

# BLACK'S LAW DICTIONARY

Definitions of the Terms and Phrases of  
American and English Jurisprudence,  
Ancient and Modern

By

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**Contestation of suit.** In an ecclesiastical cause, that stage of the suit which is reached when the defendant has answered the libel by giving in an allegation. See also **Answer; Contest; Defense.**

**Contested election.** An election may be said to be contested whenever an objection is formally urged against it which, if found to be true in fact, would invalidate it. This is true both as to objections founded upon some constitutional provision and to such as are based on statutes.

**Contest of will.** See **Will contest.**

**Context.** The context of a particular sentence or clause in a statute, contract, will, etc., comprises those parts of the text which immediately precede and follow it. The context may sometimes be scrutinized, to aid in the interpretation of an obscure passage. See **Construction.**

**Contiguous /kɒntɪɡjuwəs/. In close proximity; neighboring; adjoining; near in succession; in actual close contact; touching at a point or along a boundary; bounded or traversed by. The term is not synonymous with "vicinal." Ehle v. Tenney Trading Co., 56 Ariz. 241, 107 P.2d 210, 212.**

**Continencia /kɒntɪnɛnsiə/. In Spanish law, continencia or unity of the proceedings in a cause.**

**Continens /kɒntənənz/. In the Roman law, continuing; holding together. Adjoining buildings were said to be *continentia*.**

**Continental.** Pertaining or relating to a continent; characteristic of a continent; as broad in scope or purpose as a continent.

**Continental Congress.** The first national legislative assembly in the United States, which met in 1774, in pursuance of a recommendation made by Massachusetts and adopted by the other colonies. In this Congress all the colonies were represented except Georgia. The delegates were in some cases chosen by the legislative assemblies in the states; in others by the people directly. The powers of the Congress were undefined, but it proceeded to take measures and pass resolutions which concerned the general welfare and had regard to the inauguration and prosecution of the war for independence.

**Continental currency.** Paper money issued under the authority of the continental congress.

**Continentia /kɒntənɛnsh(i)yə/. In old English practice, continuance or connection. Applied to the proceedings in a cause.**

**Contingency /kɒntɪnjən(t)sɪy/. Quality of being contingent or casual; the possibility of coming to pass; an event which may occur; a possibility; a casualty. A fortuitous event, which comes without design, foresight, or expectation. See also **Contingent.****

**Contingency contract.** A contract, part of performance of which at least is dependent on the happening of a contingency. Sometimes used to refer to fee arrangement with attorney who agrees to accept his fee on the contingency of a successful outcome. See **Fee.**

**Contingency reserve.** In accounting, a reserve set up to cover possible liability; e.g. possible judgment against company.

A fund created in anticipation of incidental or unforeseen expenditures.

**Contingency with double aspect.** A remainder is said to be "in a contingency with double aspect," when there is another remainder limited on the same estate, not in derogation of the first, but as a substitute for it in case it should fail.

**Contingent /kɒntɪnjənt/. Possible, but not assured; doubtful or uncertain; conditioned upon the occurrence of some future event which is itself uncertain, or questionable. Synonymous with provisional. This term, when applied to a use, remainder, devise, bequest, or other legal right or interest, implies that no present interest exists, and that whether such interest or right ever will exist depends upon a future uncertain event.**

As to contingent Damages; Fee; Legacy; Limitation; Remainder; Trust; and Use, see those titles.

**Contingent beneficiary.** Person who may or will benefit if primary beneficiary dies or otherwise loses rights as beneficiary; e.g. person who will receive life insurance if primary beneficiary dies before insured.

**Contingent claim.** One which has not accrued and which is dependent on some future event that may never happen.

**Contingent debt.** One which is not presently fixed, but may become so in the future with the occurrence of some uncertain event. A debt in bankruptcy which may be proved and allowed and which arises out of contract. It does not encompass a tort claim on which no action or suit has been brought prior to adjudication. *Resolute Ins. Co. v. Underwood, La. App., 230 So.2d 433, 435.* Term may refer to debt incurred by state to which state pledges its credit and guarantees payment if revenues from funded project prove inadequate. *Rochlin v. State, 112 Ariz. 171, 540 P.2d 643.* See also **Contingent claim; Contingent liability.**

**Contingent estate, interest or right.** An estate, interest or right which depends for its effect upon an event which may or may not happen; as an estate limited to a person not *in esse*, or not yet born.

**Contingent fee.** See **Fee.**

**Contingent fund.** One set up by a municipality to pay expense items which will necessarily arise during the year but cannot appropriately be classified under any of the specific purposes for which other taxes are levied. *First Nat. Bank of Norman v. City of Norman, 182 Okl. 7, 75 P.2d 1109, 1110.* See also **Contingency reserve.**

**Contingent interest in personal property.** A future interest not transmissible to the representatives of the party entitled thereto, in case he dies before it vests in possession. Thus, if a testator leaves the income of a fund to his wife for life, and the capital of the fund to be distributed among such of his children as shall be living at her death, the interest of each child during the widow's life-time is *contingent*, and in case