

CONCURRENT CONDITIONS

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Concurrent conditions. When each party to a transaction is subject to mutual conditions precedent, these are concurrent conditions. *McFadden v. Wilder*, 6 Ariz.App. 60, 429 P.2d 694. See also **Conditions concurrent**.

Concurrent estates. Ownership or possession of property by two or more persons at the same time; e.g. joint tenancy, tenancy in common.

Concurrent interests. See **Concurrent estates**.

Concurrent jurisdiction. The jurisdiction of several different tribunals, each authorized to deal with the same subject-matter at the choice of the suitor. Authority shared by two or more legislative, judicial, or administrative officers or bodies to deal with the same subject matter. Jurisdiction exercised by different courts, at same time, over same subject matter, and within same territory, and wherein litigants may, in first instance, resort to either court indifferently. *State v. Stueve*, 260 Iowa 1023, 150 N.W.2d 597, 602.

Concurrent liens. Two or more liens or possessory rights in the nature of liens on the same property and possessing the same priority.

Concurrent negligence. Consists of the negligence of two or more persons concurring, not necessarily in point of time, but in point of consequence, in producing a single indivisible injury. *Travelers Indemnity Co. v. Towbridge*, Com.Pl., 38 Ohio Misc. 55, 311 N.E.2d 901, 905.

Concurrent power. The power of either Congress or the State legislatures, each acting independently of the other, to make laws on the same subject matter.

Concurrent sentences. Two or more terms of imprisonment, all or part of each term of which is served simultaneously and the prisoner is entitled to discharge at the expiration of the longest term specified. *State ex rel. Lillemo v. Tahash*, 280 Minn. 176, 159 N.W.2d 99, 102.

Concurrent tortfeasors. Those whose independent, negligent acts combined or concurred at one point in time to injure a third party. *Radford-Shelton & Associates Dental Laboratory, Inc. v. Saint Francis Hospital, Inc.*, Okl.App., 569 P.2d 506, 509.

Concurring opinion. A separate opinion delivered by one or more judges which agrees with the decision of the majority of the court but offering own reasons for reaching that decision. See also **Concur**.

Concurso /kəŋkərsow/. In the law of Louisiana, the name of a suit or remedy to enable creditors to enforce their claims against an insolvent or failing debtor. Litigation or opportunity of litigation between various creditors, each claiming adversely to one another to share in a fund or an estate, object being to assemble in one accounting all claimants on the fund.

Concursus /kəŋkərsəs/. In the civil law, a running together; a collision, as *concursus creditorum*, a conflict among creditors. A concurrence, or meeting, as *concursus actionum*, concurrence of actions. A proceeding in Louisiana similar to interpleader.

Concussio /kəŋkəsh(iy)ow/. In the civil law, the offense of extortion by threats of violence.

Concussion. In the civil law, the unlawful forcing of another by threats of violence to give something of value. It differs from robbery, in this: That in robbery the thing is taken by force, while in concussion it is obtained by threatened violence.

Loss or alteration of consciousness from a direct, closed head injury.

Conditio /kəndiyat/. In ecclesiastical law, the name of a plea entered by a party to a libel filed in the ecclesiastical court, in which it is pleaded that the deceased made the will which is the subject of the suit, and that he was of sound mind.

Condemn. To find or adjudge guilty. To adjudge or sentence. To declare a building or ship unfit for use or occupation. To adjudge (as an admiralty court) that a vessel is a prize, or that she is unfit for service. To set apart or expropriate property for public use, in the exercise of the power of eminent domain.

Condemnation /kəndəmnéyshan/. Process of taking private property for public use through the power of eminent domain. "Just compensation" must be paid to owner for taking of such (5th Amend., U.S. Constitution). See also Constructive taking; Damages; Eminent domain; Expropriation; Just compensation; Public use; Similar sales; Take.

Admiralty law. The judgment or sentence of a court having jurisdiction and acting *in rem*, by which: (1) it is declared that a vessel which has been captured at sea as a prize was lawfully so seized and is liable to be treated as prize; or (2) that property which has been seized for an alleged violation of the revenue laws, neutrality laws, navigation laws, etc., was lawfully so seized, and is, for such cause, forfeited to the government; or (3) that the vessel which is the subject of inquiry is unfit and unsafe for navigation.

Civil law. A sentence or judgment which condemns some one to do, to give, or to pay something, or which declares that his claim or pretensions are unfounded. *State v. Harr*, 24 Tenn.App. 298, 143 S.W.2d 893, 895.

Excess condemnation. Taking of property not strictly needed for a public use, or taking of more property than is needed for a public use.

Inverse condemnation. Condemnation of property near a parcel so as to cause the parcel to lose much of its value. In such a case the parcel is, in effect, constructively condemned, and just compensation must be paid to the owner, even though formal eminent domain proceedings were not actually taken against that particular parcel.

Quick condemnation. Under this procedure the municipality takes immediate possession of owner's property with estimated just compensation placed in escrow until actual compensation has been ascertained.

Condemnation money. Former term for damages which the party failing in an action was adjudged condemned to pay; sometimes simply called "condemnation."

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