

THE MAXIM THAT THE LAW DOES NOT REQUIRE IMPOSSIBILITIES.

The Most Usual Mode of Expressing the Maxim.—It is an ancient and familiar maxim of the law which is embodied in the Latin phraseology, *Lex non cogit ad impossibilia*.

Literally, the maxim would mean that the law does not coerce to impossibilities, or compel impossibilities. Here there are certain words to be understood. It is not the impossibilities which the law fails to compel, but the doing or performing of impossibilities. As a matter of fact, however, the law not only does not but cannot compel "impossibilities," where they are such in the strict sense of that term. It could order the performance of such impossibilities, but could not enforce its order. The translation of the maxim is therefore more properly put in the form, which is usually adopted, that the law does not require impossibilities.

"The law never requires impossibilities" is the phraseology used in the statutes of some of the states.

Various Forms of the Maxim.—Sometimes the words of the maxim are put in a different order, so as to read *Ad impossibilia lex non cogit*.

The maxim is also sometimes mentioned in a way which while keeping the sense, leaves out the negative word in the Latin.

So the maxim is sometimes made to denote that the law compels "no one" to impossible things, by being put in the form, *Lex neminem cogit ad impossibilia*.

The familiar maxim on the subject is also put in the form which indicates that the law does not "intend" anything impossible, or in the Latin phraseology, *Lex non intendit aliquid impossibile*.

What may be regarded as practically a variation of the same maxim is found in the Latin words, *Impotentia excusat legem*, or literally, Impotence excuses law, which may be freely translated, Want of power is an excuse in law. This form of the maxim is especially invoked in regard to tenancy by curtesy,