jury, who are to try and assess damages, on the issue, are also to assess damages against the defendant suffering judgment by default. Lee's Dict. h. t.

UNILATERAL CONTRACT, *civil law.* When the party to whom an engagement is made, makes no express agreement on his part, the contract is called unilateral, even in cases where the law attaches certain obligations to his acceptance. Civ. Code of Lo. art. 1758; Code Nap. 1103; a loan of money, and a loan for use are of this kind. Poth. Obl. part. 1, c. 1, s. 1, art. 2; Leç. Elem. § 781.

UNINTELLIGIBLE. What cannot be understood. When a law, a contract, or will, is unintelligible, it has no effect whatever. Vide *Construction*, and the authorities there referred to.

UNIO PROLIUM. A species of adoption used among the Germans; it signifies *union of descent.* It takes place when a widower, having children, marries a widow, who also has children. These parents then agree that the children of both marriages shall have the rights to their succession, as those which may be the fruit of their marriage. Leç. Elem. § 187.

UNITED STATES OF AMERICA. The name of this country. The United States, now twenty-six in number, are Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia. The territory of which these states are composed was at one time dependent generally on the crown of Great Britain, though governed by the local legislatures of the country. It is not within the plan of this work to give a history of the colonies, on this subject the reader is referred to Kent's Com. sect. 10; Story on the Constitution, Book 1; 8 Wheat. Rep. 543; Marshall, Hist. Colon.

The neglect of the British government to redress grievances which had been felt by the people, induced the colonies to form a closer connexion than their former isolated state, in the hopes that by a union they might procure what they had separately endeavoured in vain to obtain. In 1774, Massachusetts recommended that a congress of the colonies should be assembled to deliberate upon the state of public affairs; and on the fourth of September of the following year, the delegates to such a congress assembled in Philadelphia. Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia were represented by their delegates; Georgia alone was not represented. This congress, thus organised, exercised, *de facto* and *de jure*, a sovereign authority, not as the delegated agents of the governments *de facto* of the colonies, but in virtue of the original powers derived from the people. This, which was called the revolutionary government, terminated only when superceded by the confederated government under the articles of confederation, ratified in 1781. Serg. on the Const. Intr. 7, 8. The state of alarm and danger in which the colonies then stood induced the formation of a second congress. The delegates, representing all the states, met in May, 1775. This congress put the country in a state of defence, and made provisions for carrying on the war with the mother country; and for the internal regulations of which they were then in need; and on the fourth day of July, 1776, adopted and issued the Declaration

of Independence, (q. v.) The articles of confederation, (q. v.) adopted on the first day of March, 1781, 1 Story on the Const. § 225; 1 Kent's Comm. 211, continued in force until the first Wednesday in March, 1789, when the present constitution was adopted. 5 Wheat. 420.

The United States of America are a corporation endowed with the capacity to sue and be sued, to convey and receive property. 1 Marsh. Dec. 177, 181. But it is proper to observe that no suit can be brought against the United States without authority of law.

The states, individually, retain all the powers which they possessed at the formation of the constitution, and which have not been given to congress, (q. v.)

Besides the states which are above enumerated, there are various territories, (q. v.) which are a species of dependencies of the United States. New states may be admitted by congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of congress. Const. art. 4, s. 3. And the United States shall guaranty to every state in this union, a republican form of government. Ib. art. 4, s. 4.

See the names of the several states; and *Constitution of the United States.*

UNITY, *estates*, is an agreement or coincidence of certain qualities in the title of a joint estate or an estate in common. In a joint estate there must exist four unities; that of *interest*, for a joint-tenant cannot be entitled to one period of duration or quantity of interest in lands, and the other to a different; one cannot be tenant for life, and the other for years: that of *title*, and therefore, their estate must be created by one and the same act: that of *time*, for their estates must be vested at one and the same period, as well as by one and the same title; and, lastly, the unity of *possession:* hence joint-tenants are seised *per my et per tout*, or by the *half* or *moiety* and by *all;* that is, each of them has an entire possession, as well of every *parcel* as of the *whole.* 2 Bl. Com. 179–182; Co. Litt. 188. Coparceners must have the unities of interest, title, and possession. In tenancies in common, the unity of possession is alone required. 2 Bl. Comm. 192. Vide *Estate in Common; Estate in Joint-tenancy; Joint-tenants; Tenant in Common; Tenants, Joint.*

UNITY OF POSSESSION. This term is used to designate the possession by one person of several estates or rights. For example, a right to an estate to which an easement is attached, or the dominant estate, and estate which an easement encumbers, or the servient estate, in such case the easement is extinguished, 3 Mason, Rep. 172; Poph. 166; Latch, 153; and vide Cro. Jac. 121. But a distinction has been made between a thing that has being by prescription, and one that has its being *ex jure naturæ;* in the former case unity of possession will extinguish the easement, in the latter, for example, the case of a water-course, the unity will not extinguish it. Poth. 166. By the civil code of Louisiana, art. 801, every servitude is extinguished, when the estate to which it is due, and the estate owing it, are united in the same hands. But it is necessary that the whole of the two estates should belong to the same proprietor; for if the owner of one estate only acquires the other in part or in common with another person, confusion does not take effect. Vide *Merger.*