

**Voir dire** /vwár dír/. L. Fr. To speak the truth. This phrase denotes the preliminary examination which the court and attorneys make of prospective jurors to determine their qualification and suitability to serve as jurors. Peremptory challenges or challenges for cause may result from such examination. *See* Challenge.

**Voiture** /vwotyúr/. Fr. Carriage; transportation by carriage.

**Volens** /vólènz/. Lat. Willing. He is said to be willing who either expressly consents or tacitly makes no opposition.

**Volenti non fit injuria** /vólèntay nón fit injúriyǝ/. The maxim "volenti non fit injuria" means that if one, knowing and comprehending the danger, voluntarily exposes himself to it, though not negligent in so doing, he is deemed to have assumed the risk and is precluded from a recovery for an injury resulting therefrom. *Munson v. Bishop Clarkson Memorial Hospital*, 186 Neb. 778, 186 N.W.2d 492, 494. This is an affirmative defense that should be pleaded under Fed.R.Civil P. 8. *Tyler v. Dowell, Inc.*, C.A.N.M., 274 F.2d 890. *See also* Assumption of risk.

**Volstead Act.** A now repealed Federal law prohibiting the manufacture, sale, or transportation of liquor. The law was passed under the Eighteenth Amendment to the U.S. Constitution which was repealed by Twenty-First Amendment.

**Voluit, sed non dixit** /vól(y)uwæt, sèd nòn díksæt/. He willed, but he did not say. He may have intended so, but he did not say so. A maxim frequently used in the construction of wills; an answer to arguments based upon the supposed intention of a testator.

**Volumen** /volyúwmən/. Lat. In the civil law, a volume; so called from its form, being *rolled up*.

**Volumus** /vóláməs/. Lat. We will; it is our will. The first word of a clause in the royal writs of protection and letters patent.

**Voluntarily.** Done by design or intention, intentional, proposed, intended, or not accidental. Intentionally and without coercion. *Young v. Young*, 148 Kan. 876, 84 P.2d 916, 917.

**Voluntariness.** The quality of being voluntary or free as opposed to being forced or given under duress, as a confession of one arrested for a crime. *See also* Voluntary.

**Voluntarius dæmon** /vólantériyəs díymən/. A voluntary madman. A term applied by Lord Coke to a drunkard, who has voluntarily contracted madness by intoxication. 4 Bl.Comm. 25.

**Voluntary.** Unconstrained by interference; unimpelled by another's influence; spontaneous; acting of oneself. *Coker v. State*, 199 Ga. 20, 33 S.E.2d 171, 174. Done by design or intention. Proceeding from the free and unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice, without compulsion or solicitation. The word, especially in statutes, often implies knowledge of essential facts. Without valuable

consideration; gratuitous, as a *voluntary conveyance*. Also, having a merely nominal consideration; as, a *voluntary deed*.

As to *voluntary* Answer; Assignment; Confession; Conveyance; Deposit; Dismissal; Escape; Indebtedness; Intoxication; Manslaughter; Nonsuit; Oath; Payment; Redemption; Sale; Search; Settlement; Trust, and Waste, see those titles. For *voluntary bankruptcy*, see *Bankruptcy proceedings*.

**Voluntary abandonment.** As statutory ground for divorce, exists if there is a final departure, without consent of other party, without sufficient reason and without intent to return. As used in adoption statute, the term "voluntarily abandoned" means a willful act or course of conduct such as would imply a conscious disregard or indifference to such child in respect to the parental obligation owed to the child. *Elliott v. Maddox*, Tex.Civ.App., 510 S.W.2d 105, 107. *See also* Abandonment; Desertion.

**Voluntary bankruptcy.** A bankruptcy proceeding that is initiated by the debtor. *See* Bankruptcy proceedings.

**Voluntary courtesy.** A voluntary act of kindness. An act of kindness performed by one man towards another, of the free will and inclination of the doer, without any previous request or promise of reward made by him who is the object of the courtesy; from which the law will not imply a promise of remuneration.

**Voluntary discontinuance.** Voluntary action on part of plaintiff, whereby his case is dismissed without decision on merits. *Ferber v. Brueckl*, 322 Mo. 892, 17 S.W.2d 524, 527. Fed.R.Civil P. 41(a). *See* Dismissal.

**Voluntary dismissal.** *See* Dismissal.

**Voluntary exposure to unnecessary danger.** An intentional act which reasonable and ordinary prudence would pronounce dangerous. Intentional exposure to unnecessary danger, implying a conscious knowledge of the danger. The voluntary doing of an act which is not necessary to be done, but which requires exposure to known danger to which one would not be exposed if unnecessary act is not done. The term implies a conscious, intentional exposure, something of which one is conscious but willing to take the risk. *See* Assumption of risk.

**Voluntary ignorance.** This exists where a party might, by taking reasonable pains, have acquired the necessary knowledge, but has neglected to do so.

**Voluntary jurisdiction.** In old English law, a jurisdiction exercised by certain ecclesiastical courts, in matters where there is no opposition. 3 Bl.Comm. 66. The opposite of *contentious jurisdiction (q.v.)*.

**Voluntary statement.** A statement made that is free from duress, coercion or inducement. *Metigoruk v. Municipality of Anchorage*, Alaska App., 655 P.2d 1317, 1318.

**Voluntas** /vólántæs/. Lat. Properly, volition, purpose, or intention, or a design or the feeling or impulse which prompts the commission of an act. However, in old English law the term was often used to denote a will,