

L

L. *abbr.* **1.** LAW (5). **2.** LORD (1). **3.** LOCUS. **4.** LATIN.

L. A measure of the money supply, including M3 items plus banker's acceptances, T-bills, and similar long-term investments. See M3.

label, *n.* **1.** An informative logo, title, or similar marking affixed to a manufactured product. **2.** Any writing (such as a codicil) attached to a larger writing. **3.** A narrow slip of paper or parchment attached to a deed or writ in order to hold a seal.

label-and-significant-characteristics test. *Securities.* The rule that an instrument will be governed by the securities laws if it is labeled a stock and has the significant characteristics typically associated with shares of stock.

labeling. Under the Federal Food, Drug, and Cosmetic Act, any label or other written, printed, or graphic matter that is on a product or its container, or that accompanies the product. ● To come within the Act, the labeling does not need to accompany the product. It may be sent before or after delivery of the product, as long as delivery of the product and the written material are part of the same distribution program.

labina (lə-bī-nə), *n.* *Archaic.* Land covered by water; swamp-land.

la bomba (lə bom-bə). (*sometimes cap.*) An incendiary device consisting of a plastic bag filled with fuel and placed inside a paper bag stuffed with tissue and rigged with a fuse. ● A person who uses such a device to start a fire violates the federal arson statute. 18 USCA § 844(j).

labor, *n.* **1.** Work of any type, including mental exertion <the fruits of one's labor>. ● The term usu. refers to work for wages as opposed to profits. **2.** Workers considered as an economic unit or a political element <a dispute between management and labor over retirement benefits>. **3.** A Spanish land measure equal to 177 ¹/₇ acres. ● This measure has been used in Mexico and was once used in Texas.

labor, *vb.* **1.** To work, esp. with great exertion <David labored long and hard to finish the brief on time>. **2.** *Archaic.* To tamper with or improperly attempt to influence (a jury). ● This sense derives from the idea that the tamperer "endeavors" to influence the jury's verdict. See EMBRACERY. — **laborer**, *n.*

labor agreement. An agreement between an employer and a union governing working conditions, wages, benefits, and grievances. — Also termed *labor contract*; *union contract*.

laborarius (lay-bə-rair-ee-is), *n.* [Latin "about laborers"] *Hist.* An ancient writ against a person who had no other means of support but refused to work throughout the year.

laboratory conditions. *Labor law.* The ideal conditions for a union election, in which the employees may exercise free choice without interference from the employer, the union, or anyone else.

labor contract. See LABOR AGREEMENT.

labor dispute. A controversy between an employer and its employees concerning the terms or conditions of employment, or concerning the association or representation of those who negotiate or seek to negotiate the terms or conditions of employment.

Labor Disputes Act. See NORRIS-LAGUARDIA ACT.

laborer. **1.** A person who makes a living by physical labor. **2.** WORKER.

laborer's lien. See *mechanic's lien* under LIEN.

laboring a jury. See EMBRACERY.

labor-management relations. The broad spectrum of activities concerning the relationship between employers and employees, both union and nonunion. See FAIR LABOR STANDARDS ACT; NATIONAL LABOR RELATIONS ACT; NATIONAL LABOR RELATIONS BOARD.

Labor-Management Relations Act. A federal statute, enacted in 1947, that regulates certain union activities, permits suits against unions for proscribed acts, prohibits certain strikes and boycotts, and provides steps for settling strikes involving national emergencies. 29 USCA §§ 141 et seq. — Also termed *Taft-Hartley Act*. See NATIONAL LABOR RELATIONS BOARD.

labor organization. See UNION.

labor-relations act. A statute regulating relations between employers and employees. • Although the Labor-Management Relations Act is the chief federal labor-relations act, various states have enacted these statutes as well.

Labor Relations Board. See NATIONAL LABOR RELATIONS BOARD.

labor union. See UNION.

lacca. See LACTA.

Lacey Act. A federal law, originally enacted in 1900, that permits states to enforce their own game laws against animals imported from other states or countries. 16 USCA §§ 661 et seq. See GAME LAW.

la chambre des esteilles (lə shahm-brə də zes-tay), *n.* [French] *Hist.* The Star Chamber. See STAR CHAMBER, COURT OF.

laches (lach-iz). [Law French “remissness; slackness”] 1. Unreasonable delay or negligence in pursuing a right or claim — almost always an equitable one — in a way that prejudices the party against whom relief is sought.

“Early in its history, Chancery developed the doctrine that where the plaintiff in equity delayed beyond the period of the statute applicable at law, relief would be refused on the ground of laches even though no specific prejudice to the defendant was shown. Today, in most states, there are statutes of limitations applying to suits in equity. Despite these, however, the doctrine still holds that even if the delay is for a shorter period of time than that of the statute, it may still bar equitable relief if it is unreasonable and prejudicial to the defendant.” John F. O’Connell, *Remedies in a Nutshell* 16 (2d ed. 1985).

2. The equitable doctrine by which a court denies relief to a claimant who has unreasonably delayed or been negligent in asserting the claim, when that delay or negligence has prejudiced the party against whom relief is sought. Cf. LIMITATION (3).

“The doctrine of laches . . . is an instance of the exercise of the reserved power of equity to withhold relief other-

wise regularly given where in the particular case the granting of such relief would be unfair or unjust.” William F. Walsh, *A Treatise on Equity* 472 (1930).

laches, estoppel by. See *estoppel by laches* under ESTOPPEL.

Lackey claim. A prisoner’s assertion that incarceration on death row for a protracted period is cruel and unusual punishment. *Lackey v. Texas*, 514 U.S. 1045, 115 S.Ct. 1421 (1995) (denying cert.).

lack of jurisdiction. See WANT OF JURISDICTION.

lack of prosecution. See WANT OF PROSECUTION.

lacta (lak-tə), *n.* [Law Latin] *Hist.* Lack of or defect in the weight of money. — Also termed *lacca*.

l’acte de l’état civil. See ACTE (1).

lada (lay-də), *n.* [Law Latin] 1. *Hist.* A court of justice. 2. A canal for draining marshy ground; a watercourse; a lade.

lade (layd), *n.* *Hist.* The mouth of a river. — Also spelled *lode*.

laden in bulk, adj. *Maritime law.* (Of a vessel) freighted with a cargo that lies loose in the hold, protected from water and moisture by mats and dunnage, instead of cargo packed in containers. • Cargoes of corn, salt, and similar items are usu. shipped in bulk.

lading, bill of. See BILL OF LADING.

lady. In Britain, a title belonging to the wife of a peer, (by courtesy) the wife of a baronet or knight, or any single or married woman whose father was a nobleman carrying a rank of earl or higher.

lady-court. *Hist.* The court of a lady of the manor.

lady’s friend. *Hist.* The title of an officer in the English House of Commons, whose duty was to secure a suitable provision for a wife when her husband sought a parliamentary divorce. • In 1857, parliamentary divorces and the office of lady’s friend were abolished by statute.

laenland. See LOANLAND.

laesae majestatis (lee-zee maj-ə-stay-tis). See LESE MAJESTY.

laesa majestas (lee-zə mə-jes-tas). See LESE MAJESTY.

laesio enormis (lee-shee-oh i-nor-mis), *n.* [Latin “loss beyond half or great”] *Civil law*. **1.** The sale of a thing for which the buyer paid less than half of its real value. • The seller could rescind the sale, but the buyer could keep the item purchased by paying the full value. **2.** The principle by which a seller may rescind a contract if a sale yields less than half the true value of the thing sold. — Also termed *lesion*.

“Lesion (*laesio enormis*) was the rule, established very late, that a seller could rescind a contract if he had received less than half its real value [I]n spite of its imperfections, lesion not only was adopted in all modern civilian systems (French Code Civil 1674–1683), but became the means of testing the validity of contracts generally by their fairness, a principle embodied in the German Civil Code (section 138) and the Swiss Code of Obligations (section 21). Such a test is no more difficult to apply in law than in equity, where it has long been established in our system. As the Romans applied it, it was a clumsy and inadequate way of reaching this result. In modern courts, in civil-law countries, it invests judges with a discretion not very likely to be abused, but sufficient to act as a deterrent to the grosser forms of economic exploitation.” Max Radin, *Handbook of Roman Law* 233–34 (1927).

laesio ultra dimidium vel enormis (lee-shee-oh əl-trə di-mid-ee-əm vel i-nor-mis), *n.* [Latin] *Roman law*. The injury sustained by one party to an onerous contract when the over-reaching party receives twice the value of that party’s money or property, such as a purchaser who pays less than half of the value of the property sold, or a seller who receives more than double the property’s value. See *adhesion contract* under CONTRACT.

laesiuworp (lee-zə-wərp), *n.* [Saxon fr. *laisus* “bosom” + *werpire* “to surrender”] *Hist.* A thing surrendered to another’s hands or power; a thing given or delivered.

laet (layt), *n. Hist.* A person of a class between servile and free.

laga. See LAGE.

lagan (lag-ən), *n.* Goods that are abandoned at sea but attached to a buoy so that they may be recovered. — Also termed *legend*; *lagon*; *ligan*; *ligen*; *logan*. Cf. FLOTSAM; JETSAM; WAVESON.

lage (law or lay), *n.* [fr. Saxon *lag* “law”] *Hist.* **1.** Law. **2.** The territory in which certain law was in force, such as danelage, mercenlage, and West-Saxon lage. • This term is essentially an obsolete form of the word *law*. — Also termed *lagh*; *laga*; *lagu*. See DANELAW; MERCENLAGE; WEST-SAXON LAW.

lage day (law day). A law day; a juridical day; a day of open court. — Also termed *lagh day*.

lageman (law-mən or lay-mən). See LEGALIS HOMO.

legend (lag-ənd). See LAGAN.

lagging economic indicator. See ECONOMIC INDICATOR.

lagging indicator. See INDICATOR.

lagh day. See LAGE DAY.

lagon (lag-ən). See LAGAN.

lagu. See LAGE.

lahman (law-mən or lay-mən), *n.* [Saxon fr. *lah* “law”] *Archaic*. A lawyer. — Also termed *lagemannus*.

laicus (lay-ə-kəs), *n.* [Law Latin] *Hist.* A layman; one who is not in the ministry.

Laidlaw vacancy. Under the National Labor Relations Act, a genuine opening in an employer’s workforce, resulting from the employer’s expanding its workforce or discharging a particular employee, or from an employee’s resigning or otherwise leaving the employment. • The opening is required to be offered to striking workers, in order of seniority, after a strike has been resolved. *Laidlaw Corp. v. NLRB*, 414 F.2d 99 (7th Cir. 1969).

lairwite (lair-wit), *n.* [fr. Saxon *lagan* “to lie” + *wite* “a fine”] *Hist.* A fine for adultery or fornication paid to the lord of the manor; specif., a lord’s privilege of receiving a fine for fornication with the lord’s female villsins. — Also termed *laresite*; *lecherwite*; *legerwite*; *leyerwite*.

lais gents (lay zhon[ts]), *n. pl.* [Law French] *Hist.* Laymen; a jury.

laissez-faire (les-ay-fair), *n.* [French “let (people) do (as they choose)”] **1.** Governmental

abstention from interfering in economic or commercial affairs. **2.** The doctrine favoring such abstention. — **laissez-faire**, *adj.*

laity (**lay**-ə-tee). Collectively, persons who are not members of the clergy.

lake, *n.* **1.** A large body of standing water in a depression of land or basin supplied from the drainage of an extended area. **2.** A widened or expanded part of a river.

Lambeth degree (**lam**-bèth). *Hist.* A degree conferred by the Archbishop of Canterbury, rather than by a university, as authorized under the Ecclesiastical Licenses Act of 1533 (25 Hen. 8, ch. 21).

Lamb-Weston rule. *Insurance.* The doctrine that, when two insurance policies provide coverage for a loss, and each of them contains an other-insurance clause — creating a conflict in the order or apportionment of coverage — both of the other-insurance clauses will be disregarded and liability will be prorated between the insurers. *Lamb-Weston, Inc. v. Oregon Auto. Ins. Co.*, 341 P.2d 110 (Or. 1959).

lame duck. An elected official who is serving out a term after someone else has been elected as a successor.

lame-duck amendment. See TWENTIETH AMENDMENT.

lame-duck session. See SESSION.

lammas land. See LAND.

land, *n.* **1.** An immovable and indestructible three-dimensional area consisting of a portion of the earth's surface, the space above and below the surface, and everything growing on or permanently affixed to it. **2.** An estate or interest in real property.

"In its legal significance, 'land' is not restricted to the earth's surface, but extends below and above the surface. Nor is it confined to solids, but may encompass within its bounds such things as gases and liquids. A definition of 'land' along the lines of 'a mass of physical matter occupying space' also is not sufficient, for an owner of land may remove part or all of that physical matter, as by digging up and carrying away the soil, but would nevertheless retain as part of his 'land' the space that remains. Ultimately, as a juristic concept, 'land' is simply an area of three-dimensional space, its position being identified by natural or imaginary points located by reference to the earth's surface. 'Land' is not the fixed contents of that space, although, as we shall see, the owner of that space may well own those fixed contents.

Land is immoveable, as distinct from chattels, which are moveable; it is also, in its legal significance, indestructible. The contents of the space may be physically severed, destroyed or consumed, but the space itself, and so the 'land', remains immutable." Peter Butt, *Land Law* 9 (2d ed. 1988).

accommodation land. Land that is bought by a builder or speculator, who erects houses or improvements on it and then leases it at an increased rent.

arable land (**ar**-ə-bəl). Land that is fit for cultivation, as distinguished from swamp-land. — Formerly also termed *araturia*.

bounty land. A portion of public land given or donated as a reward, esp. for military services.

certificate land. Land in the western part of Pennsylvania set apart after the American Revolution to be bought with certificates the soldiers received in lieu of pay.

Crown land. Demesne land of the Crown; esp., in England and Canada, land belonging to the sovereign personally, or to the government, as distinguished from land held under private ownership. — Also termed *demesne land of the Crown*. See *demesne land*.

demesne land (**di**-mayn or **di**-meen). *Hist.* Land reserved by a lord for personal use.

donation land. Land granted from the public domain to an individual as a gift, usu. as a reward for services or to encourage settlement in a remote area. • The term was initially used in Pennsylvania to reward Revolutionary War soldiers.

enclosed land. Land that is actually enclosed and surrounded with fences.

fabric land. *Hist.* Land given toward the maintenance, repair, or rebuilding of a cathedral or other church. • This term derives from funds given *ad-fabricam ecclesiae reparandam* ("to repair the fabric of the church").

"Fabric-Lands are lands given towards the maintenance, rebuilding, or repair of Cathedrals or other churches. . . . In antient time almost every one gave by his Will more or less to the *Fabrick* of the Cathedral or Parish-Church where he liv'd." Thomas Blount, *Nomolexicon: A Law-Dictionary* (1670).

fast land. (*often pl.*) Land that is above the high-water mark and that, when flooded by a government project, is subjected to a governmental taking. • Owners of fast lands are entitled to just compensation for the taking. See TAKING.

indemnity land. See INDEMNITY LAND.

lammas land (**lam**-əs). *Hist.* Land over which persons other than the owner have the

right of pasturage during winter, from lammings (reaping time) until sowing time.

lieu land (loo). Public land within indemnity limits granted in lieu of those lost within place limits.

life land. *Hist.* Land leased for a term measured by the life of one or more persons. — Also termed *life-hold*.

mineral land. Land that contains deposits of valuable minerals in quantities justifying the costs of extraction and using the land for mining, rather than agricultural or other purposes.

place land. See INDEMNITY LAND.

public land. Unappropriated land belonging to the federal or a state government; the general public domain. Cf. INDEMNITY LAND.

school land. Public real estate set apart for sale by a state to establish and fund public schools.

seated land. Land that is occupied, cultivated, improved, reclaimed, farmed, or used as a place of residence, with or without cultivation.

swamp and overflowed land. Land that, because of its boggy, marshy, fenlike character, is unfit for cultivation, requiring drainage or reclamation to render it available for beneficial use. • Such lands were granted out of the U.S. public domain to the littoral states by acts of Congress in 1850 and thereafter. 43 USCA §§ 981 et seq.

tideland. See TIDELAND.

land, law of. See LAW OF THE LAND.

land agent. See LAND MANAGER.

land bank. **1.** A bank created under the Federal Farm Loan Act to make loans at low interest rates secured by farmland. **2.** A program in which land is retired from agricultural production for conservation or tree-cultivation purposes. — Also termed *soil bank*. See FEDERAL HOME LOAN BANK.

land boundary. The limit of a landholding, usu. described by linear measurements of the borders, by points of the compass, or by stationary markers. See BOUNDARY; FORTY; LEGAL DESCRIPTION.

land certificate. A document entitling a person to receive from the government a certain amount of land by following prescribed legal steps. • It contains an official description of the

land, as well as the name and address of the person receiving the entitlement, and is prima facie evidence of the truth of the matters it contains. — Also termed *land warrant*.

landcheap. *Hist.* A customary fine paid in money or cattle when any real property within a manor or borough was transferred.

land contract. See *contract for deed* under CONTRACT.

land cop. *Hist.* The sale of land evidenced by the transfer in court of a rod or festuca as a symbol of possession. • The seller handed the rod to the reeve and the reeve handed it to the purchaser. The conveyance occurred in court to provide better evidence of the transfer and to bar the claims of expected heirs.

land court. See COURT.

land damages. See *just compensation* under COMPENSATION.

land department. A federal or state bureau that determines factual matters regarding the control and transfer of public land. • The federal land department includes the General Land Office headed by the Secretary of the Interior. See DEPARTMENT OF THE INTERIOR.

land description. See LEGAL DESCRIPTION.

land district. See DISTRICT.

landed, adj. **1.** (Of a person) having an estate in land. **2.** (Of an estate, etc.) consisting of land.

landed estate. See ESTATE.

landed-estates court. See COURT.

landed property. See *landed estate* under ESTATE.

landed security. See SECURITY.

landed servitude. See *servitude appurtenant* under SERVITUDE (1).

landefricus (lan-də-fri-kəs). *Hist.* A landlord or lord of the soil.

landegandman (lan-də-gand-mən or lan-də-gənd-mən). *Hist.* A customary or inferior tenant of a manor.

land flip. *Real estate.* A transaction in which a piece of property is purchased for one price and immediately sold, usu. to a fictitious entity, for a much higher price, to dupe a lender or later purchaser into thinking that the property is more valuable than it actually is.

land-gavel (**land-gav-əl**). *Hist.* A tax or rent issuing from land. — Also spelled *landgable*; *land-gabel*; *land-gafol*. See GAVEL.

land grant. A donation of public land to an individual, a corporation, or a subordinate government.

private land grant. A land grant to a natural person. See *land patent* under PATENT (1).

landhlaford (**land-[h]lav-ərd**). *Hist.* A proprietor of land; a lord of the soil.

landholder. One who possesses or owns land.

land improvement. See IMPROVEMENT.

landing. 1. A place on a river or other navigable water for loading and unloading goods, or receiving and delivering passengers and pleasure boats. **2.** The termination point on a river or other navigable water for these purposes. **3.** The act or process of coming back to land after a voyage or flight.

landing law. A law prohibiting the possession or sale of fish or game that have been taken illegally.

land lease. See *ground lease* under LEASE.

landlocked, adj. Surrounded by land, often with the suggestion that there is little or no way to get in or out without crossing the land of another <the owner of the landlocked property purchased an access easement from the adjoining landowner>.

landlord. 1. At common law, the feudal lord who retained the fee of the land. **2.** One who leases real property to another. — Also termed (in sense 2) *lessor*.

absentee landlord. A landlord who does not live on the leased premises — and usu. who lives far away. — Also termed *absentee management*.

landlord-and-tenant relationship. See LANDLORD-TENANT RELATIONSHIP.

landlord's lien. See LIEN.

landlord's warrant. See WARRANT (1).

landlord-tenant relationship. The familiar legal relationship existing between the lessor and lessee of real estate. ● The relationship is contractual, created by a lease (or agreement for lease) for a term of years, from year to year, for life, or at will, and exists when one person occupies the premises of another with the lessor's permission or consent, subordinated to the lessor's title or rights. There must be a landlord's reversion, a tenant's estate, transfer of possession and control of the premises, and (generally) an express or implied contract. — Also termed *landlord-and-tenant relationship*. See LEASE.

land manager. Oil & gas. A person who, usu. on behalf of an oil company, contracts with landowners for the mineral rights to their land. — Also termed *exploration manager*; *land agent*; *landman*.

landmark. 1. A feature of land (such as a natural object, or a monument or marker) that demarcates the boundary of the land <according to the 1891 survey, the crooked oak tree is the correct landmark at the property's northeast corner>. **2.** A historically significant building or site <the schoolhouse built in 1898 is the county's most famous landmark>. See MONUMENT.

landmark decision. A judicial decision that significantly changes existing law. ● Examples are *Brown v. Board of Educ.*, 347 U.S. 483, 74 S.Ct. 686 (1954) (holding that segregation in public schools violates the Equal Protection Clause), and *Palsgraf v. Long Island R.R.*, 162 N.E. 99 (N.Y. 1928) (establishing that a defendant's duty in a negligence action is limited to plaintiffs within the apparent zone of danger — that is, plaintiffs to whom damage could be reasonably foreseen). — Also termed *landmark case*. Cf. LEADING CASE.

land office. A government office in which sales of public land are recorded.

landowner. One who owns land.

land patent. See PATENT (2).

land-poor, adj. (Of a person) owning a substantial amount of unprofitable or encumbered land, but lacking the money to improve or

maintain the land or to pay the charges due on it.

landreeve. *Hist.* A person charged with (1) overseeing certain parts of a farm or estate, (2) attending to the timber, fences, gates, buildings, private roads, and watercourses, (3) stocking the commons, (4) watching for encroachments of all kinds, (5) preventing and detecting waste and spoliation by tenants and others, and (6) reporting on findings to the manager or land steward.

land revenue. See REVENUE.

Landrum-Griffin Act. A federal law, originally enacted in 1959 as the Labor-Management Reporting and Disclosure Act, designed to (1) curb corruption in union leadership and undemocratic conduct in internal union affairs, (2) outlaw certain types of secondary boycotts, and (3) prevent so-called hot-cargo provisions in collective-bargaining agreements. See HOT CARGO.

lands, n. pl. **1.** At common law, property less extensive than either tenements or hereditaments. **2.** By statute in some states, land including tenements and hereditaments. See HEREDITAMENTS; TENEMENTS.

land sales contract. See *contract for deed* under CONTRACT.

land scrip. A negotiable instrument entitling the holder, usu. a person or company engaged in public service, to possess specified areas of public land.

lands, tenements, and hereditaments. Real property. • The term was traditionally used in wills, deeds, and other instruments.

land tax. See *property tax* under TAX.

land-tenant. See TERRE-TENANT.

Land Titles and Transfer Act. *Hist.* An 1875 statute establishing a registry for titles to real property, and providing for the transfer of lands and recording of those transfers. 38 & 39 Vict., ch. 87. • The act is analogous in some respects to American recording laws, such as those providing for a registry of deeds. A system of title registration superseded this registry system in 1925.

land trust. See TRUST.

land trust certificate. An instrument granting the holder a share of the benefits of property ownership, while the trustee retains legal title. See *land trust* under TRUST.

land-use planning. The deliberate, systematic development of real estate through methods such as zoning, environmental-impact studies, and the like. — Also termed *urban planning*.

land-use regulation. An ordinance or other legislative enactment intended to govern the development of real estate.

“Public regulation of the use and development of land comes in a variety of forms which generally focus on four aspects of land use: (1) the type of use, such as whether it will be used for agricultural, commercial, industrial, or residential purposes; (2) the density of use, manifested in concerns over the height, width, bulk, or environmental impact of the physical structures on the land; (3) the aesthetic impact of the use, which may include the design and placement of structures on the land; and (4) the effect of the particular use of the land on the cultural and social values of the community, illustrated by community conflicts over adult entertainment, housing for service-dependent groups such as low-income families and developmentally disabled persons, and whether the term *family* should be defined in land use regulations to include persons who are not related by blood or marriage.” Peter W. Salsich, Jr., *Land Use Regulation* 1 (1991).

land waiter. *English law.* A customhouse officer with the responsibility of examining, tasting, weighing, measuring, and accounting for merchandise landing at any port.

land warfare. See WARFARE.

land warrant. See LAND CERTIFICATE.

Langdell system. See CASEBOOK METHOD.

langeman (lan-jə-mən), *n. Hist.* A lord of a manor. Pl. **langemanni** (lan-jə-man-i).

language. **1.** Any means of conveying or communicating ideas, esp. by human speech, written characters, or sign language <what language did they speak?>. **2.** The letter or grammatical import of a document or instrument, as distinguished from its spirit <the language of the statute>.

languidus (lang-gwi-dəs), *n.* [Law Latin “sick”] *Hist.* At common law, a return of process made by the sheriff when a defendant whom the sheriff had taken into custody was too sick to be removed.

Lanham Act (*lan-əm*). A federal trademark statute, enacted in 1946, that provides for a national system of trademark registration and protects the owner of a federally registered mark against the use of similar marks if any confusion might result. • The Lanham Act's scope is independent of and concurrent with state common law. 15 USCA §§ 1051 et seq.

lapidation (*lap-ə-day-shən*). An execution by stoning a person to death. — **lapidate** (*lap-ə-dayt*), *vb*.

lappage (*lap-ij*). Interference; lap and overlap; conflict. • Lappage applies when two different owners claim under deeds or grants that, in part, cover the same land.

lapping. An embezzlement technique by which an employee takes funds from one customer's accounts receivable and covers it by using a second customer's payment to pay the first account, then a third customer's payment to pay the second account, and so on.

lapse, *n*. **1.** The termination of a right or privilege because of a failure to exercise it within some time limit or because a contingency has occurred or not occurred. **2.** *Wills & estates*. The failure of a testamentary gift, esp. when the beneficiary dies before the testator dies. See ANTILAPSE STATUTE. Cf. ADEMPITION.

lapse, *vb*. **1.** (Of an estate or right) to pass away or revert to someone else because conditions have not been fulfilled or because a person entitled to possession has failed in some duty. See *lapsed policy* under INSURANCE POLICY. **2.** (Of a devise, grant, etc.) to become void.

lapsed devise. See DEVISE.

lapsed legacy. See LEGACY.

lapsed policy. See INSURANCE POLICY.

lapse patent. See PATENT (2).

lapse statute. See ANTILAPSE STATUTE.

larcenable (*lahr-sə-nə-bəl*), *adj*. Subject to larceny <because it cannot be carried away, real estate is not larcenable>.

larcenist. One who commits larceny. See LARCENY.

larcenous (*lahr-sə-nəs*), *adj*. **1.** Of, relating to, or characterized by larceny <a larcenous taking>. **2.** (Of a person) contemplating or tainted with larceny; thievish <a larcenous purpose>.

larcenous intent. A state of mind existing when a person (1) knowingly takes away the goods of another without any claim or pretense of a right to do so, and (2) intends to deprive the owner of them or to convert the goods to personal use. See LARCENY.

larceny (*lahr-sə-nee*), *n*. The unlawful taking and carrying away of someone else's personal property with the intent to deprive the possessor of it permanently. • Common-law larceny has been broadened by some statutes to include embezzlement and false pretenses, all three of which are often subsumed under the statutory crime of "theft."

"[T]he distinctions between larceny, embezzlement and false pretenses serve no useful purpose in the criminal law but are useless handicaps from the standpoint of the administration of criminal justice. One solution has been to combine all three in one section of the code under the name of 'larceny.' This has one disadvantage, however, because it frequently becomes necessary to add a modifier to make clear whether the reference is to common-law larceny or to statutory larceny." Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 389 (3d ed. 1982).

aggravated larceny. Larceny accompanied by some aggravating factor (as when the theft is from a person).

complicated larceny. See *mixed larceny*.

compound larceny. See *mixed larceny*.

constructive larceny. Larceny in which the perpetrator's felonious intent to appropriate the goods is construed from the defendant's conduct at the time of asportation, although a felonious intent was not present before that time.

grand larceny. Larceny of property worth more than a statutory cutoff amount, usu. \$100. Cf. *petit larceny*.

"The English law, as the result of an early statute [the Statute of Westminster I, ch. 15 (1275)], classified this offense [larceny] as either (1) grand larceny or (2) petit larceny (now frequently written petty larceny), the former being a capital offense and the latter punishable by forfeiture of goods and whipping, but not death. Both, as mentioned earlier, were felonies. The offense was grand larceny if the value of the property stolen exceeded twelve pence and petit larceny if it did not. Modern statutes very generally retain this same classification (sometimes without using these labels) but with different penalties and different values set as the dividing line." Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 335 (3d ed. 1982).

larceny by bailee. Larceny committed by a bailee who converts the property to personal use or to the use of a third party.

larceny by extortion. Larceny in which the perpetrator obtains property by threatening to (1) inflict bodily harm on anyone or commit any other criminal offense, (2) accuse anyone of a criminal offense, (3) expose any secret tending to subject any person to hatred, contempt, or ridicule, or impair one's credit or business reputation, (4) take or withhold action as an official, or cause an official to take or withhold action, (5) bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act, (6) testify or provide information or withhold testimony or information with respect to another's legal claim or defense, or (7) inflict any other harm that would not benefit the actor. Model Penal Code § 223.4. See EXTORTION.

larceny by trick. Larceny in which the taker misleads the rightful possessor, by misrepresentation of fact, into giving up possession of (but not title to) the goods. — Also termed *larceny by trick and deception*; *larceny by trick and device*; *larceny by fraud and deception*. Cf. FALSE PRETENSES; *cheating by false pretenses* under CHEATING.

larceny from the person. Larceny in which the goods are taken directly from the person, but without violence or intimidation, the victim usu. being unaware of the taking. • Pickpocketing is a typical example. This offense is similar to robbery except that violence or intimidation is not involved. Cf. ROBBERY.

larceny of property lost, mislaid, or delivered by mistake. Larceny in which one obtains control of property the person knows to be lost, mislaid, or delivered by mistake (esp. in the amount of property or identity of recipient) and fails to take reasonable measures to restore the property to the rightful owner. Model Penal Code § 223.5.

mixed larceny. 1. Larceny accompanied by aggravation or violence to the person. Cf. *simple larceny*. 2. Larceny involving a taking from a house. — Also termed *compound larceny*; *complicated larceny*.

petit larceny. Larceny of property worth less than a statutory cutoff amount, usu. \$100. — Also spelled *petty larceny*. Cf. *grand larceny*.

simple larceny. Larceny unaccompanied by aggravating factors; larceny of personal goods unattended by an act of violence. Cf. *mixed larceny* (1).

larger parcel. Eminent domain. A portion of land that is not a complete parcel, but is the greater part of an even bigger tract, entitling the owner both to damages for the parcel taken and for severance from the larger tract. • To grant both kinds of damages, a court generally requires the owner to show unity of ownership, unity of use, and contiguity of the land. But some states and the federal courts do not require contiguity when there is strong evidence of unity of use.

laron (lar-ən), n. [Law French] *Hist.* A thief.

Larrison rule (lar-ə-sən). *Criminal law.* The doctrine that a defendant may be entitled to a new trial on the basis of newly discovered evidence of false testimony by a government witness if the jury might have reached a different conclusion without the evidence and it unfairly surprised the defendant at trial. *Larrison v. United States*, 24 F.2d 82 (7th Cir. 1928).

"The most usual rule in cases in which it is claimed that there was false testimony at the trial or that the witness has since recanted is the 'Larrison rule,' taking its name from the Seventh Circuit case in which it was announced. This is that three requirements must be met before a new trial will be granted on this ground: (a) [That the] court is reasonably well satisfied that the testimony given by a material witness [was] false. (b) That without it the jury *might* have reached a different conclusion. (c) That the party seeking the new trial was taken by surprise when the false testimony was given and was unable to meet it for it did not know of its falsity until after the trial.'" 3 Charles Alan Wright, *Federal Practice and Procedure* § 557.1, at 343 (2d ed. 1982) (quoting *Larrison*, 24 F.2d at 87-88).

lascivious (lə-siv-ee-əs), adj. (Of conduct) tending to excite lust; lewd; indecent; obscene.

lascivious cohabitation. The offense committed by two persons not married to each other who live together as husband and wife and engage in sexual intercourse. • This offense, where it still exists, is seldom prosecuted.

last, n. *Hist.* 1. A burden. 2. A measure of weight used for bulky commodities.

last antecedent, rule of the. See RULE OF THE LAST ANTECEDENT.

last-clear-chance doctrine. *Torts.* The rule that a plaintiff who was contributorily negligent may nonetheless recover from the defendant if the defendant had the last opportunity to prevent the harm but failed to use reasonable care to do so (in other words, if the defendant's negligence is later in time than the

plaintiff's). • This doctrine allows the plaintiff to rebut the contributory-negligence defense in the few jurisdictions where contributory negligence completely bars recovery. — Also termed *discovered-peril doctrine*; *humanitarian doctrine*; *last-opportunity doctrine*; *subsequent-negligence doctrine*; *supervening-negligence doctrine*.

last-employer rule. The doctrine that liability for an occupational injury or illness falls to the employer who exposed the worker to the injurious substance just before the first onset of the disease or injury. — Also termed *last-injurious-exposure rule*.

last heir. *Hist.* The person — either the lord of the manor or the sovereign — to whom lands come by escheat when there is no lawful heir.

last illness. The sickness ending in the person's death. — Also termed *last sickness*.

last-in, first-out. An accounting method that assumes that the most recent purchases are sold or used first, matching current costs against current revenues. — Abbr. LIFO. Cf. FIRST-IN, FIRST-OUT; NEXT-IN, FIRST-OUT.

last-injurious-exposure rule. See LAST-EMPLOYER RULE.

last-link doctrine. The rule that an attorney need not divulge nonprivileged information if doing so would reveal information protected by the attorney-client privilege, particularly if the information would provide essential evidence to support indicting or convicting the client of a crime. • This doctrine is often relied on as an exception to the rule that a client's identity is not privileged. For example, if divulging the client's name would supply the last link of evidence to indict or convict the client of a crime, the name need not be disclosed.

last-opportunity doctrine. See LAST-CLEAR-CHANCE DOCTRINE.

last-proximate-act test. *Criminal law.* A common-law test for the crime of attempt, based on whether the defendant does the final act necessary to commit an offense (such as pulling the trigger of a gun, not merely aiming it). • This test has been rejected by most courts as too lenient. See ATTEMPT (2).

last resort, court of. See *court of last resort* under COURT.

last sickness. See LAST ILLNESS.

last-straw doctrine. *Employment law.* The rule that the termination of employment may be justified by a series of incidents of poor performance, not one of which alone would justify termination, followed by a final incident showing a blatant disregard for the employer's interests.

last-survivor insurance. See INSURANCE.

last-treatment rule. The doctrine that, for an ongoing physician-patient relationship, the statute of limitations on a medical-malpractice claim begins to run when the treatment stops or the relationship ends.

last will. See WILL.

last will and testament. A person's final will. See WILL.

lata culpa. See CULPA.

lata negligentia (lay-tə neg-lə-jen-shee-ə). See NEGLIGENTIA.

latching. A survey of a mine; an underground survey.

late, adj. 1. Tardy; coming after an appointed or expected time <a late filing>. 2. (Of a person) only recently having died <the late Secretary of State>.

latens (lay-tenz), *adj.* [Latin] Hidden or unapparent.

latent (lay-tənt), *adj.* Concealed; dormant <a latent defect>. Cf. PATENT.

latent ambiguity. See AMBIGUITY.

latent deed. See DEED.

latent defect. See *hidden defect* under DEFECT.

latent equity. See EQUITY.

latent intent. See *dormant legislative intent* under LEGISLATIVE INTENT.

latent intention. See *dormant legislative intent* under LEGISLATIVE INTENT.

lateral departure. See DEPARTURE.

lateral sentencing. See *lateral departure* under DEPARTURE.

lateral support. See SUPPORT.

laterare (lat-ə-rair-ee). [Law Latin] *Hist.* To lie sideways, rather than endways. • This term was formerly used in land descriptions.

latifundium (lat-ə-fən-dee-əm), *n.* [Latin fr. *latus* "broad" + *fundus* "land"] *Roman law.* A large private estate, usu. made up of smaller ones, common in the last few centuries of the Republic.

Latin. The language of the ancient Romans and a primary language of the civil, canon, and (formerly) common law.

"The value of the Latin has always consisted in its peculiar expressiveness as a language of law terms, in its superior conciseness which has made it the appropriate language of law maxims, and in its almost unlimited capacity of condensation by means of abbreviations and contractions, many of which are retained in popular use at the present day." 2 Alexander M. Burrill, *A Law Dictionary and Glossary* 131 (2d ed. 1867).

"The Latin maxims have largely disappeared from arguments and opinions. In their original phraseology they convey no idea that cannot be well expressed in modern English." William C. Anderson, *Law Dictionaries*, 28 Am. L. Rev. 531, 532 (1894).

latinarius (lat-ə-nair-ee-əs), *n.* [Latin] *Hist.* An interpreter of Latin.

latini juniani (lə-ti-ni joo-nee-ay-ni), *n.* [Latin] *Roman law.* A class of former slaves who, although they were freed, did not acquire full rights of citizenship. — Also spelled *latini iuniani*. — Also termed *libertini*. See LEX JUNIA NORBANA. Cf. INGENUUS; SERVUS.

"Upon all these persons . . . a new and definite status was conferred; they were henceforth to be known as *Latini Juniani*, their position being based upon *Latinitas*, a status which had been enjoyed by certain Latin colonists. A *Latinus Junianus* had no public rights . . . But he had part of the *commercium*, i.e. he could acquire proprietary and other rights *inter vivos*, but not *mortis causâ*. A *Latinus Junianus*, therefore, could neither take under a will . . . nor could he make one . . . But, subject to these disabilities, a *Latinus Junianus* was a free man, and his children, though not, like the children of citizens, under his *potestas*, were free-born citizens." R.W. Leage, *Roman Private Law* 68-69 (C.H. Ziegler ed., 2d ed. 1930).

latitat (lat-ə-tat), *n.* [Law Latin "he lurks"] *Hist.* A writ issued in a personal action after the sheriff returned a bill of Middlesex with the notation that the defendant could not be found. • The writ was called *latitat* because of its

fictitious recital that the defendant lurks about in the county. It was abolished by the Process in Courts of Law at Westminster Act of 1832 (St. 2, Will. 4, ch. 39). See BILL OF MIDDLESEX; TESTATUM.

"Latitat is a writ by which all men in personal actions are originally called in the king's bench to answer. And it is called latitat, because it is supposed by the writ that the defendant cannot be found in the county of Middlesex, as it appears by the return of the sheriff of that county, but that he lurks in another county: and therefore to the sheriff of that county is this writ directed to apprehend him." *Termes de la Ley* 277 (1st Am. ed. 1812).

latitatio (lat-ə-tay-shee-oh), *n.* [Law Latin] *Civil law.* A lurking; a hiding; a concealment, esp. to avoid a trial.

Latium maius (lay-shee-əm may-əs), *n.* [Latin] *Roman law.* The greater rights conferred on the inhabitants of Latium and, later, colonies outside Italy, including a widespread right of Roman citizenship. — Also spelled *Latium majus* (may-jəs). — Also termed *maius Latium*. Cf. LATIUM MINUS.

"Under the Principate there is a distinction between *Latium maius* and *Latium minus*. The former referred to the rights granted to colonies founded as a *coloniae Latinae* outside Italy, combined with the concession of Roman citizenship to a larger group of individuals than *Latium minus*, in which only the municipal magistrates and members of the municipal council . . . were rewarded with Roman citizenship." Adolf Berger, *Encyclopedic Dictionary of Roman Law* 537-38 (1953).

Latium minus (lay-shee-əm mi-nəs), *n.* [Latin] *Roman law.* Certain limited rights conferred on colonies founded outside Italy. — Also termed *minus Latium*. Cf. LATIUM MAIUS.

lator (lay-tər), *n.* [Latin "a bearer, proposer"] *Civil law.* 1. A bearer; a messenger. 2. A maker or giver of laws.

latro (la-troh), *n.* [Latin] *Roman law.* A robber; a thief.

latrocination (la-trə-sə-nay-shən). [fr. Latin *latrocinium* "highway robbery"] *Archaic.* The act of robbing; a depredation; a theft. — Also termed *latrocinium*; *latrocinium*. See LARCENY; THEFT.

latrocinium (la-trə-sin-ee-əm), *n.* [Latin fr. *latro* "a robber"] *Hist.* 1. LATROCINATION. 2. Something stolen. 3. The right to judge and execute thieves.

latrocinium (la-trə-sə-nee). See LATROCINATION.

laudamentum (law-də-men-təm), *n.* *Hist.* A jury award.

laudare (law-dair-ee), *vb.* [Latin] **1.** *Civil law.* To name; to cite or quote as authority. **2.** *Hist.* To determine or pass upon (a case, etc.) judicially.

laudatio (law-day-shee-oh), *n.* [Latin] *Roman law.* Court testimony concerning an accused person's good behavior and integrity of life. • This testimony resembles the practice in modern criminal trials of calling persons to speak favorably about a defendant's character.

laudator (law-day-tər), *n.* [Latin] **1.** *Roman law.* A character witness in a criminal trial. **2.** *Hist.* An arbitrator. Pl. **laudatores** (law-də-tor-eez).

laudemium (law-dee-mee-əm), *n.* [Law Latin] *Roman law.* A sum paid to a landowner by a person succeeding to a particular form of land contract by gift, devise, exchange, or sale; HERIOT. • The payment equaled 2% of the purchase money, and was paid to the landowner for acceptance of the successor. — Also termed (in old English law) *acknowledgment money*. See EMPHYTEUSIS.

laudere auctorem (law-deer-ee awk-tor-əm). See NOMINATIO AUCTORIS.

laudum (law-dəm), *n.* [Law Latin] *Hist.* An arbitrament. See ARBITRAMENT.

laughe, *n.* See FRANKPLEDGE.

laughing heir. See HEIR.

launch, *n.* **1.** The movement of a vessel from the land into the water, esp. by sliding along ways from the stocks on which the vessel was built. **2.** A large open boat used in any service; LIGHTER.

laundering, *n.* The federal crime of transferring illegally obtained money through legitimate persons or accounts so that its original source cannot be traced. 18 USCA § 1956. — Also termed *money-laundering*. — **launder**, *vb.*

laundry list. *Slang.* An enumeration of items, as in a statute or court opinion <Texas's consumer-protection law contains a laundry list of deceptive trade practices>.

laureate (lor-ee-it), *n.* **1.** *Hist.* An officer of the sovereign's household, who composed odes annually on the sovereign's birthday, on the new year, and occasionally on the occurrence of a remarkable victory. **2.** A person honored for great achievement in the arts and sciences, and esp. in poetry.

laus Deo (laws dee-oh or lows day-oh). [Latin] *Archaic.* Praise be to God. • This was a heading to a bill of exchange.

law. 1. The regime that orders human activities and relations through systematic application of the force of politically organized society, or through social pressure, backed by force, in such a society; the legal system <respect and obey the law>. **2.** The aggregate of legislation, judicial precedents, and accepted legal principles; the body of authoritative grounds of judicial and administrative action <the law of the land>. **3.** The set of rules or principles dealing with a specific area of a legal system <copyright law>. **4.** The judicial and administrative process; legal action and proceedings <when settlement negotiations failed, they submitted their dispute to the law>. **5.** A statute <Congress passed a law>. — Abbr. L. **6.** COMMON LAW <law but not equity>. **7.** The legal profession <she spent her entire career in law>.

"Some twenty years ago I pointed out two ideas running through definitions of law: one an imperative idea, an idea of a rule laid down by the lawmaking organ of a politically organized society, deriving its force from the authority of the sovereign; and the other a rational or ethical idea, an idea of a rule of right and justice deriving its authority from its intrinsic reasonableness or conformity to ideals of right and merely recognized, not made, by the sovereign." Roscoe Pound, "More About the Nature of Law," in *Legal Essays in Tribute to Orrin Kip McMurray* at 513, 515 (1935).

"All law is the law of a group of individuals or of groups made up of individuals. No one can make a law purely for himself. He may form a resolution, frame an ambition, or adopt a rule, but these are private prescriptions, not laws." Tony Honoré, *Making Law Bind: Essays Legal and Philosophical* 33 (1987).

"It will help to distinguish three senses of the word 'law.' The first is law as a distinctive social institution; that is the sense invoked when we ask whether primitive law is really law. The second is law as a collection of sets of propositions — the sets we refer to as antitrust law, the law of torts, the Statute of Frauds, and so on. The third is law as a source of rights, duties, and powers, as in the sentence 'The law forbids the murdering heir to inherit.'" Richard A. Posner, *The Problems of Jurisprudence* 220–21 (1990).

adjective law. See ADJECTIVE LAW.

canon law. See CANON LAW.

caselaw. See CASELAW.

civil law. See CIVIL LAW.

common law. See COMMON LAW.

consuetudinary law (kon-swə-t[y]oo-də-ner-ee). [fr. Latin *consuetudo* "custom"] *Hist.* Ancient customary law that is based on an oral tradition.

conventional law. See CONVENTIONAL LAW.

customary law. See CUSTOMARY LAW.

divine law. See DIVINE LAW.

enacted law. Law that has its source in legislation; WRITTEN LAW.

federal law. See FEDERAL LAW.

general law. **1.** Law that is neither local nor confined in application to particular persons. ● Even if there is only one person or entity to which a given law applies when enacted, it is general law if it purports to apply to all persons or places of a specified class throughout the jurisdiction. — Also termed *general statute*; *law of a general nature*. Cf. *special law*. **2.** A statute that relates to a subject of a broad nature.

imperative law. A rule in the form of a command; a rule of action imposed on people by some authority that enforces obedience.

"Strictly speaking, it is not possible to say that imperative law is a command in the ordinary sense of the word. A 'command' in the ordinary meaning of the word is an expression of a wish by a person or body as to the conduct of another person, communicated to that other person. But (1) in the case of the law there is no determinate person who as a matter of psychological fact commands all the law. We are all born into a community in which law already exists, and at no time in our lives do any of us command the whole law. The most that we do is to play our part in enforcing or altering particular portions of it. (2) Ignorance of the law is no excuse; thus a rule of law is binding even though not communicated to the subject of the law." John Salmond, *Jurisprudence* 21 n.(c) (Glanville L. Williams ed., 10th ed. 1947).

internal law. **1.** Law that regulates the domestic affairs of a country. Cf. INTERNATIONAL LAW. **2.** LOCAL LAW (3).

local law. See LOCAL LAW.

natural law. See NATURAL LAW.

permanent law. A statute that continues in force for an indefinite time.

positive law. See POSITIVE LAW.

procedural law. See PROCEDURAL LAW.

special law. A law that pertains to and affects a particular case, person, place, or thing, as opposed to the general public. — Also termed *special act*; *private law*. Cf. *general law* (1).

state law. See STATE LAW.

sumptuary law. See SUMPTUARY LAW.

tacit law. A law that derives its authority from the people's consent, without a positive enactment.

unenacted law. Law that does not have its source in legislation; UNWRITTEN LAW (1).

law and economics. (*often cap.*) **1.** A discipline advocating the economic analysis of the law, whereby legal rules are subjected to a cost-benefit analysis to determine whether a change from one legal rule to another will increase or decrease allocative efficiency and social wealth. ● Originally developed as an approach to anti-trust policy, law and economics is today used by its proponents to explain and interpret a variety of legal subjects. **2.** The field or movement in which scholars devote themselves to this discipline. **3.** The body of work produced by these scholars.

law and literature. (*often cap.*) **1.** Traditionally, the study of how lawyers and legal institutions are depicted in literature; esp., the examination of law-related fiction as sociological evidence of how a given culture, at a given time, views law. — Also termed *law in literature*. **2.** More modernly, the application of literary theory to legal texts, focusing esp. on lawyers' rhetoric, logic, and style, as well as legal syntax and semantics. — Also termed *law as literature*. **3.** The field or movement in which scholars devote themselves to this study or application. **4.** The body of work produced by these scholars.

law arbitrary. A law not found in the nature of things, but imposed by the legislature's mere will; a bill not immutable.

law as literature. See LAW AND LITERATURE.

law between states. See INTERNATIONAL LAW.

lawbook. A book, usu. a technical one, about the law; esp., a primary legal text such as a statute book or book that reports caselaw. — Also spelled *law book*.

lawbreaker, n. A person who violates or has violated the law.

lawburrows (law-bər-ohz). *Scots law.* Security guaranteeing the peaceable behavior of a party; security to keep the peace.

law clerk. See CLERK (4).

law commission. (*often cap.*) An official or quasi-official body of people formed to propose legal reforms intended to improve the administration of justice. • Such a body is often charged with the task of reviewing the law with an eye toward systematic development and reform, esp. through codification.

law court. See COURT (1), (2). — Also spelled *law-court*.

law court of appeals. *Hist.* An appellate tribunal, formerly existing in South Carolina, for hearing appeals from the courts of law.

law-craft, n. The practice of law.

"This quest for ever-broader empirical understanding must, of course, be kept under reasonable control in practical law-craft, lest it delay necessary decisions in a continually expanding and pointlessly expensive fact-finding spiral." Bruce A. Ackerman, *Reconstructing American Law* 30 (1984).

law day. **1.** *Archaic.* The yearly or twice-yearly meeting of one of the early common-law courts. **2.** *Archaic.* The day appointed for a debtor to discharge a mortgage or else forfeit the property to the lender. **3.** (*cap.*) A day on which American schools, public assemblies, and courts draw attention to the importance of law in modern society. • Since 1958, the ABA has sponsored Law Day on May 1 of each year.

law department. A branch of a corporation, government agency, university, or the like charged with handling the entity's legal affairs.

law enforcement. **1.** The detection and punishment of violations of the law. • This term is not limited to the enforcement of criminal laws. For example, the Freedom of Information Act contains an exemption from disclosure for information compiled for law-enforcement purposes and furnished in confidence. That exemption is valid for the enforcement of a variety of noncriminal laws (such as national-security laws) as well as criminal laws. See 5 USCA § 552(b)(7). **2.** CRIMINAL JUSTICE (2). **3.** Police officers and other members of the executive branch of government charged with carrying out and enforcing the criminal law.

Law Enforcement Assistance Administration. A federal agency (part of the Department of Justice) responsible for administering law-enforcement grants under the Omnibus Crime Control and Safe Streets Act of 1968. — Abbr. LEAA.

Law Enforcement Information Network. A computerized communications system used in some states to document drivers' license records, automobile registrations, wanted persons' files, etc. — Abbr. LEIN.

law-enforcement officer. A person whose duty is to enforce the laws and preserve the peace. See PEACE OFFICER; SHERIFF.

law-enforcement system. See CRIMINAL-JUSTICE SYSTEM.

law firm. An association of lawyers who practice law together, usu. sharing clients and profits, in a business traditionally organized as a partnership but often today as either a professional corporation or a limited-liability company. • Many law firms have a hierarchical structure in which the partners (or shareholders) supervise junior lawyers known as "associates," who are usu. employed on a track to partnership.

Law French. The corrupted form of the Norman French language that arose in England in the centuries after William the Conqueror invaded England in 1066 and that was used for several centuries as the primary language of the English legal system; the Anglo-French used in medieval England in judicial proceedings, pleadings, and lawbooks. — Also written *law French*. — Abbr. L.F. See NORMAN FRENCH.

"To the linguist, law French is a corrupt dialect by definition. Anglo-French was in steady decline after 1300. Lawyers such as Fortescue, on the other hand, were probably serious in maintaining that it was the vernacular of France which was deteriorating by comparison with the pristine Norman of the English courts. That Fortescue could make such a claim, while living in France, is in itself a clear demonstration that by the middle of the fifteenth century there was a marked difference between the French of English lawyers and the French of France." J.H. Baker, *A Manual of Law French* 11 (1979).

"Law French refers to the Anglo-Norman patois used in legal documents and all judicial proceedings from the 1260s to the reign of Edward III (1327-1377), and used with frequency in legal literature up to the early 18th century. When first introduced into England, this brand of French was the standard language used in Normandy; by the 1300s, through linguistic isolation, it became a corrupted language — by French standards, at any rate." Bryan A. Garner, *A Dictionary of Modern Legal Usage* 504-05 (2d ed. 1995).

"That Law French was barbarous in its decrepitude does not in the least diminish the value of it to our law when it was full of vitality. It helped to make English law one of the four indigenous systems of the civilized world, for it exactly expressed legal ideas in a technical language which had no precise equivalent." Percy H. Winfield, *The Chief Sources of English Legal History* 14 (1925).

lawful, *adj.* Not contrary to law; permitted by law <the police officer conducted a lawful search of the premises>. See LEGAL.

lawful admission. *Immigration.* Legal entry into the country, including under a valid immigrant visa. • Lawful admission is one of the requirements for an immigrant to receive a naturalization order and certificate. 8 USCA §§ 1101(a)(20), 1427(a)(1).

lawful age. See AGE.

lawful arrest. See ARREST.

lawful authorities. Those persons (such as the police) with the right to exercise public power, to require obedience to their lawful commands, and to command or act in the public name.

lawful cause. See *good cause* under CAUSE (2).

lawful condition. See CONDITION (2).

lawful damages. See DAMAGES.

lawful dependent. See DEPENDENT.

lawful entry. See ENTRY (1).

lawful fence. A strong, substantial, and well-suited barrier that is sufficient to prevent animals from escaping property and to protect the property from trespassers. — Also termed *legal fence*; *good and lawful fence*.

lawful goods. Property that one may legally hold, sell, or export; property that is not contraband.

lawful heir. See HEIR.

lawful issue. See ISSUE (3).

lawful man. See LEGALIS HOMO.

lawful money. See MONEY.

lawful representative. See REPRESENTATIVE.

lawgiver. **1.** A legislator, esp. one who promulgates an entire code of laws. **2.** A judge with the power to interpret law. — **lawgiving**, *adj.* & *n.*

“John Chipman Gray in his *The Nature and Sources of the Law* (1921) repeats a number of times a quotation from Bishop Hoadley [1676–1761]: ‘Whoever hath an

absolute authority to interpret any written or spoken laws, it is *he* who is truly the *Law-giver* to all intents and purposes, and not the person who first wrote or spoke them.’” Lon L. Fuller, *Anatomy of the Law* 23–24 (1968).

law-hand. *Hist.* An outmoded rococo method of handwriting once used by scribes in preparing legal documents.

law in literature. See LAW AND LITERATURE.

Law Latin. A corrupted form of Latin formerly used in law and legal documents, including judicial writs, royal charters, and private deeds. • It primarily consists of a mixture of Latin, French, and English words used in English sentence structures. — Abbr. L.L.; L. Lat. — Also written *law Latin*.

“LAW LATIN. A technical kind of Latin, in which the pleadings and proceedings of the English courts were enrolled and recorded from a very early period to the reign of George II The principal peculiarities of this language consist first, in its construction, which is adapted so closely to the English idiom as to answer to it sometimes word for word; and, secondly, in the use of numerous words ‘not allowed by grammarians nor having any countenance of Latin,’ but framed from the English by merely adding a Latin termination, as *murdrum* from murder” 2 Alexander M. Burrill, *A Law Dictionary and Glossary* 135 (2d ed. 1867).

“Law Latin, sometimes formerly called ‘dog Latin,’ is the bastardized or debased Latin formerly used in law and legal documents. For the most part, we have escaped its clutches. In 1730, Parliament abolished Law Latin in legal proceedings, but two years later found it necessary to allow Latin phrases that had previously been in common use, such as *feri facias*, *habeas corpus*, *ne exeat*, and *nisi prius*. As Blackstone would later say, some Latinisms were ‘not . . . capable of an English dress with any degree of seriousness.’ 3 William Blackstone, *Commentaries* 323 (1768).” Bryan A. Garner, *A Dictionary of Modern Legal Usage* 505 (2d ed. 1995).

law list. **1.** A publication compiling the names and addresses of practicing lawyers and other information of interest to the profession, such as court calendars, lawyers with specialized practices, stenographers, and the like. **2.** A legal directory such as Martindale–Hubbell. • Many states and large cities also have law lists or directories. See MARTINDALE-HUBBELL LAW DIRECTORY.

Law Lord. A member of the appellate committee of the House of Lords, consisting of the Lord Chancellor, the salaried Lords of Appeal in Ordinary, and any peer who holds or has held high judicial office. — Also written *law lord*.

lawmaker. See LEGISLATOR.

lawmaking. See LEGISLATION (1).

law martial. See MARTIAL LAW.

law merchant. A system of customary law that developed in Europe during the Middle Ages and regulated the dealings of mariners and merchants in all the commercial countries of the world until the 17th century. • Many of the law merchant's principles came to be incorporated into the common law, which in turn formed the basis of the Uniform Commercial Code. — Also termed *commercial law*; *lex mercatoria*.

lawnote. See NOTE (2).

law of a general nature. See *general law* under LAW.

law of arms. See ARMS, LAW OF.

law of capture. See RULE OF CAPTURE.

law of Citations. See CITATIONS, LAW OF.

law of competence. A law establishing and defining the powers of a government official, including the circumstances under which the official's pronouncements constitute laws. — Also termed *power-delegating law*. See *jural act* under ACT (2); JURAL AGENT.

law of evidence. See EVIDENCE (4).

law of marque (mahrk). A rule of reprisal allowing one who has been wronged but cannot obtain justice to take the goods of the wrongdoer found within the wronged person's precinct, in satisfaction of the wrong.

law of nations. See INTERNATIONAL LAW.

law of nature. See NATURAL LAW.

law of nature and nations. See INTERNATIONAL LAW.

law of obligations. The category of law dealing with proprietary rights in personam. • It is one of the three departments into which civil law is divided. See IN PERSONAM. Cf. LAW OF PROPERTY; LAW OF STATUS.

law of persons. The law relating to persons; the law that pertains to the different statuses of persons. • This is also commonly known as the *jus personarum*, a shortened form of *jus quod ad personas pertinet* ("the law that pertains to persons"). See JUS PERSONARUM.

law of property. The category of law dealing with proprietary rights in rem. • It is one of the three departments into which civil law is divided. See IN REM. Cf. LAW OF OBLIGATIONS; LAW OF STATUS.

law of shipping. The part of maritime law relating to the building, equipping, registering, owning, inspecting, transporting, and employing of ships, along with the laws applicable to shipmasters, agents, crews, and cargoes; the maritime law relating to ships. — Also termed *shipping law*. See MARITIME LAW; JONES ACT.

law of status. The category of law dealing with personal or nonproprietary rights, whether in rem or in personam. • It is one of the three departments into which civil law is divided. Cf. LAW OF OBLIGATIONS; LAW OF PROPERTY.

law of the apex. *Mining law.* The principle that title to a given tract of mineral land, with defined mining rights, goes to the person who locates the surface covering the outcrop or apex.

law of the case. **1.** The doctrine holding that a decision rendered in a former appeal of a case is binding in a later appeal. **2.** An earlier decision giving rise to the application of this doctrine. Cf. LAW OF THE TRIAL; RES JUDICATA; STARE DECISIS.

law of the circuit. **1.** The law as announced and followed by a U.S. Circuit Court of Appeals. **2.** The rule that one panel of judges on a U.S. Circuit Court of Appeals should not overrule a decision of another panel of judges on the same court. **3.** The rule that an opinion of one U.S. Circuit Court of Appeals is not binding on another circuit but may be considered persuasive.

law of the flag. *Maritime law.* The law of the nation whose flag is flown by a particular vessel. • A shipowner who sends a vessel into a foreign port gives notice by the flag to all potential contracting parties of the owner's intent for that law to regulate all contracts made involving the ship or its cargo.

law of the land. **1.** The law in effect in a country and applicable to its members, whether the law is statutory, administrative, or case-made. **2.** Due process of law. See DUE PROCESS. — Also termed *lex terrae*; *ley de terre*.

law of the partnership. The rule that the parties' agreement controls the features of a partnership.

law of the place. Under the Federal Tort Claims Act, the state law applicable to the place where the injury occurred. • Under the Act, the federal government waives its sovereign immunity for specified injuries, including certain wrongful acts or omissions of a government employee causing injury that the United States, if it were a private person, would be liable for under the law of the state where the incident occurred. 28 USCA § 1346(b).

law of the sea. The body of international law governing how nations use and control the sea and its resources. Cf. MARITIME LAW.

law of the staple. *Hist.* The law administered in the court of the mayor of the staple; the law merchant. See STAPLE.

law of the trial. A legal theory or court ruling that is not objected to and is used or relied on in a trial <neither party objected to the court's jury instruction, so it became the law of the trial>. Cf. LAW OF THE CASE.

law of things. The law pertaining to things; the law that is determined by changes in the nature of things. • This is also commonly known as the *jus rerum*, a shortened form of *jus quod ad res pertinet* ("the law that pertains to things"). See JUS RERUM.

law practice. An attorney's professional business, including the relationships that the attorney has with clients and the goodwill associated with those relationships. Cf. PRACTICE OF LAW.

law question. See QUESTION OF LAW.

law reform. The process of, or a movement dedicated to, streamlining, modernizing, or otherwise improving a nation's laws generally or the code governing a particular branch of the law; specif., the investigation and discussion of the law on a topic (e.g., bankruptcy), usu. by a commission or expert committee, with the goal of formulating proposals for change to improve the operation of the law. — Also termed *science of legislation*; *censorial jurisprudence*.

law report. See REPORT (3).

law reporter. See REPORT (3).

law review. **1.** A journal containing scholarly articles, essays, and other commentary on legal topics by professors, judges, law students, and practitioners. • Law reviews are usu. published at law schools and edited by law students <law reviews are often grossly overburdened with substantive footnotes>. **2.** The law-student staff and editorial board of such a journal <she made law review>.

law Salique (sə-leek). See SALIC LAW.

law school. An institution for formal legal education and training. • Graduates who complete the standard program, usu. three years in length, receive a Juris Doctor (or, formerly, a Bachelor of Laws).

accredited law school. A law school approved by the state and the Association of American Law Schools, or by the state and the American Bar Association. • In all states except California, only graduates of an accredited law school may take the bar examination.

Law School Admissions Test. A standardized examination purporting to measure the likelihood of success in law school. • Most American law schools use the results of this examination in admissions decisions. — Abbr. LSAT.

Law Society. A professional organization in England, chartered in 1845, governing the education, practice, and conduct of articulated clerks and solicitors. • A clerk or solicitor must be enrolled with the Law Society to be admitted to the legal profession.

Law Society of Scotland. A professional organization established by statute in 1949, governing the admission, conduct, and practice of solicitors enrolled to practice in Scotland.

Laws of Amalfi (ah-mahl-fee). See AMALPHITAN CODE.

laws of Oléron (oh-lə-ron or aw-lay-ron). The oldest collection of modern maritime laws, thought to be a code existing at Oléron (an island off the coast of France) during the 12th century. • It was introduced into England, with certain additions, in the reign of Richard I (1189–99).

laws of the several states. State statutes and state-court decisions on questions of general law.

laws of war. *Int'l law.* The body of rules and principles observed by civilized nations for the regulation of matters inherent or incidental to the conduct of a public war, such as the relations of neutrals and belligerents, blockades, captures, prizes, truces and armistices, capitulations, prisoners, and declarations of war and peace. See GENEVA CONVENTION.

laws of Wisby (wiz-bee). A code of maritime customs and decisions adopted on the island of Gothland (in the Baltic Sea), where Wisby was the principal port. • Most scholars believe that this code postdates the laws of Oléron. The code was influential throughout northern Europe. — Also spelled *laws of Wisbuy*. — Also termed *Gothland sea laws*.

law spiritual. See ECCLESIASTICAL LAW.

lawsuit, n. See SUIT.

lawsuit, vb. *Archaic.* To proceed against (an adversary) in a lawsuit; to sue.

law-talk, n. **1.** LEGALESE. **2.** Discussion that is heavily laced with lawyers' concerns and legal references.

law-worthy, adj. *Hist.* Entitled to or deserving the benefit and protection of the law. — Also termed *law-worth*. See LIBERAM LEGEM AMITERE; LEGALIS HOMO; LIBERA LEX.

law writer. A person who writes on legal subjects, usu. from a technical, nonpopular point of view.

lawyer, n. One who is licensed to practice law. — **lawyerly, lawyerlike, adj.** — **lawyerdom, n.** Cf. ATTORNEY; COUNSEL.

certified military lawyer. A person qualified to act as counsel in a general court-martial. • To be qualified, the person must be (1) a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist of the Coast Guard, (2) a graduate of an accredited law school, or a member of a federal-court bar or the bar of the highest court of a state, and (3) certified as competent to perform such duties by the Judge Advocate General of the armed force that the person is a member of.

criminal lawyer. A lawyer whose primary work is to represent criminal defendants. • This term is rarely if ever applied to prosecutors despite their integral involvement in the criminal-justice system.

headnote lawyer. *Slang.* A lawyer who relies on the headnotes of judicial opinions rather than taking the time to read the opinions themselves.

jailhouse lawyer. See JAILHOUSE LAWYER.

transactional lawyer. A lawyer who works primarily on transactions such as licensing agreements, mergers, acquisitions, joint ventures, and the like.

lawyer, vb. **1.** To practice as a lawyer <Mike spends his days and nights lawyering, with little time for recreation>. **2.** To supply with lawyers <the large law-school class will certainly help lawyer the state>. — **lawyering, n.**

lawyer-client privilege. See *attorney-client privilege* under PRIVILEGE (3).

lawyer-witness rule. The principle that an attorney who will likely be called as a fact witness at trial may not participate as an advocate in the case, unless the testimony will be about an uncontested matter or the amount of attorney's fees in the case, or if disqualifying the attorney would create a substantial hardship for the client. • The rule permits an attorney actively participating in the case to be a witness on merely formal matters but discourages testimony on other matters on behalf of a client. *Model Rules of Professional Conduct* Rule 3.7 (1987). — Also termed *advocate-witness rule*; *attorney-witness rule*.

lay, adj. **1.** Not ecclesiastical; nonclerical. **2.** Not expert, esp. with reference to law or medicine; nonprofessional.

lay, n. *Maritime law.* A share of the profits of a fishing or whaling trip, akin to wages, allotted to the officers and seamen.

lay, vb. To allege or assert.

"The Laying of Damages. — At common law the declaration must 'lay damages.'" Edwin E. Bryant, *The Law of Pleading Under the Codes of Civil Procedure* 209 (2d ed. 1899).

layaway. An agreement between a retail seller and a consumer to hold goods for future sale. • The seller sets the goods aside and agrees to sell them to the consumer at an agreed price in the future. The consumer deposits with the

seller some portion of the price of the goods, and may agree to other conditions with the seller, such as progress payments. The consumer receives the goods once the full purchase price has been paid.

lay corporation. See CORPORATION.

lay damages, vb. To allege damages, esp. in the complaint. See AD DAMNUM CLAUSE.

lay day. See DAY.

lay fee. See FEE (2).

lay impropriator (im-proh-pree-ay-tar). *Eccles. law.* A layperson holding a spiritual appropriation.

laying a foundation. *Evidence.* Introducing evidence of certain facts needed to render later evidence relevant, material, or competent. • For example, propounding a hypothetical question to an expert is necessary before the expert may render an opinion.

laying of the venue. A statement in a complaint naming the district or county in which the plaintiff proposes that any trial of the matter should occur. See VENUE.

lay investiture. *Eccles. law.* The ceremony of placing a bishop in possession of lands, money revenues, and other diocesan temporalities.

lay judge. See JUDGE.

layman. 1. A person who is not a member of the clergy. **2.** A person who is not a member of a profession or an expert on a particular subject. — Also termed *layperson*.

layoff. The termination of employment at the employer's instigation; esp., the termination — either temporary or permanent — of a large number of employees in a short time. — **lay off, vb.**

mass layoff. *Labor law.* Under the Worker Adjustment and Retraining Notification Act, a reduction in force that results in the loss of work at a single site, of 30 days or more, for at least 500 full-time employees, or 50 or more full-time employees if they make up at least 33 percent of the employees at that site. 29 USCA § 2101(a)(3). See WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

layoff bet. See BET.

layoff bettor. A bookmaker who accepts layoff bets from other bookmakers. See *layoff bet* under BET.

lay opinion testimony. See TESTIMONY.

layperson. 1. See LAYMAN. **2.** *Hist.* See JUROR.

lay system. *Maritime law.* A system in which a fishing vessel's catch is sold at auction, and then the proceeds are provided first to the provider of supplies and then to the master and crew.

lay tenure. See TENURE.

laytime. The period permitted for the unloading of a chartered vessel. • If more time is used to unload the vessel, the vessel's owner is entitled to compensation for the delay.

lay witness. See WITNESS.

LBO. See *leveraged buyout* under BUYOUT.

LC. abbr. 1. LETTER OF CREDIT. **2.** LETTER OF CREDENCE. — Also written L/C.

L-Claim proceeding. Under the Racketeer Influenced and Corrupt Organizations Act, a hearing that is connected with a criminal proceeding, and that is intended to ensure that property ordered to be forfeited belongs to the defendant. • A petition for an L-Claim proceeding is filed by someone other than the defendant who claims an interest in property that has been ordered to be forfeited. The proceeding's purpose is not to divide the defendant's estate among competing claimants, and general creditors of the defendant should not be allowed to maintain an L-Claim petition. To succeed, an L-Claim petitioner must be able to show an interest in a specific asset that has been ordered forfeited. The proceeding is referred to as an L-Claim proceeding because its legal basis is subsection *l* of RICO's penalty provision. 18 USCA § 1963(*l*)(2).

LEAA. abbr. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

leaching (leech-ing). The process by which moving fluid separates the soluble components of a material. • Under CERCLA, leaching is considered a release of contaminants. The term is sometimes used to describe the migration of contaminating materials, by rain or groundwa-

ter, from a fixed source, such as a landfill. 42 USCA § 9601(22).

lead counsel. See COUNSEL.

leading case. **1.** A judicial decision that first definitively settled an important legal rule or principle and that has since been often and consistently followed. • An example is *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602 (1966) (creating the exclusionary rule for evidence improperly obtained from a suspect being interrogated while in police custody). Cf. LANDMARK DECISION. **2.** An important, often the most important, judicial precedent on a particular legal issue. **3.** Loosely, a reported case that is cited as the dispositive authority on an issue being litigated. — Also termed (in sense 3) *ruling case*.

leading counsel. See *lead counsel* under COUNSEL.

leading economic indicator. See ECONOMIC INDICATOR.

leading indicator. See INDICATOR.

leading-object rule. See MAIN-PURPOSE RULE.

leading of a use. *Hist.* In a deed, the specification, before the levy of a fine of land, of the person to whose use the fine will inure. • If the deed is executed after the fine, it “declares” the use.

“As if A., tenant in tail, with reversion to himself in fee, would settle his estate on B. for life, remainder to C. in tail, remainder to D. in fee He therefore usually, after making the settlement proposed, covenants to levy a fine . . . and directs that the same shall enure to the uses in such settlement mentioned. This is now a deed to *lead* the uses of the fine or recovery, and the fine when levied, or recovery when suffered, shall enure to the uses so specified, and no other.” 2 William Blackstone, *Commentaries on the Laws of England* 363 (1766).

leading question. A question that suggests the answer to the person being interrogated; esp., a question that may be answered by a mere “yes” or “no.” • Leading questions are generally allowed only in cross-examination. — Also termed *categorical question*; *suggestive question*; *suggestive interrogation*.

lead-lag study. A survey used to determine the amount of working capital that a utility company must reserve and include in its rate base, by comparing the time the company has to pay its bills and the time taken by its customers to pay for service. • Lead time is the average number

of days between the company’s receipt and payment of invoices it receives. Lag time is the average number of days between the company’s billing of its customers and its receipt of payment. By analyzing the difference in timing between inward cash flow and outward cash flow, the amount of necessary reserves can be calculated.

leads doctrine. *Tax.* In a tax-evasion case, the rule that the government is obligated to investigate all the taxpayer’s leads that are reasonably accessible and that, if true, would establish the taxpayer’s innocence, or the government risks having the trial judge presume that any leads not investigated are true and exonerating.

league. **1.** A covenant made by nations, groups, or individuals for promoting common interests or ensuring mutual protection. **2.** An alliance or association of nations, groups, or individuals formed by such a covenant. **3.** A unit of distance, usu. measuring about three miles.

League of Nations. An organization of nations formed in 1919 to promote international cooperation and peace. • President Woodrow Wilson endorsed the League in an address to Congress, but the United States never joined. The League dissolved in 1946 and turned its assets over to the United Nations.

leakage. **1.** The waste of a liquid caused by its leaking from a storage container. **2.** An allowance against duties granted by customs to an importer of liquids for losses sustained by this waste. **3.** *Intellectual property.* Loss in value of a piece of intellectual property because of unauthorized copying. • The types of intellectual property most susceptible to leakage are recordable media such as compact discs and videotapes.

leal (leel), *adj.* [Law French] *Hist.* Loyal.

lean, *vb.* **1.** To incline or tend in opinion or preference. • A court is sometimes said to “lean against” the position of one of the advocates before it, meaning that the court regards the advocate’s position unfavorably. **2.** To yield; to submit.

leapfrog development. An improvement of land that requires the extension of public facilities from their current stopping point, through undeveloped land that may be scheduled for future development, to the site of the improvement.

leap year. See YEAR.

learned (lær-nid), *adj.* **1.** Having a great deal of learning; erudite. ● A lawyer might refer to an adversary as a “learned colleague” or “learned opponent,” which may be, depending on tone of voice, either a genuine compliment or a subtle slight. **2.** Well-versed in the law and its history. ● Statutes sometimes require that judges be “learned in the law,” a phrase commonly construed as meaning that they must have received a regular legal education.

learned intermediary. See *informed intermediary* under INTERMEDIARY.

learned-intermediary doctrine. The principle that a prescription-drug manufacturer fulfills its duty to warn of a drug’s potentially harmful effects by informing the prescribing physician, rather than the end-user, of those effects.

learned-treatise rule. *Evidence.* An exception to the hearsay rule, by which a published text may be established as authoritative, either by expert testimony or by judicial notice. ● Under the Federal Rules of Evidence, a statement contained in a published treatise, periodical, or pamphlet on sciences or arts (such as history and medicine) can be established as authoritative — and thereby admitted into evidence for the purpose of examining or cross-examining an expert witness — by expert testimony or by the court taking judicial notice of the authoritative nature or reliability of the text. If the statement is admitted into evidence, it may be read into the trial record, but it may not be received as an exhibit. Fed. R. Evid. 803(18).

learning, n. **1.** *Hist.* Legal doctrine. **2.** The act of acquiring knowledge.

lease, n. **1.** A contract by which a rightful possessor of real property conveys the right to use and occupy that property in exchange for consideration, usu. rent. ● The lease term can be for life, for a fixed period, or for a period terminable at will. **2.** Such a conveyance plus all covenants attached to it. **3.** The written instrument memorializing such a conveyance and its covenants. — Also termed *lease agreement*; *lease contract*. **4.** The piece of real property so conveyed. **5.** A contract by which the rightful possessor of personal property conveys the right to use that property in exchange for consideration.

assignable lease. A lease that can be transferred by a lessee. See SUBLEASE.

capital lease. See LEASE-PURCHASE AGREEMENT.

commercial lease. A lease for business purposes.

community lease. A lease in which a number of lessors owning interests in separate tracts execute a lease in favor of a single lessee.

concurrent lease. A lease that begins before a previous lease ends, entitling the new lessee to be paid all rents that accrue on the previous lease after the new lease begins, and to appropriate remedies against the holding tenant.

“A landlord who has granted a lease may nevertheless grant another lease of the same land for all or some of the period of the first lease. The second lease does not deprive the lessee under the first lease of the right to possession of the property, but is, in reality, a lease of the reversion. Because the two leases operate concurrently during at least some part of their respective durations, they are known as ‘concurrent leases.’” Peter Butt, *Land Law* 233 (2d ed. 1988).

consumer lease. 1. A lease of goods by a person who is in the business of selling or leasing a product to someone who leases it primarily for personal or household use. UCC § 2A-103(1)(e). **2.** A residential — rather than commercial — lease.

durable lease. A lease that reserves a rent payable annually, usu. with a right of reentry for nonpayment.

edge lease. Oil & gas. A lease located on the edge of a field.

finance lease. A fixed-term lease used by a business to finance capital equipment. ● The lessor’s service is usu. limited to financing the asset, and the lessee pays maintenance costs and taxes and has the option of purchasing the asset at lease-end for a nominal price. Finance leases strongly resemble security agreements and are written almost exclusively by financial institutions as a way to help a commercial customer obtain an expensive capital item that the customer might not otherwise be able to afford. UCC § 2A-103(1)(g). — Also termed *full payout lease*.

“By carving out the ‘finance lease’ for special treatment, the drafters of Article 2A have recognized a distinct species of lease that is written almost exclusively by financial institutions and — although treated as a true lease — does not normally carry with it certain of the responsibilities that the typical lessor bears under Article 2A.” 2 James J. White & Robert S. Summers, *Uniform Commercial Code* § 13-3, at 4 (4th ed. 1995).

“A finance lease is the product of a three-party transaction. The supplier manufactures or supplies the goods

pursuant to the lessee's specification, perhaps even pursuant to a purchase order, sales agreement, or lease agreement between the supplier and the lessee. After the prospective finance lease is negotiated, a purchase order, sales agreement, or lease agreement is entered into by the lessor (as buyer or prime lessee) or an existing order, agreement, or lease is assigned by the lessee to the lessor, and the lessor and the lessee then enter into a lease or sublease of the goods. Due to the limited function usually performed by the lessor, the lessee looks almost entirely to the supplier for representations, covenants, and warranties. If a manufacturer's warranty carries through, the lessee may also look to that. Yet, this definition does not restrict the lessor's function solely to the supply of funds; if the lessor undertakes or performs other functions, express warranties, covenants, and the common law will protect the lessee." UCC § 2A-102 cmt. at 14-15 (Proposed Final Draft, 30 Apr. 1999).

full-service lease. A lease in which the lessor agrees to pay all maintenance expenses, insurance premiums, and property taxes.

graduated lease. A lease in which rent varies depending on future contingencies, such as operating expenses or gross income.

gross lease. A lease in which the lessee pays a flat amount for rent, out of which the lessor pays all the expenses (such as gas, water, and electricity).

ground lease. A long-term (usu. 99-year) lease of land only. • Such a lease typically involves commercial property, and any improvements built by the lessee usu. revert to the lessor. — Also termed *ground-rent lease*; *land lease*.

headlease. See HEADLEASE.

index lease. A lease that provides for increases in rent according to the increases in the consumer price index.

land lease. See *ground lease*.

leveraged lease. A lease that is collateral for the loan through which the lessor acquired the leased asset, and that provides the lender's only recourse for nonpayment of the debt; a lease in which a creditor provides nonrecourse financing to the lessor (who has substantial leverage in the property) and in which the lessor's net investment in the lease, apart from nonrecourse financing, declines during the early years and increases in later years. — Also termed *third-party equity lease*; *tax lease*.

master lease. A lease that controls later leases or subleases.

mineral lease. A lease in which the lessee has the right to explore for and extract oil, gas, or other minerals. • The rent usu. is

based on the amount or value of the minerals extracted.

mining lease. A lease of a mine or mining claim, in which the lessee has the right to work the mine or claim, usu. with conditions on the amount and type of work to be done. • The lessor is compensated in the form of either fixed rent or royalties based on the amount of ore mined.

month-to-month lease. A tenancy with no written contract. • Rent is paid monthly, and usu. one month's notice by the landlord or tenant is required to terminate the tenancy. See *periodic tenancy* under TENANCY.

net lease. A lease in which the lessee pays rent plus property expenses (such as taxes and insurance).

net-net-net lease. A lease in which the lessee pays all the expenses, including mortgage interest and amortization, leaving the lessor with an amount free of all claims. — Also termed *triple net lease*.

oil-and-gas lease. A lease granting the right to extract oil and gas from a specified piece of land. • Although called a "lease," this interest is typically considered a determinable fee in the minerals rather than a grant of possession for a term of years.

operating lease. A lease of property (esp. equipment) for a term that is shorter than the property's useful life. • Under an operating lease, the lessor is responsible for paying taxes and other expenses on the property. Cf. *capital lease*; LEASE-PURCHASE AGREEMENT.

parol lease (pə-rohl or par-əl). A lease based on an oral agreement; an unwritten lease.

percentage lease. A lease in which the rent is based on a percentage of gross (or net) sales or profits, with a set minimum rent.

perpetual lease. 1. An ongoing lease not limited in duration. 2. A grant of lands in fee with a reservation of a rent in fee; a fee farm.

proprietary lease. A lease between a cooperative apartment association and a tenant.

sandwich lease. A lease in which the lessee subleases the property to a third party, esp. for more rent than under the original lease.

short lease. A lease of brief duration, often less than six months.

sublease. See SUBLEASE.

synthetic lease. A method for financing the purchase of real estate, whereby the lender creates a special-purpose entity that buys the property and then leases it to the ultimate

user (usu. a corporation). ● A synthetic lease is treated as a loan for tax purposes and as an operating lease for accounting purposes, so that the "lessee" can deduct the property's depreciation and the loan's interest yet keep both the asset and the debt off its balance sheet.

tax lease. **1.** The instrument or estate given to the purchaser of land at a tax sale when the law does not permit the sale of an estate in fee for nonpayment of taxes but instead directs the sale of an estate for years. **2.** See *leveraged lease*.

third-party equity lease. See *leveraged lease*.

timber lease. A real-property lease that contemplates that the lessee will cut timber on the leased premises.

top lease. A lease granted on property already subject to a mineral lease, and taking effect only if the existing lease expires or terminates.

unless lease. *Oil & gas.* A lease that terminates automatically unless the lessee begins drilling operations or begins making delay-rental payments.

lease, vb. **1.** To grant the possession and use of (land, buildings, rooms, movable property, etc.) to another in return for rent or other consideration <the city leased the stadium to the football team>. **2.** To take a lease of; to hold by a lease <Carol leased the townhouse from her uncle>.

lease agreement. See LEASE (3).

lease and release. *Hist.* A method of transferring seisin without livery, whereby the owner and the transferee would enter into a lease for a term of years, to take effect only when the transferee entered the property, whereupon the owner would release all interest in the property to the transferee by written instrument. ● Once the transferee owned both the term and the freehold interest, the two interests would merge to form one estate in fee simple. This lease-and-release procedure was fully acceptable to the courts, on the theory that livery of seisin to one already occupying the land was unnecessary.

leaseback, n. The sale of property on the understanding, or with the express option, that the seller may lease the property from the buyer immediately upon the sale. — Also termed *sale and leaseback*.

lease contract. See LEASE (3).

lease for years. See *tenancy for a term* under TENANCY.

leasehold, n. A tenant's possessory estate in land or premises, the four types being the tenancy for years, the periodic tenancy, the tenancy at will, and the tenancy at sufferance. ● Although a leasehold has some of the characteristics of real property, it has historically been classified as a chattel real. — Also termed *leasehold estate*; *leasehold interest*. See TENANCY. Cf. FREEHOLD.

leasehold improvements. Beneficial changes to leased property (such as a parking lot or driveway) made by or for the benefit of the lessee. ● The phrase is used in a condemnation proceeding to determine the share of compensation to be allocated to the lessee.

leasehold interest. **1.** LEASEHOLD; esp., for purposes of eminent domain, the lessee's interest in the lease itself, measured by the difference between the total remaining rent and the rent the lessee would pay for similar space for the same period. **2.** A lessor's or lessee's interest under a lease contract. UCC § 2A-103. **3.** WORKING INTEREST.

leasehold mortgage. See MORTGAGE.

leasehold mortgage bond. See BOND (3).

leasehold value. The value of a leasehold interest. ● This term usu. applies to a long-term lease when the rent paid under the lease is lower than current market rates. Some states permit the lessee to claim the leasehold interest from the landlord in a condemnation proceeding, unless the lease prohibits such a claim. Other states prohibit these claims by statute. See LEASEHOLD INTEREST; NO-BONUS CLAUSE.

lease insurance. See INSURANCE.

lease-lend. See LEND-LEASE.

lease-purchase agreement. A rent-to-own purchase plan under which the buyer takes possession of the goods with the first payment and takes ownership with the final payment; a lease of property (esp. equipment) by which ownership of the property is transferred to the lessee at the end of the lease term. ● Such a lease is usu. treated as an installment sale. Under a capital lease, the lessee is responsible for pay-

ing taxes and other expenses on the property. — Also termed *lease-to-purchase agreement*; *hire-purchase agreement*; *capital lease*. Cf. *operating lease* under LEASE.

least-intrusive-means doctrine. A doctrine requiring the government to exhaust all other investigatory means before seeking sensitive testimony, as by compelling an attorney to testify before a grand jury on matters that may be protected by the attorney-client privilege.

least-intrusive-remedy doctrine. The rule that a legal remedy should provide the damaged party with appropriate relief, without unduly penalizing the opposing party or the jurisdiction's legal system, as by striking only the unconstitutional portion of a challenged statute while leaving the rest of the statute intact.

least-restrictive educational environment. See LEAST-RESTRICTIVE ENVIRONMENT.

least-restrictive environment. Under the Individuals with Disabilities Education Act, the school setting that, to the greatest extent appropriate, educates a disabled child together with children who are not disabled. 20 USCA § 1412(5). — Also termed *least-restrictive-educational environment*. Cf. MAINSTREAMING.

least-restrictive-means test. The rule that a law or governmental regulation, even when based on a legitimate governmental interest, should be crafted in a way that will protect individual civil liberties as much as possible, and should be only as restrictive as is necessary to accomplish a legitimate governmental purpose.

leaute (low-tay), *n.* [Law French "legality"] *Hist.* Legality; the condition of a lawful man (*legalis homo*). See LEGALIS HOMO.

leave, *vb.* **1.** To give by will; to bequeath or devise <she left her ranch to her stepson>. **2.** To depart willfully with the intent not to return <Nelson left Texas and became a resident of Massachusetts>. **3.** To depart.

leave and license. *Hist.* In an action for trespass to land, the defense that the plaintiff consented to the defendant's presence.

leave no issue, *vb.* To die without a surviving child, children, or descendants. • The spouse of a deceased child is usu. not issue.

leave of absence. A worker's temporary absence from employment or duty with the intention to return. • Salary and seniority normally are unaffected by a leave of absence.

leave of court. Judicial permission to follow a nonroutine procedure <the defense sought leave of court to allow the defendant to exit the courtroom when the autopsy photographs are shown>. — Often shortened to *leave*.

LEC. *abbr.* LOCAL-EXCHANGE CARRIER.

leccator (lə-kay-tər). [Latin] *Archaic.* A debauched person; a lecher. — Also termed *leccator*.

lecherwite (lech-ər-wit). See LAIRWITE.

lecture method. See HORNBOOK METHOD.

ledger (lej-ər). **1.** A book or series of books used for recording financial transactions in the form of debits and credits. — Also termed *general ledger*. **2.** *Archaic.* A resident ambassador or agent. — Also termed (in sense 2) *leger*; *lieger*.

ledo (lee-doh), *n.* [Latin] *Hist.* The rising water of the sea; neap tide. See *neap tide* under TIDE.

leet (leet). *Hist.* A criminal court. • The last remaining leets were abolished in England in 1977.

"Leet is a court derived out of the sheriff's turn, and inquires of all offences under the degree of high treason that are committed against the crown and dignity of the king. But those offences which are to be punished with loss of life or member, are only inquirable there, and to be certified over to the justices of assise. See stat. 1 E. 3, c. 17." *Termes de la Ley* 278-79 (1st Am. ed. 1812).

left-handed marriage. See *morganatic marriage* under MARRIAGE.

legabilis (lə-gay-bə-lis), *n.* [Latin] *Hist.* Property or goods that may be given by will. • As an adjective, the term also meant "bequeathable."

legacy (leg-ə-see), *n.* A gift by will, esp. of personal property and often of money. Cf. BEQUEST; DEVISE.

absolute legacy. A legacy given without condition and intended to vest immediately.

accumulated legacy. A legacy that has not yet been paid to a legatee.

accumulative legacy. 1. Another legacy given to a legatee, but by a different will. 2. See *additional legacy*.

additional legacy. Another legacy given to a legatee in the same will (or in a codicil to the same will) that gave the first legacy. — Also termed *accumulative legacy*.

alternate legacy. A legacy by which the testator gives the legatee a choice of one of two or more items.

conditional legacy. A legacy that will take effect or be defeated subject to the occurrence or nonoccurrence of an event.

contingent legacy. A legacy that depends on an uncertain event and thus has not vested. ● An example is a legacy given to one's granddaughter "if or when she attains the age of 21."

cumulative legacies. Two or more legacies that, being given in the same will to the same person (often in similar language), are considered additional to one another and not merely a repeated expression of the same gift.

demonstrative legacy (di-mon-strə-tiv). A legacy paid from a particular source if that source has enough money. ● If it does not, the amount of the legacy not paid from that source is taken from the estate's general assets.

general legacy. A gift of personal property that the testator intends to come from the general assets of the estate, payable in money or items indistinguishable from each other, such as shares of stock.

lapsed legacy. A legacy to a legatee who dies either before the testator dies or before the legacy is payable. ● It falls into the residual estate unless the jurisdiction has an antilapse statute. See ANTILAPSE STATUTE.

modal legacy (moh-dəl). A legacy accompanied by directions about the manner in which it will be applied to the legatee's benefit <a modal legacy for the purchase of a business>.

pecuniary legacy (pi-kyoo-nee-er-ee). A legacy of a sum of money.

residuary legacy (ri-zij-oo-er-ee). A legacy of the estate remaining after the satisfaction of all claims and all specific, general, and demonstrative legacies.

specific legacy. A legacy of property that can be distinguished from the other property forming the testator's estate. — Also termed *special legacy*.

substitutional legacy. A legacy that replaces a different legacy already given to a legatee.

trust legacy. A legacy of personal property to trustees to be held in trust, with the income usu. paid to a specified beneficiary.

vested legacy. A legacy given in such a way that the legatee has a fixed, indefeasible right to its payment. ● A legacy is said to be vested when the testator's words making the bequest convey a transmissible interest, whether present or future, to the legatee. Thus, a legacy to be paid when the legatee reaches the age of 21 is a vested legacy because it is given unconditionally and absolutely. Although the legacy is vested, the legatee's enjoyment of it is deferred.

void legacy. A legacy that never had any legal existence. ● The subject matter of such a legacy is treated as a part of the estate and passes under the residuary clause of a will or (in the absence of a residuary clause) under the rules for intestate succession.

legacy duty. 1. A tax on a legacy, often with the provision that the rate increases as the relationship of the legatee becomes more remote from the testator. — Also termed *collateral inheritance tax*. 2. *Hist.* A tax imposed on personal property (other than a leasehold) passing by will or through intestacy.

legacy tax. See TAX.

legal, adj. 1. Of or relating to law; falling within the province of law <pro bono legal services>. 2. Established, required, or permitted by law; LAWFUL <it is legal to carry a concealed handgun in some states>. 3. Of or relating to law as opposed to equity.

legal act. 1. Any act not condemned as illegal. ● For example, a surgeon's incision is a legal act, while stabbing is an illegal one. 2. An action or undertaking that creates a legally recognized obligation; an act that binds a person in some way.

"A lunatic, though capable of holding property, was in Roman law incapable of any legal act." Thomas E. Holland, *The Elements of Jurisprudence* 354 (13th ed. 1924).

3. See *act in the law* under ACT (2). 4. See *act of the law* under ACT (2).

legal-acumen doctrine (lee-gəl-ə-kyoo-mən). The principle that if a defect in, or the invalidity of, a claim to land cannot be discovered without legal expertise, then equity may be

invoked to remove the cloud created by the defect or invalidity.

legal-advice exception. **1.** The rule that an attorney may withhold as privileged the client's identity and information regarding fees, if there is a strong probability that disclosing the information would implicate the client in the criminal activity for which the attorney was consulted. **2.** An exemption contained in open-meetings legislation, permitting a governmental body to meet in closed session to consult with its attorney about certain matters.

legal age. See *age of capacity* under AGE.

legal aid. Free or inexpensive legal services provided to those who cannot afford to pay full price. • Legal aid is usu. administered locally by a specially established organization. See LEGAL SERVICES CORPORATION.

legal analyst. See PARALEGAL.

legal asset. See ASSET.

legal assistant. **1.** PARALEGAL. **2.** A legal secretary.

legal brief. See BRIEF.

legal capital. See CAPITAL.

legal cause. See *proximate cause* under CAUSE (1).

legal centralism. The theory suggesting that state-constructed legal entities form the center of legal life and control lesser normative systems (such as the family or business networks) that define appropriate behavior and social relationships. — Also termed *legal centrism*; *lego-centrism* (lee-goh-sen-triz-əm).

legal-certainty test. *Civil procedure.* A test designed to establish whether the jurisdictional amount has been met. • The amount claimed in the complaint will control unless there is a "legal certainty" that the claim is actually less than the minimum amount necessary to establish jurisdiction. See AMOUNT IN CONTROVERSY.

legal citology (sī-tol-ə-jee). The study of citations (esp. in footnotes) and their effect on legal scholarship. — Often shortened to *citology*. — **legal citologist** (sī-tol-ə-jist), *n.*

Legal Code. See CODE (2).

legal conclusion. A statement that expresses a legal duty or result but omits the facts creating or supporting the duty or result. Cf. CONCLUSION OF LAW; CONCLUSION OF FACT; FINDING OF FACT.

legal consideration. See *valuable consideration* under CONSIDERATION.

legal cruelty. See CRUELTY.

legal custody. See CUSTODY (2), (3).

legal custom. See CUSTOM.

legal death. **1.** See *brain death* under DEATH. **2.** CIVIL DEATH.

legal debt. See DEBT.

legal defense. See DEFENSE (1).

legal demand. See DEMAND (1).

legal dependent. See DEPENDENT.

legal description. A formal description of real property, including a description of any part subject to an easement or reservation, complete enough that a particular piece of land can be located and identified. • The description can be made by reference to a government survey, metes and bounds, or lot numbers of a recorded plat. — Also termed *land description*.

legal discretion. See *judicial discretion* under DISCRETION.

legal distributee. See DISTRIBUTEE.

legal duty. See DUTY (1).

legal-elements test. *Criminal law.* A method of determining whether one crime is a lesser-included offense in relation to another crime, by examining the components of the greater crime to analyze whether a person who commits the greater crime necessarily commits the lesser one too. — Also termed *same-elements test*.

legal entity. A body, other than a natural person, that can function legally, sue or be sued, and make decisions through agents. • A typical example is a corporation. Cf. LEGAL PERSON.

legalese (lee-gə-leez). The jargon characteristically used by lawyers, esp. in legal documents <the partner chided the associate about the rampant legalese in the draft sublease>. Cf. PLAIN-LANGUAGE MOVEMENT.

legal estate. See ESTATE.

legal estoppel. See ESTOPPEL.

legal ethics. **1.** The standards of minimally acceptable conduct within the legal profession, involving the duties that its members owe one another, their clients, and the courts. — Also termed *etiquette of the profession*. **2.** The study or observance of those duties. **3.** The written regulations governing those duties. See MODEL RULES OF PROFESSIONAL CONDUCT.

legal evidence. See EVIDENCE.

legal excuse. See EXCUSE.

legal fact. See FACT.

legal father. See FATHER.

legal fence. See LAWFUL FENCE.

legal fiction. An assumption that something is true even though it may be untrue, made esp. in judicial reasoning to alter how a legal rule operates. ● The constructive trust is an example of a legal fiction. — Also termed *fiction of law*; *fictio juris*.

"I ... employ the expression 'Legal Fiction' to signify any assumption which conceals, or affects to conceal, the fact that a rule of law has undergone alteration, its letter remaining unchanged, its operation being modified.... It is not difficult to understand why fictions in all their forms are particularly congenial to the infancy of society. They satisfy the desire for improvement, which is not quite wanting, at the same time that they do not offend the superstitious disrelish for change which is always present." Henry S. Maine, *Ancient Law* 21-22 (17th ed. 1901).

"Legal fiction is the mask that progress must wear to pass the faithful but bleary-eyed watchers of our ancient legal treasures. But though legal fictions are useful in thus mitigating or absorbing the shock of innovation, they work havoc in the form of intellectual confusion." Morris R. Cohen, *Law and the Social Order* 126 (1933).

legal force. See *reasonable force* under FORCE.

legal formalism, n. The theory that law is a set of rules and principles independent of other political and social institutions. ● Legal formalism was espoused by such scholars as Christo-

pher Columbus Langdell and Lon Fuller. — **legal formalist, n.** Cf. LEGAL REALISM.

legal fraud. See *constructive fraud* (1) under FRAUD.

legal heir. See HEIR (1).

legal holiday. A day designated by law as exempt from court proceedings, issuance of process, and the like. ● Legal holidays vary from state to state. — Sometimes shortened to *holiday*. — Also termed *nonjudicial day*.

legal impossibility. See IMPOSSIBILITY.

legal inconsistency. See *legally inconsistent verdict* under VERDICT.

legal injury. See INJURY.

legal-injury rule. The doctrine that the statute of limitations on a claim does not begin to run until the claimant has sustained some legally actionable damage. ● Under this rule, the limitations period is tolled until the plaintiff has actually been injured. — Also termed *damage rule*.

legal innocence. See INNOCENCE.

legal insanity. See INSANITY.

legal interest. See INTEREST (2).

legal intromission. See INTROMISSION.

legal investments. See LEGAL LIST.

legalis homo (lə-gay-lis hoh-moh). [Latin "lawful man"] *Hist.* A person who has full legal capacity and full legal rights; one who has not been deprived of any rights in court by outlawry, excommunication, or infamy. ● A *legalis homo* was said to stand *rectus in curia* ("right in court"). A lawful man was able to serve as a juror and to swear an oath. Pl. **legales homines** (lə-gay-leez hom-ə-nee-z). — Also termed *legal man*; *lawful man*; *lageman*; *liber et legalis homo*. See RECTUS IN CURIA.

legalism, n. **1.** Formalism carried almost to the point of meaninglessness; an inclination to exalt the importance of law or formulated rules in any area of action.

"What is legalism? It is the ethical attitude that holds moral conduct to be a matter of rule following, and

moral relationships to consist of duties and rights determined by rules." Judith N. Shklar, *Legalism: Law, Morals, and Political Trials* 1 (1964).

"If . . . the law and the lawyer are to make a socially valuable contribution to the operation of the social security system, there must be abandoned old-established habits of thought as to the nature of law and the whole gamut of practices summed up in the layman's word of deadly insult, 'legalism' — his word for rigid attachment to legal precedent, the substitution of legal rule for policy, the fettering of discretion, the adversary style, the taking of technical points, formality." Leslie Scarman, *English Law — The New Dimension* 43 (1974).

2. A mode of expression characteristic of lawyers; a jargonistic phrase characteristic of lawyers, such as "pursuant to."

legalis moneta Angliae (lə-gay-lis mə-nee-tə ang-gee-ee), *n.* [Latin] Lawful money of England.

legal issue. See ISSUE (1).

legalist, n. A person who views things from a legal or formalistic standpoint; esp., one who believes in strict adherence to the letter of the law rather than its spirit.

legalistic, adj. Characterized by legalism; exalting the importance of law or formulated rules in any area of action <a legalistic argument>.

legality, 1. Strict adherence to law, prescription, or doctrine; the quality of being legal. **2.** The principle that a person may not be prosecuted under a criminal law that has not been previously published. — Also termed (in sense 2) *principle of legality*.

legalize, vb. 1. To make lawful; to authorize or justify by legal sanction <the bill to legalize marijuana never made it to the Senate floor>. **2.** To imbue with the spirit of the law; to make legalistic <legalized conceptions of religion>. — **legalization, n.**

legalized nuisance. See NUISANCE.

legal jeopardy. See JEOPARDY.

legal liability. See LIABILITY.

legal life estate. See *life estate* under ESTATE.

legal life tenant. See LIFE TENANT.

legal list. A group of investments in which institutions and fiduciaries (such as banks and

insurance companies) may legally invest according to state statutes. • States usu. restrict the legal list to high-quality securities meeting certain specifications. — Also termed *approved list*; *legal investments*.

legally, adv. In a lawful way; in a manner that accords with the law.

legally determined, adj. (Of a claim, issue, etc.) decided by legal process <liability for the accident was legally determined>.

legally incapacitated person. A person, other than a minor, who is permanently or temporarily impaired by mental illness, mental deficiency, physical illness or disability, or use of drugs or alcohol to the extent that the person lacks sufficient understanding to make or communicate responsible personal decisions or to enter into contracts. — Abbr. LIP. — Also termed *legally incompetent person*; *incompetent, n.*

legally inconsistent verdict. See VERDICT.

legally liable. See LIABLE.

legally sufficient consideration. See *sufficient consideration* under CONSIDERATION.

legal malice. See *implied malice* under MALICE.

legal malpractice. See MALPRACTICE.

legal man. See LEGALIS HOMO.

legal maxim. See MAXIM.

legal memory. The period during which a legal right or custom can be determined or established. • Traditionally, common-law legal memory began in the year 1189, but in 1540 it became a steadily moving period of 60 years. Cf. TIME IMMEMORIAL (1).

"Because of the importance to feudal landholders of seisin and of real property in general, the writ of right has been called 'the most solemn of all actions.' Nevertheless, it was believed that the time within which such a complainant would be allowed to prove an ancestor to have been seised of the estate in question must be limited. At first this was done by selecting an arbitrary date in the past, before which 'legal memory' would not run. The date initially was Dec. 1, 1135 (the death of Henry I); in 1236 it was changed by statute to Dec. 19, 1154 (the coronation of Henry II); and in 1275 it became Sept. 3, 1189 (the coronation of Richard I). Finally, in 1540, an arbitrary period of sixty years was set as the period of 'legal memory.' The latter change was probably

made because it was felt that a 350-year statute of limitations was somewhat awkward." Thomas F. Bergin & Paul G. Haskell, *Preface to Estates in Land and Future Interests* 45 n.65 (2d ed. 1984).

legal mind. The intellect, legal capacities, and attitudes of a well-trained lawyer — often used as a personified being <although this distinction occurs naturally to the legal mind, it is too technical to be satisfactory >.

legal monopoly. See MONOPOLY.

legal moralism. The theory that a government or legal system may prohibit conduct that is considered immoral.

legal mortgage. See MORTGAGE.

legal name. See NAME.

legal negligence. See *negligence per se* under NEGLIGENCE.

legal newspaper. See NEWSPAPER.

legal notice. See NOTICE.

legal obligation. See OBLIGATION.

legal officer. See OFFICER (2).

legal opinion. See OPINION (2).

legal order. 1. Traditionally, a set of regulations governing a society and those responsible for enforcing them. 2. Modernly, such regulations and officials plus the processes involved in creating, interpreting, and applying the regulations.

legal owner. See OWNER.

legal paternalism. The theory that a government or legal system is justified in controlling the individual affairs of the citizens. • This theory is often associated with legal positivists. See PATERNALISM; LEGAL POSITIVISM.

legal person. See *artificial person* under PERSON. Cf. LEGAL ENTITY.

legal personality. See PERSONALITY.

legal-personal representative. See REPRESENTATIVE.

legal philosophy. See *general jurisprudence* under JURISPRUDENCE.

legal portion. See LEGITIME.

legal positivism, n. The theory that legal rules are valid only because they are enacted by an existing political authority or accepted as binding in a given society, not because they are grounded in morality or in natural law. • Legal positivism has been espoused by such scholars as H.L.A. Hart. — **legal positivist, n.** See POSITIVE LAW. Cf. LOGICAL POSITIVISM.

"[I]t will be helpful to offer some comparisons between legal positivism and its counterpart in science. Scientific positivism condemns any inquiry projecting itself beyond observable phenomena; it abjures metaphysics, it renounces in advance any explanation in terms of ultimate causes. Its program of research is to chart the regularities discernible in the phenomena of nature at the point where they become open to human observation, without asking — as it were — how they got there. In the setting of limits to inquiry there is an obvious parallel between scientific and legal positivism. The legal positivist concentrates his attention on law at the point where it emerges from the institutional processes that brought it into being. It is the finally made law itself that furnishes the subject of his inquiries. How it was made and what directions of human effort went into its creation are for him irrelevancies." Lon L. Fuller, *Anatomy of the Law* 177-78 (1968).

legal possessor. One with the legal right to possess property, such as a buyer under a conditional sales contract, as contrasted with the legal owner who holds legal title. See *legal owner* under OWNER.

legal practice. See PRACTICE OF LAW.

legal practitioner. A lawyer.

"Legal practitioners may be either barristers, special pleaders not at the bar, certified conveyancers, or solicitors. The three latter may recover their fees, but the first may not, their acting being deemed of a voluntary nature, and their fees merely in the light of honorary payments; and it follows from this, that no action lies against them for negligence or unskilfulness." John Indermaur, *Principles of the Common Law* 169 (Edmund H. Bennett ed., 1st Am. ed. 1878).

legal prejudice. See PREJUDICE.

legal presumption. See *presumption of law* under PRESUMPTION.

legal proceeding. Any proceeding authorized by law and instituted in a court or tribunal to acquire a right or to enforce a remedy.

legal process. See PROCESS.

legal question. See QUESTION OF LAW.

legal rate. See INTEREST RATE.

legal realism, n. The theory that law is based, not on formal rules or principles, but instead on judicial decisions that should derive from social interests and public policy. • American legal realism — which flourished in the early 20th century — was espoused by such scholars as John Chipman Gray, Oliver Wendell Holmes, and Karl Llewellyn. — **legal realist, n.** Cf. LEGAL FORMALISM.

legal regime. See REGIME.

legal relation. The connection in law between one person or entity and another; *VINCULUM JURIS*.

legal remedy. See REMEDY.

legal representative. See *personal representative* under REPRESENTATIVE.

legal rescission. See RESCISSION.

legal research. 1. The finding and assembling of authorities that bear on a question of law. **2.** The field of study concerned with the effective marshaling of authorities that bear on a question of law.

legal reserve. See RESERVE.

legal residence. See DOMICILE (2).

legal right. See RIGHT.

legal ruling. See RULING.

legal science. The field of study that, as one of the social sciences, deals with the institutions and principles that particular societies have developed (1) for defining the claims and liabilities of persons against one another in various circumstances, and (2) for peaceably resolving disputes and controversies in accordance with principles accepted as fair and right in the particular community at a given time.

legal secretary. An employee in a law office whose responsibilities include typing legal documents and correspondence, keeping records and files, and performing other duties supportive of the employer's law practice. • Legal secretaries usu. are more highly skilled, and

therefore more highly compensated, than secretaries in general business.

legal seisin. See *seisin in law* under SEISIN.

legal separation. See SEPARATION (1).

Legal Services Corporation. A corporation established by the Legal Services Corporation Act of 1974 (42 USCA § 2996) to provide legal help to clients who cannot afford legal services.

legal servitude. See SERVITUDE (1).

legal signature. See SIGNATURE.

legal subdivision. See SUBDIVISION.

legal subrogation. See SUBROGATION.

legal succession. See SUCCESSION (2); DESCENT.

legal tender. The money (bills and coins) approved in a country for the payment of debts, the purchase of goods, and other exchanges for value. See TENDER (4).

legal theory. 1. See *general jurisprudence* under JURISPRUDENCE. **2.** The principle under which a litigant proceeds, or on which a litigant bases its claims or defenses in a case.

legal title. See TITLE (2).

legal usufruct. See USUFRUCT.

legal voter. See VOTER (2).

legal willfulness. See WILLFULNESS.

legal wrong. See WRONG.

legantine. See LEGATINE.

legare (lə-gair-ee), *vb.* [Latin] *Roman law.* To bequeath or give (property) by will.

legatarius (leg-ə-tair-ee-əs), *n.* [Latin] **1. Roman law.** The person to whom property is bequeathed. **2. Hist.** A legate; a messenger or envoy. See LEGATE.

legatary (leg-ə-ter-ee). *Archaic.* See LEGATEE.

legate (leg-it). [fr. Latin *legare* "to send as deputy"] **1. Roman law.** An official undertak-

ing a special mission for the emperor, such as assisting in a judicial function or conducting a census. **2.** *Roman law.* A senator or other official chosen to assist the emperor, a governor, or a general in a military or administrative activity. **3.** A papal representative who may or may not have both diplomatic and ecclesiastical status; a diplomatic agent of the Vatican.

legate a latere (ay lat-ə-ree). See LEGATUS.

legate missus (mis-əs). See LEGATUS.

legate natus (nay-təs). See LEGATUS.

4. A representative of a state or the highest authority in a state; an ambassador; a person commissioned to represent a country in a foreign country. — Also termed *legatus*. — **legatine**, *adj.*

legate (lə-gayt), *vb.* To give or leave as a legacy; BEQUEATH.

legatee (leg-ə-tee). **1.** One who is named in a will to take personal property; one who has received a legacy or bequest. **2.** Loosely, one to whom a devise of real property is given. — Also termed (archaically) *legatary*.

residuary legatee (ri-zij-oo-er-ee). A person designated to receive the residue of a decedent's estate. See *residuary estate* under ESTATE.

specific legatee. The recipient, under a will, of designated property that is transferred by the owner's death.

legatine (leg-ə-tin or -tɪn), *adj.* Of or relating to a legate. — Also termed (erroneously) *legatine*.

legatine constitution. *Hist. Eccles. law.* A code of ecclesiastical laws enacted in English national synods in 1220 and 1268. • The synods were held under papal legates during the reign of Henry III.

legatine court. A court held by a papal legate and having ecclesiastical jurisdiction.

legation (lə-gay-shən). **1.** The act or practice of sending a diplomat to another country; a diplomatic mission. **2.** A body of diplomats sent to a foreign country and headed by an envoy extraordinary or a minister plenipotentiary. **3.** The official residence of a diplomatic minister in a foreign country. Cf. EMBASSY.

legator (lə-gay-tər or leg-ə-tor). One who bequeaths a legacy; TESTATOR.

legatory (leg-ə-tor-ee), *n.* *Hist.* The one-third portion of a freeman's estate in land that he could dispose of by will. • The other two portions of the estate were subject to claims of the wife and children.

legatum (lə-gay-təm), *n.* [Latin fr. *legare* "to bequeath"] **1.** *Roman law.* A legacy; a gift left by a deceased person to be paid from the estate by the heir. **2.** *Hist.* A legacy to the church or burial place.

legatum optionis (lə-gay-təm op-shee-oh-nis), *n.* [Latin] *Roman law.* A legacy of one of several items that the designated beneficiary chooses from the testator's estate. • Originally, if the heir died after the testator but before making the selection, the heir's representative was unable to make the choice and the legacy failed. Justinian later changed the law to make selection by the representative under these circumstances valid.

legatus (lə-gay-təs). A legate. Pl. **legati** (lə-gay-ti) See LEGATE.

legatus a latere (ay lat-ə-ree). [Latin "legate from the (Pope's) side"] A papal legate (esp. a cardinal) appointed for a special diplomatic mission and not as a permanent representative. • This is a type of *legatus missus*. — Also termed *legate a latere*. Cf. NUNCIO.

legatus missus (mis-əs). [Latin "legate sent"] A legate sent on a special mission. — Also termed *legate missus*; *legatus datus* (day-təs).

legatus natus (nay-təs). [Latin "legate born"] A bishop or archbishop who claims to be a legate by virtue of office in an important see, such as Canterbury. — Also termed *legate natus*.

legem amittere (lee-jəm ə-mit-ə-ree), *vb.* [Latin "to lose one's law"] *Hist.* To lose the privilege of taking an oath, usu. because of a criminal conviction.

legem facere (lee-jəm fay-sə-ree), *vb.* [Law Latin] *Hist.* To make an oath; to wage law.

legem ferre (lee-jəm fer-ee), *vb.* [Latin "to carry the proposal"] *Roman law.* To propose a law to the public.

legem habere (lee-jəm hə-beer-ee), *vb.* [Latin] *Hist.* To be able to testify under oath. • Witnesses with criminal convictions were unable to

testify until the 19th century, by the Evidence Act of 1843 (6 & 7 Vict., ch. 85).

legem jubere (lee-jəm jə-beer-ee), *vb.* [Latin] *Roman law.* To pass a proposed law.

legem ponere (lee-jəm poh-nə-ree), *vb.* [Latin] *Hist.* **1.** To propound a law. **2.** To pay in cash.

legem sciscere (lee-jəm sis-ə-ree), *vb.* [Latin] *Roman law.* (Of the people) to consent to a proposed law.

legem vadiare (lee-jəm vad-ee-air-ee), *vb.* [Latin] *Hist.* To wage law; to offer to make a sworn defense to an action for debt, accompanied by 11 neighbors as character witnesses. See COM-PURGATION.

legenita (lə-jen-ə-tə), *n. Hist.* A fine for the seduction of another man's wife. — Also termed *legruita* (lə-groo-ə-tə).

leger, *n. Archaic.* See LEDGER (2).

legerwite. See LAIRWITE.

leges (lee-jeez), *n. pl.* [Latin] See LEX.

leges Angliae (lee-jeez ang-glee-ee), *n.* [Latin] *Hist.* The laws of England, as distinguished from the civil law and other legal systems.

leges barbarorum (lee-jeez bahr-bə-ror-əm), *n.* [Latin "laws of the barbarians"] *Hist.* The customary laws of medieval European law; esp., the customary laws of Germanic tribes during the Middle Ages. — Also termed *folk laws*. See SALIC LAW.

leges Edwardi Confessoris (lee-jeez ed-wahr-di kon-fə-sor-is), *n.* [Latin "Laws of Edward the Confessor"] *Hist.* A legal treatise written between 1130 and 1135, of dubious authority, compiling English law as it stood at the end of the reign of Henry I.

"[W]e have a book [*leges Edwardi Confessoris*] written in Latin which expressly purports to give us the law of Edward as it was stated to the Conqueror in the fourth year of his reign by juries representing the various parts of England It is a private work of a bad and untrustworthy kind. It has about it something of the political pamphlet and is adorned with pious legends. The author, perhaps a secular clerk of French parentage, writes in the interest of the churches, and, it is to be feared, tells lies for them." 1 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 103 (2d ed. 1898).

leges et consuetudines regni (lee-jeez et kon-swə-t[y]oo-də-nee-z reg-ni), *n.* [Latin "laws and customs of the kingdom"] *Hist.* The common law. • This was the accepted term for the common law since at least the late 12th century.

leges Henrici (lee-jeez hen-ri-si), *n.* [Latin] *Hist.* A book anonymously written between 1114 and 1118 containing Anglo-Saxon and Norman law. • The book lends insight to the period before the full development of Norman law in England. — Also termed *leges Henrici Primi*.

"Closely connected with the *Quadripartitus* is a far more important book, the so-called *Leges Henrici*. It seems to have been compiled shortly before the year 1118. After a brief preface, it gives us Henry's coronation charter (this accounts for the name which has unfortunately been given in modern days to the whole book), and then the author makes a gallant, if forlorn, attempt to state the law of England. At first sight the outcome seems to be a mere jumble of fragments But the more closely we examine the book, the more thoroughly convinced we shall be that its author has undertaken a serious task in a serious spirit; he means to state the existing law of the land" 1 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 99 (2d ed. 1898).

leges imperii (lee-jeez im-peer-ee-i). [Latin] The laws of the government.

leges Juliae (lee-jeez joo-lee-ee), *n.* [Latin] *Roman law.* Laws enacted during the reign of Augustus or of Julius Caesar. • Together with the *lex Aebutia*, the *leges Juliae* effectively abolished the *legis actiones*, the ancient form of Roman civil procedure using prescribed oral forms.

leges non scriptae (lee-jeez non skrip-tee), *n.* [Latin] *Hist.* Unwritten or customary laws, including ancient acts of Parliament. Cf. LEGES SCRIPTAE.

leges publicae (lee-jeez pəb-lə-see). [Latin] *Roman law.* Statutes passed by the vote of the Roman people in popular assemblies. • Most *leges publicae* were of temporary political interest. — Often shortened to *leges*.

Leges Regiae (lee-jeez ree-ji-ee). *Roman law.* Fragments of customary law relating mostly to religious rites and traditionally attributed to Roman kings.

leges sacratae (lee-jeez sə-kray-tee), *n.* [Latin] *Roman law.* Laws whose violation was pun-

ished by devoting the offender to the infernal gods.

leges scriptae (lee-jeez skrip-tee), *n.* [Latin] *Hist.* Written laws; esp., statutory laws or acts of Parliament that are reduced to writing before becoming binding. Cf. LEGES NON SCRIPTAE.

leges sub graviore lege (lee-jeez səb grav-ee-or-I lee-jee), *n.* [Latin] Laws under a weightier law.

leges tabellariae (lee-jeez tab-ə-lair-ee-ee), *n.* [Latin] *Roman law.* Laws that regulated voting by ballot.

legibus solutus (lee-jə-bəs sə-loo-təs), *adj.* [Latin “released from the laws”] *Roman law.* (Of the emperor or other designated person) not bound by the law.

legiosus (lee-jee-oh-səs), *adj.* [Law Latin] *Hist.* Litigious.

legislate, *vb.* **1.** To make or enact laws <the role of our lawmakers is to legislate, not to adjudicate>. **2.** To bring (something) into or out of existence by making laws; to attempt to control (something) by legislation <virtually every attempt to legislate morality has failed>.

legislation. **1.** The process of making or enacting a positive law in written form, according to some type of formal procedure, by a branch of government constituted to perform this process. — Also termed *lawmaking*; *statute-making*. **2.** The law so enacted. **3.** The whole body of enacted laws.

ancillary legislation. Legislation that is auxiliary to principal legislation.

antideficiency legislation. **1.** Legislation enacted to provide revenue to cover a budget deficiency. **2.** Legislation enacted to limit the rights of secured creditors to recover in excess of the security.

class legislation. See *local and special legislation*.

general legislation. Legislation that applies to the community at large.

judicial legislation. The making of new legal rules by judges; JUDGE-MADE LAW (2).

‘It has been said to be ‘merely misleading’ to speak of judicial legislation, and it must be admitted that to do so is to use highly metaphorical language. There is no equivalent to the authoritative text of a statute, and, even when they are not bound by a statute or indistinguishable precedent, the judges’ power to innovate is

limited by what they cannot consider as well as by what they must consider. They cannot conduct those extensive examinations of empirical data and considerations of social policy which precede, or should precede, much legislation.’ Rupert Cross & J.W. Harris, *Precedent in English Law* 34 (4th ed. 1991).

local and special legislation. Legislation that affects only a specific geographic area or a particular class of persons. • Such legislation is unconstitutional if it arbitrarily or capriciously distinguishes between members of the same class. — Also termed *class legislation*.

pork-barrel legislation. Legislation that favors a particular local district by allocating funds or resources to projects (such as constructing a highway or a post office) of economic value to the district and of political advantage to the district’s legislator.

subordinate legislation. **1.** Legislation that derives from any authority other than the sovereign power in a state and that therefore depends for its continued existence and validity on some superior or supreme authority. **2.** REGULATION (2).

supreme legislation. Legislation that derives directly from the supreme or sovereign power in a state and is therefore incapable of being repealed, annulled, or controlled by any other legislative authority.

4. A proposed law being considered by a legislature <gun-control legislation was debated in the House>. **5.** The field of study concentrating on statutes.

legislative, *adj.* Of or relating to lawmaking or to the power to enact laws.

legislative apportionment. See APPORTIONMENT.

legislative branch. The branch of government responsible for enacting laws; LEGISLATURE. Cf. EXECUTIVE BRANCH; JUDICIAL BRANCH.

legislative committee. See COMMITTEE.

legislative council. **1.** A state agency that studies legislative problems and plans legislative strategy between regular legislative sessions. **2.** In some English-speaking jurisdictions, the upper house of a legislature (corresponding to an American senate). **3.** In some English-speaking jurisdictions, the lower house of a legislature (corresponding to an American House of Representatives).

legislative counsel. A person or group charged with helping legislators fulfill their legislative duties, as by performing research, drafting bills, and the like.

legislative court. See COURT.

legislative district. See DISTRICT.

legislative districting. The process of dividing a state into territorial districts to be represented in the state or federal legislature. See APPORTIONMENT; GERRYMANDERING; REAPPORTIONMENT.

legislative divorce. See DIVORCE.

legislative-equivalency doctrine. The rule that a law should be amended or repealed only by the same procedures that were used to enact it.

legislative fact. See FACT.

legislative function. 1. The duty to determine legislative policy. 2. The duty to form and determine future rights and duties. See LEGISLATIVE POWER.

legislative history. The background and events leading to the enactment of a statute, including hearings, committee reports, and floor debates. • Legislative history is sometimes recorded so that it can later be used to aid in interpreting the statute.

legislative immunity. See IMMUNITY (1).

legislative intent. The design or plan that the legislature had at the time of enacting a statute. — Also termed *intention of the legislature*; *intent of the legislature*; *congressional intent*; *parliamentary intent*.

“The intention of the legislature is a common but very slippery phrase, which, popularly understood, may signify anything from intention embodied in positive enactment to speculative opinion as to what the legislature probably would have meant, although there has been an omission to enact it. In a court of law or equity, what the legislature intended to be done or not to be done can only be legitimately ascertained from that which it has chosen to enact, either in express words or by reasonable and necessary implication.” *Saloman v. Saloman & Co.*, [1897] A.C. 22, at 38 (as quoted in Rupert Cross, *Statutory Interpretation* 36–37 (1976)).

dormant legislative intent. The intent that the legislature would have had if a given ambiguity, inconsistency, or omission had been called to the legislators’ minds. — Some-

times shortened to *dormant intent*. — Also termed *latent intent*; *latent intention*.

legislative investigation. A formal inquiry conducted by a legislative body incident to its legislative authority. • A legislature has many of the same powers as a court to support a legislative inquiry, including the power to subpoena and cross-examine a witness and to hold a witness in contempt.

legislative jurisdiction. See JURISDICTION.

legislative law. See STATUTORY LAW.

legislative officer. See OFFICER (1).

legislative power. *Constitutional law.* The power to make laws and to alter them at discretion; a legislative body’s exclusive authority to make, amend, and repeal laws. • Under federal law, this power is vested in Congress, consisting of the House of Representatives and the Senate. A legislative body may delegate a portion of its lawmaking authority to agencies within the executive branch for purposes of rulemaking and regulation. But a legislative body may not delegate its authority to the judicial branch, and the judicial branch may not encroach on legislative duties.

legislative privilege. See PRIVILEGE (3).

legislative rule. An administrative rule created by an agency’s exercise of delegated quasi-legislative authority. • A legislative rule has the force of law. — Also termed *substantive rule*. Cf. INTERPRETATIVE RULE.

legislative veto. See VETO.

legislator, n. One who makes laws within a given jurisdiction; a member of a legislative body. — **legislatorial** (lej-is-lə-tor-ee-əl), *adj.*

legislature. The branch of government responsible for making statutory laws. • The federal government and most states have bicameral legislatures, usu. consisting of a house of representatives and a senate. Cf. EXECUTIVE (1); JUDICIARY (1).

legisperitus (lee-jis-per-ə-təs), *n.* [Law Latin] *Hist.* A lawyer or advocate; one skilled in the law. Cf. JURISPERITUS.

legisprudence (lee-jis-proo-dənts). The systematic analysis of statutes within the framework

of jurisprudential philosophies about the role and nature of law.

legist (lee-jist). **1.** One learned or skilled in the law; a lawyer. **2.** JURIST. — Formerly also termed *legister*.

legitimacy. **1.** Lawfulness. **2.** The status of a person who is born within a lawful marriage or who acquires that status by later action of the parents. Cf. ILLEGITIMACY.

legitima gubernatio (lə-jit-ə-mə g[y]oo-bər-nay-shee-oh). [Latin “lawful government”] See RECTA GUBERNATIO.

legitimate, *adj.* **1.** Complying with the law; lawful <a legitimate business>. **2.** Born of legally married parents <a legitimate child>. **3.** Genuine; valid <a legitimate complaint>. — **legitimacy**, *n.*

legitimate child. See CHILD.

legitimate portion. See LEGITIME.

legitimation, *n.* **1.** The act of making something lawful; authorization. **2.** The act or process of authoritatively declaring a person legitimate. **3.** *Hist.* Proof of a person’s identity and of legal permission to reside in a certain place or engage in a certain occupation. — **legitimate**, *vb.*

legitimatío per subsequens matrimonium (lə-jit-ə-may-shee-oh pər səb-see-kwenz matrə-moh-nee-əm), *n.* [Latin] The legitimation of a child born outside wedlock by the later marriage of the parents.

legitime (lej-ə-tim). *Civil law.* The part of a testator’s free movable property that his or her children (and occasionally other heirs) are legally entitled to regardless of the will’s terms. ● The legitime cannot be denied the children without legal cause. In Roman law, the amount of the legitime was one-fourth of the claimant’s share on intestacy. — Also spelled (esp. in Scotland) *legitim*. — Also termed *legal portion*; *legitimate portion*; *forced portion*. See *forced heir* under HEIR.

legitimi heredes (lə-jit-ə-mi hə-ree-deez), *n. pl.* [Latin] *Roman law.* Heirs on intestacy, as determined by the Twelve Tables. ● They might include paternal relatives of the deceased. — Also spelled *legitimi haeredes*. See TWELVE TABLES.

legitimus (lə-jit-ə-məs), *adj.* [Latin] *Roman law.* (Of a person) legitimate; lawful.

legit vel non (lee-jit vel non). [Latin] *Eccles. law.* Does he read or not. ● This was the formal question propounded by a court to an ordinary (an ecclesiastical official) when an accused person claimed exemption from the death penalty by benefit of clergy. If the ordinary found that the accused was entitled to exemption, he responded “*legit ut clericus*,” or, “he reads like a clerk.” See BENEFIT OF CLERGY.

lego (lee-goh). [Latin] *Roman law.* I bequeath. ● This was a common term in a will.

legocentrism. See LEGAL CENTRALISM.

lego-literary (lee-goh-lit-ər-er-ee), *adj.* *Rare.* Of or relating to law and literature. See LAW AND LITERATURE.

legruita. See LEGENITA.

leguleian (leg-yə-lee-ən), *n.* *Rare.* A pettifogging lawyer. — Also termed *leguleius* (leg-yoo-lee-əs). — **leguleian**, *adj.*

LEIN. *abbr.* LAW ENFORCEMENT INFORMATION NETWORK.

leipa (li-pə), *n.* [Law Latin] *Hist.* A runaway or fugitive.

lemon law. **1.** A statute designed to protect a consumer who buys a substandard automobile, usu. by requiring the manufacturer or dealer either to replace the vehicle or to refund the full purchase price. ● Almost all states have lemon laws in effect. — Also termed *lemon protection*. **2.** By extension, a statute designed to protect a consumer who buys any products of inferior quality. — Also termed (in sense 2) *quality-of-products legislation*.

le mort saisit le vif doctrine (lə mor se-zeelə veef). [French “the dead seizes the living”] The principle requiring that there be no gap in the possession of a freehold estate in land, so that legal title vests immediately in the heirs upon the death of the person through whom they claim title. ● The doctrine does not exclude unknown heirs or heirs absent at the date of death.

lend, *vb.* **1.** To allow the temporary use of (something), sometimes in exchange for compensation, on condition that the thing or its

equivalent be returned. **2.** To provide (money) temporarily on condition of repayment, usu. with interest.

lender. A person or entity from which something (esp. money) is borrowed.

lend-lease. A mutually beneficial exchange made between friendly parties; esp., an arrangement made in 1941, under the Lend-Lease Act, whereby U.S. destroyers were lent to Great Britain in exchange for Britain's leasing of land to the United States for military bases. — Also termed *lease-lend*.

lenient, adj. Tolerant; mild; merciful <lenient sentence>.

lenient test. The principle that the attorney-client privilege applicable to a document will be waived only by a knowing or intentional disclosure, and will not usu. be waived by an inadvertent disclosure. Cf. *strict test*; *Hydraflow test*.

lenity (len-ə-tee). The quality or condition of being lenient; mercy or clemency. See RULE OF LENITY.

lenity rule. See RULE OF LENITY.

leodes (lee-oh-deez), n. [Law Latin] *Hist.* **1.** A vassal. **2.** Service to be provided to another. **3.** Compensation to be paid by one who killed or seriously injured a vassal, divided among the sovereign, the vassal's lord, and the vassal's next of kin; WERGILD.

leonina societas (lee-ə-ni-nə sə-si-ə-tas). See SOCIETAS LEONINA.

leonine contract (lee-ə-nin). See *adhesion contract* under CONTRACT.

leproso amovendo (lep-roh-soh ay-moh-ven-doh), n. [Latin "for removing a leper"] *Hist.* A writ to remove a leper who participated in public gatherings, such as church or meetings.

le roy (lər wah or lə roy), n. [Law French] The king. — Also spelled *le roi*.

le roy le veut (lər wah lə voo). [Law French] *Hist.* The king (or the queen) wills it. • This is the form of the king's or queen's approval to a public bill passed by Parliament. For a queen, the sentence is *la reine le veut*.

"If the king consents to a public bill, the clerk usually declares, '*le roy le veut*, the king wills it so to be:' if to a

private bill, '*soit fait comme il est désiré*, be it as it is desired.' If the king refuses his assent, it is in the gentle language of '*le roy s'avisera*, the king will advise upon it.'" 1 William Blackstone, *Commentaries on the Laws of England* 184 (1765).

le roy remercie ses loyal sujets, accepte leur benevolence, et ainsi le veut (lər wah ruu-mair-see say lwi-ahl soo-zhay, ak-sept luu[r] bay-nay-voh-lawns, ay an-see lə vuu). [Law French] *Hist.* The king thanks his loyal subjects, accepts their benevolence, and therefore wills it to be so. • This is a form of the royal assent to a bill of supply, authorizing money for public purposes. For a queen, the sentence was *la reine remercie ses loyal sujets*

le roy s'avisera (lər wah sa-veez-rah). [Law French] The king will advise upon it. • This is a form of the refusal of royal assent to a public bill in Parliament (not exercised since 1713). It corresponds to the judicial phrase *curia advisari vult*. For a queen, the sentence was *la reine s'avisera*. See CURIA ADVISARI VULT.

lese majesty (leez maj-əs-tee). [Law French "injured majesty"] **1.** A crime against the state, esp. against the ruler. See *high treason* under TREASON. **2.** An attack on a custom or traditional belief. — Also spelled *lèse-majesté*; *lèse majesty*; *leze majesty*. — Also termed *laesa majestas*; *crimen laesae majestatis*.

lesion (lee-zhən). **1.** An injury or wound; esp., an area of wounded tissue. **2. Civil law.** Loss from another's failure to perform a contract; the injury suffered by one who did not receive the equivalent value of what was bargained for. — Also spelled (in sense 2) *lésion*. **3.** See LAESIO ENORMIS.

"The concept of *lésion*, unknown as such to the common law, may be defined as a detriment to one of the parties to a contract which results from an imbalance or disparity between the performance promised on the two sides. Down through the ages, civilians have differed over whether it gave the injured party a right of avoidance or rescission. Classical Roman law, designed for a society whose members were strong enough to protect their own interests, denied the right, but by the time of the French Revolution the right had come to be recognized, particularly by the canonists and Pothier. But the Revolution, both because of its emphasis on individual will and because of economic reasons, was hostile to the concept of *lésion* and the Civil Code provided that it did not affect the validity of a contract except in certain prescribed instances, most notably the case of the vendor of real property. The number of exceptions was enlarged both by subsequent legislation and, at least indirectly, by judicial decision, and this raised a question of the reversal of the general principle that rejected the concept." Allan Farnsworth, "The Development of the Civil Law of Obligations in New States: Senegal, Madagascar, and

Ethiopia," in *Essays on the Civil Law of Obligations* 64 (Joseph Dainow ed., 1969).

less developed country. See DEVELOPING COUNTRY.

lessee (le-see). One who has a possessory interest in real or personal property under a lease; TENANT.

lessee in the ordinary course of business.

A person that, in good faith and without knowledge that the lease is in violation of a third party's ownership rights, security interest, or leasehold interest, leases in the ordinary course from a person in the business of selling or leasing goods of that kind. UCC § 2A-102(a)(26). • The UCC specifically excludes pawnbrokers from the definition.

merchant lessee. A lessee who is a merchant of goods similar to those being leased. UCC § 2A-102(a)(31).

lessee's interest. The appraised value of leased property from the lessee's perspective for purposes of assignment or sale. • The value is usu. the property's market value minus the lessor's interest. Cf. LESSOR'S INTEREST.

lesser included offense. See OFFENSE (1).

lessor (les-or or le-sor). One who conveys real or personal property by lease; LANDLORD.

lessor of the plaintiff. *Hist.* The true party in interest prosecuting an action for ejectment. • At common law, an ejectment action theoretically was only for the recovery of the unexpired term of the lease. Conventions of pleadings at the time required the true plaintiff to grant a fictitious lease, thereby becoming a lessor, to an equally fictitious plaintiff in whose name the action would be prosecuted.

lessor's interest. The present value of the future income under a lease, plus the present value of the property after the lease expires. Cf. LESSEE'S INTEREST.

let, n. An impediment or obstruction <free to act without let or hindrance>.

let, vb. 1. To allow or permit <the court, refusing to issue an injunction, let the nuisance continue>. **2.** To offer (property) for lease; to rent out <the hospital let office space to several doctors>. **3.** To award (a contract), esp. after bids have been submitted <the federal agency let the project to the lowest bidder>.

lethal, adj. Deadly; fatal <a lethal drug>.

lethal injection. An injection of a deadly substance into a prisoner, done to carry out a sentence of capital punishment.

lethal weapon. See *deadly weapon* under WEAPON.

letter. 1. A written communication that is usu. enclosed in an envelope, sealed, stamped, and delivered; esp., an official written communication <an opinion letter>. **2.** (*usu. pl.*) A written instrument containing or affirming a grant of some power or right <letters testamentary>. **3.** Strict or literal meaning <the letter of the law>. • This sense is based on the sense of a letter of the alphabet. Cf. SPIRIT OF THE LAW.

letter-book. A merchant's book for holding correspondence.

letter contract. See CONTRACT.

letter missive. 1. *Hist.* A letter from the king (or queen) to the dean and chapter of a cathedral, containing the name of the person whom the king wants elected as bishop. **2. *Hist.*** After a lawsuit is filed against a peer, peeress, or lord of Parliament, a request sent to the defendant to appear and answer the suit. **3. *Civil law.*** The appellate record sent by a lower court to a superior court. — Also termed *letter dimissory*.

letter of advice. A notice that a draft has been sent by the drawer to the drawee. UCC § 3-701.

letter of attorney. See POWER OF ATTORNEY (1).

letter of attornment. A grantor's letter to a tenant, stating that the leased property has been sold and directing the tenant to pay rent to the new owner. See ATTORNMENT (1).

letter of comment. See DEFICIENCY LETTER.

letter of credence. A document that accredits a diplomat to the government of the country to which he or she is sent. — Abbr. LC; L/C. — Also termed *letters of credence*.

letter of credit. An instrument under which the issuer (*usu.* a bank), at a customer's request, agrees to honor a draft or other demand for payment made by a third party (the *beneficiary*), as long as the draft or demand complies with specified conditions, and regardless of

whether any underlying agreement between the customer and the beneficiary is satisfied. ● Letters of credit are governed by Article 5 of the UCC. — Abbr. LC; L/C. — Often shortened to *credit*. — Also termed *circular letter of credit*; *circular note*; *bill of credit*.

"There is some confusion over the exact nature of credits. They resemble a number of commercial devices that are not credits. Often, there is confusion between letters of credit and guaranties, and occasionally between letters of credit and lines of credit. In the credit transaction itself, it is important to distinguish the credit from other contracts and from the acceptance. Generally, the broad credit transaction consists of three separate relationships. These include those that are (1) between the issuer and the beneficiary; (2) between the beneficiary and the account party; and (3) between the account party and the issuer. The first is the letter-of-credit engagement. The second is usually called the underlying contract, and the third is called the application agreement." John F. Dolan, *The Law of Letters of Credit* ¶ 2.01, at 2-2 (1984).

"A credit is an original undertaking by one party (the issuer) to substitute his financial strength for that of another (the account party), with that undertaking to be triggered by the presentation of a draft or demand for payment and, often, other documents. The credit arises in a number of situations, but generally the account party seeks the strength of the issuer's financial integrity or reputation so that a third party (the beneficiary of the credit) will give value to the account party." John F. Dolan, *The Law of Letters of Credit* ¶ 2.02, at 2-3 (1984).

"A seller hesitates to give up possession of its goods before it is paid. But a buyer wishes to have control of the goods before parting with its money. To relieve this simple tension, merchants developed the device known as the 'letter of credit' or simply the 'credit' or the 'letter.' Today, letters of credit come in two broad varieties. The 'commercial' letter dates back at least 700 years. It is a mode of payment in the purchase of goods, mostly in international sales. The 'standby' letter of credit is a much more recent mutant. It 'backs up' obligations in a myriad of settings. In the most common standby a bank promises to pay a creditor upon documentary certification of the applicant's default." 3 James J. White & Robert S. Summers, *Uniform Commercial Code* § 26-1, at 105 (4th ed. 1995).

clean letter of credit. A letter of credit that is payable on its presentation. ● No document needs to be presented along with it. — Also termed *suicide letter of credit*. Cf. *documentary letter of credit*.

commercial letter of credit. A letter of credit used as a method of payment in a sale of goods (esp. in an international transaction), with the buyer being the issuer's customer and the seller being the beneficiary, so that the seller can obtain payment directly from the issuer instead of from the buyer.

confirmed letter of credit. A letter of credit that directly obligates a financing agency (such as a bank) doing business in the seller's

financial market to a contract of sale. UCC § 2-325(3).

documentary letter of credit. A letter of credit that is payable when presented with another document, such as a certificate of title or invoice. — Abbr. DL/C. Cf. *clean letter of credit*.

export letter of credit. A commercial letter of credit issued by a foreign bank, at a foreign buyer's request, in favor of a domestic exporter.

general letter of credit. A letter of credit addressed to any and all persons without naming anyone in particular. Cf. *special letter of credit*.

guaranty letter of credit. See *standby letter of credit*.

import letter of credit. A commercial letter of credit issued by a domestic bank, at an importer's request, in favor of a foreign seller.

irrevocable letter of credit (i-*rev*-ə-kə-bəl). A letter of credit in which the issuing bank guarantees that it will not withdraw the credit or cancel the letter before the expiration date; a letter of credit that cannot be modified or revoked without the customer's consent.

negotiation letter of credit. A letter of credit in which the issuer's engagement runs to drawers and indorsers under a standard negotiation clause.

"Letter-of-credit law has long distinguished the straight credit from the negotiation credit. The engagement of the former runs to the beneficiary; the engagement of the latter runs to 'drawers, endorsers, and bona fide holders.' This quoted phrase is the traditional negotiation clause. The significance of it is that it obviously extends the credit engagement to parties other than the person with whom the account party is doing business." John F. Dolan, *The Law of Letters of Credit* ¶ 8.02[6], at 8-11 (1984).

open letter of credit. A letter of credit that can be paid on a simple draft without the need for documentary title.

revocable letter of credit (rev-ə-kə-bəl). A letter of credit in which the issuing bank reserves the right to cancel and withdraw from the transaction upon appropriate notice. ● The letter cannot be revoked if the credit has already been paid by a third party.

revolving letter of credit. A letter of credit that self-renews by providing for a continuing line of credit that the beneficiary periodically draws on and the customer periodically repays. ● A revolving letter of credit is used when there will be multiple drafts under a

single transaction or multiple transactions under a single credit. — Abbr. RL/C.

special letter of credit. A letter of credit addressed to a particular individual, firm, or corporation. Cf. *general letter of credit*.

standby letter of credit. A letter of credit used to guarantee either a monetary or a nonmonetary obligation (such as the performance of construction work), whereby the issuer agrees to pay the beneficiary if the customer defaults on its obligation. — Abbr. SL/C. — Also termed *guaranty letter of credit*.

straight letter of credit. A letter of credit requiring that drafts drawn under it be presented to a specified party.

suicide letter of credit. See *clean letter of credit*.

time letter of credit. A letter of credit that is duly honored by the issuer accepting drafts drawn under it. — Also termed *acceptance credit*; *usance credit*.

transferable letter of credit. A letter of credit that authorizes the beneficiary to assign the right to draw under it.

traveler's letter of credit. 1. A letter of credit addressed to a correspondent bank, from which one can draw credit by identifying oneself as the person in whose favor the credit is drawn. 2. A letter of credit used by a person traveling abroad, by which the issuing bank authorizes payment of funds to the holder in the local currency by a local bank. ● The holder signs a check on the issuing bank, and the local bank forwards it to the issuing bank for its credit.

letter of exchange. See DRAFT (1).

letter of intent. A written statement detailing the preliminary understanding of parties who plan to enter into a contract or some other agreement; a noncommittal writing preliminary to a contract. ● A letter of intent is not meant to be binding and does not hinder the parties from bargaining with a third party. Business people typically mean not to be bound by a letter of intent, and courts ordinarily do not enforce one; but courts occasionally find that a commitment has been made. — Abbr. LOI. — Also termed *memorandum of intent*. Cf. *precontract* under CONTRACT.

letter of license. *English law.* An agreement signed by all the creditors of a financially troubled business that does the following: (1) grants the debtor more time to pay debts, (2) permits the debtor to continue business in the hope of

overcoming its financial distress, and (3) protects the debtor from arrest, lawsuit, or other interference while the letter is in effect. See ARRANGEMENT WITH CREDITORS.

letter of recall. 1. A document sent from one nation's executive to that of another, stating that the former executive is summoning a minister back to his or her own country. 2. A manufacturer's letter to a buyer of a particular product, asking the buyer to bring the product back to the dealer for repair or replacement.

letter of recredentials. A formal letter from the diplomatic secretary of state of a host country to a foreign minister or ambassador who has been recalled. ● The letter officially accredits the foreign minister back to his or her home country.

letter of request. A document issued by one court to a foreign court, requesting that the foreign court (1) take evidence from a specific person within the foreign jurisdiction or serve process on an individual or corporation within the foreign jurisdiction and (2) return the testimony or proof of service for use in a pending case. See Fed. R. Civ. P. 28. Pl. **letters of request.** — Also termed *letter rogatory* (*rog-ə-tor-ee*); *rogatory letter*; *requisitory letter* (*ri-kwiz-ə-tor-ee*).

letter of the law. The strictly literal meaning of the law, rather than the intention or policy behind it. — Also termed *litera legis*. Cf. SPIRIT OF THE LAW.

letter of undertaking. An agreement by which a shipowner — to avoid having creditors seize the ship and release it on bond — agrees to post security on the ship, and to enter an appearance, acknowledge ownership, and pay any final decree entered against the vessel whether it is lost or not.

"Such informal or extra-legal agreements save court costs and the marshal's fees, avoid the annoyance of having the vessel even temporarily arrested and may well be cheaper than the usual surety bond. . . . In *Continental Grain Co. v. Federal Barge Lines, Inc.*, [268 F.2d 240 (5th Cir. 1959), *aff'd*, 364 U.S. 19, 80 S.Ct. 1470 (1960)], Judge Brown commented that a letter of undertaking given by a shipowner would be treated 'as though, upon the libel being filed, the vessel had actually been seized, a claim filed, a stipulation to abide decrees with sureties executed and filed by claimant, and the vessel formally released. Any other course would imperil the desirable avoidance of needless cost, time and inconvenience to litigants, counsel, ships, clerks, marshals, keepers and court personnel through the ready acceptance of such letters of undertakings.' [268 F.2d at 243]. If, as Judge Brown suggests, the informal agreement is treated

as having the same effect as a formal release under bond or stipulation, few questions relating to their use will ever have to be litigated." Grant Gilmore & Charles L. Black, Jr., *The Law of Admiralty* § 9-89, at 800-01 (2d ed. 1975).

letter rogatory. See LETTER OF REQUEST.

letter ruling. *Tax.* A written statement issued by the IRS to an inquiring taxpayer, explaining the tax implications of a particular transaction. — Also termed *private letter ruling*.

letters. *Wills & estates.* Letters of administration, letters of conservatorship, letters of guardianship, and letters testamentary, collectively. Uniform Probate Code § 1-201(23). See LETTER (2).

letters ad colligendum bona defuncti (ad kol-ə-jen-dəm boh-nə di-fungk-tl), *n.* [Law Latin] *Hist.* An authorization from a judicial officer to an approved person to collect and maintain the goods of a person who died intestate. ● These letters were issued only if no representative or creditor existed to exercise this function.

letters close. See LETTERS SECRET.

letter security. See *restricted security* under SECURITY.

letters of absolution. *Hist.* Letters issued by an abbot releasing a member of his order from his vows of obedience to that order, thus permitting entry into another order.

letters of administration. A formal document issued by a probate court to appoint the administrator of an estate. ● Letters of administration originated in the Probate of Testaments Act of 1357 (31 Edw. 3, ch. 4), which provided that in case of intestacy the ordinary (a high-ranking ecclesiastical official within a territory) should depute the decedent's closest friends to administer the estate; a later statute, the Executors Act of 1529 (21 Hen. 8, ch. 4), authorized the ordinary to grant administration either to the surviving spouse or to next of kin, or to both of them jointly. — Also termed *administration letters*. See ADMINISTRATION (4). Cf. LETTERS TESTAMENTARY.

letters of administration c.t.a. Letters of administration appointing an administrator *cum testamento annexo* (with the will annexed) either because the will does not name an executor or because the named executor

does not qualify. See *administration cum testamento annexo* under ADMINISTRATION.

letters of administration d.b.n. Letters of administration appointing an administrator *de bonis non* (concerning goods not yet administered) because the named executor failed to complete the estate's probate. See *administration de bonis non* under ADMINISTRATION.

letters of credence. See LETTER OF CREDENCE.

letters of guardianship. A document issued by a court appointing a guardian to care for a minor's or an incapacitated adult's well-being, property, and affairs. ● It defines the scope of the guardian's rights and duties, including the extent of control over the ward's education and medical issues. See GUARDIAN.

letters of marque (mahrk). A license authorizing a private citizen to engage in reprisals against citizens or vessels of another nation. ● Congress has the exclusive power to grant letters of marque (U.S. Const. art. I, § 8, cl. 11), but it has not done so since the 19th century. — Also termed *letters of marque and reprisal*.

"[F]ormerly it was not uncommon for a state to issue 'letters of marque' to one of its own subjects, who had met with a denial of justice in another state, authorizing him to redress the wrong for himself by forcible action, such as the seizure of the property of subjects of the delinquent state." J.L. Briery, *The Law of Nations* 321 (5th ed. 1955).

letters of safe conduct. *Hist.* Formal written permission from the English sovereign to a citizen of a nation at war with England, permitting that person to travel and ship goods, to England or on the high seas, without risk of seizure. ● Passports or licenses from foreign ambassadors now may serve the same purpose. See SAFE CONDUCT.

letters of slains. *Hist.* Letters to the Crown from the relatives of a slain person concurring with the offender's application for a royal pardon. ● A pardon could not be granted without the family's concurrence. — Also spelled *letters of slanes*.

letters patent. **1.** *Hist.* A document granting some right or privilege, issued under governmental seal but open to public inspection. — Also termed *litterae patentes* (lit-ər-ee pə-ten-teez). Cf. LETTERS SECRET. **2.** A governmental grant of the exclusive right to use an invention or design. See PATENT (2).

letters rogatory. See LETTER OF REQUEST.

letters secret. *Hist.* A governmental document that is issued to a private person, closed and sealed, and thus not made available for public inspection. — Also termed *letters close*. Cf. LETTERS PATENT (1).

letters testamentary. The instrument by which a probate court approves the appointment of an executor under a will and authorizes the executor to administer the estate. Cf. LETTERS OF ADMINISTRATION.

letter stock. See *restricted security* under SECURITY.

lettre (lɛ-trɛ), n. [French “letter”] *Hist.* A formal instrument granting some authority.

lettre de cachet (lɛ-trɛ də ka-shay). [French “letter with a seal”] A royal warrant issued for the imprisonment of a person without trial.

leuca (loo-kə), n. [Law Latin] *Hist.* **1.** *French law.* A league, consisting of 1,500 paces. **2.** A league, consisting of 1,000 paces. **3.** A privileged space of one mile around a monastery.

levance and couchance (lev-ənts / kow-chənts). *Hist.* The state or condition of being *levant* and *couchant*. See LEVANT AND COUCHANT.

levandae navis causa (lə-van-dee nay-vis kaw-zə), n. [Latin “for the sake of lightening the ship”] *Maritime law.* The practice of throwing goods overboard to avoid total loss, entitling the owner to compensation from other participants in the maritime venture. See JETTISON; *general average* under AVERAGE.

levant and couchant (lev-ənt / kow-chənt), adj. [Law French *couchant et levant* “lying down and rising up”] *Hist.* (Of cattle and other beasts) trespassing on land for a period long enough to have lain down to rest and risen to feed (usu. at least one night and one day). • This period was the minimum required as grounds for distraint. — Also termed *couchant and levant*.

levari facias (lə-vair-I fay-shee-əs). [Law Latin “that you cause to be levied”] A writ of execution ordering a sheriff to seize a judgment debtor’s goods and income from lands until the judgment debt is satisfied. • This writ is now used chiefly in Delaware. Cf. FIERI FACIAS.

levari facias damna de disseisitoribus (lə-vair-I fay-shee-əs dam-nə dee dis-see-zə-tor-ə-bəs), n. [Law Latin “that you cause to be levied the rest of the debt”] *Hist.* A writ directing the sheriff to levy property to pay damages owed to one wrongfully dispossessed of a freehold estate. See DISSEISIN.

levari facias quando vicecomes returnavit quod non habuit emptores (lə-vair-I fay-shee-əs kwon-doh vi-see-koh-meez ree-tər-nay-vit kwod non hay-byoo-it emp-tor-eez), n. [Law Latin “that you cause to be levied the damages from the disseisors”] *Hist.* A writ directing a sheriff, who had already seized some of the debtor’s property and found it unsalable, to sell as much additional property as necessary to pay the entire debt.

levari facias residuum debiti (lə-vair-I fay-shee-əs ri-zij-oo-əm deb-ə-ti), n. [Law Latin “that you cause to be levied when the sheriff has returned that it had no buyers”] *Hist.* A writ directing the sheriff to levy upon a debtor’s lands or goods to pay the remainder of a partially satisfied debt.

levato velo (lə-vay-toh vee-loh), n. [Latin “with the curtain raised”] *Roman law.* The principle, applied to cases of wreck and salvage, and later to all maritime matters, that cases should be heard promptly. • Although commentators disagree about the origin of the expression, it probably refers to the place where causes were heard. A sail was spread before the door, and when the cases were heard, the sail was raised, allowing suitors to come into court and have their causes immediately heard.

levee (lev-ee), n. **1.** An embankment constructed along the edge of a river to prevent flooding. **2.** A landing place on a body of navigable water for loading and unloading goods or receiving and delivering passengers and boats.

levee district. A local or regional political subdivision organized to construct and maintain levees within its territory at public expense.

levée en masse. See LEVY EN MASSE.

level-premium insurance. See INSURANCE.

level-rate legal-reserve policy. See INSURANCE POLICY.

leverage, n. **1.** Positional advantage; effectiveness. **2.** The use of credit or borrowed funds (such as buying on margin) to improve one’s speculative ability and to increase an invest-

ment's rate of return. **3.** The advantage obtained from using credit or borrowed funds rather than equity capital. **4.** The ratio between a corporation's debt and its equity capital. — Also termed *leverage ratio*. **5.** The effect of this ratio on common-stock prices.

leverage, *vb.* **1.** To provide (a borrower or investor) with credit or funds to improve speculative ability and to seek a high rate of return. **2.** To supplement (available capital) with credit or outside funds. **3.** To fund (a company) with debt as well as shareholder equity. **4.** *Antitrust.* To use power in one market to gain an unfair advantage in another market. **5.** *Insurance.* To manipulate two coverages, as by an insurer withholding settlement of one claim to influence a claim arising under another source of coverage.

leverage contract. An agreement for the purchase or sale of a contract for the future delivery of a specified commodity, usu. silver, gold, or another precious metal, in a standard unit and quantity, for a particular price, with no right to a particular lot of the commodity. • A leverage contract operates much like a futures contract, except that there is no designated contract market for leverage contracts. The market sets the uniform terms of a futures contract. But in a leverage contract, the individual merchant sets the terms, does not guarantee a repurchase market, and does not guarantee to continue serving or acting as the broker for the purchaser. Leverage contracts are generally forbidden for agricultural commodities. 7 USCA § 23(a). Cf. FUTURES CONTRACT.

leveraged buyout. See BUYOUT.

leveraged lease. See LEASE.

leveraged recapitalization. See RECAPITALIZATION.

leverage fund. See *dual fund* under MUTUAL FUND.

leverage ratio. See LEVERAGE (4).

leveraging up. See *leveraged recapitalization* under RECAPITALIZATION.

leviable (*lev-ee-ə-bəl*), *adj.* **1.** Able to be levied; assessable <the fine is leviable on each offense>. **2.** Able to be levied upon; seizable in execution of a judgment <leviable goods>.

levir (*lee-vər*), *n.* [Latin] *Roman law.* **1.** A husband's brother. **2.** A wife's brother-in-law.

levis (*lee-vis*), *adj.* [Latin] *Hist.* Light; trifling.

levis culpa. See CULPA.

levis nota (*lee-vis noh-tə*), *n.* [Latin] *Hist.* Slight mark or brand.

levissima culpa. See CULPA.

levy (*lev-ee*), *n.* **1.** The imposition of a fine or tax; the fine or tax so imposed. — Also termed *tax levy*. **2.** The enlistment of soldiers into the military; the soldiers so enlisted. **3.** The legally sanctioned seizure and sale of property; the money obtained from such a sale. — Also termed (in sense 3) *levy of execution*.

wrongful levy. A levy on a third party's property that is not subject to a writ of execution.

levy, *vb.* **1.** To impose or assess (a fine or a tax) by legal authority <levy a tax on gasoline>. **2.** To enlist for service in the military <the troops were quickly levied>. **3.** To declare or wage (a war) <the rival clans levied war against each other>. **4.** To take or seize property in execution of a judgment <the judgment creditor may levy on the debtor's assets>.

levy court. See COURT.

levy en masse. A large conscription or mobilization of troops, esp. in response to a threatened invasion. — Also spelled *levée en masse*; *levy in mass*.

levy of execution. See LEVY (3).

lewd, *adj.* Obscene or indecent; tending to moral impurity or wantonness <lewd behavior>.

lewd and lascivious cohabitation. See *illicit cohabitation* under COHABITATION.

lewdhouse. See DISORDERLY HOUSE (2).

lewdness. Gross, wanton, and public indecency that is outlawed by many state statutes; a sexual act that the actor knows will likely be observed by someone who will be affronted or alarmed by it. Model Penal Code § 251.1. Cf. INDECENT EXPOSURE; OBSCENTY.

lex (leks), *n.* [Latin "law"] **1.** Law, esp. statutory law. **2.** Positive law, as opposed to natural law. ● Strictly speaking, *lex* is a statute, whereas *jus* is law in general (as well as a right). **3.** A system or body of laws, written or unwritten, that are peculiar to a jurisdiction or to a field of human activity. **4.** A collection of uncodified laws within a jurisdiction. **5.** LEX PUBLICA. **6.** LEX PRIVATA. **7.** *Civil law.* A legislative bill. Pl. **leges** (lee-jeez). Cf. JUS.

lex actus (leks ak-təs). See LEX LOCI ACTUS.

lex Aebutia (leks i-byoo-shee-ə), *n.* [Latin] *Roman law.* A statute that introduced simplified forms of pleading and procedure.

lex aeterna (leks ee-tər-nə). [Latin] *Eternal law.* See NATURAL LAW (1).

lex anastasiana (leks an-ə-stay-shee-ay-nə), *n.* [Latin] *Roman law.* **1.** A law establishing that emancipated brothers and sisters receive an intestate inheritance equal to those not emancipated. **2.** A law providing that a person purchasing a debt from the original creditor for less than its nominal value was not entitled to recover from the debtor more than the amount paid with lawful interest. See AGNATI.

lex Angliae (leks ang-gee-ee), *n.* [Latin] *Hist.* The law of England; the common law.

lex apparens (leks ə-par-enz), *n.* [Law Latin "apparent law"] *Hist.* The legal processes of trial by ordeal or wager of battle. ● The plaintiff could not summon the defendant for trial by these processes before establishing a clear or apparent right through testimony. See ORDEAL.

lex Apuleja (leks ap-yə-lee-jə), *n.* [Latin] *Roman law.* A law giving a co-guarantor, who had paid more than the proper share of debt, an action of reimbursement against the remaining guarantors. — Also spelled *lex Apuleia*.

lex Aquilia (leks ə-kwil-ee-ə), *n.* [Latin "Aquilian law"] *Roman law.* A celebrated law generally regulating damages done to property, including compensation to be paid for injury to another's slave or livestock. ● The law superseded the earlier provisions of the Twelve Tables. — Also termed *Aquilian law*.

lex Atilia (leks ə-til-ee-ə). [Latin] *Roman law.* A law granting to magistrates the right to appoint guardians. ● The law is named after the person who proposed it, perhaps the trib-

une L. Atilius Regulus. — Also termed *Atilian law*.

lex Atinia (leks ə-tin-ee-ə). [Latin] *Roman law.* A law declaring that a prescriptive right cannot be acquired in stolen property. — Also termed *Atinian law*.

lex Baiuvariorum (leks bay-ə-vair-ee-or-əm). [Latin] *Hist.* The law of Bavaria, a barbarian nation in the Early Middle Ages, first collected (together with the law of the Franks and Alemanni) by Theodoric (ca. 454–526), and finally completed and promulgated by Dagobert (ca. 612–639). — Also termed *lex Baioriorum*; *lex Boiorum*.

lex barbara (leks bahr-bə-rə), *n.* [Latin] *Roman law.* The law of barbarian nations, i.e., those that were not subject to the Roman Empire.

lex Boiorum. See LEX BAIUVARIORUM.

lex Brehonia (leks bri-hoh-nee-ə), *n.* [Law Latin] *Hist.* The Brehon or Irish law.

lex Bretoisa (leks bre-toy-sə), *n.* [Latin] *Hist.* The law of ancient Britons; the law of Marches of Wales.

lex Burgundionum (leks bər-gən-dee-oh-nəm), *n.* [Law Latin] *Hist.* The law of the Burgundians, first published about A.D. 495.

lex Calpurnia (leks kal-pər-nee-ə), *n.* [Latin] *Roman law.* A law extending the *lex Silia* by establishing procedures to recover goods other than money. See LEX SILLA.

lex Canuleia (leks kan-yoo-lee-ə), *n.* [Latin] *Roman law.* A law granting plebeians the right to marry patricians.

lex causae (leks kaw-zee). [Latin] The applicable law.

lex Cincia (leks sin-shee-ə), *n.* [Latin] *Roman law.* A law prohibiting certain types of gifts and all gifts or donations of property beyond a certain measure, except to a near relative.

lex Claudia (leks klaw-dee-ə), *n.* [Latin] *Roman law.* A law that abolished the ancient guardianship of adult women by their male agnate relatives.

lex comitatus (leks kom-ə-tay-təs), *n.* [Law Latin] *Hist.* The law of the county; the law administered in the county court before the earl and his deputies.

lex commercii (leks kə-mər-shee-ī), *n.* [Latin] The law of business or commerce; commercial law. — Also termed *lex commissoria* (leks kom-ə-sor-ee-ə).

lex communis (leks kə-myoo-nis), *n.* [Latin] The common law. See *JUS COMMUNE*.

lex contractus (leks kən-trak-təs). See *LEX LOCI CONTRACTUS*.

lex Cornelia (leks kor-nee-lee-ə or kor-nee-l-yə), *n.* [Latin] *Roman law.* One of several laws passed by the dictator L. Cornelius Sulla. — Also termed *Cornelian law*.

lex Cornelia de aedictis (leks kor-nee-lee-ə dee ee-dik-tis), *n.* [Latin] *Roman law.* The law forbidding a praetor from departing, during his term of office, from the edict he had promulgated at the term's commencement.

lex Cornelia de falso (leks kor-nee-lee-ə dee fal-soh or fawl-soh), *n.* [Latin] *Roman law.* The Cornelian law, passed by the dictator Sulla, providing that the same penalty should attach to forgery of a testament by one in captivity as to forgery of a testament made in one's own country. — Also termed *lex Cornelia de falsis*.

lex Cornelia de injuriis (leks kor-nee-lee-ə dee in-juor-ee-is), *n.* [Latin] *Roman law.* The Cornelian law providing a civil action for the recovery of a penalty in certain cases of bodily injury and violent invasion of property. — Also spelled *lex Cornelia de iniuriis*.

"Lex Cornelia de iniuriis . . . Punished three kinds of injury committed by violence: *pulsare* (beating), *verberare* (striking, causing pains) and *domum introire* (forcible invasion of another's domicile)." Adolf Berger, *Encyclopedic Dictionary of Roman Law* 549 (1953).

lex Cornelia de sicariis et veneficis (leks kor-nee-lee-ə dee si-kair-ee-is et və-nee-fə-sis), *n.* [Latin] *Roman law.* The Cornelian law, passed by the dictator Sulla, addressing assassins and poisoners and containing provisions making the killing of another's slave punishable by death or exile. • The act was extended by Emperor Antoninus Pius to include a master who killed his own slave.

lex Cornelia de sponsu (leks kor-nee-lee-ə dee spon-s[y]oo), *n.* [Latin] *Roman law.* A law prohibiting one from acting as surety for the same debtor to the same creditor in the same year for more than a specified amount.

lex Danorum (leks dan-or-əm). See *DANELAW*.

lex delicti (leks də-lik-ti). See *LEX LOCI DELICTI*.

lex deraisnia (leks də-rayn-ee-ə), *n.* [Law Latin] *Hist.* A law by which a party denies an accusation, showing it to be against reason or probability.

lex de responsis prudentium (leks dee ri-spon-sis proo-den-shee-əm). [Latin "law on the replies of the jurists"] See *CITATIONS, LAW OF*.

lex domicilii (leks dom-ə-sil-ee-ī). [Latin] **1.** The law of the country where a person is domiciled. **2.** The determination of a person's rights by establishing where, in law, that person is domiciled. See *Restatement (Second) of Conflict of Laws* §§ 11 et seq. (1971).

Lex Duodecim Tabularum (leks d[y]oo-ə-des-əm tab-yə-lair-əm). See *TWELVE TABLES*.

lex et consuetudo parliamenti (leks et kon-swə-t[y]oo-doh parl-[y]ə-men-ti), *n.* [Latin] *Hist.* The law and custom (or usage) of Parliament.

lex et consuetudo regni (leks et kon-swə-t[y]oo-do reg-ni), *n.* [Latin] *Hist.* The law and custom of the realm; the common law.

lex Fabia de plagiariis (leks fay-bee-ə dee plaj-ee-air-ee-əs), *n.* [Latin] *Hist.* A law directed against kidnapping and harboring of slaves.

lex Falcidia (leks fal-sid-ee-ə). See *FALCIDIAN LAW*.

lex fori (leks for-ī). [Latin] The law of the forum; the law of the jurisdiction where the case is pending <the *lex fori* governs whether the death penalty is a possible punishment for a first-degree-murder conviction>. — Also termed *lex ordinandi*. Cf. *LEX LOCI* (1).

lex Francorum (leks frang-kor-əm), *n.* [Law Latin] The law of the Franks, promulgated by Theodoric I, son of Clovis I, at the same time as the law of Alemanni and Bavaria.

lex Frisionum (leks frizh-ee-oh-nəm), *n.* [Law Latin] The law of the Frisians, promulgated in the middle of the eighth century.

lex Furia Caninia (leks fyoor-ee-ə kə-ni-nee-ə), *n.* [Latin] *Roman law.* A law prohibiting

masters from freeing by will more than a certain number or proportion of their slaves. • Justinian later abrogated this law. — Also termed *lex Fusia Caninia*; *Furian Caninian law*; *Fusian Caninian law*.

lex Furia testamentaria (leks fyoor-ee-ə tes-tə-men-tair-ee-ə), *n.* [Latin] *Roman law*. A law prohibiting a testator from bequeathing more than 1,000 pounds of copper in weight or the equivalent. • This was the first law restricting legacies.

lex Fusia Caninia. See LEX FURIA CANINIA.

lex Gabinia (leks gə-bin-ee-ə), *n.* [Latin] *Roman law*. A law introducing election by ballot. — Also termed *lex Gabinia tabellaria* (leks gə-bin-ee-ə tab-ə-lair-ee-ə).

lex generalis (leks jen-ə-ray-lis). A law of general application, as opposed to one that affects only a particular person or a small group of people.

lex Genucia (leks jə-n[y]oo-shee-ə), *n.* [Latin] *Roman law*. A law, often and easily evaded, prohibiting the charging of interest on loans between Roman citizens.

lex Gothica (leks goth-ik-ə), *n.* [Law Latin] *Hist.* The law of the Goths. • It was first promulgated in writing in A.D. 466.

lex Horatia Valeria (leks hə-ray-shee-ə və-leer-ee-ə), *n.* [Latin] *Roman law*. A law making enactments by the assembly of the people in tribes binding on all citizens.

lex Hortensia (leks hor-ten-s[h]ee-ə), *n.* [Latin] *Roman law*. A law extending to the plebeians full participation in public laws of government and worship; specif., an important constitutional law that made laws passed by the assemblies of the common people (the plebeians) binding on all citizens. • Previously, plebeian assemblies could not bind the patrician classes. See *JUS PUBLICUM*; *JUS SACRUM*.

lex Hostilia de furtis (leks hos-til-ee-ə dee fər-tis), *n.* [Latin] *Roman law*. A law providing that the state could prosecute a person for theft without the owner's participation, as when the owner was busy on an official mission.

lexical definition. See DEFINITION.

lex imperatoria (leks im-pər-ə-tor-ee-ə), *n.* [Latin] *Imperial law*; *Roman law*.

Lexis (lek-sis). An online computer service that provides access to databases of legal information, including federal and state caselaw, statutes, and secondary materials.

lex judicialis (leks joo-dish-ee-ay-lis), *n.* [Latin "judicial law"] An ordeal. See ORDEAL.

lex Julia (leks joo-lee-ə), *n.* [Latin] *Roman law*. One of several Roman statutes dating from the reign of Augustus (27 B.C.–A.D. 14) and distinguished by additional words describing the particular subject matter, as in *lex Julia de adulteriis*.

lex Julia de adulteriis (leks joo-lee-ə dee ə-dəl-tər-ee-is), *n.* [Latin] *Roman law*. A law regulating marriage, discouraging celibacy, and encouraging marriage portions.

lex Julia de ambitu (leks joo-lee-ə dee am-bi-t[y]oo), *n.* [Latin] *Roman law*. A law discouraging illegal means of office-seeking.

lex Julia de annona (leks joo-lee-ə dee ə-noh-nə), *n.* [Latin] *Roman law*. A law discouraging business combinations that raise the prices of basic goods, esp. food.

lex Julia de cessione bonorum (leks joo-lee-ə dee ses[h]-ee-oh-nee bə-nor-əm), *n.* [Latin] *Roman law*. A law governing bankruptcies.

lex Julia de majestate (leks joo-lee-ə dee maj-ə-stay-tee), *n.* [Latin] *Roman law*. A law imposing capital punishment on a person acting against the emperor or state.

lex Julia de maritandis ordinibus (leks joo-lee-ə dee mar-ə-tan-dis or-din-ə-bəs), *n.* [Latin] *Roman law*. A law regulating marriages, as by forbidding senators and their children from intermarrying with freedmen and outlaws, and freedmen from intermarrying with outlaws. • This statute is usu. considered as one law with the *lex Papia Poppea*, which exempted women with three children or more from being placed under guardianship.

lex Julia de peculatu (leks joo-lee-ə dee pek-yə-lay-t[y]oo), *n.* [Latin] *Roman law*. A law punishing a person who steals public money, public property, or sacred objects. • Punishment consisted of death or deportation.

lex Julia de residuis (leks joo-lee-ə dee riz-ij-oo-is), *n.* [Latin] *Roman law*. A law punishing persons who could not account for public money in their charge.

lex Junia Norbana (leks joo-nee-ə nor-bay-nə), *n.* [Latin] *Roman law.* A law granting certain freedom status to improperly manumitted slaves but not full rights of citizenship; a law granting rights of *latini Juniani*. See LATINI JUNIANI.

"After the *lex Junia Norbana*, we find the following classes of persons, under the division of the law of persons into free men or slaves: 1. *Ingenui*, or persons born free. 2. *Libertini* . . . ex-slaves who, on gaining their freedom, became *cives*. 3. *Latini Juniani* . . . ex-slaves who, on manumission and by reason of some defect therein, became something short of full citizens. 4. *Dediticii* . . . 5. Slaves proper." R.W. Leage, *Roman Private Law* 70 (C.H. Ziegler ed., 2d ed. 1930).

lex Junia Velleja (leks joo-nee-ə və-lee-yə), *n.* [Latin] *Roman law.* A law providing that certain kinds of descendants must be treated as posthumously born children of a decedent for purposes of heirship.

lex Kantiae (leks kan-shee-ee), *n.* [Law Latin] *Hist.* A body of customs, mainly concerning land tenure, prevailing in Kent during the time of Edward I.

lex ligeantiae (leks lij-ee-an-shee-ee). The law of the country to which a person owes national allegiance. • Some jurists have thought that this law ought to decide many of the questions that have usu. been determined by the *lex domicilii*.

lex loci (leks loh-si). [Latin] **1.** The law of the place; local law. Cf. LEX FORI. **2.** LEX LOCI CONTRACTUS.

lex loci actus (leks loh-si ak-təs), *n.* [Law Latin] The law of the place where an act is done or a transaction is completed. — Often shortened to *lex actus*.

lex loci celebrationis (leks loh-si sel-ə-bray-shee-oh-nis), *n.* [Latin "law of the place of the ceremony"] The law of the place where a contract, esp. of marriage, is made. • This law usu. governs when the validity of a marriage is at issue. Restatement (Second) of Conflict of Laws § 283(2) (1971).

lex loci contractus (leks loh-si kən-trak-təs). [Latin] The law of the place where a contract is executed or to be performed. • *Lex loci contractus* is often the proper law by which to decide contractual disputes. — Often shortened to *lex loci*; *lex contractus*.

lex loci delicti (leks loh-si də-lik-ti). [Latin] The law of the place where the tort was committed. — Often shortened to *lex delicti*. — Also termed *lex loci delictus*; *lex loci delicti commissi*; *place-of-wrong rule*; *place-of-wrong law*.

lex loci rei sitae (leks loh-si ree-i si-tee). [Latin] LEX SITUS.

lex loci solutionis (leks loh-si sə-loo-shee-oh-nis), *n.* [Latin "law of the place of solution"] The law of the place where a contract is to be performed (esp. by payment). — Often shortened to *lex solutionis*.

lex Longobardorum (leks long-goh-bahr-dor-əm), *n.* [Latin "law of the Lombards"] *Hist.* An ancient legal code developed between the fifth and eighth centuries, in force until the reign of Charlemagne.

lex manifesta (leks man-ə-fes-tə). [Law Latin] *Hist.* **1.** Open law; manifest law. **2.** Trial by duel or ordeal. — Also termed *manifest law*.

lex mercatoria (leks mər-kə-tor-ee-ə), *n.* [Latin "mercantile law"] See LAW MERCHANT.

lex merciorum (leks mər-shee-or-əm). See MERCENLAGE.

lex monetae (leks mə-nee-tee). [Latin] The law of the country whose money is in question.

lex naturae (leks nə-tyoor-ee). See NATURAL LAW.

lex naturale (leks nach-ə-ray-lee). See NATURAL LAW.

lex non scripta (leks non skrip-tə), *n.* [Latin "unwritten law"] Common law, including customs and local laws, as distinguished from statutory law; UNWRITTEN LAW. Cf. LEX SCRIPTA.

lex ordinandi (leks or-də-nan-di). See LEX FORI.

lex Papia Poppea (leks pay-pee-ə pah-pee-ə), *n.* [Latin] *Roman law.* A law proposed by the consuls Papius and Poppeus at the request of Augustus. • It is usu. considered with the *lex Julia de maritandis ordinibus* as one law. — Also termed *Papian law*; *Poppean law*. See *lex Julia de maritandis ordinibus* under LEX JULIA.

lex patriae (leks pay-tree-ee or pa-tree-ee), *n.* [Latin] National law; the law of one's country.

lex Petronia (leks pə-troh-nee-ə), *n.* [Latin] *Roman law.* A law forbidding masters from placing their slaves with wild beasts in a sporting contest, without appropriate permission from a magistrate.

lex Plaetoria (leks pli- or plee-tor-ee-ə), *n.* [Latin] *Roman law.* A law protecting minors against frauds and permitting them to apply for a guardian.

lex Poetelia (leks poh-ə-tee-lee-ə), *n.* [Latin] *Roman law.* A law abolishing a creditor's right to treat his debtor inhumanely, as by beating or fettering the debtor.

lex Pompeia de parricidiis (leks pom-pee-ə dee par-ə-si-dee-is), *n.* [Latin] *Roman law.* A law punishing a person for causing the death of his or her own parent, child, or other specified relative. • The offender was killed by being sewn up in a sack with a dog, a rooster, a poisonous snake, and a monkey, and then thrown into the ocean or a river.

lex posterior derogat priori (leks pah-steer-ee-ər der-ə-gat pri-or-i), *n.* [Latin "a later law prevails over an earlier one"] The principle that a later statute negates the effect of a prior one if the later statute expressly repeals, or is obviously repugnant to, the earlier law.

lex praetoria (leks pri- or pree-tor-ee-ə), *n.* [Latin "praetorian law"] **1.** *Roman law.* A law requiring that every freedman with a will must leave a patron half the property. — Also termed *ius praetorium*. **2.** *Hist.* The applicable rules in a court of equity.

lex privata (leks pri-vay-tə), *n.* [Latin "private law"] *Roman law.* A clause in a private contract. — Sometimes shortened to *lex*.

lex publica (leks pəb-li-kə), *n.* [Latin "public law"] *Roman law.* **1.** A law passed by a popular assembly and binding on all people. **2.** A written law. — Sometimes shortened to *lex*.

lex Publilia (leks p[y]oo-blil-ee-ə), *n.* [Latin "Publilian law"] *Roman law.* A law dispensing with senatorial approval for the enactments of the *plebs* (common citizens).

lex regia (leks ree-jee-ə), *n.* [Latin "royal law"] *Roman law.* A law ostensibly enacted by the

Roman people granting wide legislative and executive powers to the emperor, such as providing that the emperor was a source of law, the emperor had full legislative powers, and the emperor's will or pleasure had the full force of law.

lex Rhodia (leks roh-dee-ə), *n.* [Latin] *Roman law.* The Rhodian law, esp. on the subject of jettison, preserved in the Pandects. See RHODIAN LAW.

lex Romana (leks rə-may-nə), *n.* [Latin] ROMAN LAW.

Lex Romana Visigothorum (leks rə-may-nə viz-ə-gah-thor-əm). See BREVIARUM ALARICIANUM.

lex Salica (leks sal-ə-kə), *n.* [Latin] See SALIC LAW.

lex Scribonia (leks skri-boh-nee-ə), *n.* [Latin] *Roman law.* A law abolishing the acquisition of certain interests in land through prescription.

lex scripta (leks skrip-tə), *n.* [Latin "written law"] Law authorized or created by statute rather than custom or usage; WRITTEN LAW. Cf. LEX NON SCRIPTA.

lex Sempronia (leks sem-proh-nee-ə), *n.* [Latin] *Hist.* A law preventing senators from being judges, and allowing knights to so serve.

lex Silia (leks sil-ee-ə), *n.* [Latin] *Roman law.* A law providing for personal actions for a fixed sum of money.

lex situs (leks si-təs), *n.* [Law Latin] The law of the place where property is located. — Also termed *lex loci rei sitae*. See Restatement (Second) of Conflict of Laws §§ 222 et seq. (1971).

lex solutionis. See LEX LOCI SOLUTIONIS.

lex talionis (leks tal-ee-oh-nis), *n.* [Law Latin] The law of retaliation, under which punishment should be in kind — an eye for an eye, a tooth for a tooth, and so on. — Also termed *eye for an eye*; *jus talionis*; *principle of retribution*.

"Kant, for example, expresses the opinion that punishment cannot rightly be inflicted for the sake of any benefit to be derived from it either by the criminal himself or by society, and that the sole and sufficient reason and justification of it lies in the fact that evil has been done by him who suffers it. Consistently with this view, he derives the measure of punishment, not from any elaborate considerations as to the amount needed for

the repression of crime, but from the simple principle of *lex talionis*: 'Thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot' [*Deuteronomy*, xix 21]. No such principle, indeed, is capable of literal interpretation; but subject to metaphorical and symbolical applications it is in Kant's view the guiding rule of the ideal scheme of criminal justice." John Salmond, *Jurisprudence* 118 (Glanville L. Williams ed., 10th ed. 1947).

"But if the old form of the *lex talionis*, an eye for an eye or a tooth for a tooth, sounds too barbaric today, may we not reformulate the retributive theory and put it thus: Everyone is to be punished alike in proportion to the gravity of his offense or to the extent to which he has made others suffer?" Morris R. Cohen, *Reason and Law* 53 (1961).

lex terrae (leks ter-ee). [Law Latin] See LAW OF THE LAND.

lex Theodosiana. See BREVIARUM ALARICIANUM.

lex validitatis (leks val-ə-day-tis), *n.* [Latin] *Conflict of laws*. The presumption of validity given to marriages, contracts, and other matters.

lex Visigothorum (leks viz-ə-gah-thor-əm), *n.* [Latin "law of the Visigoths"] The law of a division of the Goths (a Germanic tribe) known as the Visigoths, who conquered Spain in the 5th century. • In the late 7th century, Kings Recceswinth and Erwig imposed a Visigothic common law, and it is to this law that the phrase *lex Visigothorum* usu. applies. — Also termed *liber iudiciorum*. — Also spelled *lex Wisigothorum*.

lex Voconia (leks və-koh-nee-ə), *n.* [Latin] *Roman law*. A law regulating inheritance, esp. by women. — Also termed *Voconian law*.

"Lex Voconia . . . Contained several provisions concerned with the law of succession: (1) No woman could be heir . . . to an estate having a value greater than a fixed amount . . . (2) Admitted among female agnates only the sisters of the deceased to intestate succession. (3) No one person — male or female — could receive by legacy more than the heir (or all heirs together) instituted in the last will." Adolf Berger, *Encyclopedic Dictionary of Roman Law* 561 (1953).

lex Wallensica (leks wawl-en-zə-kə), *n.* [Latin] Welsh law.

ley civile (lay see- or sə-veel), *n.* [Law French] *Hist.* 1. The civil law. 2. The Roman law. — Also termed *ley escripte*.

ley de terre (lay də tair). [Law French] See LAW OF THE LAND.

ley escripte (lay es-kript). See LEY CIVILE.

ley gager (lay gay-jər), *n.* [Law French] *Hist.* Wager of law; the defendant's giving of security to make law on a particular day. See WAGER OF LAW.

leze majesty. See LESE MAJESTY.

L.F. *abbr.* LAW FRENCH.

LHWCA. *abbr.* LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.

liability, *n.* 1. The quality or state of being legally obligated or accountable; legal responsibility to another or to society, enforceable by civil remedy or criminal punishment <liability for injuries caused by negligence>. — Also termed *legal liability*. 2. (*often pl.*) A financial or pecuniary obligation; DEBT <tax liability> <assets and liabilities>.

"The term 'liability' is one of at least double signification. In one sense it is the synonym of *duty*, the correlative of *right*; in this sense it is the opposite of *privilege* or *liberty*. If a duty rests upon a party, society is now commanding performance by him and threatening penalties. In a second sense, the term 'liability' is the correlative of *power* and the opposite of *immunity*. In this case society is not yet commanding performance, but it will so command if the possessor of the power does some operative act. If one has a power, the other has a liability. It would be wise to adopt the second sense exclusively. Accurate legal thinking is difficult when the fundamental terms have shifting senses." William R. Anson, *Principles of the Law of Contract* 9 (Arthur L. Corbin ed., 3d Am. ed. 1919).

"Liability or responsibility is the bond of necessity that exists between the wrongdoer and the remedy of the wrong. This *vinculum juris* is not one of mere duty or obligation; it pertains not to the sphere of *ought* but to that of *must*." John Salmond, *Jurisprudence* 364 (Glanville L. Williams ed., 10th ed. 1947).

absolute liability. See *strict liability*.

accomplice liability. Criminal responsibility of one who acts with another before, during, or after a crime. See 18 USCA § 2.

accrued liability. A debt or obligation that is properly chargeable in a given accounting period but that is not yet paid.

alternative liability. Liability arising from the tortious acts of two or more parties — when the plaintiff proves that one of the defendants has caused harm but cannot prove which one caused it — resulting in a shifting of the burden of proof to each defendant. Restatement (Second) of Torts § 433B(3) (1965).

civil liability. 1. Liability imposed under the civil, as opposed to the criminal, law. 2. The state of being legally obligated for civil damages.

contingent liability. A liability that will occur only if a specific event happens; a liability that depends on the occurrence of a future and uncertain event. • In financial statements, contingent liabilities are usu. stated in footnotes.

current liability. A business liability that will be paid or otherwise discharged with current assets or by creating other current liabilities within the next year (or operating cycle).

derivative liability. Liability for a wrong that a person other than the one wronged has a right to redress. • Examples include liability to a widow in a wrongful-death action and liability to a corporation in a shareholder's derivative suit.

enterprise liability. Liability imposed on each member of an industry responsible for manufacturing a harmful or defective product, allotted by each manufacturer's market share of the industry. — Also termed *industry-wide liability*. See *market-share liability*.

joint and several liability. Liability that may be apportioned either among two or more parties or to only one or a few select members of the group, at the adversary's discretion. • Thus, each liable party is individually responsible for the entire obligation, but a paying party may have a right of contribution and indemnity from nonpaying parties. See *solidary liability*.

joint liability. Liability shared by two or more parties.

liability in solido. See *solidary liability*.

liability without fault. See *strict liability*.

limited liability. Liability restricted by law or contract; esp., the liability of a company's owners for nothing more than the capital they have invested in the business.

market-share liability. Liability that is imposed, usu. severally, on each member of an industry, based on each member's share of the market, or respective percentage of the product that is placed on the market. • This theory of liability usu. applies only in the situation in which a plaintiff cannot trace the harmful exposure to a particular product, as when several products contain a fungible substance. For example, it is sometimes applied to a claim that the plaintiff was harmed by exposure to asbestos. See *enterprise liability*.

penal liability. Liability arising from a proceeding intended at least partly to penalize a wrongdoer. Cf. *remedial liability*.

personal liability. Liability for which one is personally accountable and for which a wronged party can seek satisfaction out of the wrongdoer's personal assets.

premises liability. See PREMISES LIABILITY.

primary liability. Liability for which one is directly responsible, as opposed to secondary liability.

products liability. See PRODUCTS LIABILITY.

remedial liability. Liability arising from a proceeding whose object contains no penal element. • The two types of proceedings giving rise to this liability are specific enforcement and restitution. Cf. *penal liability*.

secondary liability. Liability that does not arise unless the primarily liable party fails to honor its obligation.

several liability. Liability that is separate and distinct from another's liability, so that the plaintiff may bring a separate action against one defendant without joining the other liable parties.

shareholder's liability. 1. The statutory, added, or double liability of a shareholder for a corporation's debts, despite full payment for the stock. 2. The liability of a shareholder for any unpaid stock listed as fully owned on the stock certificate, usu. occurring either when the shareholder agrees to pay full par value for the stock and obtains the certificate before the stock is paid for, or when partially paid-for stock is intentionally issued by a corporation as fully paid, the consideration for it being entirely fictitious. — Also termed *stockholder's liability*.

solidary liability (sol-ə-der-ee). *Civil law.* The liability of any one debtor among two or more joint debtors to pay the entire debt if the creditor so chooses. • This is equivalent to joint and several liability in the common law. — Also termed *liability in solido*. See *joint and several liability*.

stockholder's liability. See *shareholder's liability*.

strict liability. Liability that does not depend on actual negligence or intent to harm, but that is based on the breach of an absolute duty to make something safe. • Strict liability most often applies either to ultrahazardous activities or in products-liability cases. — Also termed *absolute liability*; *liability without fault*.

vicarious liability (vi-kair-ee-əs). Liability that a supervisory party (such as an employer) bears for the actionable conduct of a subordinate or associate (such as an employee) because of the relationship between the two parties. See RESPONDEAT SUPERIOR.

liability bond. See BOND (2).

liability dividend. See *scrip dividend* under DIVIDEND.

liability in solido. See *solidary liability* under LIABILITY.

liability insurance. See INSURANCE.

liability limit. The maximum amount of coverage that an insurance company will provide on a single claim under an insurance policy. — Also termed *limit of liability*; *policy limits*.

liability without fault. See *strict liability* under LIABILITY.

liable (lī-ə-bəl also lī-bəl), *adj.* **1.** Responsible or answerable in law; legally obligated. **2.** (Of a person) subject to or likely to incur (a fine, penalty, etc.). — Also termed *legally liable*. See LIABILITY.

libel (lī-bəl), *n.* **1.** A defamatory statement expressed in a fixed medium, esp. writing but also a picture, sign, or electronic broadcast. • Libel is classified as both a crime and a tort but is no longer prosecuted as a crime. — Also termed *defamatory libel*. See DEFAMATION. Cf. SLANDER.

"Libel is written or visual defamation; slander is oral or aural defamation." Robert D. Sack & Sandra S. Baron, *Libel, Slander, and Related Problems* § 2.3, at 67 (2d ed. 1994).

"The distinction itself between libel and slander is not free from difficulty and uncertainty. As it took form in the seventeenth century, it was one between written and oral words. But later on libel was extended to include pictures, signs, statues, motion pictures, and even conduct carrying a defamatory imputation, such as hanging the plaintiff in effigy, erecting a gallows before his door, dishonoring his valid check drawn upon the defendant's bank, or even . . . following him over a considerable period in a conspicuous manner. From this it has been concluded that libel is that which is communicated by the sense of sight, or perhaps also by touch or smell, while slander is that which is conveyed by the sense of hearing." W. Page Keeton et al., *The Law of Torts* § 112, at 786 (5th ed. 1984).

criminal libel. At common law, a malicious libel that is designed to expose a person to hatred, contempt, or ridicule and that may subject the author to criminal sanctions. •

Because of constitutional protections of free speech, libel is no longer criminally prosecuted.

false-implication libel. Libel of a public figure in a news article that creates a false implication or impression even though each statement in the article, taken separately, is true. See FALSE LIGHT; INVASION OF PRIVACY.

group libel. Libel that defames a class of persons, esp. because of their race, sex, national origin, religious belief, or the like. • Civil liability for group libel is rare because the plaintiff must prove that the statement applied particularly to him or her. Cf. *hate speech* under SPEECH.

libel per quod (pər kwod). **1.** Libel that is actionable only on allegation and proof of special damages. • Most jurisdictions do not recognize libel per quod, holding instead that general damages from libel are presumed. **2.** Libel in which the defamatory meaning is not apparent from the statement on its face but rather must be proved from extrinsic circumstances. See INNUEENDO (2).

libel per se (pər say). **1.** Libel that is actionable in itself, requiring no proof of special damages. • Most jurisdictions do not distinguish between libel per se and libel per quod, holding instead that general damages from libel are presumed. **2.** Libel that is defamatory on its face, such as the statement "Frank is a thief."

obscene libel. *Hist.* **1.** The common-law crime of publishing, with the intent to corrupt, material (esp. sexual words or pictures) that tends to deprave or corrupt those whose minds are open to immoral influences. **2.** A writing, book, picture, or print that is so obscene that it shocks the public sense of decency.

sedition libel. Libel-made with the intent of inciting sedition. • Like other forms of criminal libel, seditious libel is no longer prosecuted. See SEDITION.

trade libel. See TRADE LIBEL.

2. The act of making such a statement. **3.** The complaint or initial pleading in an admiralty or ecclesiastical case.

libel, vb. **1.** To defame (someone) in a permanent medium, esp. in writing. **2.** To sue in admiralty or ecclesiastical court.

libelant (lī-bəl-ənt). **1.** The party who institutes a suit in admiralty or ecclesiastical court by filing a libel. **2.** LIBELER. — Also spelled *libelant*.

libelee (lɪ-bəl-ee). The party against whom a libel has been filed in admiralty or ecclesiastical court. — Also spelled *libellee*.

libeler. One who publishes a written defamatory statement. — Also spelled *libeller*. — Also termed *libelant*.

libellary procedure (lɪ-bəl-er-ee). *Roman law*. A procedure in which the parties submitted their claims to the magistrate without formally making an issue and with only a short statement (a *libellus*) of the basis for the lawsuit.

libellos agere (lə-bel-əs əj-ə-ree), *vb.* [Latin] *Roman law*. To assist the emperor in responding to petitions. — Also termed *libellum agere*.

libellous, *adj.* See LIBELOUS.

libellus (lə-bel-əs), *n.* [Latin] **1.** *Roman law*. A small book; a writing; a petition. **2.** *Hist.* An instrument conveying all or part of land. **3.** Any one of a number of legal petitions or documents, such as a bill of complaint.

libellus accusatorius (lə-bel-əs ə-kyoo-zə-tor-ee-əs), *n.* [Latin] *Roman law*. A formal criminal accusation.

libellus appellatorius (lə-bel-əs ə-pel-ə-tor-ee-əs), *n.* [Latin] *Roman law*. An appeal.

libellus consultatorius (lə-bel-əs kon-səl-tor-ee-əs), *n.* [Latin] *Roman law*. A petition to the emperor from a judge or official asking for guidance.

libellus conventionis (lə-bel-əs kən-ven-shee-oh-nis), *n.* [Latin] *Roman law*. The statement of a plaintiff's claim in a petition sent to the magistrate, who directs its delivery to the defendant.

"The *libellus conventionis* was very like the *intentio* of the formulary system, and the modern statement of claim, since it set forth in a succinct manner the nature of the plaintiff's right and the circumstances attending its alleged violation." R.W. Leage, *Roman Private Law* 417 (C.H. Ziegler ed., 2d ed. 1930).

libellus divortii (lə-bel-əs di-vor-shee-i), *n.* [Latin] *Roman law*. A bill of divorce.

libellus famosus (lə-bel-əs fə-moh-səs), *n.* [Latin] *Roman law*. A defamatory publication.

"*Libellus famosus* . . . According to the *Lex Cornelia de iniuriis* punishment was inflicted on the person who wrote (*scripserit*), composed (*composuerit*) or edited (*edi-*

derit) such a lampoon, even if the publication was made under another name or anonymously (*sine nomine*)." Adolf Berger, *Encyclopedic Dictionary of Roman Law* 562 (1953).

libellus rerum (lə-bel-əs reer-əm), *n.* [Latin] *Hist.* An inventory.

libellus supplex (lə-bel-əs səp-leks), *n.* [Latin] *Roman law*. A petition, esp. to the emperor. ● All petitions to the emperor had to be in writing.

libel of review. *Maritime law*. A new proceeding attacking a final decree after the right to appeal has expired. See LIBEL (3).

libelous, *adj.* Constituting or involving libel; defamatory <a libelous newspaper story>. — Also spelled *libellous*.

libel per quod. See LIBEL.

libel per se. See LIBEL.

liber (lɪ-bər), *adj.* [Latin "free"] **1.** (Of courts, public places, etc.) open and accessible. **2.** (Of a person) having the state or condition of a free-man. **3.** (Of a person) free from another's service or authority.

liber (lɪ-bər), *n.* [Latin "book"] **1.** A book of records, esp. of deeds. **2.** A main division of a literary or professional work.

libera batella (lib-ər-ə bə-tel-ə), *n.* [Latin "free boat"] *Hist.* The right to have a boat fish in certain waters; free fishery.

libera chasea habenda (lib-ər-ə chay-see-ə hā-ben-də), *n.* [Law Latin] *Hist.* A judicial writ granting a person the right to a free chase belonging to the person's manor, after the jury's verdict granting that right. See CHASE.

libera eleemosyna (lib-ər-ə el-ə-mos-ə-nə). See FRANKALMOIN.

libera falda (lib-ər-ə fal-də or fawl-də). See DE LIBERA FALDA.

liberal, *adj.* **1.** (Of a condition, state, opinion, etc.) not restricted; expansive; tolerant <liberal policy>. **2.** (Of a person or entity) opposed to conservatism; advocating expansive freedoms and individual expression <liberal party>. **3.** (Of an act, etc.) generous <a liberal gift>. **4.** (Of an interpretation, construction, etc.) not

strict or literal; loose <a liberal reading of the statute>.

liberal construction. See CONSTRUCTION.

libera lex (lib-ər-ə leks), *n.* [Latin “free law”] *Hist.* Free law; the law of the land. • This phrase referred to the law enjoyed by free and lawful men, as opposed to men who had lost the benefit and protection of the law as a result of committing crimes. See LIBERAM LEGEM AMIT-TERE.

liberal interpretation. See INTERPRETATION.

liberam legem amittere (lib-ər-əm lee-jəm ə-mit-ə-ree). [Latin] *Hist.* To lose one’s free law. • This phrase refers to falling, by crime or infamy, from the status of *libera lex*. By what was known as a “villinous judgment,” a person would be discredited as juror and witness, would forfeit goods and chattels and lands for life, would have his houses razed and trees uprooted, and would go to prison. This was the ancient punishment of a conspirator and of a party involved in a wager of battle who cried “craven.” — Also termed *amittere liberam legem; amittere legem terrae* (“to lose the law of the land”). See VILLENOUS JUDGMENT.

libera piscaria (lib-ər-ə pis-kair-ee-ə). See *free fishery* under FISHERY (1).

liberare (lib-ə-rair-ee), *vb.* **1.** *Civil law.* To set (a person) free. **2.** *Hist.* To deliver or transfer (a writ, etc.).

liber assisarum (li-bər as-i-zair-əm), *n.* [Law Latin “Book of Assizes”] *Hist.* A collection of cases arising in assizes and other country trials. • It was the fourth volume of the reports of the reign of Edward III.

liberate (lib-ə-ray-tee), *n.* [Law Latin] *Hist.* **1.** A chancery writ to the Exchequer ordering the payment of an annual pension or other sum. **2.** A writ to the sheriff authorizing delivery of any property given as bond and then taken when a defendant forfeited a recognizance. **3.** A writ to a jailer ordering delivery of a prisoner who had paid bail. **4.** A writ to a sheriff commanding him to deliver to the plaintiff lands or goods pledged as part of a commercial trade loan arrangement (a statute staple) available in certain merchant towns in England. • If a debtor defaulted on this obligation, the creditor could obtain a writ of extent, which directed the sheriff to take an inventory and entitled the creditor to keep the debtor’s property for a

time until the rentals on the property equaled the amount due. The writ of *liberate* was issued after the inventory had been performed under the writ of extent. See EXTENT; STAPLE.

liberate, *vb.* To set (a person) free, as from slavery, bondage, or enemy control.

liberatio (lib-ə-ray-shee-oh), *n.* [Law Latin] *Hist.* Money paid for the delivery or use of a thing; a payment.

liberation. **1.** The act or an instance of freeing someone or something. **2.** *Civil law.* Final payment under a contract, thereby extinguishing the debt.

liberation movement. *Int’l law.* An organized effort to achieve the political independence of a particular nation or people.

liberative, *adj.* Serving or tending to free or release.

liberative prescription. See PRESCRIPTION (1).

Libe Authenticorum (li-bər aw-then-tə-kor-əm), *n.* [Latin] *Roman law.* The authentic collection of Justinian’s Greek novels, as distinguished from another similar work, the *Epitome Juliani* (ə-pit-ə-mee joo-lee-ay-ni).

libera warrena (lib-ər-ə wor-ee-nə). See *free warren* under WARREN.

liber bancus (li-bər bang-kəs). See FREE BENCH.

liber et legalis homo (li-bər et lə-gay-lis). See LEGALIS HOMO.

liberi (lib-ər-i), *n. pl.* [Latin] *Roman law.* **1.** Children. **2.** Grandchildren. **3.** Descendants.

liber iudiciorum. See LEX VISIGOTHORUM.

liber judicialis of Alfred (li-bər joo-dish-ee-ay-lis), *n.* [Law Latin] See DOME BOOK.

liber niger (li-bər ni-jər), *n.* [Latin “black book”] *Hist.* An ancient record, such as the register in the Exchequer and the register of charters of abbeyes and cathedrals.

Libe Niger Parvus (li-bər ni-jər pah-r-vəs). See BLACK BOOK OF THE EXCHEQUER.

liber ruber scaccarii (lĭ-bər roo-bər skə-kair-ee-i), *n.* [Law Latin] *Hist.* Red book of the Exchequer. • This was an ancient register of the names of those holding land *per baroniam* during the reign of Henry II.

libertas (lĭ-bər-tas or lib-ər-tas), *n.* [Latin “liberty, freedom”] *Hist.* A privilege or franchise.

libertas ecclesiastica (lĭ-bər-tas e-klee-z[h]ee-as-ti-kə), *n.* [Law Latin “church liberty”] *Hist.* Immunity from secular law, enjoyed by religious houses that are subject to ecclesiastical law.

libertatibus allocandis (lib-ər-tay-tə-bəs al-ə-kan-dis). See DE LIBERTATIBUS ALLOCANDIS.

libertatibus exigendis in itinere (lib-ər-tay-tə-bəs ek-sə-jen-dis in i-tin-ə-ree), *n.* [Latin] *Hist.* A writ from the king to one of a panel of itinerant judges (the justices in eyre) ordering them to admit an attorney to represent a criminal defendant. See EYRE.

liberti (lĭ-bər-tĭ), *n. pl.* [Latin] *Roman law.* Manumitted slaves, considered in their relation with their former masters, who were known as *patrons*.

liberticide (lə-bər-tə-sĭd), *n.* **1.** The destruction of liberty. **2.** A destroyer of liberty.

liberties. *Hist.* **1.** Privileged districts exempt from the sheriff’s jurisdiction. **2.** In American colonial times, laws. **3.** Political subdivisions of Philadelphia.

libertini (lib-ər-tĭ-nĭ). Manumitted slaves, considered apart from their relation to their patrons. See LIBERTI.

liberty. **1.** Freedom from arbitrary or undue external restraint, esp. by a government <give me liberty or give me death>. **2.** A right, privilege, or immunity enjoyed by prescription or by grant; the absence of a legal duty imposed on a person <the liberties protected by the Constitution>.

“[Liberty] denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.” *Meyer v. Nebraska*, 262 U.S. 390, 399, 43 S.Ct. 625, 626 (1923).

“The sphere of my legal liberty is that sphere of activity within which the law is content to leave me alone.” John Salmond, *Jurisprudence* 239 (Glanville L. Williams ed., 10th ed. 1947).

“The word *liberty* has become a symbol around which have clung some of the most generous human emotions. We have been brought up to thrill with admiration at the men who say, Give me liberty or give me death. But the philosopher asks whether all those who are devoted to liberty mean the same thing. Does liberty or freedom, for instance, involve free trade? Does it involve freedom to preach race hatred or the overthrow of all that we regard as sacred? Many who believe in liberty characterize the freedom which they are not willing to grant, as license, and they do it so often that one may be inclined to think that what we really need is less liberty and more license. Moreover, there is a confusion between the absence of legal restraint and the presence of real freedom as positive power to do what we want. The legal freedom to earn a million dollars is not worth a cent to one who has no real opportunity. It is fashionable to assert that men want freedom above all other things, but a strong case may be made out for the direct contrary. Absolute freedom is just what people do not want . . .” Morris R. Cohen, *Reason and Law* 101–02 (1961).

civil liberty. See CIVIL LIBERTY.

individual liberty. See *personal liberty*.

natural liberty. The power to act as one wishes, without any restraint or control, unless by nature.

“This natural liberty . . . being a right inherent in us by birth . . . But every man, when he enters into society, gives up a part of his natural liberty, as the price of so valuable a purchase; and, in consideration of receiving the advantages of mutual commerce, obliges himself to conform to those laws, which the community has thought proper to establish.” 1 William Blackstone, *Commentaries on the Laws of England* 121 (1765).

personal liberty. One’s freedom to do as one pleases, limited only by the government’s right to regulate the public health, safety, and welfare. — Also termed *individual liberty*.

political liberty. A person’s freedom to participate in the operation of government, esp. in the making and administration of laws.

religious liberty. Freedom — as guaranteed by the First Amendment — to express, without external control other than one’s own conscience, any or no system of religious opinion and to engage in or refrain from any form of religious observance or public or private religious worship, as long as it is consistent with the peace and order of society.

Liberty Clause. The Due Process Clause in the 14th Amendment to the U.S. Constitution. See DUE PROCESS CLAUSE.

liberty interest. An interest protected by the due-process clauses of state and federal constitutions. See FUNDAMENTAL RIGHT (2).

liberty not. See NO-DUTY.

liberty of a port. *Marine insurance.* A license incorporated in a marine policy allowing the vessel to dock and trade at a designated port other than the principal port of destination.

liberty of contract. See FREEDOM OF CONTRACT.

liberty of speech. See FREEDOM OF SPEECH.

liberty of the globe. *Marine insurance.* A license incorporated in a marine policy authorizing the vessel to go to any part of the world, rather than be confined to a particular port of destination.

liberty of the press. See FREEDOM OF THE PRESS.

liberum maritagium (**lib**-ər-əm mar-ə-tay-jee-əm). See FRANKMARRIAGE.

liberum servitium (**lib**-ər-əm sər-vish-ee-əm), *n.* [Law Latin] See SERVITIUM LIBERUM.

liberum socagium (**lib**-ər-əm sok-ay-jee-əm), *n.* [Law Latin] See *free socage* under SOCAGE.

liberum tenementum (**lib**-ər-əm ten-ə-men-təm), *n.* [Law Latin] *Hist.* 1. A plea of freehold; a defensive common-law pleading in an action for trespass to lands. ● The defendant pleaded either ownership of the land in question or authorization from the freehold owner. 2. FREEHOLD.

liberum veto. See VETO.

libra (lɪ-brə), *n.* [Latin] *Hist.* An English pound; a sum of money equal to a pound sterling. Pl. **librae.**

libra arsa (lɪ-brə ahr-sə), *n.* [Law Latin] *Hist.* A pound melted to test its purity.

libra numerata (lɪ-brə n[y]oo-mə-ray-tə), *n.* [Law Latin] *Hist.* A pound of money that has been counted.

libra pensa (lɪ-brə pen-sə), *n.* [Law Latin] *Hist.* A pound of money by weight.

libripens (**lib**-rə-penz), *n.* [Latin] *Roman law.* A person who holds a bronze balance during actual or ritual sales, such as the ceremonies of

emancipating a son from his father or conveying real property. ● The purchaser strikes the balance with a piece of bronze to symbolize completion of the sale. The seller then receives the bronze as a sign of the purchase money. See EMANCIPATION.

license, n. 1. A revocable permission to commit some act that would otherwise be unlawful; esp., an agreement (not amounting to a lease or profit à prendre) that it will be lawful for the licensee to enter the licensor's land to do some act that would otherwise be illegal, such as hunting game. See SERVITUDE. 2. The certificate or document evidencing such permission. — **license, vb.**

bare license. A license in which no property interest passes to the licensee, who is merely not a trespasser. ● It is revocable at will. — Also termed *naked license*; *mere license*.

box-top license. See *shrink-wrap license*.

compulsory license. *Copyright.* A statutorily created license that allows certain parties to use copyrighted material without the explicit permission of the copyright owner in exchange for a specified royalty.

exclusive license. A license that gives the licensee the exclusive right to perform the licensed act and that prohibits the licensor from granting the right to anyone else; esp., such a license of a copyright, patent, or trademark right.

license coupled with an interest. An irrevocable license conveyed with an interest in land or a chattel interest. ● An injunction may be obtained to prevent the wrongful revocation of such a license. — Also termed *license coupled with the grant of an interest*.

mere license. See *bare license*.

naked license. 1. A license allowing a licensee to use a trademark on any goods and services the licensee chooses. 2. See *bare license*.

shrink-wrap license. A printed license that is displayed on the outside of a software package and that advises the buyer that by opening the package, the buyer becomes legally obligated to abide by the terms of the license. ● Shrink-wrap licenses usu. seek to (1) prohibit users from making unauthorized copies of the software, (2) prohibit modifications to the software, (3) limit use of the software to one computer, (4) limit the manufacturer's liability, and (5) disclaim warranties. — Also written *shrinkwrap license*. — Also termed *box-top license*; *tear-me-open license*.

license bond. See BOND (2).

license coupled with the grant of an interest. See *license coupled with an interest* under LICENSE.

licensee. **1.** One to whom a license is granted. **2.** One who has permission to enter or use another's premises, but only for one's own purposes and not for the occupier's benefit. • The occupier has a duty to warn the licensee of any dangerous conditions known to the occupier but unknown to the licensee. An example of a licensee is a social guest. Cf. INVITEE; TRESPASSER.

bare licensee. A licensee whose presence on the premises the occupier tolerates but does not necessarily approve, such as one who takes a shortcut across another's land. — Also termed *naked licensee*; *mere licensee*.

licensee by invitation. One who is expressly or impliedly permitted to enter another's premises to transact business with the owner or occupant or to perform an act benefiting the owner or occupant.

licensee by permission. One who has the owner's permission or passive consent to enter the owner's premises for one's own convenience, curiosity, or entertainment.

licensee with an interest. See INVITEE.

mere licensee. See *bare licensee*.

naked licensee. See *bare licensee*.

license fee. **1.** A monetary charge imposed by a governmental authority for the privilege of pursuing a particular occupation, business, or activity. — Also termed *license tax*. **2.** A charge of this type accompanied by a requirement that the licensee take some action, or be subjected to regulations or restrictions.

license in amortization. *Hist.* A license authorizing the conveyance of property otherwise invalid under the statutes of mortmain. See MORTMAIN.

license tax. See LICENSE FEE (1).

licensing. **1.** The sale of a license authorizing another to use something (such as computer software) protected by copyright, patent, or trademark. **2.** A governmental body's process of issuing a license.

licensor. One who grants a license to another. — Also spelled *licenser*.

licentia (li-sen-shee-ə), *n.* [fr. Latin *licere* "to be lawful"] *Hist.* License; permission.

licentia concordandi (li-sen-shee-ə kon-kor-dan-dī), *n.* [Law Latin "license to agree"] *Hist.* One of the proceedings on levying a fine of lands. See CONGÉ D'ACCORDER.

"The *licentia concordandi*, or leave to agree the suit. For, as soon as the action is brought, the defendant knowing himself to be in the wrong, is supposed to make overtures of peace and accommodation to the plaintiff. Who, accepting them, but having, upon suing out the writ, given pledges to prosecute his suit, which he endangers if he now deserts it without license, he therefore applies to the court for leave to make the matter up." 2 William Blackstone, *Commentaries on the Laws of England* 350 (1766).

licentia loquendi (li-sen-shee-ə loh-kwen-dī). [Latin "license to speak"] See IMPARLANCE.

licentia surgendi (li-sen-shee-ə sər-jen-dī), *n.* [Law Latin "license to arise"] *Hist.* Permission or writ from the court to a tenant in a real action to get out of bed and appear in court, following the tenant's earlier plea of inability to appear because of illness that confined the tenant to bed. • The tenant could lose the case by default for falsely claiming illness. See DE MALO; ESSOIN.

licentiate (li-sen-shee-ət), *n.* One who has obtained a license or authoritative permission to exercise some function, esp. to practice a profession <a licentiate in law should be held to high ethical standards>.

licentious (li-sen-shəs), *adj.* Lacking or ignoring moral or legal restraint, esp. in sexual activity; lewd; lascivious. — **licentiousness**, *n.*

licere (li-seer-ee), *vb.* [Latin] *Roman law.* **1.** To be allowed by law. **2.** To bid for an item, as at an auction.

licet (li-set or lis-ət). [Latin] *Hist.* **1.** It is permitted; it is lawful. **2.** It is conceded; it is granted.

licit (lis-it), *adj.* Not forbidden by law; permitted; legal. — **licitly**, *adv.*

licitari (lis-ə-tair-ee), *vb.* [Latin] *Roman law.* To bid for an item, esp. repeatedly during the same sale.

licitation (lis-ə-tay-shən). **1.** The offering for sale or bidding for purchase at an auction; esp.,

in civil law, an auction held to partition property held in common. **2.** CANT.

licitator (lis-ə-tay-tər), *n.* [Latin] *Roman law.* The bidder at a sale.

Lidford law (lid-fərd). *Hist.* A form of lynch law permitting a person to be punished first and tried later. • The term took its name from the town of Lidford (now Lydford) where this type of action supposedly took place. Cf. *Jedburgh justice* under JUSTICE.

lie, *vb.* **1.** To tell an untruth; to speak or write falsely <she lied on the witness stand>. See PERJURY. **2.** To have foundation in the law; to be legally supportable, sustainable, or proper <in such a situation, an action lies in tort>. **3.** To exist; to reside <final appeal lies with the Supreme Court>.

lie detector. See POLYGRAPH.

liege (leej), *adj.* *Hist.* **1.** Entitled to feudal allegiance and service. **2.** Bound by feudal tenure to a lord paramount; owing allegiance and service. **3.** Loyal; faithful. — Also termed *ligius*.

liege, *n.* *Hist.* **1.** A vassal bound to feudal allegiance. — Also termed *liege man*; *liege woman*. **2.** A loyal subject of a monarch or other sovereign. **3.** A feudal lord entitled to allegiance and service; a sovereign or superior lord. — Also termed (in sense 3) *liege lord*.

liege homage, *n.* *Hist.* Homage paid by one sovereign to another, including pledges of loyalty and services.

liege lord, *n.* *Hist.* See LIEGE (3).

liege man, *n.* *Hist.* See LIEGE (1).

lieger, *n.* *Archaic.* See LEDGER (2).

liege woman, *n.* *Hist.* See LIEGE (1).

lie in franchise, *vb.* *Hist.* (Of wrecks, waifs, strays, etc.) to be seizable without judicial action.

lie in grant, *vb.* *Hist.* (Of incorporeal hereditaments) to be passable by deed or charter without the ceremony of livery of seisin.

lie in livery, *vb.* *Hist.* (Of corporeal hereditaments) to be passable by livery of seisin rather than by deed.

lien (leen or lee-ən), *n.* A legal right or interest that a creditor has in another's property, lasting usu. until a debt or duty that it secures is satisfied. • Typically, the creditor does not take possession of the property on which the lien has been obtained. — **lien**, *vb.* — **lienable**, **liened**, *adj.* Cf. PLEDGE (1).

accountant's lien. The right of an accountant to retain a client's papers until the accountant's fees have been paid.

agent's lien. A lien against property of the estate, in favor of an agent, to secure the agent's compensation as well as all necessary expenses incurred under the agent's power.

agister's lien (ə-jis-tərz). A lien on the animals under an agister's care, to secure payment of the agister's fee. See AGISTER; AGISTMENT.

agricultural lien. **1.** A statutory lien that protects a seller of farming equipment by giving the seller a lien on crops grown with the equipment. **2. Secured transactions.** An interest (other than a security interest) in farm products having three characteristics: (1) it must secure payment or performance of an obligation for goods or services furnished in connection with a debtor's farming operation, or of an obligation for rent on real property leased by a debtor in connection with farming; (2) it must be created by statute in favor of a person either who in the ordinary course of business furnished goods or services to a debtor in connection with the debtor's farming, or who leased real property to a debtor in connection with the debtor's farming; and (3) the effectiveness of the interest must not depend on the person's possession of the personal property. UCC § 9-102(a)(3).

architect's lien. A statutory lien on real property in favor of an architect who has drawn the plans for and supervised the construction of improvements on the property.

artisan's lien. See *mechanic's lien*.

attachment lien. A lien on property seized by prejudgment attachment. • Such a lien is initially inchoate but becomes final and perfected upon entry of a judgment for the attaching creditor and relates back to the date when the lien first arose. — Also termed *lien of attachment*. See ATTACHMENT.

attorney's lien. The right of an attorney to hold or retain a client's money or property (a *retaining lien*) or to encumber money payable to the client and possessed by the court (a *charging lien*) until the attorney's fees have been properly determined and paid.

banker's lien. The right of a bank to satisfy a customer's matured debt by seizing the customer's money or property in the bank's possession.

blanket lien. A lien that gives a creditor the entitlement to take possession of any or all of the debtor's real property to cover a delinquent loan.

carrier's lien. A carrier's right to retain possession of cargo until the owner of the cargo pays its shipping costs.

charging lien. 1. An attorney's lien on a judgment that the attorney has helped the client obtain. 2. A lien on specified property in the debtor's possession.

chattel lien. See *mechanic's lien*.

choate lien (koh-it). A lien in which the lienholder, the property, and the monetary amount are established so that the lien is perfected and nothing else needs to be done to make it enforceable.

common-law lien. 1. A lien granted by the common law, rather than by statute, equity, or agreement by the parties. 2. The right of one person to retain possession of property belonging to another until certain demands of the possessing party are met. • This type of lien, unlike an equitable lien, cannot exist without possession.

concurrent lien. One of two or more liens of equal priority attaching to the same property.

construction lien. See *mechanic's lien*.

consummate lien (kən-səm-it). A judgment lien arising after the denial of a motion for a new trial. Cf. *inchoate lien*.

conventional lien. A lien that is created by the express agreement of the parties, in circumstances in which the law would not create a lien.

deferred lien. A lien effective at a future date, as distinguished from a present lien that is currently possessory.

demurrage lien (di-mər-ij). A carrier's lien on goods for any unpaid demurrage charges. See DEMURRAGE.

dragnet lien. A lien that is enlarged to cover any additional credit extended to the debtor by the same creditor.

equitable lien. A right, enforceable only in equity, to have a demand satisfied from a particular fund or specific property, without having possession of the fund or property. • It arises mainly in four circumstances: (1) when an occupant of land, believing in good faith to be the owner of that land, makes

improvements, repairs, or other expenditures that permanently increase the land's value, (2) when one of two or more joint owners makes expenditures of that kind, (3) when a tenant for life completes permanent and beneficial improvements to the estate begun earlier by the testator, and (4) when land or other property is transferred subject to the payment of debts, legacies, portions, or annuities to third persons.

execution lien. A lien on property seized by a levy of execution. • Such a lien gives the execution creditor priority over later transferees of the property and over prior unrecorded conveyances of interests in the property. See EXECUTION.

factor's lien. A lien, usu. statutory, on property held on consignment by a factor. • It allows the factor to keep possession of the property until the account has been settled. See UCC § 9-102(2). See FACTOR (2).

first lien. A lien that takes priority over all other charges or encumbrances on the same property and that must be satisfied before other charges may share in proceeds from the property's sale.

floating lien. 1. A lien that is expanded to cover any additional property obtained by the debtor while the debt is outstanding. 2. A lien that continues to exist even when the collateral changes in character, classification, or location. — Also termed *floating charge*.

garnishment lien. A lien on a debtor's property held by a garnishee. • Such a lien attaches in favor of the garnishing creditor when a garnishment summons is served and also impounds any credits the garnishee owes the debtor so that they must be paid to the garnishing creditor. — Also termed *lien of garnishment*. See GARNISHMENT.

general lien. A possessory lien by which the lienholder may retain any of the debtor's goods in the lienholder's possession until any debt due from the debtor, whether in connection with the retained goods or otherwise, has been paid. • Factors, insurance brokers, packers, stockbrokers, and bankers have a general lien over the property of their clients or customers. Cf. *particular lien*.

grantor's lien. See *vendor's lien*.

hotelkeeper's lien. A possessory or statutory lien allowing an innkeeper to hold, as security for payment, personal property that a guest brought into the hotel.

inchoate lien (in-koh-it). A judgment lien that may be defeated if the judgment is vacat-

ed or a motion for new trial is granted. Cf. *consummate lien*.

involuntary lien. A lien arising without the debtor's consent.

judgment lien. A lien imposed on a judgment debtor's nonexempt property. • This lien gives the judgment creditor the right to attach the judgment debtor's property. — Also termed *lien of judgment*. See EXEMPT PROPERTY.

judicial lien. A lien obtained by judgment, levy, sequestration, or other legal or equitable process or proceeding. • If a debtor is adjudged to owe money to a creditor and the judgment has not been satisfied, the creditor can ask the court to impose a lien on specific property owned and possessed by the debtor. After the court imposes the lien, it usu. issues a writ directing the local sheriff to seize the property, sell it, and turn over the proceeds to the creditor.

junior lien. A lien that is subordinate to one or more other liens on the same property.

laborer's lien. See *mechanic's lien*.

landlord's lien. 1. At common law, a lien that gave a landlord the right to seize a tenant's property and sell it publicly to satisfy overdue rent. See DISTRESS. 2. Generally, a statutory lien on a tenant's personal property at the leased premises in favor of a landlord who receives preferred-creditor status on that property. • Such a lien usu. secures the payment of overdue rent or compensation for damage to the premises.

lien of attachment. See *attachment lien*.

lien of factor at common law. *Hist.* A lien not created by statute; a common-law lien.

lien of garnishment. See *garnishment lien*.

lien of judgment. See *judgment lien*.

maritime lien. A lien on a vessel, given to secure the claim of a creditor who provided maritime services to the vessel or who suffered an injury from the vessel's use. — Also termed *tacit hypothecation*.

mechanic's lien. A statutory lien that secures payment for labor or materials supplied in improving, repairing, or maintaining real or personal property, such as a building, an automobile, or the like. — Also termed *artisan's lien*; *chattel lien* (for personal property); *construction lien* (for labor); *garageman's lien* (for repaired vehicles); *laborer's lien* (for labor); *materialman's lien* (for materials).

mortgage lien. A lien on the mortgagor's property securing the mortgage.

municipal lien. A lien by a municipal corporation against a property owner for the owner's proportionate share of a public improvement that specially and individually benefits the owner.

particular lien. A possessory lien by which the possessor of goods has the right to retain specific goods until a debt incurred in connection with those goods has been paid. — Also termed *special lien*. Cf. *general lien*.

possessory garageman's lien. A lien on a vehicle in the amount of the repairs performed by the garage.

possessory lien. A lien allowing the creditor to keep possession of the encumbered property until the debt is satisfied. • A power of sale may or may not be combined with this right of possession. Examples include pledges of chattels, the liens of innkeepers, garageman's liens, and vendor's liens. See PLEDGE.

prior lien. A lien that is superior to one or more other liens on the same property, usu. because it was perfected first. — Also termed *priority lien*.

retaining lien. An attorney's right to retain a client's papers in the attorney's possession until the client has paid for the attorney's services. • The attorney's retaining lien is barred by law in some states.

second lien. A lien that is next in rank after a first lien on the same property and therefore is next entitled to satisfaction out of the proceeds from the property's sale.

secret lien. A lien not appearing of record and unknown to purchasers; a lien reserved by the vendor and kept hidden from third parties, to secure the payment of goods after delivery.

senior lien. A lien that has priority over other liens on the same property.

special lien. See *particular lien*.

specific lien. A lien secured on a particular thing by a contract or by a judgment, execution, attachment, or other legal proceeding.

statutory lien. 1. A lien arising solely by force of statute, not by agreement of the parties. • Examples are federal tax liens and mechanic's liens. 2. *Bankruptcy.* Either of two types of liens: (1) a lien arising solely by force of a statute on specified circumstances or conditions, or (2) a lien of distress for rent, whether or not statutory. • For bankruptcy purposes, a statutory lien does not include a security interest or judicial lien, whether or not the interest or lien arises from or is made effective by a statute.

tax lien. **1.** A lien placed on property and all rights to property by the federal government for unpaid federal taxes. **2.** A lien on real estate in favor of a state or local government that may be foreclosed for nonpayment of taxes. • A majority of states have adopted the Uniform Federal Tax Lien Registration Act.

vendee's lien. *Real estate.* A buyer's lien on the purchased land as security for repayment of purchase money paid in, enforceable if the seller does not or cannot convey good title.

vendor's lien. **1.** *Real estate.* A seller's lien on land as security for the purchase price. • This lien may be foreclosed in the same way as a mortgage: the buyer usu. has a redemption period within which to pay the full purchase price. — Also termed *grantor's lien*. **2.** A lien held by a seller of goods, who retains possession of the goods until the buyer has paid in full.

voluntary lien. A lien created with the debtor's consent.

warehouse's lien. A lien covering storage charges for goods stored with a bailee. — Also termed *warehouseman's lien*.

lienable, adj. (Of property) legally amenable to a lien; capable of being subject to a lien.

lien account. See ACCOUNT.

lien avoidance. *Bankruptcy.* A debtor's depriving a creditor of a security interest in an asset of the bankruptcy estate. 11 USCA §§ 506(d), 522(f).

lien creditor. See CREDITOR.

lienee (leen-ee or lee-ən-ee). **1.** One whose property is subject to a lien. **2.** An encumbrancer who holds a lien; LIENHOLDER.

"[A] mortgagee is the owner of the property, while a pledgee or other lienee is merely an encumbrancer of it." John Salmond, *Jurisprudence* 440 (Glanville L. Williams ed., 10th ed. 1947).

lienholder. A person having or owning a lien. — Also termed *lienor*; *lienee*.

lien of a covenant. The beginning portion of a covenant, stating the names of the parties and the character of the covenant.

lien of attachment. See *attachment lien* under LIEN.

lien of factor at common law. See LIEN.

lien of garnishment. See *garnishment lien* under LIEN.

lien of judgment. See *judgment lien* under LIEN.

lienor. See LIENHOLDER.

lien-stripping. *Bankruptcy.* The practice of splitting a mortgagee's secured claim into secured and unsecured components and reducing the claim to the market value of the debtor's residence, thereby allowing the debtor to modify the terms of the mortgage and reduce the amount of the debt. • The U.S. Supreme Court has prohibited lien-stripping in all Chapter 7 cases (*Nobelman v. American Savs. Bank*, 508 U.S. 324, 113 S.Ct. 2106 (1993)) and in Chapter 13 cases involving a debtor's principal residence (*Deusnup v. Timm*, 502 U.S. 410, 112 S.Ct. 773 (1992)), and the Bankruptcy Reform Act of 1994 modified the Bankruptcy Code to prohibit lien-stripping in Chapter 11 cases involving an individual's principal residence.

lien theory. The idea that a mortgage resembles a lien, so that the mortgagee acquires only a lien on the property and the mortgagor retains both legal and equitable title unless a valid foreclosure occurs. • Most American states — commonly called *lien states*, *lien jurisdictions*, or *lien-theory jurisdictions* — have adopted this theory. Cf. TITLE THEORY.

lien waiver. See WAIVER (2).

lieu conus ([y]oo kon-yoo), *n.* [Law French] *Hist.* A place generally known and noticed by those about it, such as a castle or manor.

lieu land. See LAND.

lieu tax. See TAX.

lieutenancy. The rank, office, or commission of a lieutenant. See COMMISSION OF LIEUTENANCY.

lieutenant. **1.** A deputy of or substitute for another; one acting by vicarious authority <he sent his chief lieutenant to the meeting>. **2.** A composite part of the title of many government and military officials who are subordinate to others, esp. when the duties of the higher official may devolve to the subordinate <lieutenant governor>. **3.** In the U.S. Army, a commissioned officer next below captain. **4.** In the U.S. Navy, an officer next below lieutenant commander.

lieutenant colonel. In the U.S. military, an officer next below colonel and above major.

lieutenant commander. In the U.S. Navy, an officer next below commander and above lieutenant.

lieutenant general. In the U.S. Army, an officer next below four-star general and above major general.

lieutenant governor. A deputy or subordinate governor, sometimes charged with such duties as presiding over the state legislature, but esp. important as the governor's successor if the governor dies, resigns, or becomes disabled.

life annuity. See ANNUITY.

life beneficiary. One who receives payments or other benefits from a trust for life.

life-care contract. An agreement in which one party is assured of care and maintenance for life in exchange for transferring property to the other party.

life estate. See ESTATE.

life estate pur autre vie. See ESTATE.

life expectancy. 1. The period for which a person of a given age and sex is expected to live, according to actuarial tables. 2. The period for which a given person is expected to live, taking into account individualized characteristics like heredity, past and present diseases, and other relevant medical data. See ACTUARIAL TABLE; LIFE TABLE.

life-hold. See *life land* under LAND.

life in being. Under the rule against perpetuities, anyone alive when a future interest is created, whether or not the person has an interest in the estate. Cf. MEASURING LIFE.

life-income period-certain annuity. See ANNUITY.

life insurance. See INSURANCE.

life-insurance trust. See TRUST.

life interest. An interest in real or personal property measured by the duration of the hold-

er's or another named person's life. See *life estate* under ESTATE.

life land. See LAND.

lifelode. See LIVELODE.

life of a writ. The effective period during which a writ may be levied. • That period usu. ends on the day that the law or the writ itself provides that it must be returned to court.

life-owner. See LIFE TENANT.

life peerage. *English law.* The grant of the noble title of baron to a person for life, offered through letters patent. • The Life Peerages Act of 1958 first allowed this and removed the disqualifications of women from serving in the House of Lords. See PEER.

life policy. See INSURANCE POLICY.

life-qualified jury. See JURY.

lifer. See NONREMOVABLE INMATE.

life-rent. *Scots law.* See USUFRUCT.

life sentence. See SENTENCE.

life-sustaining procedure. A medical procedure that uses mechanical or artificial means to sustain, restore, or substitute for a vital function and that serves only or mainly to postpone death.

life table. An actuarial table that gives the probable proportions of people who will live to different ages. Cf. ACTUARIAL TABLE.

life tenancy. See *life estate* under ESTATE.

life tenant. A person who, until death, is beneficially entitled to land; the holder of a life estate. — Also termed *tenant for life*; *life-owner*. See *life estate* under ESTATE.

equitable life tenant. A life tenant not automatically entitled to possession but who makes an election allowed by law to a person of that status — such as a spouse — and to whom a court will normally grant possession if security or an undertaking is given.

legal life tenant. A life tenant who is automatically entitled to possession by virtue of a legal estate.

lifetime gift. See *inter vivos gift* under GIFT.

LIFO (li-foh). *abbr.* LAST-IN, FIRST-OUT.

lift, *vb.* **1.** To stop or put an end to; to revoke or rescind <lift the stay>. **2.** To discharge or pay off (a debt or obligation) <lift a mortgage>. **3.** *Slang.* To steal <lift a purse>.

lifting costs. *Oil & gas.* The cost of producing oil and gas after drilling is complete but before the oil and gas is removed from the property, including transportation costs, labor, costs of supervision, supplies, costs of operating the pumps, electricity, repairs, depreciation, certain royalties payable to the lessor, gross-production taxes, and other incidental expenses.

liga (lee-gə), *n.* [Law Latin] *Hist.* A league or confederation.

ligan (li-gən), *n.* See LAGAN.

ligare (lə-gair-ee), *vb.* [Latin] *Hist.* **1.** To tie or bind. **2.** To enter into a treaty or league.

ligea (lee-jee-ə), *n.* [Law Latin] *Hist.* A female subject; a liege woman. See LIEGE (1).

ligeance (li-jənts or lee-jənts). *Hist.* **1.** The obedience of a citizen to the citizen's sovereign or government; allegiance. **2.** The territory of a state or sovereign. — Also spelled *liegeance*. See LIEGE.

"Liegeance is a true and faithful obedience of the subject due to his sovereign; and this liegeance, which is an incident inseparable to every subject, is in four manners; the first is natural, the second acquired, the third local, and the fourth legal." *Termes de la Ley* 280 (1st Am. ed. 1812).

ligen, *n.* See LAGAN.

ligeus (lee-jee-əs), *n.* [Law Latin] *Hist.* A male subject; a liege man. See LIEGE (1).

light-and-air easement. See EASEMENT.

lighterage (li-tər-ij). **1.** The loading and unloading of goods between a ship and a lighter. **2.** The compensation paid for this service. **3.** The loading and unloading of freight between a railroad car and a ship's side.

light most favorable. The standard of scrutinizing or interpreting a verdict by accepting as true all evidence and inferences that support it and disregarding all contrary evidence and in-

ferences <in reviewing the defendant's motion for judgment notwithstanding the verdict, the court reviewed the evidence in the light most favorable to the verdict>. — Also termed *most favorable light*.

lights, ancient. See ANCIENT-LIGHTS DOCTRINE.

light work. See WORK.

ligius (lee-jee-əs), *n.* [Law Latin] *Hist.* A person bound to another by solemn relationship, as between subject and sovereign. See LIEGE.

lignagium (lig-nay-jee-əm), *n.* [Law Latin] *Hist.* **1.** A right to cut firewood. **2.** The payment for this right.

ligula (lig-yə-lə), *n.* [Law Latin] *Hist.* A copy or transcript of a court roll or deed.

like, *adj.* **1.** Equal in quantity, quality, or degree; corresponding exactly <like copies>. **2.** Similar or substantially similar <like character>.

like-kind exchange. An exchange of trade, business, or investment property (except inventory or securities) for property of the same kind, class, or character. • Such an exchange is not taxable unless cash or other property is received. IRC (26 USCA) § 1031.

like-kind property. *Tax.* Property that is of such a similar kind, class, or character to other property that a gain from an exchange of the property is not recognized for federal income-tax purposes. See LIKE-KIND EXCHANGE.

likelihood-of-confusion test. *Trademark.* The test for infringement, based on the probability that a substantial number of ordinarily prudent buyers will be misled or confused about the source of a product when its trademark allegedly infringes on that of an earlier product.

likelihood-of-success-on-the-merits test. *Civil procedure.* The rule that a litigant who seeks a preliminary injunction, or seeks to forestall the effects of a judgment during appeal, must show a reasonable probability of success in the litigation or appeal.

limbo time. The period when an employee is neither on duty nor off duty, as a railroad worker awaiting transportation from a duty assignment to the place of final release. 49 USCA § 21103(b)(4); *Brotherhood of Locomo-*

tive Eng'rs v. Atchison, Topeka & Santa Fe R.R., 516 U.S. 152, 116 S.Ct. 595 (1996).

limenarcha (lim-ən-ahr-kə), *n.* [Latin] *Roman law.* An officer in charge of a harbor or port.

limine. See IN LIMINE.

limine out (lim-ə-nee), *vb.* (Of a court) to exclude (evidence) by granting a motion in limine <the trial judge limined out most of the plaintiff's medical records>.

limit, *n.* **1.** A restriction or restraint. **2.** A boundary or defining line. **3.** The extent of power, right, or authority. — **limit**, *vb.* — **limited**, *adj.*

limitation. **1.** The act of limiting; the state of being limited. **2.** A restriction. **3.** A statutory period after which a lawsuit or prosecution cannot be brought in court. — Also termed *limitations period*; *limitation period*. See STATUTE OF LIMITATIONS. Cf. LACHES. **4.** *Property.* The restriction of the extent of an estate; the creation by deed or devise of a lesser estate out of a fee simple. See WORDS OF LIMITATION.

collateral limitation. *Hist.* A limitation that makes the duration of an estate dependent on another event (other than the life of the grantee), such as an estate to A until B turns 21.

conditional limitation. **1.** See *executory limitation*. **2.** A lease provision that automatically terminates the lease if a specified event occurs, such as if the lessee defaults.

executory limitation. A restriction that causes an estate to automatically end and revert in a third party upon the happening of a specified event. • This type of limitation, which was not recognized at common law, can be created only as a shifting use or executory devise. It is just simply a condition subsequent in favor of someone other than the transferor. — Also termed *conditional limitation*. See *fee simple subject to an executory limitation* under FEE SIMPLE.

“When a condition subsequent is created in favor of someone other than the transferor, the *Restatement of Property* calls the condition subsequent an *executory limitation*. It calls A's estate an *estate in fee simple subject to an executory limitation*.” Thomas F. Bergin & Paul G. Haskell, *Preface to Estates in Land and Future Interests* 52 (2d ed. 1984).

limitation over. An additional estate created or contemplated in a conveyance, to be enjoyed after the first estate expires or is exhausted. • An example of language giving

rise to a limitation over is “to A for life, remainder to B.”

special limitation. A restriction that causes an estate to end automatically and revert to the grantor upon the happening of a specified event. See *fee simple determinable* under FEE SIMPLE.

“[I]f a deed or will uses such words as ‘for so long as,’ ‘while,’ ‘during,’ or ‘until’ to introduce the circumstances under which an estate may end prior to its running its maximum course, it is generally assumed that a special limitation was intended.” Thomas F. Bergin & Paul G. Haskell, *Preface to Estates in Land and Future Interests* 50 (2d ed. 1984).

limitation of assize. *Hist.* A period prescribed by statute within which a person is required to allege that the person was properly seised of lands sued for under a writ of assize.

limitation-of-damages clause. A contractual provision by which the parties agree on a maximum amount of damages recoverable for a future breach of the agreement. — Also termed *liquidated-damages clause*.

limitation-of-liability act. A federal or state law that limits the type of damages that may be recovered, the liability of particular persons or groups, or the time during which an action may be brought. See FEDERAL TORT CLAIMS ACT; *sovereign immunity* under IMMUNITY (1).

limitation-of-remedies clause. A contractual provision that restricts the remedies available to the parties if a party defaults. • Under the UCC, such a clause is valid unless it fails of its essential purpose or it unconscionably limits consequential damages. UCC § 2-719. Cf. LIQUIDATED-DAMAGES CLAUSE; PENALTY CLAUSE.

limitation on indebtedness. See DEBT LIMITATION.

limitation over. See LIMITATION.

limitation period. See LIMITATION (3).

limitations, statute of. See STATUTE OF LIMITATIONS.

limitations period. See LIMITATION (3).

limited administration. See ADMINISTRATION.

limited admissibility. See ADMISSIBILITY.

limited appeal. See APPEAL.

limited appearance. See *special appearance* under APPEARANCE.

limited-capacity well. See WELL.

limited company. See COMPANY.

limited court. See COURT.

limited defense. See *personal defense* under DEFENSE (4).

limited divorce. See DIVORCE.

limited executor. See EXECUTOR.

limited fee. See *base fee* under FEE (2).

limited guaranty. See GUARANTY.

limited interdiction. See INTERDICTION (2).

limited interpretation. See *restrictive interpretation* under INTERPRETATION.

limited jurisdiction. See JURISDICTION.

limited liability. See LIABILITY.

limited-liability company. See COMPANY.

limited-liability corporation. See *limited-liability company* under COMPANY.

limited-liability partnership. See PARTNERSHIP.

limited monarchy. See MONARCHY.

limited owner. See OWNER.

limited partner. See PARTNER.

limited partnership. See PARTNERSHIP.

limited partnership association. See PARTNERSHIP ASSOCIATION.

limited-payment life insurance. See INSURANCE.

limited policy. See INSURANCE POLICY.

limited policy insurance. See INSURANCE.

limited power of appointment. See POWER OF APPOINTMENT.

limited publication. See PUBLICATION.

limited public forum. See *designated public forum* under PUBLIC FORUM.

limited-purpose public figure. See PUBLIC FIGURE.

limited trust. See TRUST.

limited veto. See *qualified veto* under VETO.

limited warranty. See WARRANTY (2).

limit of liability. See LIABILITY LIMIT.

limit order. See ORDER (4).

Lincoln's Inn. One of the Inns of Court. See INN OF COURT (1).

Lindbergh Act. See FEDERAL KIDNAPPING ACT.

line, n. **1.** A demarcation, border, or limit <the line between right and wrong>. **2.** A person's occupation or business <what line of business is Watson in?>. **3.** The ancestry of a person; lineage <the Fergusons came from a long line of wheat farmers>.

collateral line. A line of descent connecting persons who are not directly related to each other as ascendants or descendants, but whose relationship consists in common descent from the same ancestor.

direct line. A line of descent traced through only those persons who are related to each other directly as ascendants or descendants.

maternal line. A person's ancestry or relationship with another traced through the mother.

paternal line. A person's ancestry or relationship with another traced through the father.

4. In manufacturing, a series of closely related products.

linea (lin-ee-ə), n. [Latin "line"] *Hist.* A line of descent.

linea directa (lin-ee-ə də-rek-tə), n. [Latin "direct line"] *Roman law.* The relationship among persons in the direct line of ascent and descent, such as grandfather, father, and son.

linea transversa (lin-ee-ə trans-vər-sə), *n.* [Latin "transverse line"] *Roman law*. The relationship between persons in the collateral line of descent, such as uncle and nephew. — Also termed *linea obliqua*.

lineage (lin-ee-əj). Ancestry and progeny; family, ascending or descending.

lineal (lin-ee-əl), *adj.* Derived from or relating to common ancestors, esp. in a direct line; hereditary. Cf. COLLATERAL (1).

lineal, *n.* A lineal descendant; a direct blood relative.

lineal consanguinity. See CONSANGUINITY.

lineal descent. See DESCENT.

lineal heir. See HEIR.

lineal warranty. See WARRANTY (1).

linea obliqua. See *linea transversa* under LINEA.

linea reta. See LINEA.

linea transversalis. See LINEA.

line-item veto. See VETO.

line of credit. The maximum amount of borrowing power extended to a borrower by a given lender, to be drawn upon by the borrower as needed. — Also termed *credit line*.

line of demarcation. See DEMARCATION LINE.

line of title. CHAIN OF TITLE.

lines and corners. See METES AND BOUNDS.

lineup. A police identification procedure in which a criminal suspect and other physically similar persons are shown to the victim or a witness to determine whether the suspect can be identified as the perpetrator of the crime. — Also termed (in BrE) *identification parade*. Cf. SHOWUP.

Lingle test. *Labor law*. The principle that a union member's state-law claim against the employer is not preempted by the Labor-Management Relations Act if resolution of the state-law claim does not require an interpreta-

tion of the collective-bargaining agreement. *Lingle v. Norge Division of Magic Chef, Inc.*, 486 U.S. 399, 108 S.Ct. 1877 (1988). See MARCUS MODEL; WHITE MODEL.

link, *n.* **1.** A unit in a connected series; something that binds separate things <link in the chain of title>. **2.** A unit of land measurement <one link equals 7.92 inches>.

link financing. See FINANCING.

link-in-chain principle. *Criminal procedure*. The principle that a criminal defendant's Fifth Amendment privilege against self-incrimination protects the defendant from not only answering directly incriminating questions but also giving answers that might connect the defendant to criminal activity in the chain of evidence.

LIP. *abbr.* LEGALLY INCAPACITATED PERSON.

liquere (li-kweer-ee), *vb.* [Latin] *Roman law*. To be clear, evident, or apparent. ● When a judge appointed to try a civil case swore under oath *sibi non liquere* ("that it was not clear to him"), he would be discharged from deciding the case. See NON LIQUET.

liquid, *adj.* **1.** (Of an asset) capable of being readily converted into cash. **2.** (Of a person or entity) possessing assets that can be readily converted into cash.

liquid asset. See *current asset* under ASSET.

liquidate, *vb.* **1.** To determine by litigation or agreement the amount of (damages or indebtedness). **2.** To settle (an obligation) by payment or other adjustment. **3.** To ascertain the liabilities and distribute the assets of (an entity), esp. in bankruptcy or dissolution. **4.** To convert (a nonliquid asset) into cash. **5.** To liquidate something, such as a debt or corporation. **6.** *Slang*. To get rid of (a person), esp. by killing.

liquidated, *adj.* **1.** (Of an amount or debt) settled or determined, esp. by agreement. **2.** (Of an asset or assets) converted into cash.

liquidated amount. A figure readily computed, based on an agreement's terms.

liquidated claim. See CLAIM (3).

liquidated damages. See DAMAGES.

liquidated-damages clause. A contractual provision that determines in advance the measure of damages if a party breaches the agreement. • Traditionally, courts have upheld such a clause unless the agreed-on sum is deemed a penalty for one of the following reasons: (1) the sum grossly exceeds the probable damages on breach, (2) the same sum is made payable for any variety of different breaches (some major, some minor), or (3) a mere delay in payment has been listed among the events of default. Cf. LIMITATION-OF-REMEDIES CLAUSE; PENALTY CLAUSE.

liquidated debt. See DEBT.

liquidated demand. See *liquidated claim* under CLAIM (2).

liquidating distribution. See DISTRIBUTION.

liquidating dividend. See *liquidation dividend* under DIVIDEND.

liquidating partner. See PARTNER.

liquidating price. See *redemption price* under PRICE.

liquidating trust. See TRUST.

liquidation, n. **1.** The act of determining by agreement or by litigation the exact amount of something (as a debt or damages) that before was uncertain. **2.** The act of settling a debt by payment or other satisfaction. **3.** The act or process of converting assets into cash, esp. to settle debts.

one-month liquidation. A special election, available to certain shareholders, that determines how the distributions received in liquidation by electing shareholders will be treated for federal income-tax purposes. • To qualify for the election, the corporation must be completely liquidated within one month. IRC § 333 (26 USCA § 333).

partial liquidation. A liquidation that does not completely dispose of a company's assets; esp., a liquidation occurring when some corporate assets are distributed to shareholders (usu. on a pro rata basis) and the corporation continues to operate in a restricted form.

twelve-month liquidation. A liquidation occurring within 12 months from adoption of the liquidation plan to complete liquidation, subject to a tax law prohibiting the company from recognizing any gains or losses on property sold within that time frame. • Generally,

inventory will not be included unless a bulk sale occurs. IRC (26 USCA) § 337.

4. Bankruptcy. The process — under Chapter 7 of the Bankruptcy Code — of collecting a debtor's nonexempt property, converting that property to cash, and distributing the cash to the various creditors. • Upon liquidation, the debtor hopes to obtain a discharge, which releases the debtor from any further personal liability for prebankruptcy debts. Cf. REHABILITATION (3).

liquidation dividend. See DIVIDEND.

liquidation preference. See PREFERENCE.

liquidation price. See PRICE.

liquidation value. See VALUE.

liquidator. A person appointed to wind up a business's affairs, esp. by selling off its assets. See LIQUIDATION (3), (4). Cf. RECEIVER.

liquid debt. See DEBT.

liquidity. 1. The quality or state of being readily convertible to cash. **2. Securities.** The characteristic of having enough units in the market that large transactions can occur without substantial price variations. • Most stocks traded on the New York Stock Exchange, for example, have liquidity.

liquidity ratio. The ratio between a person's or entity's assets that are held in cash or liquid form and the amount of the person's or entity's current liabilities, indicating the ability to pay current debts as they come due.

liquor offense. See OFFENSE (1).

lis (lis). [Latin] A piece of litigation; a controversy or dispute.

lis alibi pendens (lis al-ə-bī pen-dənz). [Latin] A lawsuit pending elsewhere.

lis mota (lis moh-tə), *n.* [Latin "a lawsuit moved"] *Hist.* A dispute that has begun and later forms the basis of a lawsuit.

lis pendens (lis pen-dənz). [Latin "a pending lawsuit"] **1.** A pending lawsuit. **2.** The jurisdiction, power, or control acquired by a court over property while a legal action is pending. **3.** A notice, recorded in the chain of title to real

property, required or permitted in some jurisdictions to warn all persons that certain property is the subject matter of litigation, and that any interests acquired during the pendency of the suit are subject to its outcome. — Also termed (in sense 3) *notice of lis pendens*; *notice of pendency*. Cf. PENDENTE LITE.

list, n. **1.** A roll or register, as of names. **2.** A docket of cases ready for hearing or trial. See CALENDAR (2); DOCKET.

list, vb. **1.** To set down or enter (information) in a list. **2.** To register (a security) on an exchange so that it may be publicly traded. **3.** To place (property) for sale under an agreement with a real-estate agent or broker.

listed security. See SECURITY.

listed security exchange. An organized secondary security market operating at a designated location, such as the New York Stock Exchange.

listed stock. See *listed security* under SECURITY.

lister. A person authorized to compile lists of taxable property for assessment and appraisal; an assessor.

listing. 1. Real estate. An agreement between a property owner and an agent, whereby the agent agrees to try to secure a buyer or tenant for a specific property at a certain price and terms in return for a fee or commission. — Also termed *listing agreement*.

exclusive-agency listing. A listing providing that one agent has the right to be the only person, other than the owner, to sell the property during a specified period. — Also termed *exclusive-authorization-to-sell listing*.

general listing. See *open listing*.

multiple listing. A listing providing that the agent will allow other agents to try to sell the property. • Under this agreement, the original agent gives the selling agent a percentage of the commission or some other stipulated amount.

net listing. A listing providing that the agent agrees to sell the owner's property for a set minimum price, any amount over the minimum being retained by the agent as commission. — Also termed *net sale contract*.

open listing. A listing that allows selling rights to be given to more than one agent at a time, obligates the owner to pay a commis-

sion when a specified broker makes a sale, and reserves the owner's right to personally sell the property without paying a commission. — Also termed *nonexclusive listing*; *general listing*; *simple listing*.

2. Securities. The contract between a firm and a stock exchange by which the trading of the firm's securities on the exchange is handled. See *listed security* under SECURITY.

dual listing. The listing of a security on more than one exchange.

3. Tax. The creation of a schedule or inventory of a person's taxable property; the list of a person's taxable property.

listing agent. The real-estate broker's representative who obtains a listing agreement with the owner. Cf. SELLING AGENT.

listing agreement. See LISTING (1).

list of creditors. A schedule giving the names and addresses of creditors, along with amounts owed them. • This list is required in a bankruptcy proceeding.

list price. See PRICE.

litem (lī-tem or -təm). See AD LITEM.

litem denuntiare (lī-tem də-nən-shee-air-ee). [Latin "to announce a suit"] *Roman law. 1.* The summoning of a defendant by a magistrate in the late classical period. **2.** The notification by a buyer to the seller of a claim by a third party to the things sold. — Also spelled *litem denunciare*. Cf. LITIS DENUNTIATIO.

litem suam facere (lī-tem s[y]oo-əm fay-sə-ree), *vb.* [Latin "to make a suit one's own"] *Roman law.* (Of a judge) to show partiality to one side in a dispute or otherwise neglect official duties.

lite pendente (lī-tee pen-den-tee). [Latin] See PENDENTE LITE.

litera (lit-ər-ə), *n.* [Latin "letter"] *Hist. 1.* A letter. **2.** The letter of a law, as distinguished from its spirit. Pl. *literae*. — Also spelled *litterae*. See LETTER (3).

literacy test. A test of one's ability to read and write, formerly required in some states as a condition for registering to vote. • Congress banned this use of literacy tests in 1975.

literae mortuae (lit-ər-ee mor-choo-ee), *n.* [Latin] *Hist.* Dead letters; filler words in a statute.

literae patentes (lit-ər-ee pə-ten-teez), *n.* [Law Latin "open letters"] See LETTERS PATENT (1).

literae procuratoriae (lit-ər-ee prok-yə-rə-tor-ee-ee), *n.* [Law Latin] *Hist.* Letters of procura-tion; letters of attorney; power of attorney. See POWER OF ATTORNEY.

literae recognitionis (lit-ər-ee rek-əg-nish-ee-oh-nis), *n.* [Latin] *Hist.* A bill of lading. See BILL OF LADING.

literae scriptae manent (lit-ər-ee skrip-tee man-ent), *n.* [Latin] *Hist.* Written words last.

literae sigillatae (lit-ər-ee sij-ə-lay-tee), *n.* [Latin] *Hist.* Sealed letters. • A sheriff's return on a writ was often called *literae sigillatae*.

literal, *adj.* According to expressed language. • Literal performance of a condition requires exact compliance with its terms.

literal canon. See STRICT CONSTRUCTIONISM.

literal construction. See *strict construction* under CONSTRUCTION.

literal contract. See CONTRACT.

litera legis. See LETTER OF THE LAW.

literal infringement. See INFRINGEMENT.

literal interpretation. See *strict construction* under CONSTRUCTION.

literal proof. See PROOF.

literal rule. See STRICT CONSTRUCTIONISM.

literary, *adj.* Of or relating to literature, books, or writings.

literary composition. An original expression of mental effort in written words arranged in an intelligent and purposeful order. See LITERARY WORK.

literary property. **1.** The physical property in which an intellectual production is embodied, such as a book, screenplay, or lecture. **2.** An owner's exclusive right to possess, use, and

dispose of such a production. See COPYRIGHT; INTELLECTUAL PROPERTY.

literary work. A work, other than an audiovisual work, that is expressed in words, numbers, or other symbols, regardless of the medium that embodies it. 17 USCA § 101.

"Copyright protection extends to literary works which are defined as works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards in which they are embodied. The term 'literary work' does not connote any criterion of literary merit or qualitative value and includes catalogs and directories; similar factual, reference or instructional works; compilations of data; computer data bases, and computer programs." 18 Am. Jur. 2d *Copyright and Literary Property* § 25, at 360 (1985).

literate, *adj.* **1.** Able to read and write a language. **2.** Knowledgeable and educated. — **literacy**, *n.*

literatura (lit-ər-ə-t[y]uur-ə), *n.* [Latin fr. *litera* "a letter"] *Hist.* Education. • *Ad literaturam ponere* means the right to educate one's children, esp. male children. During feudal times, servile tenants could not educate their children without the lord's consent.

litigable (lit-ə-gə-bəl), *adj.* Able to be contested or disputed in court <litigable claims>. — **litigability**, *n.*

litigant. A party to a lawsuit.

litigation, *n.* **1.** The process of carrying on a lawsuit <the attorney advised his client to make a generous settlement offer in order to avoid litigation>. **2.** A lawsuit itself <several litigations pending before the court>. — **litigate**, *vb.* — **litigatory**, **litigational**, *adj.*

litigation costs. See COST (3).

litigation privilege. See PRIVILEGE (1).

litigator. **1.** *Archaic.* A party to a lawsuit; a litigant. **2.** A trial lawyer. **3.** A lawyer who prepares cases for trial, as by conducting discovery and pretrial motions, trying cases, and handling appeals.

litigious (li-tij-əs), *adj.* **1.** Fond of legal disputes; contentious <our litigious society>. **2.** *Archaic.* Of or relating to the subject of a lawsuit <the litigious property>. **3.** *Archaic.* Of or relating to lawsuits; litigatory <they

couldn't settle the litigious dispute>. — **litigiousness, litigiosity** (li-tij-ee-**os**-ə-tee), *n.*

litigious right. *Civil law.* A right that cannot be exercised without first being determined in a lawsuit. • If the right is sold, it must be in litigation at the time of sale to be considered a litigious right.

litis aestimatio (li-tis es-tə-**may**-shee-oh), *n.* [Latin] *Roman law.* The measure of damages.

litis contestatio (li-tis kon-tes-**tay**-shee-oh), *n.* [Latin] **1.** *Roman law.* The final agreement of the parties to a suit on the issue to be decided. **2.** The contested issue itself. **3.** *Eccles. law.* The defendant's general denial. See CONTESTATIO LITIS.

litis denuntiatio (li-tis də-nən-s[h]ee-**ay**-shee-oh), *n.* [Latin] *Civil law.* The process by which a land purchaser, sued for possession of the land by a third party, notified the land seller and demanded aid in defending the suit under the seller's warranty of title. — Also spelled *litis denunciatio*. Cf. LITEM DENUNTIARE.

litis dominium (li-tis də-**min**-ee-əm), *n.* [Latin] See DOMINUS LITIS.

litispence (li-tis-**pen**-dənts). *Archaic.* The time during which a lawsuit is pending.

litteris obligatio (lit-ər-is ob-lə-**gay**-shee-oh), *n.* [Latin] *Roman law.* An obligation arising from written entries in account books; an obligation arising from a literal contract. See *literal contract* under CONTRACT.

littoral (lit-ər-əl), *adj.* Of or relating to the coast or shore of an ocean, sea, or lake <the littoral right to limit others' consumption of the water>. Cf. RIPARIAN.

litura (li-t[y]oor-ə), *n.* [Latin] *Roman law.* A blot or obliteration in a will or other instrument.

livelihood. A means of supporting one's existence, esp. financially.

livelode. *Archaic.* Livelihood; maintenance. — Also termed *lifelode*.

livery (liv-ə-ree or liv-ree). The delivery of the possession of real property. Cf. DELIVERY.

livery in chivalry. *Hist.* The delivery of possession of real property from a guardian to a ward in chivalry when the ward reached majority.

livery office. An office designated for the delivery of lands.

livery of seisin. *Hist.* The ceremony by which a grantor conveyed land to a grantee. • Livery of seisin involved either (1) going on the land and having the grantor symbolically deliver possession of the land to the grantee by handing over a twig, a clod of dirt, or a piece of turf (called *livery in deed*) or (2) going within sight of the land and having the grantor tell the grantee that possession was being given, followed by the grantee's entering the land (called *livery in law*). See SEISIN.

“[W]e may now pause to wonder how transfer of these potentially infinite interests was accomplished. Without a modern system of land records, it would be desirable that the transfer be effected with sufficient ceremony not only to mark itself indelibly in the memories of the participants, but also to give notice to interested persons such as the mesne lord above the transferor. The central idea was to make ritual *livery* (meaning ‘delivery,’ from the Old French *liver*) of *seisin* (meaning, roughly, ‘possession,’ from the Old French *saisir* or *seisir*). The transferor and transferee would go to the land to be transferred, and the transferor would then hand to the transferee a lump of soil or a twig from a tree — all the while intoning the appropriate words of grant, together with the magical words ‘and his heirs’ if the interest transferred was to be a potentially infinite one.” Thomas F. Bergin & Paul G. Haskell, *Preface to Estates in Land and Future Interests* 10–11 (2d ed. 1984).

lives in being. See LIFE IN BEING.

live storage. The storage of cars in active daily use, rather than cars put away for an extended period. • A garage owner's responsibility sometimes depends on whether a car is in live or dead storage. Cf. DEAD STORAGE.

live thalweg. See THALWEG.

living, *n.* One's source of monetary support or resources; esp., one's employment.

living separate and apart. (Of spouses) residing in different places and having no intention of resuming marital relations. • One basis for no-fault divorce in many states exists if the spouses have lived apart for a specified period.

living trust. See *inter vivos trust* under TRUST.

living will. An instrument, signed with the formalities necessary for a will, by which a person

states the intention to refuse medical treatment and to release healthcare providers from all liability if the person becomes both terminally ill and unable to communicate such a refusal. — Also termed *declaration of a desire for a natural death*; *directive to physicians*. Cf. ADVANCE DIRECTIVE.

L.J. *abbr.* 1. Law Judge. 2. Law Journal. 3. Lord Justice.

L.J.J. *abbr.* Lords justices.

L.L. *abbr.* LAW LATIN.

L.Lat. *abbr.* LAW LATIN.

LL.B. *abbr.* Bachelor of Laws. • This was formerly the law degree ordinarily conferred by American law schools. It is still the normal degree in British law schools. Cf. JURIS DOCTOR.

L.L.C. See *limited-liability company* under COMPANY.

LL.D. *abbr.* Doctor of Laws — commonly an honorary law degree.

LL.J. *abbr.* Lords justices.

LL.M. *abbr.* MASTER OF LAWS.

Lloyd's. See LLOYD'S OF LONDON.

Lloyd's association. See LLOYD'S UNDERWRITERS.

Lloyd's bond. See BOND (3).

Lloyd's insurance. See INSURANCE.

Lloyd's of London. 1. A London insurance mart where individual underwriters gather to quote rates and write insurance on a wide variety of risks. 2. A voluntary association of merchants, shipowners, underwriters, and brokers formed not to write policies but instead to issue a notice of an endeavor to members who may individually underwrite a policy by assuming shares of the total risk of insuring a client. • The names of the bound underwriters and the attorney-in-fact appear on the policy. — Also termed *Lloyd's*; *London Lloyd's*.

Lloyd's underwriters. An unincorporated association of underwriters who, under a common name, engage in the insurance business

through an attorney-in-fact having authority to obligate the underwriters severally, within specified limits, on insurance contracts that the attorney makes or issues in the common name. — Also termed *Lloyd's association*; *American Lloyd's*.

L.L.P. See *limited-liability partnership* under PARTNERSHIP.

load, n. An amount added to a security's price or to an insurance premium in order to cover the sales commission and expenses <the mutual fund had a high front-end load>. — Also termed *sales load*; *acquisition cost*.

load factor. 1. The ratio of a utility customer's usage levels during a given period compared to the customer's demand during peak periods. 2. An analysis of the number of passengers on an airplane or other common carrier compared to available capacity.

load fund. See MUTUAL FUND.

loading. *Insurance.* An amount added to a life-insurance premium to cover the insurer's business expenses and contingencies. — Also termed *expense loading*. See *gross premium* (1) under PREMIUM (1).

load line. *Maritime law.* 1. The depth to which a safely loaded ship will sink in salt water. 2. One of a set of graduated marks on the side of a ship, indicating the depth to which the ship can be loaded in varying waters (such as salt water or freshwater) and weather conditions. • Load lines must, by law in most maritime countries, be cut and painted amidships. — Also termed (in sense 2) *load-line marks*; *Plimsoll marks*.

"The interest of shipowners led them, in early times, to load vessels to a point beyond safety; the greater the weight of the vessel's load, of course, the lower she rides in the water, and the more vulnerable she is to heavy seas. Many seamen consequently lost their lives. Britain led the way in establishing standards of depth in the water believed to be safe; Samuel Plimsoll, M.P., was the moving spirit, and gave his name to the Plimsoll mark, now seen on the side of all large vessels, which marks the limits of safety for different seas and seasons. Since 1929, the United States has made mandatory the placing of and compliance with loadline marks. . . ." Grant Gilmore & Charles L. Black, Jr., *The Law of Admiralty* § 11-12, at 987 (2d ed. 1975).

loadmanage. The fee paid to loadsmen, who sail in small vessels acting as pilots for larger ships.

loan, *n.* **1.** An act of lending; a grant of something for temporary use <Trina gave him the laptop as a loan, not a gift>. **2.** A thing lent for the borrower's temporary use; esp., a sum of money lent at interest <Larry applied for a car loan>.

accommodation loan. A loan for which the lender receives no consideration in return. See ACCOMMODATION.

add-on loan. A loan in which the interest is calculated at the stated rate for the loan agreement's full term for the full principal amount, and then the interest is added to the principal before installment payments are calculated, resulting in an interest amount higher than if it were calculated on the monthly unpaid balance. ● Consumer loans are typically add-on loans. — Also termed *contract loan*. See *add-on interest* under INTEREST (3).

amortized loan. A loan calling for periodic payments that are applied first to interest and then to principal, as provided by the terms of the note. See AMORTIZATION (1).

back-to-back loan. A loan arrangement by which two firms lend each other funds denominated in different currencies for a specified period.

below-market loan. See *interest-free loan*.

bridge loan. A short-term loan that is used to cover costs until more permanent financing is arranged. — Also termed *swing loan*.

broker call loan. See *call loan*.

building loan. A type of bridge loan used primarily for erecting a building. ● The loan is typically advanced in parts as work progresses and is used to pay the contractor, subcontractors, and material suppliers. See *interim financing* under FINANCING.

call loan. A loan for which the lender can demand payment at any time, usu. with 24 hours' notice, because there is no fixed maturity date. — Also termed *broker call loan*; *demand loan*. Cf. *term loan*.

character loan. A loan made in reliance on the borrower's character and stable earnings. ● Character loans are usu. secured by a mortgage or by other property, but sometimes they are unsecured.

clearing loan. A loan made to a bond dealer pending the sale of a bond issue.

collateral loan. See *secured loan*.

commercial loan. A loan that a financial institution gives to a business, generally for 30 to 90 days.

commodity loan. A loan secured by a commodity (such as cotton or wool) in the form of a warehouse receipt or other negotiable instrument.

consolidation loan. A loan whose proceeds are used to pay off other individual loans, thereby creating a more manageable debt.

consumer loan. A loan that is given to an individual for family, household, personal, or agricultural purposes and that is generally governed by truth-in-lending statutes and regulations.

contract loan. See *add-on loan*.

Crown loan. *Tax.* An interest-free demand loan, usu. from parent to child, in which the borrowed funds are invested and the income from the investment is taxed at the child's rate. ● This type of loan is named for one Harry Crown of Chicago, reputedly one of the first persons to use it. See *kiddie tax* under TAX.

day loan. A short-term loan to a broker to finance daily transactions.

demand loan. See *call loan*.

discount loan. A loan in which interest is deducted in advance, at the time the loan is made.

home equity loan. A line of bank credit given to a homeowner, using as collateral the homeowner's equity in the home. — Often shortened to *equity loan*. See EQUITY (7).

installment loan. A loan that is to be repaid in usu. equal portions over a specified period.

interest-free loan. Money loaned to a borrower at no charge or, under the Internal Revenue Code, with a charge that is lower than the market rate. IRC (26 USCA) § 7872. — Also termed (in the IRC) *below-market loan*.

maritime loan. A loan providing that a lender will not be repaid if the cargo is damaged or lost because of a navigational peril, but that the lender will be repaid plus interest if the cargo arrives safely or is damaged because of the carrier's negligence.

mortgage loan. A loan secured by a mortgage or deed of trust on real property.

nonperforming loan. An outstanding loan that is not being repaid.

nonrecourse loan. A secured loan that allows the lender to attach only the collateral, not the borrower's personal assets, if the loan is not repaid.

participation loan. A loan issued by two or more lenders. See LOAN PARTICIPATION.

policy loan. An insurer's loan to an insured, secured by the policy's cash reserve.

precarious loan. 1. A loan that may be recalled at any time. 2. A loan in danger of not being repaid.

premium loan. A loan made to an insured by the insurer to enable the insured to pay further premiums. • The reserve value of the policy serves as collateral.

recourse loan. A loan that allows the lender, if the borrower defaults, not only to attach the collateral but also to seek judgment against the borrower's (or guarantor's) personal assets.

revolver loan. A single loan that a debtor takes out in lieu of several lines of credit or other loans from various creditors, and that is subject to review and approval at certain intervals. • A revolver loan is usu. taken out in an attempt to resolve problems with creditors. Cf. *revolving credit* under CREDIT (4).

revolving loan. A loan that is renewed at maturity.

secured loan. A loan that is secured by property or securities. — Also termed *collateral loan*.

short-term loan. A loan with a due date of less than one year, usu. evidenced by a note.

signature loan. An unsecured loan based solely on the borrower's promise or signature. • To obtain such a loan, the borrower must usu. be highly creditworthy.

swing loan. See *bridge loan*.

term loan. A loan with a specified due date, usu. of more than one year. • Such a loan typically cannot be repaid before maturity without incurring a penalty. — Also termed *time loan*. Cf. *call loan*.

loan, vb. To lend, esp. money.

loan-amortization schedule. A schedule that divides each loan payment into an interest component and a principal component. • Typically, the interest component begins as the largest part of each payment and declines over time. See AMORTIZATION (1).

loan association. See SAVINGS-AND-LOAN ASSOCIATION.

loan broker. See BROKER.

loan-brokerage fee. See MORTGAGE DISCOUNT.

loan certificate. A certificate that a clearinghouse issues to a borrowing bank in an amount equal to a specified percentage of the value of the borrowing bank's collateral on deposit with the clearinghouse's loan committee.

loan commitment. A lender's binding promise to a borrower to lend a specified amount of money at a certain interest rate, usu. within a specified period and for a specified purpose (such as buying real estate). See MORTGAGE COMMITMENT.

loaned employee. See *borrowed employee* under EMPLOYEE.

loaned servant. See *borrowed employee* under EMPLOYEE.

loan for consumption. An agreement by which a lender delivers goods to a borrower who consumes them and who is obligated to return goods of the same quantity, type, and quality.

loan for exchange. A contract by which a lender delivers personal property to a borrower who agrees to return similar property, usu. without compensation for its use.

loan for use. An agreement by which a lender delivers an asset to a borrower who must use it according to its normal function or according to the agreement, and who must return it when finished using it. • No interest is charged.

loanland. *Hist.* A tenancy involving the loan of land by one person to another. — Also spelled *laenland*. Cf. BOOKLAND; FOLKLAND.

loan participation. The coming together of multiple lenders to issue a large loan (called a *participation loan*) to one borrower, thereby reducing each lender's individual risk.

loan ratio. See LOAN-TO-VALUE RATIO.

loan-receipt agreement. *Torts.* A settlement agreement by which the defendant lends money to the plaintiff interest-free, the plaintiff not being obligated to repay the loan unless he or she recovers money from other tortfeasors responsible for the same injury.

loansharking, n. The practice of lending money at excessive and esp. usurious rates, and often threatening or using extortion to enforce repay-

ment. — Also termed *extortionate credit transaction*. — **loan-shark**, *vb.* — **loan shark**, *n.*

loan society. *English law.* A club organized to collect deposits from and make loans to industrial workers. • The loan societies were forerunners of the American savings-and-loan associations.

loan-to-value ratio. The ratio, usu. expressed as a percentage, between the amount of a mortgage loan and the value of the property pledged as security for the mortgage. • For example, an \$80,000 loan on property worth \$100,000 results in a loan-to-value ratio of 80% — which is usu. the highest ratio that lenders will agree to without requiring the debtor to buy mortgage insurance. — Often shortened to *LTV ratio*. — Also termed *loan ratio*.

loan value. 1. The maximum amount that may be lent safely on property or life insurance without jeopardizing the lender's need for protection from the borrower's default. **2.** The amount of money an insured can borrow against the cash value of his or her life-insurance policy.

lobby, vb. 1. To talk with a legislator, sometimes in a luxurious setting, in an attempt to influence the legislator's vote <she routinely lobbies for tort reform in the state legislature>. **2.** To support or oppose (a measure) by working to influence a legislator's vote <the organization lobbied the bill through the Senate>. **3.** To try to influence (a decision-maker) <the lawyer lobbied the judge for a favorable ruling>. — **lobbying**, *n.* — **lobbyist**, *n.*

lobbying act. A federal or state law governing the conduct of lobbyists, usu. by requiring them to register and file reports. • An example is the Federal Regulation of Lobbying Act, 12 USCA § 261.

local act. See LOCAL LAW.

local action. See ACTION.

local agent. See AGENT.

local allegiance. See *actual allegiance* under ALLEGIANCE.

local and special legislation. See LEGISLATION.

local assessment. See ASSESSMENT.

local chattel. Personal property that is affixed to land; FIXTURE.

local concern. An activity conducted by a municipality in its proprietary capacity.

local court. See COURT.

local custom. See CUSTOM.

local-exchange carrier. *Telecommunications law.* An entity that provides telephone service, usu. on a local basis, through a local-exchange network. 47 USCA § 153(26). — Abbr. LEC. See LOCAL-EXCHANGE NETWORK.

local-exchange network. *Telecommunications law.* A system for providing telephone service on a local basis. • A local-exchange network usu. consists of such elements as switches, local loops, and transport trunks, and capabilities such as billing databases and operator services. Switches are pieces of equipment that direct calls to the appropriate destination. Local loops are the wires that connect telephones to the switches. Transport trunks are the wires that carry calls from switch to switch. All the elements of a local-exchange network are often referred to as a bundle, and there are federal requirements that a local-exchange carrier who controls a local-exchange network permit competition by selling some access, including unbundled access, to its local-exchange network. 47 USCA § 251(c). See LOCAL-EXCHANGE CARRIER; UNBUNDLING RULES.

local government. See GOVERNMENT.

local improvement. See IMPROVEMENT.

local-improvement assessment. See *local assessment* under ASSESSMENT.

locality, n. A definite region; vicinity; neighborhood; community.

locality of a lawsuit. The place where a court may exercise judicial authority.

locality-plus test. *Maritime law.* The rule that, for a federal court to exercise admiralty jurisdiction, not only must the alleged wrong occur on navigable waters, it must also relate to a traditional maritime activity. — Also termed *maritime-connection doctrine*.

locality rule. 1. The doctrine that, in a professional-malpractice suit, the standard of care to

be applied to the professional's conduct is the reasonable care exercised by similar professionals in the same vicinity and professional community.

"With respect to medical doctors (and sometimes dentists and others), the standard of care has been further limited by the so-called 'locality rule.' A physician historically was required only to possess and apply the knowledge and use the skill and care that is ordinarily used by reasonably well-qualified physicians *in the locality in which he practices*, or, usually, in 'similar localities.' This frequently made it difficult or impossible for a plaintiff to prove the applicable standard since other doctors in the same locality are notoriously reluctant to testify against their professional colleagues. However, with the advent of improved communication and continuing medical education, the reason for the rule has abated, and today the trend is toward its abolition." Edward J. Kionka, *Torts in a Nutshell* 270-71 (2d ed. 1992).

2. The doctrine that, in determining the appropriate amount of attorney's fees to be awarded in a suit, the proper basis is the rate charged by similar attorneys for similar work in the vicinity.

localization doctrine. The doctrine that a foreign corporation, by doing sufficient business in a state, will subject itself to that state's laws.

local law. 1. A statute that relates to or operates in a particular locality rather than the entire state. **2.** A statute that applies to particular persons or things rather than an entire class of persons or things. — Also termed (in senses 1 & 2) *local act*; *local statute*. **3.** The law of a particular jurisdiction, as opposed to the law of a foreign state. — Also termed *internal law*. **4. Conflict of laws.** The body of standards, principles, and rules — excluding conflict-of-laws rules — that the state courts apply to controversies before them. Restatement (Second) of Conflict of Laws § 4(1) (1971).

local option. An option that allows a municipality or other governmental unit to determine a particular course of action without the specific approval of state officials. — Also termed *local veto*. Cf. HOME RULE.

local rule. 1. A rule based on the physical conditions of a state and the character, customs, and beliefs of its people. **2.** A rule by which an individual court supplements the procedural rules applying generally to all courts within the jurisdiction. • Local rules deal with a variety of matters, such as requiring extra copies of motions to be filed with the court or prohibiting the reading of newspapers in the courtroom. Fed. R. Civ. P. 83.

local statute. See LOCAL LAW.

local union. See UNION.

local usage. A practice or method regularly observed in a particular place, sometimes considered by a court in interpreting a document. UCC § 1-205(2)(3). See CUSTOM AND USAGE.

local veto. See LOCAL OPTION.

locare (lə-kair-ee), *vb.* [Latin] *Roman law.* To let or hire out.

locarium (lə-kair-ee-əm), *n.* [Law Latin] *Hist.* Rent.

locatarius (loh-kə-tair-ee-əs), *n.* [Latin] *Hist.* A person with whom something is deposited; a deposittee.

locatio (lə-kay-shee-oh), *n.* [Latin] *Roman & civil law.* Any contract by which the use of the thing bailed, or the use of the labor or services, is stipulated to be given for a compensation. • This type of contract benefits both parties. — Also termed *lease*; *hiring*.

locatio conductio (lə-kay-shee-oh kən-duk-shee-oh), *n.* [Latin] A letting for hire. • This is one of three types of contract for permissive use, the other two being *commodatum* and *mutuum*.

locatio custodiae (lə-kay-shee-oh kəs-toh-dee-ee), *n.* [Latin] The hiring of care or service, as when the bailee is to protect the thing bailed.

locatio operarum (lə-kay-shee-oh op-ə-rair-əm), *n.* [Latin] A contract in which an employer hires a worker to perform labor or services on material supplied by the employer for a specified price. — Also termed *locatio operis faciendi*. Cf. REDEMPTIO OPERIS.

locatio operis faciendi (lə-kay-shee-oh op-ə-ris fay-shee-en-di), *n.* [Latin "the letting of a job to be done"] See *locatio operarum*.

locatio operis mercium vehendarum (lə-kay-shee-oh op-ə-ris mər-shee-əm vee-hən-dair-əm), *n.* [Latin "the letting of the job of carrying goods"] A bailment in which goods are delivered to the bailee for transport elsewhere.

locatio rei (lə-kay-shee-oh ree-I), *n.* [Latin "letting of a thing"] The hiring of a thing for use, by which the hirer gains the temporary use of the thing; a bailment or lease in which the bailee or lessee may use the item for a fee.

location. **1.** The specific place or position of a person or thing. **2.** The act or process of locating. **3.** *Real estate.* The designation of the boundaries of a particular piece of land, either on the record or on the land itself. **4.** *Mining law.* The act of appropriating a mining claim. — Also termed *mining location*. See MINING CLAIM. **5.** The claim so appropriated. **6.** *Civil law.* A contract for the temporary use of something for hire; a leasing for hire. See LOCATIO.

locative calls (lok-ə-tiv). *Property.* In land descriptions, specific descriptions that fix the boundaries of the land. • Locative calls may be marks of location, landmarks, or other physical objects. If calls in a description conflict, locative calls control over those indicating a general area of a boundary. See CALL (5); DIRECTORY CALLS.

locator (loh-kay-tər), n. [Latin] **1.** *Roman & civil law.* One who lets for hire; the bailor or lessor in a *locatio*. **2.** One who is entitled to locate land or set the boundaries of a mining claim.

locatum (lə-kay-təm), n. [Latin] *Hist.* A hiring. See BAILMENT.

Lochnerize (lok-nər-iz), vb. To examine and strike down economic legislation under the guise of enforcing the Due Process Clause, esp. in the manner of the U.S. Supreme Court during the early 20th century. • The term takes its name from the decision in *Lochner v. New York*, 198 U.S. 45, 25 S.Ct. 539 (1905), in which the Court invalidated New York's maximum-hours law for bakers. — **Lochnerization, n.**

lockbox. **1.** A secure box, such as a post-office box, strongbox, or safe-deposit box. **2.** A facility offered by a financial institution for quickly collecting and consolidating checks and other funds from a party's customers.

lockdown. The temporary confinement of prisoners in their cells during a state of heightened alert caused by an escape, riot, or other emergency.

locked in, adj. **1.** (Of a person) unable to sell appreciated securities and realize the gain because of liability for capital gains taxes <my accountant advised me not to sell the stock because I am locked in>. **2.** (Of a price, rate, etc.) staying the same for a given period <the 7% mortgage rate is locked in for 30 days>.

locked-in rate. See *lock rate* under INTEREST RATE.

lockout. **1.** An employer's withholding of work and closing of a business because of a labor dispute. **2.** Loosely, an employee's refusal to work because the employer unreasonably refuses to abide by an expired employment contract while a new one is being negotiated. Cf. STRIKE; BOYCOTT; PICKETING.

lock rate. See INTEREST RATE.

lockup, n. **1.** JAIL. **2.** LOCKUP OPTION.

lockup option. A defense against a corporate takeover, in which a friendly party is entitled to buy parts of a corporation for a set price when a person or group acquires a certain percentage of the corporation's shares. • An agreement of this kind may be illegal, to the extent it is not undertaken to serve the best interests of the shareholders. — Often shortened to *lockup*.

loco parentis. See IN LOCO PARENTIS.

locum tenens (loh-kəm tee-nenz or ten-ənz), n. [Law Latin "holding the place"] *Hist.* A deputy; a substitute; a representative.

locuples (lok-yə-pleez), adj. [Latin] *Civil law.* Having the means to pay any amount that the plaintiff might recover. — Also termed *locuplete*.

locus (loh-kəs). [Latin "place"] The place or position where something is done or exists. — Abbr. L. See SITUS.

locus actus (loh-kəs ak-təs). [Latin "place of the act"] The place where an act is done; the place of performance.

locus contractus (loh-kəs kən-trak-təs). [Latin "place of the contract"] The place where a contract is made. Cf. LEX LOCI CONTRACTUS.

locus criminis (loh-kəs krim-ə-nis), n. [Latin] The place where a crime is committed.

locus delicti (loh-kəs də-lik-ti). [Latin "place of the wrong"] The place where an offense is committed; the place where the last event necessary to make the actor liable occurs. Cf. LEX LOCI DELICTI.

"When a statute does not indicate where Congress considered the place of committing the crime to be, the site

or *locus delicti* must be determined from the nature of the crime and the location of the acts or omissions constituting the offense." *United States v. Clinton*, 574 F.2d 464, 465 (9th Cir. 1978).

locus in quo (loh-kəs in kwoh). [Latin "place in which"] The place where something is alleged to have occurred.

locus partitus (loh-kəs pah-r-ti-təs), *n.* [Latin "a place divided"] *Hist.* The act of dividing two towns or counties to determine which of them contains the land or place in question.

locus poenitentiae (loh-kəs pen-ə-ten-shee-ee). [Latin "place of repentance"] **1.** A point at which it is not too late for one to change one's legal position; the possibility of withdrawing from a contemplated course of action, esp. a wrong, before being committed to it.

"The requirement of an overt act before conspirators can be prosecuted and punished exists . . . to provide a *locus poenitentiae* an opportunity for the conspirators to reconsider, terminate the agreement, and thereby avoid punishment." *People v. Zamora*, 557 P.2d 75, 82 (Cal. 1976).

2. The opportunity to withdraw from a negotiation before finally concluding the contract.

locus publicus (loh-kəs pəb-li-kəs), *n.* [Latin] *Roman law.* A public place.

"Locus publicus . . . A parcel of public land. It is property of the Roman people and is protected by various interdicts . . . against violation by private individuals who might endanger its public character or its use by the people." Adolf Berger, *Encyclopedic Dictionary of Roman Law* 568 (1953).

locus regit actum (loh-kəs ree-jit ak-təm), *n.* [Latin "the place rules the act"] *Int'l law.* The rule that a transaction complying with the legal formalities of the country where it is created will be considered valid in the country where it is to be effective, even if that country requires additional formalities.

locus rei sitae (loh-kəs ree-i si-tee), *n.* [Latin "place where a thing is situated"] *Civil law.* The rule that the place where the land is located is the proper forum in a case involving real estate.

locus sigilli (loh-kəs si-jil-i), *n.* [Latin] The place of the seal. • Today this phrase is almost always abbreviated "L.S." These are the traditional letters appearing on many notarial certificates to indicate where the notary public's embossed seal should be placed. If a rubber-stamp seal is used, it should be placed near but not over this abbreviation. See NOTARY SEAL.

"For some period in history seals were required to consist of wax affixed to the parchment or paper on which the terms of the instrument were written. The wax was required to have an identifiable impression made upon it. Usually this was made by a signet ring. In time when ordinary people, who did not have signet rings, learned to read and write, it was to be expected that substitutes for the traditional seal would be accepted by the law. Thus, today it would be generally accurate to say that a seal may consist of wax, a gummed wafer, an impression on the paper, the word 'seal,' the letters 'L.S.' (*locus sigilli*) or even a pen scratch." John D. Calamari & Joseph M. Perillo, *The Law of Contracts* § 7-3, at 296 (3d ed. 1987).

locus standi (loh-kəs stan-di or -dee). [Latin "place of standing"] The right to bring an action or to be heard in a given forum; **STANDING**.

lode, *n.* **1.** MINERAL LODGE. **2.** LADE.

lode claim. See MINING CLAIM.

lodemanage, *n.* *Hist.* The hiring of a pilot to guide a vessel. — Also termed *loadmanage*.

lodestar. **1.** A guiding star; an inspiration or model. **2.** A reasonable amount of attorney's fees in a given case, usu. calculated by multiplying a reasonable number of hours worked by the prevailing hourly rate in the community for similar work, and often considering such additional factors as the degree of skill and difficulty involved in the case, the degree of its urgency, its novelty, and the like. • Most statutes that authorize an award of attorney's fees use the lodestar method for computing the award.

lodger. **1.** A person who rents and occupies a room in another's house. **2.** A person who occupies a designated area in another's house but acquires no property interest in that area, which remains in the owner's legal possession.

logan. See LAGAN.

logbook. **1.** A ship's or aircraft's journal containing an account of each trip, often with a history of events during the voyage. **2.** Any journal or record of events.

logia (loj-ee-ə), *n.* [Latin] *Hist.* A small house or cottage.

logical-cause doctrine. The principle that, if the plaintiff proves that an injury occurred and proves a logical cause of it, a party desiring to defeat the claim cannot succeed merely by showing that there is another imaginable

cause, but must also show that the alternative cause is more probable than the cause shown by the plaintiff.

logical interpretation. See INTERPRETATION.

logical positivism. A philosophical system or movement requiring that meaningful statements be in principle verifiable. Cf. LEGAL POSITIVISM.

logical-relationship standard. *Civil procedure.* A test applied to determine whether a defendant's counterclaim is compulsory, by examining whether both claims are based on the same operative facts or whether those facts activate additional rights, otherwise dormant, for the defendant. • One of the most important factors considered is whether hearing the claims together would promote judicial economy and efficiency. Fed. R. Civ. P. 13(a).

"[U]nder the fourth test — frequently referred to as the 'logical relationship' standard — the principal consideration in determining whether a counterclaim is compulsory rests on the efficiency or economy of trying the counterclaim in the same litigation as the main claim. As a result, the convenience of the court, rather than solely the counterclaim's relationship to the facts or issues of the opposing claim, is controlling. The hallmark of this approach is flexibility. Although the fourth test has been criticized for being overly broad in scope and uncertain in application, it has by far the widest acceptance among the courts." Jack H. Friedenthal et al., *Civil Procedure* § 6.7, at 352 (2d ed. 1993).

logium (loj-ee-əm), *n.* [Latin] *Hist.* A lodge, hovel, or outhouse.

logographus (log-ə-graf-əs), *n.* [Latin] *Roman law.* A bookkeeper or public clerk.

logrolling, *n.* **1.** The exchanging of political favors; esp., the trading of votes among legislators to gain support of measures that are beneficial to each legislator's constituency. **2.** The legislative practice of including several propositions in one measure or proposed constitutional amendment so that the legislature or voters will pass all of them, even though these propositions might not have passed if they had been submitted separately. • Many state constitutions have single-subject clauses that prohibit this practice. — **logroll**, *vb.*

LOI. *abbr.* LETTER OF INTENT.

loitering, *n.* The criminal offense of remaining in a certain place (such as a public street) for no apparent reason. • Loitering statutes are

generally held to be unconstitutionally vague. — **loiter**, *vb.* Cf. VAGRANCY.

lollipop syndrome. A situation in which one parent in a custody battle provides the child with fun, gifts, and good times, and leaves all matters of discipline to the other parent.

London commodity option. An agreement to buy or sell a futures contract for a commodity traded on the London markets, for a particular price and within a particular time.

London Lloyd's. See LLOYD'S OF LONDON.

Lone Pine order. A case-management order in a toxic-tort lawsuit involving many plaintiffs, establishing procedures and deadlines for discovery, including requiring the plaintiffs to timely produce evidence and expert opinions to substantiate each plaintiff's exposure to the hazardous substance, the injury suffered, and the cause of the injury. *Lore v. Lone Pine Corp.*, No. L-33606-85 (N.J. Super. Ct. Nov. 18, 1986). • Although the *Lone Pine* opinion is unreported, it has become famous for the kind of case-management order involved, in part because the plaintiffs' claims were dismissed for failure to timely provide expert opinions.

long, *adj.* **1.** Holding a security or commodity in anticipation of a rise in price <a buyer long on pharmaceutical stock>. **2.** Of or relating to a purchase of securities or commodities in anticipation of rising prices <a long position>. Cf. SHORT.

long, *adv.* By a long purchase; into or in a long position <bought the wheat long>.

long account. See ACCOUNT.

long-arm, *adj.* Relating to or arising from a long-arm statute <long-arm jurisdiction>.

long-arm statute. A statute providing for jurisdiction over a nonresident defendant who has had contacts with the territory where the statute is in effect. • Most state long-arm statutes extend this jurisdiction to its constitutional limits. — Also termed *single-act statute*.

Long Parliament. *Hist.* **1.** The English Parliament of Charles I meeting between 1640 and 1653, dissolved by Oliver Cromwell in 1653, then recalled and finally dissolved in 1660. **2.** The English Parliament that met between 1661 and 1678, after the restoration of the monar-

chy. • This Parliament is sometimes called the “Long Parliament of Charles II” to distinguish it from that of sense 1.

long robe. *Hist.* The legal profession <gentlemen of the long robe>. See ROBE.

long-run incremental cost. *Antitrust.* A cost threshold for determining whether predatory pricing has occurred, consisting of all costs that, over a several-year period, would not be incurred if the product in question were not offered. • It differs from average variable cost because it includes some costs that do not vary in the short run but that do vary over a longer period, depending on whether a particular product is offered. — Abbr. LRIC. Cf. AVERAGE VARIABLE COST.

Longshore and Harbor Workers’ Compensation Act. A federal law designed to provide workers’-compensation benefits to persons, other than seamen, who work in maritime occupations, esp. stevedoring and ship service. 33 USCA § 901. — Abbr. LHWCA.

“Employees who are engaged in maritime-related activities but who do not qualify as ‘seamen’ may be classified as ‘maritime workers’ entitled to the benefits provided by the Longshore and Harbor Workers’ Compensation Act Persons covered by the act, which has the attributes of the usual workers’ compensation law, include (1) employees injured on the Outer Continental Shelf in the course of mineral exploration and production activities, and (2) employees within American territorial waters who fall within the Congressional definition of a ‘maritime worker,’ and who are injured on ‘navigable waters.’” Frank L. Maraist, *Admiralty in a Nutshell* 44 (2d ed. 1988).

longshoreman. A maritime laborer, such as a stevedore, who works on the wharves in a port; a person who loads and unloads ships.

long-term capital gain. See CAPITAL GAIN.

long-term capital loss. See LOSS.

long-term debt. See DEBT.

long-term security. See SECURITY.

long title. See TITLE (3).

long ton. See TON.

look-and-feel protection. Copyright protection of the images generated or revealed when one activates a computer program.

lookout, n. A careful, vigilant watching <the motorist’s statutory duty of proper lookout>.

look-through principle. A doctrine for allocating transfer-gains taxes on real estate by looking beyond the entity possessing legal title to identify the beneficial owners of the property.

loophole. An ambiguity, omission, or exception (as in a law or other legal document) that provides a way to avoid a rule without violating its literal requirements; esp., a tax-code provision that allows a taxpayer to legally avoid or reduce income taxes.

loopification, n. In critical legal studies, the collapse of a legal distinction resulting when the two ends of a continuum become so similar that they become indistinguishable <it may be impossible to distinguish “public” from “private” because of loopification>. — **loopify, vb.**

loose construction. See *liberal construction* under CONSTRUCTION.

looseleaf service. A type of lawbook having pages that are periodically replaced with updated pages, designed to cope with constant change and increasing bulk.

“The first loose leaf service covered the federal income tax, and was published in 1913 shortly after the Federal Income Tax Law of 1913 went into effect. It was followed in 1914 by a service reporting on the activities of the Federal Trade Commission, which had just been established. The loose leaf method was, therefore, first used as a means of reporting new tax and business laws which were to be subject to administrative interpretation These first loose leaf services were designed . . . not to reprint just the bare text of the revenue and commission acts, but to follow up and report each new development on these new laws as it occurred.” Arthur Sydney Beardsley, *Legal Bibliography and the Use of Law Books* § 185, at 313–14 (1937).

loquela (lə-kwee-lə), *n.* [Law Latin “talk”] *Hist.* **1.** The oral discussions between the parties to a lawsuit leading to the issue, now called the pleadings. **2.** Settlement discussions.

loquela sine die (lə-kwee-lə si-nee di-ee or sin-ay dee-ay), *n.* [Law Latin] *Hist.* Indefinite postponement of an action.

lord. 1. A title of honor or nobility belonging properly to a baron but applied also to anyone who attains the rank of a peer. — Abbr. L. **2.** (*cap. & pl.*) HOUSE OF LORDS. **3.** A property owner whose land is in a tenant’s possession; LANDLORD (1).

temporal lord (*tem-pə-rəl*). One of the English peers (other than ecclesiastical), who sit in Parliament.

Lord Advocate. *Scots law.* An important political functionary in Scottish affairs who acts as the principal Crown counsel in civil cases, the chief public prosecutor of crimes, and legal adviser to the government on matters of Scots law. — Formerly also termed *King's advocate*.

Lord Campbell's Act. 1. The 1846 English statute that created a wrongful-death claim for the relatives of a decedent when the decedent would have had a claim if he or she had been merely injured and not killed. • Technically known as the Fatal Accidents Act of 1846, this statute changed the earlier rule, under which a tortfeasor who would have been liable to another escaped liability if the victim died. Cf. WRONGFUL-DEATH ACTION.

"The common law not only denied a tort recovery for injury once the tort victim had died, it also refused to recognize any new and independent cause of action in the victim's dependents or heirs for their own loss at his death. . . . The result was that it was cheaper for the defendant to kill the plaintiff than to injure him, and that the most grievous of all injuries left the bereaved family of the victim, who frequently were destitute, without a remedy. Since this was intolerable, it was changed in England by the passage of the Fatal Accidents Act of 1846, otherwise known as Lord Campbell's Act, which has become a generic name for similar statutes." *Prosser and Keeton on the Law of Torts* § 127; at 945 (W. Page Keeton ed., 5th ed. 1984).

2. An American state's wrongful-death statute patterned after the original English act.

Lord Chamberlain. The second officer of the royal household in England, who serves as a peer, a privy counselor, and a member of the ruling government. — Also termed *lord chamberlain of the household*.

Lord Chancellor. The highest judicial officer in England. • The Lord Chancellor sits as speaker of the House of Lords, is a member of the Cabinet, and presides at appellate judicial proceedings. — Also termed *Lord High Chancellor*; *Keeper of the King's Conscience*.

Lord Chief Justice of England. The chief judge of the Queen's Bench Division of the High Court of Justice. • The Lord Chief Justice also serves on the Court of Appeal, and ranks second only to the Lord Chancellor in the English judicial hierarchy. — Formerly termed *Chief Justice of England*. Cf. CHIEF JUSTICE OF THE COMMON PLEAS.

Lord Denman's Act. See DENMAN'S ACT.

Lord High Chancellor. See LORD CHANCELLOR.

Lord High Steward. *Hist.* The speaker *pro tempore* and presiding officer in the House of Lords during a criminal trial of a peer for a felony or for treason. • The privilege of peerage in criminal proceedings was abolished in 1948.

Lord High Treasurer. *Hist.* An officer in charge of the royal revenues and customs duties, and of leasing the Crown lands. • The functions of the Lord High Treasurer are now vested in the lords commissioners of the treasury.

lord in gross. *Hist.* A lord holding the title not by virtue of a manor; a lord without a manor.

Lord Justice Clerk. The second judicial officer in Scotland, with special responsibility for criminal law.

Lord Justice General. The highest judicial officer in Scotland, and head of the High Court of Justiciary. • The Lord Justice General also holds the office of Lord President of the Court of Session.

Lord Justice of Appeal. A judge of the English Court of Appeal. — Often shortened to *lord justice*. — Abbr. L.J. (or, in pl., either LL.J. or L.JJ.).

Lord Keeper. See KEEPER OF THE GREAT SEAL.

Lord Keeper of the Great Seal. See KEEPER OF THE GREAT SEAL.

Lord Keeper of the Privy Seal. See LORD PRIVY SEAL.

Lord Langdale's Act. See WILLS ACT (2).

Lord Lieutenant. 1. An honorary officeholder who is the Queen's representative in a county and the principal military officer there, originally appointed to muster the inhabitants to defend the country. **2. Hist.** The former viceroy of the Crown in Ireland.

Lord Lyndhurst's Act. See LYNDHURST'S ACT.

Lord Mansfield's rule. The principle that neither spouse may testify about whether the husband had access to the wife at the time of a child's conception. • In effect, this rule —

which has been abandoned by many states — made it impossible to bastardize a child born during a marriage.

lord mayor. **1.** *Hist.* The chief officer of the corporation of the city of London, so called because the fourth charter of Edward III conferred on that officer the honor of having maces carried before him by the sergeants. **2.** The title of the principal magistrate of a city, the office of which has been conferred by letters patent.

lord mayor's court. See COURT.

Lord of Appeal. A member of the House of Lords, of whom at least three must be present for the hearing and determination of appeals; and including the Lord Chancellor, the Lords of Appeal in Ordinary, and the peers that have held high judicial offices, such as ex-chancellors and judges of the superior court in Great Britain and Ireland.

Lord of Appeal in Ordinary. A person appointed and salaried to aid the House of Lords in the hearing of appeals. • These lords rank as barons for life, and sit and vote in the House of Lords even after retirement.

Lord of Parliament. A member of the House of Lords.

Lord President. The highest judicial officer in Scotland, and head of the Court of Session. • The Lord President also holds the office of Lord Justice General of Scotland.

Lord Privy Seal (priv-ee). *English law.* An officer who has custody of the privy seal and who authenticates either a state document before it passes to receive the Great Seal or a document that does not require the Great Seal because of its minor importance. • The Lord Privy Seal has nominal official duties but is often made a member of the British cabinet. — Also termed *Keeper of the Privy Seal*; *Lord Keeper of the Privy Seal*; *Privy Seal*.

Lords. See HOUSE OF LORDS.

Lord's Day Act. See BLUE LAW.

lordship. **1.** Dominion. **2.** An honorary title used for a nobleman other than a duke. **3.** A customary title for a judge or some other public official.

Lords Marchers. See MARCHERS.

lord spiritual. An archbishop or bishop who is a member of the House of Lords.

lord temporal. A House of Lords member who is not an ecclesiastic.

Lord Tenterden's rule. See EJUSDEM GENERIS.

loser-pays rule. See ENGLISH RULE.

loss. **1.** The failure to keep possession of something. **2.** A decrease in value; the amount by which a thing's original cost exceeds its later selling price. **3.** The amount of financial detriment caused by an insured person's death or an insured property's damage, for which the insurer becomes liable. **4.** *Tax.* The excess of a property's adjusted value over the amount realized from its sale or other disposition. IRC (26 USCA) § 1001. — Also termed (in sense 4) *realized loss*.

actual loss. A loss resulting from the real and substantial destruction of insured property.

actual total loss. **1.** See *total loss*. **2.** *Marine insurance.* The total loss of a vessel covered by an insurance policy (1) by its real and substantive destruction, (2) by injuries that destroy its existence as a distinct individual of a particular class, (3) by its being reduced to a wreck irretrievably beyond repair, or (4) by its being placed beyond the insured's control and beyond the insured's power of recovery.

capital loss. The loss realized upon selling or exchanging a capital asset. Cf. CAPITAL GAIN.

casualty loss. For tax purposes, the total or partial destruction of an asset resulting from an unexpected or unusual event, such as an automobile accident or a tornado.

consequential loss. A loss arising from the results of damage rather than from the damage itself. • A consequential loss is proximate when the natural and probable effect of the wrongful conduct, under the circumstances, is to set in operation the intervening cause from which the loss directly results. When the loss is not the natural and probable effect of the wrongful conduct, the loss is remote. — Also termed *indirect loss*. Cf. *direct loss*.

constructive total loss. **1.** Such serious damage to the insured property that the cost of repairs would exceed the value of the thing repaired. — Also termed *constructive loss*. **2.** *Marine underwriting.* According to the tradi-

tional American rule, such serious damage to the insured property that the cost of repairs would exceed half the value of the thing repaired. See *total loss*.

direct loss. A loss that results immediately and proximately from an event. Cf. *consequential loss*.

disaster loss. A casualty loss sustained in a geographic area that the President designates as a disaster area. • It may be treated as having occurred during the previous tax year so that a victim may receive immediate tax benefits.

economic loss. See ECONOMIC LOSS.

extraordinary loss. A loss that is both unusual and infrequent, such as a loss resulting from a natural disaster.

general average loss. *Marine underwriting.* A loss at sea usu. incurred when cargo is thrown overboard to save the ship; a loss due to the voluntary and intentional sacrifice of part of a venture (usu. cargo) to save the rest of the venture from imminent peril. • Such a loss is borne equally by all the interests concerned in the venture. See AVERAGE (3).

hobby loss. A nondeductible loss arising from a personal hobby, as contrasted with an activity engaged in for profit. • The law generally presumes that an activity is engaged in for profit if profits are earned during at least three of the last five years. IRC (26 USCA) § 183.

indirect loss. See *consequential loss*.

long-term capital loss. A loss on a capital asset held for an extended period, usu. at least 12 months.

net loss. The excess of all expenses and losses over all revenues and gains.

net operating loss. The excess of operating expenses over revenues, the amount of which can be deducted from gross income if other deductions do not exceed gross income. — Abbr. NOL.

ordinary loss. *Tax.* A loss incurred from the sale or exchange of an item that is used in a trade or business. • The loss is deductible from ordinary income, and thus is more beneficial to the taxpayer than a capital loss.

out-of-pocket loss. The difference between the value of what the buyer paid and the market value of what was received in return. • In breach-of-contract cases, out-of-pocket loss is used to measure restitution damages.

paper loss. A loss that is realized only by selling something (such as a security) that

has decreased in market value. — Also termed *unrealized loss*.

partial loss. A loss of part of the insured property; damage not amounting to a total loss. Cf. *total loss*.

particular average loss. *Marine underwriting.* A loss suffered by and borne alone by particular interests in a maritime venture. • Such a loss is usu. a partial loss.

passive loss. A loss, with limited tax deductibility, from an activity in which the taxpayer does not materially participate, from a rental activity, or from a tax-shelter activity.

pecuniary loss. A loss of money or of something having monetary value.

recognized loss. *Tax.* The portion of a loss that is subject to income taxation. IRC (26 USCA) § 1001(c).

salvage loss. 1. Generally, a loss that presumptively would have been a total loss if certain services had not been rendered. 2. *Marine underwriting.* The difference between the salvage value, less the salvage charges, and the original value of the insured property.

total loss. The complete destruction of insured property so that nothing of value remains and the subject matter no longer exists in its original form. • Generally, a loss is total if, after the damage occurs, no substantial remnant remains standing that a reasonably prudent uninsured owner, desiring to rebuild, would use as a basis to restore the property to its original condition. — Also termed *actual total loss*. Cf. *partial loss*; *constructive total loss*.

unrealized loss. See *paper loss*.

loss carryback. See CARRYBACK.

loss carryforward. See CARRYOVER.

loss carryover. See CARRYOVER.

loss insurance. See INSURANCE.

loss leader. A good or commodity sold at a very low price, usu. below cost, to attract customers to buy other items. — Sometimes shortened to *leader*. See BAIT AND SWITCH.

loss-of-bargain damages. See *expectation damages* under DAMAGES.

loss-of-bargain rule. The doctrine that damages for a breach of a contract should put the

injured party in the position it would have been in if both parties had performed their contractual duties.

loss-of-chance doctrine. A rule in some states providing a claim against a doctor who has engaged in medical malpractice that, although it does not result in a particular injury, decreases or eliminates the chance of surviving or recovering from the preexisting condition for which the doctor was consulted. — Also termed *lost-chance doctrine*; *increased-risk-of-harm doctrine*.

loss of consortium (kən-sor-shee-əm). A loss of the benefits that one spouse is entitled to receive from the other, including companionship, cooperation, aid, affection, and sexual relations. • Loss of consortium can be recoverable as damages in a personal-injury or wrongful-death action.

loss-of-use exclusion. See *failure-to-perform exclusion* under EXCLUSION (3).

loss-payable clause. An insurance-policy provision that authorizes the payment of proceeds to someone other than the named insured, esp. to someone who has a security interest in the insured property. • Typically, a loss-payable clause either designates the person as a beneficiary of the proceeds or assigns to the person a claim against the insurer, but the clause usu. does not treat the person as an additional insured. See MORTGAGE CLAUSE.

loss payee. A person or entity named in an insurance policy (under a loss-payable clause) to be paid if the insured property suffers a loss.

loss ratio. 1. *Insurance.* The ratio between premiums paid and losses incurred during a given period. 2. A bank's loan losses compared to its loan assets; a business's receivable losses compared to its receivables.

loss reserve. See RESERVE.

lost, adj. 1. (Of property) beyond the possession and custody of its owner and not locatable by diligent search <lost at sea> <lost papers>. 2. (Of a person) missing <lost child>.

lost-chance doctrine. 1. LOSS-OF-CHANCE DOCTRINE. 2. A rule permitting a claim, in limited circumstances, against someone who fails to come to the aid of a person who is in imminent danger of being injured or killed. Cf. GOOD SAMARITAN DOCTRINE.

lost corner. See CORNER.

lost earning capacity. A person's diminished earning power resulting from an injury. • This impairment is recoverable as an element of damages in a tort action. Cf. *lost earnings* under EARNINGS.

"To some extent the phrases 'loss of earnings' and 'loss of earning capacity' are used interchangeably. But the preferred view is that they are different concepts. The former covers real loss which can be proved at the trial; the latter covers loss of the chances of getting equivalent work in the future." R.F.V. Heuston, *Salmond on the Law of Torts* 572 (17th ed. 1977).

lost earnings. See EARNINGS.

lost-expectation damages. See *expectation damages* under DAMAGES.

lost or not lost. *Marine insurance.* A policy provision fixing the effective date of the policy to a time preceding the policy date, even if the insured ship has already been lost when the policy is executed, as long as neither party then knows, or has means of knowing, that the ship has been lost.

lost profits. A measure of damages that allows a seller to collect the profit that would have been made on the sale if the buyer had not breached. UCC § 2-708(2).

lost property. See PROPERTY.

lost-volume seller. A seller of goods who, after a buyer has breached a sales contract, resells the goods to a different buyer who would have bought identical goods from the seller's inventory even if the original buyer had not breached. • Such a seller is entitled to lost profits, rather than contract price less market price, as damages from the original buyer's breach. UCC § 2-708(2).

lost will. See WILL.

lot. 1. A tract of land, esp. one having specific boundaries or being used for a given purpose.

minimum lot. A lot that has the least amount of square footage allowed by a local zoning law.

nonconforming lot. A previously lawful lot that now violates a newly adopted, or amended zoning ordinance.

2. An article that is the subject of a separate sale, lease, or delivery, whether or not it is sufficient to perform the contract. UCC

§§ 2-105(5); 2A-103(1)(s). **3.** A specified number of shares or a specific quantity of a commodity designated for trading.

odd lot. A number of shares of stock or the value of a bond that is less than a round lot.

round lot. The established unit of trading for stocks and bonds. • A round lot of stock is usu. 100 shares, and a round lot of bonds is usu. \$1,000 or \$5,000 par value. — Also termed *even lot*; *board lot*.

lot and scot. *Hist.* A collection of duties paid by voters before voting in certain cities and boroughs.

lot line. A land boundary that separates one tract from another <from the street to the alley, the lot line is 150 feet>.

lottery. A method of raising revenues, esp. state-government revenues, by selling tickets and giving prizes (usu. large cash prizes) to those who hold tickets with winning numbers that are drawn at random. — Also termed *lotto*.

Dutch lottery. A lottery in which tickets are drawn from classes, and the number and value of prizes are fixed and increasing with each class. • This type of lottery originated in Holland in the 16th century. — Also termed *class lottery*.

Genoese lottery (jen-oh-eez or -ees). A lottery in which, out of 90 consecutive numbers, five are drawn by lot, each player wagering that one or more of the numbers they have chosen will be drawn. • This type of lottery originated in Genoa in about 1530. — Also termed *number lottery*; *numerical lottery*.

love day. See DAY.

lowbote (loh-boht). *Hist.* Compensation paid for the death of one killed in a disturbance.

low diligence. See *slight diligence* under DILIGENCE.

lower chamber. See CHAMBER.

lower court. **1.** See *court below* under COURT. **2.** See *inferior court* under COURT.

lower estate. See *servient estate* under ESTATE.

lower-of-cost-or-market method. A means of pricing or costing inventory by which inventory value is set at either acquisition cost or market cost, whichever is lower.

lower scale. See SCALE.

lowest responsible bidder. A bidder who has the lowest price conforming to the contract specifications and who is financially able and competent to complete the work, as shown by the bidder's prior performance.

low-grade security. See SECURITY.

low justice. See JUSTICE (3).

low-water mark. See WATER MARK.

loyalty, n. Faithfulness or allegiance to a person, cause, duty, or government. — **loyal, adj.**

loyalty oath. See *oath of allegiance* under OATH.

L.P. See *limited partnership* under PARTNERSHIP.

L.R. abbr. Law Reports.

LRIC. abbr. LONG-RUN INCREMENTAL COST.

L.S. abbr. LOCUS SIGILLI.

LSAT. abbr. LAW SCHOOL ADMISSIONS TEST.

Ltd. abbr. Limited — used in company names to indicate limited liability.

LTV ratio. See LOAN-TO-VALUE RATIO.

lucid, adj. **1.** Understandable. **2.** Rational. **3.** Sane.

lucid interval. **1.** A brief period during which an insane person regains sanity sufficient to regain the legal capacity to contract and act on his or her own behalf. **2.** A period during which a person has enough mental capacity to understand the concept of marriage and the duties and obligations it imposes.

lucra nuptialia (loo-krə nəp-shee-ay-lə). [Latin] *Roman law.* The property that one spouse receives from another, whether by gift, marriage-gift, dos, or testamentary disposition. See POENAE SECUNDARUM NUPTIARUM.

lucrative causa (loo-krə-ti-və kaw-zə), *n.* [Latin] *Roman law.* A cause of enrichment for which the acquirer pays nothing (e.g., a bequest).

lucrativa usucapio (loo-krə-ti-və yoo-z[y]oo-kay-pee-oh or -kap-ee-oh), *n.* [Latin] *Roman law.* A means of acquiring title to land by possession and the exclusion of the rightful heirs for one year after the death of the landowner. See USUCAPIO.

lucrative (loo-krə-tiv), *adj.* **1.** Profitable; remunerative <a lucrative business>. **2.** *Civil law.* Acquired or held without accepting burdensome conditions or giving consideration <lucrative ownership>.

lucrative bailment. See *bailment for hire* under BAILMENT.

lucrative office. See OFFICE.

lucrative title. See TITLE (2).

lucre (loo-kər), *n.* Monetary gain; profit.

lucri causa (loo-kri kaw-zə). [Latin] For the sake of gain. • *Lucri causa* was formerly an essential element of larceny, but today the thief's intent to deprive the possessor of property is generally sufficient. See LARCENY.

“*‘Lucri causa’* literally means for the sake of gain. On rare occasions the suggestion has been made that no taking is with intent to steal unless the thief is motivated by some purpose of gain or advantage. Even those advancing this suggestion have not insisted upon an intent to gain a *pecuniary* advantage. An intent to take away property and destroy it for the purpose of destroying evidence has been held to be sufficient even by those who have been inclined to insist upon *lucri causa* as essential to an intent to steal. The generally accepted view does not include this element at all. It regards intent to deprive the owner of his property permanently, or an intent to deal with another's property unlawfully in such a manner as to create an obviously unreasonable risk of permanent deprivation, as all that is required to constitute the *animus furandi* — or intent to steal.”
Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 332-33 (3d ed. 1982).

lucrum (loo-krəm), *n.* [Latin] **1.** *Roman law.* Gain; profit. **2.** *Hist.* A small parcel of land.

lucrum cessans (loo-krəm ses-anz), *n.* [Latin “ceasing gain”] *Roman law.* Interest or damages awarded for an expected future loss (such as anticipated loss of profits) as opposed to an actual realizable loss. — Also termed *lucrum interceptum*. See DAMNUM EMERGENS.

lucrum interceptum (loo-krəm in-tər-sep-təm). See LUCRUM CESSANS.

luctuosa hereditas (lək-choo-oh-sə hə-red-i-tas), *n.* [Latin “mournful inheritance”] See *hereditas luctuosa* under HEREDITAS.

luctus (lək-təs), *n.* [Latin] *Roman law.* Mourning.

luminar (loo-mə-nair-ee), *n.* [Latin “lamp”] *Hist.* A small lamp or candle set burning on a church altar, the maintenance of which was provided by lands and rents. Pl. *luminaria*.

lumping sale. See SALE.

lump-sum agreement. *Int'l law.* A payment made to a country's citizens who have been injured in some manner by another country. • This method of settling claims has become increasingly common in the last 40 years as an alternative to submitting the claims to an international tribunal.

lump-sum alimony. See *alimony in gross* under ALIMONY.

lump-sum payment. See PAYMENT.

lunacy. See INSANITY.

lunar month. See MONTH (3).

lunch-hour rule. The doctrine that an employer is not responsible for injuries suffered or caused by an employee who takes a lunch break off work premises and, during the break, is not performing tasks in the course of the employment.

luxury tax. See TAX.

lying by. The act or fact of being present at a transaction affecting one's interests but remaining silent. • Courts often treat a person who was “lying by” at a transaction as having agreed to it and as being prevented from objecting to it.

lying in wait. *Criminal law.* The series of acts involved in watching, waiting, and hiding from someone, with the intent of killing or inflicting serious bodily injury on that person. • Because lying in wait shows premeditation and deliberation, it can result in an increased sentence.

lynch, vb. To hang (a person) by mob action without legal authority.

lynch law. The administration of summary punishment, esp. death, for an alleged crime, without legal authority.

Lyndhurst's Act. *Hist.* The statute rendering marriages within certain degrees of kinship null and void. Marriage Act of 1835, 5 & 6 Will. 4, ch. 54. — Also termed *Lord Lyndhurst's Act*.

lytae (li-tee), *n.* [Latin, fr. Greek] *Roman law.* Civil-law students in their fourth year of study.