ancient feudal tenure, whereby a man held lands of the king immediately. It was of two sorts,—the one, principal and general, or of the king as the source of all tenure ; the other, special and subaltern, or of a particular subject. It is now abolished. Jacob. As to distribution *per capita*, see *Capita*, per.

CAPITE MINUTUS. In the civil law. One who had suffered *capitis diminutio*, one who lost *status* or legal attributes. See Dig. 4, 5.

CAPITIS DIMINUTIO. In Roman law. A diminishing or abridgment of personality; a loss or curtailment of a man's *status* or aggregate of legal attributes and qualifications.

CAPITIS DIMINUTIO MAXIMA. The highest or most comprehensive loss of *status*. This occurred when a man's condition was changed from one of freedom to one of bondage, when he became a slave. It swept away with it all rights of citizenship and all family rights.

CAPITIS DIMINUTIO MEDIA. A lesser or medium loss of *status*. This occurred where a man lost his rights of citizenship, but without losing his liberty. It carried away also the family rights.

CAPITIS DIMINUTIO MINIMA. The lowest or least comprehensive degree of loss of *status*. This