

Legal Definitions of Relevant Words

Blacks Law Dictionary, sixth edition provides the following definitions for the words – “**Right**”, “**Liberty**”, “**Freedom**”, “**Privilege**”, “**License**”, “**Permit**”, and “**Fraud**”:

1. “**Right**. - As a noun, and taken in the abstract sense, means justice, ethical correctness, or consonance with the rule of law or the principles of morals. In this signification it answers to one meaning of the Latin “jus,” and serves to indicate law in the abstract, considered as the foundation of all rights, or the complex of underlying moral principles which impact the character of justice to all positive law, or give an ethical content. As a noun, and taken in a concrete sense, a power, privilege, faculty, or demand, inherent in one person and incident upon another.

Constitutional Rights

There is also a classification of rights, with respect to the constitution of civil society. Thus, according to Blackstone, “the rights of persons, considered in their natural capacities, are of two sorts, - *absolute* and *relative*; absolute, which are such as appertain and belong to particular men, merely as individuals or single persons; relative, which are incident to them as members of society, and standing in various relations to each other.” 1 Bl.Comm 123.

Rights are also classified in constitutional law as natural, civil, and political. To which there is sometimes added the class of “personal rights.”

Natural rights are those which grow out of the nature of man and depend upon personality, as distinguished from such as are created by law and depend upon civil society; or they are those which are plainly assured by natural law; or those which, by fair deduction from the present physical, moral, social, and religious characteristics of men, he must be invested with, and which he ought to have realized for him in a jural society, in order to fulfill the ends to which his nature calls him. Such are the rights of life, **liberty**, privacy and good reputation.

Civil rights are such as belong to every citizen of the state or country, or, in a wider sense, to all its inhabitants, **with the organization or administration of government and are not connected**. They include the rights of property, marriage, equal protection of the law, freedom of contracts, trial by jury, etc. Or, as otherwise defined, civil rights are rights appertaining to a person by virtue of his citizenship in a state or community. Such term may also refer, in its very general sense, to rights capable of being enforced or redressed in a civil action. Also, a term applied to certain rights secured to citizens of the United States by the Thirteenth and Fourteenth amendments to the Constitution, and by various acts of Congress (e.g. Civil Rights Acts) made in pursuance thereof. See Bill of Rights; Civil liberties; Civil Rights Acts.

Political rights consist in the power to participate, directly or indirectly, in the establishment or administration of government, such as the right of citizenship, that of suffrage, the right to hold public office, and the right of petition.

Personal rights is a term of rather vague import, but generally it may be said to mean the right of personal security, comprising those of life, limb, body, health, reputation and the right of personal liberty.”

2. **“Liberty.** Freedom from all restraint except such as are justly imposed by law. ...

The “liberty” guaranteed and protected by constitutional provisions denotes not only freedom from unauthorized physical restraint, **but embraces also the freedom of an individual to use and enjoy his faculties in all lawful ways, acquire useful knowledge, marry, establish a home, and bring up children, worship God according to the dictates of his own conscience, live and work where he chooses, engage in any of the common and lawful occupations of life, enter into all contracts which may be proper and essential to carrying out successfully the foregoing purposes, and generally to enjoy these privileges long recognized at common law to be orderly pursuit of happiness by free people.**

The “personal liberty” guaranteed by Thirteenth Amendment, U.S. Constitution, consists in the power of locomotion without imprisonment or restraint unless by the due course of law, except those imposed to prevent commission of threatened crime or in punishment of crime committed, those in punishment of contempt of courts or legislative bodies or to render their jurisdiction effectual, and those necessary to enforce the duty citizens owe in defense of the state to protect community against acts of those who by reason on mental infirmity are incapable of self-control. Ex parte Hudgins, 86 W.Va. 526, 103 S.E. 327, 329.” ...

“Personal liberty. The right or power of locomotion of changing situation, or moving one’s person to whatever place one’s own inclination may direct, without imprisonment or restraint, unless by due course of law. Civil Rights Cases, 109 U.S. 3, 3 S.Ct. 42, 27 L.Ed. 835.”

3. **“Freedom.** The state of being free; liberty; self-determination; absence of restraint; the opposite of slavery.

The power of acting, in the character of a moral personality, according to the dictates of the will, without other checks, hindrance, or prohibition than such as may be imposed by just and necessary laws and the duties of social life. See Liberty.

The prevalence, in the government and constitution of a country, of such a system of laws and institutions as secure civil liberty to the individual citizen.”

4. **“Privilege.** A particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond the common advantages of other citizens. An exceptional or extraordinary power or exemption. A particular right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others.”

5. **“License.** A personal privilege to do some particular act or series of acts on land without possessing any estate or interest therein, and is ordinarily revocable at the will of the licensor and is not assignable. Lehman v. Williamson, 35 Colo.App. 372, 533 P.2d 63,65. **The permission by competent authority to do an act which, without such permission, would be illegal, a trespass, a tort, or otherwise not allowable.** People v. Henderson, 391 Mich. 612, 218 N.W.2d 2,4. Certificate or the document itself which gives permission. Leave to do thing which licensor could prevent. Western Electric Co. v. Patent Reproducer Corporation, C.C.A.N.Y., 42 F.2d 116, 118. Permission to do a particular thing, to exercise a certain privilege or to carry on a particular business or to pursue a certain occupation. Blate Brewing Co. v. Collins, 88 Cal. App.2d 37, 39,40.

A permit, granted by an appropriate governmental body, generally for a consideration, to a person, firm, or corporation, to pursue some occupation or to carry on some business subject to regulation under the police power.

A license is not a contract between the state and the licensee, but is a mere personal permit. Rosenblatt v. California State Board of Pharmacy, 69 Cal. App.2d 69, 158 P.2d 199, 203. Neither is it property or a property right. American State Water Service Co. of California v. Johnson, 31 Cal.App. 606, 88 P.2d 770, 774.”

6. “Permit”: In general, any document which grants a person the right to do something. A license or grant of authority to do a thing. Matter of Building Permit and Zoning, 29 N.C. App. 749, 225 S.E. 2d 647, 549. **A written license or warrant, issued by a person in authority, empowering the grantee to do some act not forbidden by law, but not allowable without authority.**

7. “Fraud”: An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact, whether by words or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Anything calculated to deceive, whether by a single act or combination, or by suppression of truth, or suggestion of what is false, whether it be by direct falsehood or innuendo, by speech or silence, word of mouth, or look or gesture. [Delahanty v. First Pennsylvania, N.A., 318 Pa. Super. 90, 464 A.2d 1243, 1251”. A generic term, embracing all multifarious means which human ingenuity can devise, and which are resorted to by one individual to get advantage over another by false suggestion or by suppression of truth, an includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated. Johnson v. McDonald, 170 Okl. 117, 39 P.2d 150. “Bad faith” and “fraud” are synonymous, and also synonyms of dishonesty, infidelity, faithlessness, perfidy, unfairness, etc.

Elements of a cause of action for “fraud” include false representation of a present or past fact made by defendant, action in reliance thereupon by plaintiff, and damage resulting to plaintiff from such misrepresentation. Citizens Standard Life Ins. Co. v. Gilley, Tex.Civ.App, 521 S.W..2d 354, 356.

As distinguished from negligence, it is always positive, intentional. It comprises all acts, omissions, and concealments involving a breach of a legal or equitable duty and resulting in damage to another. And includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence, by word of mouth, or by look or gesture. Fraud, as applied to contracts, is cause of an error bearing on a material part of the contract, created or continued by artifice, with design to obtain some unjust advantage to the one party, or to cause an inconvenience or loss to the other. ...

Note: (Underlining and/or **Bold print** added in the definitions presented herein above for emphasis)