

PREFACE.

We are sadly in need of some short phrases wherewith to distinguish the actors in cases of estoppel. There is "the party to whom the representation is made." More shortly we might say "the party asserting the estoppel,"—in other words, the "estoppel-asserter," as we shall style him. And there is "the person by whom the representation is made." Him we shall call, in sharp contrast, "the estoppel-denier." Such phrases are preferable to the arbitrary designation of the parties as A. and B.—a plan resorted to in sheer desperation by some writers;¹ for there is nothing in the letters to help one to remember which is which. Even head-notes are often too long for easy identification of A. and B.

Remembering that special glossaries for single volumes may be necessary, but, at the hazard of rejection, must be capable of comfortable assimilation and effortless recollection, the present writer hesitates to do more at present than submit for approval a word which may, in discussing estoppel, be substituted for the ever-recurring phrase: "One who changes his position prejudicially upon the faith of some misrepresentation."

*Falsadvert*² has the advantage of having for its first syllable a word familiar enough to all lawyers, and for its second that

¹ Cababé on Estoppel, 53.

² Kindly suggested by the Rev. Prof. John Campbell, Presbyterian College, Montreal. The Rev. Father Drummond, S. J., St. Boniface College, St. Boniface, offers "*Pithal-lactos*," as indicating sufficiently the main idea. It is a combination of

"*Pith*," the radical of a Greek verb signifying to persuade; and "*al-lactos*," a verbal adjective (from the Greek verb *allaso*, to change) signifying something that has been changed—some one, therefore, who has been persuaded to change his position.