

marriage" is valid and not ipso facto void, until sentence of nullity is obtained; a "void marriage" is void ab initio. *See* Annulment.

Void on its face. An instrument is void on its face when an inspection will reveal its defects and invalidity.

Void transaction. One that has no force and effect and is incapable of legal enforcement. *See* Void; Void contract.

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.

Volenti non fit injuria /vowléntay nón fit injúriya/. 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. This is an affirmative defense that should be pleaded under Fed.R.Civil P. 8. *See also* Assumption of risk; Voluntary exposure to unnecessary danger.

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 A now repealed Federal law prohibiting the manufacture, sale, or transportation of liquor. The law was passed under the Eighteenth Amendment to the U.S. Constitution which was repealed by Twenty-First Amendment.

Voluntary. Unconstrained by interference; unimpelled by another's influence; spontaneous; acting of oneself. 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. *See also* Abandonment; Desertion.

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

Voluntary discontinuance. Voluntary action on part of plaintiff, whereby his case is dismissed without decision on merits. Fed.R.Civil P. 41a. *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; Volenti non fit injuria.

Voluntary statement. A statement made that is free from duress, coercion or inducement.

Volunteer. A person who gives his services without any express or implied promise of remuneration. One who intrudes himself into a matter which does not concern him, or one who pays the debt of another without request, when he is not legally or morally bound to do so, and when he has no interest to protect in making such payment. A person who pays the debt of another without a request, when not legally or morally bound to do so and not in the protection of his own interest.

Vote. Suffrage; the expression of one's will, preference, or choice, formally manifested by a member of a legislative or deliberative body, or of a constituency or a body of qualified electors, in regard to the decision to be made by the body as a whole upon any proposed measure or proceeding or in passing laws, rules or regulations, or the selection of an officer or representative.

See also Absentee voting; Apportionment; Ballot; Canvass; Cumulative voting; Fifteenth Amendment; Franchise; Gerrymander; Majority vote; Nineteenth Amendment; Noncumulative voting; Twenty-Fourth Amendment; Twenty-Sixth Amendment; Twenty-Third Amendment; Voting Rights Act.

Voter. The word has two meanings—a person who performs act of voting, and a person who has the qualifications entitling him to vote. Its meaning depends on the connections in which it is used, and is not always equivalent to electors. In a limited sense a voter is a person having the legal right to vote, sometimes called a legal voter. *See* Legal voter.

Voting by ballot. The term is used to distinguish open voting from secret voting. The privilege of