

**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**

label, n.1.Trademarks. An informative display of written or graphic matter, such as a logo, title, or similar marking, affixed to goods or services to identify their source. • A label may be put on the packaging or container of a manufactured product, or on the packaging or surface of a natural substance. [Cases: Trade Regulation 46. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 63.] 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**

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**

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. [Cases: Food 15; Health 311.]

**LABEL LICENSE**

label license.See LICENSE.

**LABES REALIS QUAE REI INHAERET**

labes realis quae rei inhaeret (lay-beez ree-ay-lis kwee ree-I in-heer-it). [Latin] Scots law. A real defect that attaches to the thing. Cf. VITIUM REALE .

“Theft, also, constitutes a labes realis in the title of any one holding the subject stolen, no matter how honestly he may have acquired it; and on this defect, which attaches to it until it return to his possession, the true owner may vindicate his right, and recover his subject wherever it can be found.” John Trayner, Trayner's Latin Maxims 312 (4th ed. 1894).

**LABINA**

labina (l<<schwa>>-bI-n<<schwa>>), n. Archaic. Land covered by water; swampland.

## LA BOMBA

la bomba (l<<schwa>> bom-b<<schwa>>). (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. See 18 USCA § 844(j). [Cases: Explosives 4.]

## LABOR

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.

child labor.See CHILD LABOR.

spousal labor.See SPOUSAL LABOR.

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

labor agreement.See COLLECTIVE-BARGAINING AGREEMENT.

## LABORARIIS

laborariis (lay-b<<schwa>>-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

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. [Cases: Labor Relations 210.C.J.S. Labor Relations §§ 191–192, 195–197, 203, 207–209.]

## LABOR CONTRACT

labor contract.See COLLECTIVE-BARGAINING AGREEMENT.

## LABOR–DESERT MODEL

labor–desert model.The view that the inventive process results from the inventor's labor to create something of added value to society, and that this added value justifies some social reward (“just deserts”) to the inventor. — Also termed value-added model. Cf. EUREKA MODEL; LABOR MODEL.

## LABOR DISPUTE

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. [Cases: Labor Relations 281. C.J.S. Labor Relations §§ 263–264.]

#### LABOR DISPUTES ACT

Labor Disputes Act. See NORRIS–LAGUARDIA ACT.

#### LABORER

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

#### LABORER'S LIEN

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

#### LABORING A JURY

laboring a jury. See EMBRACERY.

#### LABOR LAW

labor law. The field of law governing the relationship between employers and employees, esp. law governing the dealings of employers and the unions that represent employees. — Also termed industrial law. See NATIONAL LABOR RELATIONS ACT.

#### LABOR–MANAGEMENT RELATIONS

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

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 MODEL

labor model. The view that the inventive process is the product of the inventor's labor, and that the invention is therefore the property of the inventor by natural right. See LOCKEAN LABOR THEORY. Cf. EUREKA MODEL; LABOR–DESERT MODEL L.

#### LABOR ORGANIZATION

labor organization. See UNION.

#### LABOR-RELATIONS ACT

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

Labor Relations Board. See NATIONAL LABOR RELATIONS BOARD.

#### LABOR THEORY

labor theory. See LOCKEAN LABOR THEORY.

#### LABOR UNION

labor union. See UNION.

#### LACCA

lacca. See LACTA.

#### LACEY ACT

Lacey Act. A federal law, originally enacted in 1900, that permits states to enforce their own game laws prohibiting the importation of animals from other states or countries. 16 USCA §§ 661 et seq. See GAME LAW. [Cases: Game 3.5.]

#### LA CHAMBRE DES ESTEILLES

la chambre des esteilles (l<<schwa>> shahm-br<<schwa>> d<<schwa>> zes-tay), n. [French] Hist. The Star Chamber. See STAR CHAMBER.

#### LACHES

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

“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).

prosecution laches. Patents. In a claim for patent infringement, the equitable defense that the patentee did not timely enforce the patent rights.

2. The equitable doctrine by which a court denies relief to a claimant who has unreasonably delayed in asserting the claim, when that delay has prejudiced the party against whom relief is sought. Cf. LIMITATION(3). [Cases: Equity 67. C.J.S. Equity §§ 128–132.] “The doctrine of laches ... is an instance of the exercise of the reserved power of equity to withhold relief otherwise

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

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

#### LACKEY<TT> CLAIM

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.). [Cases: Sentencing and Punishment 1795. C.J.S. Criminal Law §§ 1591–1592.]

#### LACK-OF-ANTECEDENT-BASIS REJECTION

lack-of-antecedent-basis rejection. See REJECTION.

#### LACK OF CAPACITY

lack of capacity. The disability of a person to create or enter into a legal relation because of some special characteristic. See CAPACITY(2).

#### LACK OF ENABLEMENT

lack of enablement. See NONENABLEMENT.

#### LACK-OF-ENABLEMENT REJECTION

lack-of-enablement rejection. See nonenablement rejection under REJECTION.

#### LACK OF JURISDICTION

lack of jurisdiction. See WANT OF JURISDICTION.

#### LACK OF PROSECUTION

lack of prosecution. See WANT OF PROSECUTION.

#### LACK-OF-UTILITY REJECTION

lack-of-utility rejection. See REJECTION.

#### LACTA

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

#### L'ACTE DE L'ÉTAT CIVIL

l'acte de l'état civil. See ACTE(1).

#### LADA

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

## LADE

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

## LADEN IN BULK

laden in bulk,adj. Maritime law. (Of a vessel) loaded with a cargo that lies loose in the hold instead of packaged. • Cargoes of corn, salt, and similar items are usu. shipped in bulk. [Cases: Shipping 110. C.J.S. Shipping §§ 326, 328.]

## LADING, BILL OF

lading, bill of.See BILL OF LADING.

## LADY

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

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

## LADY DAY

Lady Day.See quarter day under DAY.

## LADY'S FRIEND

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

laenland. See LOANLAND.

## LAESA MAJESTAS

laesa majestas (lee-z<<schwa>> m<<schwa>>-jes-tas). See LESE MAJESTY.

## LAESIO ENORMIS

laesio enormis (lee-shee-oh i-nor-mis). [Law Latin “excessive loss” or “abnormal loss of more than half”] Roman & civil law. 1. The sale of a thing for which the buyer paid less than half its real value. • The seller could rescind the sale, but the buyer could keep the item purchased by paying the full value. Generally, this doctrine was limited to land sales. 2. The injury sustained by one party to an onerous contract when the overreaching party receives twice the value of that party's money or property, such as a purchaser who pays less than half the value of the property sold, or a seller who receives more than double the property's value. • If coowner coheirs partition or sell property, laesio enormis may exist when the purchaser pays less than one-fourth of the

value rather than one-half. See La. Civ. Code arts. 824, 1406. — Also spelled *lesio enormis*. — Also termed *lesion*; *enorm lesion*; (in full) *laesio enormis vel ultra dimidium* (lee-shee-oh i-nor-mis vel <<schwa>>l-tr<<schwa>> di-mid-ee-<<schwa>>m); (in Louisiana) *lesion beyond moiety*.

“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 ENORMIS VEL ULTRA DIMIDIUM

*laesio enormis vel ultra dimidium*. See LAESIO ENORMIS.

#### LAESIWERP

*laesiwerp* (lee-z<<schwa>>-w<<schwa>>rp), n. [Saxon fr. *laisus* “bosom” + *werpire* “to surrender”] Hist. A thing surrendered to another’s hands or power; a thing given or delivered.

#### LAET

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

#### LAGA

*laga*. See LAGE.

#### LAGAN

*lagan* (lag-<<schwa>>n), n. 1. Goods that are abandoned at sea but attached to a buoy so that they may be recovered. — Also termed *lagend*; *lagon*; *ligan*; *ligen*; *logan*. Cf. FLOTSAM; JETSAM; WAVESON. 2. Archaic. Wreckage or cargo lying on the seabed.

#### LAGE

*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

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

#### LAGEMAN

lageman (law-m<<schwa>>n or lay-m<<schwa>>n). See LEGALIS HOMO.

#### LAGEND

lagend (lag-<<schwa>>nd). See LAGAN.

#### LAGGING ECONOMIC INDICATOR

lagging economic indicator. See ECONOMIC INDICATOR.

#### LAGGING INDICATOR

lagging indicator. See INDICATOR.

#### LAGH DAY

lagh day. See LAGE DAY.

#### LAGON

lagon (lag-<<schwa>>n). See LAGAN.

#### LAGU

lagu. See LAGE.

#### LAHMAN

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

#### LAICUS

laicus (lay-<<schwa>>-k<<schwa>>s), n. [Law Latin] Hist. A layman; one who is not in the ministry.

#### LAILAW<TT> VACANCY

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 must 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

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; esp., a lord's privilege of receiving a fine for fornication with the lord's female villeins. — Also termed lairesite; lecherwite (lech-<<schwa>>r-wIt); legerwite; leirwita; leyerwite; legenita (l<<schwa>>-jen-<<schwa>>-t<<schwa>>); legruita (l<<schwa>>-groo-<<schwa>>-t<<schwa>>).

#### LAIS GENTS



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

#### LAISSEZ-FAIRE

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

laity (lay-<<schwa>>-tee). Collectively, persons who are not members of the clergy. [Cases: Religious Societies 7. C.J.S. Religious Societies §§ 14–18.]

#### LAKE

lake,n.1. A large body of standing water in a depression of land or basin supplied from the drainage of an extended area; esp., a natural depression in the surface of the earth containing a reasonably permanent body of water that is substantially at rest. [Cases: Waters and Water Courses 108.C.J.S. Waters §§ 2, 236–237.] 2. A widened or expanded part of a river.

#### LAMBETH DEGREE

Lambeth degree (lam-b<<schwa>>th).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). • The degrees were conferred in music, theology, law, and medicine.

#### LAMB-WESTON<TT> RULE

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). [Cases: Insurance 2112, 2762. C.J.S. Insurance § 1140.]

#### LAME DUCK

lame duck.An elected official serving out a term after a successor has been elected. [Cases: Officers and Public Employees 50. C.J.S. Officers and Public Employees §§ 86–90, 92–94.]

#### LAME-DUCK AMENDMENT

lame-duck amendment.See TWENTIETH AMENDMENT.

#### LAME-DUCK SESSION

lame-duck session.See SESSION(1).

#### LAMMAS

Lammas. See quarter day under DAY.

#### LAMMAS LAND

lammas land. See LAND.

## 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. [Cases: Estates in Property 1. C.J.S. Estates §§ 2–5, 8, 15–21, 116–128, 137, 243.]

“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.

acquired federal land. (usu. pl.) Federal land that was never in the public domain. See federal land.

acquired land. Land acquired by the government from private hands or from another governmental entity; esp., property acquired by the federal government from private or state ownership. • This term is frequently contrasted with public domain. — Also termed acquired lands. See PUBLIC DOMAIN(1).

“ ‘Acquired lands’ are lands the United States acquired from private or state owners by gift, purchase, exchange, or condemnation. In most but not all cases, such lands actually have been ‘reacquired,’ because the United States previously had purchased or won them from foreign and Indian sovereigns. Distinguishing between lands because of ownership origins that go back over a century is a policy with little to recommend it, but some statutes and judicial opinions maintain the distinction.” George Cameron Coggins, *Public Natural Resources Law* § 1.02[1] (1990).

arable land (ar-*<<schwa>>*-b*<<schwa>>*l). Land fit for cultivation. — Formerly also termed araturia; aralia; aratia.

bounty land. A portion of public land given or donated as a reward, esp. for military service. See MILITARY BOUNTY LAND. [Cases: Public Lands 46. C.J.S. Public Lands § 64.]

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

land.

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-maynor 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. Cf. certificate land. [Cases: Public Lands 45. C.J.S. Public Lands §§ 67–70.]

earned land. Public land that is conveyed by a land patent to a private person who has performed a certain condition, usu. one spelled out in an earlier grant. See PATENT(2).

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”).

“Fabrick-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, *Nomo-Lexicon: 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(2). [Cases: Eminent Domain 2(10). C.J.S. Eminent Domain §§ 18, 90–96.]

federal land. (usu. pl.) Land owned by the United States government. • Federal lands are classified as public lands (also termed “lands in the public domain”) or acquired federal lands, depending on how the land was obtained. See acquired federal land.

government land. See public land.

hide land. Hist. See HIDE.

indemnity land. See INDEMNITY LAND.

lammas land (lam-*<<schwa>>*s). Hist. Land over which persons other than the owner have the right of pasturage during winter, from lammas (reaping time) until sowing time.

lieu land (loo). Public land within indemnity limits granted in lieu of those lost within place limits. [Cases: Public Lands 53, 81. C.J.S. Public Lands §§ 81, 126.]

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

made land. Artificially formed land, usu. land that has been reclaimed by filling or created by dredging.

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. Lands or land interests held by the government, without regard to how the government acquired ownership; unappropriated land belonging to the federal or state government. — Also termed public lands; government land; public ground. [Cases: Public Lands 1. C.J.S. Public Lands § 3.]

“The terms ‘public lands’ and ‘federal lands’ may ... include less than full fee interests, such as severed mineral estates. They usually do not, however, refer to submerged lands off the seacoasts (over which the United States asserts jurisdiction but not title), or lands held in trust for Indians.” George Cameron Coggins et al., *Federal Public Land and Resources Law* 3 (3d ed. 1993).

reserved land. See RESERVATION(3).

riparian land. 1. Land that includes part of the bed of a watercourse or lake. 2. Land that borders on a public watercourse or public lake whose bed is owned by the public.

school land. Public real estate set apart for sale or exploitation by a state to establish and fund public schools. [Cases: Public Lands 51. C.J.S. Public Lands §§ 76–79, 82–83.]

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

settled land. Any land — or any interest in it — that is the subject of any document that limited it to, or put it into trust for, a person by way of succession.

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. [Cases: Public Lands 58. C.J.S. Public Lands §§ 102–103, 106–107.]

tideland. See TIDELAND.

withdrawn land. See RESERVATION(3).

#### LAND, LAW OF

land, law of. See LAW OF THE LAND.

#### LAND AGENT

land agent. See LAND MANAGER.

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**LAND BANK**

land bank. 1. A bank created under the Federal Farm Loan Act to make loans at low interest rates secured by farmland. [Cases: United States 53(7).C.J.S. United States §§ 90, 92–93.] 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**

land boundary. See BOUNDARY.

**LAND CERTIFICATE**

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. [Cases: Public Lands 174. C.J.S. Public Lands §§ 178–197.]

**LANDCHEAP**

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

**LAND CONTRACT**

land contract. See contract for deed under CONTRACT.

**LAND COP**

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**

land court. See COURT.

**LAND DAMAGES**

land damages. See just compensation under COMPENSATION.

**LAND DEPARTMENT**

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. [Cases: Public Lands 94. C.J.S. Public Lands §§ 167–168.]

**LAND DESCRIPTION**

land description. See LEGAL DESCRIPTION.

#### LAND DISTRICT

land district. See DISTRICT.

#### LANDED

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

#### LANDED ESTATE

landed estate. See ESTATE(1).

#### LANDED-ESTATES COURT

landed-estates court. See COURT.

#### LANDED PROPERTY

landed property. See landed estate under ESTATE(1).

#### LANDED SECURITY

landed security. See SECURITY.

#### LANDED SERVITUDE

landed servitude. See servitude appurtenant under SERVITUDE(2).

#### LANDEFRICUS

landefricus (lan-d<<schwa>>-frI-k<<schwa>>s). Hist. A landlord or lord of the soil.

#### LANDEGANDMAN

landegandman (lan-d<<schwa>>-gand-m<<schwa>>n  
or lan-d<<schwa>>-g<<schwa>>nd-m<<schwa>>n). Hist. A customary or inferior tenant of a manor.

#### LAND FLIP

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 FORCES

land forces. See UNITED STATES ARMY.

#### LAND-GAVEL

land-gavel (land-gav-<<schwa>>l). Hist. A tax or rent issuing from land. — Also spelled landgable; land-gabel; land-gafol. See GAVEL(1), (2).

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**LAND GRANT**

land grant. A donation of public land to an individual, a corporation, or a subordinate government. [Cases: Public Lands 42. C.J.S. Public Lands §§ 64–66.]

private land grant. A land grant to a natural person. See land patent under PATENT(2).

**LANDHLAFORD**

landhlaforð (land-[h]lav-<<schwa>>rd). Hist. A proprietor of land; a lord of the soil.

**LANDHOLDER**

landholder. One who possesses or owns land.

**LAND IMPROVEMENT**

land improvement. See IMPROVEMENT.

**LANDING**

landing. 1. A place on a river or other navigable water for loading and unloading goods, or receiving and delivering passengers and watercraft. 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**

landing law. A law prohibiting the possession or sale of fish or game that have been taken illegally. [Cases: Fish 13(1); Game 7.]

**LAND LEASE**

land lease. See ground lease under LEASE.

**LANDLOCKED**

landlocked, adj. 1. Surrounded by land, with no way to get in or out except by crossing the land of another <because the tract was landlocked, the buyer claimed an easement of necessity across the seller's property>. 2. (Of a country) surrounded by other nations, with no access to major navigable waterways <the landlocked nation had always been at a mercantile disadvantage to its seafaring neighbors>.

**LANDLORD**

landlord. 1. At common law, the feudal lord who retained the fee of the land. — Sometimes shortened to lord. 2. One who leases real property to another. — Also termed (in sense 2) lessor. [Cases: Landlord and Tenant 1. C.J.S. Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).]

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

**LANDLORD-AND-TENANT RELATIONSHIP**

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

#### LANDLORD'S HYPOTHEC

landlord's hypothec. See HYPOTHEC.

#### LANDLORD'S LIEN

landlord's lien. See LIEN.

#### LANDLORD'S WARRANT

landlord's warrant. See WARRANT(1).

#### LANDLORD–TENANT RELATIONSHIP

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. [Cases: Landlord and Tenant 1. C.J.S. Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).]

#### LANDMAN

landman. Oil & gas. A person responsible for acquiring oil and gas leases, negotiating arrangements for development of leases, and managing leased properties. • In this field, both men and women are commonly known as landmen.

#### LAND MANAGER

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

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>. [Cases: Boundaries 4, 5. C.J.S. Boundaries §§ 3, 5–7.] 2. A historically significant building or site <the schoolhouse built in 1898 is the county's most famous landmark>. See MONUMENT. [Cases: Environmental Law 61–103.]

#### LANDMARK DECISION

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



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apparent zone of danger — that is, plaintiffs to whom damage could be reasonably foreseen). — Also termed landmark case. Cf. LEADING CASE.

**LAND OFFICE**

land office.A government office in which sales of public land are recorded. [Cases: Public Lands 94. C.J.S. Public Lands §§ 167–168.]

**LANDOWNER**

landowner. One who owns land.

**LANDOWNER'S ROYALTY**

landowner's royalty.See ROYALTY(2).

**LAND PATENT**

land patent.See PATENT(2).

**LAND-POOR**

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**

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**

land revenue.See REVENUE.

**LANDRUM–GRIFFIN ACT**

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**

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 HEREDITAMENT; TENEMENT.

**LAND SALES CONTRACT**

land sales contract.See contract for deed under CONTRACT.

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**LAND SCRIP**

land scrip. A negotiable instrument entitling the holder, usu. a person or company engaged in public service, to possess specified areas of public land. See SCRIP(1). [Cases: Public Lands 135(1). C.J.S. Public Lands §§ 150, 152–158, 160–162.]

**LANDS, TENEMENTS, AND HEREDITAMENTS**

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

**LAND TAX**

land tax. See property tax under TAX.

**LAND-TENANT**

land-tenant. See TERRE-TENANT.

**LAND TITLES AND TRANSFER ACT**

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**

land trust. See TRUST.

**LAND TRUST CERTIFICATE**

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**

land-use planning. The deliberate, systematic development of real estate through methods such as zoning, environmental-impact studies, and the like. — Also spelled landuse planning. — Also termed urban planning. [Cases: Zoning and Planning 1. C.J.S. Zoning and Land Planning §§ 2, 5–7, 17–18.]

**LAND-USE REGULATION**

land-use regulation. An ordinance or other legislative enactment governing the development or use of real estate. — Also spelled landuse regulation. [Cases: Zoning and Planning 1. C.J.S. Zoning and Land Planning §§ 2, 5–7, 17–18.]

“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

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

land warfare. See WARFARE.

#### LAND WARRANT

land warrant. See LAND CERTIFICATE.

#### LANGDELL SYSTEM

Langdell system. See CASEBOOK METHOD.

#### LANGEMAN

langeman (lan-j<<schwa>>-m<<schwa>>n), n. Hist. A lord of a manor. Pl. langemanni (lan-j<<schwa>>-man-I).

#### LANGUAGE

language. 1. Any organized 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

languidus (lang-gwi-d<<schwa>>s), 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

Lanham Act (lan-<<schwa>>m). 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 or if the strength of a strong mark would be diluted. • The Lanham Act's scope is independent of and concurrent with state common law. 15 USCA §§ 1051 et seq. — Also termed Federal Trademark Act; Trademark Act of 1946.

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**LAPIDATION**

lapidation (lap-*<<schwa>>*-day-sh*<<schwa>>*n), n. An execution by stoning. — lapidate (lap-*<<schwa>>*-dayt), vb.

**LAPPAGE**

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**

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. [Cases: Embezzlement 12. C.J.S. Embezzlement § 26.]

**LAPSE**

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. ADEPTION. [Cases: Wills 774–777. C.J.S. Wills §§ 1791–1808.]

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**

lapsed devise.See DEVISE.

**LAPSED LEGACY**

lapsed legacy.See LEGACY.

**LAPSED POLICY**

lapsed policy.See INSURANCE POLICY.

**LAPSE PATENT**

lapse patent.See PATENT(2).

**LAPSE STATUTE**

lapse statute.See ANTILAPSE STATUTE.

**LAPSUS BONIS**

lapsus bonis (lap-s*<<schwa>>*s boh-nis). [Latin] Scots law. Reduced in worldly circumstances. • The phrase appeared in reference to a person who was having temporary financial

difficulties.

#### LARCENABLE

larcenable (lahr-s<<schwa>>-n<<schwa>>-b<<schwa>>l), adj. Subject to larceny < because it cannot be carried away, real estate is not larcenable>. [Cases: Larceny 4–10. C.J.S. Larceny §§ 2, 3(1, 2, 3, 4, 5, 6, 7), 13–19, 37–42, 44, 49.]

#### LARCENIST

larcenist,n. One who commits larceny. See LARCENY.

#### LARCENOUS

larcenous (lahr-s<<schwa>>-n<<schwa>>s), 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

larcenous intent.See INTENT(1).

#### LARCENY

larceny (lahr-s<<schwa>>-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.” [Cases: Larceny 1.C.J.S. Larceny §§ 1(1, 2), 9.]

“The criminal offence of larceny or theft in the Common Law was intimately connected with the civil wrong of trespass. ‘Where there has been no trespass,’ said Lord Coleridge, ‘there can at law common be no larceny.’ Larceny, in other words, is merely a particular kind of trespass to goods which, by virtue of the trespasser's intent, is converted into a crime. Trespass is a wrong, not to ownership but to possession, and theft, therefore, is not the violation of a person's right to ownership, but the infringement of his possession, accompanied with a particular criminal intent.” 4 Stephen's Commentaries on the Laws of England 72–73 (L. Crispin Warmington ed., 21st ed. 1950).

“[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). — Also termed compound larceny. [Cases: Larceny 23. C.J.S. Larceny §§ 60(1, 2, 3), 61–65.]

complicated larceny. See mixed larceny.

compound larceny. 1. See aggravated larceny. 2. 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. [Cases: Larceny 23. C.J.S. Larceny §§ 60(1, 2, 3), 61–65.]

“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 a constructive trespass. Larceny that occurs when a property owner mistakenly gives another person more property than is due, and the recipient knows about the error but does not disclose it before taking the excess property with the intent of converting it to his or her own use.

larceny by bailee. Larceny committed by a bailee who converts the property to personal use or to the use of a third party. [Cases: Embezzlement 16; Larceny 15. C.J.S. Embezzlement § 20; Larceny §§ 30–32, 45–48.]

larceny by extortion. See theft by extortion under THEFT.

larceny by fraud and deception. See larceny by trick.

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. [Cases: Larceny 14. C.J.S. Larceny §§ 7, 36, 50.]

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. [Cases: Larceny 19. C.J.S. Larceny §§ 8, 10–11.]

larceny of property lost, mislaid, or delivered by mistake. See theft of property lost, mislaid, or delivered by mistake under THEFT.

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 an amount fixed by statute, usu. \$100. — Also spelled petty larceny. Cf. grand larceny. [Cases: Larceny 23. C.J.S. Larceny §§ 60(1, 2, 3), 61–65.]

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

#### LARGER PARCEL

larger parcel.Eminent domain. A portion of land that is not a complete parcel, but is the greater part of a bigger tract, entitling the owner to damages both 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. [Cases: Eminent Domain 96, 135. C.J.S. Eminent Domain §§ 126–127.]

#### LARON

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

#### LARRISON<TT> RULE

Larrison rule (lar-*<<schwa>>-s<<schwa>>n*).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). [Cases: Criminal Law 942. C.J.S. Criminal Law § 1451.]

“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

lascivious (l*<<schwa>>-siv-ee-<<schwa>>s*), adj. (Of conduct) tending to excite lust; lewd; indecent; obscene.

#### LASCIVIOUS COHABITATION

lascivious cohabitation.See illicit cohabitation under COHABITATION.

#### L'ASSOCIATION LITTERAIRE ET ARTISTIQUE INTERNATIONALE

L'Association Litteraire et Artistique Internationale. Copyright. An organization of authors, artists, and other supporters of international copyright protection. • In 1878, the Association drafted five resolutions that would become the starting point for the Berne Convention. In 1883, the organization called the first meeting in Berne, Switzerland for the purpose of creating a union to enforce international copyrights. — Often shortened to the International Association. — Abbr. ALAI.

#### LAST

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

#### LAST ANTECEDENT, RULE OF THE

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

#### LAST-CLEAR-CHANCE DOCTRINE

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. [Cases: Automobiles 227; Negligence 530, 1297. C.J.S. Motor Vehicles §§ 963–970; Negligence §§ 281–290, 313, 318.]

#### LAST-EMPLOYER RULE

last-employer rule. The doctrine that liability for an occupational injury or illness falls to the employer that exposed the worker to the injurious substance just before the first onset of the disease or injury. — Also termed last-injurious-exposure rule. [Cases: Workers' Compensation 201. C.J.S. Workmen's Compensation §§ 120, 125–127.]

#### LAST HEIR

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

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

#### LAST-IN, FIRST-OUT

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. [Cases: Internal Revenue 3105.1. C.J.S. Internal Revenue §§ 27–29, 31–33.]



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**LAST-INJURIOUS-EXPOSURE RULE**

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

**LAST-IN-TIME-MARRIAGE PRESUMPTION**

last-in-time-marriage presumption. Family law. A presumption that the most recently contracted marriage is valid. • This presumption generally arises in a situation similar to this: A person, believing himself or herself to be divorced, remarries. This person dies, and the new spouse makes a claim for the decedent's pension benefits. Then a former spouse, claiming that there was never a valid divorce, also claims the right to receive the benefits. The last-in-time-marriage presumption operates so that the former spouse bears the burden of proving that there was no valid divorce.

**LAST-LINK DOCTRINE**

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. [Cases: Witnesses 201(1). C.J.S. Witnesses §§ 329–330, 332–335, 337–340.]

**LAST-OPPORTUNITY DOCTRINE**

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

**LAST-PROXIMATE-ACT TEST**

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). • Most courts have rejected this test as being too lenient. See **ATTEMPT** (2). [Cases: Criminal Law 44. C.J.S. Criminal Law §§ 114–123.]

**LAST RESORT, COURT OF**

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

**LAST SICKNESS**

last sickness. See **LAST ILLNESS**.

**LAST-STRAW DOCTRINE**

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 LIFE INSURANCE**

last-survivor life insurance. See LIFE INSURANCE.

#### LAST-TREATMENT RULE

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. [Cases: Limitation of Actions 55(3). C.J.S. Limitations of Actions §§ 159, 166, 171–175; Physicians, Surgeons, and Other Health-Care Providers § 108.]

#### LAST WILL

last will. See WILL.

#### LAST WILL AND TESTAMENT

last will and testament. See last will under WILL.

#### LATA CULPA

lata culpa. See CULPA.

#### LATA NEGLEGENTIA

lata neglegentia (lay-t<<schwa>> neg-l<<schwa>>-jen-shee-<<schwa>>). See NEGLEGENTIA.

#### LATCHING

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

#### LATE

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>.

#### LATE CHARGE

late charge. See CHARGE.

#### LATECOMER

latecomer. See JUNIOR USER.

#### LATENS

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

#### LATENT

latent (lay-t<<schwa>>nt), adj. Concealed; dormant <a latent defect>. Cf. PATENT.

#### LATENT AMBIGUITY

latent ambiguity. See AMBIGUITY.

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**LATENT DEED**

latent deed. See DEED.

**LATENT DEFECT**

latent defect. See hidden defect under DEFECT.

**LATENT EQUITY**

latent equity. See EQUITY.

**LATENT INTENT**

latent intent. See dormant legislative intent under LEGISLATIVE INTENT.

**LATENT INTENTION**

latent intention. See dormant legislative intent under LEGISLATIVE INTENT.

**LATERAL DEPARTURE**

lateral departure. See DEPARTURE.

**LATERAL SENTENCING**

lateral sentencing. See lateral departure under DEPARTURE.

**LATERAL SUPPORT**

lateral support. See SUPPORT(4).

**LATERARE**

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

**LATE-TERM ABORTION**

late-term abortion. See ABORTION.

**LATIFUNDIUM**

latifundium (lat-⟨schwa⟩-f⟨schwa⟩n-dee-⟨schwa⟩m), n. [Latin fr. latus “broad” + fundus “land”] Roman law. A large private estate, common in the late Republic.

**LATIN**

Latin. The language of the ancient Romans and a primary language of the civil and canon law, and formerly of the common law. — Abbr. L.

“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*

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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

latinarius (lat-⟨schwa⟩-nair-ee-⟨schwa⟩s), n.[Latin] Hist. An interpreter of Latin.

#### LATINI JUNIANI

Latini Juniani (l⟨schwa⟩-tī-nī joo-nee-ay-nī), n. pl.[Latin “Junian Latins”] Roman law. Informally manumitted slaves who acquired some rights and privileges as free people, but not Roman citizenship. • They were a special class of freedmen (libertini) who could one day become citizens. If a Latinus Junianus did not become a citizen, then upon death that person's status reverted to slavery, and his or her patron acquired all the decedent's property. — Also termed libertine Junian Latins. See *LEX JUNIA NORBANA*. Cf. *INGENUUS*; *SERVUS*(1).

“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

latitat (lat-⟨schwa⟩-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

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

#### LATIUM MAIUS

**Latium maius** (lay-shee-<<schwa>>m may-j<<schwa>>s). [Latin] Roman law. The greater rights conferred on the inhabitants of Latium and, later, of colonies outside Italy, giving citizenship to all members of the local curia or town council and their children. 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

**Latium minus** (lay-shee-<<schwa>>m mI-n<<schwa>>s). [Latin] Roman law. The right of citizenship granted to the superior magistrates of provincial colonies. — Also termed *minus Latium*. Cf. LATIUM MAIUS.

#### LATOR

**lator** (lay-t<<schwa>>r), n.[Latin “a bearer, proposer”] Civil law. 1. A bearer; a messenger. 2. A maker or giver of laws.

#### LATORI PRAESSENTIUM

**latori praesentium** (lay-tor-Ior l<<schwa>>-tor-I pri-sen-shee-<<schwa>>m). [Law Latin] Scots law. To the bearer of these presents. • The phrase appeared in reference to written notes or bonds made payable to an unnamed creditor.

#### LATO SENSU

**lato sensu** (lay-toh sen-s[y]oo). [Latin] Hist. In a wide sense; in a broad sense.

#### LATRO

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

#### LATROCINATION

**latrocination** (la-tr<<schwa>>-s<<schwa>>-nay-sh<<schwa>>n). [fr. Latin *latrocinium* “highway robbery”] Archaic. The act of robbing; a depredation; a theft. — Also termed *latrociny*; *latrocinium*. See LARCENY; THEFT.

#### LATROCINIUM

**latrocinium** (la-tr<<schwa>>-sin-ee-<<schwa>>m), n.[Latin fr. *latro* “a robber”] Hist. 1.LATROCINATION. 2. Something stolen. 3. The right to judge and execute thieves.

#### LATROCINY

**latrociny** (la-tr<<schwa>>-s<<schwa>>-nee). See LATROCINATION.

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**LAUDAMENTUM**

laudamentum (law-d<<schwa>>-men-t<<schwa>>m), n. Hist. A jury award.

**LAUDARE**

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**

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. Pl. laudationes (law-day-shee-oh-nee-z).

**LAUDATOR**

laudator (law-day-t<<schwa>>r), n.[Latin] 1.Roman law. A character witness in a criminal trial. 2.Hist. An arbitrator. Pl. laudatores (law-d<<schwa>>-tor-eez).

**LAUDATORY WORDS**

laudatory words.Patents. In a patent claim, descriptive but self-serving and conclusory words about the invention's quality or features, such as “faster” or “more effective.” • Laudatory words are usu. not allowed in the claims of utility-patent applications, but they are allowed in plant-patent applications.

**LAUDEMIMUM**

laudemium (law-dee-mee-<<schwa>>m), n.[Law Latin] Hist. 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**

laudere auctorem (law-deer-ee awk-tor-<<schwa>>m). See NOMINATIO AUCTORIS.

**LAUDUM**

laudum (law-d<<schwa>>m), n.[Law Latin] Hist. An arbitrament. See ARBITRAMENT.

**LAUGHE**

laughe,n. See FRANKPLEDGE.

**LAUGHING HEIR**

laughing heir.See HEIR.

**LAUNCH**

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.

#### LAUNDERING

laundering,n. See MONEY-LAUNDERING.

#### LAUNDRY LIST

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

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

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

#### LAW

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; esp., the body of rules, standards, and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them <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-sw<<schwa>>-t[y]oo-d<<schwa>>-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. [Cases: Statutes 68. C.J.S. Statutes §§ 154–161.] 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.

moral law.See MORAL LAW.

natural law.See NATURAL LAW.

partial law.A statute designed (usu. intentionally) to affect the rights of only one particular person or only certain classes of people, rather than all people.

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

positive law.See POSITIVE LAW.

procedural law.See PROCEDURAL LAW.

prospective law.See prospective statute under STATUTE.

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). [Cases: Statutes 77–104. C.J.S. Statutes §§ 148–149, 154–155, 159, 162–201.]

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 AGENT

law agent.Scots law. See SOLICITOR(4).

#### LAW AND ECONOMICS

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 antitrust 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

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

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

law as literature. See LAW AND LITERATURE.

#### LAW BETWEEN STATES

law between states. See INTERNATIONAL LAW.

#### LAWBOOK

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

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

#### LAWBURROWS

lawburrows (law-b<<schwa>>r-ohz). Scots law. 1. An action requiring security for the peaceable behavior of a party. 2. Security obtained by a party apprehensive of danger to safeguard the peace.

#### LAW CLERK

law clerk. See CLERK(4).

#### LAW COMMISSION

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

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

#### LAW COURT OF APPEALS

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

#### LAW-CRAFT

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

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. [Cases: Mortgages 301, 322, 335. C.J.S. Mortgages §§ 506–511, 515, 579, 602, 604.] 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

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

#### LAW ENFORCEMENT

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. 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

Law Enforcement Assistance Administration.A former federal agency (part of the Department of Justice) that was responsible for administering law-enforcement grants under the Omnibus Crime Control and Safe Streets Act of 1968. • It has been replaced by a variety of federal agencies, including the National Institute of Corrections and National Institute of Justice. — Abbr. LEAA.

#### LAW ENFORCEMENT INFORMATION NETWORK

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

#### LAW-ENFORCEMENT OFFICER

law-enforcement officer.A person whose duty is to enforce the laws and preserve the peace. See PEACE OFFICER; SHERIFF. [Cases: Municipal Corporations 180(1). C.J.S. Municipal

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Corporations §§ 450–452, 474–476, 497, 502, 505, 508, 534.]

#### LAW-ENFORCEMENT SYSTEM

law-enforcement system. See CRIMINAL-JUSTICE SYSTEM.

#### LAW FIRM

law firm. An association of lawyers who practice law together, usu. sharing clients and profits, in a business organized traditionally 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. [Cases: Attorney and Client 30. C.J.S. Attorney and Client §§ 145–147, 164.]

captive law firm. A law firm staffed by employees of an insurance company. • These lawyers typically defend insureds in lawsuits covered under the insurer's liability policies. The insurer's use of a captive firm to defend an insured raises ethical questions about whether the lawyers will act in the insured's best interests. — Often shortened to captive firm.

#### LAW FRENCH

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. — Abbr. L.F. — Also written law French. See NORMAN FRENCH.

“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).

“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).

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**LAWFUL**

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

**LAWFUL ADMISSION**

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**

lawful age. 1. See age of capacity under AGE. 2. See age of majority (1) under AGE.

**LAWFUL ARREST**

lawful arrest.See ARREST.

**LAWFUL AUTHORITIES**

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**

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

**LAWFUL CONDITION**

lawful condition.See CONDITION(2).

**LAWFUL DAMAGES**

lawful damages.See DAMAGES.

**LAWFUL DEED**

lawful deed.See good deed under DEED.

**LAWFUL DEPENDENT**

lawful dependent.See DEPENDENT.

**LAWFUL ENTRY**

lawful entry.See ENTRY(1).

**LAWFUL FENCE**

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. Cf. SPITE FENCE . [Cases: Animals 92; Fences 1, 19. C.J.S. Animals §§ 243–246, 248.]

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**LAWFUL GOODS**

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

**LAWFUL HEIR**

lawful heir. See HEIR(1).

**LAWFUL INTEREST**

lawful interest. See INTEREST(3).

**LAWFUL ISSUE**

lawful issue. See ISSUE(3).

**LAWFUL MAN**

lawful man. See LEGALIS HOMO.

**LAWFUL MONEY**

lawful money. See MONEY.

**LAWFUL PROCESS**

lawful process. See legal process under PROCESS.

**LAWFUL REPRESENTATIVE**

lawful representative. See REPRESENTATIVE.

**LAWGIVER**

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 GUARDIAN**

law guardian. See guardian ad litem under GUARDIAN.

**LAW-HAND**

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

**LAW IN ACTION**

law in action. The law as applied in the day-to-day workings of the legal system, as opposed to the law found in books. — Sometimes written law-in-action. See LEGAL REALISM. Cf. LAW IN BOOKS.

#### LAW IN BOOKS

law in books. The legal rules to be found in texts; esp., sterile, oft-repeated rules that seem to depart from the way in which the law actually operates in the day-to-day workings of the legal system. — Sometimes written law-in-books. Cf. LAW IN ACTION.

#### LAW IN LITERATURE

law in literature. See LAW AND LITERATURE.

#### LAW JOURNAL

law journal. 1. A legal periodical or magazine, esp. one published by a bar association. 2. LAW REVIEW(1). — Abbr. L.J.

#### LAW LATIN

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 *fieri 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

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 that provides biographical information about lawyers, such as *Martindale-Hubbell*. • Many states and large cities have law lists or directories. See MARTINDALE-HUBBELL LAW DIRECTORY.

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**LAW LORD**

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**

lawmaker. See LEGISLATOR.

**LAWMAKING**

lawmaking. See LEGISLATION(1).

**LAW MARTIAL**

law martial. See MARTIAL LAW.

**LAW MERCHANT**

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**

lawnote. See NOTE(2).

**LAW OF A GENERAL NATURE**

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

**LAW OF ARMS**

law of arms. See ARMS, LAW OF.

**LAW OF CAPTURE**

law of capture. See RULE OF CAPTURE.

**LAW OF CITATIONS**

Law of Citations. See CITATIONS, LAW OF.

**LAW OF COMPETENCE**

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; JURAL AGENT. [Cases: Officers and Public Employees 103. C.J.S. Officers and Public Employees §§ 224–227, 232–233.]

**LAW OF DECEIT**



law of deceit.Hist. The body of 19th-century common-law torts that developed into the modern laws of trademark, securities fraud, deceptive trade practices, and unfair competition.

#### LAW OF EVIDENCE

law of evidence.See EVIDENCE(4).

#### LAW OFFICER

law officer. 1. A police officer, sheriff, or other person with law-enforcement authority. 2. In most common-law jurisdictions, a senior administrator of justice, such as an attorney general, solicitor general, or other high-level minister or officer of justice.

#### LAW OF LANGOBARDI

law of Langobardi.See LOMBARD LAW.

#### LAW OF LOMBARDY

law of Lombardy.See LOMBARD LAW.

#### LAW OF MARQUE

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

law of nations.See INTERNATIONAL LAW.

#### LAW OF NATURE

law of nature.See NATURAL LAW.

#### LAW OF NATURE AND NATIONS

law of nature and nations.See INTERNATIONAL LAW.

#### LAW OF OBLIGATIONS

law of obligations.The category of law dealing with proprietary rights in personam — namely, the relations between obligor and obligee. • It is one of the three departments into which civil law was traditionally divided. See IN PERSONAM . Cf. LAW OF PROPERTY; LAW OF STATUS.

#### LAW OF PERSONS

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

law of property.The category of law dealing with proprietary rights in rem, such as personal

servitudes, predial servitudes, and rights of real security. • It is one of the three departments into which civil law was traditionally divided: persons, property, and modes of acquiring property (obligations). In modern civil codes that follow the model of the German Civil Code, civil law is divided into five books: general principles, obligations, family law, property, and succession. See IN REM. Cf. LAW OF OBLIGATIONS ; LAW OF STATUS.

#### LAW OF REMEDY

law of remedy. See REMEDY.

#### LAW OF SHIPPING

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

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

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

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. [Cases: Appeal and Error 1097; Courts 99. C.J.S. Appeal and Error §§ 849, 851–852; Courts § 149.] 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

law of the circuit. 1. The law as announced and followed by a U.S. Circuit Court of Appeals. [Cases: Courts 96(4). C.J.S. Courts §§ 150, 152–153.] 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. [Cases: Courts 90(2). C.J.S. Courts § 141.] 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. [Cases: Courts 96(5). C.J.S. Courts §§ 152–153.]

#### LAW OF THE FLAG

law of the flag. Maritime law. The law of the nation whose flag is flown by a particular vessel where it is registered. [Cases: Shipping 2. C.J.S. Shipping § 1.]

#### LAW OF THE FORUM

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law of the forum. See LEX FORI.

#### LAW OF THE HAGUE

Law of The Hague. The first widely accepted body of international law of war, as approved by conventions in The Hague in 1899 and 1907. • The Law of The Hague set up procedures for mediation and arbitration of disputes to avoid war, and attempted to regulate the type and use of weapons in warfare. See LIEBER CODE.

#### LAW OF THE LAND

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*. [Cases: Constitutional Law 251–320.5.]

#### LAW OF THE PARTNERSHIP

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

#### LAW OF THE PLACE

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). [Cases: United States 78(14). C.J.S. United States §§ 149, 151.]

#### LAW OF THE ROAD

law of the road. The collective statutes, rules, and customs that regulate travel on public highways and streets.

#### LAW OF THE SEA

law of the sea. The body of international law governing how nations use and control the sea and its resources. Cf. GENERAL MARITIME LAW; MARITIME LAW. [Cases: International Law 7. C.J.S. International Law §§ 23–24.]

#### LAW OF THE STAPLE

law of the staple. Hist. The law administered in the court of the mayor of the staple; the law merchant. See STAPLE(1), (2).

#### LAW OF THE TRIAL

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. [Cases: Criminal Law 847; Trial 284. C.J.S. Trial §§ 738–739.]

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**LAW OF THINGS**

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**

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*. [Cases: Attorney and Client 63.C.J.S. Attorney and Client §§ 165–166, 179–181, 234.]

**LAW QUESTION**

law question. See *QUESTION OF LAW*.

**LAW REFORM**

law reform. The process of, or a movement dedicated to, streamlining, modernizing, or otherwise improving a body of law 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**

law report. See *REPORT*(3).

**LAW REPORTER**

law reporter. See *REPORT*(3).

**LAW REVIEW**

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>. — Also termed *law journal*. See *LAW JOURNAL*. 2. The law-student staff and editorial board of such a journal <she made law review>. — Abbr. *L. Rev.*

**LAW SALIQUE**

law Salique (s<<schwa>>-leek). See *SALIC LAW*.

**LAW SCHOOL**

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. [Cases: Colleges and Universities 1. C.J.S. Colleges and Universities §§ 2–3, 9.]

#### LAW SCHOOL ADMISSIONS TEST

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

Law Society. A professional organization in England, chartered in 1845, governing the education, practice, and conduct of articled 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

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

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

#### LAWS OF OLÉRON

laws of Oléron (oh-l<<schwa>>-ron or aw-lay-ron). The oldest collection of 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 (1189–1199).

#### LAWS OF THE SEVERAL STATES

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

#### LAWS OF VISBY

laws of Visby (vis-bee). A code of maritime customs and decisions adopted on the island of Gothland (in the Baltic Sea), where Visby was the principal port. • Most scholars believe that this code postdates the laws of Oléron. The code was influential throughout northern Europe. In recognition of the ancient code, the Visby Protocol to amend the Hague Rules was signed in Visby. The Hague–Visby Rules govern most of the world's liner trade. — Also spelled laws of Wisby. — Also termed Gothland sea laws.

#### LAWS OF WAR

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 CONVENTIONS OF 1949.

#### LAWS OF WISBY

laws of Wisby. See LAWS OF VISBY.

#### LAW SPIRITUAL

law spiritual. See ECCLESIASTICAL LAW.

#### LAWSUIT

lawsuit, n. See SUIT.

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

#### LAW-TALK

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

#### LAW-WORTHY

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

#### LAW WRITER

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

#### LAWYER

lawyer, n. One who is licensed to practice law. Cf. ATTORNEY. [Cases: Attorney and Client 9. C.J.S. Attorney and Client §§ 24–25.] — lawyerly, lawyerlike, adj. — lawyerdom, n.

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. [Cases: Military Justice 1240. C.J.S. Military Justice §§ 352, 357.]

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.

guardhouse lawyer. See JAILHOUSE LAWYER.

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 <associates often spend their 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

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

#### LAWYER-WITNESS RULE

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 Rule of Professional Conduct 3.7 (1983). — Also termed advocate-witness rule; attorney-witness rule. [Cases: Attorney and Client 22; Witnesses 67. C.J.S. Attorney and Client §§ 135-136; Witnesses §§ 176-190.]

#### LAY

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. [Cases: Seamen 28.C.J.S. Seamen §§ 109-112.]

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

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. [Cases: Sales 24. C.J.S. Sales §§ 41-42.]

#### LAY CORPORATION

lay corporation.See CORPORATION.

#### LAY DAMAGES

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

#### LAYDAY

layday.Maritime law. A day allowed by a voyage charterparty for the charterer to load or

unload cargo. • If more time is used, the vessel's owner is entitled to compensation for the delay, usu. in the form of demurrage. If less time is used, the owner may pay dispatch. — Also written lay day. See DEMURRAGE; DISPATCH; LAYTIME. Cf. day of demurrage under DAY. [Cases: Shipping 181. C.J.S. Shipping § 450.]

#### LAY FEE

lay fee. See FEE(2).

#### LAY IMPROPRIATOR

lay impropiator (im-proh-pree-ay-t<<schwa>>r). Eccles. law. A layperson holding a benefice or other spiritual impropriation.

#### LAYING A FOUNDATION

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. [Cases: Criminal Law 404.10, 444; Evidence 117, 366–381.]

#### LAYING OF THE VENUE

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. [Cases: Pleading 45. C.J.S. Pleading § 99.]

#### LAY INVESTITURE

lay investiture. Eccles. law. The ceremony by which a layperson places a bishop in possession of lands, money revenues, and other diocesan temporalities.

#### LAY JUDGE

lay judge. See JUDGE.

#### LAYMAN

layman. 1. A person who is not a member of the clergy. [Cases: Religious Societies 7. C.J.S. Religious Societies §§ 14–18.] 2. A person who is not a member of a profession or an expert on a particular subject. — Also termed layperson. [Cases: Evidence 470. C.J.S. Evidence §§ 509, 511–512, 517.]

#### LAYOFF

layoff. The termination of employment at the employer's instigation; esp., the termination — either temporary or permanent — of many employees in a short time. — Also termed reduction in force. — 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



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500 full-time employees, or 50 or more full-time employees if they make up at least 33% of the employees at that site. 29 USCA § 2101(a)(3). See WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT. [Cases: Labor Relations 7.1.]

LAYOFF BET

layoff bet. See BET.

LAYOFF BETTOR

layoff bettor. A bookmaker who accepts layoff bets from other bookmakers. See layoff bet under BET. [Cases: Gaming 73.]

LAY ON THE TABLE

lay on the table. Parliamentary law. 1. To postpone the consideration of (a matter before a deliberative assembly); TABLE. • Some parliamentary writers prefer the form “to lay on the table” and disapprove of the form “to table.” 2. BrE. To schedule for consideration.

LAY OPINION TESTIMONY

lay opinion testimony. See TESTIMONY.

LAYPERSON

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

LAY SYSTEM

lay system. Maritime law. A system in which a fishing vessel's catch is sold by contract or at auction, and then after costs are paid and the shipowner compensated, the net profits are divided among the crew members according to agreed-on percentages.

LAY TENURE

lay tenure. See TENURE.

LAYTIME

laytime. Maritime law. Time allowed by a voyage charterparty for the charterer to load or unload cargo. • If more time is used, the vessel's owner is entitled to compensation for the delay, usu. in the form of demurrage. If less time is used, the owner may pay dispatch. See DEMURRAGE; DISPATCH; LAYDAY. [Cases: Shipping 47, 181. C.J.S. Shipping §§ 113–114, 450.]

LAY WITNESS

lay witness. See WITNESS.

LBO

LBO. See leveraged buyout under BUYOUT.

## LC

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

## L-CLAIM PROCEEDING

L-Claim proceeding. A hearing under the Racketeer Influenced and Corrupt Organizations Act, intended to ensure that property ordered to be forfeited belongs solely to the defendant. • A petition for an L-Claim proceeding is filed by a third party who claims an interest in the property. The purpose is not to divide the assets among competing claimants, and general creditors of the defendant are not allowed to maintain an L-Claim petition. The name refers to its legal basis in subsection 1 of RICO's penalty provision. 18 USCA § 1963(1)(2). [Cases: Forfeitures 5. C.J.S. RICO (Racketeer Influenced and Corrupt Organizations) §§ 31, 33.]

## LEAA

LEAA.abbr.LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

## LEACHING

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

## LEAD COUNSEL

lead counsel.See COUNSEL.

## LEADING CASE

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

leading counsel.See lead counsel under COUNSEL.

## LEADING ECONOMIC INDICATOR

leading economic indicator.See ECONOMIC INDICATOR.

## LEADING INDICATOR

leading indicator.See INDICATOR.

## LEADING-OBJECT RULE

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leading-object rule. See MAIN-PURPOSE RULE.

#### LEADING OF A USE

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

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. [Cases: Witnesses 239. C.J.S. Witnesses § 415.]

#### LEAD-LAG STUDY

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. • The term comes from the phrases “lead time” and “lag time.” 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 company can calculate the amount of necessary reserves. [Cases: Public Utilities 124. C.J.S. Public Utilities §§ 23–26, 30–33, 48–49.]

#### LEADS DOCTRINE

leads doctrine. Tax. In a tax-evasion case, the rule that the government must 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. [Cases: Internal Revenue 5312.]

#### LEAGUE

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 (chiefly, nautical). [Cases: Weights and Measures 3. C.J.S. Weights and Measures § 3.]

marine league. A geographical measure of distance equal to one-twentieth part of a degree of latitude, or three nautical miles. [Cases: Weights and Measures 3. C.J.S. Weights and Measures §

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3.]

### LEAGUE OF NATIONS

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

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. [Cases: Copyrights and Intellectual Property 87(1). C.J.S. Copyrights and Intellectual Property §§ 77, 79.]

### LEAL

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

### LEAN

lean, vb. 1. To incline or tend in opinion or preference. • A court is sometimes said to “lean toward” or “lean against” an advocate's position, meaning that the court regards that position favorably or unfavorably. 2. To yield; to submit.

### LEAPFROG DEVELOPMENT

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.

### LEARNED

learned (l<<schwa>>r-nid), adj. 1. Having a great deal of learning; erudite. • A lawyer might refer to an adversary as a “learned colleague” or “learned opponent” — a comment that, depending on the situation and tone of voice, may be either a genuine compliment or a sarcastic 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 earned a law degree and been admitted to the bar.

### LEARNED INTERMEDIARY

learned intermediary. See informed intermediary under INTERMEDIARY.

### LEARNED-INTERMEDIARY DOCTRINE

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. [Cases: Products Liability 46. C.J.S. Products Liability § 54.]

#### LEARNED-TREATISE RULE

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's 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). [Cases: Criminal Law 439; Evidence 363. C.J.S. Criminal Law §§ 1032, 1038; Evidence §§ 1005–1006.]

#### LEARNING

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

#### LEASE

lease,n.1. A contract by which a rightful possessor of real property conveys the right to use and occupy the 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. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.] 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. [Cases: Bailment 1. C.J.S. Bailments §§ 2–13, 15, 19, 22–24, 31.]

assignable lease.A lease that the lessee can transfer to a successor. See SUBLEASE. [Cases: Landlord and Tenant 74. C.J.S. Landlord and Tenant §§ 30, 53.]

building lease.A long-term lease of land that includes a covenant to erect or alter a building or other improvement. Cf. ground lease.

capital lease.See LEASE-PURCHASE AGREEMENT.

commercial lease.A lease for business purposes. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.]

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 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 primarily for the lessee's personal or household use. UCC § 2A-103(1)(e). [Cases: Bailment 2. C.J.S. Bailments §§ 5, 14, 16–18.] 2. A residential — rather than commercial — lease.

derivative lease. See SUBLEASE.

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; tripartite lease. [Cases: Bailment 2. C.J.S. Bailments §§ 5, 14, 16–18.]

“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. [Cases: Landlord and Tenant 148(1), 156. C.J.S. Landlord and Tenant §§ 374–376, 378–386.]

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 fuel, 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. [Cases: Estates in Property 13. C.J.S. Estates §§ 159–192.]

headlease. See HEADLEASE.

index lease.A lease that provides for increases in rent according to the increases in the consumer price index. [Cases: Landlord and Tenant 200.7.]

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, particularly of parts of the leased property.

mineral lease.A lease in which the lessee has the right to explore for and extract oil, gas, or other minerals. • The rent is usu. based on the amount or value of the minerals extracted. [Cases: Mines and Minerals 56–81. C.J.S. Mines and Minerals §§ 194–325, 442.]

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. [Cases: Mines and Minerals 62–71. C.J.S. Mines and Minerals §§ 200–232.]

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. [Cases: Landlord and Tenant 113. C.J.S. Landlord and Tenant §§ 130(1, 2), 131, 145, 151–155.]

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. [Cases: Mines and Minerals 73–81. C.J.S. Mines and Minerals §§ 210, 233, 238–283, 285–325, 442.]

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 typically responsible for paying taxes and other expenses on the property. Cf. LEASE-PURCHASE AGREEMENT.

“or” lease. Oil & gas. A mineral lease with a drilling-delay rental clause structured so that the lessee promises to start drilling operations or to pay delay rentals from time to time during the primary term. • If the lessee fails to do one or the other, the lease does not automatically terminate, but the lessee is liable for the delay-rental amount.

parol lease (p<<schwa>>-rohlorpar-<<schwa>>l). A lease based on an oral agreement; an unwritten lease. [Cases: Landlord and Tenant 23. C.J.S. Landlord and Tenant § 211(2).]

percentage lease. A lease in which the rent is based on a percentage of gross (or net) sales or profits, typically with a set minimum rent. [Cases: Landlord and Tenant 200.2.]

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. [Cases: Landlord and Tenant 87. C.J.S. Landlord and Tenant § 61.]

perpetually renewable lease. Hist. A lease that a tenant may renew for another period as often as it expires, usu. by making a payment upon exercising the right. • In 1922, this type of lease was effectively abolished in England by the Law of Property Act, which provided for the conversion of existing and future perpetually renewable leases to term-of-years leases, and set the maximum term at 2,000 years.

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

reversionary lease. A lease that will take effect when a prior lease terminates.

sandwich lease. A lease in which the lessee subleases the property to a third party, esp. for more rent than under the original lease. [Cases: Landlord and Tenant 74. C.J.S. Landlord and Tenant §§ 30, 53.]

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. [Cases: Logs and Logging 3. C.J.S. Logs and Logging §§ 9, 20.]

top lease. Oil & gas. A lease granted on property already subject to an oil-and-gas lease. • Generally, any rights granted by a top lease are valid only if the existing lease ends. [Cases: Mines and Minerals 56. C.J.S. Mines and Minerals §§ 194–195, 233.]

tripartite lease. See finance lease.

triple-net lease. See net-net-net lease.

“unless” lease. Oil & gas. An oil-and-gas lease with a drilling-delay rental clause structured as a special limitation to the primary term. • Unless delay rentals are paid or drilling operations are started from time to time as specified, an “unless” lease automatically terminates, and the lessee has no liability for its failure to perform. [Cases: Mines and Minerals 78.1(3, 9). C.J.S. Mines and Minerals §§ 260–263, 269–270.]

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>. [Cases: Bailment 1; Landlord and Tenant 20. C.J.S. Bailments §§ 2–13, 15, 19, 22–24, 31; Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.] 2. To take a lease of; to hold by a lease <Carol leased the townhouse from her uncle>.

#### LEASE AGREEMENT

lease agreement. See LEASE(3).

#### LEASE AND RELEASE

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

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. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.]

#### LEASE CONTRACT

lease contract. See LEASE(3).

#### LEASE FOR LIFE

lease for life. Hist. A lease of land for the duration of a specified number of lives instead of for a specified term of years. • Unlike a tenant for a term of years, a lessee for life could recover the land if dispossessed.

“The rent payable was usually fairly small, but a fine was paid when the lease was granted; a further fine was payable when, on the termination of the lives, the tenant exercised the right the lease gave him to replace them and so extend the lease. If the lessor was a corporation such as a monastery or college, the fines were treated as income by the then members of the corporation, to the disadvantage of their successors. Leases for life finally lost their popularity when legislation in the first half of the nineteenth century compelled corporations to add such fines to their capital.” Robert E. Megarry & M.P. Thompson, *A Manual of the Law of Real Property* 306 (6th ed. 1993).

#### LEASE FOR YEARS

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

#### LEASEHOLD

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. [Cases: Landlord and Tenant 70, 113, 117. C.J.S. Landlord and Tenant §§ 26, 130(1, 2), 131, 145, 151–156, 202(3, 9).]

#### LEASEHOLDER ROYALTY

leaseholder royalty. See landowner's royalty under ROYALTY(2).

#### LEASEHOLD IMPROVEMENTS

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

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. [Cases: Eminent Domain 147. C.J.S. Eminent Domain §§ 131–132, 153.] 2. A lessor's or lessee's interest under a lease contract. UCC § 2A-103(m). 3. WORKING INTEREST. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.]

#### LEASEHOLD MORTGAGE

leasehold mortgage. See MORTGAGE.

#### LEASEHOLD-MORTGAGE BOND

leasehold-mortgage bond. See BOND(3).

#### LEASEHOLD ROYALTY

leasehold royalty. See landowner's royalty under ROYALTY(2).

#### LEASEHOLD VALUE

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

lease insurance. See INSURANCE.

#### LEASE-LEND

lease-lend. See LEND-LEASE.

#### LEASE-PURCHASE AGREEMENT

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 paying taxes and other expenses on the property. — Also termed lease-to-purchase agreement; hire-purchase agreement; capital lease. Cf. operating lease under LEASE. [Cases: Bailment 2; Bills and Notes 22. C.J.S. Bailments §§ 5, 14, 16–18; Bills and Notes; Letters of Credit § 20.]

#### LEASING-MAKING

leasing-making. Hist. Scots law. Oral sedition.

#### LEAST-INTRUSIVE-MEANS DOCTRINE

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

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 intact. [Cases: Statutes 64(1). C.J.S. Statutes §§ 83–85.]

#### LEAST-RESTRICTIVE EDUCATIONAL ENVIRONMENT

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

#### 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. [Cases: Schools 148(2). C.J.S. Schools and School Districts §§ 700–702, 717, 719.]

#### LEAST-RESTRICTIVE-MEANS TEST

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

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

#### LEAVE

leave, n. 1. Departure; the act of going away <took his leave>. 2. Extended absence for which one has authorization; esp., a voluntary vacation from military duties with the chance to visit home; furlough <on a three-month leave from the Army>. 3. Permission <by leave of court>.

leave, vb. 1. To give by will; to bequeath or devise <she left her ranch to her stepson>. • This usage has historically been considered loose by the courts, and it is not always given testamentary effect. 2. To be survived by <he left no brothers or sisters>. 3. To depart; voluntarily go away; quit (a place). 4. To depart willfully with the intent not to return <Nelson left Texas and became a resident of Massachusetts>. 5. To deliver (a summons, money, an article, etc.) by dropping off at a certain place, esp. to await the return of someone; esp., to post (a copy of a writ, etc.).

#### LEAVE AND LICENSE

leave and license. In an action for trespass to land, the defense that the plaintiff consented to the defendant's presence. [Cases: Trespass 25. C.J.S. Trespass §§ 54–55, 167.]

#### LEAVE NO ISSUE

leave no issue, vb. To die without any surviving child or other descendant. • The spouse of a deceased child is usu. not issue. See FAILURE OF ISSUE. [Cases: Wills 545. C.J.S. Wills §§ 1033, 1039–1048.]

#### LEAVE OF ABSENCE

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

#### LEAVE OF COURT

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.

#### LEAVE TO SIT

leave to sit. Parliamentary law. Permission from a deliberative assembly for a committee or other subordinate body to meet while the assembly is meeting.

#### LEC

LEC. abbr. LOCAL-EXCHANGE CARRIER.

#### LECCATOR

leccator (l<<schwa>>-kay-t<<schwa>>r). [Latin] Archaic. A debauched person; a lecher. — Also termed lecator.

#### LECHERWITE

lecherwite (lech-<<schwa>>r-wIt). See LAIRWITE.

#### LECTURE METHOD

lecture method. See HORNBOOK METHOD.

#### LEDGER

ledger (lej-<<schwa>>r). 1. A book or series of books used for recording financial transactions in the form of debits and credits. — Also termed general ledger. [Cases: Evidence 354(5). C.J.S. Evidence § 941.] 2. Archaic. A resident ambassador or agent. — Also termed (in sense 2) leger; lieger.

#### LEDO

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

#### LEET

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).

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**LEFT-HANDED MARRIAGE**

left-handed marriage. See morganatic marriage under MARRIAGE(1).

**LEGABILIS**

legabilis (l<<schwa>>-gay-b<<schwa>>-lis), n. [Latin] Hist. Property or goods that may be given by will. • As an adjective, the term also meant “bequeathable.”

**LEGABLE**

legable, adj. (Of property) capable of being bequeathed.

**LEGACY**

legacy (leg-<<schwa>>-see), n. A gift by will, esp. of personal property and often of money. Cf. BEQUEST; DEVISE. [Cases: Wills 565. C.J.S. Wills §§ 1135–1136.]

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

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

accumulative legacy. See additional legacy.

additional legacy. A second legacy given to a legatee in the same will (or in a codicil to the same will) that gave another legacy. • An additional legacy is supplementary to another and is not considered merely a repeated expression of the same gift. — Also termed accumulative legacy; cumulative legacy. [Cases: Wills 585. C.J.S. Wills §§ 1171–1175.]

alternate legacy. A legacy by which the testator allows the legatee to choose 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. [Cases: Wills 639–668. C.J.S. Wills §§ 1380–1424.]

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 she attains the age of 21.” [Cases: Wills 628–638. C.J.S. Wills §§ 1320–1379, 1551.]

cumulative legacy. See additional legacy.

demonstrative legacy (di-mon-str<<schwa>>-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. [Cases: Wills 755. C.J.S. Wills §§ 1664, 1667–1677, 1679–1683.]

failed legacy. See lapsed legacy.

general legacy. 1. A gift of personal property that the testator intends to come from the estate's general assets, payable in money or items indistinguishable from each other, such as shares of publicly traded stock. [Cases: Wills 756. C.J.S. Wills §§ 1663, 1667–1677, 1679–1683.]

2.Civil law. A testator's gift of a fraction or proportion of the estate remaining after particular legacies have been satisfied. 3.Civil law. A testator's gift of all, a fraction, or a proportion of one of certain categories of property, as specified by statute. See La. Civ. Code arts. 1586, 3506(28). — Also termed legacy under a general title. Cf. particular legacy; universal legacy.

**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. — Also termed failed legacy; failed gift. See ANTILAPSE STATUTE. [Cases: Wills 774–777. C.J.S. Wills §§ 1791–1808.]

legacy under a general title.See general legacy.

legacy under a particular title.See particular legacy.

**legacy under a universal title.**Louisiana law. A testamentary disposition of all immovable property, or all movable property, or a fixed proportion of all immovable property or of all movable property. La. Civ. Code art. 1612. Cf. general legacy; particular legacy; universal legacy.

**modal legacy** (moh-d<<schwa>>l). 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>.

**particular legacy.**Civil law. A testamentary gift that is not expressed as a fraction or proportion and is less than all the estate; any testamentary gift that does not meet the definition of a general legacy or a universal legacy. See La. Civ. Code arts. 1587, 3506(28). — Also termed legacy under a particular title. Cf. general legacy; universal legacy.

**pecuniary legacy** (pi-kyoo-nee-er-ee). A legacy of a sum of money. [Cases: Wills 567. C.J.S. Wills § 1141.]

**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. [Cases: Wills 586. C.J.S. Wills §§ 1176–1179, 1184.]

special legacy.See specific legacy.

**specific legacy.**A legacy of a specific or unique item of property, such as any real estate or a particular piece of furniture. — Also termed special legacy. [Cases: Wills 753, 754. C.J.S. Wills §§ 1662, 1666–1677, 1679–1683.]

**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.

**universal legacy.**Louisiana law. A testamentary disposition of all property, movable and immovable, to one or more persons. La. Civ. Code art. 1585. Cf. general legacy; legacy under a universal title; particular legacy.

**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. Cf. absolute legacy; contingent legacy. [Cases: Wills 628–638. C.J.S. Wills §§ 1320–1379, 1551.]

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. [Cases: Wills 849–872. C.J.S. Wills §§ 96, 1822–1840, 1974–1994.]

#### LEGACY DUTY

legacy duty. See legacy tax under TAX.

#### LEGACY TAX

legacy tax. See TAX.

#### LEGAL

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. [Cases: Action 21. C.J.S. Actions § 124.]

#### LEGAL ACT

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. 4. See ACT OF THE LAW.

#### LEGAL-ACUMEN DOCTRINE

legal-acumen doctrine (lee-g<<schwa>>l <<schwa>>-kyoo-m<<schwa>>n). 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

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. [Cases: Witnesses 201(1). C.J.S. Witnesses §§ 329–330, 332–335, 337–340.] 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. [Cases: Administrative Law and



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Procedure 124. C.J.S. Public Administrative Law and Procedure § 19.]

**LEGAL AGE**

legal age. 1. See age of capacity under AGE. 2. See age of majority (1) under AGE.

**LEGAL AID**

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**

legal analyst. See PARALEGAL.

**LEGAL ASSET**

legal asset. See ASSET.

**LEGAL ASSISTANT**

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

**LEGAL BENEFIT**

legal benefit. See BENEFIT(2).

**LEGAL BRIEF**

legal brief. See BRIEF(1).

**LEGAL CAPITAL**

legal capital. See CAPITAL.

**LEGAL CAUSE**

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

**LEGAL CENTRALISM**

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; legocentrism (lee-goh-sen-triz-<<schwa>>m).

**LEGAL-CERTAINTY TEST**

legal-certainty test. Civil procedure. A test designed to determine whether the amount in controversy satisfies the minimum needed to establish the court's jurisdiction. • The amount claimed in the complaint will control unless there is a "legal certainty" that the claim is actually less than the minimum amount. See AMOUNT IN CONTROVERSY. [Cases: Federal Courts 350, 359; Removal of Cases 75, 107(7). C.J.S. Removal of Causes §§ 5–6, 115, 127, 130, 157,

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188–191.]

#### LEGAL CITOLOGY

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

#### LEGAL CODE

Legal Code. See CODE(2).

#### LEGAL CONCLUSION

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

legal consideration. See valuable consideration under CONSIDERATION(1).

#### LEGAL CRUELTY

legal cruelty. See CRUELTY.

#### LEGAL CUSTODY

legal custody. 1. CUSTODY(2). CUSTODY, (3). 3. DECISION-MAKING RESPONSIBILITY.

#### LEGAL CUSTOM

legal custom. See CUSTOM.

#### LEGAL DEATH

legal death. 1. brain death, under DEATH. 2. See civil death (2). 3. See civil death (3) under DEATH.

#### LEGAL DEBT

legal debt. See DEBT.

#### LEGAL DEFENSE

legal defense. See DEFENSE(1).

#### LEGAL DEMAND

legal demand. See DEMAND(1).

#### LEGAL DEPENDENT

legal dependent. See DEPENDENT.

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**LEGAL DESCRIPTION**

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. [Cases: Deeds 37. C.J.S. Deeds § 53.]

**LEGAL DETRIMENT**

legal detriment. See DETRIMENT(2).

**LEGAL DISCRETION**

legal discretion. See judicial discretion under DISCRETION.

**LEGAL DISTRIBUTE**

legal distributee. See DISTRIBUTE.

**LEGAL DRAFTING**

legal drafting. See DRAFTING.

**LEGAL DUTY**

legal duty. See DUTY(1).

**LEGAL-ELEMENTS TEST**

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. [Cases: Indictment and Information 189, 191. C.J.S. Indictments and Informations §§ 218, 220, 230–231, 242.]

**LEGAL ENTITY**

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. artificial person under PERSON(3).

**LEGALESE**

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

**LEGAL ESTATE**

legal estate. See ESTATE(1).

**LEGAL ESTOPPEL**

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legal estoppel. See ESTOPPEL.

#### LEGAL ETHICS

legal ethics. 1. The minimum standards of appropriate 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. [Cases: Attorney and Client 32(2). C.J.S. Attorney and Client § 44.]

“In one sense, the term ‘legal ethics’ refers narrowly to the system of professional regulations governing the conduct of lawyers. In a broader sense, however, legal ethics is simply a special case of ethics in general, as ethics is understood in the central traditions of philosophy and religion. From this broader perspective, legal ethics cuts more deeply than legal regulation: it concerns the fundamentals of our moral lives as lawyers.” Deborah L. Rhode & David Luban, *Legal Ethics* 3 (1992).

#### LEGAL EVIDENCE

legal evidence. See EVIDENCE.

#### LEGAL EXCUSE

legal excuse. See EXCUSE(2).

#### LEGAL FACT

legal fact. See FACT.

#### LEGAL FATHER

legal father. See FATHER.

#### LEGAL FENCE

legal fence. See LAWFUL FENCE.

#### LEGAL FICTION

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; specif., a device by which a legal rule or institution is diverted from its original purpose to accomplish indirectly some other object. • The constructive trust is an example of a legal fiction. — Also termed fiction of law; *fictio juris*. [Cases: Trusts 91. C.J.S. Trover and Conversion §§ 10, 12, 174, 195.]

“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 blear-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

legal force. See reasonable force under FORCE.

#### LEGAL FORMALISM

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

#### LEGAL FRAUD

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

#### LEGAL HEIR

legal heir. See HEIR(1).

#### LEGAL HOLIDAY

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. [Cases: Holidays 1.]

#### LEGAL IMPOSSIBILITY

legal impossibility. See IMPOSSIBILITY.

#### LEGAL INCONSISTENCY

legal inconsistency. See legally inconsistent verdict under VERDICT.

#### LEGAL INJURY

legal injury. See INJURY.

#### LEGAL-INJURY RULE

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. [Cases: Limitation of Actions 43. C.J.S. Limitations of Actions §§ 81–84.]

#### LEGAL INNOCENCE

legal innocence. See INNOCENCE.

#### LEGAL INSANITY

legal insanity. See INSANITY.

#### LEGAL INTEREST

legal interest. 1. See INTEREST(2). 2. See INTEREST(3).

#### LEGAL INTERRUPTION

legal interruption. See INTERRUPTION.

#### LEGAL INTROMISSION

legal intromission. See INTROMISSION.

#### LEGAL INVESTMENTS

legal investments. See LEGAL LIST.

#### LEGALIS HOMO

legalis homo (l<<schwa>>-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. — Also termed legal man; lawful man; lageman; liber et legalis homo. See *RECTUS IN CURIA*. Pl. *legales homines* (l<<schwa>>-gay-leez hom-<<schwa>>-neez).

#### LEGALISM

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

legalis moneta Angliae (l<<schwa>>-gay-lis m<<schwa>>-nee-t<<schwa>> ang-gee-ee), n. [Latin] Lawful money of England.

#### LEGAL ISSUE

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legal issue.See ISSUE(1).

### LEGALIST

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

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

### LEGALITY

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

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 <as religions age, they tend to become legalized>. — legalization,n.

### LEGALIZED NUISANCE

legalized nuisance.See NUISANCE.

### LEGAL JEOPARDY

legal jeopardy.See JEOPARDY.

### LEGAL JOINTURE

legal jointure.See JOINTURE(2).

### LEGAL LIABILITY

legal liability.See LIABILITY(1).

### LEGAL LIFE ESTATE

legal life estate.See life estate under ESTATE(1).

### LEGAL LIFE TENANT

legal life tenant.See LIFE TENANT.

### LEGAL LIST

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 low-risk securities meeting certain specifications. — Also termed approved list; legal investments.

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**LEGALLY**

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

**LEGALLY DETERMINED**

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

**LEGALLY INCAPACITATED PERSON**

legally incapacitated person.A person, other than a minor, who is temporarily or permanently impaired by mental illness, mental deficiency, physical illness or disability, or alcohol or drug use 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**

legally inconsistent verdict.See VERDICT.

**LEGALLY LIABLE**

legally liable.See LIABLE.

**LEGALLY PROTECTED INTEREST**

legally protected interest.See INTEREST(2).

**LEGALLY SUFFICIENT CONSIDERATION**

legally sufficient consideration.See sufficient consideration under CONSIDERATION(1).

**LEGAL MALICE**

legal malice.See implied malice under MALICE.

**LEGAL MALPRACTICE**

legal malpractice.See MALPRACTICE.

**LEGAL MAN**

legal man.See LEGALIS HOMO.

**LEGAL MAXIM**

legal maxim.See MAXIM.

**LEGAL MEMORY**

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

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

legal monopoly. See MONOPOLY.

#### LEGAL MORALISM

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

#### LEGAL MORTGAGE

legal mortgage. See MORTGAGE.

#### LEGAL NAME

legal name. See NAME.

#### LEGAL NEGLIGENCE

legal negligence. See negligence per se under NEGLIGENCE.

#### LEGAL NEWSPAPER

legal newspaper. See NEWSPAPER.

#### LEGAL NOTICE

legal notice. See NOTICE.

#### LEGAL OFFICER

legal officer. See OFFICER(2).

#### LEGAL OPINION

legal opinion. See OPINION(2).

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**LEGAL ORDER**

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**

legal owner. See OWNER.

**LEGAL PARENT**

legal parent. See PARENT(1).

**LEGAL PATERNALISM**

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

**LEGAL PERSON**

legal person. See artificial person under PERSON(3).

**LEGAL PERSONALITY**

legal personality. See PERSONALITY.

**LEGAL–PERSONAL REPRESENTATIVE**

legal–personal representative. See REPRESENTATIVE.

**LEGAL PHILOSOPHY**

legal philosophy. See general jurisprudence (2) under JURISPRUDENCE.

**LEGAL PNEUMOCONIOSIS**

legal pneumoconiosis. See PNEUMOCONIOSIS.

**LEGAL PORTION**

legal portion. See LEGITIME.

**LEGAL POSITIVISM**

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. See POSITIVE LAW. Cf. LOGICAL POSITIVISM. — legal positivist, n.

“[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**

legal possessor. See **POSSESSOR**.

**LEGAL PRACTICE**

legal practice. See **PRACTICE OF LAW**.

**LEGAL PRACTITIONER**

legal practitioner. 1. A lawyer. 2. In the traditional English system, a member of one of the recognized branches of practice.

“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 unskillfulness.” John Indermaur, *Principles of the Common Law* 169 (Edmund H. Bennett ed., 1st Am. ed. 1878).

**LEGAL PREJUDICE**

legal prejudice. See **PREJUDICE**.

**LEGAL PRESUMPTION**

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

**LEGAL PROCEEDING**

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**

legal process. See **PROCESS**.

**LEGAL QUESTION**

legal question. See **QUESTION OF LAW**.

**LEGAL RATE**

legal rate. See **INTEREST RATE**.

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**LEGAL REALISM**

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. Cf. LEGAL FORMALISM. — legal realist,n.

**LEGAL REGIME**

legal regime.See REGIME.

**LEGAL RELATION**

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

**LEGAL REMEDY**

legal remedy.See REMEDY.

**LEGAL REPRESENTATIVE**

legal representative. 1. See personal representative under REPRESENTATIVE. 2. See lawful representative under REPRESENTATIVE.

**LEGAL RESCISSION**

legal rescission.See RESCISSION.

**LEGAL RESEARCH**

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**

legal reserve.See RESERVE.

**LEGAL RESIDENCE**

legal residence.See DOMICILE(2).

**LEGAL RIGHT**

legal right.See RIGHT.

**LEGAL RULING**

legal ruling.See RULING.

**LEGAL SCIENCE**

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

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 are usu. more highly skilled, and therefore more highly compensated, than secretaries in general business.

#### LEGAL SEISIN

legal seisin. See seisin in law under SEISIN.

#### LEGAL SEPARATION

legal separation. 1. SEPARATION(1). 2. SEPARATION(2). 3. See divorce a mensa et thoro under DIVORCE.

#### LEGAL SERVICES CORPORATION

Legal Services Corporation. A nonprofit federal corporation that provides financial aid in civil cases to those who cannot afford legal assistance through grants to legal-aid and other organizations and by contracting with individuals, firms, corporations, and organizations to provide legal services. • The agency was created by the Legal Services Corporation Act of 1974. 42 USCA § 2996. [Cases: Corporations 377.5. C.J.S. Corporations §§ 568–571.]

#### LEGAL SERVITUDE

legal servitude. See SERVITUDE(2).

#### LEGAL SIGNATURE

legal signature. See SIGNATURE.

#### LEGAL SUBDIVISION

legal subdivision. See SUBDIVISION.

#### LEGAL SUBROGATION

legal subrogation. See SUBROGATION.

#### LEGAL SUCCESSION

legal succession. 1. SUCCESSION(2). 2. DESCENT.

#### LEGAL TENDER

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 (5). [Cases: United States 34. C.J.S. United States §§ 162–163.]

#### LEGAL THEORY

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

legal title. See TITLE(2).

#### LEGAL TUTORSHIP

legal tutorship. See TUTORSHIP.

#### LEGAL-UNITIES DOCTRINE

legal-unities doctrine. Hist. The common-law rule that a wife had no separate existence from her husband. — Also termed doctrine of legal unities; unities doctrine of marriage. See MARRIED WOMEN'S PROPERTY ACTS; SPOUSAL-UNITY DOCTRINE .

#### LEGAL USUFRUCT

legal usufruct. See USUFRUCT.

#### LEGAL VALUE

legal value. See BENEFIT(2).

#### LEGAL VOTE

legal vote. See VOTE(1).

#### LEGAL VOTER

legal voter. See VOTER(2).

#### LEGAL WILLFULNESS

legal willfulness. See WILLFULNESS.

#### LEGAL WRITING INSTITUTE

Legal Writing Institute. A nonprofit corporation founded in 1984 to promote the exchange of information and ideas about the teaching of legal writing. • It is composed mainly of legal-writing teachers at American law schools. Like its sister organization, the Association of Legal Writing Directors, it seeks to improve the teaching of legal writing through research and scholarship, a biennial conference, an annual survey of legal-writing programs, an active listserv, and publications that include a journal called Legal Writing. — Abbr. LWI.

#### LEGAL WRONG

legal wrong. See WRONG.

## LEGANTINE

legantine. See LEGATINE.

## LEGARE

legare (l<<schwa>>-gair-ee), vb.[Latin] Roman law. To bequeath one or more specified items to some person other than an heir, or to make such a bequest to an heir in advance of the estate's division between the heirs.

## LEGATARIUS

legatarius (leg-<<schwa>>-tair-ee-<<schwa>>s), n.[Latin] 1.Roman law. The person to whom property is bequeathed; the named recipient of a legatum; LEGATEE. 2.Hist. A legate; a messenger or envoy. See LEGATE. Pl. legatarii.

## LEGATARY

legatary (leg-<<schwa>>-ter-ee), n. Archaic. See LEGATEE.

## LEGATE

legate (leg-it), n.[fr. Latin legare “to send as an envoy”] 1.Roman law. An official who undertakes a special mission for the emperor, or an official or body such as a municipality. 2.Roman law. A person deputed to assist or act for 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. Cf. NUNCIO(1); INTERNUNCIO(3).

legate a latere (ay lat-<<schwa>>-ree). See legatus a latere under LEGATUS.

legate missus (mis-<<schwa>>s). See legatus missus under LEGATUS.

legate natus (nay-t<<schwa>>s). See legatus natus under 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 (l<<schwa>>-gayt), vb. To give or leave as a legacy; to make a testamentary gift of (property); BEQUEATH.

## LEGATEE

legatee (leg-<<schwa>>-tee).1. One who is named in a will to take personal property; one who has received a legacy or bequest. [Cases: Wills 492–520. C.J.S. Wills §§ 902–966.] 2. Loosely, one to whom a devise of real property is given. — Also termed (archaically) legatary. Cf. DEVISEE.

general legatee.A person whose bequest is of a specified quantity to be paid out of the estate's personal assets.

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

estate. See residuary estate under ESTATE(3). [Cases: Wills 586. C.J.S. Wills §§ 1176–1179, 1184.]

specific legatee.The recipient, under a will, of designated property that is transferred by the owner's death. [Cases: Wills 753, 754. C.J.S. Wills §§ 1662, 1666–1677, 1679–1683.]

universal legatee.A residuary legatee that receives the entire residuary estate.

#### LEGATINE

legatine (leg-<<schwa>>-tin or -tIn), adj. Of or relating to a legate. — Also termed (erroneously) legantine.

#### LEGATINE CONSTITUTION

legatine constitution.Hist. Eccles. law. A code of ecclesiastical laws issued with the authority of a papal legate, such as those enacted in English national synods in 1220 and 1268.

#### LEGATINE COURT

legatine court.See COURT.

#### LEGATION

legation (l<<schwa>>-gay-sh<<schwa>>n).Int'l law. 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

legator (l<<schwa>>-gay-t<<schwa>>r or leg-<<schwa>>-tor), n. Rare. One who bequeaths a legacy; TESTATOR.

#### LEGATORY

legatory (leg-<<schwa>>-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

legatum (l<<schwa>>-gay-t<<schwa>>m), n.[Latin fr. legare “to bequeath”] 1.Roman law. A special bequest; a gift left by a deceased person to be paid from the estate by the heir. • Unlike an heir, a legatee acquired a benefit and no duties attached. 2.Hist. A legacy or bequest to the church, esp. for tithes not paid while the donor lived. See MORTUARY .

legatum debiti (l<<schwa>>-gay-t<<schwa>>m deb-<<schwa>>-tI). [Latin “legacy of debt”] Roman law. A legacy to the decedent's creditor of what the decedent owes. • This type of legacy was void unless it bettered the creditor's position in some way, as by removing a valid defense that the debtor had to the creditor's claim.



**legatum dotis** (l<<schwa>>-gay-t<<schwa>>m doh-tis). [Latin] Roman law. A legacy of dowry. • A husband might bequeath a dowry back to his wife, the result being that the husband's heirs were not entitled to retain the usual deductions for children, and the widow could receive her dowry immediately.

**legatum generis** (l<<schwa>>-gay-t<<schwa>>m jen<<schwa>>-ris). [Latin “legacy of a genus”] Roman law. A legacy of a subject of a general class; a legacy of a kind of thing, rather than a specifically named item. • For example, the testator might make a gift of a horse without specifically naming which one of ten horses in the estate.

“Legatum generis .... Normally the testator set in his testament who had to make the choice from among the things of the same kind (slaves, horses) belonging to the estate: the heir, the legatee or a third person. The jurists did not agree about the solution [when] ... the testator did not entitle any person to make the selection. Apparently the rules varied according to the form in which such a legacy (legatum) was left. The Justinian law favored the choice by the legatee.” Adolf Berger, *Encyclopedic Dictionary of Roman Law* 540 (1953).

**legatum liberationis** (l<<schwa>>-gay-t<<schwa>>m lib<<schwa>>-ray-shee-oh-nis). [Latin “legacy of a discharge”] Roman law. A legacy by which a testator released the indebted legatee from a debt. — Also termed *liberatio legata* (lib<<schwa>>-ray-shee-oh l<<schwa>>-gay-t<<schwa>>).

**legatum nominis** (l<<schwa>>-gay-t<<schwa>>m nahm<<schwa>>-nis). [Latin “legacy of a name”] Roman law. A legacy by which a testator willed to the legatee a debt owed to the testator from a third party. • The heir was obliged to hand over the relevant documents and cede any rights of action on them.

**legatum optionis** (l<<schwa>>-gay-t<<schwa>>m op-shee-oh-nis). [Latin “legacy of an option”] Roman law. A legacy of one of several items that the designated beneficiary chooses from the testator's estate. • Originally, if the legatee died after the testator but before making the selection, the legacy failed. Justinian later changed the law to make selection by the legatee's representative under these circumstances valid.

**legatum peculii** (l<<schwa>>-gay-t<<schwa>>m pi-kyoo-lee-I). [Latin] Roman law. A legacy of a peculium to a free person or to a manumitted slave; a legacy of a slave's peculium with or without the slave. See **PECULIUM**.

**legatum quantitatis** (l<<schwa>>-gay-t<<schwa>>m kwon-ti-tay-tis). [Latin “a legacy of quantity”] Roman law. A general legacy of a certain amount, such as a legacy of two horses.

**legatum rei alienae** (l<<schwa>>-gay-t<<schwa>>m ree-I ay-lee-ee-nee or al-ee-). [Latin “a legacy of something belonging to another”] Roman law. A legacy of an item that belongs to a third party. • The heir was obliged to purchase the item from the third party, if that was possible, and give it to the legatee or otherwise pay its value to the legatee.

**legatum universitatis** (l<<schwa>>-gay-t<<schwa>>m yoo-ni-v<<schwa>>r-s<<schwa>>-tay-tis). [Latin “a universal legacy”] Hist. A legacy of the testator's entire estate.

## LEGATUS

legatus (l<<schwa>>-gay-t<<schwa>>s), n. A legate. Pl. legati (l<<schwa>>-gay-t I). See LEGATE.

legatus a latere (ay lat-<<schwa>>-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 datus (day-t<<schwa>>s). See legatus missus.

legatus missus (mis-<<schwa>>s). [Latin “legate sent”] A legate sent on a special mission. — Also termed legate missus; legatus datus (day-t<<schwa>>s).

legatus natus (nay-t<<schwa>>s). [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

legem amittere (lee-j<<schwa>>m <<schwa>>-mit-<<schwa>>-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

legem facere (lee-j<<schwa>>m fay-s<<schwa>>-ree), vb.[Law Latin] Hist. To make an oath; to wage law.

## LEGEM FERRE

legem ferre (lee-j<<schwa>>m fer-ee), vb.[Latin “to carry the proposal”] Roman law. 1. To propose a law to the popular assembly. 2. To enact a law.

## LEGEM HABERE

legem habere (lee-j<<schwa>>m h<<schwa>>-beer-ee), vb.[Latin] Hist. To be able to testify under oath. • In England, 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

legem jubere (lee-j<<schwa>>m j<<schwa>>-beer-ee), vb.[Latin] Roman law.To pass a proposed law.

## LEGEM PONERE

legem ponere (lee-j<<schwa>>m poh-n<<schwa>>-ree), vb.[Latin] Hist. 1. To propound a law. 2. To pay in cash.

## LEGEM SCISCERE

legem sciscere (lee-j<<schwa>>m sis-<<schwa>>-ree), vb.[Latin] Roman law. (Of the

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people) to consent to a proposed law.

**LEGEM VADIARE**

legem vadiare (lee-j<<schwa>>m 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 **COMPURGATION**.

**LEGENITA**

legenita. See **LAIRWITE**.

**LEGER**

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

**LEGERWITE**

legerwite. See **LAIRWITE**.

**LEGES**

leges (lee-jeez), n. pl.[Latin] 1.LEX. 2.LEGES PUBLICAE.

**LEGES ANGLIAE**

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

**LEGES BARBARORUM**

leges barbarorum (lee-jeez bahr-b<<schwa>>-ror-<<schwa>>m). [Latin “laws of the barbarians”] Hist. The customary laws of medieval European law; esp., the customary laws of Germanic tribes during the Middle Ages. • These include the lex romana Visigothorum, the lex Burgundionum, and the lex Salica. — Also termed folk laws. See **SALIC LAW**.

“Many of the conquering Germanic tribes sought to state their own tribal customs in writing. Several of these so-called codes or leges barbarorum were published from time to time shortly after the fall of the Western Empire in the middle of the fifth century until about the time of Charlemagne, 800. The most famous is a Frankish one, the Lex Salica, which probably dates from the second half of the fifth century.” W.J.V. Windeyer, *Lectures on Legal History* 1 (2d ed. 1949).

**LEGES CENTURIATAE**

leges centuriatae. See **LEX CENTURIATA**.

**LEGES CURIATAE**

leges curiatae. See **LEX CURIATA**.

**LEGES DE IMPERIO**

leges de imperio. See **LEGES IMPERII**.

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**LEGES EDWARDI CONFESSORIS**

leges Edwardi Confessoris (lee-jeez ed-wahr-dI kon-f<<schwa>>-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 CONSUECUDINES REGNI**

leges et consuetudines regni (lee-jeez et kon-sw<<schwa>>-t[y]oo-d<<schwa>>-neeZ 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**

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**

leges imperii (lee-jeez im-peer-ee-I). [Latin] Roman law. Laws conferring lawmaking and other powers on the emperor. — Also termed *leges de imperio*.

**LEGES JULIAE**

leges Juliae (lee-jeez joo-lee-ee). See *lex Julia iudiciorum publicorum* under **LEX JULIA**.

**LEGES NON SCRIPTAE**

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

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**LEGES PUBLICAE**

leges publicae (lee-jeez p<<schwa>>b-l<<schwa>>-see). [Latin] Roman law. Statutes passed by the vote of the Roman people in popular assemblies. • Most leges publicae were of temporary political interest but some, such as the lex Aquilia or the lex Falcidia, had a long life. — Often shortened to leges.

**LEGES REGIAE**

leges regiae (lee-jeez ree-ji-ee). [Latin] Roman law. Fragments of customary law relating mostly to religious rites and traditionally attributed to Roman kings.

**LEGES SACRATAE**

leges sacrae (lee-jeez s<<schwa>>-k-ray-tee). [Latin] Roman law. Laws whose violation was punished by devoting the offender to the infernal gods.

**LEGES SCRIPTAE**

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 GRAVIORI LEGE**

leges sub graviore lege (lee-jeez s<<schwa>>b grav-ee-or-lee-jee). [Latin] Laws under a weightier law.

**LEGES TABELLARIAE**

leges tabellariae (lee-jeez tab-<<schwa>>-lair-ee-ee). [Latin] Roman law. Laws that regulated voting by ballot.

**LEGES TRIBUTAE**

leges tributae (lee-jeez tri-byoo-tee). [Latin] Roman law. Laws passed in the comitia tributa. See comitia tributa under COMITIA.

**LEGIBUS SOLUTUS**

legibus solutus (lee-j<<schwa>>-b<<schwa>>s s<<schwa>>-loo-t<<schwa>>s), adj.[Latin “released from the laws”] Roman law. (Of the emperor or other designated person) not bound by the law.

**LEGIOSUS**

legiosus (lee-jee-oh-s<<schwa>>s), adj.[Law Latin] Hist. Litigious.

**LEGIS ACTIO**

legis actio (lee-jis ak-shee-oh). Roman law. A legal or lawful action; an action at law requiring the use of a fixed form of words. • These actions were abolished by the leges Juliae. — Also termed actio legis. Pl. legis actiones (lee-jis ak-shee-oh-nee-z).

## LEGIS ACTIO SACRAMENTO

legis actio sacramento. See SACRAMENTO.

## LEGISLATE

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

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. — Also termed (in sense 2) antideficiency statute.

class legislation. See local and special legislation.

general legislation. Legislation that applies to the community at large. [Cases: Statutes 68. C.J.S. Statutes §§ 154–161.]

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. [Cases: Statutes 76–104. C.J.S. Statutes §§ 148–149, 151–155, 159, 162–201.]

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(3).

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

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

#### LEGISLATIVE APPORTIONMENT

legislative apportionment.See APPORTIONMENT(3).

#### LEGISLATIVE ASSEMBLY

legislative assembly.See LEGISLATURE.

#### LEGISLATIVE BRANCH

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

#### LEGISLATIVE COMMITTEE

legislative committee.See COMMITTEE.

#### LEGISLATIVE COUNCIL

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

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

legislative court.See COURT.

#### LEGISLATIVE DAY

legislative day.See DAY.

#### LEGISLATIVE DISTRICT

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legislative district. See DISTRICT.

#### LEGISLATIVE DISTRICTING

legislative districting. The process of dividing a state into territorial districts to be represented in the state or federal legislature. See APPORTIONMENT(3); REAPPORTIONMENT; GERRYMANDERING. Cf. MALAPPORTIONMENT. [Cases: States 27. C.J.S. States §§ 62–78.]

#### LEGISLATIVE DIVORCE

legislative divorce. See DIVORCE.

#### LEGISLATIVE-EQUIVALENCY DOCTRINE

legislative-equivalency doctrine. The rule that a law should be amended or repealed only by the same procedures that were used to enact it. [Cases: Statutes 129, 149. C.J.S. Statutes §§ 143–144, 243, 246, 250, 276–278.]

#### LEGISLATIVE FACT

legislative fact. See FACT.

#### LEGISLATIVE FUNCTION

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

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. [Cases: Statutes 217.2–217.4. C.J.S. Statutes §§ 340–341.]

#### LEGISLATIVE IMMUNITY

legislative immunity. See IMMUNITY(1).

#### LEGISLATIVE INTENT

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. [Cases: Statutes 181(1). C.J.S. Statutes § 315.]

“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. — Sometimes shortened to dormant intent. — Also termed latent intent; latent intention.

#### LEGISLATIVE INVESTIGATION

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. [Cases: United States 23. C.J.S. United States § 39.]

#### LEGISLATIVE JURISDICTION

legislative jurisdiction. See JURISDICTION.

#### LEGISLATIVE LAW

legislative law. See STATUTORY LAW.

#### LEGISLATIVE OFFICER

legislative officer. See OFFICER(1).

#### LEGISLATIVE POWER

legislative power. Constitutional law. The power to make laws and to alter them; 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. [Cases: Constitutional Law 50–66. C.J.S. Constitutional Law §§ 54, 58–59, 111–168.]

#### LEGISLATIVE PRIVILEGE

legislative privilege. See PRIVILEGE(1).

#### LEGISLATIVE RULE

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. [Cases: Administrative Law and Procedure 382.1.]

#### LEGISLATIVE VETO

legislative veto. See VETO.

#### LEGISLATOR

legislator, n. One who makes laws within a given jurisdiction; a member of a legislative body.

— Also termed lawmaker. — legislative (lej-is-l<<schwa>>-tor-ee-<<schwa>>l), adj.

#### LEGISLATURE

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. — Also termed legislative assembly. Cf. EXECUTIVE(1); JUDICIARY(1). [Cases: States 24. C.J.S. States §§ 40–41.]

#### LEGISPERITUS

legisperitus (lee-jis-per-<<schwa>>-t<<schwa>>s), n.[Law Latin] Hist. A lawyer or advocate; one skilled in the law. Cf. JURISPERITUS.

#### LEGISPRUDENCE

legisprudence (lee-jis-proo-d<<schwa>>nts). The systematic analysis of statutes within the framework of jurisprudential philosophies about the role and nature of law.

#### LEGIST

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

#### LEGITIM

legitim.Scots law. The right of any surviving lawful issue to share in the movable estate of the father. • The legitim comprised one-third of the estate if there was a surviving spouse, or one-half otherwise. — Also termed the bairn's part. Cf. LEGITIME.

#### LEGITIMACY

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; legal kinship between a child and its parent or parents. Cf. ILLEGITIMACY. [Cases: Children Out-of-Wedlock 1. C.J.S. Children Out-of-Wedlock §§ 2–11.]

“In this age of equality, the question might fairly be asked whether a discussion of child support should even be concerned about ‘legitimacy’ and ‘illegitimacy.’ The answer is ‘yes,’ for several reasons. Most rules regarding child support were fashioned at a time when legitimacy was the precondition to full support entitlement and illegitimate paternity had only limited legal consequences. True, by U.S. Supreme Court doctrine, distinctions between ‘legitimate’ and ‘illegitimate’ children should no longer be maintainable, but many state statutes have not yet been adapted to this view. Distinctions on the basis of legitimacy, however unconstitutional, continue to be made.” Harry D. Krause, *Child Support in America* 103 (1981).

#### LEGITIMACY PRESUMPTION

legitimacy presumption.See PRESUMPTION OF PATERNITY.

#### LEGITIMA GUBERNATIO

legitima gubernatio (l<<schwa>>-jit-<<schwa>>-m<<schwa>>g[y]oo-b<<schwa>>r-nay-shee-oh). [Latin "lawful government"] See RECTA GUBERNATIO.

#### LEGITIMA POTESTAS

legitima potestas (l<<schwa>>-jit-<<schwa>>-m<<schwa>> p<<schwa>>-tes-t<<schwa>>s or -tas). [Latin] Scots law. The lawful power, esp. to dispose of one's property. Cf. LIEGE POUSTIE.

#### LEGITIMA REMEDIA

legitima remedia (l<<schwa>>-jit-<<schwa>>-m<<schwa>> ri-mee-dee-<<schwa>>). [Law Latin] Scots law. Lawful remedies.

#### LEGITIMA SUCCESSIO

legitima successio (l<<schwa>>-jit-<<schwa>>-m<<schwa>> s<<schwa>>k-ses-ee-oh). [Latin] Scots law. Legal succession.

#### LEGITIMATE

legitimate (l<<schwa>>-jit-<<schwa>>-m<<schwa>>t), adj.1. Complying with the law; lawful <a legitimate business>.2. Genuine; valid <a legitimate complaint>.3. Born of legally married parents <a legitimate child>. [Cases: Children Out-of-Wedlock 1. C.J.S. Children Out-of-Wedlock §§ 2–11.]

#### LEGITIMATE CHILD

legitimate child. See CHILD.

#### LEGITIMATE HEIR

legitimate heir. See HEIR(1).

#### LEGITIMATE PORTION

legitimate portion. See LEGITIME.

#### LEGITIMATION

legitimation, n.1. The act of making something lawful; authorization. 2. The act or process of authoritatively declaring a person legitimate, esp. a child whose parentage has been unclear. [Cases: Children Out-of-Wedlock 8.C.J.S. Children Out-of-Wedlock § 23.] 3. Hist. Proof of a person's identity and of legal permission to reside in a certain place or engage in a certain occupation. Cf. ADOPTION . — legitimate (l<<schwa>>-jit-<<schwa>>-mayt), vb.

#### LEGITIMATIO PER SUBSEQUENS MATRIMONIUM

legitimatio per subsequens matrimonium (l<<schwa>>-jit-<<schwa>>-may-shee-oh p<<schwa>>r s<<schwa>>b-see-kwenz ma-tr<<schwa>>-moh-nee-<<schwa>>m), n. [Latin] The legitimation of a child born outside wedlock by the later marriage of the parents.

## LEGITIME

legitime (lej-*<<schwa>>-tim*), n. Civil law. The part of a testator's property that his or her children (and occasionally other heirs) are legally entitled to regardless of the will's terms. La. Civ. Code art. 1494. • 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; (in Scots law) LEGITIM. Cf. PORTIO LEGITIMA. [Cases: Wills 11. C.J.S. Wills §§ 76–87, 381.]

## LEGITIMI HEREDES

legitimi heredes (l*<<schwa>>-jit-<<schwa>>-mI h<<schwa>>-ree-deez*), n. pl.[Latin] Roman law. Heirs on intestacy, as determined by the Twelve Tables; specif., the Praetor's second rank of claimants to an intestate's estate, comprising the agnates of the Twelve Tables order and some others, such as the decedent's patron. See TWELVE TABLES.

## LEGITIMO MODO

legitimo modo (l*<<schwa>>-jit-<<schwa>>-moh moh-doh*). [Latin] Scots law. In legal form.

## LEGITIMUM TEMPUS RESTITUTIONIS

legitimum tempus restitutionis (l*<<schwa>>-jit-<<schwa>>-m<<schwa>>m tem-p<<schwa>>s res-ti-t[y]oo-shee-oh-nis*). [Law Latin “the legal period for restitution”] Hist. The time during which a claim can be made for restitution.

## LEGITIMUS

legitimus (l*<<schwa>>-jit-<<schwa>>-m<<schwa>>s*), adj.[Latin] Roman law. (Of a person) legitimate; lawful.

## LEGIT VEL NON?

legit vel non?(lee-jit vel non). [Latin] Eccles. law. Does he read or not? • This was the formal question propounded by a secular court to an ordinary (an ecclesiastical official) when an accused person claimed exemption from the court's jurisdiction 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

lego (lee-goh), vb.[Latin] Roman law. I bequeath. • This was a common term for designating a legacy in a will.

## LEGOCENTRISM

legocentrism. See LEGAL CENTRALISM.

## LEGO-LITERARY

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

## LEGRUITA

legruita. See LAIRWITE.

## LEGULEIAN

leguleian (leg-y*<<schwa>>-lee-<<schwa>>n*), n. Rare. A pettifogging lawyer. — Also termed leguleius (leg-yoo-lee-*<<schwa>>s*). — leguleian,adj.

## LEIN

LEIN.abbr.LAW ENFORCEMENT INFORMATION NETWORK.

## LEIPA

leipa (II-p*<<schwa>>*), n.[Law Latin] Hist. A runaway or fugitive.

## LEIRWITA

leirwita. See LAIRWITE.

## LEISTUNGSSCHUTZRECHT

Leistungsschutzrecht. [German] NEIGHBORING RIGHT.

## LEMON LAW

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. [Cases: Consumer Protection 9. C.J.S. Credit Reporting Agencies; Consumer Protection §§ 52–55, 64.] 2. By extension, a statute designed to protect a consumer who buys any product of inferior quality. — Also termed (in sense 2) quality-of-products legislation.

## LEMON&lt;TT&gt; TEST

Lemon test. A legal standard for judging the state's violation of the Establishment Clause of the First Amendment. • The Lemon test has most often been used in school-related cases. It employs a three-pronged test to determine the state's action: (1) Does the state's action have a religious purpose? (2) Does the state's action have the primary effect of either promoting or inhibiting religion? (3) Does the state's action create an “excessive entanglement” between church and state? *Lemon v. Kurtzman*, 403 U.S. 602, 91 S.Ct. 2105 (1971). In recent years, the Court has not overturned *Lemon* but has declined to apply it when deciding Establishment Clause cases.

## LE MORT SAISIT LE VIF DOCTRINE

le mort saisit le vif doctrine (l*<<schwa>> mor se-zee l<<schwa>> 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

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. [Cases: Contracts 194.]

#### LENDER

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

#### LENDING RIGHT

lending right.Copyright. The power of a copyright owner to control the use of copies of the work beyond the first sale when that use involves offering the copy to the public for temporary use with no consideration required. • Lending rights are recognized among members of the European Commission. [Cases: Copyrights and Intellectual Property 38.5. C.J.S. Copyrights and Intellectual Property §§ 47, 97.]

#### LEND-LEASE

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

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

#### LENIENT TEST

lenient test.The principle that the attorney–client privilege applicable to a document or other communication 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. [Cases: Witnesses 219(3).]

#### LENITY

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

#### LENITY RULE

lenity rule.See RULE OF LENITY.

#### LENOCINIUM

lenocinium (lee-noh-sin-ee-<<schwa>>m), n. [Latin “pandering, brothel-keeping”] 1.Roman law. The crime of prostituting for gain. 2.Roman & Scots law. A husband's scheming in his wife's

adultery, as by encouraging another man to seduce her. • The wife could assert this claim as a defense in a divorce action brought by the husband.

#### LEODES

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

leonina societas (lee-<<schwa>>-nĭ-n<<schwa>> s<<schwa>>-sĭ-<<schwa>>-tas). See SOCIETAS LEONINA.

#### LEONINE CONTRACT

leonine contract (lee-<<schwa>>-nĭn). See adhesion contract under CONTRACT.

#### LEPROSO AMOVENDO

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

le roy (l-<<schwa>>r wahor l-<<schwa>> roy), n.[Law French] The king. — Also spelled le roi.

#### LE ROY LE VEUT

le roy le veut (l-<<schwa>>r wah l-<<schwa>> 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

le roy remercie ses loyal sujets, accepte leur benevolence, et ainsi le veut (l-<<schwa>>r wah ruu-mair-see say lwĭ-ahl soo-zhay, ak-sept luu[r] bay-nay-voh-lawns, ay an-see l-<<schwa>> 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

le roy s'avisera (l-<<schwa>>r 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

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

#### LESIO ENORMIS

*lesio enormis*. See *LAESIO ENORMIS*.

#### LESION

*lesion* (lee-zh<<schwa>>n). 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. La. Civ. Code art. 2589. — Also spelled (in sense 2) *lésion*. [Cases: Vendor and Purchaser 89. C.J.S. Vendor and Purchaser §§ 182, 184–185.] 3. *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).

#### LESION BEYOND MOIETY

*lesion beyond moiety*. See *LAESIO ENORMIS*.

#### LESS-DEVELOPED COUNTRY

*less-developed country*. See *DEVELOPING COUNTRY*.

#### LESSEE

*lessee* (le-see). One who has a possessory interest in real or personal property under a lease; *TENANT*. [Cases: Bailment 1; Landlord and Tenant 1. C.J.S. Bailments §§ 2–13, 15, 19,



22–24, 31; Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).]

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-103(o). • 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-103(t).

#### LESSEE'S INTEREST

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. [Cases: Landlord and Tenant 74. C.J.S. Landlord and Tenant §§ 30, 53.]

#### LESSER-EVILS DEFENSE

lesser-evils defense. See DEFENSE.

#### LESSER INCLUDED OFFENSE

lesser included offense. See OFFENSE(1).

#### LESSER-INTEREST CLAUSE

lesser-interest clause. Oil & gas. A provision in an oil-and-gas lease allowing the lessee to reduce payments proportionately if the lessor turns out to own less than 100% of the mineral interest. — Also termed proportionate-reduction clause.

#### LESSER OFFENSE

lesser offense. See lesser included offense under OFFENSE(1).

#### LESSOR

lessor (les-or or le-sor). One who conveys real or personal property by lease; esp., LANDLORD. [Cases: Landlord and Tenant 1. C.J.S. Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).]

#### LESSOR OF THE PLAINTIFF

lessor of the plaintiff. Hist. The true party in interest prosecuting an action for ejectment. • At common law, an ejectment action was theoretically 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

lessor's interest. The present value of the future income under a lease, plus the present value

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of the property after the lease expires. Cf. LESSEE'S INTEREST .

**LET**

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>. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.] 3. To award (a contract), esp. after bids have been submitted <the federal agency let the project to the lowest bidder>. [Cases: Public Contracts 11. C.J.S. Public Administrative Law and Procedure §§ 8–9, 12, 16–17.]

**LETHAL**

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

**LETHAL INJECTION**

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

**LETHAL WEAPON**

lethal weapon.See deadly weapon under WEAPON.

**LETTER**

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>. [Cases: Executors and Administrators 27. C.J.S. Executors and Administrators § 79.] 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**

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

**LETTER CONTRACT**

letter contract.See CONTRACT.

**LETTER MISSIVE**

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**

letter of advice.Commercial law. A notice that a draft has been sent by the drawer to the drawee.

#### LETTER OF ADVOCATION

letter of advocacy.Hist. Scots law. A warrant, issued by the Court of Session, discharging an inferior court from further proceedings in a matter and transferring the action to the issuing superior court. • In a criminal case, the High Court of Justiciary could issue a letter to call up a case for review from an inferior court. The letter of advocacy was abolished in 1868 and replaced by appeal.

#### LETTER OF ATTORNEY

letter of attorney.1.POWER OF ATTORNEY(1); 2.ATTORNEY(1).

#### LETTER OF ATTORNMENT

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 COMFORT

letter of comfort.See COMFORT LETTER.

#### LETTER OF COMMENT

letter of comment.See DEFICIENCY LETTER.

#### LETTER OF COMMITMENT

letter of commitment.See COMMITMENT LETTER.

#### LETTER OF CREDENCE

letter of credence.Int'l law. 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

letter of credit.Commercial law. 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. [Cases: Banks and Banking 191. C.J.S. Bills and Notes; Letters of Credit §§ 341–366, 368–370, 372–376.]

“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.” *Id.* ¶ 2.02, at 2-3.

“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-<<schwa>>-k<<schwa>>-b<<schwa>>l). 1. A letter of credit that the issuing bank guarantees will not be withdrawn or canceled before the expiration date. 2. A letter of credit that cannot be modified or revoked without the customer's consent. 3. A letter of credit that cannot be modified or canceled without the consent of all parties.

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-<<schwa>>-k<<schwa>>-b<<schwa>>l). 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. [Cases: Banks and Banking 191.10. C.J.S. Bills and Notes; Letters of Credit §§ 341–366, 368–370, 372–376.]

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 bank 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 issuing bank agrees to pay the beneficiary if the bank customer defaults on its obligation. — Abbr. SL/C. — Also termed guaranty letter of credit. [Cases: Banks and Banking 191.10. C.J.S. Bills and Notes; Letters of Credit §§ 341–366, 368–370, 372–376.]

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. [Cases: Banks and Banking 191.10. C.J.S. Bills and Notes; Letters of Credit §§

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341–366, 368–370, 372–376.]

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

letter of exchange. See DRAFT(1).

#### LETTER OF INTENT

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. Businesspeople 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; memorandum of understanding; term sheet; commitment letter. Cf. precontract under CONTRACT. [Cases: Contracts 25. C.J.S. Contracts § 60.]

#### LETTER OF LICENSE

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

letter of recall. 1. A document sent from one nation's executive to that of another, 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. — Also termed recall letter.

#### LETTER OF RECREDENTIALS

letter of recredentials (ree-kr<<schwa>>-den-sh<<schwa>>lz). A formal letter from a host country's diplomatic secretary of state to a minister or ambassador who has been recalled by his or her own country. • The letter officially accredits the foreign minister back to his or her home country.

#### LETTER OF REQUEST

letter of request. 1. 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. — Also termed letter rogatory (rog-*<<schwa>>-tor-ee*); rogatory letter; requisitory letter (ri-kwiz-*<<schwa>>-tor-ee*). [Cases: Federal Civil Procedure 1312.] 2. An instrument by which an inferior court withdraws or waives jurisdiction so that a matter can be heard in the court immediately above. Pl. letters of request.

#### LETTER OF THE LAW

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 . [Cases: Statutes 183. C.J.S. Statutes § 317.]

#### LETTER OF UNDERTAKING

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. • A letter of undertaking is often issued by the shipowner's liability insurer. [Cases: Admiralty 57. C.J.S. Admiralty §§ 162–168.]

“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

letter rogatory. See LETTER OF REQUEST.

#### LETTER RULING

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. [Cases: Internal Revenue 3049.]

#### LETTERS

letters. Wills & estates. A court order giving official authority to a fiduciary to conduct appointed tasks. • Examples are letters of administration, letters of conservatorship, letters of

guardianship, and letters testamentary. Unif. Probate Code § 1-201(23). See LETTER(2). [Cases: Executors and Administrators 27; Guardian and Ward 16.C.J.S. Executors and Administrators § 79.]

#### LETTERSAD COLLIGENDUM BONA DEFUNCTI

letters ad colligendum bona defuncti (ad kol-*<<schwa>>*-jen-d*<<schwa>>*m boh-n*<<schwa>>* di-fungk-ti), 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

letters close.See LETTERS SECRET.

#### LETTER SECURITY

letter security.See restricted security under SECURITY.

#### LETTERS OF ABSOLUTION

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

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 to the surviving spouse, to next of kin, or to both of them jointly. — Also termed administration letters. See ADMINISTRATION. Cf. LETTERS TESTAMENTARY. [Cases: Executors and Administrators 27.C.J.S. Executors and Administrators § 79.]

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

letters of credence.See LETTER OF CREDENCE.

#### LETTERS OF GUARDIANSHIP

letters of guardianship.A court order appointing a guardian to care for the well-being,



property, and affairs of a minor or an incapacitated adult. • 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. [Cases: Guardian and Ward 16.]

#### LETTERS OF HORNING

letters of horning.Hist. Scots law. An execution process in which the creditor holding a decree obtained royal letters commanding the debtor to either perform or be outlawed. See HORNING.

#### LETTERS OF MARQUE

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. Brierly, *The Law of Nations* 321 (5th ed. 1955).

#### LETTERS OF SAFE CONDUCT

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

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

letters patent. 1.Hist. A document granting some right or privilege, issued under governmental seal but open to public inspection. — Also termed *literae patentis* (lit-*<<schwa>>r-ee p<<schwa>>-ten-teez*). Cf. LETTERS SECRET. 2. A governmental grant of the exclusive right to use an invention or design. — Also termed (in both senses) patent deed. See PATENT(2). [Cases: Patents 1. C.J.S. Patents §§ 1–5, 10–12, 15.]

#### LETTERS ROGATORY

letters rogatory.See LETTER OF REQUEST.

#### LETTERS SECRET

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

letters testamentary.A probate-court order approving the appointment of an executor under a will and authorizing the executor to administer the estate. Cf. LETTERS OF ADMINISTRATION. [Cases: Executors and Administrators 27, 32. C.J.S. Executors and Administrators §§ 79, 95, 102–103.]

ancillary letters testamentary.Letters testamentary issued at a place where the testator owned property but did not have a domicile. • The executor or administrator is not authorized to act outside the issuing court's territorial jurisdiction.

domiciliary letters testamentary.Letters testamentary issued at the place where the testator was domiciled.

#### LETTER STOCK

letter stock.See restricted security under SECURITY.

#### LETTRE

lettre (le-tr<<schwa>>), n.[French “letter”] Hist. A formal instrument granting some authority.

#### LETTRE DE CACHET

lettre de cachet (le-tr<<schwa>> d<<schwa>> ka-shay). [French “letter with a seal”] A royal warrant issued for the imprisonment of a person without trial.

#### LEUCA

leuca (loo-k<<schwa>>), 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

levance and couchance (lev-<<schwa>>nts / kow-ch<<schwa>>nts).Hist. The state or condition of being levant and couchant. See LEVANT AND COUCHANT.

#### LEVANDAE NAVIS CAUSA

levandae navis causa (l<<schwa>>-van-dee nay-vis kaw-z<<schwa>>), 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

levant and couchant (lev-<<schwa>>nt / kow-ch<<schwa>>nt), 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

levari facias (l<<schwa>>-vair-Ifay-shee-<<schwa>>s). [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. [Cases: Execution 15. C.J.S. Executions § 18.]

levari facias damna de disseisitoribus (l<<schwa>>-vair-Ifay-shee-<<schwa>>s dam-n<<schwa>> dee dis-see-z<<schwa>>-tor-<<schwa>>-b<<schwa>>s), 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 (l<<schwa>>-vair-Ifay-shee-<<schwa>>s kwon-doh vI-see-koh-meez ree-t<<schwa>>r-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 (l<<schwa>>-vair-Ifay-shee-<<schwa>>s ri-zij-oo-<<schwa>>m deb-<<schwa>>-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

levato velo (l<<schwa>>-vay-toh vee-loh). [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 in public. • 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 the proceedings to be open to the public.

#### LEVEE

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

levee district. See DISTRICT.

#### LEVÉE EN MASSE

levée en masse. See LEVY EN MASSE.

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**LEVEL OF ABSTRACTION**

level of abstraction. Copyright. The degree to which a work describes an idea or process in a general rather than concrete way. • Judge Learned Hand posited that from any work one can restate the idea in more and more abstract ways, omitting more and more details, until one is left with an uncopyrightable idea rather than a protectable work of originality. See *Nichols v. Universal Pictures Corp.*, 45 F.2d 119 (2d Cir. 1930).

**LEVEL-PREMIUM INSURANCE**

level-premium insurance. See INSURANCE.

**LEVEL-RATE LEGAL-RESERVE POLICY**

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

**LEVERAGE**

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 investment'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, v. 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's withholding settlement of one claim to influence a claim arising under another source of coverage.

**LEVERAGE CONTRACT**

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. [Cases: Commodity Futures Trading Regulation 10. C.J.S. Securities Regulation §§ 455, 470.]

**LEVERAGED BUYOUT**

leveraged buyout. See BUYOUT.

**LEVERAGED LEASE**

leveraged lease. See LEASE.

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**LEVERAGED RECAPITALIZATION**

leveraged recapitalization. See RECAPITALIZATION.

**LEVERAGE FUND**

leverage fund. See dual fund under MUTUAL FUND.

**LEVERAGE RATIO**

leverage ratio. See LEVERAGE(4).

**LEVERAGING UP**

leveraging up. See leveraged recapitalization under RECAPITALIZATION.

**LEVIABLE**

leviable (lev-ee-*<<schwa>>*-b*<<schwa>>*l), 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>. [Cases: Execution 20–58. C.J.S. Exchanges § 41; Executions §§ 25–56.]

**LEVIORA DELICTA**

leviora delicta (lev-ee-or-*<<schwa>>* d*<<schwa>>*-lik-t*<<schwa>>*). [Latin “the less serious delicts”] Scots law. Lesser crimes (such as breach of the peace) that can be summarily tried.

**LEVIR**

levir (lee-v-*<<schwa>>*r), n. [Latin] Roman law. 1. A husband's brother. 2. A wife's brother-in-law.

**LEVIS**

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

**LEVIS CULPA**

levis culpa. See CULPA.

**LEVIS NOTA**

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

**LEVISSIMA CULPA**

levissima culpa. See CULPA.

**LEVITICAL DEGREES**

Levitical degrees. See prohibited degree under DEGREE.

**LEVY**

levy (lev-ee), n. 1. The imposition of a fine or tax; the fine or tax so imposed. — Also termed

tax levy. [Cases: Taxation 295. C.J.S. Taxation § 423.] 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. [Cases: Execution 122–147. C.J.S. Executions §§ 100, 102–127, 146–147, 149, 151, 203.]

wrongful levy. A levy on a third party's property that is not subject to a writ of execution. [Cases: Execution 459. C.J.S. Executions § 426.]

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>. [Cases: Execution 122–147. C.J.S. Executions §§ 100, 102–127, 146–147, 149, 151, 203.]

#### LEVY COURT

levy court. See COURT.

#### LEVY EN MASSE

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

levy of execution. See LEVY(3).

#### LEWD

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

#### LEWD AND LASCIVIOUS COHABITATION

lewd and lascivious cohabitation. See illicit cohabitation under COHABITATION.

#### LEWD HOUSE

lewd house. See DISORDERLY HOUSE(2).

#### LEWDNESS

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. See Model Penal Code § 251.1. — Also termed open lewdness. Cf. INDECENT EXPOSURE; OBSCENITY. [Cases: Lewdness 1. C.J.S. Lewdness §§ 2–9.]

#### LEX

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. 8. The acquisition of property under some specific law, when the property is made over by a magistrate to the claimant. 9. A term of a contract, treaty, or other agreement.

#### LEX ACTUS

lex actus (leks ak-t<<schwa>>s). See LEX LOCI ACTUS.

#### LEX AEBUTIA

lex Aebutia (leks i-byoo-shee-<<schwa>>). [Latin] Roman law. A statute that introduced simplified forms of pleading and procedure. • This was probably enacted in the later part of the second century B.C. See lex Julia judiciorum publicorum under LEX JULIA.

#### LEX AELIA SENTIA

lex Aelia Sentia (leks ee-lee-<<schwa>> sen-tee-<<schwa>>). Roman law. A law that set minimum age requirements for an owner and a slave in a valid manumission, voided manumissions made to defraud creditors, and created the status of dediticii for some manumitted slaves, esp. criminals. See DEDITICII; LATINI JUNIANI.

#### LEX AETERNA

lex aeterna (leks ee-t<<schwa>>r-n<<schwa>>). [Latin] Eternal law. See NATURAL LAW(1).

#### LEX ANASTASIANA

lex Anastasiana (leks an-<<schwa>>-stay-shee-ay-n<<schwa>>). [Latin] Roman law. 1. A law establishing that emancipated brothers and sisters receive an intestate inheritance equal to those not emancipated. See AGNATUS. 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.

#### LEX ANGLIAE

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

#### LEX ANNUA

lex annua. See edictum perpetuum under EDICTUM.

#### LEX APPARENS

lex apparens (leks <<schwa>>-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 APULEIA

lex Apuleia (leks ap-y<<schwa>>-lee-<<schwa>>). [Latin] Roman law. A law giving a

coguarantor, who had paid more than the proper share of debt, an action of reimbursement against the remaining guarantors. — Also spelled *lex Appuleia*.

#### LEX AQUILIA

*lex Aquilia* (leks <<schwa>>-kwil-ee-<<schwa>>). [Latin “Aquilian law”] Roman law. A Roman statute imposing liability for pecuniary loss tortiously caused and generally regulating loss caused by damage to property, including compensation to be paid for injury to another's slave or livestock. • A loss had to be financially measurable and caused wrongfully. If the liable party denied liability, then damages were doubled. This law applied to negligence as well as *dolus*. The law, enacted around 287 B.C., superseded the earlier provisions of the Twelve Tables. — Also termed *Aquilian law*. See *DAMNUM INJURIA DATUM*; *DOLUS*; *actio legis Aquiliae* under *ACTIO*.

#### LEX ATILIA

*lex Atilia* (leks <<schwa>>-til-ee-<<schwa>>). [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 tribune L. Atilius Regulus. It was enacted about 210 B.C. — Also termed *Atilian law*.

#### LEX ATINIA

*lex Atinia* (leks <<schwa>>-tin-ee-<<schwa>>). [Latin] Roman law. A law declaring that a prescriptive right cannot be acquired in stolen property. • It was enacted in the late third or early second century B.C. — Also termed *Atinian law*.

#### LEX BAIUVARIORUM

*lex Baiuvariorum* (leks bay-<<schwa>>-vair-ee-or-<<schwa>>m). [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

*lex barbara* (leks bahr-b<<schwa>>-r<<schwa>>). [Latin] Roman law. The law of barbarian nations, i.e., those that were not subject to the Roman Empire.

#### LEX BOIORUM

*lex Boiorum*. See *LEX BAIUVARIORUM*.

#### LEX BREHONIA

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

#### LEX BRETOISA

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



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**LEX BURGUNDIONUM**

lex Burgundionum (leks b<<schwa>>r-g<<schwa>>n-dee-oh-n<<schwa>>m), n.[Law Latin] Hist. The law of the Burgundians, first published about A.D. 495.

**LEX CALPURNIA**

lex Calpurnia (leks kal-p<<schwa>>r-nee-<<schwa>>). [Latin] Roman law.A law extending the lex Silia by establishing procedures to recover goods other than money. • This affected the actiones legis. See LEX SILIA; LEGIS ACTIO.

**LEX CANULEIA**

lex Canuleia (leks kan-yoo-lee-<<schwa>>). [Latin] Roman law.A law of 445 B.C. granting plebeians the right to marry patricians.

**LEX CAUSAE**

lex causae (leks kaw-zee). [Latin] The legal system that governs a dispute.

**LEX CENTURIATA**

lex centuriata (leks sen-tyoor-ee-ah-tah). [Latin] Roman law. A law passed in the comitia centuriata. Pl. leges centuriatae.See comitia centuriata under COMITIA.

**LEX CINZIA**

lex Cincia (leks sin-shee-<<schwa>>). [Latin] Roman law. A law of 204 B.C. prohibiting certain types of gifts and all gifts or donations of property beyond a certain measure, except to a near relative.

**LEX CLAUDIA**

lex Claudia (leks klaw-dee-<<schwa>>). [Latin] Roman law. A law that abolished the ancient guardianship of adult women by their male agnate relatives. • This became effective in the first century A.D. — Also termed lex Claudia de tutela.

**LEX COMITATUS**

lex comitatus (leks kom-<<schwa>>-tay-t<<schwa>>s), n.[Law Latin] Hist. The law of the county; the law administered in the county court before the earl and his deputies.

**LEX COMMERCII**

lex commercii (leks k<<schwa>>-m<<schwa>>r-shee-I), n.[Latin] The law of business or commerce; commercial law. — Also termed lex commissoria (leks kom-<<schwa>>-sor-ee-<<schwa>>). See LEX COMMISSORIA.

**LEX COMMISSORIA**

lex commissoria (leks kom-i-sor-ee-a). [Latin “forfeiture clause” or “cancellation clause”] Roman law. 1. A term in a contract of sale allowing the seller to rescind the sale if the price was

not paid by the agreed time. 2. A clause by which, in a pledge agreement, a debtor and creditor could agree that if the debtor fails to timely pay the debt, the creditor obtains absolute title of the pledged property.

“By the *lex commissoria* at Rome, the debtor and creditor might agree that if the debtor did not pay at the day, the pledge should become the absolute property of the creditor. But a law of Constantine abolished this power, as unjust and oppressive, and having a growing asperity in practice.” 2 James Kent, *Commentaries on American Law* \*583 (George Comstock ed., 11th ed. 1866).

3. An agreement in which such a failure-to-timely-pay clause appears. — Also written *commissoria lex*. 4. *LEX COMMERCII*. “But the position of the seller was a good deal more awkward, especially if he had sold a unique object, such as a piece of land, for, apart from express agreement, he would have to retain the land or other object in case the buyer later came along with the price and demanded delivery. The difficulty could be avoided by the insertion of a term known as *lex commissoria*, which gave the seller an option of declaring the contract at an end if the buyer did not pay within the agreed time. This term probably became common form in Roman law, but was never implied. It always had to be expressly inserted in the contract .... Not until the time of Lord Mansfield was a similar development complete in English law, though in the end we carried it much further than the Romans.” W.W. Buckland & Arnold D. McNair, *Roman Law & Common Law: A Comparison in Outline* 231 (F.H. Lawson ed., 2d ed. 1952).

#### LEX COMMUNIS

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

#### LEX CONTRACTUS

*lex contractus* (leks k<<schwa>>n-trak-t<<schwa>>s). See *LEX LOCI CONTRACTUS*.

#### LEX CORNELIA

*lex Cornelia* (leks kor-nee-lee-<<schwa>> or kor-neel-y<<schwa>>). [Latin] Roman law. One of several laws passed by the dictator L. Cornelius Sulla in 82–81 B.C. — Also termed *Cornelian law*.

*lex Cornelia de edictis* (leks kor-nee-lee-<<schwa>> dee ee-dik-t<<schwa>>s). See *lex Cornelia de jurisdictione*.

*lex Cornelia de falsis* (leks kor-nee-lee-<<schwa>> dee fal-sis or fawl-sis). [Latin] Roman law. See *lex cornelia nummaria testamentaria*.

*lex Cornelia de injuriis* (leks kor-nee-lee-<<schwa>> dee in-joor-ee-is). [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. • The precise boundary between the crime and the delict is not clear. But the two procedures probably existed side by side.

“*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 jurisdictione (leks kor-nee-lee-<<schwa>> dee joor-is-dik-shee-oh-nee). [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. • It did not, however, forbid the offer of new remedies. — Also termed lex Cornelia de edictis.

lex Cornelia de sicariis et veneficis (leks kor-nee-lee-<<schwa>> dee si-kair-ee-is et v<<schwa>>-nee-f<<schwa>>-sis). [Latin] Roman law. A law combining jurisdiction over gangster-type killings and poisoning, or attempts at such crimes, and addressing the bringing of false witness and bribery of a judge or juror, if those actions brought about a person's death. • The statute was soon extended to cover murder generally when committed within or close to Rome. Emperor Antoninus Pius added a provision for murder to include a slave owner who deliberately killed his own slave.

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

lex Cornelia nummaria testamentaria (leks kor-nee-lee-<<schwa>> n<<schwa>>-mair-ee-<<schwa>> tes-t<<schwa>>-men-tair-ee-<<schwa>>). Roman law. A statute making forgery (falsum) a crime, and creating a special court to try forgery cases. • Until the later Roman Empire, falsum included both coining and document forgery. — Also termed lex Cornelia de falsis. See FALSUM(2).

"It is not absolutely clear whether Sulla passed two laws, one on forging wills and the other on forging money, or whether the one lex Cornelia nummaria testamentaria provided for both sorts of offence to be heard by the quaestio de falsis which it created." O.F. Professor Robinson, *The Criminal Law of Ancient Rome* 36 (1995).

#### LEX CURIATA

lex curiata (leks kyoor-ee-ay-t<<schwa>>). [Latin] Roman law. Laws passed in the comitia curiata. Pl. leges curiatae (lee-jeez kyoor-ee-ay-tee). See comitia curiata under COMITIA.

#### LEX DANORUM

lex Danorum (leks dan-or-<<schwa>>m). See DANELAW.

#### LEX DELICTI

lex delicti (leks d<<schwa>>-lik-tI). See LEX LOCI DELICTI.

#### LEX DERAISNIA

lex deraisnia (leks d<<schwa>>-rayn-ee-<<schwa>>), 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

lex de responsis prudentium (leks dee ri-spon-sis proo-den-shee-<<schwa>>m). [Latin “law on the replies of the jurists”] See CITATIONS, LAW OF.

#### LEX DOMICILII

lex domicilii (leks dom-<<schwa>>-sil-ee-I). [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

Lex Duodecim Tabularum (leks d[y]oo-<<schwa>>-des-<<schwa>>m tab-y<<schwa>>-lair-<<schwa>>m). See TWELVE TABLES.

#### LEX ET CONSUETUDO PARLIAMENTI

lex et consuetudo parliamenti (leks et kon-sw<<schwa>>-t[y]oo-doh parl-[y]<<schwa>>-men-tI), n.[Latin] Hist. The law and custom (or usage) of Parliament.

#### LEX ET CONSUETUDO REGNI

lex et consuetudo regni (leks et kon-sw<<schwa>>-t[y]oo-doh reg-nI), n.[Latin] Hist. The law and custom of the realm; the common law.

#### LEX FABIA DE PLAGIARIIS

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

#### LEX FALCIDIA

lex Falcidia (leks fal-sid-ee-<<schwa>>). See FALCIDIAN LAW.

#### LEX FEUDI

lex feudi (leksfyoo-dI). [Law Latin] Scots law. The law of the feu; the law pertaining to feudal title.

#### LEX FORI

lex fori (leks for-I). [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). [Cases: Action 17. C.J.S. Actions §§ 18–20; Conflict of Laws §§ 2–3, 12, 15, 20, 23, 27–32, 34–40, 42–48, 50–65, 96–97, 100, 102, 105–107.]

#### LEX FRANCORUM

lex Francorum (leks frang-kor-<<schwa>>m), 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

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

#### LEX FUFIA CANINIA

lex Fufia Caninia (leks foof-ee-<<schwa>> k<<schwa>>-nI-nee-<<schwa>>). [Latin] Roman law.A law prohibiting owners from freeing by will more than a certain number or proportion of their slaves. • Justinian later abrogated this law. — Also termed Fufian Caninian law; Fusian Caninian law.

#### LEX FURIA TESTAMENTARIA

lex Furia testamentaria (leks fyoor-ee-<<schwa>> tes-t<<schwa>>-men-tair-ee-<<schwa>>). [Latin] Roman law.A law prohibiting a testator from bequeathing more than 1,000 asses (i.e., 722 pounds) of copper or the equivalent. • This law, dating from the middle of the republic, was one of the first to restrict legacies. It was passed between 204 and 169 B.C.

“The lex Furia... provided that no one except [close] relatives ... should take by will or gift in view of death more than 1000 asses [copper coins]. It did not rescind the disposition, but enacted a penalty of four times the amount, recoverable by a stringent procedure from anyone who took such a legacy or gift, contrary to the law. But this law left it open to a testator to leave nothing to the heir, supposing he made a sufficient number of legatees up to the statutable limit.” 1 Henry John Roby, *Roman Private Law* 344–45 (1902).

#### LEX FUSIA CANINIA

lex Fusia Caninia.See LEX FUFIA CANINIA.

#### LEX GABINIA

lex Gabinia (leks g<<schwa>>-bin-ee-<<schwa>>). [Latin] Roman law.A law introducing popular election by secret ballot. • Secret ballots were also used in judicial meetings. — Also termed lex Gabinia tabellaria (leks g<<schwa>>-bin-ee-<<schwa>> tab-<<schwa>>-lair-ee-<<schwa>>).

#### LEX GENERALIS

lex generalis (leks jen-<<schwa>>-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

lex Genucia (leks j<<schwa>>-n[y]oo-shee-<<schwa>>). [Latin] Roman law.A law prohibiting the charging of interest on loans between Roman citizens. • The statute was proposed in the 4th century B.C., but it is uncertain when, if ever, it was enacted. If enacted, it was not enforced.

#### LEX GOTHICA

lex Gothica (leks goth-ik-<<schwa>>), n.[Law Latin] Hist. The law of the Goths. • It was

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first promulgated in writing in A.D. 466.

#### LEX HORATIA VALERIA

lex Horatia Valeria. See LEX VALERIA HORATIA.

#### LEX HORTENSIA

lex Hortensia (leks hor-ten-s[h]ee-<<schwa>>). [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 class. This statute put enactments of the concilium plebis on the same footing as leges. See JUS PUBLICUM; JUS SACRUM.

#### LEX HOSTILIA DE FURTIS

lex Hostilia de furtis (leks hos-til-ee-<<schwa>> dee f-<<schwa>>r-tis). [Latin] Roman law. A law of the early Republic providing that the state could prosecute a person for theft on behalf of an owner when the owner was captive or abroad. • This affected the actiones legis. See LEGIS ACTIO.

#### LEXICAL DEFINITION

lexical definition. See DEFINITION.

#### LEX IMPERATORIA

lex imperatoria (leks im-p-<<schwa>>r-<<schwa>>-tor-ee-<<schwa>>). [Latin] Imperial law.

#### LEX INCORPORATIONIS

lex incorporationis (leks in-kor-por-ay-shee-oh-nis). [Latin] The law of the state where incorporation takes place. See INTERNAL-AFFAIRS DOCTRINE.

#### LEXIS

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

#### LEX JUDICIALIS

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

#### LEX JULIA

lex Julia (leks joo-lee-<<schwa>>). [Latin] Roman law. One of several Roman statutes dating from the reign of the Emperor Augustus (27 B.C.–A.D. 14) or sometimes from Julius Caesar (47–44 B.C.).

lex Julia de adulteriis coarcerendis (leks joo-lee-<<schwa>> dee <<schwa>>-d-<<schwa>>-l-t-<<schwa>>-r-ee-is koh-<<schwa>>-r-s-<<schwa>>-ren-d-<<schwa>>s).

[Latin] Roman law. A statute of 18 B.C. making adultery a public crime, justiciable before a *quaestio perpetua*. — Sometimes shortened to *lex Julia de adulteriis*.

*lex Julia de ambitu* (leks joo-lee-*<<schwa>>* dee am-bi-t[y]oo). [Latin] Roman law. A law of 18 B.C. discouraging electoral corruption by a would-be magistrate.

*lex Julia de annona* (leks joo-lee-*<<schwa>>* dee *<<schwa>>*-noh-n*<<schwa>>*). [Latin] Roman law. A law against business combinations that negatively affected the grain supply, esp. attempts to raise the price of corn.

*lex Julia de cessione bonorum* (leks joo-lee-*<<schwa>>* dee ses[h]-ee-oh-nee b*<<schwa>>*-nor-*<<schwa>>*m). [Latin] Roman law. A law governing bankruptcies allowing a debtor to avoid further adverse action by ceding all the debtor's property to the creditors.

*lex Julia de majestate* (leks joo-lee-*<<schwa>>* dee maj-*<<schwa>>*-stay-tee). [Latin] Roman law. A treason law imposing capital punishment on a person acting against the emperor or state. • Enacted about 8 B.C., this was the last specific law on treason.

*lex Julia de maritandis ordinibus* (leks joo-lee-*<<schwa>>* dee mar-*<<schwa>>*-tan-dis or-din-*<<schwa>>*-b*<<schwa>>*s). [Latin] Roman law. A law regulating marriages, imposing a duty to be married on all men between 25 and 60, and on all women between 20 and 50, and forbidding marriages between senators and freedwomen, and forbidding senators and all other freeborn citizens from marrying actresses, prostitutes, and the like. • This 18 B.C. statute is usu. considered as one law with the *lex Papia Poppea* of A.D. 9, which exempted women with three children or more from being placed under guardianship.

*lex Julia de peculatu* (leks joo-lee-*<<schwa>>* dee pek-y-*<<schwa>>*-lay-t [y]oo). [Latin] Roman law. A law punishing the embezzlement of public moneys. • Originally a magistrate determined the punishment. The same court had jurisdiction for transgressions under *lex Julia de residuis* and for sacrilege, the wrongful taking of money dedicated to sacred or religious purposes. See *lex Julia de residuis*.

*lex Julia de residuis* (leks joo-lee-*<<schwa>>* dee ri-zij-oo-is). [Latin] Roman law. A law punishing persons who could not account for public money lawfully in their charge. See *lex Julia de peculatu*.

*lex Julia judiciorum privatorum* (leks joo-lee-*<<schwa>>* joo-dish-ee-or-*<< schwa>>*m p*r*I-v-*<<schwa>>*-tor-*<<schwa>>*m). See *lex Julia judiciorum publicorum*.

*lex Julia judiciorum publicorum* (leks joo-lee-*<<schwa>>* joo-dish-ee-or-*<< schwa>>*m p-*<<schwa>>*-bli-kor-*<<schwa>>*m). [Latin] Roman law. An Augustan law that, with the *lex Julia judiciorum privatorum*, reformed various aspects of civil procedure. • The two laws are often referred to together as *leges Juliae*, or *duae Juliae*. Together with the *lex Aebutia*, the *leges Juliae* largely abolished the *legis actiones*, the ancient form of Roman civil procedure that relied on fixed oral forms.

#### LEX JUNIA NORBANA

lex Junia Norbana (leks joo-nee-<<schwa>> nor-bay-n<<schwa>>). [Latin] Roman law. A law creating the status of Junian Latin for informally manumitted slaves. — Often shortened to lex Junia. 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 VELLEIA

lex Junia Velleia (leks joo-nee-<<schwa>> v<<schwa>>-lee-y<<schwa>>). [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. • This was probably enacted in A.D. 26.

#### LEX KANTIAE

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

#### LEX LANGOBARDORUM

lex Langobardorum. See LEX LONGOBARDORUM.

#### LEX LIGEANTIAE

lex ligeantiae (leks lij-ee-an-shee-ee). [Law Latin] 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

lex loci (leks loh-sI). [Latin] 1. The law of the place; local law. Cf. LEX FORI . 2. LEX LOCI CONTRACTUS.

#### LEX LOCI ACTUS

lex loci actus (leks loh-sIak-t<<schwa>>s). [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

lex loci celebrationis (leks loh-sI sel-<<schwa>>-bray-shee-oh-nis). [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

lex loci contractus (leks loh-sI k<<schwa>>n-trak-t<<schwa>>s). [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*. [Cases: Contracts 144. C.J.S. Conflict of Laws §§ 91–93; Contracts §§ 13–23, 25.]

“The *lex loci contractus* controls the nature, construction, and validity of the contract; and on this broad foundation the law of contracts, founded on necessity and commercial convenience, is said to have been originally established. If the rule were otherwise, the citizens of one country could not safely contract, or carry on commerce, in the territories of another.” 2 James Kent, *Commentaries on American Law* \*454 (George Comstock ed., 11th ed. 1866).

#### LEX LOCI DELICTI

*lex loci delicti* (leks loh-sI d<<schwa>>-lik-tI). [Latin] The law of the place where the tort or other wrong was committed. — Often shortened to *lex delicti*. — Also termed *lex loci delictus*; *lex loci delicti commissi*; *place-of-wrong rule*; *place-of-wrong law*. Cf. *LOCUS DELICTI*. [Cases: Negligence 204; Torts 2. C.J.S. Aeronautics and Aerospace § 272; Conflict of Laws §§ 16–17, 99; Negligence §§ 3, 651–652; Right of Privacy and Publicity §§ 3, 40; Torts §§ 27–29.]

#### LEX LOCI REI SITAE

*lex loci rei sitae* (leks loh-sIree-IsI-tee). [Latin] *LEX SITUS*.

#### LEX LOCI SOLUTIONIS

*lex loci solutionis* (leks loh-sI s<<schwa>>-loo-shee-oh-nis). [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

*lex Longobardorum* (leks long-goh-bahr-dor-<<schwa>>m). [Latin “law of the Lombards”] Hist. An ancient legal code developed between the fifth and eighth centuries, in force until the reign of Charlemagne; the laws of the Lombards, seen cumulatively from the Edict of Rothari in A.D. 643, and added to by Liutprand. • It was a subject of study in the early law school at Pavia. — Also spelled *lex Langobardorum*; *lex Langobardica*.

#### LEX MAJORIS PARTIS

*lex majoris partis* (leks m<<schwa>>-jor-is pahr-tis). [Latin “law of the major party”] Majority rule. See *MAJORITY RULE*.

“The voice of the majority decides. For the *lex majoris partis* is the law of all councils, elections, &c. where not otherwise expressly provided. But if the house be equally divided, ‘semper presumatur pro negante:’ that is, the former law is not to be changed but by a majority.” Thomas Jefferson, *A Manual of Parliamentary Practice* 105 (1801) (citation omitted).

#### LEX MANIFESTA

*lex manifesta* (leks man-<<schwa>>-fes-t<<schwa>>). [Law Latin] Hist. 1. Open law; manifest law. 2. Trial by duel or ordeal. — Also termed *manifest law*.

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**LEX MARITYMA**

lex marityma (leks mair-i-tee-m<<schwa>>).Hist. The body of customs, usage, and local rules governing seagoing commerce that developed in the maritime countries of medieval Europe.

**LEX MERCATORIA**

lex mercatoria (leks m<<schwa>>r-k<<schwa>>-tor-ee-<<schwa>>). [Latin “mercantile law”] See LAW MERCHANT.

**LEX MERCIORUM**

lex merciorum (leks m<<schwa>>r-shee-or-<<schwa>>m). See MERCENLAGE.

**LEX MONETAE**

lex monetae (leks m<<schwa>>-nee-tee). [Latin] The law of the country whose money is in question.

**LEX NATURAE**

lex naturae (leks n<<schwa>>-tyoor-ee). See NATURAL LAW.

**LEX NATURALE**

lex naturale (leks nach-<<schwa>>-ray-lee). [Law Latin] See NATURAL LAW.

**LEX NON SCRIPTA**

lex non scripta (leks non skrip-t<<schwa>>). [Latin “unwritten law”] Common law, including customs and local laws, as distinguished from statutory law; UNWRITTEN LAW. Pl. leges non scriptae.Cf. LEX SCRIPTA.

**LEX ORDINANDI**

lex ordinandi (leks or-d<<schwa>>-nan-di). See LEX FORI.

**LEX PAPIA POPPEA**

lex Papia Poppea (leks pay-pee-<<schwa>> pah-pee-<<schwa>>). [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**

lex patriae (leks pay-tree-ee orpa-tree-ee). [Latin] National law; the law of one's country. See PERSONAL LAW.

**LEX PETRONIA**

lex Petronia (leks p<<schwa>>-troh-nee-<<schwa>>). [Latin] Roman law.A law forbidding masters from sending their slaves to fight wild beasts in the arena, without a magistrate's

authorization. • This law was enacted sometime before A.D. 79.

#### LEX PLAETORIA

lex Plaetoria (leks pli- or plee-tor-ee-⟨schwa⟩). [Latin] Roman law. A law protecting minors against frauds and probably permitting them to apply for a guardian or curator to assist them.

#### LEX POETELIA

lex Poetelia (leks poh-⟨schwa⟩-tee-lee-⟨schwa⟩). [Latin] Roman law. A law abolishing a creditor's right to reduce his debtor to slave-like treatment. • This law was enacted sometime before 300 B.C.

#### LEX POMPEIA DE PARRICIDIIS

lex Pompeia de parricidiis (leks pom-pee-⟨schwa⟩ dee par-⟨schwa⟩-sI-dee-is). [Latin] Roman law. A law of 70 or 55 B.C. defining what murders amounted to parricide and establishing a special expiatory punishment, in which the offender was executed by being sewn up in a sack with a dog, a rooster, a viper, and a monkey, and thrown into the sea or a river.

#### LEX POSTERIOR DEROGAT PRIORI

lex posterior derogat priori (leks pah-steer-ee-⟨schwa⟩r der-⟨schwa⟩-gat pr I-or-I). [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

lex praetoria (leks pri- or pree-tor-ee-⟨schwa⟩). [Latin “praetorian law”] 1. Roman law. Law laid down in the praetor's edict. Cf. JUS PRAETORIUM. 2. Hist. The applicable rules in a court of equity.

#### LEX PRIVATA

lex privata (leks prI-vay-t⟨schwa⟩). [Latin “private law”] Roman law. A term in a private contract. — Sometimes shortened to lex.

#### LEX PUBLICA

lex publica (leks p⟨schwa⟩b-li-k⟨schwa⟩). [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

lex Publilia (leks p[y]oo-blil-ee-⟨schwa⟩). [Latin “Publilian law”] Roman law. A law dispensing with senatorial approval for the enactments of the plebs (common citizens). • In 339 B.C. these laws strengthened the force of the plebiscita and indirectly weakened the patrician element in the Senate by permitting auctoritas patrum to be given in advance for some legislation, and requiring one of the censors to be a plebeian. — Also termed leges Publiliae Philonis.

## LEX REGIA

lex regia (leks ree-jee-*<<schwa>>*). [Latin “royal law”] Roman law. A law ostensibly enacted by the Roman people granting wide legislative and executive powers to the emperor, later interpreted 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. See LEGES IMPERII.

## LEX REI SITAE

lex rei sitae (leks ree-IsI-tee). [Law Latin] Scots law. The law of the place where the property is situated.

## LEX RHODIA

lex Rhodia (leks roh-dee-*<<schwa>>*). [Latin] Roman law. The Rhodian law governing the subject of jettison. • This began as the common law of the ancient Mediterranean Sea. It required that all consignors and the shipmaster share losses equally. — Also termed lex Rhodia de jactu. See RHODIAN LAW.

## LEX ROMANA

lex Romana (leks r*<<schwa>>*-may-n*<<schwa>>*). [Latin] ROMAN LAW.

## LEX ROMANA VISIGOTHORUM

Lex Romana Visigothorum (leks r*<<schwa>>*-may-n*<<schwa>>* viz-*<<schwa>>*-gah-thor-*<<schwa>>*m). See BREVIARIUM ALARICIANUM.

## LEX SALICA

lex Salica (leks sal-*<<schwa>>*-k*<<schwa>>*). [Latin] See SALIC LAW.

## LEX SCRIBONIA

lex Scribonia (leks skri-boh-nee-*<<schwa>>*). [Latin] Roman law. A law of the late Republic abolishing the acquisition of praedial servitudes through prescription.

## LEX SCRIPTA

lex scripta (leks skrip-t-*<<schwa>>*). [Latin “written law”] Law authorized or created by statute rather than custom or usage; WRITTEN LAW. Pl. leges scriptae. Cf. LEX NON SCRIPTA.

## LEX SEMPRONIA

lex Sempronia (leks sem-proh-nee-*<<schwa>>*). [Latin] Roman law. A law of 122 B.C. transferring the duty of jury service from the senators to the equestrians (knights). • The control of the juries in the quaestiones perpetuae, particularly in extortion (repetundae) trials, was one of the key areas of political conflict in the late Republic.

## LEX SILIA

lex Silia (leks sil-ee-*<<schwa>>*). [Latin] Roman law. A law providing for personal actions

for a fixed sum of money; specif., a law from perhaps 250 B.C. introducing the *legis actio per conditionem* to claim a fixed sum of money.

#### LEX SITUS

*lex situs* (leks sI-t<<schwa>>s). [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

*lex solutionis*. See LEX LOCI SOLUTIONIS.

#### LEX TALIONIS

*lex talionis* (leks tal-ee-oh-nis). [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 — but no more. — 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

*lex terrae* (leks ter-ee). [Law Latin] See LAW OF THE LAND.

#### LEX THEODOSIANA

*lex Theodosiana* (leks thee-<<schwa>>-doh-see-an-<<schwa>>). See THEODOSIAN CODE .

#### LEX VALERIA HORATIA

*lex Valeria Horatia* (leks v<<schwa>>-leer-ee-<<schwa>> h<<schwa>>-ray-shee-<<schwa>>). [Latin] Roman law. A law making enactments by the assembly of the people in tribes binding on all citizens. • Several laws of this name were passed in 449 B.C. One was aimed at strengthening the force of *plebiscita*. Another protected plebeian tribunes with *sacrosanctity*. A

third, more dubious, law falls between the *lex Valeria* of 509 B.C. and the *lex Valeria* of 300 B.C. in granting the right of *provocatio* to the Roman citizen oppressed by a magistrate. Cf. *LEX HORTENSIA*.

#### LEX VALIDITATIS

*lex validitatis* (leks val-<<schwa>>-tay-tis). [Latin] Conflict of laws. The presumption of validity given to marriages, contracts, and other matters.

#### LEX VISIGOTHORUM

*lex Visigothorum* (leks viz-<<schwa>>-gah-thor-<<schwa>>m). [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 spelled *lex Wisigothorum*. — Also termed *liber iudiciorum*.

#### LEX VOCONIA

*lex Voconia* (leks v<<schwa>>-koh-nee-<<schwa>>). [Latin] Roman law. A law enacted in 169 B.C. to regulate inheritance (esp. by women) by capping the amount receivable by anyone as legacy or gift in view of death at no more than the heirs took. • The *Falcidian law* superseded the *lex Voconia*. — Also termed *Voconian law*. See *FALCIDIAN 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

*lex Wallensica* (leks wawl-en-z<<schwa>>-k<<schwa>>), n.[Latin] Welsh law.

#### LEX WISIGOTHORUM

*Lex Wisigothorum*. See *LEX VISIGOTHORUM*.

#### LEY

*ley* (lay), n.[Law French] Hist. Law.

#### LEY CIVILE

*ley civile* (lay see- or s<<schwa>>-veel), n.[Law French] Hist. 1.The civil law. 2. The Roman law. — Also termed *ley escripte*.

#### LEY DE TERRE

*ley de terre* (lay d<<schwa>> tair). [Law French] See *LAW OF THE LAND*.

#### LEYERWITE

leyerwite. See LAIRWITE.

#### LEY ESCRIPTE

ley escripte (lay es-kript). See LEY CIVILE.

#### LEY GAGER

ley gager (lay gay-j<<schwa>>r), 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

leze majesty. See LESE MAJESTY.

#### L.F.

L.F.abbr.LAW FRENCH.

#### LHWCA

LHWCA.abbr.LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.

#### LIABILITY

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; responsibility; subjection. 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 (in some jurisdictions) after a crime. See 18 USCA § 2. [Cases: Criminal Law 59. C.J.S. Criminal Law §§ 127, 998.]

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). [Cases: Products Liability 23; Torts 21. C.J.S. Products Liability §§ 40, 42; Torts §§ 36–38.]

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). — Also termed short-term debt.

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. 1. 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. [Cases: Products Liability 23.1, 24. C.J.S. Products Liability § 41.] 2. Criminal liability imposed on a business (such as a corporation or partnership) for certain offenses, such as public-welfare offenses or offenses for which the legislature specifically intended to impose criminal sanctions. See Model Penal Code § 2.07. See public-welfare offense under OFFENSE(1).

fault liability. Liability based on some degree of blameworthiness. — Also termed fault-based liability. Cf. strict liability.

industry-wide liability. See enterprise 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. [Cases: Contracts 181; Negligence 484; Torts 22. C.J.S. Contracts §§ 366, 371; Negligence §§ 154–156; Torts §§ 39–44.]

joint liability. Liability shared by two or more parties. [Cases: Negligence 484; Torts 22. C.J.S. Negligence §§ 154–156; Torts §§ 39–44.]

liability in solido. See solidary liability.



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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. [Cases: Corporations 215. C.J.S. Corporations §§ 414, 417, 425, 427.]

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. [Cases: Products Liability 23.1, 24. C.J.S. Products Liability § 41.]

official liability. Liability of an officer or receiver for a breach of contract or a tort committed during the officer's or receiver's tenure, but not involving any personal 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. [Cases: Negligence 484; Torts 22. C.J.S. Negligence §§ 154–156; Torts §§ 39–44.]

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. [Cases: Corporations 215, 227. C.J.S. Corporations §§ 414, 417, 425, 427.]

solidary liability (sol-*<<schwa>>-dair-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. La. Civ. Code art. 1794. • This is equivalent to joint and several liability in the common law. — Also termed liability in solido. See joint and several liability. [Cases: Negligence 484; Torts 22. C.J.S. Negligence §§ 154–156; Torts §§ 39–44.]

statutory liability. Liability that is created by a statute (or regulation) as opposed to common law.

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. Cf. fault liability; OUTCOME RESPONSIBILITY. [Cases: Negligence 301–307; Products Liability 5. C.J.S. Negligence §§ 170–179; Products Liability §§ 7–8.]

tortious liability. Liability that arises from the breach of a duty that (1) is fixed primarily by the law, (2) is owed to persons generally, and (3) when breached, is redressable by an action for unliquidated damages.

vicarious liability (vI-kair-ee-*<<schwa>>s*). Liability that a supervisory party (such as an employer) bears for the actionable conduct of a subordinate or associate (such as an employee) based on the relationship between the two parties. See RESPONDEAT SUPERIOR. [Cases: Master and Servant 300, 315; Negligence 483. C.J.S. Employer-Employee Relationship §§ 181–184, 188–193, 203, 231–235, 242, 244–246, 248, 251–252, 254–255; Negligence §§ 152–153.]

“The vicarious liability of an employer for torts committed by employees should not be confused with the liability an employer has for his own torts. An employer whose employee commits a tort may be liable in his own right for negligence in hiring or supervising the employee. If in my business I hire a truck driver who has a record of drunk driving and on whom one day I detect the smell of bourbon, I (along with my employee) may be held liable for negligence if his driving causes injury. But that is not ‘vicarious’ liability — I am held liable for my own negligence in hiring that employee or letting him drive after I know he has been drinking.” Kenneth S. Abraham, *The Forms and Functions of Tort Law* 166 (2002).

3.NO-RIGHT.

LIABILITY BOND

liability bond. See BOND(2).

LIABILITY DIVIDEND

liability dividend. See scrip dividend under DIVIDEND.

LIABILITY IN SOLIDO

liability in solido. See solidary liability under LIABILITY.

#### LIABILITY INSURANCE

liability insurance. See INSURANCE.

#### LIABILITY LIMIT

liability limit. Insurance. 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. [Cases: Insurance 2105. C.J.S. Insurance § 420.]

#### LIABILITY WITHOUT FAULT

liability without fault. See strict liability under LIABILITY.

#### LIABLE

liable (II-*l*-b<<schwa>>-b<<schwa>>l also II-b<<schwa>>l), 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

libel (II-b<<schwa>>l), 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. 2. The act of making such a statement; publication of defamatory matter by written or printed words, by its embodiment in physical form, or by any other form of communication that has the potentially harmful qualities characteristic of written or printed words. See DEFAMATION. Cf. SLANDER. [Cases: Libel and Slander 1, 25. C.J.S. Libel and Slander; Injurious Falsehood §§ 2, 5–6, 10, 47–52.]

“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 ed., *Prosser and Keeton on 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. [Cases: Libel and Slander 141. C.J.S. Libel and Slander; Injurious Falsehood §§ 7–8.]

false-implication libel.Libel 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. [Cases: Libel and Slander 21. C.J.S. Libel and Slander; Injurious Falsehood § 15.]

libel per quod (p<<schwa>>r 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 INNUENDO (2). [Cases: Libel and Slander 11, 33. C.J.S. Libel and Slander; Injurious Falsehood § 198.]

libel per se (p<<schwa>>r 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.” [Cases: Libel and Slander 33. C.J.S. Libel and Slander; Injurious Falsehood § 198.]

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. [Cases: Libel and Slander 141, 145. C.J.S. Libel and Slander; Injurious Falsehood §§ 7–8.]

trade libel.Trade defamation that is written or recorded. See trade defamation under DEFAMATION. Cf. trade slander under SLANDER. [Cases: Libel and Slander 130. C.J.S. Libel and Slander; Injurious Falsehood §§ 204–206, 209.]

3. The complaint or initial pleading in an admiralty or ecclesiastical case. [Cases: Admiralty 60. C.J.S. Admiralty §§ 171–173.] — Also termed (in sense 3) libel of information.

libel,vb.1. To defame (someone) in a permanent medium, esp. in writing. [Cases: Libel and Slander 1, 25. C.J.S. Libel and Slander; Injurious Falsehood §§ 2, 5–6, 10, 47–52.] 2.Hist. Maritime law. To sue in admiralty or ecclesiastical court. • This use of the term was eliminated with the merging of the Admiralty Rules into the Federal Rules of Civil Procedure in 1986.

#### LIBELANT

libelant (II-b<<schwa>>l-<<schwa>>nt).1. The party who institutes a suit in admiralty or ecclesiastical court by filing a libel. [Cases: Admiralty 41. C.J.S. Admiralty §§ 142–145, 147.] 2.LIBELER. — Also spelled libellant.

**LIBELEEE**

libelee (II-b<<schwa>>l-ee). The party against whom a libel has been filed in admiralty or ecclesiastical court. — Also spelled libellee. [Cases: Admiralty 42. C.J.S. Admiralty §§ 146–147.]

**LIBELER**

libeler. One who publishes a written defamatory statement. — Also spelled libeller. — Also termed libelant. [Cases: Libel and Slander 77. C.J.S. Libel and Slander; Injurious Falsehood § 126.]

**LIBELLARY PROCEDURE**

libellary procedure (II-b<<schwa>>l-er-ee). Roman law. The preliminary proceedings in a lawsuit, initiated by a plaintiff's written claims (in a libellus) to the magistrate.

**LIBELLOS AGERE**

libellos agere (I<<schwa>>-bel-<<schwa>>s aj-<<schwa>>-ree), vb. [Latin] Roman law. To assist the emperor in responding to petitions. — Also termed libellum agere.

**LIBELLOUS**

libellous, adj. See LIBELOUS.

**LIBELLUS**

libellus (I<<schwa>>-bel-<<schwa>>s), n. [Latin] 1. Roman law. A small book; a written statement to a court; 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**

libellus accusatorius (I<<schwa>>-bel-<<schwa>>s <<schwa>>-kyoo-z<<schwa>>-tor-ee-<<schwa>>s). [Latin] Roman law. A criminal accusation in writing.

**LIBELLUS APPELLATORIUS**

libellus appellatorius (I<<schwa>>-bel-<<schwa>>s <<schwa>>-pel-<<schwa>>-tor-ee-<<schwa>>s). [Latin] Roman law. A written appeal in cognitio proceedings.

**LIBELLUS CONVENTIONIS**

libellus conventionis (I<<schwa>>-bel-<<schwa>>s k<<schwa>>n-ven-shee-oh-nis). [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

libellus divortii (l<<schwa>>-bel-<<schwa>>s di-vor-shee-I). [Latin] Roman law. A bill of divorce. • In the later Roman Empire, also termed libellus repudii.

#### LIBELLUS FAMOSUS

libellus famosus (l<<schwa>>-bel-<<schwa>>s f<<schwa>>-moh-s<<schwa>>s). [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 (ediderit) 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 REPUDIII

libellus repudii (l<<schwa>>-bel-<<schwa>>s ri-pyoo-dee-I). See LIBELLUS DIVORTII .

#### LIBELLUS RERUM

libellus rerum (l<<schwa>>-bel-<<schwa>>s reer-<<schwa>>m), n.[Latin] Hist. An inventory.

#### LIBELLUS SUPPLEX

libellus supplex (l<<schwa>>-bel-<<schwa>>s s<<schwa>>p-leks). [Latin] Roman law. A petition, esp. to the emperor. • All petitions to the emperor had to be in writing.

#### LIBEL OF ACCUSATION

libel of accusation.Scots law. The instrument stating the criminal charge against an accused person.

#### LIBEL OF INFORMATION

libel of information.Maritime law. See LIBEL(3).

#### LIBEL OF REVIEW

libel of review.Maritime law. A new proceeding attacking a final decree after the right to appeal has expired. See LIBEL(3).

#### LIBELOUS

libelous,adj. Constituting or involving libel; defamatory <a libelous newspaper story>. — Also spelled libellous. [Cases: Libel and Slander 6–14. C.J.S. Libel and Slander; Injurious Falsehood§§ 2, 5, 10–12, 17–42, 104.]

#### LIBEL PER QUOD

libel per quod. See LIBEL.

#### LIBEL PER SE

libel per se. See LIBEL.

#### LIBER

liber (II-b<<schwa>>r), adj. [Latin "free"] 1. (Of courts, public places, etc.) open and accessible. 2. (Of a person) having the state or condition of a freeman. 3. (Of a person) free from another's service or authority.

liber (II-b<<schwa>>r), n. [Latin "book"] 1. A book of records, esp. of deeds. 2. A main division of a literary or professional work.

#### LIBERA BATELLA

libera batella (lib-<<schwa>>r-<<schwa>> b<<schwa>>-tel-<<schwa>>), n. [Latin "free boat"] Hist. The right to have a boat fish in certain waters; free fishery.

#### LIBERA CHASEA HABENDA

libera chasea habenda (lib-<<schwa>>r-<<schwa>> chay-see-<<schwa>> h<<schwa>>-ben-d<<schwa>>), n. [Law Latin] Hist. A judicial writ granting a person the right to a free chase after game belonging to the person's manor, after the jury's verdict granting that right. See CHASE.

#### LIBERA ELEEMOSYNA

libera eleemosyna (lib-<<schwa>>r-<<schwa>> el-<<schwa>>-mos-<<schwa>>-n<<schwa>>). See FRANKALMOIN.

#### LIBERA FALDA

libera falda (lib-<<schwa>>r-<<schwa>> fal-d<<schwa>> orfawl-d<<schwa>>). See DE LIBERA FALDA.

#### LIBERAL

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

liberal construction. See CONSTRUCTION.

#### LIBERA LEX

libera lex (lib-<<schwa>>r-<<schwa>> 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 AMITTERE.

#### LIBERAL INTERPRETATION

liberal interpretation. See INTERPRETATION.

#### LIBERAM LEGEM AMITTERE

liberam legem amittere (lib-⟨schwa⟩r-⟨schwa⟩m lee-j⟨schwa⟩m ⟨schwa⟩-mit-⟨schwa⟩-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 “villenous 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

libera piscaria (lib-⟨schwa⟩r-⟨schwa⟩ pis-kair-ee-⟨schwa⟩). See free fishery under FISHERY(1).

#### LIBERARE

liberare (lib-⟨schwa⟩-rair-ee), vb. 1. Civil law. To set (a person) free. 2. Hist. To deliver or transfer (a writ, etc.).

#### LIBERARI FACIAS

liberari facias (lib-⟨schwa⟩-rair-ee fay-shee-⟨schwa⟩s). [Law Latin “that you cause to be delivered”] Hist. A writ of execution ordering a sheriff to seize the debtor's unsalable real property and deliver it to the creditor to satisfy the creditor's claim. Cf. LEVARI FACIAS; FIERI FACIAS.

#### LIBER ASSISARUM

Liber Assisarum (II-b⟨schwa⟩r as-I-zair-⟨schwa⟩m), 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

liberate (lib-⟨schwa⟩-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 , (2).

liberate,vb. To set (a person) free, as from slavery, bondage, or hostile control.

#### LIBERATIO

liberatio (lib-⟨schwa⟩-ray-shee-oh), n.[Law Latin] Hist. Money paid for the delivery or use of a thing; a payment.

#### LIBERATIO LEGATA

liberatio legata (lib-⟨schwa⟩-ray-shee-oh l⟨schwa⟩-gay-t⟨schwa⟩). See LEGATUM LIBERATIONIS.

#### LIBERATION

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

liberation movement.Int'l law. An organized effort to achieve the political independence of a particular nation or people.

#### LIBERATIO NOMINIS

liberatio nominis (lib-⟨schwa⟩-ray-shee-oh nahm-⟨schwa⟩-nis). [Latin] Roman law. The discharge of a debt.

#### LIBERATIVE

liberative,adj. Serving or tending to free or release.

#### LIBERATIVE PRESCRIPTION

liberative prescription.See PRESCRIPTION.

#### LIBER AUTHENTICORUM

Liber Authenticorum (lɪ-b⟨schwa⟩-r aw-then-t⟨schwa⟩-kor-⟨schwa⟩m). [Latin] Roman law. A translated, unabridged collection of Justinian's Greek Novels, assembled between A.D. 535 and 556. • This collection is distinguished from the similar work, the Epitome Juliani. — Also termed Authenticum.

#### LIBERA WARRENA

libera warrena (lib-⟨schwa⟩-r-⟨schwa⟩ wor-ee-n⟨schwa⟩). See free warren under WARREN.

#### LIBER BANCUS

liber bancus (II-b<<schwa>>r bang-k<<schwa>>s). See FREE BENCH.

#### LIBER ET LEGALIS HOMO

liber et legalis homo (II-b<<schwa>>r et l<<schwa>>-gay-lis hoh-moh). See LEGALIS HOMO.

#### LIBERI

liberi (lib-<<schwa>>r-I), n. pl.[Latin] Roman law. 1. Children. 2. Descendants. • In the praetorian rules of intestate succession, liberi were the first rank of claimants, comprising the sui heredes of the Twelve Tables, and some others, such as emancipated children. Cf. LEGITIMI HEREDES.

#### LIBERIS NASCITURIS

liberis nascituris (lib-<<schwa>>r-is nas-<<schwa>>-t[y]uur-is). [Latin] Hist. To children yet to be born. • The phrase usu. referred to designations made in marriage contracts.

#### LIBER IUDICIORUM

liber iudiciorum. See LEX VISIGOTHORUM.

#### LIBER JUDICIALIS OF ALFRED

liber judicialis of Alfred (II-b<<schwa>>r joo-dish-ee-ay-lis), n.[Law Latin] See DOOMBOOK.

#### LIBER NIGER

liber niger (II-b<<schwa>>r nI-j<<schwa>>r), n.[Latin “black book”] Hist. An ancient record, such as the register in the Exchequer and the register of charters of abbeys and cathedrals.

#### LIBER NIGER PARVUS

Liber Niger Parvus (II-b<<schwa>>r nI-j<<schwa>>r pahr-v<<schwa>>s). See BLACK BOOK OF THE EXCHEQUER .

#### LIBER RUBER SCACCARII

liber ruber scaccarii (II-b<<schwa>>r roo-b<<schwa>>r sk<<schwa>>-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

libertas (li-b<<schwa>>r-tas orlib-<<schwa>>r-tas), n.[Latin “liberty, freedom”] Hist. A privilege or franchise.

#### LIBERTAS ECCLESIASTICA

libertas ecclesiastica (li-b<<schwa>>r-tas e-klee-z[h]ee-as-ti-k<<schwa>>), n.[Law Latin “church liberty”] Hist. Immunity from secular law, enjoyed by the church and the clergy, who are

subject to ecclesiastical law. • This immunity was created in Magna Carta (1215).

#### LIBERTATIBUS ALLOCANDIS

libertatibus allocandis (lib-*schwa*-r-tay-t*schwa*-b*schwa*s al-*schwa*-kan-dis). See DE LIBERTATIBUS ALLOCANDIS.

#### LIBERTATIBUS EXIGENDIS IN ITINERE

libertatibus exigendis in itinere (lib-*schwa*-r-tay-t*schwa*-b*schwa*s ek-s*schwa*-jen-dis in I-tin-*schwa*-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

liberti (li-b*schwa*-r-tl), n. pl.[Latin] Roman law. Manumitted slaves, considered in their relation with their former masters, who were known as patrons. Cf. INGENUUS; LIBERTINI.

#### LIBERTICIDE

liberticide (l*schwa*-b*schwa*-r-t*schwa*-sId), n.1. The destruction of liberty. 2. A destroyer of liberty. — liberticidal,adj.

#### LIBERTIES

liberties.Hist. 1. Privileged districts exempt from the sheriff's jurisdiction. 2. In American colonial times, laws. 3. Political subdivisions of Philadelphia.

#### LIBERTINI

libertini (lib-*schwa*-r-tl-nl), n. pl.[Latin] Roman law. See LATINI JUNIANI.

#### LIBERTY

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>. [Cases: Constitutional Law 83, 254.1. C.J.S. Constitutional Law §§ 472, 511, 977–978, 980, 1418; Right to Die§ 2.]

“[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 ... [is] 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. [Cases: Constitutional Law 83. C.J.S. Constitutional Law §§ 472, 511.]

political liberty. A person's freedom to participate in the operation of government, esp. in elections and 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. [Cases: Constitutional Law 84. C.J.S. Constitutional Law §§ 513–517.]

#### LIBERTY CLAUSE

Liberty Clause. The Due Process Clause in the 14th Amendment to the U.S. Constitution. See DUE PROCESS CLAUSE. [Cases: Constitutional Law 251–320.5. C.J.S. Constitutional Law §§ 455, 461–467, 470, 501, 503, 513, 518, 540, 557, 576–581, 585, 587, 596, 612, 614–618, 704, 883, 945–1348, 1350–1396, 1399–1401, 1405–1427; Right to Die § 2; Zoning and Land Planning § 23.]

#### LIBERTY INTEREST

liberty interest. See INTEREST(2).

#### LIBERTY NOT

liberty not. See NO-DUTY.

#### LIBERTY OF A PORT

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

liberty of contract. See FREEDOM OF CONTRACT.

#### LIBERTY OF SPEECH

liberty of speech. See FREEDOM OF SPEECH.

#### LIBERTY OF THE GLOBE

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. [Cases: Insurance 2214.]

#### LIBERTY OF THE PRESS

liberty of the press. See FREEDOM OF THE PRESS.

#### LIBERUM MARITAGIUM

liberum maritagium (lib-*schwa*-*r-schwa*-*m mar-schwa-tay-jee-schwa*), n. See FRANKMARRIAGE.

#### LIBERUM SERVITIUM

liberum servitium (lib-*schwa*-*r-schwa*-*m s-schwa-r-vish-ee-schwa*), n. [Law Latin] See SERVITIUM LIBERUM.

#### LIBERUM SOCAGIUM

liberum socagium (lib-*schwa*-*r-schwa*-*m sok-ay-jee-schwa*), n. [Law Latin] See free socage under SOCAGE.

#### LIBERUM TENEMENTUM

liberum tenementum (lib-*schwa*-*r-schwa*-*m ten-schwa-men-t-schwa*), 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. [Cases: Trespass 25, 27. C.J.S. Trespass §§ 46-56, 167.] 2. FREEHOLD.

#### LIBERUM VETO

liberum veto. See VETO.

## LIBOR

LIBOR. abbr. See LONDON INTERBANK OFFERED RATE.

## LIBRA

libra (II-br<<schwa>>), n. [Latin] Hist. An English pound; a sum of money equal to a pound sterling. Pl. librae.

libra arsa (II-br<<schwa>> ahr-s<<schwa>>), n. [Law Latin] Hist. A pound melted to test its purity.

libra numerata (II-br<<schwa>> n[y]oo-m<<schwa>>-ray-t<<schwa>>), n. [Law Latin] Hist. A pound of money that has been counted.

libra pensa (II-br<<schwa>> pen-s<<schwa>>), n. [Law Latin] Hist. A pound of money by weight.

## LIBRARIAN

librarian. Parliamentary law. An officer charged with custody of an organization's books, periodicals, and other published matter, and sometimes of the organization's own archives and files as well.

## LIBRARY OF CONGRESS

Library of Congress. A library on the U.S. Capitol grounds responsible for conducting research for members of Congress and congressional committees. • The Library maintains collections of materials that in many areas are the world's most extensive. Headed by a Librarian appointed by the President with the advice and consent of the Senate, it was established in 1860. 2 USCA §§ 131 et seq.

## LIBRIPENS

libripens (lib-r<<schwa>>-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 important property; a scale-holder. • 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 MANCIPATION.

## LICENSE

license, n. 1. A permission, usu. revocable, to commit some act that would otherwise be unlawful; esp., an agreement (not amounting to a lease or profit à prendre) that it is 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(1). [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

“[A] license is an authority to do a particular act, or series of acts, upon another's land, without possessing any estate therein. It is founded in personal confidence, and is not assignable,

nor within the statute of frauds.” 2 James Kent, Commentaries on American Law \*452–53 (George Comstock ed., 11th ed. 1866).

2. The certificate or document evidencing such permission. — license,vb.

artistic license.An open-source license that prohibits the sale of modified software unless it is included in a package with other software.

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. [Cases: Licenses 43, 57. C.J.S. Easements § 9; Licenses §§ 88, 95, 101–102.]

blanket license.Copyright. A license granted by a performing-rights society, such as ASCAP or BMI, to use all works in the society's portfolio in exchange for a fixed percentage of the user's revenues.

box-top license.See shrink-wrap license.

BSD license.A form of open-source license that allows users to incorporate the source code into proprietary products as long as the names of the original creator or contributors are not used to endorse or promote the products without permission. — Also termed BSD-style license.

click-wrap license.See POINT-AND-CLICK AGREEMENT.

compulsory license. 1.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. — Also termed equitable remuneration. [Cases: Copyrights and Intellectual Property 48.1. C.J.S. Copyrights and Intellectual Property §§ 86–91.] 2.Patents. A statutorily created license that allows certain people to pay a royalty and use an invention without the patentee's permission. • While some nations currently recognize compulsory licenses, the United States never has.

cross-license.Patents. An agreement between two or more patentees to exchange licenses for their mutual benefit and mutual use of the licensed products. [Cases: Patents 206. C.J.S. Patents § 342.]

distribution license.A marketing license, usu. limited by geography.

exclusive license.A license that gives the licensee the sole right to perform the licensed act, often in a defined territory, and that prohibits the licensor from performing the licensed act and from granting the right to anyone else; esp., such a license of a copyright, patent, or trademark right. [Cases: Patents 211(1). C.J.S. Patents § 348.]

general-public license.See open-source license.

implied license.A royalty-free license arising from a property owner's conduct regarding another person's use of the property even though the owner has not expressly consented to the property's use. • In a patent context, the circumstances surrounding the conduct give rise to an affirmative grant of consent or permission to infringe a patent's claims. For example, the conduct

of a patentee who encourages the manufacture of infringing products may constitute an implied license to use the patent. An implied license may also arise when a patentee authorizes the sale or express grant of a license to a buyer, who then resells the license to a third party; the third party is the patentee's implied licensee. [Cases: Patents 210. C.J.S. Patents § 346.]

**implied license by acquiescence.**An implied license that arises from the patentee's tacit or passive acceptance of or implied consent to an otherwise infringing act.

**implied license by conduct.**An implied license based on the patentee's course of conduct, including language, from which another person could properly infer that the patentee consented to the other's use of the patent. See implied license by equitable estoppel; implied license by legal estoppel.

**implied license by equitable estoppel.**An implied license usu. based on the patentee's failure to take timely action to enforce patent rights against an infringer after objecting to the infringer's actions, thereby misleading the infringer into believing that the patentee will not act. See *A.C. Aukerman Co. v. R.L. Chaides Constr. Co.*, 960 F.2d 1020, 1042–43 (Fed. Cir. 1992).

**implied license by legal estoppel.**An implied license usu. based on the patentee's broadcast grant of a right or interest that cannot be derogated by the patentee's later acts.

**label license.**A notice on an item's package granting the purchaser a license to practice the process by using the item without additional payments to the licensor.

**license coupled with an interest.**An irrevocable license in real estate that confers the right (not the mere permission) to perform an act or acts upon the property; esp., a license incidental to the ownership of an interest in a chattel located on the land with respect to which the license exists. • This type of license is considered an interest in the land itself. An injunction may be obtained to prevent the wrongful revocation of such a license. — Also termed license coupled with the grant of an interest. [Cases: Licenses 43, 57. C.J.S. Easements § 9; Licenses §§ 88, 95, 101–102.]

“A licence may be coupled with some interest in the land or chattels thereon. Thus the right to enter another man's land to hunt and take away the deer killed, or to cut down a tree and remove it, involves the grant of an interest in the deer or tree and also a licence annexed to it to come on the land. The interest must be a recognised interest in the property, and it must have been validly created. Thus at law a right to take game or minerals, being a profit à prendre, must have been created by deed or prescription, whereas no formalities are required for the grant of a right to take away chattels, such as felled timber or cut hay. Equity will give effect to a specifically enforceable agreement to grant an interest, so that a licence coupled with a profit à prendre granted merely in writing but for value may be protected by injunction.” Robert E. Megarry & M.P. Thompson, *A Manual of the Law of Real Property* 428 (6th ed. 1993).

**mechanical license.**A grant of the right to produce and release a copyrighted work in exchange for a royalty based on the number of units manufactured and sold.

**mere license.**See bare license.

**Mozilla public license.**An open-source license that allows software users to modify and



publicly distribute the software, but requires users to release the changed software under the same copyright as the original source code, and to release all claims to patent rights. • The Mozilla public license was developed for the Netscape and Netscape Communicator browsers but is not limited to use with them. — Abbr. MPL.

naked license. 1. A license allowing a licensee to use a trademark on any goods and services the licensee chooses. [Cases: Trade Regulation 108. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 209–212.] 2. See bare license.

nonexclusive license. A license of intellectual-property rights that gives the licensee a right to use, make, or sell the licensed item on a shared basis with the licensor and possibly other licensees.

nonmetered license. Patents. An agreement to allow a patent's use in exchange for a flat percentage of sales, regardless of how much the patent is actually used. • The Supreme Court rejected a nonmetered license as patent misuse, saying the buyer has a right to insist on paying only for actual use. *Zenith Radio Co. v. Hazeltine Research, Inc.*, 395 U.S. 100, 89 S.Ct. 1562 (1969). See PATENT-MISUSE DOCTRINE. [Cases: Patents 218(5). C.J.S. Patents § 371.]

open-source license. A license that allows open-source software users to copy, distribute, or modify the source code, and publicly distribute derived works based on the source code. • Open-source licenses usu. do not require royalty or other fees on distribution. The license typically requires a user who redistributes original or modified software that was received under an open-source license to provide the original license terms, including all disclaimers, to all future users, and to distribute the source code with any machine-executable software. It is unclear who has the right or power to enforce the terms of an open-source license. — Sometimes termed general-public license.

proprietary license. A license that restricts a software user's ability to copy, distribute, or modify the software.

shrink-wrap license. A license printed on the outside of a software package to advise the buyer that by opening the package, the buyer becomes legally bound 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. See POINT-AND-CLICK AGREEMENT. [Cases: Copyrights and Intellectual Property 107.]

site license. Copyright. A software license that allows a company to install a set number of copies on individual computers within the company.

synchronization license. A license to reproduce and synchronize a copyrighted musical composition with visual images that are not covered by the musical work's copyright. • Synchronization rights are commonly associated with audiovisual productions, such as music videos or movies.

tear-me-open license.See shrink-wrap license.

use-based license.An open-source software license to which the user assents by acting according to the license's terms, namely, by using, modifying, or distributing the licensed software.

• Unlike a point-and-click agreement, a use-based license does not require the user to expressly declare acceptance of the license terms before using the software.

#### LICENSE BOND

license bond.See BOND(2).

#### LICENSE COUPLED WITH THE GRANT OF AN INTEREST

license coupled with the grant of an interest.See license coupled with an interest under LICENSE.

#### LICENSEE

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. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

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. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

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. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

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. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

licensee with an interest.See INVITEE.

mere licensee.See bare licensee.

naked licensee.See bare licensee.

#### LICENSE FEE

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. [Cases: Licenses 1. C.J.S. Architects § 8; Licenses §§ 2–4.] 2. A charge of this type accompanied by a requirement that the licensee take some action, or be subjected to regulations or restrictions. [Cases: Licenses 1. C.J.S. Architects § 8; Licenses §§ 2–4.]

#### LICENSE IN AMORTIZATION

license in amortization.Hist. A license authorizing the conveyance of property otherwise invalid under the statutes of mortmain. See MORTMAIN.

#### LICENSE TAX

license tax.See LICENSE FEE(1).

#### LICENSING

licensing. 1. The sale of a license authorizing another to use something (such as computer software) protected by copyright, patent, or trademark. [Cases: Copyrights and Intellectual Property 48; Patents 206; Trade Regulation 108. C.J.S. Copyrights and Intellectual Property §§ 27, 29, 33–34, 93; Patents § 342; Trade-Marks, Trade-Names, and Unfair Competition §§ 209–212.] 2. A governmental body's process of issuing a license. — Also termed (in sense 2) licensure. [Cases: Licenses 1. C.J.S. Architects § 8; Licenses §§ 2–4.]

#### LICENSOR

licensor. One who grants a license to another. — Also spelled licenser. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

#### LICENSURE

licensure. See LICENSING(2).

#### LICENTIA

licentia (li-sen-shee-<<schwa>>), n.[fr. Latin licere “to be lawful”] Hist. License; permission.

#### LICENTIA CONCORDANDI

licentia concordandi (li-sen-shee-<<schwa>> kon-kor-dan-dI), 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

licentia loquendi (li-sen-shee-<<schwa>> loh-kwen-dI). [Latin “license to speak”] See IMPARLANCE.

#### LICENTIA SURGENDI

licentia surgendi (li-sen-shee-<<schwa>> s<<schwa>>r-jen-dI), 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; DE ESSONIO DE MALO LECTI.

#### LICENTIATE

licentiate (II-sen-shee-<<schwa>>t), 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>.

#### LICENTIA TRANSFRETANDI

licentia transfretandi. See DE LICENTIA TRANSFRETANDI.

#### LICENTIOUS

licentious (II-sen-sh<<schwa>>s), adj. Lacking or ignoring moral or legal restraint, esp. in sexual activity; lewd; lascivious. — licentiousness, n.

#### LICERE

licere (li-seer-ee), vb. [Latin] Roman law. To be allowed by law. • The stipulation habere licere guaranteed the buyer indemnity from eviction.

#### LICERI

liceri. See LICITARI.

#### LICET

licet (II-set orlis-<<schwa>>t). [Latin] Hist. 1. It is permitted; it is lawful. 2. It is conceded; it is granted.

#### LICIT

licit (lis-it), adj. Not forbidden by law; permitted; legal. — licitly, adv.

#### LICITARI

licitari (lis-<<schwa>>-tair-ee), vb. [Latin] Roman law. To bid for an item, esp. repeatedly during the same sale. — Also termed liceri.

#### LICITATION

licitation (lis-<<schwa>>-tay-sh<<schwa>>n). 1. The offering for sale or bidding for purchase at an auction; esp., in civil law, a judicial sale of property held in common. See La. Civ. Code art. 811. [Cases: Husband and Wife 272(5); Partition 99. C.J.S. Partition § 149.] 2. CANT.

#### LICITATOR

licitator (lis-<<schwa>>-tay-t<<schwa>>r), n. [Latin] Roman law. The bidder at a sale.

#### LICTOR

lictor (lik-t<<schwa>>r), n.[Latin] Roman law. An officer who accompanied a magistrate having imperium and traditionally carried a bundle of rods and an ax, symbolizing the magistrate's powers of life and death and of corporal punishment over citizens. See IMPERIUM.

#### LIDFORD LAW

Lidford law (lid-f<<schwa>>rd).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(1).

#### LIE

lie,vb.1. To tell an untruth; to speak or write falsely <she lied on the witness stand>. See PERJURY. Cf. FABRICATE. [Cases: Perjury 12.C.J.S. Perjury §§ 6–11, 17–20.] 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>.

#### LIEBER CODE

Lieber Code.A codification of rules and customs of warfare, first developed by Francis Lieber during the American Revolution, formally adopted as law by Abraham Lincoln during the Civil War, and used as the basis for the first codified international rules of law at The Hague Peace Conference of 1899. • The rules were extended and refined in another Hague convention in 1907, and became known as the Law of The Hague. See LAW OF THE HAGUE.

#### LIE DETECTOR

lie detector.See POLYGRAPH.

#### LIEGE

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

liege homage,n. Hist. Homage paid by one sovereign to another, including pledges of loyalty and services.

#### LIEGE LORD

liege lord,n. Hist. See LIEGE(3).

#### LIEGE MAN

liege man,n. Hist. See LIEGE(1).

#### LIEGE POUSTIE

liege poustie (leej pow-stee). [Law French “liege power” fr. Latin legitima potestas “lawful power”] Scots law. The lawful power of one in good health, as a result of which the person might dispose of heritable property. • The phrase often appeared attributively, as in liege poustie conveyance. Cf. LEGITIMA POTESTAS.

“LIEGE POUSTIE; is that state of health which gives a person full power to dispose mortis causa, or otherwise, of his heritable property. The term, according to our institutional writers, is derived from the words legitima potestas, signifying the lawful power of disposing of property at pleasure. It is used in contradistinction to deathbed — a liege poustie conveyance being a conveyance not challengeable on the head of deathbed .... The tests of liege poustie, opposed to the presumption of deathbed, are survivance during sixty days, and going to kirk or market unsupported.” William Bell, *Bell's Dictionary and Digest of the Law of Scotland* 662 (George Watson ed., 7th ed. 1890).

“[A] liege poustie conveyance being one not challengeable by the heir on the ground of death-bed. This condition of health the granter of a deed was held to have enjoyed, if at the time of granting it he was not affected by the disease of which he died, or if, after executing it, he attended kirk or market, unsupported, or survived for sixty days.” John Trayner, *Trayner's Latin Maxims* 329 (4th ed. 1894).

#### LIEGER

lieger, n. Archaic. See LEDGER(2).

#### LIEGE SUBJECT

liege subject. See natural-born subject under SUBJECT.

#### LIEGE WOMAN

liege woman, n. Hist. See LIEGE(1).

#### LIE IN FRANCHISE

lie in franchise, vb. Hist. (Of wrecks, waifs, strays, etc.) to be seizable without judicial action.

#### LIE IN GRANT

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

lie in livery, vb. Hist. (Of corporeal hereditaments) to be passable by livery of seisin rather than by deed.

#### LIEN

lien (leen orlee-<<schwa>>n), 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. Cf. PLEDGE(3). [Cases:

Liens 1.C.J.S. Liens §§ 2–3, 12, 18.] — lien,vb. — lienable, liened,adj.

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. [Cases: Principal and Agent 90. C.J.S. Agency § 357.]

agister's lien (<<schwa>>-jis-t<<schwa>>rz). A lien on the animals under an agister's care, to secure payment of the agister's fee. See AGISTER; AGISTMENT. [Cases: Animals 26. C.J.S. Animals § 62.]

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. [Cases: Agriculture 10. C.J.S. Agriculture §§ 105, 113–114, 119–120.] 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)(5).

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. [Cases: Mechanics' Liens 36. C.J.S. Mechanics' Liens § 33.]

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. [Cases: Attachment 177; Federal Civil Procedure 589. C.J.S. Attachment §§ 203–205.]

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 (a charging lien) until the attorney's fees have been properly determined and paid. [Cases: Attorney and Client 171. C.J.S. Attorney and Client §§ 357–359.]

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. [Cases: Banks and Banking 134, 136. C.J.S. Banks and Banking §§ 293, 301–305, 312–313, 316.]

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. [Cases: Carriers 197. C.J.S. Aeronautics and Aerospace § 232; Carriers §§ 484, 486.]

charging lien. 1. An attorney's lien on a claim that the attorney has helped the client perfect, as through a judgment or settlement. [Cases: Attorney and Client 182. C.J.S. Attorney and Client § 359.] 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. [Cases: Internal Revenue 4781; Liens 1, 12. C.J.S. Internal Revenue § 719; Liens §§ 2–3, 12, 14, 18.]

common-law lien. 1. A lien granted by the common law, rather than by statute, equity, or agreement by the parties. [Cases: Liens 1. C.J.S. Liens §§ 2–3, 12, 18.] 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 (k<<schwa>>n-s<<schwa>>m-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-m<<schwa>>r-ij). A carrier's lien on goods for any unpaid demurrage charges. See DEMURRAGE. [Cases: Shipping 185. C.J.S. Shipping §§ 431, 439.]

dragnet lien. A lien that is enlarged to cover any additional credit extended to the debtor by the same creditor. [Cases: Secured Transactions 114. C.J.S. Secured Transactions § 83.]

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. — Also termed equitable levy. [Cases: Liens 7. C.J.S. Liens §§ 5–8.]



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(3). [Cases: Execution 106. C.J.S. Executions § 137.]

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 FACTOR(2). [Cases: Factors 47.]

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. [Cases: Secured Transactions 116. C.J.S. Secured Transactions § 85.] 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. [Cases: Federal Civil Procedure 609; Garnishment 106.]

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.

“The usage of any trade sufficient to establish a general lien, must ... have been so uniform and notorious, as to warrant the inference that the party against whom the right is claimed had knowledge of it. This general lien may also be created by express agreement; as, where one or more persons give notice that they will not receive any property for the purpose of their trade or business, except on condition that they shall have a lien upon it, not only in respect to the charges arising on the particular goods, but for the general balance of account. All persons who afterwards deal with them, with the knowledge of such notice, will be deemed to have acceded to that agreement.” 2 James Kent, Commentaries on American Law \*637 (George Comstock ed., 11th ed. 1866).

grantor's lien.See vendor's lien (1).

healthcare lien.A statutory lien asserted by an HMO, insurer, medical group, or independent practice association against those liable to the patient for damages, to recover money paid or claim money payable for healthcare services provided under a healthcare service plan or a disability insurance policy. — Also termed medical lien. Cf. hospital lien; workers'-compensation lien.

hospital lien.A statutory lien asserted by a hospital to recover the costs of emergency and

ongoing medical and other services. • The lien applies against any judgment, compromise, or settlement received by a hospital patient either from a third person who caused the patient's injuries or from the third person's insurer. See healthcare 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. — Also termed innkeeper's lien. [Cases: Innkeepers 13. C.J.S. Inns, Hotels and Eating Places § 19.]

inchoate lien (in-koh-it). A judgment lien that may be defeated if the judgment is vacated or a motion for new trial is granted. Cf. consummate lien.

innkeeper's lien.See hotelkeeper's 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. [Cases: Federal Civil Procedure 2671; Judgment 752–802. C.J.S. Judgments §§ 551–616.]

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. [Cases: Federal Civil Procedure 2671; Judgment 752. C.J.S. Judgments § 552.]

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. [Cases: Landlord and Tenant 239–257. C.J.S. Landlord and Tenant §§ 605–609, 611–615, 619–634, 636, 638, 640–657.]

lien of attachment.See attachment lien.

lien of factor at common law.Hist. A lien not created by statute; a common-law lien. [Cases: Factors 47.]

lien of garnishment.See garnishment lien.

lien of judgment.See judgment lien.

manufacturer's lien.A statutory lien that secures payment for labor or materials expended in producing goods for another.

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. [Cases: Maritime Liens 1. C.J.S. Maritime Liens §§ 2–3, 7, 13, 16.]

“The maritime lien has been described as one of the most striking peculiarities of Admiralty law, constituting a charge upon ships of a nature unknown alike to common law and equity. It arises by operation of law and exists as a claim upon the property, secret and invisible. A maritime lien may be defined as: (1) a privileged claim, (2) upon maritime property, (3) for service done to it or injury caused by it, (4) accruing from the moment when the claim attaches, (5) travelling with the property unconditionally, (6) enforced by means of an action in rem.” Griffith Price, *The Law of Maritime Liens* 1 (1940).

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). [Cases: Bailment 18(2); Mechanics' Liens 1. C.J.S. Bailments §§ 80–81, 84; Mechanics' Liens§ 2.]

medical lien.See healthcare lien.

mortgage lien.A lien on the mortgagor's property securing the mortgage. [Cases: Mortgages 145. C.J.S. Mortgages §§ 198, 200.]

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. [Cases: Municipal Corporations 519. C.J.S. Municipal Corporations §§ 1388–1389, 1391–1392.]

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.

“A general lien is the right to retain the property of another, for a general balance of accounts; but a particular lien is a right to retain it only for a charge on account of labor employed or expenses bestowed upon the identical property detained. The former is taken strictly, but the latter is favored in law. The right rests on principles of natural equity and commercial necessity, and it prevents circuitry of action, and gives security and confidence ....” 2 James Kent, *Commentaries on American Law* \*634 (George Comstock ed., 11th ed. 1866).

possessory garageman's lien.A lien on a vehicle in the amount of the repairs performed by the garage. [Cases: Automobiles 374. C.J.S. Motor Vehicles §§ 1627–1629, 1631–1633, 1639–1677.]

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 keep a client's papers until the client has paid for the attorney's services. • The attorney's retaining lien is not recognized in some states. [Cases: Attorney and Client 182(3). C.J.S. Attorney and Client §§ 376–377.]

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. [Cases: Bankruptcy 2580, 2583. C.J.S. Bankruptcy § 130.]

superlien. See SUPERLIEN.

tax lien. 1. A lien on property, and all rights to property, imposed by the federal government for unpaid federal taxes. [Cases: Internal Revenue 4765–4806. C.J.S. Internal Revenue §§ 499, 715–720, 751, 753–756, 759, 762, 764, 766–767; Social Security and Public Welfare § 202.] 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. [Cases: Taxation 501, 902, 1090, 1320. C.J.S. Social Security and Public Welfare § 202; Taxation §§ 824, 828–829, 834, 1779, 1972–1975, 2065.]

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. [Cases: Vendor and Purchaser 337. C.J.S. Vendor and Purchaser §§ 639, 653–654.]

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. [Cases: Vendor and Purchaser 246. C.J.S. Vendor and Purchaser §§ 529–530.] 2. A lien held by a seller of goods, who retains possession of the goods until the buyer has paid in full. [Cases: Sales 300. C.J.S. Sales § 328.]

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. [Cases: Warehousemen 29. C.J.S. Warehousemen and Safe Depositaries § 106.]

workers'-compensation lien. 1. A statutory lien, asserted by a healthcare provider, to recover the costs of emergency and ongoing medical and other services. • The lien applies against any workers'-compensation benefits paid to a patient. 2. A statutory lien, asserted by a workers'-compensation insurance carrier, against an insured worker's recovery from a third-party tortfeasor, to recover benefits paid to the injured worker. — Also termed workers'-compensation subrogation lien. Cf. healthcare lien.

#### LIENABLE

lienable,adj. (Of property) legally amenable to a lien; capable of being subject to a lien.

#### LIEN ACCOUNT

lien account.See ACCOUNT.

#### LIEN AVOIDANCE

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). [Cases: Bankruptcy 2571–2588, 2784. C.J.S. Bankruptcy §§ 110, 121, 123–125, 127, 129–132, 177–180.]

#### LIEN CREDITOR

lien creditor.See CREDITOR.

#### LIENEE

lienee (leen-eeor lee-<<schwa>>n-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

lienholder. A person having or owning a lien. — Also termed lienor; lienee.

#### LIEN JURISDICTION

lien jurisdiction.See LIEN THEORY.

#### LIEN OF A COVENANT

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

lien of attachment. See attachment lien under LIEN.

#### LIEN OF FACTOR AT COMMON LAW

lien of factor at common law. See LIEN.

#### LIEN OF GARNISHMENT

lien of garnishment. See garnishment lien under LIEN.

#### LIEN OF JUDGMENT

lien of judgment. See judgment lien under LIEN.

#### LIENOR

lienor. See LIENHOLDER.

#### LIEN STATE

lien state. See LIEN THEORY.

#### LIEN-STRIPPING

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 (*Dewsnup 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. [Cases: Bankruptcy 2575. C.J.S. Bankruptcy § 110.]

#### LIEN THEORY

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. [Cases: Mortgages 136. C.J.S. Mortgages § 183.]

#### LIEN WAIVER

lien waiver. See WAIVER(2).

#### LIEU CONUS

lieu conus (l[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

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lieu land.See LAND.

#### LIEUTENANCY

lieutenancy. The rank, office, or commission of a lieutenant. See COMMISSION OF LIEUTENANCY .

#### LIEUTENANT

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

lieutenant colonel.In the U.S. military, an officer next below colonel and above major.

#### LIEUTENANT COMMANDER

lieutenant commander.In the U.S. Navy, an officer next below commander and above lieutenant.

#### LIEUTENANT GENERAL

lieutenant general.In the U.S. Army, an officer next below four-star general and above major general.

#### LIEUTENANT GOVERNOR

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. [Cases: States 42. C.J.S. States § 131.]

#### LIFE ANNUITY

life annuity.See ANNUITY.

#### LIFE BENEFICIARY

life beneficiary.See BENEFICIARY.

#### LIFE-CARE CONTRACT

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. Cf. CORODY.

#### LIFE ESTATE

life estate.See ESTATE(1).

#### LIFE ESTATE PUR AUTRE VIE

life estate pur autre vie. See ESTATE(1).

#### LIFE EXPECTANCY

life expectancy. 1. The period that a person of a given age and sex is expected to live, according to actuarial tables. [Cases: Evidence 364. C.J.S. Evidence § 1007.] 2. The period that a given person is expected to live, taking into account individualized characteristics such as heredity, past and present diseases, and other relevant medical data. — Also termed (in both senses) expectation of life. See ACTUARIAL TABLE; LIFE TABLE. [Cases: Death 65. C.J.S. Death § 217.]

#### LIFE-HOLD

life-hold. See life land under LAND.

#### LIFE IN BEING

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. See IN BEING; RULE AGAINST PERPETUITIES. Cf. MEASURING LIFE. [Cases: Perpetuities 4(1). C.J.S. Perpetuities §§ 2, 12, 15–18, 20–24, 27–28, 30, 33, 35–36, 52–53.]

#### LIFE-INCOME PERIOD-CERTAIN ANNUITY

life-income period-certain annuity. See ANNUITY.

#### LIFE INSURANCE

life insurance. An agreement between an insurance company and the policyholder to pay a specified amount to a designated beneficiary on the insured's death. — Also termed (in Britain) assurance. See ASSURANCE(2). [Cases: Insurance 1011. C.J.S. Insurance §§ 10–14.]

“Life and accident insurance has been defined as a contract whereby one party, for a stipulated consideration, agrees to indemnify another against injury by accident or death from any cause not excepted in the contract. Strictly speaking, however, a contract of life insurance is not one of indemnity, but is an absolute engagement to pay a certain sum at the end of a definite or indefinite time.” 43 Am. Jur. 2d Insurance § 3 (1982).

corporate-owned life insurance. A life-insurance policy bought by a company on an employee's life, naming the company as beneficiary. — Abbr. COLI.

credit life insurance. Life insurance on a borrower, usu. in a consumer installment loan, in which the amount due is paid if the borrower dies.

decreasing-term life insurance. See decreasing term insurance under INSURANCE.

endowment life insurance. A type of life insurance that is payable either to the insured at the end of the policy period or to the insured's beneficiary if the insured dies before the period ends. — Also termed endowment insurance.

industrial life insurance. Life insurance characterized by (1) a small death benefit (usu. \$2,000



or less), (2) premium payments that are due weekly, biweekly, or monthly and that are collected at home by the insurer's representative, and (3) no required medical examination of the insured. — Sometimes shortened to industrial insurance.

**joint life insurance.**Life insurance on two or more persons, payable to the survivor or survivors when one of the policyholders dies.

**key-employee life insurance.**Life insurance taken out by a company on an essential or valuable employee, with the company as beneficiary. — Also termed key-employee insurance; key-man insurance; key-person insurance; key-executive insurance.

**last-survivor life insurance.**Life insurance on two or more persons, payable after all the insureds have died. — Also termed last-survivor insurance.

**limited-payment life insurance.**Life insurance that requires premium payments for less than the life of the agreement.

**national-service life insurance.**Life insurance available to a person in active U.S. military service on or after October 8, 1940, and issuable at favorable rates. • This insurance was established by the National Service Life Insurance Act of 1940, and is regulated by the Administrator of Veterans Affairs. 38 USCA §§ 1901–1929. [Cases: Armed Services 55. C.J.S. Armed Services § 192.]

**ordinary life insurance.** 1. Life insurance having an investment-sensitive cash value, such as whole life insurance or universal life insurance. • Ordinary insurance is one of three main categories of life insurance. — Often shortened to ordinary insurance. Cf. group insurance; industrial life insurance. 2. See whole life insurance.

**partnership life insurance.**See partnership insurance (1) under INSURANCE.

**single-premium life insurance.**Life insurance that is paid for in one installment rather than a series of premiums over time. — Also termed single-premium insurance.

**split-dollar life insurance.**An arrangement between two people (often an employer and employee) by which life insurance is written on the life of one, though both share the premium payments. • On the insured's death or other event terminating the plan, the noninsured person receives the cash value of the insurance as reimbursement, and the beneficiary named by the insured is entitled to the remainder. — Also termed split-dollar insurance.

**straight life insurance.**See whole life insurance.

**term life insurance.**Life insurance that covers the insured for only a specified period. • It pays a fixed benefit to a named beneficiary upon the insured's death but is not redeemable for a cash value during the insured's life. Cf. whole life insurance.

**universal life insurance.**A form of term life insurance in which the premiums are paid from the insured's earnings from a money-market fund.

**variable life insurance.**A form of life insurance in which the premiums are invested in

securities and whose death benefits thus depend on the securities' performance, though there is a minimum guaranteed death benefit.

whole life insurance. Life insurance that covers an insured for life, during which the insured pays fixed premiums, accumulates savings from an invested portion of the premiums, and receives a guaranteed benefit upon death, to be paid to a named beneficiary. • Such a policy may provide that at a stated time, premiums will end or benefits will increase. — Also termed ordinary life insurance; straight life insurance. Cf. term life insurance.

#### LIFE-INSURANCE TRUST

life-insurance trust. See TRUST.

#### LIFE INTEREST

life interest. An interest in real or personal property measured by the duration of the holder's or another named person's life. See life estate under ESTATE(1). [Cases: Life Estates 1. C.J.S. Estates §§ 28–29, 31, 34.]

#### LIFE LAND

life land. See LAND.

#### LIFELODE

lifelode. See LIVELODE.

#### LIFE OF A WRIT

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

life-owner. See LIFE TENANT.

#### LIFE PEERAGE

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

life policy. See INSURANCE POLICY.

#### LIFE-QUALIFIED JURY

life-qualified jury. See JURY.

#### LIFER

lifer. See NONREMOVABLE INMATE.

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**LIFERENT**

liferent.Scots law. The right to use and enjoy during a lifetime the property of another (the fiar) without consuming its substance. — Also spelled life-rent. See USUFRUCT.

**LIFERENTRIX**

liferentrix.Archaic. A woman who has a liferent.

**LIFE SENTENCE**

life sentence.See SENTENCE.

**LIFE SETTLEMENT**

life settlement.See viatical settlement under SETTLEMENT(2).

**LIFE-SUSTAINING PROCEDURE**

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. [Cases: Health 913.]

**LIFE TABLE**

life table.An actuarial table that gives the probable proportions of people who will live to different ages. Cf. ACTUARIAL TABLE. [Cases: Death 65; Evidence 364. C.J.S. Death § 217; Evidence § 1007.]

**LIFE TENANCY**

life tenancy.See life estate under ESTATE(1).

**LIFE TENANT**

life tenant.A person who, until death, is beneficially entitled to property; the holder of a life estate. — Also termed tenant for life; life-owner. See life estate under ESTATE(1). [Cases: Life Estates 1. C.J.S. Estates §§ 28–29, 31, 34.]

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. [Cases: Life Estates 1, 6. C.J.S. Estates §§ 28–29, 31, 34, 54.]

legal life tenant.A life tenant who is automatically entitled to possession by virtue of a legal estate. [Cases: Life Estates 1. C.J.S. Estates §§ 28–29, 31, 34.]

**LIFETIME GIFT**

lifetime gift.See inter vivos gift under GIFT.

**LIFO**

LIFO (II-foh).abbr.LAST-IN, FIRST-OUT.

#### LIFT

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>. [Cases: Mortgages 298(1). C.J.S. Mortgages §§ 451–455, 457–458.] 3.Slang. To steal <lift a purse>.

#### LIFTING COSTS

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

liga (lee-g<<schwa>>), n.[Law Latin] Hist. A league or confederation.

#### LIGAN

ligan (II-g<<schwa>>n), n. See LAGAN.

#### LIGARE

ligare (l<<schwa>>-gair-ee), vb.[Latin] Hist. 1. To tie or bind. 2. To enter into a treaty or league.

#### LIGEIA

ligeia (lee-jee-<<schwa>>), n.[Law Latin] Hist. A female subject; a liege woman. See LIEGE(1).

#### LIGEANCE

ligeance (II-j<<schwa>>nts orlee-j<<schwa>>nts).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. [Cases: International Law 10.3. C.J.S. International Law § 7.]

“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

ligen,n. See LAGAN.

#### LIGEUS

ligeus (lee-jee-<<schwa>>s), n.[Law Latin] Hist. A male subject; a liege man. See LIEGE(1).

#### LIGHT-AND-AIR EASEMENT

light-and-air easement. See EASEMENT.

#### LIGHTERAGE

lighterage (II-t<<schwa>>r-ij). 1. The loading and unloading of goods between a ship and a smaller vessel, called a lighter, that is able to use a restricted port or dock. [Cases: Shipping 126, 134, 141. C.J.S. Shipping §§ 278–280, 296–299, 306–311, 338–339.] 2. The compensation paid for this service. [Cases: Shipping 147. C.J.S. Shipping §§ 369–370.] 3. The loading and unloading of freight between a railroad car and a ship's side.

#### LIGHT MOST FAVORABLE

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 inferences <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. [Cases: Federal Civil Procedure 2543, 2609.]

#### LIGHTS, ANCIENT

lights, ancient. See ANCIENT-LIGHTS DOCTRINE.

#### LIGHT WORK

light work. See WORK(1).

#### LIGIA ET NON LIGIA

ligia et non ligia (lij-ee-<<schwa>> et non lij-ee-<<schwa>>). [Law Latin] Scots law. Liege and nonliege. • A liege fee was held under the Crown while a nonliege fee was held under a vassal of the Crown. See LIEGE.

#### LIGIUS

ligius (lee-jee-<<schwa>>s), n. [Law Latin] Hist. A person bound to another by solemn relationship, as between subject and sovereign. See LIEGE.

#### LIGNAGIUM

lignagium (lig-nay-jee-<<schwa>>m), n. [Law Latin] Hist. 1. A right to cut firewood. 2. The payment for this right.

#### LIGULA

ligula (lig-y<<schwa>>-l<<schwa>>), n. [Law Latin] Hist. A copy or transcript of a court roll or deed.

#### LIKE

like, adj. 1. Equal in quantity, quality, or degree; corresponding exactly <like copies>. 2. Similar or substantially similar <like character>.

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**LIKE-KIND EXCHANGE**

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. See IRC (26 USCA) § 1031. [Cases: Internal Revenue 3184. C.J.S. Internal Revenue §§ 120–121, 124.]

**LIKE-KIND PROPERTY**

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. [Cases: Internal Revenue 3184. C.J.S. Internal Revenue §§ 120–121, 124.]

**LIKELIHOOD-OF-CONFUSION TEST**

likelihood-of-confusion test. Trademarks. 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. [Cases: Trade Regulation 334. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 87.]

**LIKELIHOOD-OF-SUCCESS-ON-THE-MERITS TEST**

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**

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 Locomotive Eng'rs v. Atchison, Topeka & Santa Fe R.R., 516 U.S. 152, 116 S.Ct. 595 (1996).

**LIMENARCHA**

limenarcha (lim-<<schwa>>n-ahr-k<<schwa>>), n. [Latin] Roman law. An officer in charge of a harbor or frontier post.

**LIMINE**

limine. See IN LIMINE.

**LIMINE OUT**

limine out (lim-<<schwa>>-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**

limit, n. 1. A restriction or restraint. 2. A boundary or defining line. 3. The extent of power,

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right, or authority. — limit,vb. — limited,adj.

### LIMITATION

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; limitation of action. See STATUTE OF LIMITATIONS. Cf. LACHES. [Cases: Criminal Law 145.5–160; Limitation of Actions 1.C.J.S. Criminal Law §§ 196–207; Limitations of Actions §§ 2–4.] 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. [Cases: Deeds 124–134; Wills 616. C.J.S. Deeds §§ 245–252, 263–266, 270, 273–276; Wills §§ 1287–1293.]

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. [Cases: Landlord and Tenant 103(1). C.J.S. Landlord and Tenant §§ 109, 112, 115.]

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 an executory devise. It is 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.” [Cases: Deeds 124–134. C.J.S. Deeds §§ 245–252, 263–266, 270, 273–276.]

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. [Cases: Deeds 125, 126, 130. C.J.S. Deeds §§ 246, 249.]

“[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).

supplanting limitation.A limitation involving a secondary gift that is expressed in a clause following the original gift and that is typically introduced by the words “but if,” “and if,” or “in case.”

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**LIMITATION OF ACTION**

limitation of action. See **LIMITATION(3)**.

**LIMITATION OF ASSIZE**

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**

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. Cf. **LIQUIDATED-DAMAGES CLAUSE**. [Cases: Damages 76.C.J.S. Damages §§ 176, 185–187, 194.]

**LIMITATION-OF-LIABILITY ACT**

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)**. [Cases: Shipping 203.C.J.S. Shipping §§ 471–472, 477–478.]

**LIMITATION-OF-REMEDIES CLAUSE**

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. Cf. **LIQUIDATED-DAMAGES CLAUSE**; **PENALTY CLAUSE**. [Cases: Contracts 114; Sales 418(6), 426.C.J.S. Contracts § 271; Sales §§ 281–283, 376, 402.]

**LIMITATION ON INDEBTEDNESS**

limitation on indebtedness. See **DEBT LIMITATION**.

**LIMITATION PERIOD**

limitation period. See **LIMITATION(3)**.

**LIMITATIONS, STATUTE OF**

limitations, statute of. See **STATUTE OF LIMITATIONS**.

**LIMITATIONS PERIOD**

limitations period. 1. **LIMITATION(3)**. 2. **STATUTE OF LIMITATIONS**.

**LIMIT DEBATE**

limit debate. Parliamentary law. To set a limit on how long debate may continue, or on the number and length of speeches. See **DEBATE**. Cf. **CLOSE DEBATE** ; **EXTEND DEBATE**.

**LIMITED ADMINISTRATION**



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limited administration. See ADMINISTRATION.

LIMITED ADMISSIBILITY

limited admissibility. See ADMISSIBILITY.

LIMITED APPEAL

limited appeal. See APPEAL.

LIMITED APPEARANCE

limited appearance. See special appearance under APPEARANCE.

LIMITED-CAPACITY WELL

limited-capacity well. See WELL.

LIMITED COMPANY

limited company. See COMPANY.

LIMITED COURT

limited court. See COURT.

LIMITED DEBATE

limited debate. See DEBATE.

LIMITED DEFENSE

limited defense. See personal defense under DEFENSE(4).

LIMITED DIVORCE

limited divorce. See DIVORCE.

LIMITED EXECUTOR

limited executor. See EXECUTOR.

LIMITED FEE

limited fee. See base fee under FEE(2).

LIMITED GUARANTY

limited guaranty. See GUARANTY.

LIMITED INTERDICT

limited interdict. See INTERDICT(2).

LIMITED INTERDICTION

limited interdiction. See partial interdiction under INTERDICTION(3).

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**LIMITED INTERPRETATION**

limited interpretation. See restrictive interpretation under INTERPRETATION.

**LIMITED JURISDICTION**

limited jurisdiction. See JURISDICTION.

**LIMITED LIABILITY**

limited liability. See LIABILITY.

**LIMITED-LIABILITY COMPANY**

limited-liability company. See COMPANY.

**LIMITED-LIABILITY CORPORATION**

limited-liability corporation. See limited-liability company under COMPANY.

**LIMITED-LIABILITY PARTNERSHIP**

limited-liability partnership. See PARTNERSHIP.

**LIMITED-MARKET PROPERTY**

limited-market property. See special-purpose property under PROPERTY.

**LIMITED MEMBER**

limited member. See nonvoting member under MEMBER.

**LIMITED MONARCHY**

limited monarchy. See MONARCHY.

**LIMITED OWNER**

limited owner. See OWNER.

**LIMITED PARTNER**

limited partner. See PARTNER.

**LIMITED PARTNERSHIP**

limited partnership. See PARTNERSHIP.

**LIMITED PARTNERSHIP ASSOCIATION**

limited partnership association. See PARTNERSHIP ASSOCIATION.

**LIMITED-PAYMENT LIFE INSURANCE**

limited-payment life insurance. See LIFE INSURANCE.

**LIMITED POLICY**

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limited policy. See INSURANCE POLICY.

LIMITED-POLICY INSURANCE

limited-policy insurance. See INSURANCE.

LIMITED POWER OF APPOINTMENT

limited power of appointment. See POWER OF APPOINTMENT.

LIMITED PUBLICATION

limited publication. See PUBLICATION.

LIMITED PUBLIC FORUM

limited public forum. See designated public forum under PUBLIC FORUM.

LIMITED-PURPOSE MARRIAGE

limited-purpose marriage. See MARRIAGE(1).

LIMITED-PURPOSE PUBLIC FIGURE

limited-purpose public figure. See PUBLIC FIGURE.

LIMITED TRUST

limited trust. See TRUST.

LIMITED VETO

limited veto. See qualified veto under VETO.

LIMITED VOTING

limited voting. See VOTING.

LIMITED WARRANTY

limited warranty. See WARRANTY(2).

LIMIT OF LIABILITY

limit of liability. See LIABILITY LIMIT.

LIMIT ORDER

limit order. See ORDER(8).

LINCOLN'S INN

Lincoln's Inn. One of the Inns of Court. See INN OF COURT(1).

LINDBERGH ACT

Lindbergh Act. See FEDERAL KIDNAPPING ACT.

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**LINE**

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. In manufacturing, a series of closely related products. 4. 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 who are descendants of a common ancestor. [Cases: Descent and Distribution 32, 37. C.J.S. Descent and Distribution §§ 40–41, 44–49.]

direct line. A line of descent traced through only those persons who are related to each other directly as ascendants or descendants. [Cases: Descent and Distribution 25. C.J.S. Descent and Distribution § 32.]

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.

**LINEA**

linea (lin-ee-*<<schwa>>*), n. [Latin “line”] Hist. A line of descent.

linea directa (lin-ee-*<<schwa>>* d*<<schwa>>*-rek-t*<<schwa>>*). [Latin “direct line”] Roman law. The relationship among persons in the direct line of ascent and descent, such as grandfather, father, and son. — Also termed *linea recta*.

linea transversa (lin-ee-*<<schwa>>* trans-v*<<schwa>>*r-s-*<<schwa>>*). [Latin “transverse line”] Roman law. The relationship between persons in collateral lines of descent, such as uncle and nephew. — Also termed *linea obliqua*.

**LINEAGE**

lineage (lin-ee-*<<schwa>>*j). Ancestry and progeny; family, ascending or descending.

**LINEAL**

lineal (lin-ee-*<<schwa>>*l), adj. Derived from or relating to common ancestors, esp. in a direct line; hereditary. Cf. COLLATERAL(2). [Cases: Descent and Distribution 25. C.J.S. Descent and Distribution § 32.]

lineal, n. A lineal descendant; a direct blood relative.

**LINEAL ASCENDANT**

lineal ascendant. See ASCENDANT.

**LINEAL CONSANGUINITY**

lineal consanguinity. See CONSANGUINITY.

**LINEAL DESCENDANT**

lineal descendant. See DESCENDANT.

#### LINEAL DESCENT

lineal descent. See DESCENT.

#### LINEAL HEIR

lineal heir. See HEIR.

#### LINEAL WARRANTY

lineal warranty. See WARRANTY(1).

#### LINEA OBLIQUA

linea obliqua. See linea transversa under LINEA.

#### LINEA RECTA

linea recta. See linea directa under LINEA.

#### LINE-ITEM VETO

line-item veto. See VETO.

#### LINE OF CREDIT

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

line of demarcation. See DEMARCATION LINE.

#### LINE OF TITLE

line of title. CHAIN OF TITLE(1).

#### LINES AND CORNERS

lines and corners. See METES AND BOUNDS.

#### LINEUP

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. [Cases: Criminal Law 339.8. C.J.S. Criminal Law § 801.]

#### LINGLE TEST

Lingle test. Labor law. A test for determining whether a union member's state-law claim against the employer is preempted by the Labor-Management Relations Act, the controlling principle being that if the state-law claim can be resolved without interpreting the

collective-bargaining agreement, then there is no preemption. *Lingle v. Norge Division of Magic Chef, Inc.*, 486 U.S. 399, 108 S.Ct. 1877 (1988). See MARCUS MODEL; WHITE MODEL.

#### LINK

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>. [Cases: Weights and Measures 3. C.J.S. Weights and Measures § 3.] 3. See HYPERLINK.

#### LINK FINANCING

link financing.See FINANCING.

#### LINK-IN-CHAIN PRINCIPLE

link-in-chain principle.Criminal procedure. The principle that a criminal defendant's Fifth Amendment right against self-incrimination protects the defendant not only from answering directly incriminating questions but also from giving answers that might connect the defendant to criminal activity in the chain of evidence. [Cases: Criminal Law 393. C.J.S. Criminal Law § 645.]

#### LIP

LIP.abbr.LEGALLY INCAPACITATED PERSON.

#### LIQUERE

liquere (li-kweer-ee), vb.[Latin] Roman law. To be clear, evident, or apparent. • When a *judex* 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

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

liquid asset.See current asset under ASSET.

#### LIQUIDATE

liquidate,vb.1. To settle (an obligation) by payment or other adjustment; to extinguish (a debt).2. To ascertain the precise amount of (debt, damages, etc.) by litigation or agreement. 3. To determine the liabilities and distribute the assets of (an entity), esp. in bankruptcy or dissolution. 4. To convert (a nonliquid asset) into cash. 5. To wind up the affairs of (a corporation, business, etc.).6.Slang. To get rid of (a person), esp. by killing.

#### LIQUIDATED

liquidated,adj.1. (Of an amount or debt) settled or determined, esp. by agreement. 2. (Of an

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asset or assets) converted into cash.

**LIQUIDATED ACCOUNT**

liquidated account. See ACCOUNT.

**LIQUIDATED AMOUNT**

liquidated amount. A figure readily computed, based on an agreement's terms.

**LIQUIDATED CLAIM**

liquidated claim. See CLAIM(3).

**LIQUIDATED DAMAGES**

liquidated damages. See DAMAGES.

**LIQUIDATED-DAMAGES CLAUSE**

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 ; LIMITATION-OF-DAMAGES CLAUSE; PENALTY CLAUSE. [Cases: Damages 74–84. C.J.S. Damages §§ 175–179, 184–194.]

**LIQUIDATED DEBT**

liquidated debt. See DEBT.

**LIQUIDATED DEMAND**

liquidated demand. See liquidated claim under CLAIM(3).

**LIQUIDATING DISTRIBUTION**

liquidating distribution. See DISTRIBUTION.

**LIQUIDATING DIVIDEND**

liquidating dividend. See liquidation dividend under DIVIDEND.

**LIQUIDATING PARTNER**

liquidating partner. See PARTNER.

**LIQUIDATING PRICE**

liquidating price. See redemption price under PRICE.

**LIQUIDATING TRUST**

liquidating trust.See TRUST.

## LIQUIDATION

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.

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. [Cases: Internal Revenue 3820. C.J.S. Internal Revenue §§ 398–399, 402.]

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 § 337. [Cases: Internal Revenue 3698, 3711. C.J.S. Internal Revenue §§ 400, 403.]

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. See CHAPTER7. Cf. REHABILITATION (3). [Cases: Bankruptcy 2251. C.J.S. Bankruptcy § 50.]

## LIQUIDATION BANKRUPTCY

liquidation bankruptcy.See CHAPTER7 (2).

## LIQUIDATION DIVIDEND

liquidation dividend.See DIVIDEND.

## LIQUIDATION PREFERENCE

liquidation preference.See PREFERENCE.

## LIQUIDATION PRICE

liquidation price.See PRICE.

## LIQUIDATION VALUE

liquidation value.See VALUE(2).



**LIQUIDATOR**

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**

liquid debt. See DEBT.

**LIQUIDITY**

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**

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**

liquor offense. See OFFENSE(1).

**LIS**

lis (lis). [Latin] A piece of litigation; a controversy or dispute.

**LIS ALIBI PENDENS**

lis alibi pendens (lis al-<<schwa>>-bIpen-d<<schwa>>nz). [Latin] 1. A lawsuit pending elsewhere. 2. Hist. A preliminary defense that a case involving the same parties and the same subject is pending in another court. See LIS PENDENS .

**LIS EST SOPITA**

lis est sopita (lis est s<<schwa>>-pI-t<<schwa>>). [Latin] Hist. The suit is concluded; the issues in a case are decided. — Also termed lis est finita (lis est fi-nI-t<<schwa>>).

**LIS MOTA**

lis mota (lis moh-t<<schwa>>), n. [Latin “a lawsuit moved”] Hist. A dispute that has begun and later forms the basis of a lawsuit.

**LIS PENDENS**

lis pendens (lis pen-d<<schwa>>nz). [Latin] 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. [Cases: Lis Pendens 1, 12.1. C.J.S. Lis Pendens §§ 2–7.]

## LIST

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

listed security.See SECURITY.

## LISTED SECURITY EXCHANGE

listed security exchange.An organized secondary security market operating at a designated location, such as the New York Stock Exchange.

## LISTED STOCK

listed stock.See listed security under SECURITY.

## LISTER

lister. A person authorized to compile lists of taxable property for assessment and appraisal; an assessor.

## LISTING

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. [Cases: Brokers 40. C.J.S. Brokers §§ 117–120, 125, 143.]

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 listing; exclusive-authorization-to-sell listing. [Cases: Brokers 40, 46. C.J.S. Brokers §§ 117–120, 125, 143, 170, 175.]

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. [Cases: Brokers 40, 66. C.J.S. Brokers §§ 117–120, 125, 135, 141, 143, 185.]

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. [Cases: Brokers 40. C.J.S. Brokers §§ 117–120, 125, 143.]

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 commission 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. [Cases: Brokers 46. C.J.S. Brokers §§ 170, 175.]

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. [Cases: Exchanges 13.10. C.J.S. Exchanges §§ 17–18.]

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. [Cases: Taxation 328, 366. C.J.S. Taxation §§ 483, 535–536, 541, 544.]

#### LISTING AGENT

listing agent. The real-estate broker's representative who obtains a listing agreement with the owner. Cf. selling agent under AGENT(2). [Cases: Brokers 40. C.J.S. Brokers §§ 117–120, 125, 143.]

#### LISTING AGREEMENT

listing agreement. See LISTING(1).

#### LIST OF CREDITORS

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. [Cases: Bankruptcy 2324.]

#### LIST PRICE

list price. See PRICE.

#### LITEM

litem (II-tem or -t<<schwa>>m). See AD LITEM.

#### LITEM DENUNTIARE

litem denuntiare (II-tem d<<schwa>>-n<<schwa>>n-shee-air-ee). [Latin “to announce a suit”] Roman law. 1. The summoning of a defendant by a magistrate exercising *cognitio* 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

litem suam facere (II-tem s[y]oo-<<schwa>>m fay-s<<schwa>>-ree). [Latin “to make a suit

one's own"] Roman law. (Of a *judex*) to fail in his official duty through imprudence, such as not adhering to the formula, or not following due procedure. • This failure amounted to misconduct in the *judex's* duties, and a litigant was given a private action against him. The scope of actionable misconduct is not certain. It included not obeying the formula and not adjourning the trial properly, but it may also have included overt acts of corruption, such as accepting bribes.

#### LITE PENDENTE

lite pendente (II-tee pen-den-tee). [Latin] See PENDENTE LITE.

#### LITERA

litera (lit-<<schwa>>r-<<schwa>>), n.[Latin "letter"] Hist. 1.A letter. 2. The letter of a law, as distinguished from its spirit. — Also spelled *littera*. Pl. *litterae*. See LETTER(3).

#### LITERACY TEST

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. [Cases: Elections 59. C.J.S. Elections § 16.]

#### LITERAE MORTUAE

*litterae mortuae* (lit-<<schwa>>r-ee mor-choo-ee), n.[Latin] Hist. Dead letters; filler words in a statute.

#### LITERAE PATENTES

*litterae patentes* (lit-<<schwa>>r-ee p<<schwa>>-ten-teez), n.[Latin "open letters"] Hist. A public grant from the sovereign to a subject, conferring the right to land, a franchise, a title, liberty, or some other endowment. • The modern "patent" and, more closely, "letters patent" derive from this term. See LETTERS PATENT(1).

"The term 'patent' is short for 'letters patent,' derived from the Latin *litterae patentes*, meaning open letters. Generally, letters patent were letters addressed by the sovereign 'to all whom these presents shall come,' reciting a grant of some dignity, office, franchise, or other privilege that has been given by the sovereign to the patentee." Donald S. Chisum et al., *Principles of Patent Law* 2 (1998).

#### LITERAE PROCURATORIAE

*litterae procuratoriae* (lit-<<schwa>>r-ee prok-y<<schwa>>-r<<schwa>>-tor-ee-ee), n.[Law Latin] Hist. Letters of procuracy; letters of attorney; power of attorney. See POWER OF ATTORNEY.

#### LITERAE RECOGNITIONIS

*litterae recognitionis* (lit-<<schwa>>r-ee rek-<<schwa>>g-nish-ee-oh-nis), n.[Latin] Hist. A bill of lading. See BILL OF LADING.

#### LITERAE SIGILLATAE

literae sigillatae (lit-<<schwa>>r-ee sij-<<schwa>>-lay-tee), n.[Latin] Hist. Sealed letters. • A sheriff's return on a writ was often called literae sigillatae.

#### LITERAL

literal,adj. According to expressed language. • Literal performance of a condition requires exact compliance with its terms. [Cases: Contracts 152. C.J.S. Contracts §§ 307, 318–322, 327, 331.]

#### LITERAL CANON

literal canon.See STRICT CONSTRUCTIONISM.

#### LITERAL CONSTRUCTION

literal construction.See strict construction under CONSTRUCTION.

#### LITERAL CONTRACT

literal contract.See CONTRACT.

#### LITERA LEGIS

litera legis.See LETTER OF THE LAW.

#### LITERAL INFRINGEMENT

literal infringement.See INFRINGEMENT.

#### LITERAL INTERPRETATION

literal interpretation.See strict construction under CONSTRUCTION.

#### LITERAL PROOF

literal proof.See PROOF.

#### LITERAL RULE

literal rule.See STRICT CONSTRUCTIONISM.

#### LITERARY

literary,adj. Of or relating to literature, books, or writings.

#### LITERARY COMPOSITION

literary composition.An original expression of mental effort in written words arranged in an intelligent and purposeful order. See literary work under WORK(2). [Cases: Copyrights and Intellectual Property 5. C.J.S. Copyrights and Intellectual Property § 11.]

#### LITERARY EXECUTOR

literary executor.See EXECUTOR.

## LITERARY PROPERTY

literary property. 1. The physical property in which an intellectual production is embodied, such as a book, screenplay, or lecture. [Cases: Copyrights and Intellectual Property 41.3. C.J.S. Copyrights and Intellectual Property § 26.] 2. An owner's exclusive right to possess, use, and dispose of such a production. See COPYRIGHT; INTELLECTUAL PROPERTY. [Cases: Copyrights and Intellectual Property 36. C.J.S. Copyrights and Intellectual Property §§ 10, 40–41, 97.]

## LITERARY WORK

literary work. See WORK(2).

## LITERATE

literate, adj. 1. Able to read and write a language. 2. Knowledgeable and educated. — literacy, n.

## LITERATURA

literatura (lit-⟨schwa⟩r-⟨schwa⟩-t[y]uur-⟨schwa⟩), n. [Latin fr. *littera* “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

litigable (lit-⟨schwa⟩-g⟨schwa⟩-b⟨schwa⟩l), adj. Able to be contested or disputed in court <litigable claims>. — litigability, n.

## LITIGANT

litigant. A party to a lawsuit.

institutional litigant. See INSTITUTIONAL LITIGANT.

vexatious litigant. A litigant who repeatedly files frivolous lawsuits. • Many jurisdictions have statutes or local rules requiring a vexatious litigant to obtain the court's permission to file any further lawsuits or pleadings.

## LITIGATION

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.

complex litigation. Litigation involving several parties who are separately represented, and usu. involving multifarious factual and legal issues.

“What exactly is ‘complex litigation’? The problem is that no one really knows — or, more accurately perhaps, various definitions don't agree. Complex civil litigation has an ‘I-know-it-when-I-see-it’ quality. Nearly everyone agrees that matters like the massive asbestos

litigation, the AT&T antitrust suit, or the remedial phase of a school desegregation case are complex. But trying to find a common thread that both describes these cases and distinguishes them from the run-of-the-mill car crash is difficult.” Jay Tidmarsh & Roger H. Transgrud, *Complex Litigation 1* (2002).

#### LITIGATION COSTS

litigation costs. See COST(3).

#### LITIGATION PRIVILEGE

litigation privilege. See PRIVILEGE(1).

#### LITIGATOR

litigator. 1. A trial lawyer. 2. A lawyer who prepares cases for trial, as by conducting discovery and pretrial motions, trying cases, and handling appeals. 3. Archaic. A party to a lawsuit; a litigant.

#### LITIGIOUS

litigious (li-tij-<<schwa>>s), 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-<<schwa>>-tee), n.

#### LITIGIOUS RIGHT

litigious right. Civil law. A right that cannot be exercised without first being determined in a lawsuit. La. Civ. Code art. 2652. • If the right is sold, it must be in litigation at the time of sale to be considered a litigious right.

#### LITIS AESTIMATIO

litis aestimatio (II-tis es-t<<schwa>>-may-shee-oh). [Latin] Roman law. The judicial estimate of the measure of damages.

#### LITIS CONTESTATIO

litis contestatio (II-tis kon-tes-tay-shee-oh). [Latin] 1. Roman law. The final agreement of the parties to a suit on the formula the praetor would issue to the judex. — Also termed contestatio litis. See FORMULA.

“Both parties being present, or represented, before the praetor, the plaintiff stated the nature of his claim and asked for an action. It lay in the discretion of the praetor to give or to refuse it.... If, in the event, the praetor refused any action at all, or any action which the plaintiff was willing to accept, the matter was at an end.... If, on the other hand, subject to the direction and approval of the praetor, the parties agreed upon the issues to be referred ... [a] document framed in identical terms was issued to the judex by the praetor as his authority to act. This ceremonial in which three persons concurred (plaintiff, defendant, praetor) was the *litis contestatio*.” R.W. Lee, *The Elements*

of Roman Law 179–80 (4th ed. 1956).

2.Hist. A contested point in a lawsuit; a litigable issue developed by the litigants' alternating statements. 3.CONTESTATION OF SUIT.

#### LITIS DENUNTIATIO

litis denuntiatio (II-tis d<<schwa>>-n<<schwa>>n-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

litis dominium (II-tis d<<schwa>>-min-ee-<<schwa>>m), n.[Latin] See DOMINUS LITIS .

#### LITIS ORDINATIO

litis ordinatio (II-tis or-di-nay-shee-oh). [Latin “the order or regulation of a lawsuit”] Scots law. The form under which a lawsuit is conducted.

#### LITISPENDENCE

litispence (II-tis-pen-d<<schwa>>nts).Archaic. The time during which a lawsuit is pending.

#### LITTERA

littera. See LITERA.

#### LITTERIS OBLIGATIO

litteris obligatio (lit-<<schwa>>r-is ob-l<<schwa>>-gay-shee-oh). [Latin] Roman law. An obligation arising from formal, written entries in account books; an obligation arising from a literal contract. See literal contract under CONTRACT.

#### LITTLE FTC ACT

Little FTC Act.See UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.

#### LITTORAL

littoral (lit-<<schwa>>r-<<schwa>>l), 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. — littoral,n.

#### LITTUS MARIS

littus maris (lit-<<schwa>>s mar-is) [Law Latin “shore of the sea”] 1. Ordinary tides or neap tides that occur between the full moon and dark of the moon. 2. The shore between the normal high-water and low-water marks.



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**LITURA**

litura (li-t[y]oor-<<schwa>>), n.[Latin] Roman law. A blot or erasure in a will or other instrument.

**LIVELIHOOD**

livelihood. A means of supporting one's existence, esp. financially.

**LIVELODE**

livelode.Archaic. Livelihood; maintenance. — Also termed lifelode.

**LIVERY**

livery (liv-<<schwa>>-ree orliv-ree).1. The delivery of the possession of real property. Cf. DELIVERY. 2.Hist. An heir's writ, upon reaching the age of majority, to obtain seisin of his lands from the king. 3. The boarding and care of horses for a fee. 4. A business that rents vehicles.

**LIVERY IN CHIVALRY**

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**

livery office.An office designated for the delivery of lands.

**LIVERY OF SEISIN**

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. [Cases: Deeds 21.C.J.S. Deeds §§ 12–13.]

“[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 *livrer*) 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**

lives in being.See LIFE IN BEING.

#### LIVESTOCK

livestock,n. Domestic animals and fowls that (1) are kept for profit or pleasure, (2) can normally be confined within boundaries without seriously impairing their utility, and (3) do not normally intrude on others' land in such a way as to harm the land or growing crops.

#### LIVE STORAGE

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. [Cases: Automobiles 370. C.J.S. Motor Vehicles §§ 1564–1568, 1586, 1589.]

#### LIVE THALWEG

live thalweg.See THALWEG.

#### LIVING

living,n. One's source of monetary support or resources; esp., one's employment.

#### LIVING SEPARATE AND APART

living separate and apart.(Of a husband and wife) living away from each other, along with at least one spouse's intent to dissolve the marriage. • One basis for no-fault divorce in many states exists if the spouses have lived apart for a specified period. — Sometimes shortened to separate and apart. [Cases: Divorce 35, 36, 37(2, 3, 4); Husband and Wife 272(1). C.J.S. Divorce §§ 20–21, 42, 52, 70.]

#### LIVING-TOGETHER AGREEMENT

living-together agreement.See COHABITATION AGREEMENT.

#### LIVING TRUST

living trust.See inter vivos trust under TRUST.

#### LIVING WILL

living will.An instrument, signed with the formalities statutorily required for a will, by which a person directs that his or her life not be artificially prolonged by extraordinary measures when there is no reasonable expectation of recovery from extreme physical or mental disability. • Most states have living-will legislation. — Also termed declaration of a desire for a natural death; directive to physicians. See NATURAL-DEATH ACT; UNIFORM HEALTH-CARE DECISION ACT . Cf. ADVANCE DIRECTIVE(1), (2); INSTRUCTION DIRECTIVE . [Cases: Health 916.]

L.J.

L.J.abbr.1. Law Judge. 2.LAW JOURNAL. 3. Lord Justice.

L.JJ.

L.JJ.abbr.Lords justices.

L.L.

L.L.abbr.LAW LATIN.

L.LAT.

L.Lat.abbr.LAW LATIN.

LL.B.

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.

L.L.C. See limited-liability company under COMPANY.

LL.D.

LL.D.abbr.DOCTOR OF LAWS.

LL.J.

LL.J.abbr.Lords justices.

LL.M.

LL.M.abbr.MASTER OF LAWS.

LLOYD'S

Lloyd's. See LLOYD'S OF LONDON.

LLOYD'S ASSOCIATION

Lloyd's association. See LLOYD'S UNDERWRITERS.

LLOYD'S BOND

Lloyd's bond. See BOND(3).

LLOYD'S INSURANCE

Lloyd's insurance. See INSURANCE.

LLOYD'S OF LONDON

Lloyd's of London. Insurance. 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. [Cases: Insurance 1220. C.J.S. Insurance § 1709.]

“[I]t is not the corporation of Lloyd's which undertakes insurance risks and enters into policies of insurance; that is done by the individual members of Lloyd's, acting usually in groups or 'syndicates,' which are not partnerships or companies but merely fortuitous aggregations of, say, five, ten, or more members represented in common by one underwriting agent having power to bind them each individually and separately to contracts of insurance. These members are frequently referred to as 'names'; and their agent is said to 'write' for them. If, as is commonly the case, he also is a member of Lloyd's, then he will 'write' for himself, too.” 2 Stephen's Commentaries on the Laws of England 237 (L. Crispin Warmington ed., 21st ed. 1950).

#### LLOYD'S UNDERWRITERS

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. [Cases: Insurance 1220. C.J.S. Insurance § 1709.]

#### L.L.P.

L.L.P. See limited-liability partnership under PARTNERSHIP.

#### LOAD

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

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. [Cases: Electricity 11.3. C.J.S. Electricity § 30.] 2. An analysis of the number of passengers on an airplane or other common carrier compared to available capacity.

#### LOAD FUND

load fund. See MUTUAL FUND.

#### LOADING

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). [Cases: Insurance 2000, 2005. C.J.S. Insurance §§ 436–439.]

#### LOAD LINE

**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

**loadmanage.** Hist. 1. The fee paid to loadsman, who sail in small vessels acting as pilots for larger ships. 2. The hiring of a pilot for a vessel. 3. A pilot's or loadsman's skill. — Also spelled lodemanage; lode manage.

#### LOADSMAN

**loadsman.** Hist. 1. A person who directs a ship's course from a small boat traveling in front of the larger ship rather than from the ship itself. • The loadsman had a monopoly on piloting in the cinque ports. See CINQUE PORTS. 2. A person who took the ship to a berth after a pilot had brought it into port. — Also spelled loadman; lodeman; lodesman.

#### LOAN

**loan, n.** 1. An act of lending; a grant of something for temporary use <Turner gave the laptop as a loan, not a gift>. [Cases: Contracts 194.] 2. A thing lent for the borrower's temporary use; esp., a sum of money lent at interest <Hull 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. [Cases: Bills and Notes 129(3). C.J.S. Bills and Notes; Letters of Credit § 90.]

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. [Cases: Consumer Credit 1. C.J.S. Interest and Usury; Consumer Credit § 274.]

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.

doorstep loan. A loan offered by a door-to-door solicitor, usu. for home repairs at a high interest rate and under misleading or fraudulent terms. • The term is used primarily in the United

Kingdom.

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. — Also termed home-equity line of credit. 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. — Also termed marine loan.

mortgage loan. A loan secured by a mortgage or deed of trust on real property. [Cases: Mortgages 14. C.J.S. Mortgages §§ 143–150.]

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. [Cases: Bills and Notes 44; Secured Transactions 227, 240. C.J.S. Bills and Notes; Letters of Credit § 11; Secured Transactions §§ 152, 164–166, 168–169, 172, 174–175, 180–183.]

participation loan. A loan issued by two or more lenders. See LOAN PARTICIPATION. [Cases: Contracts 194.]

policy loan. An insurer's loan to an insured, secured by the policy's cash reserve. [Cases: Insurance 1868. C.J.S. Insurance §§ 352–356.]

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. [Cases: Insurance 1868, 2037. C.J.S. Insurance §§ 352–356, 518–519, 742–745, 749–754.]

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. [Cases: Secured Transactions 227, 240. C.J.S. Secured Transactions §§ 152, 164–166, 168–169, 172, 174–175, 180–183.]

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. [Cases: Bills and Notes 129(1). C.J.S. Bills and Notes; Letters of Credit §§ 86–89, 91.]

loan,vb. To lend, esp. money.

#### LOAN-AMORTIZATION SCHEDULE

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

loan association.See SAVINGS-AND-LOAN ASSOCIATION.

#### LOAN BROKER

loan broker.See BROKER.

#### LOAN-BROKERAGE FEE

loan-brokerage fee.See MORTGAGE DISCOUNT.

#### LOAN CERTIFICATE

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

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 . [Cases: Contracts 194.]

#### LOANED EMPLOYEE

loaned employee.See borrowed employee under EMPLOYEE.

#### LOANED SERVANT

loaned servant.See borrowed employee under EMPLOYEE.

#### LOAN FOR CONSUMPTION



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. [Cases: Contracts 194.]

#### LOAN FOR EXCHANGE

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

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

loanland. Hist. A tenancy involving the loan of land by one person to another. — Also spelled laenland. Cf. BOOKLAND; FOLKLAND.

“Laenlands were loaned lands, that is, lands granted for a period, either the life of the grantee or some longer time such as three lives. In return the grantees performed services, usually of an agricultural nature, or made payments in kind to their landlords. Laenlands, like boclands, were usually held under a written instrument, and they are therefore sometimes included in the boclands. But strictly, laenland and bocland differed. Bocland, we may say, was held directly as a result of a charter from the king, whereas laenland was temporarily held by grant from some great landlord.” W.J.V. Windeyer, *Lectures on Legal History* 28 (2d ed. 1949).

#### LOAN PARTICIPATION

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. [Cases: Contracts 194.]

#### LOAN RATIO

loan ratio. See LOAN-TO-VALUE RATIO.

#### LOAN-RECEIPT AGREEMENT

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. [Cases: Compromise and Settlement 7; Insurance 3524. C.J.S. Compromise and Settlement § 29; Insurance §§ 1465, 1467.]

#### LOANSHARKING

loansharking, n. The practice of lending money at excessive and esp. usurious rates, and often threatening or using extortion to enforce repayment. — Also termed extortionate credit transaction.

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— loan-shark,vb. — loan shark,n.

#### LOAN SOCIETY

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

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. [Cases: Mortgages 145. C.J.S. Mortgages §§ 198, 200.]

#### LOAN VALUE

loan value.Insurance. 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. [Cases: Insurance 1868. C.J.S. Insurance §§ 352–356.]

#### LOBBY

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>. [Cases: Statutes 24. C.J.S. Statutes § 7.] 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

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. [Cases: Statutes 24.C.J.S. Statutes § 7.]

#### LOBBY VOTE

lobby vote.See VOTE(4).

#### LOCAL ACT

local act.1.LOCAL LAW(1).2.LOCAL LAW(2).

#### LOCAL ACTION

local action.See ACTION(4).

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**LOCAL ADMINISTRATOR**

local administrator. See ADMINISTRATOR(1).

**LOCAL AGENCY**

local agency. See AGENCY(3).

**LOCAL AGENT**

local agent. See AGENT(2).

**LOCAL ALLEGIANCE**

local allegiance. See actual allegiance under ALLEGIANCE.

**LOCAL AND SPECIAL LEGISLATION**

local and special legislation. See LEGISLATION.

**LOCAL ASSESSMENT**

local assessment. See ASSESSMENT.

**LOCAL BAR ASSOCIATION**

local bar association. See BAR ASSOCIATION.

**LOCAL CHATTEL**

local chattel. See CHATTEL.

**LOCAL CONCERN**

local concern. An activity conducted by a municipality in its proprietary capacity. [Cases: Municipal Corporations 57. C.J.S. Municipal Corporations §§ 104, 106, 108, 110–115, 117–118, 122, 137–138, 143, 145–146.]

**LOCAL COUNSEL**

local counsel. See COUNSEL.

**LOCAL COURT**

local court. See COURT.

**LOCAL CUSTOM**

local custom. See CUSTOM.

**LOCAL-EXCHANGE CARRIER**

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. [Cases: Telecommunications 46, 267, 323. C.J.S.

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Telegraphs, Telephones, Radio, and Television §§ 31–32.]

#### 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. [Cases: Telecommunications 46, 267, 323. C.J.S. Telegraphs, Telephones, Radio, and Television §§ 31–32.]

#### LOCAL GOVERNMENT

local government. See GOVERNMENT.

#### LOCAL IMPROVEMENT

local improvement. See IMPROVEMENT.

#### LOCAL-IMPROVEMENT ASSESSMENT

local-improvement assessment. See local assessment under ASSESSMENT.

#### LOCALITY

locality, n. 1. A definite region; vicinity; neighborhood; community. 2. Hist. Scots law. The land held by a widow in usufruct under the terms of her marriage contract. • If a widow has locality lands, she cannot assert her statutory claim to a one-third share of her husband's real property.

#### LOCALITY OF A LAWSUIT

locality of a lawsuit. The place where a court may exercise judicial authority.

#### LOCALITY-PLUS TEST

locality-plus test. Maritime law. The requirement that, for a federal court to exercise admiralty tort jurisdiction, not only must the alleged wrong occur on navigable waters, it must also relate to a traditional maritime activity. *Executive Jet Aviation, Inc. v. Cleveland*, 409 U.S. 249, 93 S.Ct. 493 (1972). — Also termed locality-plus rule; maritime-connection doctrine. [Cases: Admiralty 17. C.J.S. Admiralty §§ 62–63.]

#### LOCALITY RULE

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. [Cases: Health 620.]

“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. [Cases: Costs 194.18; Federal Civil Procedure 2737.4. C.J.S. Costs § 132.]

#### LOCALITY TEST

locality test. Maritime law. The requirement that, for a federal court to exercise admiralty tort jurisdiction, the alleged wrong must have occurred on navigable waters. • The test was replaced by the locality-plus test in *Executive Jet Aviation, Inc. v. Cleveland*, 409 U.S. 249, 93 S.Ct. 493 (1972). — Also termed locality rule. See LOCALITY-PLUS TEST.

#### LOCALIZATION DOCTRINE

localization doctrine. The doctrine that a foreign corporation, by doing sufficient business in a state, will subject itself to that state's laws. [Cases: Corporations 638. C.J.S. Corporations §§ 893–896.]

#### LOCAL LAW

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. [Cases: Statutes 76–104. C.J.S. Statutes §§ 148–149, 151–155, 159, 162–201.] 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). [Cases: Action 17. C.J.S. Actions §§ 18–20; Conflict of Laws §§ 2–3, 12, 15, 20, 23, 27–32, 34–40, 42–48, 50–65, 96–97, 100, 102, 105–107.]

#### LOCAL-LAW THEORY

local-law theory. Conflict of laws. The view that, although a court of the forum recognizes and enforces a local right (that is, one created under its own law), in a foreign-element case it does not necessarily apply the rule that would govern an analogous case of a purely domestic character, but instead takes into account the law of the foreign country by fashioning a local right as nearly as possible upon the law of the country in which the decisive facts have occurred. • This theory is

credited to Walter Wheeler Cook, who expounded it in the first chapter of his *Logical and Legal Bases of the Conflict of Laws* (1949).

“Since the court of the forum adopts the view that the chosen law would have taken not of the actual case, but of an equivalent domestic case, it does not necessarily recognize the right that would have been vested in the plaintiff according to that law.... It is scarcely deniable, however, that this local law theory is little more than what a learned writer has stigmatized as a sterile truism — sterile because it affords no basis for the systematic development of private international law. To remind an English judge, about to try a case containing a foreign element, that whatever decision he gives he must enforce only the *lex fori*, is a technical quibble that explains nothing and solves nothing. It provides no guidance whatever upon the limits within which he must have regard to the foreign law.” G.C. Cheshire, *Private International Law* 35 (6th ed. 1961).

#### LOCAL OPTION

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. [Cases: Intoxicating Liquors 24–43; Municipal Corporations 65. C.J.S. Intoxicating Liquors §§ 49–89; Municipal Corporations §§ 122, 140–141, 143.]

#### LOCAL RECEIVER

local receiver. See RECEIVER.

#### LOCAL RULE

local rule. 1. A rule based on the physical conditions of a state and the character, customs, and beliefs of its people. [Cases: Federal Civil Procedure 25.] 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

local statute. 1. LOCAL LAW(1). 2. LOCAL LAW(2).

#### LOCAL UNION

local union. See UNION.

#### LOCAL USAGE

local usage. See USAGE.

#### LOCAL VETO

local veto. See LOCAL OPTION.

#### LOCARE

locare (l<<schwa>>-kair-ee), vb. [Latin] Roman law. To let or hire out. See LOCATOR.

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**LOCARE ALIQUID FACIENDUM**

locare aliquid faciendum (l<<schwa>>-kair-ee al-i-kwid fay-shee-en-d<<schwa>>m). [Latin] Roman law. To contract to have someone perform work for remuneration. Cf. CONDOCERE ALIQUID FACIENDUM.

**LOCARE ALIQUID UTENDUM**

locare aliquid utendum (l<<schwa>>-kair-ee al-i-kwid yoo-ten-d<<schwa>>m). [Latin] Roman law. To let something on hire for the use of the lessee; to accept consideration for the use of an object. Cf. CONDOCERE ALIQUID UTENDUM.

**LOCARIUM**

locarium (l<<schwa>>-kair-ee-<<schwa>>m), n.[Law Latin] Hist. Rent.

**LOCATARIUS**

locatarius (loh-k<<schwa>>-tair-ee-<<schwa>>s), n.[Latin] Hist. A person with whom something is deposited; a deposittee.

**LOCATIO**

locatio (l<<schwa>>-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 agreed to be given for a compensation. • This type of contract benefits both parties. — Also termed lease; hiring. Cf. ABLOCATION. Pl. locationes (l<<schwa>>-kay-shee-oh-nee-z).

locatio conductio (l<<schwa>>-kay-shee-oh k<<schwa>>n-duk-shee-oh). [Latin] Roman law. A letting for hire; specif., a contract by which one person agreed to give to another the use, or the use and enjoyment, of a thing or of services or labor in return for remuneration, usu. money. • In Roman law, it covered a broad range of circumstances in return for a merces or rent.

locatio custodiae (l<<schwa>>-kay-shee-oh k<<schwa>>s-toh-dee-ee). [Latin] Roman law. The hiring of care or service, as when the bailee is to protect the thing bailed.

locatio mercium vehendarum. See locatio operis mercium vehendarum.

locatio operarum (l<<schwa>>-kay-shee-oh op-<<schwa>>-rair-<<schwa>>m). [Latin “the letting of services”] Roman & civil law. A contract of employment; specif., contract in which someone, usu. a day laborer, hires out his services for a specified price. — Also termed locatio operis faciendi. Cf. REDEMPTIO OPERIS.

locatio operis faciendi (l<<schwa>>-kay-shee-oh op-<<schwa>>-ris fay-shee-en-di). [Latin “the letting of a job to be done”] Roman law. A contract by which someone hires a contractor (conductor) to undertake work (e.g., to build a home or teach a slave to read) on behalf of the hirer. — Sometimes shortened to locatio operis. Cf. locatio operarum.

locatio operis mercium vehendarum (l<<schwa>>-kay-shee-oh op-<<schwa>>-ris m<<schwa>>-r-shee-<<schwa>>m vee-h<<schwa>>n-dair-<<schwa>>m). [Latin “the letting of

the job of carrying goods”] Roman law. A bailment in which goods are delivered to the bailee for transport elsewhere, esp. by sea. — Also termed *locatio mercium vehendarum*.

*locatio rei* (l<<schwa>>-kay-shee-oh ree-I). [Latin “letting of a thing”] Roman law. The hiring of a thing for use, by which the hirer gains the temporary use of the thing for a fee.

“*Locatio rei* was the letting of a *res* for hire. Roman law differed in several aspects from the relevant rules of English law. Firstly, there was not in Roman law a fundamental distinction between the hiring of personal property and the lease of real property: *locatio rei* applied both to land and movables. Secondly, in Roman law the hirer did not obtain possession. Thirdly, the *locatio* was a mere contract and even the tenant of land did not have a right to be restored if he were [wrongfully] ejected, his sole remedy being an action for breach of contract. Fourthly, the Roman contract gave more consideration to the tenant or hirer than does English law.” G.W. Paton, *Bailment in the Common Law* 53 (1952).

#### LOCATION

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. [Cases: Boundaries 7–9. C.J.S. Boundaries §§ 10–23.] 4. Mining law. The act of appropriating a mining claim. See *MINING CLAIM*. [Cases: Mines and Minerals 9–38. C.J.S. Mines and Minerals §§ 13, 26–93, 95–110, 112, 131.] 5. The claim so appropriated. — Also termed (in senses 4 & 5) mining location. 6. Civil law. A contract for the temporary use of something for hire; a leasing for hire. See *LOCATIO*.

#### LOCATION-DAMAGE CLAUSE

location-damage clause. See *SURFACE-DAMAGE CLAUSE*.

#### LOCATIVE CALLS

locative calls (lok-<<schwa>>-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 CALL*. [Cases: Boundaries 1–23. C.J.S. Boundaries §§ 2–61.]

#### LOCATOR

locator (loh-kay-t<<schwa>>r), n. [Latin] 1. Roman law. (*usu. ital.*) One who lets out property or services for reward, or who contracts to have another person (the conductor) perform work for reward; a lessor or landlord. See *CONDUCTOR(2)*.

*locator operarum*, n. One who offers one's labor for hire, esp. as a day laborer.

*locator operas faciendi*, n. One who employs contract labor.

*locator rei*, n. A lessor or landlord.

2. One who is entitled to locate land or set the boundaries of a mining claim.



## LOCATUM

locatum (l<<schwa>>-kay-t<<schwa>>m), n.[Latin] Hist. A hiring. See BAILMENT.

## LOCHNERIZE

Lochnerize (lok-n<<schwa>>r-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

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

lockdown. The temporary confinement of prisoners in their cells during a state of heightened alert caused by an escape, riot, or other emergency. [Cases: Prisons 13(4). C.J.S. Prisons and Rights of Prisoners §§ 58, 60.]

## LOCKEANISM

Lockeanism. See LOCKEAN LABOR THEORY.

## LOCKEAN LABOR THEORY

Lockean labor theory.The philosopher John Locke's justification of private property, based on the natural right of one's ownership of one's own labor, and the right to nature's common property to the extent that one's labor can make use of it. • Locke's theory, from the fifth chapter of his *Second Treatise on Civil Government*, is often used to analyze the natural rights of inventors, authors, and artists in their own creations. — Also termed labor theory; Lockeanism. Cf. PERSONALITY THEORY; UTILITARIANISM.

## LOCKED IN

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

locked-in rate.See lock rate under INTEREST RATE.

## LOCKOUT

lockout. 1. An employer's withholding of work and closing of a business because of a labor dispute. [Cases: Labor Relations 290. C.J.S. Labor Relations §§ 273–274, 277–278.]

defensive lockout. A lockout that is called to prevent imminent and irreparable financial harm to the company or to protect a legal right. • Defensive lockouts were legal, but the U.S. Supreme Court abolished the distinction between defensive and offensive lockouts in favor of a balancing test. *American Ship Bldg. Co. v. NLRB*, 380 U.S. 300, 85 S.Ct. 955 (1965).

offensive lockout. A lockout called by management to assert economic pressure on workers and thereby gain a bargaining advantage over a union. • Offensive lockouts were illegal before the U.S. Supreme Court abolished the legal distinction between offensive and defensive lockouts in favor of a balancing test. *American Ship Bldg. Co. v. NLRB*, 380 U.S. 300, 85 S.Ct. 955 (1965).

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

lock rate. See INTEREST RATE.

#### LOCKUP

lockup, n. 1. JAIL. 2. LOCKUP OPTION.

#### 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. [Cases: Corporations 312(5). C.J.S. Corporations §§ 500–501, 503, 524.]

#### LOCO PARENTIS

loco parentis. See IN LOCO PARENTIS.

#### LOCO RERUM IMMOBILIUM

loco rerum immobilium (loh-koh reer-*<<schwa>>*m im-*<<schwa>>*-bil-ee-*<<schwa>>*m). [Latin] Scots law. Treated as immovable things. • The phrase appeared in reference to a determination of whether certain items (such as shares of stock) should be treated as movable or immovable property.

#### LOCO TUTORIS

loco tutoris (loh-koh t[y]oo-tor-is). [Latin] Scots law. In the place of a tutor.

“The Court of Session is in the practice of appointing, on application made for such appointment, a factor loco tutoris on the estates of pupils not having tutors. Such an appointment places the factor in the same position towards the pupil, both as regards his person and the

administration of his estate, as if he held the office by virtue of relationship and was tutor-at-law, or had received the appointment of tutor from the pupil's father under his testamentary settlement, the only difference being that the office of a tutor appointed by the Court is not gratuitous." John Trayner, *Trayner's Latin Maxims* 336–37 (4th ed. 1894).

#### LOCUM TENENS

locum tenens (loh-k<<schwa>>m tee-nenz orten-<<schwa>>nz), n.[Law Latin “holding the place”] Hist. A deputy; a substitute; a representative.

#### LOCUPLES

locuples (lok-y<<schwa>>-pleez), adj.[Latin] Civil law. Having the means to pay any amount that the plaintiff might recover. — Also termed locuplete.

#### LOCUPLETARI CUM DAMNO ALTERIUS

locupletari cum damno alterius (lok-yuu-pl<<schwa>>-tair-I k<<schwa>>m dam-noh al-teer-ee-<<schwa>>s). [Latin] To be enriched through the damage sustained by another.

#### LOCUS

locus (loh-k<<schwa>>s). [Latin “place”] The place or position where something is done or exists. — Abbr. L. See SITUS.

#### LOCUS ACTUS

locus actus (loh-k<<schwa>>s ak-t<<schwa>>s). [Latin “place of the act”] The place where an act was done; the place of performance.

#### LOCUS CONTRACTUS

locus contractus (loh-k<<schwa>>s k<<schwa>>n-trak-t<<schwa>>s). [Latin “place of the contract”] The place where a contract was made. Cf. LEX LOCI CONTRACTUS . [Cases: Contracts 144, 145. C.J.S. Conflict of Laws §§ 91–93; Contracts §§ 13–23, 25, 372.]

#### LOCUS CRIMINIS

locus criminis (loh-k<<schwa>>s krim-<<schwa>>-nis), n.[Latin] The place where a crime was committed.

#### LOCUS DELICTI

locus delicti (loh-k<<schwa>>s d<<schwa>>-lik-tl). [Latin “place of the wrong”] The place where an offense was committed; the place where the last event necessary to make the actor liable occurred. Cf. LEX LOCI DELICTI. [Cases: Torts 2. C.J.S. Aeronautics and Aerospace § 272; Conflict of Laws §§ 16–17, 99; Right of Privacy and Publicity §§ 3, 40; Torts §§ 27–29.]

“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

locus in quo (loh-k<<schwa>>s in kwoh). [Latin “place in which”] The place where something is alleged to have occurred.

#### LOCUS PARTITUS

locus partitus (loh-k<<schwa>>s pah-r-tl-t<<schwa>>s), 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

locus poenitentiae (loh-k<<schwa>>s pen-<<schwa>>-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. [Cases: Contracts 138(3). C.J.S. Contracts §§ 280–281, 283, 290.]

#### LOCUS PUBLICUS

locus publicus (loh-k<<schwa>>s p<<schwa>>b-li-k<<schwa>>s). [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

locus regit actum (loh-k<<schwa>>s ree-jit ak-t<<schwa>>m), 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

locus rei sitae (loh-k<<schwa>>s ree-IsI-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

locus sigilli (loh-k<<schwa>>s 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 . [Cases: Seals 3. C.J.S. Seals § 4.]

“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 SOLUTIONIS

locus solutionis (loh-k<<schwa>>s s<<schwa>>-loo-shee-oh-nis). [Latin] Hist. The place of performance.

#### LOCUS STANDI

locus standi (loh-k<<schwa>>s stan-dIor-dee). [Latin “place of standing”] The right to bring an action or to be heard in a given forum; **STANDING**.

#### LODE

lode,n.1.MINERAL LODE. 2.LADE.

#### LODE CLAIM

lode claim.See **MINING CLAIM**.

#### LODEMAN

lodeman. See **LOADSMAN**.

#### LODEMANAGE

lodemanage,n. See **LOADMANAGE**.

#### LODESMAN

lodesman. See **LOADSMAN**.

#### LODESTAR

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. [Cases: Costs 194.18; Federal Civil Procedure 2737.4. C.J.S. Costs § 132.]

#### LODGE

lodge. See FILE(1).

#### LODGER

lodger. 1. A person who rents and occupies a room in another's house. [Cases: Innkeepers 8; Landlord and Tenant 1. C.J.S. Inns, Hotels and Eating Places § 5; Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).] 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.

#### LOG

log, n. 1. ARREST RECORD. 2. JOURNAL(1).

#### LOGAN

logan. See LAGAN.

#### LOGBOOK

logbook. 1. A ship's or aircraft's journal containing an account of each trip, often with a history of events during the voyage; JOURNAL(1). 2. Any journal or record of events.

#### LOGIA

logia (loj-ee-<<schwa>>), n. [Latin] Hist. A small house or cottage.

#### LOGICAL-CAUSE DOCTRINE

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. [Cases: Workers' Compensation 1356. C.J.S. Workmen's Compensation §§ 960, 974.]

#### LOGICAL INTERPRETATION

logical interpretation. See INTERPRETATION.

#### LOGICAL POSITIVISM

logical positivism. A philosophical system or movement requiring that meaningful statements be in principle verifiable. Cf. LEGAL POSITIVISM.

#### LOGICAL-RELATIONSHIP STANDARD

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). [Cases: Federal Civil Procedure 776; Set-off and Counterclaim 60.C.J.S. Set-off and Counterclaim §§ 102–103.]

“[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).

#### LOGIC BOMB

logic bomb. Destructive or disruptive computer software that is planted on a computer, server, or network and waits until a certain time to activate itself.

#### LOGIUM

logium (loj-ee-<<schwa>>m), n. [Latin] Hist. A lodge, hovel, or outhouse.

#### LOGOGRAPHUS

logographus (log-<<schwa>>-graf-<<schwa>>s), n. [Latin fr. Greek] Roman law. A bookkeeper or public clerk.

#### LOGROLLING

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. [Cases: Constitutional Law 9(1); Statutes 107.C.J.S. Constitutional Law §§ 13–14; Statutes § 208.] — logroll, vb.

#### LOI

LOI. abbr. LETTER OF INTENT.

#### LOITERING

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. Cf. VAGRANCY. [Cases: Disorderly Conduct 1; Vagrancy 1. C.J.S. Disorderly Conduct §§ 2–5; Vagrancy §§ 2–12, 22–27, 31–32, 35–37.] — loiter, vb.

#### LOLLIPOP SYNDROME

lollipop syndrome.Family law. A situation in which one or both parents, often in a custody battle, manipulate the child with gifts, fun, good times, and minimal discipline in an attempt to win over the child. See Disneyland parent under PARENT. Cf. RESCUE SYNDROME.

#### LOMBARD LAW

Lombard law.A Germanic customary law based primarily on a code called the Edict of Rothar, published in A.D. 643. • Rothar was the King of the Lombards at the time (A.D. 636–652), and his code (written in Latin) was more complete than the Germanic *leges barbarorum*. — Also termed law of Lombardy; law of Langobardi. Cf. LEGES BARBARORUM.

#### LONDON COMMODITY OPTION

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 INTERBANK OFFERED RATE

London Interbank Offered Rate.A daily compilation by the British Bankers Association of the rates that major international banks charge each other for large-volume, short-term loans of Eurodollars, with monthly maturity rates calculated out to one year. • These daily rates are used as the underlying interest rates for derivative contracts in currencies other than the euro. — Abbr. LIBOR. Cf. EURO INTERBANK OFFERED RATE.

#### LONDON LLOYD'S

London Lloyd's.See LLOYD'S OF LONDON.

#### LONE PINE ORDER

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. [Cases: Federal Civil Procedure 1925.1; Pretrial Procedure 747.1. C.J.S. Trial § 47.]

#### LONG

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

long account.See ACCOUNT.



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**LONGA MANU**

longa manu (long-g<<schwa>> man-yoo), adv. [Latin “with a long hand”] Roman & civil law. Indirectly; by the longest route. • This described the transfer of ownership by pointing out, at some distance, the thing to the transferee and authorizing its taking. This could be done, for example, by handing over the keys at the door of a warehouse, or by pointing out the boundaries of land. See CONSTITUTUM POSSESSORIUM. Cf. BREVI MANU.

**LONG-ARM**

long-arm,adj. Of, relating to, or arising from a long-arm statute <long-arm jurisdiction>. [Cases: Courts 12(2). C.J.S. Courts §§ 39, 44.]

**LONG-ARM JURISDICTION**

long-arm jurisdiction.See JURISDICTION.

**LONG-ARM STATUTE**

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. See long-arm jurisdiction under JURISDICTION. [Cases: Courts 12(2). C.J.S. Courts §§ 39, 44.]

**LONG-FIRM FRAUD**

long-firm fraud.See FRAUD.

**LONG-FORM BILL OF LADING**

long-form bill of lading.See BILL OF LADING.

**LONGI TEMPORIS PRAESCRIPTIO**

longi temporis praescriptio (long-gItem-p<<schwa>>-ris pri-skrip-shee-oh). [Latin] Roman law. The prescriptive period after which a possessor of property could defeat any challenge to his title. See USUCAPTION.

**LONG PARLIAMENT**

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 monarchy. • This Parliament is sometimes called the “Long Parliament of Charles II” to distinguish it from that of sense 1.

**LONG ROBE**

long robe.Hist. The legal profession <gentlemen of the long robe>. See ROBE.

**LONG-RUN INCREMENTAL COST**

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

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 §§ 901–950. — Abbr. LHWCA. [Cases: Workers' Compensation 93, 260, 2085. C.J.S. Workmen's Compensation §§ 96, 98–99, 170, 1593–1596.]

“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

longshoreman. A maritime laborer who works on the wharves in a port; esp., a person who loads and unloads ships. [Cases: Shipping 84. C.J.S. Shipping §§ 199–210.]

#### LONG-TERM CAPITAL GAIN

long-term capital gain.See CAPITAL GAIN.

#### LONG-TERM CAPITAL LOSS

long-term capital loss.See LOSS.

#### LONG-TERM DEBT

long-term debt.See DEBT.

#### LONG-TERM FOSTER CARE

long-term foster care.See FOSTER CARE.

#### LONG-TERM SECURITY

long-term security.See SECURITY.

#### LONG TITLE

long title.See TITLE(3).

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**LONG TON**

long ton. See TON.

**LOOK AND FEEL**

look and feel. See TRADE DRESS.

**LOOK-AND-FEEL PROTECTION**

look-and-feel protection. Copyright protection of the images generated or revealed when one activates a computer program. [Cases: Copyrights and Intellectual Property 10.4. C.J.S. Copyrights and Intellectual Property §§ 11–12, 16, 92, 101.]

**LOOKOUT**

lookout, n. A careful, vigilant watching <the motorist's statutory duty of proper lookout>. [Cases: Automobiles 150; Collision 77. C.J.S. Collision §§ 129–137; Motor Vehicles §§ 568–571, 573.]

**LOOK-THROUGH PRINCIPLE**

look-through principle. Tax. 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. [Cases: Internal Revenue 3071. C.J.S. Internal Revenue §§ 13–14.]

**LOOPHOLE**

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**

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**

loose construction. See liberal construction under CONSTRUCTION.

**LOOSELEAF SERVICE**

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 313–314 (1937).

#### LOQUELA

loquela (l<<schwa>>-kwee-l<<schwa>>), 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

loquela sine die (l<<schwa>>-kwee-l<<schwa>> sI-nee dI-ee orsin-ay dee-ay), n.[Law Latin] Hist. Indefinite postponement of an action.

#### LORD

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-p<<schwa>>-r<<schwa>>l). One of the English peers (other than ecclesiastical) who sit in Parliament.

#### LORD ADVOCATE

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 Scottish government on matters of Scots law. — Formerly also termed King's advocate. Cf. ADVOCATE GENERAL .

#### LORD-AND-MASTER RULE

lord-and-master rule.See HEAD-AND-MASTER RULE.

#### LORD CAMPBELL'S ACT

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

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Campbell's Act, which has become a generic name for similar statutes.” W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 127, at 945 (5th ed. 1984).

2. An American state's wrongful-death statute patterned after the original English act.

#### LORD CHAMBERLAIN

Lord Chamberlain. The second officer of the royal household in England, who serves as a peer, a privy councilor, and a member of the ruling government. — Also termed lord chamberlain of the household.

#### LORD CHANCELLOR

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

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 CLERK REGISTER

Lord Clerk Register. Scots law. The officer who, from 1288 to 1879, was keeper of the rolls of court and records of Scotland. • These functions were later discharged by the Keeper of the Registers of Scotland and the Keeper of the Records of Scotland.

#### LORD DENMAN'S ACT

Lord Denman's Act. See DENMAN'S ACT(1).

#### LORD HIGH CHANCELLOR

Lord High Chancellor. See LORD CHANCELLOR.

#### LORD HIGH STEWARD

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

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

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lord in gross.Hist. A lord holding the title not by virtue of a manor; a lord without a manor.

#### LORD JUSTICE-CLERK

Lord Justice-Clerk.Scots law. The second highest judicial officer in Scotland, historically with special responsibility for criminal law. • The Lord Justice-Clerk presides over the Second Division of the Inner House of the Court of Session.

#### LORD JUSTICE GENERAL

Lord Justice General.Scots law. 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

Lord Justice of Appeal.A judge of the English Court of Appeal. — Abbr. L.J. (or, in pl., either LL.J. or L.JJ.). — Often shortened to lord justice.

#### LORD KEEPER

Lord Keeper.See KEEPER OF THE GREAT SEAL.

#### LORD KEEPER OF THE GREAT SEAL

Lord Keeper of the Great Seal.See KEEPER OF THE GREAT SEAL.

#### LORD KEEPER OF THE PRIVY SEAL

Lord Keeper of the Privy Seal.See LORD PRIVY SEAL.

#### LORD LANGDALE'S ACT

Lord Langdale's Act.See WILLS ACT(2).

#### LORD LIEUTENANT

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

Lord Lyndhurst's Act.See LYNDHURST'S ACT.

#### LORD LYON KING AT ARMS

Lord Lyon King at Arms.Scots law. The monarch's representative who grants arms to suitable applicants, oversees the use of armorial bearings, holds court to determine rights to arms and chieftainship, and supervises messengers-at-arms.

#### LORD MANSFIELD'S RULE

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 most states — made it impossible to bastardize a child born during a marriage. [Cases: Witnesses 57.]

#### LORD MAYOR

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

lord mayor's court.See COURT.

#### LORD OF APPEAL

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

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. Cf. LAW LORD.

#### LORD OF PARLIAMENT

Lord of Parliament.A member of the House of Lords.

#### LORD OF SESSION

Lord of Session.Scots law. Any judge of the Court of Session. — Also termed Senator of the College of Justice. See COURT OF SESSION(1).

#### LORD ORDINARY

Lord Ordinary.Scots law. A judge of the Court of Session, sitting alone at first instance in the Outer House. See COURT OF SESSION(1).

#### LORD PRESIDENT

Lord President.Scots law. The highest judicial officer in Scotland, heading the Court of Session and the First Division of the Upper House. • The Lord President also holds the office of Lord Justice General of Scotland.

#### LORD PRIVY SEAL

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

Lords. See HOUSE OF LORDS.

#### LORD'S DAY ACT

Lord's Day Act. See BLUE LAW.

#### LORDSHIP

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

Lords Marchers. See MARCHERS.

#### LORD SPIRITUAL

lord spiritual. An archbishop or bishop who is a member of the House of Lords.

#### LORD TEMPORAL

lord temporal. A House of Lords member who is not an ecclesiastic.

#### LORD TENTERDEN'S RULE

Lord Tenterden's rule. See EJUSDEM GENERIS.

#### LOSER-PAYS RULE

loser-pays rule. See ENGLISH RULE.

#### LOSS

loss. 1. An undesirable outcome of a risk; the disappearance or diminution of value, usu. in an unexpected or relatively unpredictable way. • When the loss is a decrease in value, the usual method of calculating the loss is to ascertain the amount by which a thing's original cost exceeds its later selling price. 2. 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 realized loss. [Cases: Internal Revenue 3178.C.J.S. Internal Revenue § 110.] 3. Insurance. 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. The failure to maintain possession of a thing.

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. [Cases: Insurance 2235. C.J.S. Insurance §§ 1195–1196, 1216–1217.]

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. [Cases: Internal Revenue 3416; Taxation 1039.]

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; consequential injury. Cf. direct loss. [Cases: Damages 15–23. C.J.S. Damages §§ 21–37.]

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. [Cases: Insurance 2176. C.J.S. Insurance § 1103.] 2.Marine underwriting. According to the traditional 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. [Cases: Insurance 2236. C.J.S. Insurance §§ 1216, 1218–1220.]

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). [Cases: Insurance 2240. C.J.S. Insurance §§ 1198, 1206.]

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. [Cases: Internal Revenue 3396, 3397.]

indirect loss.See consequential loss.

long-term capital loss.A loss on a capital asset held for an extended period, usu. at least 12

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months. [Cases: Internal Revenue 3260. C.J.S. Internal Revenue § 127.]

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. [Cases: Internal Revenue 3399. C.J.S. Internal Revenue § 200.]

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. [Cases: Fraud 59(3).]

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. [Cases: Insurance 2177. C.J.S. Insurance § 1104.]

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. [Cases: Insurance 2241. C.J.S. Insurance §§ 1199–1203, 1208, 1211–1214.]

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. [Cases: Internal Revenue 3418. C.J.S. Internal Revenue § 199.]

pecuniary loss. A loss of money or of something having monetary value. [Cases: Damages 1. C.J.S. Damages §§ 1–2, 4–6.]

progressive loss. 1. Loss that spreads or becomes more expensive to repair over time. 2. Late-manifesting harm that is related to an event that caused immediate harm, worsens over time, and is not catalyzed by any additional causative agent. • A classic example is asbestosis, a disease that manifests long after exposure to asbestos fibers.

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. [Cases: Insurance 2233.]

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. —

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Also termed actual total loss. Cf. partial loss; constructive total loss. [Cases: Insurance 2175. C.J.S. Insurance § 1103.]

unrealized loss. See paper loss.

#### LOSS CARRYBACK

loss carryback. See CARRYBACK.

#### LOSS CARRYFORWARD

loss carryforward. See CARRYOVER.

#### LOSS CARRYOVER

loss carryover. See CARRYOVER.

#### LOSS INSURANCE

loss insurance. See INSURANCE.

#### LOSS LEADER

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

loss-of-bargain damages. See benefit-of-the-bargain damages under DAMAGES.

#### LOSS-OF-BARGAIN RULE

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. [Cases: Damages 117, 120(1). C.J.S. Damages §§ 108–110.]

#### LOSS-OF-CHANCE DOCTRINE

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. [Cases: Health 833.]

#### LOSS OF CONSORTIUM

loss of consortium (k<<schwa>>n-sor-shee-<<schwa>>m). 1. 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 from a tortfeasor in a personal-injury or wrongful-death action. Originally, only the husband could sue for loss of consortium. But in 1950, nearly a century after the enactment of the married women's property

acts, a wife's action for negligent impairment of consortium was first recognized. *Hitaffer v. Argonne Co.*, 183 F.2d 811 (D.C. Cir. 1950). Today 48 states and the District of Columbia recognize both a husband's and a wife's right to sue for loss of consortium (Utah and Virginia do not). [Cases: Husband and Wife 209(3, 4).] 2. A similar loss of benefits that one is entitled to receive from a parent or child. See CONSORTIUM.

#### LOSS-OF-USE EXCLUSION

loss-of-use exclusion. See failure-to-perform exclusion under EXCLUSION(3).

#### LOSS-PAYABLE CLAUSE

loss-payable clause. Insurance. 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 . [Cases: Insurance 3450. C.J.S. Insurance §§ 1404, 1520.]

#### LOSS PAYEE

loss payee. Insurance. A person or entity named in an insurance policy (under a loss-payable clause) to be paid if the insured property suffers a loss. [Cases: Insurance 3450. C.J.S. Insurance §§ 1404, 1520.]

#### LOSS RATIO

loss ratio. 1. Insurance. The ratio between premiums paid and losses incurred during a given period. [Cases: Insurance 1540. C.J.S. Insurance § 65.] 2. A bank's loan losses compared to its loan assets; a business's receivable losses compared to its receivables.

#### LOSS RESERVE

loss reserve. See RESERVE.

#### LOST

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>. 3. Parliamentary law. (Of a motion) rejected; not adopted <the motion is lost>.

#### LOST BOUNDARY

lost boundary. See BOUNDARY.

#### LOST-CHANCE DOCTRINE

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 .

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**LOST CORNER**

lost corner.See CORNER.

**LOST EARNING CAPACITY**

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. [Cases: Damages 38.C.J.S. Damages § 56.]

“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**

lost earnings.See EARNINGS.

**LOST-EXPECTATION DAMAGES**

lost-expectation damages.See expectation damages under DAMAGES.

**LOST OR NOT LOST**

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**

lost profits. 1.Contracts. A measure of damages that allows a seller to collect the profits that would have been made on the sale if the buyer had not breached. UCC § 2-708(2). [Cases: Damages 40; Sales 384(1). C.J.S. Damages §§ 58–61; Sales §§ 363, 365–366.] 2.Patents. A measure of damages set by estimating the net amount lost by a plaintiff-inventor because of the infringing defendant's actions. • The plaintiff can ask for a lost-profits recovery by showing that the patent is in demand, that the plaintiff is able to meet demand, and that there are no acceptable alternatives on the market. [Cases: Patents 318. C.J.S. Patents §§ 561–562.]

**LOST PROPERTY**

lost property.See PROPERTY.

**LOST-SALES-OF-UNPATENTED-ITEMS THEORY**

lost-sales-of-unpatented-items theory.Patents. A theory of lost-profits remedy whereby compensation is sought for sales of unpatented items that the plaintiff would have sold along with patented items but for the defendant's infringement.

**LOST-VOLUME SELLER**

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). [Cases: Sales 384(1, 7). C.J.S. Sales §§ 363, 365–366.]

#### LOST WILL

lost will. See WILL.

#### LOT

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. [Cases: Zoning and Planning 63, 254. C.J.S. Zoning and Land Planning §§ 48–49, 116.]

nonconforming lot. A previously lawful lot that now violates a newly adopted or an amended zoning ordinance. [Cases: Zoning and Planning 321. C.J.S. Zoning and Land Planning §§ 154–155, 157–159.]

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

lot and scot. Hist. A collection of duties paid by voters before voting in certain cities and boroughs.

#### LOT LINE

lot line. A land boundary that separates one tract from another <from the street to the alley, the lot line is 150 feet>.

#### LOTTERY

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. [Cases: Lotteries 3. C.J.S. Lotteries §§ 2–7, 11.]

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-eezor -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**

love day. See DAY.

**LOVELY CLAIM**

Lovely claim. Hist. Property. An entitlement to settle on and take ownership of public land in Arkansas, created by the federal government for Lovely County settlers who were displaced by an 1828 treaty that gave the settlers' land to the Cherokee nation. • The term gets its name from Lovely County in the Arkansas territory, which straddled what is now the Oklahoma–Arkansas border. The treaty divided the county, granted the portion west of the Mississippi River to the Cherokee nation, and required the settlers in that territory to relocate. On May 24, 1828, Congress passed an act granting relief to Lovely County settlers who were forced to leave the Cherokee land and granted them land on the eastern side of the river. Lovely claims are found in chains of title in Arkansas.

**LOWBOTE**

lowbote (loh-boht). Hist. Compensation paid for the death of one killed in a disturbance.

**LOW DILIGENCE**

low diligence. See slight diligence under DILIGENCE.

**LOWER CHAMBER**

lower chamber. See CHAMBER.

**LOWER COURT**

lower court. 1. See court below under COURT. 2. See inferior court under COURT.

**LOWER ESTATE**

lower estate. See servient estate under ESTATE(4).

**LOWER-OF-COST-OR-MARKET METHOD**

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. [Cases: Internal Revenue 3105.1. C.J.S. Internal Revenue §§ 27–29, 31–33.]

**LOWER SCALE**

lower scale. See SCALE(4).

**LOWEST RESPONSIBLE BIDDER**

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. [Cases: Public Contracts 11. C.J.S. Public Administrative Law and Procedure §§ 8–9, 12, 16–17.]

**LOW-GRADE SECURITY**

low-grade security.See SECURITY.

**LOW JUSTICE**

low justice.See JUSTICE(3).

**LOW-TOTAL VOTING**

low-total voting.See VOTING.

**LOW-WATER MARK**

low-water mark.See WATERMARK.

**LOYALTY**

loyalty,n. Faithfulness or allegiance to a person, cause, duty, or government. — loyal,adj.

**LOYALTY OATH**

loyalty oath.See oath of allegiance under OATH.

**L.P.**

L.P. See limited partnership under PARTNERSHIP.

**L.R.**

L.R.abbr.Law Reports.

**L. REV.**

L. Rev.abbr.LAW REVIEW.

**LRIC**

LRIC.abbr.LONG-RUN INCREMENTAL COST.

**L.S.**

L.S.abbr.LOCUS SIGILLI.

**LSAT**

LSAT.abbr.LAW SCHOOL ADMISSIONS TEST.

**LTD.**

Ltd.abbr.Limited — used in company names to indicate limited liability.



## LTV RATIO

LTV ratio. See LOAN-TO-VALUE RATIO.

## LUCE CLARIUS

luce clarius (loo-see klair-ee-*<<schwa>>*s). [Latin] Scots law. Clearer than light. • The phrase expresses the idea that the evidence is very clear, usu. in circumstances necessary to support a conviction in a criminal case. — Also termed *luce meridiana clariores*.

## LUCID

lucid, adj. 1. Understandable. 2. Rational. 3. Sane.

## LUCID INTERVAL

lucid interval. 1. A brief period during which an insane person regains sanity sufficient to have the legal capacity to contract and act on his or her own behalf. [Cases: Mental Health 3.1, 371; Wills 37. C.J.S. Insane Persons § 211; Wills § 9.] 2. A period during which a person has enough mental capacity to understand the concept of marriage and the duties and obligations it imposes. [Cases: Marriage 7. C.J.S. Marriage § 15.] 3. A period during which an otherwise incompetent person regains sufficient testamentary capacity to execute a valid will. — Also termed *lucid moment*.

## LUCID MOMENT

lucid moment. See LUCID INTERVAL.

## LUCRA NUPTIALIA

lucra nuptialia (loo-kr*<<schwa>>* n*<<schwa>>*p-shee-ay-l*<<schwa>>*). [Latin] Roman law. The property that one spouse receives from another, whether by gift, marriage-gift, dos, or testamentary disposition. See *POENAE SECUNDARUM NUPTIARUM*.

## LUCRATIVA CAUSA

lucrativa causa (loo-kr*<<schwa>>*-tī-v*<<schwa>>* kaw-z*<<schwa>>*). [Latin] Roman law. Enrichment for which the acquirer pays nothing (e.g., a bequest). — Also termed *causa lucrativa*.

## LUCRATIVA USUCAPIO PRO HEREDE

lucrativa usucapio pro herede (loo-kr*<<schwa>>*-tī-v*<<schwa>>* yoo-z[y]oo-kay-pee-oh or -kap-ee-oh). [Latin] Roman law. A means of acquiring title to land that an heir has not possessed and excluding the rightful heirs by holding it for one year after the death of the landowner. • There was no requirement that the possessor act in good faith. This practice survived from primitive law. — Also termed *lucrativa uscapio pro herede*. See *USUCAPIO*.

## LUCRATIVE

lucrative (loo-kr*<<schwa>>*-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

lucrative bailment.See bailment for hire under BAILMENT.

#### LUCRATIVE OFFICE

lucrative office.See OFFICE.

#### LUCRATIVE SUCCESSION

lucrative succession.See PRAECEPTIO HAEREDITATIS.

#### LUCRATIVE TITLE

lucrative title.See TITLE(2).

#### LUCRE

lucre (loo-k<<schwa>>r), n. Monetary gain; profit.

#### LUCRI CAUSA

lucri causa (loo-krIkw-z<<schwa>>). [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).

#### LUCRO CAPTANDO

lucro captando. 1.CERTANS DE LUCRO CAPTANDO. 2.IN LUCRO CAPTANDO.

#### LUCRUM

lucrum (loo-kr<<schwa>>m), n.[Latin] 1.Roman law. Gain; profit. 2.Hist. A small parcel of land.

#### LUCRUM CESSANS

lucrum cessans (loo-kr<<schwa>>m ses-anz). [Law Latin “ceasing gain”] Hist. Damages

awarded to include a loss of anticipated profit in addition to an actual realizable loss. — Also termed *lucrum interceptum*. See *DAMNUM EMERGENS* .

#### LUCRUM INTERCEPTUM

*lucrum interceptum* (loo-kr<<schwa>>m in-t<<schwa>>r-sep-t<<schwa>>m). See *LUCRUM CESSANS*.

#### LUCTUOSA HEREDITAS

*luctuosa hereditas* (l<<schwa>>k-choo-oh-s<<schwa>> h<<schwa>>-red-i-tas), n.[Latin “mournful inheritance”] See *hereditas luctuosa* under *HEREDITAS*.

#### LUCTUS

*luctus* (l<<schwa>>k-t<<schwa>>s), n.[Latin] Roman law. Mourning. — Also termed *tempus lugendi*.

#### LUDERE IN EXTREMIS

*ludere in extremis* (loo-d<<schwa>>-ree in ek-stree-mis). [Latin] Hist. To make sport on deathbed. • A person was presumed never to trifle at the point of death.

#### LUMINARE

*luminare* (loo-m<<schwa>>-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

*lumping*.Criminal procedure. The imposition of a general sentence on a criminal defendant. See *general sentence* under *SENTENCE*.

#### LUMPING SALE

*lumping sale*.See *SALE*.

#### LUMP-SUM AGREEMENT

*lump-sum agreement*.Int'l law. An agreement for one nation that caused injuries to another nation's citizens to make a single payment to the other nation to settle outstanding claims for those injuries. • The recipient nation has the power to decide how the settlement funds should be distributed. 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

*lump-sum alimony*.See *alimony in gross* under *ALIMONY*.

#### LUMP-SUM PAYMENT

*lump-sum payment*.See *PAYMENT*.

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**LUNACY**

lunacy. See INSANITY.

**LUNAR MONTH**

lunar month. See MONTH(3).

**LUNATIC**

lunatic, adj. Archaic. An insane person. See INSANE.

dangerous lunatic. A mentally incompetent person who seems reasonably likely to harm himself or herself, another person, or property.

**LUNCH-HOUR RULE**

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. [Cases: Workers' Compensation 768. C.J.S. Workmen's Compensation § 452.]

**LUXURY TAX**

luxury tax. See TAX.

**LWI**

LWI. abbr. LEGAL WRITING INSTITUTE.

**LYING BY**

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**

lying in wait. Criminal law. The series of acts involved in watching, waiting for, 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**

lynch, vb. (Of a mob) to kill (somebody) without legal authority, usu. by hanging. [Cases: Rescue 1; Riot 1. C.J.S. Escape §§ 28–31, 33; Riot; Insurrection §§ 2–10.]

**LYNCH LAW**

lynch law. The administration of summary punishment, esp. death, for an alleged crime, without legal authority. — Also termed (through personification) Judge Lynch.

**LYNDHURST'S ACT**

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Lyndhurst's Act.Hist. An English statute that rendered 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

lytae (II-tee), n.pl.[Latin, fr. Greek] Roman law. Civil-law students in their fourth year of study.

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## 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

label, n.1.Trademarks. An informative display of written or graphic matter, such as a logo, title, or similar marking, affixed to goods or services to identify their source. • A label may be put on the packaging or container of a manufactured product, or on the packaging or surface of a natural substance. [Cases: Trade Regulation 46. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 63.] 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

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

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. [Cases: Food 15; Health 311.]

## LABEL LICENSE

label license.See LICENSE.

## LABES REALIS QUAE REI INHAERET

labes realis quae rei inhaeret (lay-beez ree-ay-lis kwee ree-I in-heer-it). [Latin] Scots law. A real defect that attaches to the thing. Cf. VITIUM REALE .

“Theft, also, constitutes a labes realis in the title of any one holding the subject stolen, no matter how honestly he may have acquired it; and on this defect, which attaches to it until it return to his possession, the true owner may vindicate his right, and recover his subject wherever it can be found.” John Trayner, Trayner's Latin Maxims 312 (4th ed. 1894).

## LABINA

labina (l<<schwa>>-bI-n<<schwa>>), n. Archaic. Land covered by water; swampland.

## LA BOMBA

la bomba (l<<schwa>> bom-b<<schwa>>). (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. See 18 USCA § 844(j). [Cases: Explosives 4.]

## LABOR

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.

child labor. See CHILD LABOR.

spousal labor. See SPOUSAL LABOR.

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

labor agreement. See COLLECTIVE-BARGAINING AGREEMENT.

## LABORARIIS

laborariis (lay-b<<schwa>>-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

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. [Cases: Labor Relations 210. C.J.S. Labor Relations §§ 191–192, 195–197, 203, 207–209.]

## LABOR CONTRACT

labor contract. See COLLECTIVE-BARGAINING AGREEMENT.

## LABOR–DESERT MODEL

labor–desert model. The view that the inventive process results from the inventor's labor to create something of added value to society, and that this added value justifies some social reward (“just deserts”) to the inventor. — Also termed value-added model. Cf. EUREKA MODEL; LABOR MODEL.

## LABOR DISPUTE

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. [Cases: Labor Relations 281. C.J.S. Labor Relations §§ 263–264.]

#### LABOR DISPUTES ACT

Labor Disputes Act. See NORRIS–LAGUARDIA ACT.

#### LABORER

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

#### LABORER'S LIEN

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

#### LABORING A JURY

laboring a jury. See EMBRACERY.

#### LABOR LAW

labor law. The field of law governing the relationship between employers and employees, esp. law governing the dealings of employers and the unions that represent employees. — Also termed industrial law. See NATIONAL LABOR RELATIONS ACT .

#### LABOR–MANAGEMENT RELATIONS

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

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 MODEL

labor model. The view that the inventive process is the product of the inventor's labor, and that the invention is therefore the property of the inventor by natural right. See LOCKEAN LABOR THEORY. Cf. EUREKA MODEL; LABOR–DESERT MODEL L.

#### LABOR ORGANIZATION

labor organization. See UNION.

#### LABOR-RELATIONS ACT

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

Labor Relations Board. See NATIONAL LABOR RELATIONS BOARD.

#### LABOR THEORY

labor theory. See LOCKEAN LABOR THEORY.

#### LABOR UNION

labor union. See UNION.

#### LACCA

lacca. See LACTA.

#### LACEY ACT

Lacey Act. A federal law, originally enacted in 1900, that permits states to enforce their own game laws prohibiting the importation of animals from other states or countries. 16 USCA §§ 661 et seq. See GAME LAW. [Cases: Game 3.5.]

#### LA CHAMBRE DES ESTEILLES

la chambre des esteilles (l<<schwa>> shahm-br<<schwa>> d<<schwa>> zes-tay), n. [French] Hist. The Star Chamber. See STAR CHAMBER.

#### LACHES

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

“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).

prosecution laches. Patents. In a claim for patent infringement, the equitable defense that the patentee did not timely enforce the patent rights.

2. The equitable doctrine by which a court denies relief to a claimant who has unreasonably delayed in asserting the claim, when that delay has prejudiced the party against whom relief is sought. Cf. LIMITATION(3). [Cases: Equity 67. C.J.S. Equity §§ 128–132.] “The doctrine of

laches ... is an instance of the exercise of the reserved power of equity to withhold relief otherwise 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

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

#### LACKEY CLAIM

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.). [Cases: Sentencing and Punishment 1795. C.J.S. Criminal Law §§ 1591–1592.]

#### LACK-OF-ANTECEDENT-BASIS REJECTION

lack-of-antecedent-basis rejection. See REJECTION.

#### LACK OF CAPACITY

lack of capacity. The disability of a person to create or enter into a legal relation because of some special characteristic. See CAPACITY(2).

#### LACK OF ENABLEMENT

lack of enablement. See NONENABLEMENT.

#### LACK-OF-ENABLEMENT REJECTION

lack-of-enablement rejection. See nonenablement rejection under REJECTION.

#### LACK OF JURISDICTION

lack of jurisdiction. See WANT OF JURISDICTION.

#### LACK OF PROSECUTION

lack of prosecution. See WANT OF PROSECUTION.

#### LACK-OF-UTILITY REJECTION

lack-of-utility rejection. See REJECTION.

#### LACTA

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

#### L'ACTE DE L'ÉTAT CIVIL

l'acte de l'état civil. See ACTE(1).

#### LADA

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

## LADE

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

## LADEN IN BULK

laden in bulk,adj. Maritime law. (Of a vessel) loaded with a cargo that lies loose in the hold instead of packaged. • Cargoes of corn, salt, and similar items are usu. shipped in bulk. [Cases: Shipping 110. C.J.S. Shipping §§ 326, 328.]

## LADING, BILL OF

lading, bill of.See BILL OF LADING.

## LADY

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

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

## LADY DAY

Lady Day.See quarter day under DAY.

## LADY'S FRIEND

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

laenland. See LOANLAND.

## LAESA MAJESTAS

laesa majestas (lee-z<<schwa>> m<<schwa>>-jes-tas). See LESE MAJESTY.

## LAESIO ENORMIS

laesio enormis (lee-shee-oh i-nor-mis). [Law Latin “excessive loss” or “abnormal loss of more than half”] Roman & civil law. 1. The sale of a thing for which the buyer paid less than half its real value. • The seller could rescind the sale, but the buyer could keep the item purchased by paying the full value. Generally, this doctrine was limited to land sales. 2. The injury sustained by

one party to an onerous contract when the overreaching party receives twice the value of that party's money or property, such as a purchaser who pays less than half the value of the property sold, or a seller who receives more than double the property's value. • If coowner coheirs partition or sell property, *laesio enormis* may exist when the purchaser pays less than one-fourth of the value rather than one-half. See La. Civ. Code arts. 824, 1406. — Also spelled *lesio enormis*. — Also termed *lesion*; *enorm lesion*; (in full) *laesio enormis vel ultra dimidium* (lee-shee-oh i-nor-mis vel <<schwa>>l-tr<<schwa>> di-mid-ee-<<schwa>>m); (in Louisiana) *lesion beyond moiety*.

“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 ENORMIS VEL ULTRA DIMIDIUM

*laesio enormis vel ultra dimidium*. See LAESIO ENORMIS.

#### LAESIWERP

*laesiwerp* (lee-z<<schwa>>-w<<schwa>>rp), n. [Saxon fr. *laisus* “bosom” + *werpire* “to surrender”] Hist. A thing surrendered to another's hands or power; a thing given or delivered.

#### LAET

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

#### LAGA

*laga*. See LAGE.

#### LAGAN

*lagan* (lag-<<schwa>>n), n. 1. Goods that are abandoned at sea but attached to a buoy so that they may be recovered. — Also termed *lagend*; *lagon*; *ligan*; *ligen*; *logan*. Cf. FLOTSAM; JETSAM; WAVESON. 2. Archaic. Wreckage or cargo lying on the seabed.

#### LAGE

*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

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

## LAGEMAN

lageman (law-m<<schwa>>n or lay-m<<schwa>>n). See LEGALIS HOMO.

## LAGEND

lagend (lag-<<schwa>>nd). See LAGAN.

## LAGGING ECONOMIC INDICATOR

lagging economic indicator. See ECONOMIC INDICATOR.

## LAGGING INDICATOR

lagging indicator. See INDICATOR.

## LAGH DAY

lagh day. See LAGE DAY.

## LAGON

lagon (lag-<<schwa>>n). See LAGAN.

## LAGU

lagu. See LAGE.

## LAHMAN

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

## LAICUS

laicus (lay-<<schwa>>-k<<schwa>>s), n. [Law Latin] Hist. A layman; one who is not in the ministry.

## LAIDLAW&lt;TT&gt; VACANCY

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 must 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

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; esp., a lord's privilege of receiving a fine for fornication with the lord's female villeins. — Also termed lairesite; lecherwite (lech-⟨schwa⟩r-wIt); legerwite; leirwita; leyerwite; legenita (l⟨schwa⟩-jen-⟨schwa⟩-t⟨schwa⟩); legruita (l⟨schwa⟩-groo-⟨schwa⟩-t⟨schwa⟩).

#### LAIS GENTS

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

#### LAISSEZ-FAIRE

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

laity (lay-⟨schwa⟩-tee). Collectively, persons who are not members of the clergy. [Cases: Religious Societies 7. C.J.S. Religious Societies §§ 14–18.]

#### LAKE

lake,n.1. A large body of standing water in a depression of land or basin supplied from the drainage of an extended area; esp., a natural depression in the surface of the earth containing a reasonably permanent body of water that is substantially at rest. [Cases: Waters and Water Courses 108.C.J.S. Waters §§ 2, 236–237.] 2. A widened or expanded part of a river.

#### LAMBETH DEGREE

Lambeth degree (lam-b⟨schwa⟩th).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). • The degrees were conferred in music, theology, law, and medicine.

#### LAMB-WESTON<TT> RULE

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). [Cases: Insurance 2112, 2762. C.J.S. Insurance § 1140.]

#### LAME DUCK

lame duck.An elected official serving out a term after a successor has been elected. [Cases: Officers and Public Employees 50. C.J.S. Officers and Public Employees §§ 86–90, 92–94.]

#### LAME-DUCK AMENDMENT

lame-duck amendment. See TWENTIETH AMENDMENT.

#### LAME-DUCK SESSION

lame-duck session. See SESSION(1).

#### LAMMAS

Lammas. See quarter day under DAY.

#### LAMMAS LAND

lammas land. See LAND.

#### 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. [Cases: Estates in Property 1. C.J.S. Estates §§ 2–5, 8, 15–21, 116–128, 137, 243.]

“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 immovable, 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.

acquired federal land. (usu. pl.) Federal land that was never in the public domain. See federal land.

acquired land. Land acquired by the government from private hands or from another governmental entity; esp., property acquired by the federal government from private or state ownership. • This term is frequently contrasted with public domain. — Also termed acquired lands. See PUBLIC DOMAIN(1).

“ ‘Acquired lands’ are lands the United States acquired from private or state owners by gift, purchase, exchange, or condemnation. In most but not all cases, such lands actually have been ‘reacquired,’ because the United States previously had purchased or won them from foreign and

Indian sovereigns. Distinguishing between lands because of ownership origins that go back over a century is a policy with little to recommend it, but some statutes and judicial opinions maintain the distinction.” George Cameron Coggins, *Public Natural Resources Law* § 1.02[1] (1990).

arable land (ar-<<schwa>>-b<<schwa>>l). Land fit for cultivation. — Formerly also termed araturia; aralia; aratia.

bounty land. A portion of public land given or donated as a reward, esp. for military service. See MILITARY BOUNTY LAND. [Cases: Public Lands 46. C.J.S. Public Lands § 64.]

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

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-maynor 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. Cf. certificate land. [Cases: Public Lands 45. C.J.S. Public Lands §§ 67–70.]

earned land. Public land that is conveyed by a land patent to a private person who has performed a certain condition, usu. one spelled out in an earlier grant. See PATENT(2).

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”).

“Fabrick-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, *Nomo-Lexicon: 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(2). [Cases: Eminent Domain 2(10). C.J.S. Eminent Domain §§ 18, 90–96.]

federal land. (usu. pl.) Land owned by the United States government. • Federal lands are classified as public lands (also termed “lands in the public domain”) or acquired federal lands, depending on how the land was obtained. See acquired federal land.



government land. See public land.

hide land. Hist. See HIDE.

indemnity land. See INDEMNITY LAND.

lammas land (lam-*<<schwa>>*s). Hist. Land over which persons other than the owner have the right of pasturage during winter, from lammas (reaping time) until sowing time.

lieu land (loo). Public land within indemnity limits granted in lieu of those lost within place limits. [Cases: Public Lands 53, 81. C.J.S. Public Lands §§ 81, 126.]

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

made land. Artificially formed land, usu. land that has been reclaimed by filling or created by dredging.

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. Lands or land interests held by the government, without regard to how the government acquired ownership; unappropriated land belonging to the federal or state government. — Also termed public lands; government land; public ground. [Cases: Public Lands 1. C.J.S. Public Lands § 3.]

“The terms ‘public lands’ and ‘federal lands’ may ... include less than full fee interests, such as severed mineral estates. They usually do not, however, refer to submerged lands off the seacoasts (over which the United States asserts jurisdiction but not title), or lands held in trust for Indians.” George Cameron Coggins et al., *Federal Public Land and Resources Law* 3 (3d ed. 1993).

reserved land. See RESERVATION(3).

riparian land. 1. Land that includes part of the bed of a watercourse or lake. 2. Land that borders on a public watercourse or public lake whose bed is owned by the public.

school land. Public real estate set apart for sale or exploitation by a state to establish and fund public schools. [Cases: Public Lands 51. C.J.S. Public Lands §§ 76–79, 82–83.]

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

settled land. Any land — or any interest in it — that is the subject of any document that limited it to, or put it into trust for, a person by way of succession.

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.<sup>43</sup> USCA §§ 981 et seq. [Cases: Public Lands 58. C.J.S. Public Lands §§ 102–103, 106–107.]

tideland. See TIDELAND.

withdrawn land. See RESERVATION(3).

#### LAND, LAW OF

land, law of. See LAW OF THE LAND.

#### LAND AGENT

land agent. See LAND MANAGER.

#### LAND BANK

land bank. 1. A bank created under the Federal Farm Loan Act to make loans at low interest rates secured by farmland. [Cases: United States 53(7).C.J.S. United States §§ 90, 92–93.] 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

land boundary. See BOUNDARY.

#### LAND CERTIFICATE

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. [Cases: Public Lands 174. C.J.S. Public Lands §§ 178–197.]

#### LANDCHEAP

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

#### LAND CONTRACT

land contract. See contract for deed under CONTRACT.

#### LAND COP

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

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the claims of expected heirs.

#### LAND COURT

land court. See COURT.

#### LAND DAMAGES

land damages. See just compensation under COMPENSATION.

#### LAND DEPARTMENT

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. [Cases: Public Lands 94.C.J.S. Public Lands §§ 167–168.]

#### LAND DESCRIPTION

land description. See LEGAL DESCRIPTION.

#### LAND DISTRICT

land district. See DISTRICT.

#### LANDED

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

#### LANDED ESTATE

landed estate. See ESTATE(1).

#### LANDED-ESTATES COURT

landed-estates court. See COURT.

#### LANDED PROPERTY

landed property. See landed estate under ESTATE(1).

#### LANDED SECURITY

landed security. See SECURITY.

#### LANDED SERVITUDE

landed servitude. See servitude appurtenant under SERVITUDE(2).

#### LANDEFRICUS

landefricus (lan-d<<schwa>>-frI-k<<schwa>>s). Hist. A landlord or lord of the soil.

#### LANDEGANDMAN

landegandman (lan-d<<schwa>>-gand-m<<schwa>>n or lan-d<<schwa>>-g<<schwa>>nd-m<<schwa>>n).Hist. A customary or inferior tenant of a manor.

#### LAND FLIP

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 FORCES

land forces.See UNITED STATES ARMY.

#### LAND-GAVEL

land-gavel (land-gav-<<schwa>>l).Hist. A tax or rent issuing from land. — Also spelled landgable; land-gabel; land-gafol. See GAVEL(1), (2).

#### LAND GRANT

land grant.A donation of public land to an individual, a corporation, or a subordinate government. [Cases: Public Lands 42. C.J.S. Public Lands §§ 64–66.]

private land grant.A land grant to a natural person. See land patent under PATENT(2).

#### LANDHLAFORD

landhlaforð (land-[h]lav-<<schwa>>rd).Hist. A proprietor of land; a lord of the soil.

#### LANDHOLDER

landholder. One who possesses or owns land.

#### LAND IMPROVEMENT

land improvement.See IMPROVEMENT.

#### LANDING

landing. 1. A place on a river or other navigable water for loading and unloading goods, or receiving and delivering passengers and watercraft. 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

landing law.A law prohibiting the possession or sale of fish or game that have been taken illegally. [Cases: Fish 13(1); Game 7.]

#### LAND LEASE

land lease. See ground lease under LEASE.

#### LANDLOCKED

landlocked, adj. 1. Surrounded by land, with no way to get in or out except by crossing the land of another <because the tract was landlocked, the buyer claimed an easement of necessity across the seller's property>. 2. (Of a country) surrounded by other nations, with no access to major navigable waterways <the landlocked nation had always been at a mercantile disadvantage to its seafaring neighbors>.

#### LANDLORD

landlord. 1. At common law, the feudal lord who retained the fee of the land. — Sometimes shortened to lord. 2. One who leases real property to another. — Also termed (in sense 2) lessor. [Cases: Landlord and Tenant 1. C.J.S. Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).]

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

#### LANDLORD-AND-TENANT RELATIONSHIP

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

#### LANDLORD'S HYPOTHEC

landlord's hypothec. See HYPOTHEC.

#### LANDLORD'S LIEN

landlord's lien. See LIEN.

#### LANDLORD'S WARRANT

landlord's warrant. See WARRANT(1).

#### LANDLORD-TENANT RELATIONSHIP

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. [Cases: Landlord and Tenant 1. C.J.S. Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).]

#### LANDMAN

landman. Oil & gas. A person responsible for acquiring oil and gas leases, negotiating arrangements for development of leases, and managing leased properties. • In this field, both men

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and women are commonly known as landmen.

#### LAND MANAGER

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

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>. [Cases: Boundaries 4, 5. C.J.S. Boundaries §§ 3, 5–7.] 2. A historically significant building or site <the schoolhouse built in 1898 is the county's most famous landmark>. See MONUMENT. [Cases: Environmental Law 61–103.]

#### LANDMARK DECISION

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

land office.A government office in which sales of public land are recorded. [Cases: Public Lands 94. C.J.S. Public Lands §§ 167–168.]

#### LANDOWNER

landowner. One who owns land.

#### LANDOWNER'S ROYALTY

landowner's royalty.See ROYALTY(2).

#### LAND PATENT

land patent.See PATENT(2).

#### LAND-POOR

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

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

land revenue. See REVENUE.

#### LANDRUM–GRIFFIN ACT

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

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 HEREDITAMENT; TENEMENT.

#### LAND SALES CONTRACT

land sales contract. See contract for deed under CONTRACT.

#### LAND SCRIP

land scrip. A negotiable instrument entitling the holder, usu. a person or company engaged in public service, to possess specified areas of public land. See SCRIP(1). [Cases: Public Lands 135(1). C.J.S. Public Lands §§ 150, 152–158, 160–162.]

#### LANDS, TENEMENTS, AND HEREDITAMENTS

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

#### LAND TAX

land tax. See property tax under TAX.

#### LAND-TENANT

land-tenant. See TERRE-TENANT.

#### LAND TITLES AND TRANSFER ACT

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.

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**LAND TRUST**

land trust. See TRUST.

**LAND TRUST CERTIFICATE**

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**

land-use planning. The deliberate, systematic development of real estate through methods such as zoning, environmental-impact studies, and the like. — Also spelled landuse planning. — Also termed urban planning. [Cases: Zoning and Planning 1. C.J.S. Zoning and Land Planning §§ 2, 5–7, 17–18.]

**LAND-USE REGULATION**

land-use regulation. An ordinance or other legislative enactment governing the development or use of real estate. — Also spelled landuse regulation. [Cases: Zoning and Planning 1. C.J.S. Zoning and Land Planning §§ 2, 5–7, 17–18.]

“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**

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**

land warfare. See WARFARE.

**LAND WARRANT**

land warrant. See LAND CERTIFICATE.

**LANGDELL SYSTEM**

Langdell system. See CASEBOOK METHOD.



## LANGEMAN

langeman (lan-j<<schwa>>-m<<schwa>>n), n. Hist. A lord of a manor. Pl. langemanni (lan-j<<schwa>>-man-I).

## LANGUAGE

language. 1. Any organized 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

languidus (lang-gwi-d<<schwa>>s), 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

Lanham Act (lan-<<schwa>>m). 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 or if the strength of a strong mark would be diluted. • The Lanham Act's scope is independent of and concurrent with state common law.15 USCA §§ 1051 et seq. — Also termed Federal Trademark Act; Trademark Act of 1946.

## LAPIDATION

lapidation (lap-<<schwa>>-day-sh<<schwa>>n), n. An execution by stoning. — lapidate (lap-<<schwa>>-dayt), vb.

## LAPPAGE

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

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. [Cases: Embezzlement 12. C.J.S. Embezzlement § 26.]

## LAPSE

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. ADEMPATION. [Cases: Wills 774–777. C.J.S. Wills §§ 1791–1808.]

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

lapsed devise.See DEVISE.

#### LAPSED LEGACY

lapsed legacy.See LEGACY.

#### LAPSED POLICY

lapsed policy.See INSURANCE POLICY.

#### LAPSE PATENT

lapse patent.See PATENT(2).

#### LAPSE STATUTE

lapse statute.See ANTILAPSE STATUTE.

#### LAPSUS BONIS

lapsus bonis (lap-s<<schwa>>s boh-nis). [Latin] Scots law. Reduced in worldly circumstances. • The phrase appeared in reference to a person who was having temporary financial difficulties.

#### LARCENABLE

larcenable (lahr-s<<schwa>>-n<<schwa>>-b<<schwa>>l), adj. Subject to larceny < because it cannot be carried away, real estate is not larcenable>. [Cases: Larceny 4–10. C.J.S. Larceny §§ 2, 3(1, 2, 3, 4, 5, 6, 7), 13–19, 37–42, 44, 49.]

#### LARCENIST

larcenist,n. One who commits larceny. See LARCENY.

#### LARCENOUS

larcenous (lahr-s<<schwa>>-n<<schwa>>s), 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

larcenous intent.See INTENT(1).

## LARCENY

larceny (lahr-s<<schwa>>-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." [Cases: Larceny 1.C.J.S. Larceny §§ 1(1, 2), 9.]

"The criminal offence of larceny or theft in the Common Law was intimately connected with the civil wrong of trespass. 'Where there has been no trespass,' said Lord Coleridge, 'there can at law common be no larceny.' Larceny, in other words, is merely a particular kind of trespass to goods which, by virtue of the trespasser's intent, is converted into a crime. Trespass is a wrong, not to ownership but to possession, and theft, therefore, is not the violation of a person's right to ownership, but the infringement of his possession, accompanied with a particular criminal intent." 4 Stephen's Commentaries on the Laws of England 72–73 (L. Crispin Warmington ed., 21st ed. 1950).

"[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). — Also termed compound larceny. [Cases: Larceny 23. C.J.S. Larceny §§ 60(1, 2, 3), 61–65.]

complicated larceny. See mixed larceny.

compound larceny. 1. See aggravated larceny. 2. 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. [Cases: Larceny 23. C.J.S. Larceny §§ 60(1, 2, 3), 61–65.]

"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 a constructive trespass. Larceny that occurs when a property owner mistakenly gives another person more property than is due, and the recipient knows about the error but does not disclose it before taking the excess property with the intent of converting it to his or her own use.

larceny by bailee. Larceny committed by a bailee who converts the property to personal use or to the use of a third party. [Cases: Embezzlement 16; Larceny 15. C.J.S. Embezzlement § 20; Larceny §§ 30–32, 45–48.]

larceny by extortion. See theft by extortion under THEFT.

larceny by fraud and deception. See larceny by trick.

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. [Cases: Larceny 14. C.J.S. Larceny §§ 7, 36, 50.]

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. [Cases: Larceny 19. C.J.S. Larceny §§ 8, 10–11.]

larceny of property lost, mislaid, or delivered by mistake. See theft of property lost, mislaid, or delivered by mistake under THEFT.

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 an amount fixed by statute, usu. \$100. — Also spelled petty larceny. Cf. grand larceny. [Cases: Larceny 23. C.J.S. Larceny §§ 60(1, 2, 3), 61–65.]

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

#### LARGER PARCEL

larger parcel. Eminent domain. A portion of land that is not a complete parcel, but is the greater part of a bigger tract, entitling the owner to damages both 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. [Cases:

Eminent Domain 96, 135. C.J.S. Eminent Domain §§ 126–127.]

### LARON

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

### LARRISON<TT> RULE

Larrison rule (lar-*<<schwa>>-s<<schwa>>n*).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). [Cases: Criminal Law 942. C.J.S. Criminal Law § 1451.]

“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

lascivious (l*<<schwa>>-siv-ee-<<schwa>>s*), adj. (Of conduct) tending to excite lust; lewd; indecent; obscene.

### LASCIVIOUS COHABITATION

lascivious cohabitation.See illicit cohabitation under COHABITATION.

### L'ASSOCIATION LITTERAIRE ET ARTISTIQUE INTERNATIONALE

L'Association Litteraire et Artistique Internationale.Copyright. An organization of authors, artists, and other supporters of international copyright protection. • In 1878, the Association drafted five resolutions that would become the starting point for the Berne Convention. In 1883, the organization called the first meeting in Berne, Switzerland for the purpose of creating a union to enforce international copyrights. — Often shortened to the International Association. — Abbr. ALAI.

### LAST

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

### LAST ANTECEDENT, RULE OF THE

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

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**LAST-CLEAR-CHANCE DOCTRINE**

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. [Cases: Automobiles 227; Negligence 530, 1297. C.J.S. Motor Vehicles §§ 963–970; Negligence §§ 281–290, 313, 318.]

**LAST-EMPLOYER RULE**

last-employer rule. The doctrine that liability for an occupational injury or illness falls to the employer that exposed the worker to the injurious substance just before the first onset of the disease or injury. — Also termed last-injurious-exposure rule. [Cases: Workers' Compensation 201. C.J.S. Workmen's Compensation §§ 120, 125–127.]

**LAST HEIR**

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**

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

**LAST-IN, FIRST-OUT**

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. [Cases: Internal Revenue 3105.1. C.J.S. Internal Revenue §§ 27–29, 31–33.]

**LAST-INJURIOUS-EXPOSURE RULE**

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

**LAST-IN-TIME-MARRIAGE PRESUMPTION**

last-in-time-marriage presumption. Family law. A presumption that the most recently contracted marriage is valid. • This presumption generally arises in a situation similar to this: A person, believing himself or herself to be divorced, remarries. This person dies, and the new spouse makes a claim for the decedent's pension benefits. Then a former spouse, claiming that there was never a valid divorce, also claims the right to receive the benefits. The last-in-time-marriage presumption operates so that the former spouse bears the burden of proving that there was no valid divorce.

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**LAST-LINK DOCTRINE**

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. [Cases: Witnesses 201(1). C.J.S. Witnesses §§ 329–330, 332–335, 337–340.]

**LAST-OPPORTUNITY DOCTRINE**

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

**LAST-PROXIMATE-ACT TEST**

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). • Most courts have rejected this test as being too lenient. See **ATTEMPT** (2). [Cases: Criminal Law 44. C.J.S. Criminal Law §§ 114–123.]

**LAST RESORT, COURT OF**

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

**LAST SICKNESS**

last sickness. See **LAST ILLNESS**.

**LAST-STRAW DOCTRINE**

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 LIFE INSURANCE**

last-survivor life insurance. See **LIFE INSURANCE**.

**LAST-TREATMENT RULE**

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. [Cases: Limitation of Actions 55(3). C.J.S. Limitations of Actions §§ 159, 166, 171–175; Physicians, Surgeons, and Other Health-Care Providers § 108.]

**LAST WILL**

last will. See **WILL**.

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**LAST WILL AND TESTAMENT**

last will and testament. See last will under WILL.

**LATA CULPA**

lata culpa. See CULPA.

**LATA NEGLEGENTIA**

lata neglegentia (lay-t<<schwa>> neg-l<<schwa>>-jen-shee-<<schwa>>). See NEGLEGENTIA.

**LATCHING**

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

**LATE**

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>.

**LATE CHARGE**

late charge. See CHARGE.

**LATECOMER**

latecomer. See JUNIOR USER.

**LATENS**

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

**LATENT**

latent (lay-t<<schwa>>nt), adj. Concealed; dormant <a latent defect>. Cf. PATENT.

**LATENT AMBIGUITY**

latent ambiguity. See AMBIGUITY.

**LATENT DEED**

latent deed. See DEED.

**LATENT DEFECT**

latent defect. See hidden defect under DEFECT.

**LATENT EQUITY**

latent equity. See EQUITY.



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**LATENT INTENT**

latent intent. See dormant legislative intent under LEGISLATIVE INTENT.

**LATENT INTENTION**

latent intention. See dormant legislative intent under LEGISLATIVE INTENT.

**LATERAL DEPARTURE**

lateral departure. See DEPARTURE.

**LATERAL SENTENCING**

lateral sentencing. See lateral departure under DEPARTURE.

**LATERAL SUPPORT**

lateral support. See SUPPORT(4).

**LATERARE**

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

**LATE-TERM ABORTION**

late-term abortion. See ABORTION.

**LATIFUNDIUM**

latifundium (lat-⟨schwa⟩-f⟨schwa⟩n-dee-⟨schwa⟩m), n. [Latin fr. latus “broad” + fundus “land”] Roman law. A large private estate, common in the late Republic.

**LATIN**

Latin. The language of the ancient Romans and a primary language of the civil and canon law, and formerly of the common law. — Abbr. L.

“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**

latinarius (lat-⟨schwa⟩-nair-ee-⟨schwa⟩s), n. [Latin] Hist. An interpreter of Latin.

## LATINI JUNIANI

Latini Juniani (l<<schwa>>-tI-nI joo-nee-ay-nI), n. pl.[Latin “Junian Latins”] Roman law. Informally manumitted slaves who acquired some rights and privileges as free people, but not Roman citizenship. • They were a special class of freedmen (libertini) who could one day become citizens. If a Latinus Junianus did not become a citizen, then upon death that person's status reverted to slavery, and his or her patron acquired all the decedent's property. — Also termed libertine Junian Latins. See LEX JUNIA NORBANA. Cf. INGENUUS; SERVUS(1).

“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

latitat (lat-<<schwa>>-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

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

## LATIUM MAIUS

Latium maius (lay-shee-<<schwa>>m may-j<<schwa>>s). [Latin] Roman law. The greater rights conferred on the inhabitants of Latium and, later, of colonies outside Italy, giving citizenship to all members of the local curia or town council and their children. 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

Latium minus (lay-shee-<<schwa>>m ml-n<<schwa>>s). [Latin] Roman law. The right of citizenship granted to the superior magistrates of provincial colonies. — Also termed minus Latium. Cf. LATIUM MAIUS.

#### LATOR

lator (lay-t<<schwa>>r), n.[Latin “a bearer, proposer”] Civil law. 1. A bearer; a messenger. 2. A maker or giver of laws.

#### LATORI PRAESSENTIUM

latori praesentium (lay-tor-Ior l<<schwa>>-tor-I pri-sen-shee-<<schwa>>m). [Law Latin] Scots law. To the bearer of these presents. • The phrase appeared in reference to written notes or bonds made payable to an unnamed creditor.

#### LATO SENSU

lato sensu (lay-toh sen-s[y]oo). [Latin] Hist. In a wide sense; in a broad sense.

#### LATRO

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

#### LATROCINATION

latrocination (la-tr<<schwa>>-s<<schwa>>-nay-sh<<schwa>>n). [fr. Latin latrocinium “highway robbery”] Archaic. The act of robbing; a depredation; a theft. — Also termed latrociny; latrocinium. See LARCENY; THEFT.

#### LATROCINIUM

latrocinium (la-tr<<schwa>>-sin-ee-<<schwa>>m), n.[Latin fr. latro “a robber”] Hist. 1.LATROCINATION. 2. Something stolen. 3. The right to judge and execute thieves.

#### LATROCINY

latrociny (la-tr<<schwa>>-s<<schwa>>-nee). See LATROCINATION.

#### LAUDAMENTUM

laudamentum (law-d<<schwa>>-men-t<<schwa>>m), n. Hist. A jury award.

#### LAUDARE

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

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. Pl. laudationes (law-day-shee-oh-nee-z).

#### LAUDATOR

laudator (law-day-t<<schwa>>r), n.[Latin] 1.Roman law. A character witness in a criminal trial. 2.Hist. An arbitrator. Pl. laudatores (law-d<<schwa>>-tor-ee-z).

#### LAUDATORY WORDS

laudatory words.Patents. In a patent claim, descriptive but self-serving and conclusory words about the invention's quality or features, such as "faster" or "more effective." • Laudatory words are usu. not allowed in the claims of utility-patent applications, but they are allowed in plant-patent applications.

#### LAUDEMIMUM

laudemium (law-dee-mee-<<schwa>>m), n.[Law Latin] Hist. 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

laudere auctorem (law-deer-ee awk-tor-<<schwa>>m). See NOMINATIO AUCTORIS.

#### LAUDUM

laudum (law-d<<schwa>>m), n.[Law Latin] Hist. An arbitrament. See ARBITRAMENT.

#### LAUGHE

laughe,n. See FRANKPLEDGE.

#### LAUGHING HEIR

laughing heir.See HEIR.

#### LAUNCH

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.

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**LAUNDERING**

laundering, n. See MONEY-LAUNDERING.

**LAUNDRY LIST**

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**

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**

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**

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; esp., the body of rules, standards, and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them <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-sw<<schwa>>-t[y]oo-d<<schwa>>-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. [Cases: Statutes 68. C.J.S. Statutes §§ 154–161.] 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.

moral law. See MORAL LAW.

natural law. See NATURAL LAW.

partial law. A statute designed (usu. intentionally) to affect the rights of only one particular person or only certain classes of people, rather than all people.

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

positive law. See POSITIVE LAW.

procedural law. See PROCEDURAL LAW.

prospective law. See prospective statute under STATUTE.

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). [Cases: Statutes 77–104. C.J.S. Statutes §§ 148–149, 154–155, 159, 162–201.]

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 AGENT

law agent. Scots law. See SOLICITOR(4).

#### LAW AND ECONOMICS

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 antitrust 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

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

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

law as literature. See LAW AND LITERATURE.

#### LAW BETWEEN STATES

law between states. See INTERNATIONAL LAW.

#### LAWBOOK

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

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

#### LAWBURROWS

lawburrows (law-b<<schwa>>r-ohz). Scots law. 1. An action requiring security for the peaceable behavior of a party. 2. Security obtained by a party apprehensive of danger to safeguard the peace.

#### LAW CLERK

law clerk. See CLERK(4).

#### LAW COMMISSION

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

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

#### LAW COURT OF APPEALS

law court of appeals. Hist. An appellate tribunal, formerly existing in South Carolina, for



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hearing appeals from the courts of law.

#### LAW-CRAFT

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

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. [Cases: Mortgages 301, 322, 335. C.J.S. Mortgages §§ 506–511, 515, 579, 602, 604.] 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

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

#### LAW ENFORCEMENT

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. 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

Law Enforcement Assistance Administration.A former federal agency (part of the Department of Justice) that was responsible for administering law-enforcement grants under the Omnibus Crime Control and Safe Streets Act of 1968. • It has been replaced by a variety of federal agencies, including the National Institute of Corrections and National Institute of Justice. — Abbr. LEAA.

#### LAW ENFORCEMENT INFORMATION NETWORK

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

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**LAW-ENFORCEMENT OFFICER**

law-enforcement officer. A person whose duty is to enforce the laws and preserve the peace. See PEACE OFFICER; SHERIFF. [Cases: Municipal Corporations 180(1). C.J.S. Municipal Corporations §§ 450–452, 474–476, 497, 502, 505, 508, 534.]

**LAW-ENFORCEMENT SYSTEM**

law-enforcement system. See CRIMINAL-JUSTICE SYSTEM.

**LAW FIRM**

law firm. An association of lawyers who practice law together, usu. sharing clients and profits, in a business organized traditionally 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. [Cases: Attorney and Client 30. C.J.S. Attorney and Client §§ 145–147, 164.]

captive law firm. A law firm staffed by employees of an insurance company. • These lawyers typically defend insureds in lawsuits covered under the insurer's liability policies. The insurer's use of a captive firm to defend an insured raises ethical questions about whether the lawyers will act in the insured's best interests. — Often shortened to captive firm.

**LAW FRENCH**

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. — Abbr. L.F. — Also written law French. See NORMAN FRENCH.

“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).

“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).

#### LAWFUL

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

#### LAWFUL ADMISSION

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

lawful age. 1. See age of capacity under AGE. 2. See age of majority (1) under AGE.

#### LAWFUL ARREST

lawful arrest.See ARREST.

#### LAWFUL AUTHORITIES

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

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

#### LAWFUL CONDITION

lawful condition.See CONDITION(2).

#### LAWFUL DAMAGES

lawful damages.See DAMAGES.

#### LAWFUL DEED

lawful deed.See good deed under DEED.

#### LAWFUL DEPENDENT

lawful dependent.See DEPENDENT.

#### LAWFUL ENTRY

lawful entry. See ENTRY(1).

#### LAWFUL FENCE

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. Cf. SPITE FENCE. [Cases: Animals 92; Fences 1, 19. C.J.S. Animals §§ 243–246, 248.]

#### LAWFUL GOODS

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

#### LAWFUL HEIR

lawful heir. See HEIR(1).

#### LAWFUL INTEREST

lawful interest. See INTEREST(3).

#### LAWFUL ISSUE

lawful issue. See ISSUE(3).

#### LAWFUL MAN

lawful man. See LEGALIS HOMO.

#### LAWFUL MONEY

lawful money. See MONEY.

#### LAWFUL PROCESS

lawful process. See legal process under PROCESS.

#### LAWFUL REPRESENTATIVE

lawful representative. See REPRESENTATIVE.

#### LAWGIVER

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).

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**LAW GUARDIAN**

law guardian. See guardian ad litem under GUARDIAN.

**LAW-HAND**

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

**LAW IN ACTION**

law in action. The law as applied in the day-to-day workings of the legal system, as opposed to the law found in books. — Sometimes written law-in-action. See LEGAL REALISM. Cf. LAW IN BOOKS.

**LAW IN BOOKS**

law in books. The legal rules to be found in texts; esp., sterile, oft-repeated rules that seem to depart from the way in which the law actually operates in the day-to-day workings of the legal system. — Sometimes written law-in-books. Cf. LAW IN ACTION.

**LAW IN LITERATURE**

law in literature. See LAW AND LITERATURE.

**LAW JOURNAL**

law journal. 1. A legal periodical or magazine, esp. one published by a bar association. 2. LAW REVIEW(1). — Abbr. L.J.

**LAW LATIN**

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 fieri 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

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 that provides biographical information about lawyers, such as Martindale-Hubbell. • Many states and large cities have law lists or directories. See MARTINDALE-HUBBELL LAW DIRECTORY.

#### LAW LORD

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

lawmaker. See LEGISLATOR.

#### LAWMAKING

lawmaking. See LEGISLATION(1).

#### LAW MARTIAL

law martial. See MARTIAL LAW.

#### LAW MERCHANT

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

lawnote. See NOTE(2).

#### LAW OF A GENERAL NATURE

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

#### LAW OF ARMS

law of arms. See ARMS, LAW OF.

#### LAW OF CAPTURE

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law of capture.See RULE OF CAPTURE.

#### LAW OF CITATIONS

Law of Citations.See CITATIONS, LAW OF.

#### LAW OF COMPETENCE

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; JURAL AGENT. [Cases: Officers and Public Employees 103. C.J.S. Officers and Public Employees §§ 224–227, 232–233.]

#### LAW OF DECEIT

law of deceit.Hist. The body of 19th-century common-law torts that developed into the modern laws of trademark, securities fraud, deceptive trade practices, and unfair competition.

#### LAW OF EVIDENCE

law of evidence.See EVIDENCE(4).

#### LAW OFFICER

law officer. 1. A police officer, sheriff, or other person with law-enforcement authority. 2. In most common-law jurisdictions, a senior administrator of justice, such as an attorney general, solicitor general, or other high-level minister or officer of justice.

#### LAW OF LANGOBARDI

law of Langobardi.See LOMBARD LAW.

#### LAW OF LOMBARDY

law of Lombardy.See LOMBARD LAW.

#### LAW OF MARQUE

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

law of nations.See INTERNATIONAL LAW.

#### LAW OF NATURE

law of nature.See NATURAL LAW.

#### LAW OF NATURE AND NATIONS

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law of nature and nations. See INTERNATIONAL LAW.

#### LAW OF OBLIGATIONS

law of obligations. The category of law dealing with proprietary rights in personam — namely, the relations between obligor and obligee. • It is one of the three departments into which civil law was traditionally divided. See IN PERSONAM . Cf. LAW OF PROPERTY; LAW OF STATUS.

#### LAW OF PERSONS

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

law of property. The category of law dealing with proprietary rights in rem, such as personal servitudes, predial servitudes, and rights of real security. • It is one of the three departments into which civil law was traditionally divided: persons, property, and modes of acquiring property (obligations). In modern civil codes that follow the model of the German Civil Code, civil law is divided into five books: general principles, obligations, family law, property, and succession. See IN REM. Cf. LAW OF OBLIGATIONS ; LAW OF STATUS.

#### LAW OF REMEDY

law of remedy. See REMEDY.

#### LAW OF SHIPPING

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

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

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

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. [Cases: Appeal and Error 1097; Courts 99. C.J.S. Appeal and Error



§§ 849, 851–852; Courts § 149.] 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

law of the circuit. 1. The law as announced and followed by a U.S. Circuit Court of Appeals. [Cases: Courts 96(4). C.J.S. Courts §§ 150, 152–153.] 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. [Cases: Courts 90(2). C.J.S. Courts § 141.] 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. [Cases: Courts 96(5). C.J.S. Courts §§ 152–153.]

#### LAW OF THE FLAG

law of the flag. Maritime law. The law of the nation whose flag is flown by a particular vessel where it is registered. [Cases: Shipping 2. C.J.S. Shipping § 1.]

#### LAW OF THE FORUM

law of the forum. See LEX FORI.

#### LAW OF THE HAGUE

Law of The Hague. The first widely accepted body of international law of war, as approved by conventions in The Hague in 1899 and 1907. • The Law of The Hague set up procedures for mediation and arbitration of disputes to avoid war, and attempted to regulate the type and use of weapons in warfare. See LIEBER CODE.

#### LAW OF THE LAND

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*. [Cases: Constitutional Law 251–320.5.]

#### LAW OF THE PARTNERSHIP

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

#### LAW OF THE PLACE

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). [Cases: United States 78(14). C.J.S. United States §§ 149, 151.]

#### LAW OF THE ROAD

law of the road.The collective statutes, rules, and customs that regulate travel on public highways and streets.

#### LAW OF THE SEA

law of the sea.The body of international law governing how nations use and control the sea and its resources. Cf. GENERAL MARITIME LAW; MARITIME LAW. [Cases: International Law 7. C.J.S. International Law §§ 23–24.]

#### LAW OF THE STAPLE

law of the staple.Hist. The law administered in the court of the mayor of the staple; the law merchant. See STAPLE(1), (2).

#### LAW OF THE TRIAL

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. [Cases: Criminal Law 847; Trial 284. C.J.S. Trial §§ 738–739.]

#### LAW OF THINGS

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

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. [Cases: Attorney and Client 63.C.J.S. Attorney and Client §§ 165–166, 179–181, 234.]

#### LAW QUESTION

law question.See QUESTION OF LAW.

#### LAW REFORM

law reform.The process of, or a movement dedicated to, streamlining, modernizing, or otherwise improving a body of law 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

law report.See REPORT(3).

#### LAW REPORTER

law reporter. See REPORT(3).

#### LAW REVIEW

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>. — Also termed law journal. See LAW JOURNAL. 2. The law-student staff and editorial board of such a journal <she made law review>. — Abbr. L. Rev.

#### LAW SALIQUE

law Salique (s<<schwa>>-leek). See SALIC LAW.

#### LAW SCHOOL

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. [Cases: Colleges and Universities 1. C.J.S. Colleges and Universities §§ 2–3, 9.]

#### LAW SCHOOL ADMISSIONS TEST

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

Law Society. A professional organization in England, chartered in 1845, governing the education, practice, and conduct of articled 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

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

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

#### LAWS OF OLÉRON

laws of Oléron (oh-l<<schwa>>-ron or aw-lay-ron). The oldest collection of 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 (1189–1199).

#### LAWS OF THE SEVERAL STATES

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

#### LAWS OF VISBY

laws of Visby (vis-bee). A code of maritime customs and decisions adopted on the island of Gothland (in the Baltic Sea), where Visby was the principal port. • Most scholars believe that this code postdates the laws of Oléron. The code was influential throughout northern Europe. In recognition of the ancient code, the Visby Protocol to amend the Hague Rules was signed in Visby. The Hague–Visby Rules govern most of the world's liner trade. — Also spelled laws of Wisby. — Also termed Gothland sea laws.

#### LAWS OF WAR

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 CONVENTIONS OF 1949.

#### LAWS OF WISBY

laws of Wisby.See LAWS OF VISBY.

#### LAW SPIRITUAL

law spiritual.See ECCLESIASTICAL LAW.

#### LAWSUIT

lawsuit,n. See SUIT.

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

#### LAW-TALK

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

#### LAW-WORTHY

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

#### LAW WRITER

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

## LAWYER

lawyer,n. One who is licensed to practice law. Cf. ATTORNEY. [Cases: Attorney and Client 9. C.J.S. Attorney and Client §§ 24–25.] — lawyerly, lawyerlike,adj. — lawyerdom,n.

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. [Cases: Military Justice 1240. C.J.S. Military Justice §§ 352, 357.]

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.

guardhouse lawyer.See JAILHOUSE LAWYER.

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 <associates often spend their 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

lawyer–client privilege.See attorney–client privilege under PRIVILEGE(3).

## LAWYER-WITNESS RULE

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 Rule of Professional Conduct 3.7 (1983). — Also termed advocate-witness rule; attorney-witness rule. [Cases: Attorney and Client 22; Witnesses 67. C.J.S. Attorney and Client §§ 135–136; Witnesses §§ 176–190.]

## LAY

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. [Cases: Seamen 28.C.J.S. Seamen §§ 109–112.]

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

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. [Cases: Sales 24. C.J.S. Sales §§ 41–42.]

#### LAY CORPORATION

lay corporation.See CORPORATION.

#### LAY DAMAGES

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

#### LAYDAY

layday.Maritime law. A day allowed by a voyage charterparty for the charterer to load or unload cargo. • If more time is used, the vessel's owner is entitled to compensation for the delay, usu. in the form of demurrage. If less time is used, the owner may pay dispatch. — Also written lay day. See DEMURRAGE; DISPATCH; LAYTIME. Cf. day of demurrage under DAY. [Cases: Shipping 181. C.J.S. Shipping § 450.]

#### LAY FEE

lay fee.See FEE(2).

#### LAY IMPROPRIATOR

lay impropiator (im-proh-pree-ay-t<<schwa>>r).Eccles. law. A layperson holding a benefice or other spiritual impropriation.

#### LAYING A FOUNDATION

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. [Cases: Criminal Law 404.10, 444; Evidence 117, 366–381.]

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**LAYING OF THE VENUE**

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. [Cases: Pleading 45. C.J.S. Pleading § 99.]

**LAY INVESTITURE**

lay investiture.Eccles. law.The ceremony by which a layperson places a bishop in possession of lands, money revenues, and other diocesan temporalities.

**LAY JUDGE**

lay judge.See JUDGE.

**LAYMAN**

layman. 1. A person who is not a member of the clergy. [Cases: Religious Societies 7. C.J.S. Religious Societies §§ 14–18.] 2. A person who is not a member of a profession or an expert on a particular subject. — Also termed layperson. [Cases: Evidence 470. C.J.S. Evidence §§ 509, 511–512, 517.]

**LAYOFF**

layoff. The termination of employment at the employer's instigation; esp., the termination — either temporary or permanent — of many employees in a short time. — Also termed reduction in force. — 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% of the employees at that site. 29 USCA § 2101(a)(3). See WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT. [Cases: Labor Relations 7.1.]

**LAYOFF BET**

layoff bet.See BET.

**LAYOFF BETTOR**

layoff bettor.A bookmaker who accepts layoff bets from other bookmakers. See layoff bet under BET. [Cases: Gaming 73.]

**LAY ON THE TABLE**

lay on the table.Parliamentary law. 1. To postpone the consideration of (a matter before a deliberative assembly); TABLE. • Some parliamentary writers prefer the form “to lay on the table” and disapprove of the form “to table.” 2.BrE.To schedule for consideration.

**LAY OPINION TESTIMONY**

lay opinion testimony. See TESTIMONY.

#### LAYPERSON

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

#### LAY SYSTEM

lay system. Maritime law. A system in which a fishing vessel's catch is sold by contract or at auction, and then after costs are paid and the shipowner compensated, the net profits are divided among the crew members according to agreed-on percentages.

#### LAY TENURE

lay tenure. See TENURE.

#### LAYTIME

laytime. Maritime law. Time allowed by a voyage charterparty for the charterer to load or unload cargo. • If more time is used, the vessel's owner is entitled to compensation for the delay, usu. in the form of demurrage. If less time is used, the owner may pay dispatch. See DEMURRAGE; DISPATCH; LAYDAY. [Cases: Shipping 47, 181. C.J.S. Shipping §§ 113–114, 450.]

#### LAY WITNESS

lay witness. See WITNESS.

#### LBO

LBO. See leveraged buyout under BUYOUT.

#### LC

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

#### L-CLAIM PROCEEDING

L-Claim proceeding. A hearing under the Racketeer Influenced and Corrupt Organizations Act, intended to ensure that property ordered to be forfeited belongs solely to the defendant. • A petition for an L-Claim proceeding is filed by a third party who claims an interest in the property. The purpose is not to divide the assets among competing claimants, and general creditors of the defendant are not allowed to maintain an L-Claim petition. The name refers to its legal basis in subsection 1 of RICO's penalty provision. 18 USCA § 1963(1)(2). [Cases: Forfeitures 5. C.J.S. RICO (Racketeer Influenced and Corrupt Organizations) §§ 31, 33.]

#### LEAA

LEAA. abbr. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

#### LEACHING



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

#### LEAD COUNSEL

lead counsel. See COUNSEL.

#### LEADING CASE

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

leading counsel. See lead counsel under COUNSEL.

#### LEADING ECONOMIC INDICATOR

leading economic indicator. See ECONOMIC INDICATOR.

#### LEADING INDICATOR

leading indicator. See INDICATOR.

#### LEADING-OBJECT RULE

leading-object rule. See MAIN-PURPOSE RULE.

#### LEADING OF A USE

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

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. [Cases: Witnesses 239. C.J.S. Witnesses § 415.]

#### LEAD-LAG STUDY

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. • The term comes from the phrases “lead time” and “lag time.” 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 company can calculate the amount of necessary reserves. [Cases: Public Utilities 124. C.J.S. Public Utilities §§ 23–26, 30–33, 48–49.]

#### LEADS DOCTRINE

leads doctrine. Tax. In a tax-evasion case, the rule that the government must 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. [Cases: Internal Revenue 5312.]

#### LEAGUE

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 (chiefly, nautical). [Cases: Weights and Measures 3. C.J.S. Weights and Measures § 3.]

marine league. A geographical measure of distance equal to one-twentieth part of a degree of latitude, or three nautical miles. [Cases: Weights and Measures 3. C.J.S. Weights and Measures § 3.]

#### LEAGUE OF NATIONS

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

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. [Cases: Copyrights and Intellectual Property 87(1). C.J.S. Copyrights and Intellectual Property §§ 77, 79.]

#### LEAL

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

#### LEAN

lean,vb.1. To incline or tend in opinion or preference. • A court is sometimes said to “lean toward” or “lean against” an advocate's position, meaning that the court regards that position favorably or unfavorably. 2. To yield; to submit.

#### LEAPFROG DEVELOPMENT

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.

#### LEARNED

learned (l<<schwa>>r-nid), adj.1. Having a great deal of learning; erudite. • A lawyer might refer to an adversary as a “learned colleague” or “learned opponent” — a comment that, depending on the situation and tone of voice, may be either a genuine compliment or a sarcastic 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 earned a law degree and been admitted to the bar.

#### LEARNED INTERMEDIARY

learned intermediary.See informed intermediary under INTERMEDIARY.

#### LEARNED-INTERMEDIARY DOCTRINE

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. [Cases: Products Liability 46. C.J.S. Products Liability § 54.]

#### LEARNED-TREATISE RULE

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's 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). [Cases: Criminal Law 439;

Evidence 363. C.J.S. Criminal Law §§ 1032, 1038; Evidence §§ 1005–1006.]

## LEARNING

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

## LEASE

lease, n. 1. A contract by which a rightful possessor of real property conveys the right to use and occupy the 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. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.] 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. [Cases: Bailment 1. C.J.S. Bailments §§ 2–13, 15, 19, 22–24, 31.]

assignable lease. A lease that the lessee can transfer to a successor. See SUBLEASE. [Cases: Landlord and Tenant 74. C.J.S. Landlord and Tenant §§ 30, 53.]

building lease. A long-term lease of land that includes a covenant to erect or alter a building or other improvement. Cf. ground lease.

capital lease. See LEASE-PURCHASE AGREEMENT.

commercial lease. A lease for business purposes. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.]

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 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 primarily for the lessee's personal or household use. UCC § 2A-103(1)(e). [Cases: Bailment 2. C.J.S. Bailments §§ 5, 14, 16–18.] 2. A residential — rather than commercial — lease.

derivative lease. See SUBLEASE.

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; tripartite lease. [Cases: Bailment 2. C.J.S. Bailments §§ 5, 14, 16–18.]

“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. [Cases: Landlord and Tenant 148(1), 156. C.J.S. Landlord and Tenant §§ 374–376, 378–386.]

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 fuel, 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. [Cases: Estates in Property 13. C.J.S. Estates §§ 159–192.]

headlease. See HEADLEASE.

index lease. A lease that provides for increases in rent according to the increases in the consumer price index. [Cases: Landlord and Tenant 200.7.]

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, particularly of parts of the leased property.

mineral lease. A lease in which the lessee has the right to explore for and extract oil, gas, or other minerals. • The rent is usu. based on the amount or value of the minerals extracted. [Cases: Mines and Minerals 56–81. C.J.S. Mines and Minerals §§ 194–325, 442.]

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. [Cases: Mines and Minerals 62–71. C.J.S. Mines and Minerals §§ 200–232.]

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. [Cases: Landlord and Tenant 113. C.J.S. Landlord and Tenant §§ 130(1, 2), 131, 145, 151–155.]

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. [Cases: Mines and Minerals 73–81. C.J.S. Mines and Minerals §§ 210, 233, 238–283, 285–325, 442.]

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 typically responsible for paying taxes and other expenses on the property. Cf. LEASE-PURCHASE AGREEMENT.

“or” lease. Oil & gas. A mineral lease with a drilling-delay rental clause structured so that the lessee promises to start drilling operations or to pay delay rentals from time to time during the primary term. • If the lessee fails to do one or the other, the lease does not automatically terminate, but the lessee is liable for the delay-rental amount.

parol lease (p<<schwa>>-rohlorpar-<<schwa>>l). A lease based on an oral agreement; an unwritten lease. [Cases: Landlord and Tenant 23. C.J.S. Landlord and Tenant § 211(2).]

percentage lease. A lease in which the rent is based on a percentage of gross (or net) sales or profits, typically with a set minimum rent. [Cases: Landlord and Tenant 200.2.]

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. [Cases: Landlord and Tenant 87. C.J.S. Landlord and Tenant § 61.]

perpetually renewable lease. Hist. A lease that a tenant may renew for another period as often as it expires, usu. by making a payment upon exercising the right. • In 1922, this type of lease was effectively abolished in England by the Law of Property Act, which provided for the conversion of existing and future perpetually renewable leases to term-of-years leases, and set the maximum term at 2,000 years.

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

reversionary lease. A lease that will take effect when a prior lease terminates.

sandwich lease. A lease in which the lessee subleases the property to a third party, esp. for more rent than under the original lease. [Cases: Landlord and Tenant 74. C.J.S. Landlord and Tenant §§ 30, 53.]

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. [Cases: Logs and Logging 3. C.J.S. Logs and Logging §§ 9, 20.]

top lease.Oil & gas. A lease granted on property already subject to an oil-and-gas lease. • Generally, any rights granted by a top lease are valid only if the existing lease ends. [Cases: Mines and Minerals 56. C.J.S. Mines and Minerals §§ 194–195, 233.]

tripartite lease.See finance lease.

triple-net lease.See net-net-net lease.

“unless” lease.Oil & gas. An oil-and-gas lease with a drilling-delay rental clause structured as a special limitation to the primary term. • Unless delay rentals are paid or drilling operations are started from time to time as specified, an “unless” lease automatically terminates, and the lessee has no liability for its failure to perform. [Cases: Mines and Minerals 78.1(3, 9).C.J.S. Mines and Minerals §§ 260–263, 269–270.]

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>. [Cases: Bailment 1; Landlord and Tenant 20. C.J.S. Bailments §§ 2–13, 15, 19, 22–24, 31; Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.] 2. To take a lease of; to hold by a lease <Carol leased the townhouse from her uncle>.

#### LEASE AGREEMENT

lease agreement.See LEASE(3).

#### LEASE AND RELEASE

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

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. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.]

#### LEASE CONTRACT

lease contract.See LEASE(3).

#### LEASE FOR LIFE



lease for life.Hist. A lease of land for the duration of a specified number of lives instead of for a specified term of years. • Unlike a tenant for a term of years, a lessee for life could recover the land if dispossessed.

“The rent payable was usually fairly small, but a fine was paid when the lease was granted; a further fine was payable when, on the termination of the lives, the tenant exercised the right the lease gave him to replace them and so extend the lease. If the lessor was a corporation such as a monastery or college, the fines were treated as income by the then members of the corporation, to the disadvantage of their successors. Leases for life finally lost their popularity when legislation in the first half of the nineteenth century compelled corporations to add such fines to their capital.” Robert E. Megarry & M.P. Thompson, *A Manual of the Law of Real Property* 306 (6th ed. 1993).

#### LEASE FOR YEARS

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

#### LEASEHOLD

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. [Cases: Landlord and Tenant 70, 113, 117. C.J.S. Landlord and Tenant §§ 26, 130(1, 2), 131, 145, 151–156, 202(3, 9).]

#### LEASEHOLDER ROYALTY

leaseholder royalty.See landowner's royalty under ROYALTY(2).

#### LEASEHOLD IMPROVEMENTS

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

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. [Cases: Eminent Domain 147. C.J.S. Eminent Domain §§ 131–132, 153.] 2. A lessor's or lessee's interest under a lease contract. UCC § 2A-103(m). 3.WORKING INTEREST. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.]

#### LEASEHOLD MORTGAGE

leasehold mortgage.See MORTGAGE.

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**LEASEHOLD-MORTGAGE BOND**

leasehold-mortgage bond. See BOND(3).

**LEASEHOLD ROYALTY**

leasehold royalty. See landowner's royalty under ROYALTY(2).

**LEASEHOLD VALUE**

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**

lease insurance. See INSURANCE.

**LEASE-LEND**

lease-lend. See LEND-LEASE.

**LEASE-PURCHASE AGREEMENT**

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 paying taxes and other expenses on the property. — Also termed lease-to-purchase agreement; hire-purchase agreement; capital lease. Cf. operating lease under LEASE. [Cases: Bailment 2; Bills and Notes 22. C.J.S. Bailments §§ 5, 14, 16–18; Bills and Notes; Letters of Credit § 20.]

**LEASING-MAKING**

leasing-making. Hist. Scots law. Oral sedition.

**LEAST-INTRUSIVE-MEANS DOCTRINE**

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**

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 intact. [Cases: Statutes 64(1). C.J.S. Statutes §§ 83–85.]

#### LEAST-RESTRICTIVE EDUCATIONAL ENVIRONMENT

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

#### 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. [Cases: Schools 148(2). C.J.S. Schools and School Districts §§ 700–702, 717, 719.]

#### LEAST-RESTRICTIVE-MEANS TEST

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

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

#### LEAVE

leave, n. 1. Departure; the act of going away <took his leave>. 2. Extended absence for which one has authorization; esp., a voluntary vacation from military duties with the chance to visit home; furlough <on a three-month leave from the Army>. 3. Permission <by leave of court>.

leave, vb. 1. To give by will; to bequeath or devise <she left her ranch to her stepson>. • This usage has historically been considered loose by the courts, and it is not always given testamentary effect. 2. To be survived by <he left no brothers or sisters>. 3. To depart; voluntarily go away; quit (a place). 4. To depart willfully with the intent not to return <Nelson left Texas and became a resident of Massachusetts>. 5. To deliver (a summons, money, an article, etc.) by dropping off at a certain place, esp. to await the return of someone; esp., to post (a copy of a writ, etc.).

#### LEAVE AND LICENSE

leave and license. In an action for trespass to land, the defense that the plaintiff consented to the defendant's presence. [Cases: Trespass 25. C.J.S. Trespass §§ 54–55, 167.]

#### LEAVE NO ISSUE

leave no issue, vb. To die without any surviving child or other descendant. • The spouse of a deceased child is usu. not issue. See FAILURE OF ISSUE. [Cases: Wills 545. C.J.S. Wills §§ 1033, 1039–1048.]

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**LEAVE OF ABSENCE**

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

**LEAVE OF COURT**

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.

**LEAVE TO SIT**

leave to sit. Parliamentary law. Permission from a deliberative assembly for a committee or other subordinate body to meet while the assembly is meeting.

**LEC**

LEC. abbr. LOCAL-EXCHANGE CARRIER.

**LECCATOR**

leccator (l<<schwa>>-kay-t<<schwa>>r). [Latin] Archaic. A debauched person; a lecher. — Also termed leicator.

**LECHERWITE**

lecherwite (lech-<<schwa>>r-wIt). See LAIRWITE.

**LECTURE METHOD**

lecture method. See HORNBOOK METHOD.

**LEDGER**

ledger (lej-<<schwa>>r). 1. A book or series of books used for recording financial transactions in the form of debits and credits. — Also termed general ledger. [Cases: Evidence 354(5). C.J.S. Evidence § 941.] 2. Archaic. A resident ambassador or agent. — Also termed (in sense 2) leger; lieger.

**LEDO**

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

**LEET**

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

left-handed marriage.See morganatic marriage under MARRIAGE(1).

#### LEGABILIS

legabilis (l<<schwa>>-gay-b<<schwa>>-lis), n.[Latin] Hist. Property or goods that may be given by will. • As an adjective, the term also meant “bequeathable.”

#### LEGABLE

legable,adj. (Of property) capable of being bequeathed.

#### LEGACY

legacy (leg-<<schwa>>-see), n. A gift by will, esp. of personal property and often of money. Cf. BEQUEST; DEVISE. [Cases: Wills 565. C.J.S. Wills §§ 1135–1136.]

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

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

accumulative legacy.See additional legacy.

additional legacy.A second legacy given to a legatee in the same will (or in a codicil to the same will) that gave another legacy. • An additional legacy is supplementary to another and is not considered merely a repeated expression of the same gift. — Also termed accumulative legacy; cumulative legacy. [Cases: Wills 585. C.J.S. Wills §§ 1171–1175.]

alternate legacy.A legacy by which the testator allows the legatee to choose 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. [Cases: Wills 639–668. C.J.S. Wills §§ 1380–1424.]

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 she attains the age of 21.” [Cases: Wills 628–638. C.J.S. Wills §§ 1320–1379, 1551.]

cumulative legacy.See additional legacy.

demonstrative legacy (di-mon-str<<schwa>>-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. [Cases: Wills 755. C.J.S. Wills §§ 1664, 1667–1677, 1679–1683.]

failed legacy. See lapsed legacy.

general legacy. 1. A gift of personal property that the testator intends to come from the estate's general assets, payable in money or items indistinguishable from each other, such as shares of publicly traded stock. [Cases: Wills 756. C.J.S. Wills §§ 1663, 1667–1677, 1679–1683.] 2. Civil law. A testator's gift of a fraction or proportion of the estate remaining after particular legacies have been satisfied. 3. Civil law. A testator's gift of all, a fraction, or a proportion of one of certain categories of property, as specified by statute. See La. Civ. Code arts. 1586, 3506(28). — Also termed legacy under a general title. Cf. particular legacy; universal legacy.

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. — Also termed failed legacy; failed gift. See ANTILAPSE STATUTE. [Cases: Wills 774–777. C.J.S. Wills §§ 1791–1808.]

legacy under a general title. See general legacy.

legacy under a particular title. See particular legacy.

legacy under a universal title. Louisiana law. A testamentary disposition of all immovable property, or all movable property, or a fixed proportion of all immovable property or of all movable property. La. Civ. Code art. 1612. Cf. general legacy; particular legacy; universal legacy.

modal legacy (moh-d<<schwa>>l). 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>.

particular legacy. Civil law. A testamentary gift that is not expressed as a fraction or proportion and is less than all the estate; any testamentary gift that does not meet the definition of a general legacy or a universal legacy. See La. Civ. Code arts. 1587, 3506(28). — Also termed legacy under a particular title. Cf. general legacy; universal legacy.

pecuniary legacy (pi-kyoo-nee-er-ee). A legacy of a sum of money. [Cases: Wills 567. C.J.S. Wills § 1141.]

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. [Cases: Wills 586. C.J.S. Wills §§ 1176–1179, 1184.]

special legacy. See specific legacy.

specific legacy. A legacy of a specific or unique item of property, such as any real estate or a particular piece of furniture. — Also termed special legacy. [Cases: Wills 753, 754. C.J.S. Wills §§ 1662, 1666–1677, 1679–1683.]

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.

universal legacy.Louisiana law. A testamentary disposition of all property, movable and immovable, to one or more persons. La. Civ. Code art. 1585. Cf. general legacy; legacy under a universal title; particular legacy.

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. Cf. absolute legacy; contingent legacy. [Cases: Wills 628–638. C.J.S. Wills §§ 1320–1379, 1551.]

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. [Cases: Wills 849–872. C.J.S. Wills §§ 96, 1822–1840, 1974–1994.]

#### LEGACY DUTY

legacy duty.See legacy tax under TAX.

#### LEGACY TAX

legacy tax.See TAX.

#### LEGAL

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. [Cases: Action 21. C.J.S. Actions § 124.]

#### LEGAL ACT

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. 4. See ACT OF THE LAW.

#### LEGAL-ACUMEN DOCTRINE

legal-acumen doctrine (lee-g<<schwa>>l <<schwa>>-kyoo-m<<schwa>>n). 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

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. [Cases: Witnesses 201(1). C.J.S. Witnesses §§ 329–330, 332–335, 337–340.] 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. [Cases: Administrative Law and Procedure 124. C.J.S. Public Administrative Law and Procedure § 19.]

#### LEGAL AGE

legal age. 1. See age of capacity under AGE. 2. See age of majority (1) under AGE.

#### LEGAL AID

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

legal analyst. See PARALEGAL.

#### LEGAL ASSET

legal asset. See ASSET.

#### LEGAL ASSISTANT

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

#### LEGAL BENEFIT

legal benefit. See BENEFIT(2).

#### LEGAL BRIEF

legal brief. See BRIEF(1).

#### LEGAL CAPITAL

legal capital. See CAPITAL.

#### LEGAL CAUSE

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

#### LEGAL CENTRALISM

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; legocentrism



(lee-goh-sen-triz-<<schwa>>m).

#### LEGAL-CERTAINTY TEST

legal-certainty test.Civil procedure. A test designed to determine whether the amount in controversy satisfies the minimum needed to establish the court's jurisdiction. • The amount claimed in the complaint will control unless there is a “legal certainty” that the claim is actually less than the minimum amount. See AMOUNT IN CONTROVERSY. [Cases: Federal Courts 350, 359; Removal of Cases 75, 107(7). C.J.S. Removal of Causes §§ 5–6, 115, 127, 130, 157, 188–191.]

#### LEGAL CITOLOGY

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

#### LEGAL CODE

Legal Code.See CODE(2).

#### LEGAL CONCLUSION

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

legal consideration.See valuable consideration under CONSIDERATION(1).

#### LEGAL CRUELTY

legal cruelty.See CRUELTY.

#### LEGAL CUSTODY

legal custody.1.CUSTODY(2).CUSTODY, (3).3DECISION-MAKING RESPONSIBILITY.

#### LEGAL CUSTOM

legal custom.See CUSTOM.

#### LEGAL DEATH

legal death.1.brain death, under DEATH. 2. See civil death (2).3. See civil death (3) under DEATH.

#### LEGAL DEBT

legal debt.See DEBT.

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**LEGAL DEFENSE**

legal defense.See DEFENSE(1).

**LEGAL DEMAND**

legal demand.See DEMAND(1).

**LEGAL DEPENDENT**

legal dependent.See DEPENDENT.

**LEGAL DESCRIPTION**

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. [Cases: Deeds 37. C.J.S. Deeds § 53.]

**LEGAL DETRIMENT**

legal detriment.See DETRIMENT(2).

**LEGAL DISCRETION**

legal discretion.See judicial discretion under DISCRETION.

**LEGAL DISTRIBUTEE**

legal distributee.See DISTRIBUTEE.

**LEGAL DRAFTING**

legal drafting.See DRAFTING.

**LEGAL DUTY**

legal duty.See DUTY(1).

**LEGAL-ELEMENTS TEST**

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. [Cases: Indictment and Information 189, 191.C.J.S. Indictments and Informations §§ 218, 220, 230–231, 242.]

**LEGAL ENTITY**

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. artificial person under

## PERSON(3).

## LEGALESE

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

## LEGAL ESTATE

legal estate. See ESTATE(1).

## LEGAL ESTOPPEL

legal estoppel. See ESTOPPEL.

## LEGAL ETHICS

legal ethics. 1. The minimum standards of appropriate 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. [Cases: Attorney and Client 32(2). C.J.S. Attorney and Client § 44.]

“In one sense, the term ‘legal ethics’ refers narrowly to the system of professional regulations governing the conduct of lawyers. In a broader sense, however, legal ethics is simply a special case of ethics in general, as ethics is understood in the central traditions of philosophy and religion. From this broader perspective, legal ethics cuts more deeply than legal regulation: it concerns the fundamentals of our moral lives as lawyers.” Deborah L. Rhode & David Luban, *Legal Ethics* 3 (1992).

## LEGAL EVIDENCE

legal evidence. See EVIDENCE.

## LEGAL EXCUSE

legal excuse. See EXCUSE(2).

## LEGAL FACT

legal fact. See FACT.

## LEGAL FATHER

legal father. See FATHER.

## LEGAL FENCE

legal fence. See LAWFUL FENCE.

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**LEGAL FICTION**

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; specif., a device by which a legal rule or institution is diverted from its original purpose to accomplish indirectly some other object. • The constructive trust is an example of a legal fiction. — Also termed fiction of law; fictio juris. [Cases: Trusts 91. C.J.S. Trover and Conversion §§ 10, 12, 174, 195.]

“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 blear-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**

legal force. See reasonable force under FORCE.

**LEGAL FORMALISM**

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

**LEGAL FRAUD**

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

**LEGAL HEIR**

legal heir. See HEIR(1).

**LEGAL HOLIDAY**

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. [Cases: Holidays 1.]

**LEGAL IMPOSSIBILITY**

legal impossibility. See IMPOSSIBILITY.

**LEGAL INCONSISTENCY**

legal inconsistency. See legally inconsistent verdict under VERDICT.

#### LEGAL INJURY

legal injury. See INJURY.

#### LEGAL-INJURY RULE

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. [Cases: Limitation of Actions 43. C.J.S. Limitations of Actions §§ 81–84.]

#### LEGAL INNOCENCE

legal innocence. See INNOCENCE.

#### LEGAL INSANITY

legal insanity. See INSANITY.

#### LEGAL INTEREST

legal interest. 1. See INTEREST(2). 2. See INTEREST(3).

#### LEGAL INTERRUPTION

legal interruption. See INTERRUPTION.

#### LEGAL INTROMISSION

legal intromission. See INTROMISSION.

#### LEGAL INVESTMENTS

legal investments. See LEGAL LIST.

#### LEGALIS HOMO

legalis homo (l<<schwa>>-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. — Also termed legal man; lawful man; lageman; liber et legalis homo. See RECTUS IN CURIA. Pl. legales homines (l<<schwa>>-gay-leez hom-<<schwa>>-neez).

#### LEGALISM

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

legalis moneta Angliae (l<<schwa>>-gay-lis m<<schwa>>-nee-t<<schwa>> ang-gee-ee), n.[Latin] Lawful money of England.

#### LEGAL ISSUE

legal issue. See ISSUE(1).

#### LEGALIST

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

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

#### LEGALITY

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

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 <as religions age, they tend to become legalized>. — legalization, n.

#### LEGALIZED NUISANCE

legalized nuisance. See NUISANCE.

#### LEGAL JEOPARDY

legal jeopardy. See JEOPARDY.

#### LEGAL JOINTURE

legal jointure. See JOINTURE(2).

#### LEGAL LIABILITY

legal liability. See LIABILITY(1).

#### LEGAL LIFE ESTATE

legal life estate. See life estate under ESTATE(1).

#### LEGAL LIFE TENANT

legal life tenant. See LIFE TENANT.

#### LEGAL LIST

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 low-risk securities meeting certain specifications. — Also termed approved list; legal investments.

#### LEGALLY

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

#### LEGALLY DETERMINED

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

#### LEGALLY INCAPACITATED PERSON

legally incapacitated person. A person, other than a minor, who is temporarily or permanently impaired by mental illness, mental deficiency, physical illness or disability, or alcohol or drug use 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

legally inconsistent verdict. See VERDICT.

#### LEGALLY LIABLE

legally liable. See LIABLE.

#### LEGALLY PROTECTED INTEREST

legally protected interest. See INTEREST(2).

#### LEGALLY SUFFICIENT CONSIDERATION

legally sufficient consideration. See sufficient consideration under CONSIDERATION(1).

#### LEGAL MALICE

legal malice. See implied malice under MALICE.

#### LEGAL MALPRACTICE

legal malpractice. See MALPRACTICE.

#### LEGAL MAN

legal man. See LEGALIS HOMO.

#### LEGAL MAXIM

legal maxim. See MAXIM.

#### LEGAL MEMORY

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

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

legal monopoly. See MONOPOLY.

#### LEGAL MORALISM



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

**LEGAL MORTGAGE**

legal mortgage.See MORTGAGE.

**LEGAL NAME**

legal name.See NAME.

**LEGAL NEGLIGENCE**

legal negligence.See negligence per se under NEGLIGENCE.

**LEGAL NEWSPAPER**

legal newspaper.See NEWSPAPER.

**LEGAL NOTICE**

legal notice.See NOTICE.

**LEGAL OFFICER**

legal officer.See OFFICER(2).

**LEGAL OPINION**

legal opinion.See OPINION(2).

**LEGAL ORDER**

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**

legal owner.See OWNER.

**LEGAL PARENT**

legal parent.See PARENT(1).

**LEGAL PATERNALISM**

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

**LEGAL PERSON**

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legal person. See artificial person under PERSON(3).

#### LEGAL PERSONALITY

legal personality. See PERSONALITY.

#### LEGAL–PERSONAL REPRESENTATIVE

legal–personal representative. See REPRESENTATIVE.

#### LEGAL PHILOSOPHY

legal philosophy. See general jurisprudence (2) under JURISPRUDENCE.

#### LEGAL PNEUMOCONIOSIS

legal pneumoconiosis. See PNEUMOCONIOSIS.

#### LEGAL PORTION

legal portion. See LEGITIME.

#### LEGAL POSITIVISM

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. See POSITIVE LAW. Cf. LOGICAL POSITIVISM. — legal positivist, n.

“[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

legal possessor. See POSSESSOR.

#### LEGAL PRACTICE

legal practice. See PRACTICE OF LAW.

#### LEGAL PRACTITIONER

legal practitioner. 1. A lawyer. 2. In the traditional English system, a member of one of the recognized branches of practice.

“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

legal prejudice. See PREJUDICE.

#### LEGAL PRESUMPTION

legal presumption. See presumption of law under PRESUMPTION.

#### LEGAL PROCEEDING

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

legal process. See PROCESS.

#### LEGAL QUESTION

legal question. See QUESTION OF LAW.

#### LEGAL RATE

legal rate. See INTEREST RATE.

#### LEGAL REALISM

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. Cf. LEGAL FORMALISM. — legal realist, n.

#### LEGAL REGIME

legal regime. See REGIME.

#### LEGAL RELATION

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

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**LEGAL REMEDY**

legal remedy. See REMEDY.

**LEGAL REPRESENTATIVE**

legal representative. 1. See personal representative under REPRESENTATIVE. 2. See lawful representative under REPRESENTATIVE.

**LEGAL RESCISSION**

legal rescission. See RESCISSION.

**LEGAL RESEARCH**

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**

legal reserve. See RESERVE.

**LEGAL RESIDENCE**

legal residence. See DOMICILE(2).

**LEGAL RIGHT**

legal right. See RIGHT.

**LEGAL RULING**

legal ruling. See RULING.

**LEGAL SCIENCE**

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**

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 are usu. more highly skilled, and therefore more highly compensated, than secretaries in general business.

**LEGAL SEISIN**

legal seisin. See seisin in law under SEISIN.

#### LEGAL SEPARATION

legal separation. 1. SEPARATION(1). 2. SEPARATION(2). 3. See divorce a mensa et thoro under DIVORCE.

#### LEGAL SERVICES CORPORATION

Legal Services Corporation. A nonprofit federal corporation that provides financial aid in civil cases to those who cannot afford legal assistance through grants to legal-aid and other organizations and by contracting with individuals, firms, corporations, and organizations to provide legal services. • The agency was created by the Legal Services Corporation Act of 1974. 42 USCA § 2996. [Cases: Corporations 377.5. C.J.S. Corporations §§ 568–571.]

#### LEGAL SERVITUDE

legal servitude. See SERVITUDE(2).

#### LEGAL SIGNATURE

legal signature. See SIGNATURE.

#### LEGAL SUBDIVISION

legal subdivision. See SUBDIVISION.

#### LEGAL SUBROGATION

legal subrogation. See SUBROGATION.

#### LEGAL SUCCESSION

legal succession. 1. SUCCESSION(2). 2. DESCENT.

#### LEGAL TENDER

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 (5). [Cases: United States 34. C.J.S. United States §§ 162–163.]

#### LEGAL THEORY

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

legal title. See TITLE(2).

#### LEGAL TUTORSHIP

legal tutorship. See TUTORSHIP.

#### LEGAL-UNITIES DOCTRINE

legal-unities doctrine. Hist. The common-law rule that a wife had no separate existence from her husband. — Also termed doctrine of legal unities; unities doctrine of marriage. See MARRIED WOMEN'S PROPERTY ACTS; SPOUSAL-UNITY DOCTRINE .

#### LEGAL USUFRUCT

legal usufruct. See USUFRUCT.

#### LEGAL VALUE

legal value. See BENEFIT(2).

#### LEGAL VOTE

legal vote. See VOTE(1).

#### LEGAL VOTER

legal voter. See VOTER(2).

#### LEGAL WILLFULNESS

legal willfulness. See WILLFULNESS.

#### LEGAL WRITING INSTITUTE

Legal Writing Institute. A nonprofit corporation founded in 1984 to promote the exchange of information and ideas about the teaching of legal writing. • It is composed mainly of legal-writing teachers at American law schools. Like its sister organization, the Association of Legal Writing Directors, it seeks to improve the teaching of legal writing through research and scholarship, a biennial conference, an annual survey of legal-writing programs, an active listserv, and publications that include a journal called Legal Writing. — Abbr. LWI.

#### LEGAL WRONG

legal wrong. See WRONG.

#### LEGANTINE

legantine. See LEGATINE.

#### LEGARE

legare (l<<schwa>>-gair-ee), vb. [Latin] Roman law. To bequeath one or more specified items to some person other than an heir, or to make such a bequest to an heir in advance of the estate's division between the heirs.

#### LEGATARIUS

legatarius (leg-*<<schwa>>-tair-ee-*<<schwa>>s**), n.[Latin] 1.Roman law. The person to whom property is bequeathed; the named recipient of a legatum; LEGATEE. 2.Hist. A legate; a messenger or envoy. See LEGATE. Pl. legatarii.

#### LEGATARY

legatary (leg-*<<schwa>>-ter-ee*), n. Archaic. See LEGATEE.

#### LEGATE

legate (leg-it), n.[fr. Latin legare “to send as an envoy”] 1.Roman law. An official who undertakes a special mission for the emperor, or an official or body such as a municipality. 2.Roman law. A person deputed to assist or act for 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. Cf. NUNCIO(1); INTERNUNCIO(3).

legate a latere (ay lat-*<<schwa>>-ree*). See legatus a latere under LEGATUS.

legate missus (mis-*<<schwa>>s*). See legatus missus under LEGATUS.

legate natus (nay-t-*<<schwa>>s*). See legatus natus under 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 (l-*<<schwa>>-gayt*), vb. To give or leave as a legacy; to make a testamentary gift of (property); BEQUEATH.

#### LEGATEE

legatee (leg-*<<schwa>>-tee*).1. One who is named in a will to take personal property; one who has received a legacy or bequest. [Cases: Wills 492–520. C.J.S. Wills §§ 902–966.] 2. Loosely, one to whom a devise of real property is given. — Also termed (archaically) legatary. Cf. DEVISEE.

general legatee.A person whose bequest is of a specified quantity to be paid out of the estate's personal assets.

residuary legatee (ri-zij-oo-er-ee). A person designated to receive the residue of a decedent's estate. See residuary estate under ESTATE(3). [Cases: Wills 586. C.J.S. Wills §§ 1176–1179, 1184.]

specific legatee.The recipient, under a will, of designated property that is transferred by the owner's death. [Cases: Wills 753, 754. C.J.S. Wills §§ 1662, 1666–1677, 1679–1683.]

universal legatee.A residuary legatee that receives the entire residuary estate.

#### LEGATINE

legatine (leg-*<<schwa>>-tin* or *-tIn*), adj. Of or relating to a legate. — Also termed (erroneously) legantine.

#### LEGATINE CONSTITUTION

legatine constitution.Hist. Eccles. law. A code of ecclesiastical laws issued with the authority of a papal legate, such as those enacted in English national synods in 1220 and 1268.

#### LEGATINE COURT

legatine court.See COURT.

#### LEGATION

legation (*l<<schwa>>-gay-sh<<schwa>>n*).Int'l law. 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

legator (*l<<schwa>>-gay-t<<schwa>>r* or *leg-<<schwa>>-tor*), n. Rare. One who bequeaths a legacy; TESTATOR.

#### LEGATORY

legatory (*leg-<<schwa>>-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

legatum (*l<<schwa>>-gay-t<<schwa>>m*), n.[Latin fr. legare “to bequeath”] 1.Roman law. A special bequest; a gift left by a deceased person to be paid from the estate by the heir. • Unlike an heir, a legatee acquired a benefit and no duties attached. 2.Hist. A legacy or bequest to the church, esp. for tithes not paid while the donor lived. See MORTUARY .

legatum debiti (*l<<schwa>>-gay-t<<schwa>>m deb-<<schwa>>-tI*). [Latin “legacy of debt”] Roman law. A legacy to the decedent's creditor of what the decedent owes. • This type of legacy was void unless it bettered the creditor's position in some way, as by removing a valid defense that the debtor had to the creditor's claim.

legatum dotis (*l<<schwa>>-gay-t<<schwa>>m doh-tis*). [Latin] Roman law. A legacy of dowry. • A husband might bequeath a dowry back to his wife, the result being that the husband's heirs were not entitled to retain the usual deductions for children, and the widow could receive her dowry immediately.

legatum generis (*l<<schwa>>-gay-t<<schwa>>m jen-<<schwa>>-ris*). [Latin “legacy of a genus”] Roman law. A legacy of a subject of a general class; a legacy of a kind of thing, rather



than a specifically named item. • For example, the testator might make a gift of a horse without specifically naming which one of ten horses in the estate.

“Legatum generis .... Normally the testator set in his testament who had to make the choice from among the things of the same kind (slaves, horses) belonging to the estate: the heir, the legatee or a third person. The jurists did not agree about the solution [when] ... the testator did not entitle any person to make the selection. Apparently the rules varied according to the form in which such a legacy (legatum) was left. The Justinian law favored the choice by the legatee.” Adolf Berger, *Encyclopedic Dictionary of Roman Law* 540 (1953).

legatum liberationis (l<<schwa>>-gay-t<<schwa>>m lib-<<schwa>>-ray-shee-oh-nis). [Latin “legacy of a discharge”] Roman law. A legacy by which a testator released the indebted legatee from a debt. — Also termed liberatio legata (lib-<<schwa>>-ray-shee-oh l<<schwa>>-gay-t<<schwa>>).

legatum nominis (l<<schwa>>-gay-t<<schwa>>m nahm-<<schwa>>-nis). [Latin “legacy of a name”] Roman law. A legacy by which a testator willed to the legatee a debt owed to the testator from a third party. • The heir was obliged to hand over the relevant documents and cede any rights of action on them.

legatum optionis (l<<schwa>>-gay-t<<schwa>>m op-shee-oh-nis). [Latin “legacy of an option”] Roman law. A legacy of one of several items that the designated beneficiary chooses from the testator's estate. • Originally, if the legatee died after the testator but before making the selection, the legacy failed. Justinian later changed the law to make selection by the legatee's representative under these circumstances valid.

legatum peculii (l<<schwa>>-gay-t<<schwa>>m pi-kyoo-lee-I). [Latin] Roman law. A legacy of a peculium to a free person or to a manumitted slave; a legacy of a slave's peculium with or without the slave. See PECULIUM.

legatum quantitatis (l<<schwa>>-gay-t<<schwa>>m kwon-ti-tay-tis). [Latin “a legacy of quantity”] Roman law. A general legacy of a certain amount, such as a legacy of two horses.

legatum rei alienae (l<<schwa>>-gay-t<<schwa>>m ree-I ay-lee-ee-nee or al-ee-). [Latin “a legacy of something belonging to another”] Roman law. A legacy of an item that belongs to a third party. • The heir was obliged to purchase the item from the third party, if that was possible, and give it to the legatee or otherwise pay its value to the legatee.

legatum universitatis (l<<schwa>>-gay-t<<schwa>>m yoo-ni-v<<schwa>>r-s<<schwa>>-tay-tis). [Latin “a universal legacy”] Hist. A legacy of the testator's entire estate.

## LEGATUS

legatus (l<<schwa>>-gay-t<<schwa>>s), n. A legate. Pl. legati (l<<schwa>>-gay-t I). See LEGATE.

legatus a latere (ay lat-<<schwa>>-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 datus* (day-t<<schwa>>s). See *legatus missus*.

*legatus missus* (mis-<<schwa>>s). [Latin “legate sent”] A legate sent on a special mission. — Also termed *legate missus*; *legatus datus* (day-t<<schwa>>s).

*legatus natus* (nay-t<<schwa>>s). [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

*legem amittere* (lee-j<<schwa>>m <<schwa>>-mit-<<schwa>>-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

*legem facere* (lee-j<<schwa>>m fay-s<<schwa>>-ree), vb.[Law Latin] Hist. To make an oath; to wage law.

#### LEGEM FERRE

*legem ferre* (lee-j<<schwa>>m fer-ee), vb.[Latin “to carry the proposal”] Roman law. 1. To propose a law to the popular assembly. 2. To enact a law.

#### LEGEM HABERE

*legem habere* (lee-j<<schwa>>m h<<schwa>>-beer-ee), vb.[Latin] Hist. To be able to testify under oath. • In England, 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

*legem jubere* (lee-j<<schwa>>m j<<schwa>>-beer-ee), vb.[Latin] Roman law.To pass a proposed law.

#### LEGEM PONERE

*legem ponere* (lee-j<<schwa>>m poh-n<<schwa>>-ree), vb.[Latin] Hist. 1. To propound a law. 2. To pay in cash.

#### LEGEM SCISCERE

*legem sciscere* (lee-j<<schwa>>m sis-<<schwa>>-ree), vb.[Latin] Roman law. (Of the people) to consent to a proposed law.

#### LEGEM VADIARE

*legem vadiare* (lee-j<<schwa>>m 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 COMPURGATION.

**LEGENITA**

legenita. See LAIRWITE.

**LEGER**

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

**LEGERWITE**

legerwite. See LAIRWITE.

**LEGES**

leges (lee-jeez), n. pl.[Latin] 1.LEX. 2.LEGES PUBLICAE.

**LEGES ANGLIAE**

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

**LEGES BARBARORUM**

leges barbarorum (lee-jeez bahr-b<<schwa>>-ror-<<schwa>>m). [Latin “laws of the barbarians”] Hist. The customary laws of medieval European law; esp., the customary laws of Germanic tribes during the Middle Ages. • These include the lex romana Visigothorum, the lex Burgundionum, and the lex Salica. — Also termed folk laws. See SALIC LAW.

“Many of the conquering Germanic tribes sought to state their own tribal customs in writing. Several of these so-called codes or leges barbarorum were published from time to time shortly after the fall of the Western Empire in the middle of the fifth century until about the time of Charlemagne, 800. The most famous is a Frankish one, the Lex Salica, which probably dates from the second half of the fifth century.” W.J.V. Windeyer, *Lectures on Legal History* 1 (2d ed. 1949).

**LEGES CENTURIATAE**

leges centuriatae. See LEX CENTURIATA.

**LEGES CURIATAE**

leges curiatae. See LEX CURIATA.

**LEGES DE IMPERIO**

leges de imperio. See LEGES IMPERII.

**LEGES EDWARDI CONFESSORIS**

leges Edwardi Confessoris (lee-jeez ed-wahr-dī kon-f<<schwa>>-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 CONSUECUDINES REGNI

leges et consuetudines regni (lee-jeez et kon-sw<<schwa>>-t[y]oo-d<<schwa>>-nee-z reg-n), 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

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

leges imperii (lee-jeez im-peer-ee-I). [Latin] Roman law. Laws conferring lawmaking and other powers on the emperor. — Also termed *leges de imperio*.

#### LEGES JULIAE

leges Juliae (lee-jeez joo-lee-ee). See *lex Julia iudiciorum publicorum* under *LEX JULIA*.

#### LEGES NON SCRIPTAE

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

#### LEGES PUBLICAE

leges publicae (lee-jeez p<<schwa>>b-l<<schwa>>-see). [Latin] Roman law. Statutes passed by the vote of the Roman people in popular assemblies. • Most leges publicae were of temporary political interest but some, such as the lex Aquilia or the lex Falcidia, had a long life. — Often shortened to leges.

#### LEGES REGIAE

leges regiae (lee-jeez ree-ji-ee). [Latin] Roman law. Fragments of customary law relating mostly to religious rites and traditionally attributed to Roman kings.

#### LEGES SACRATAE

leges sacrae (lee-jeez s<<schwa>>-kray-tee). [Latin] Roman law. Laws whose violation was punished by devoting the offender to the infernal gods.

#### LEGES SCRIPTAE

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 GRAVIORI LEGE

leges sub graviore lege (lee-jeez s<<schwa>>b grav-ee-or-lee-jee). [Latin] Laws under a weightier law.

#### LEGES TABELLARIAE

leges tabellariae (lee-jeez tab-<<schwa>>-lair-ee-ee). [Latin] Roman law. Laws that regulated voting by ballot.

#### LEGES TRIBUTAE

leges tributae (lee-jeez tri-byoo-tee). [Latin] Roman law. Laws passed in the comitia tributa. See comitia tributa under COMITIA.

#### LEGIBUS SOLUTUS

legibus solutus (lee-j<<schwa>>-b<<schwa>>s s<<schwa>>-loo-t<<schwa>>s), adj.[Latin “released from the laws”] Roman law. (Of the emperor or other designated person) not bound by the law.

#### LEGIOSUS

legiosus (lee-jee-oh-s<<schwa>>s), adj.[Law Latin] Hist. Litigious.

#### LEGIS ACTIO

legis actio (lee-jis ak-shee-oh). Roman law. A legal or lawful action; an action at law requiring the use of a fixed form of words. • These actions were abolished by the leges Juliae. — Also termed actio legis. Pl. legis actiones (lee-jis ak-shee-oh-nee-z).

## LEGIS ACTIO SACRAMENTO

legis actio sacramento. See SACRAMENTO.

## LEGISLATE

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

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. — Also termed (in sense 2) antideficiency statute.

class legislation. See local and special legislation.

general legislation. Legislation that applies to the community at large. [Cases: Statutes 68. C.J.S. Statutes §§ 154–161.]

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. [Cases: Statutes 76–104. C.J.S. Statutes §§ 148–149, 151–155, 159, 162–201.]

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(3).

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

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

#### LEGISLATIVE APPORTIONMENT

legislative apportionment.See APPORTIONMENT(3).

#### LEGISLATIVE ASSEMBLY

legislative assembly.See LEGISLATURE.

#### LEGISLATIVE BRANCH

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

#### LEGISLATIVE COMMITTEE

legislative committee.See COMMITTEE.

#### LEGISLATIVE COUNCIL

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

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

legislative court.See COURT.

#### LEGISLATIVE DAY

legislative day. See DAY.

#### LEGISLATIVE DISTRICT

legislative district. See DISTRICT.

#### LEGISLATIVE DISTRICTING

legislative districting. The process of dividing a state into territorial districts to be represented in the state or federal legislature. See APPORTIONMENT(3); REAPPORTIONMENT; GERRYMANDERING. Cf. MALAPPORTIONMENT. [Cases: States 27. C.J.S. States §§ 62–78.]

#### LEGISLATIVE DIVORCE

legislative divorce. See DIVORCE.

#### LEGISLATIVE-EQUIVALENCY DOCTRINE

legislative-equivalency doctrine. The rule that a law should be amended or repealed only by the same procedures that were used to enact it. [Cases: Statutes 129, 149. C.J.S. Statutes §§ 143–144, 243, 246, 250, 276–278.]

#### LEGISLATIVE FACT

legislative fact. See FACT.

#### LEGISLATIVE FUNCTION

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

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. [Cases: Statutes 217.2–217.4. C.J.S. Statutes §§ 340–341.]

#### LEGISLATIVE IMMUNITY

legislative immunity. See IMMUNITY(1).

#### LEGISLATIVE INTENT

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. [Cases: Statutes 181(1). C.J.S. Statutes § 315.]

“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. — Sometimes shortened to dormant intent. — Also termed latent intent; latent intention.

#### LEGISLATIVE INVESTIGATION

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. [Cases: United States 23. C.J.S. United States § 39.]

#### LEGISLATIVE JURISDICTION

legislative jurisdiction. See JURISDICTION.

#### LEGISLATIVE LAW

legislative law. See STATUTORY LAW.

#### LEGISLATIVE OFFICER

legislative officer. See OFFICER(1).

#### LEGISLATIVE POWER

legislative power. Constitutional law. The power to make laws and to alter them; 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. [Cases: Constitutional Law 50–66. C.J.S. Constitutional Law §§ 54, 58–59, 111–168.]

#### LEGISLATIVE PRIVILEGE

legislative privilege. See PRIVILEGE(1).

#### LEGISLATIVE RULE

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. [Cases: Administrative Law and Procedure 382.1.]

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**LEGISLATIVE VETO**

legislative veto. See VETO.

**LEGISLATOR**

legislator, n. One who makes laws within a given jurisdiction; a member of a legislative body. — Also termed lawmaker. — legislative (lej-is-l<<schwa>>-tor-ee-<<schwa>>l), adj.

**LEGISLATURE**

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. — Also termed legislative assembly. Cf. EXECUTIVE(1); JUDICIARY(1). [Cases: States 24. C.J.S. States §§ 40–41.]

**LEGISPERITUS**

legisperitus (lee-jis-per-<<schwa>>-t<<schwa>>s), n. [Law Latin] Hist. A lawyer or advocate; one skilled in the law. Cf. JURISPERITUS.

**LEGISPRUDENCE**

legisprudence (lee-jis-proo-d<<schwa>>nts). The systematic analysis of statutes within the framework of jurisprudential philosophies about the role and nature of law.

**LEGIST**

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

**LEGITIM**

legitim. Scots law. The right of any surviving lawful issue to share in the movable estate of the father. • The legitim comprised one-third of the estate if there was a surviving spouse, or one-half otherwise. — Also termed the bairn's part. Cf. LEGITIME.

**LEGITIMACY**

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; legal kinship between a child and its parent or parents. Cf. ILLEGITIMACY. [Cases: Children Out-of-Wedlock 1. C.J.S. Children Out-of-Wedlock §§ 2–11.]

“In this age of equality, the question might fairly be asked whether a discussion of child support should even be concerned about ‘legitimacy’ and ‘illegitimacy.’ The answer is ‘yes,’ for several reasons. Most rules regarding child support were fashioned at a time when legitimacy was the precondition to full support entitlement and illegitimate paternity had only limited legal consequences. True, by U.S. Supreme Court doctrine, distinctions between ‘legitimate’ and

'illegitimate' children should no longer be maintainable, but many state statutes have not yet been adapted to this view. Distinctions on the basis of legitimacy, however unconstitutional, continue to be made." Harry D. Krause, *Child Support in America* 103 (1981).

#### LEGITIMACY PRESUMPTION

legitimacy presumption. See PRESUMPTION OF PATERNITY.

#### LEGITIMA GUBERNATIO

legitima gubernatio (l<<schwa>>-jit-<<schwa>>-m<<schwa>>g[y]oo-b<<schwa>>r-nay-shee-oh). [Latin "lawful government"] See RECTA GUBERNATIO.

#### LEGITIMA POTESTAS

legitima potestas (l<<schwa>>-jit-<<schwa>>-m<<schwa>> p<<schwa>>-tes-t<<schwa>>s or -tas). [Latin] Scots law. The lawful power, esp. to dispose of one's property. Cf. LIEGE POUSTIE.

#### LEGITIMA REMEDIA

legitima remedia (l<<schwa>>-jit-<<schwa>>-m<<schwa>> ri-mee-dee-<<schwa>>). [Law Latin] Scots law. Lawful remedies.

#### LEGITIMA SUCCESSIO

legitima successio (l<<schwa>>-jit-<<schwa>>-m<<schwa>> s<<schwa>>k-ses-ee-oh). [Latin] Scots law. Legal succession.

#### LEGITIMATE

legitimate (l<<schwa>>-jit-<<schwa>>-m<<schwa>>t), adj. 1. Complying with the law; lawful <a legitimate business>. 2. Genuine; valid <a legitimate complaint>. 3. Born of legally married parents <a legitimate child>. [Cases: *Children Out-of-Wedlock* 1. C.J.S. *Children Out-of-Wedlock* §§ 2–11.]

#### LEGITIMATE CHILD

legitimate child. See CHILD.

#### LEGITIMATE HEIR

legitimate heir. See HEIR(1).

#### LEGITIMATE PORTION

legitimate portion. See LEGITIME.

#### LEGITIMATION

legitimation, n. 1. The act of making something lawful; authorization. 2. The act or process of

authoritatively declaring a person legitimate, esp. a child whose parentage has been unclear. [Cases: Children Out-of-Wedlock 8.C.J.S. Children Out-of-Wedlock § 23.] 3.Hist. Proof of a person's identity and of legal permission to reside in a certain place or engage in a certain occupation. Cf. ADOPTION . — legitimate (l<<schwa>>-jit-<<schwa>>-mayt), vb.

#### LEGITIMATIO PER SUBSEQUENS MATRIMONIUM

legitimatío per subsequens matrimonium (l<<schwa>>-jit-<<schwa>>-may-shee-oh p<<schwa>>r s<<schwa>>b-see-kwenz ma-tr<<schwa>>-moh-nee-<<schwa>>m), n.[Latin] The legitimation of a child born outside wedlock by the later marriage of the parents.

#### LEGITIME

legitime (lej-<<schwa>>-tim), n. Civil law. The part of a testator's property that his or her children (and occasionally other heirs) are legally entitled to regardless of the will's terms. La. Civ. Code art. 1494. • 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; (in Scots law) LEGITIM. Cf. PORTIO LEGITIMA. [Cases: Wills 11. C.J.S. Wills §§ 76–87, 381.]

#### LEGITIMI HEREDES

legitimi heredes (l<<schwa>>-jit-<<schwa>>-mI h<<schwa>>-ree-deez), n. pl.[Latin] Roman law. Heirs on intestacy, as determined by the Twelve Tables; specif., the Praetor's second rank of claimants to an intestate's estate, comprising the agnates of the Twelve Tables order and some others, such as the decedent's patron. See TWELVE TABLES.

#### LEGITIMO MODO

legitimo modo (l<<schwa>>-jit-<<schwa>>-moh moh-doh). [Latin] Scots law. In legal form.

#### LEGITIMUM TEMPUS RESTITUTIONIS

legitimum tempus restitutionis (l<<schwa>>-jit-<<schwa>>-m<<schwa>>m tem-p<<schwa>>s res-ti-t[y]oo-shee-oh-nis). [Law Latin “the legal period for restitution”] Hist. The time during which a claim can be made for restitution.

#### LEGITIMUS

legitimus (l<<schwa>>-jit-<<schwa>>-m<<schwa>>s), adj.[Latin] Roman law. (Of a person) legitimate; lawful.

#### LEGIT VEL NON?

legit vel non?(lee-jit vel non). [Latin] Eccles. law. Does he read or not? • This was the formal question propounded by a secular court to an ordinary (an ecclesiastical official) when an accused person claimed exemption from the court's jurisdiction 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

lego (lee-goh), vb.[Latin] Roman law. I bequeath. • This was a common term for designating a legacy in a will.

## LEGOCENTRISM

legocentrism. See LEGAL CENTRALISM.

## LEGO-LITERARY

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

## LEGRUITA

legruita. See LAIRWITE.

## LEGULEIAN

leguleian (leg-y-lee-n), n. Rare. A pettifogging lawyer. — Also termed leguleius (leg-yoo-lee-s). — leguleian,adj.

## LEIN

LEIN.abbr.LAW ENFORCEMENT INFORMATION NETWORK.

## LEIPA

leipa (II-p-), n.[Law Latin] Hist. A runaway or fugitive.

## LEIRWITA

leirwita. See LAIRWITE.

## LEISTUNGSSCHUTZRECHT

Leistungsschutzrecht. [German] NEIGHBORING RIGHT.

## LEMON LAW

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. [Cases: Consumer Protection 9. C.J.S. Credit Reporting Agencies; Consumer Protection §§ 52–55, 64.] 2. By extension, a statute designed to protect a consumer who buys any product of inferior quality. — Also termed (in sense 2) quality-of-products legislation.

## LEMON TEST

**Lemon test.** A legal standard for judging the state's violation of the Establishment Clause of the First Amendment. • The Lemon test has most often been used in school-related cases. It employs a three-pronged test to determine the state's action: (1) Does the state's action have a religious purpose? (2) Does the state's action have the primary effect of either promoting or inhibiting religion? (3) Does the state's action create an “excessive entanglement” between church and state? *Lemon v. Kurtzman*, 403 U.S. 602, 91 S.Ct. 2105 (1971). In recent years, the Court has not overturned *Lemon* but has declined to apply it when deciding Establishment Clause cases.

#### LE MORT SAISIT LE VIF DOCTRINE

**le mort saisit le vif doctrine** (l<<schwa>> mor se-zee l<<schwa>> 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

**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. [Cases: Contracts 194.]

#### LENDER

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

#### LENDING RIGHT

**lending right.** Copyright. The power of a copyright owner to control the use of copies of the work beyond the first sale when that use involves offering the copy to the public for temporary use with no consideration required. • Lending rights are recognized among members of the European Commission. [Cases: Copyrights and Intellectual Property 38.5. C.J.S. Copyrights and Intellectual Property §§ 47, 97.]

#### LEND-LEASE

**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

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

#### LENIENT TEST

**lenient test.** The principle that the attorney–client privilege applicable to a document or other

communication 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. [Cases: Witnesses 219(3).]

#### LENITY

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

#### LENITY RULE

lenity rule. See RULE OF LENITY.

#### LENOCINIUM

lenocinium (lee-noh-sin-ee-*<<schwa>>*m), n. [Latin “pandering, brothel-keeping”] 1. Roman law. The crime of prostituting for gain. 2. Roman & Scots law. A husband's scheming in his wife's adultery, as by encouraging another man to seduce her. • The wife could assert this claim as a defense in a divorce action brought by the husband.

#### LEODES

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

leonina societas (lee-*<<schwa>>*-n*I*-n*<<schwa>>* s*<<schwa>>*-s*I*-*<<schwa>>*-tas). See SOCIETAS LEONINA.

#### LEONINE CONTRACT

leonine contract (lee-*<<schwa>>*-n*I*n). See adhesion contract under CONTRACT.

#### LEPROSO AMOVENDO

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

le roy (l-*<<schwa>>*r wahor l-*<<schwa>>* roy), n. [Law French] The king. — Also spelled le roi.

#### LE ROY LE VEUT

le roy le veut (l-*<<schwa>>*r wah l-*<<schwa>>* 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

le roy remercie ses loyal sujets, accepte leur benevolence, et ainsi le veut (l<<schwa>>r wah ruu-mair-see say lwI-ahl soo-zhay, ak-sept luu[r] bay-nay-voh-lawns, ay an-see l<<schwa>> 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

le roy s'avisera (l<<schwa>>r 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

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

#### LESIO ENORMIS

lesio enormis. See LAESIO ENORMIS.

#### LESION

lesion (lee-zh<<schwa>>n). 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. La. Civ. Code art. 2589. — Also spelled (in sense 2) lésion. [Cases: Vendor and Purchaser 89. C.J.S. Vendor and Purchaser §§ 182, 184–185.] 3. 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).

#### LESION BEYOND MOIETY

lesion beyond moiety. See LAESIO ENORMIS.

#### LESS-DEVELOPED COUNTRY

less-developed country. See DEVELOPING COUNTRY.

#### LESSEE

lessee (le-see). One who has a possessory interest in real or personal property under a lease; TENANT. [Cases: Bailment 1; Landlord and Tenant 1. C.J.S. Bailments §§ 2–13, 15, 19, 22–24, 31; Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).]

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-103(o). • 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-103(t).

#### LESSEE'S INTEREST

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. [Cases: Landlord and Tenant 74. C.J.S. Landlord and Tenant §§ 30, 53.]

#### LESSER-EVILS DEFENSE

lesser-evils defense. See DEFENSE.

#### LESSER INCLUDED OFFENSE

lesser included offense. See OFFENSE(1).

#### LESSER-INTEREST CLAUSE

lesser-interest clause. Oil & gas. A provision in an oil-and-gas lease allowing the lessee to reduce payments proportionately if the lessor turns out to own less than 100% of the mineral interest. — Also termed proportionate-reduction clause.

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**LESSER OFFENSE**

lesser offense. See lesser included offense under OFFENSE(1).

**LESSOR**

lessor (les-or or le-sor). One who conveys real or personal property by lease; esp., LANDLORD. [Cases: Landlord and Tenant 1. C.J.S. Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).]

**LESSOR OF THE PLAINTIFF**

lessor of the plaintiff. Hist. The true party in interest prosecuting an action for ejectment. • At common law, an ejectment action was theoretically 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**

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**

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>. [Cases: Landlord and Tenant 20. C.J.S. Landlord and Tenant §§ 27, 202(1, 2, 3, 4, 5, 9, 10), 203.] 3. To award (a contract), esp. after bids have been submitted <the federal agency let the project to the lowest bidder>. [Cases: Public Contracts 11. C.J.S. Public Administrative Law and Procedure §§ 8–9, 12, 16–17.]

**LETHAL**

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

**LETHAL INJECTION**

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

**LETHAL WEAPON**

lethal weapon. See deadly weapon under WEAPON.

**LETTER**

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>. [Cases: Executors and Administrators 27. C.J.S. Executors and Administrators § 79.] 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

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

#### LETTER CONTRACT

letter contract. See CONTRACT.

#### LETTER MISSIVE

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

letter of advice.Commercial law. A notice that a draft has been sent by the drawer to the drawee.

#### LETTER OF ADVOCATION

letter of advocation.Hist. Scots law. A warrant, issued by the Court of Session, discharging an inferior court from further proceedings in a matter and transferring the action to the issuing superior court. • In a criminal case, the High Court of Justiciary could issue a letter to call up a case for review from an inferior court. The letter of advocation was abolished in 1868 and replaced by appeal.

#### LETTER OF ATTORNEY

letter of attorney.1.POWER OF ATTORNEY(1); 2.ATTORNEY(1).

#### LETTER OF ATTORNMENT

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 COMFORT

letter of comfort. See COMFORT LETTER.

#### LETTER OF COMMENT

letter of comment. See DEFICIENCY LETTER.

#### LETTER OF COMMITMENT

letter of commitment. See COMMITMENT LETTER.

#### LETTER OF CREDENCE

letter of credence. Int'l law. 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

letter of credit. Commercial law. 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. [Cases: Banks and Banking 191. C.J.S. Bills and Notes; Letters of Credit §§ 341–366, 368–370, 372–376.]

“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.” *Id.* ¶ 2.02, at 2-3.

“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-*k*-*b*l).** 1. A letter of credit that the issuing bank guarantees will not be withdrawn or canceled before the expiration date. 2. A letter of credit that cannot be modified or revoked without the customer's consent. 3. A letter of credit that cannot be modified or canceled without the consent of all parties.

**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-*k*-*b*l).** 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. [Cases: Banks and Banking 191.10. C.J.S. Bills and Notes; Letters of Credit §§ 341–366, 368–370, 372–376.]

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 bank 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 issuing bank agrees to pay the beneficiary if the bank customer defaults on its obligation. — Abbr. SL/C. — Also termed guaranty letter of credit. [Cases: Banks and Banking 191.10. C.J.S. Bills and Notes; Letters of Credit §§ 341–366, 368–370, 372–376.]

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. [Cases: Banks and Banking 191.10. C.J.S. Bills and Notes; Letters of Credit §§ 341–366, 368–370, 372–376.]

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

letter of exchange. See DRAFT(1).

#### LETTER OF INTENT

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. Businesspeople 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; memorandum of understanding; term sheet; commitment letter. Cf. precontract under CONTRACT. [Cases: Contracts 25. C.J.S. Contracts § 60.]

#### LETTER OF LICENSE

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

letter of recall. 1. A document sent from one nation's executive to that of another, 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. — Also termed recall letter.

#### LETTER OF RECREDENTIALS

letter of recredentials (ree-kr<<schwa>>-den-sh<<schwa>>lz). A formal letter from a host country's diplomatic secretary of state to a minister or ambassador who has been recalled by his or her own country. • The letter officially accredits the foreign minister back to his or her home country.

#### LETTER OF REQUEST

letter of request. 1. 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. — Also termed letter rogatory (rog-<<schwa>>-tor-ee); rogatory letter; requisitory letter (ri-kwiz-<<schwa>>-tor-ee). [Cases: Federal Civil Procedure 1312.] 2. An instrument by which an inferior court withdraws or waives jurisdiction so that a matter can be heard in the court immediately above. Pl. letters of request.

#### LETTER OF THE LAW

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 . [Cases: Statutes 183. C.J.S. Statutes § 317.]

#### LETTER OF UNDERTAKING

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. • A letter of undertaking is often issued by the shipowner's liability insurer. [Cases: Admiralty 57. C.J.S. Admiralty §§ 162–168.]

“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

letter rogatory. See LETTER OF REQUEST.

#### LETTER RULING

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. [Cases: Internal Revenue 3049.]

#### LETTERS

letters. Wills & estates. A court order giving official authority to a fiduciary to conduct appointed tasks. • Examples are letters of administration, letters of conservatorship, letters of guardianship, and letters testamentary. Unif. Probate Code § 1-201(23). See LETTER(2). [Cases: Executors and Administrators 27; Guardian and Ward 16. C.J.S. Executors and Administrators § 79.]

#### LETTERS AD COLLIGENDUM BONA DEFUNCTI

letters ad colligendum bona defuncti (ad kol-*<<schwa>>*-jen-d*<<schwa>>*m boh-n*<<schwa>>* di-fungk-ti), 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

letters close. See LETTERS SECRET.

#### LETTER SECURITY



letter security. See restricted security under SECURITY.

#### LETTERS OF ABSOLUTION

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

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 to the surviving spouse, to next of kin, or to both of them jointly. — Also termed administration letters. See ADMINISTRATION. Cf. LETTERS TESTAMENTARY. [Cases: Executors and Administrators 27.C.J.S. Executors and Administrators § 79.]

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

letters of credence. See LETTER OF CREDENCE.

#### LETTERS OF GUARDIANSHIP

letters of guardianship. A court order appointing a guardian to care for the well-being, property, and affairs of a minor or an incapacitated adult. • 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. [Cases: Guardian and Ward 16.]

#### LETTERS OF HORNING

letters of horning. Hist. Scots law. An execution process in which the creditor holding a decree obtained royal letters commanding the debtor to either perform or be outlawed. See HORNING.

#### LETTERS OF MARQUE

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. Brierly, *The Law of Nations* 321 (5th ed. 1955).

#### LETTERS OF SAFE CONDUCT

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

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

letters patent. 1.Hist. A document granting some right or privilege, issued under governmental seal but open to public inspection. — Also termed *literae patentes* (lit-*<<schwa>>r-ee p<<schwa>>-ten-teez*). Cf. LETTERS SECRET. 2. A governmental grant of the exclusive right to use an invention or design. — Also termed (in both senses) patent deed. See PATENT(2). [Cases: Patents 1. C.J.S. Patents §§ 1–5, 10–12, 15.]

#### LETTERS ROGATORY

letters rogatory.See LETTER OF REQUEST.

#### LETTERS SECRET

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

letters testamentary.A probate-court order approving the appointment of an executor under a will and authorizing the executor to administer the estate. Cf. LETTERS OF ADMINISTRATION. [Cases: Executors and Administrators 27, 32. C.J.S. Executors and Administrators §§ 79, 95, 102–103.]

ancillary letters testamentary.Letters testamentary issued at a place where the testator owned property but did not have a domicile. • The executor or administrator is not authorized to act

outside the issuing court's territorial jurisdiction.

domiciliary letters testamentary. Letters testamentary issued at the place where the testator was domiciled.

#### LETTER STOCK

letter stock. See restricted security under SECURITY.

#### LETTRE

lettre (le-tr<<schwa>>), n. [French “letter”] Hist. A formal instrument granting some authority.

#### LETTRE DE CACHET

lettre de cachet (le-tr<<schwa>> d<<schwa>> ka-shay). [French “letter with a seal”] A royal warrant issued for the imprisonment of a person without trial.

#### LEUCA

leuca (loo-k<<schwa>>), 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

levance and couchance (lev-<<schwa>>nts / kow-ch<<schwa>>nts). Hist. The state or condition of being levant and couchant. See LEVANT AND COUCHANT.

#### LEVANDAE NAVIS CAUSA

levandae navis causa (l<<schwa>>-van-dee nay-vis kaw-z<<schwa>>), 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

levant and couchant (lev-<<schwa>>nt / kow-ch<<schwa>>nt), 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

levari facias (l<<schwa>>-vair-Ifay-shee-<<schwa>>s). [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. [Cases: Execution 15. C.J.S. Executions § 18.]

levari facias damna de disseisitoribus (l<<schwa>>-vair-Ifay-shee-<<schwa>>s dam-n<<schwa>> dee dis-see-z<<schwa>>-tor-<<schwa>>-b<<schwa>>s), 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 (l<<schwa>>-vair-Ifay-shee-<<schwa>>s kwon-doh vI-see-koh-meez ree-t<<schwa>>r-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 (l<<schwa>>-vair-Ifay-shee-<<schwa>>s ri-zij-oo-<<schwa>>m deb-<<schwa>>-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

levato velo (l<<schwa>>-vay-toh vee-loh). [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 in public. • 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 the proceedings to be open to the public.

#### LEVEE

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

levee district. See DISTRICT.

#### LEVÉE EN MASSE

levée en masse. See LEVY EN MASSE.

#### LEVEL OF ABSTRACTION

level of abstraction. Copyright. The degree to which a work describes an idea or process in a general rather than concrete way. • Judge Learned Hand posited that from any work one can restate the idea in more and more abstract ways, omitting more and more details, until one is left with an uncopyrightable idea rather than a protectable work of originality. See *Nichols v. Universal Pictures Corp.*, 45 F.2d 119 (2d Cir. 1930).

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**LEVEL-PREMIUM INSURANCE**

level-premium insurance. See INSURANCE.

**LEVEL-RATE LEGAL-RESERVE POLICY**

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

**LEVERAGE**

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 investment'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, v. 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's withholding settlement of one claim to influence a claim arising under another source of coverage.

**LEVERAGE CONTRACT**

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. [Cases: Commodity Futures Trading Regulation 10. C.J.S. Securities Regulation §§ 455, 470.]

**LEVERAGED BUYOUT**

leveraged buyout. See BUYOUT.

**LEVERAGED LEASE**

leveraged lease. See LEASE.

**LEVERAGED RECAPITALIZATION**

leveraged recapitalization. See RECAPITALIZATION.

**LEVERAGE FUND**

leverage fund. See dual fund under MUTUAL FUND.

#### LEVERAGE RATIO

leverage ratio. See LEVERAGE(4).

#### LEVERAGING UP

leveraging up. See leveraged recapitalization under RECAPITALIZATION.

#### LEVIABLE

leviable (lev-ee-*<<schwa>>*-b*<<schwa>>*l), 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>. [Cases: Execution 20–58. C.J.S. Exchanges § 41; Executions §§ 25–56.]

#### LEVIORA DELICTA

leviora delicta (lev-ee-or-*<<schwa>>* d*<<schwa>>*-lik-t*<<schwa>>*). [Latin “the less serious delicts”] Scots law. Lesser crimes (such as breach of the peace) that can be summarily tried.

#### LEVIR

levir (lee-v*<<schwa>>*r), n. [Latin] Roman law. 1. A husband's brother. 2. A wife's brother-in-law.

#### LEVIS

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

#### LEVIS CULPA

levis culpa. See CULPA.

#### LEVIS NOTA

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

#### LEVISSIMA CULPA

levissima culpa. See CULPA.

#### LEVITICAL DEGREES

Levitical degrees. See prohibited degree under DEGREE.

#### LEVY

levy (lev-ee), n. 1. The imposition of a fine or tax; the fine or tax so imposed. — Also termed tax levy. [Cases: Taxation 295. C.J.S. Taxation § 423.] 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. [Cases: Execution

122–147. C.J.S. Executions §§ 100, 102–127, 146–147, 149, 151, 203.]

wrongful levy. A levy on a third party's property that is not subject to a writ of execution. [Cases: Execution 459. C.J.S. Executions § 426.]

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>. [Cases: Execution 122–147. C.J.S. Executions §§ 100, 102–127, 146–147, 149, 151, 203.]

#### LEVY COURT

levy court. See COURT.

#### LEVY EN MASSE

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

levy of execution. See LEVY(3).

#### LEWD

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

#### LEWD AND LASCIVIOUS COHABITATION

lewd and lascivious cohabitation. See illicit cohabitation under COHABITATION.

#### LEWD HOUSE

lewd house. See DISORDERLY HOUSE(2).

#### LEWDNESS

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. See Model Penal Code § 251.1. — Also termed open lewdness. Cf. INDECENT EXPOSURE; OBSCENITY. [Cases: Lewdness 1. C.J.S. Lewdness §§ 2–9.]

#### LEX

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. 8. The acquisition of

property under some specific law, when the property is made over by a magistrate to the claimant.

9. A term of a contract, treaty, or other agreement.

#### LEX ACTUS

lex actus (leks ak-t<<schwa>>s). See LEX LOCI ACTUS.

#### LEX AEBUTIA

lex Aebutia (leks i-byoo-shee-<<schwa>>). [Latin] Roman law. A statute that introduced simplified forms of pleading and procedure. • This was probably enacted in the later part of the second century B.C. See lex Julia judiciorum publicorum under LEX JULIA.

#### LEX AELIA SENTIA

lex Aelia Sentia (leks ee-lee-<<schwa>> sen-tee-<<schwa>>). Roman law. A law that set minimum age requirements for an owner and a slave in a valid manumission, voided manumissions made to defraud creditors, and created the status of *dediticii* for some manumitted slaves, esp. criminals. See *DEDITICII*; *LATINI JUNIANI*.

#### LEX AETERNA

lex aeterna (leks ee-t<<schwa>>r-n<<schwa>>). [Latin] Eternal law. See *NATURAL LAW*(1).

#### LEX ANASTASIANA

lex Anastasiana (leks an-<<schwa>>-stay-shee-ay-n<<schwa>>). [Latin] Roman law. 1. A law establishing that emancipated brothers and sisters receive an intestate inheritance equal to those not emancipated. See *AGNATUS*. 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.

#### LEX ANGLIAE

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

#### LEX ANNUA

lex annua. See *edictum perpetuum* under *EDICTUM*.

#### LEX APPARENS

lex apparens (leks <<schwa>>-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 APULEIA



lex Apuleia (leks ap-y<<schwa>>-lee-<<schwa>>). [Latin] Roman law. A law giving a coguarantor, who had paid more than the proper share of debt, an action of reimbursement against the remaining guarantors. — Also spelled lex Appuleia.

#### LEX AQUILIA

lex Aquilia (leks <<schwa>>-kwil-ee-<<schwa>>). [Latin “Aquilian law”] Roman law. A Roman statute imposing liability for pecuniary loss tortiously caused and generally regulating loss caused by damage to property, including compensation to be paid for injury to another's slave or livestock. • A loss had to be financially measurable and caused wrongfully. If the liable party denied liability, then damages were doubled. This law applied to negligence as well as dolus. The law, enacted around 287 B.C., superseded the earlier provisions of the Twelve Tables. — Also termed Aquilian law. See DAMNUM INJURIA DATUM; DOLUS; actio legis Aquiliae under ACTIO.

#### LEX ATILIA

lex Atilia (leks <<schwa>>-til-ee-<<schwa>>). [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 tribune L. Atilius Regulus. It was enacted about 210 B.C. — Also termed Atilian law.

#### LEX ATINIA

lex Atinia (leks <<schwa>>-tin-ee-<<schwa>>). [Latin] Roman law. A law declaring that a prescriptive right cannot be acquired in stolen property. • It was enacted in the late third or early second century B.C. — Also termed Atinian law.

#### LEX BAIUVARIORUM

lex Baiuvariorum (leks bay-<<schwa>>-vair-ee-or-<<schwa>>m). [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

lex barbara (leks bahr-b<<schwa>>-r<<schwa>>). [Latin] Roman law. The law of barbarian nations, i.e., those that were not subject to the Roman Empire.

#### LEX BOIORUM

lex Boiorum. See LEX BAIUVARIORUM.

#### LEX BREHONIA

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

#### LEX BRETOISA

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

#### LEX BURGUNDIONUM

lex Burgundionum (leks b<<schwa>>r-g<<schwa>>n-dee-oh-n<<schwa>>m), n.[Law Latin] Hist. The law of the Burgundians, first published about A.D. 495.

#### LEX CALPURNIA

lex Calpurnia (leks kal-p<<schwa>>r-nee-<<schwa>>). [Latin] Roman law.A law extending the lex Silia by establishing procedures to recover goods other than money. • This affected the actiones legis. See LEX SILIA; LEGIS ACTIO.

#### LEX CANULEIA

lex Canuleia (leks kan-yoo-lee-<<schwa>>). [Latin] Roman law.A law of 445 B.C. granting plebeians the right to marry patricians.

#### LEX CAUSAE

lex causae (leks kaw-zee). [Latin] The legal system that governs a dispute.

#### LEX CENTURIATA

lex centuriata (leks sen-tyoor-ee-ah-tah). [Latin] Roman law. A law passed in the comitia centuriata. Pl. leges centuriatae.See comitia centuriata under COMITIA.

#### LEX CINCIA

lex Cincia (leks sin-shee-<<schwa>>). [Latin] Roman law. A law of 204 B.C. prohibiting certain types of gifts and all gifts or donations of property beyond a certain measure, except to a near relative.

#### LEX CLAUDIA

lex Claudia (leks klaw-dee-<<schwa>>). [Latin] Roman law. A law that abolished the ancient guardianship of adult women by their male agnate relatives. • This became effective in the first century A.D. — Also termed lex Claudia de tutela.

#### LEX COMITATUS

lex comitatus (leks kom-<<schwa>>-tay-t<<schwa>>s), n.[Law Latin] Hist. The law of the county; the law administered in the county court before the earl and his deputies.

#### LEX COMMERCII

lex commercii (leks k<<schwa>>-m<<schwa>>r-shee-I), n.[Latin] The law of business or commerce; commercial law. — Also termed lex commissoria (leks kom-<<schwa>>-sor-ee-<<schwa>>). See LEX COMMISSORIA.

## LEX COMMISSORIA

lex commissoria (leks kom-i-sor-ee-a). [Latin “forfeiture clause” or “cancellation clause”] Roman law. 1. A term in a contract of sale allowing the seller to rescind the sale if the price was not paid by the agreed time. 2. A clause by which, in a pledge agreement, a debtor and creditor could agree that if the debtor fails to timely pay the debt, the creditor obtains absolute title of the pledged property.

“By the lex commissoria at Rome, the debtor and creditor might agree that if the debtor did not pay at the day, the pledge should become the absolute property of the creditor. But a law of Constantine abolished this power, as unjust and oppressive, and having a growing asperity in practice.” 2 James Kent, *Commentaries on American Law* \*583 (George Comstock ed., 11th ed. 1866).

3. An agreement in which such a failure-to-timely-pay clause appears. — Also written commissoria lex. 4. LEX COMMERCII. “But the position of the seller was a good deal more awkward, especially if he had sold a unique object, such as a piece of land, for, apart from express agreement, he would have to retain the land or other object in case the buyer later came along with the price and demanded delivery. The difficulty could be avoided by the insertion of a term known as lex commissoria, which gave the seller an option of declaring the contract at an end if the buyer did not pay within the agreed time. This term probably became common form in Roman law, but was never implied. It always had to be expressly inserted in the contract .... Not until the time of Lord Mansfield was a similar development complete in English law, though in the end we carried it much further than the Romans.” W.W. Buckland & Arnold D. McNair, *Roman Law & Common Law: A Comparison in Outline* 231 (F.H. Lawson ed., 2d ed. 1952).

## LEX COMMUNIS

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

## LEX CONTRACTUS

lex contractus (leks k<<schwa>>n-trak-t<<schwa>>s). See *LEX LOCI CONTRACTUS*.

## LEX CORNELIA

lex Cornelia (leks kor-nee-lee-<<schwa>> or kor-neel-y<<schwa>>). [Latin] Roman law. One of several laws passed by the dictator L. Cornelius Sulla in 82–81 B.C. — Also termed Cornelian law.

lex Cornelia de edictis (leks kor-nee-lee-<<schwa>> dee ee-dik-t<<schwa>>s). See *lex Cornelia de jurisdictione*.

lex Cornelia de falsis (leks kor-nee-lee-<<schwa>> dee fal-sis or fawl-sis). [Latin] Roman law. See *lex cornelia nummaria testamentaria*.

lex Cornelia de injuriis (leks kor-nee-lee-⟨schwa⟩ dee in-joor-ee-is). [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. • The precise boundary between the crime and the delict is not clear. But the two procedures probably existed side by side.

“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 jurisdictione (leks kor-nee-lee-⟨schwa⟩ dee joor-is-dik-shee-oh-nee). [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. • It did not, however, forbid the offer of new remedies. — Also termed lex Cornelia de edictis.

lex Cornelia de sicariis et veneficis (leks kor-nee-lee-⟨schwa⟩ dee si-kair-ee-is et v⟨schwa⟩-nee-f⟨schwa⟩-sis). [Latin] Roman law. A law combining jurisdiction over gangster-type killings and poisoning, or attempts at such crimes, and addressing the bringing of false witness and bribery of a judge or juror, if those actions brought about a person's death. • The statute was soon extended to cover murder generally when committed within or close to Rome. Emperor Antoninus Pius added a provision for murder to include a slave owner who deliberately killed his own slave.

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

lex Cornelia nummaria testamentaria (leks kor-nee-lee-⟨schwa⟩ n⟨schwa⟩-mair-ee-⟨schwa⟩ tes-t⟨schwa⟩-men-tair-ee-⟨schwa⟩). Roman law. A statute making forgery (falsum) a crime, and creating a special court to try forgery cases. • Until the later Roman Empire, falsum included both coining and document forgery. — Also termed lex Cornelia de falsis. See FALSUM(2).

“It is not absolutely clear whether Sulla passed two laws, one on forging wills and the other on forging money, or whether the one lex Cornelia nummaria testamentaria provided for both sorts of offence to be heard by the quaestio de falsis which it created.” O.F. Professor Robinson, *The Criminal Law of Ancient Rome* 36 (1995).

#### LEX CURIATA

lex curiata (leks kyoor-ee-ay-t⟨schwa⟩). [Latin] Roman law. Laws passed in the comitia curiata. Pl. leges curiatae (lee-jeez kyoor-ee-ay-tee). See comitia curiata under COMITIA.

#### LEX DANORUM

lex Danorum (leks dan-or-⟨schwa⟩m). See DANELAW.

#### LEX DELICTI

lex delicti (leks d<<schwa>>-lik-tI). See LEX LOCI DELICTI.

#### LEX DERAISNIA

lex deraisnia (leks d<<schwa>>-rayn-ee-<<schwa>>), 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

lex de responsis prudentium (leks dee ri-spon-sis proo-den-shee-<<schwa>>m). [Latin “law on the replies of the jurists”] See CITATIONS, LAW OF.

#### LEX DOMICILII

lex domicilii (leks dom-<<schwa>>-sil-ee-I). [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

Lex Duodecim Tabularum (leks d[y]oo-<<schwa>>-des-<<schwa>>m tab-y<<schwa>>-lair-<<schwa>>m). See TWELVE TABLES.

#### LEX ET CONSUETUDO PARLIAMENTI

lex et consuetudo parlamenti (leks et kon-sw<<schwa>>-t[y]oo-doh parl-[y]<<schwa>>-men-tI), n.[Latin] Hist. The law and custom (or usage) of Parliament.

#### LEX ET CONSUETUDO REGNI

lex et consuetudo regni (leks et kon-sw<<schwa>>-t[y]oo-doh reg-nI), n.[Latin] Hist. The law and custom of the realm; the common law.

#### LEX FABIA DE PLAGIARIIS

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

#### LEX FALCIDIA

lex Falcidia (leks fal-sid-ee-<<schwa>>). See FALCIDIAN LAW.

#### LEX FEUDI

lex feudi (leksfyoo-dI). [Law Latin] Scots law. The law of the feu; the law pertaining to feudal title.

#### LEX FORI

lex fori (leks for-I). [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). [Cases: Action 17. C.J.S. Actions §§ 18–20; Conflict of Laws §§ 2–3, 12, 15, 20, 23, 27–32, 34–40, 42–48, 50–65, 96–97, 100, 102, 105–107.]

#### LEX FRANCORUM

*lex Francorum* (leks frang-kor-<<schwa>>m), 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

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

#### LEX FUFIA CANINIA

*lex Fufia Caninia* (leks foof-ee-<<schwa>> k<<schwa>>-nI-nee-<<schwa>>). [Latin] Roman law.A law prohibiting owners from freeing by will more than a certain number or proportion of their slaves. • Justinian later abrogated this law. — Also termed Fufian Caninian law; Fusian Caninian law.

#### LEX FURIA TESTAMENTARIA

*lex Furia testamentaria* (leks fyoor-ee-<<schwa>> tes-t<<schwa>>-men-tair-ee-<<schwa>>). [Latin] Roman law.A law prohibiting a testator from bequeathing more than 1,000 asses (i.e., 722 pounds) of copper or the equivalent. • This law, dating from the middle of the republic, was one of the first to restrict legacies. It was passed between 204 and 169 B.C.

“The *lex Furia*... provided that no one except [close] relatives ... should take by will or gift in view of death more than 1000 asses [copper coins]. It did not rescind the disposition, but enacted a penalty of four times the amount, recoverable by a stringent procedure from anyone who took such a legacy or gift, contrary to the law. But this law left it open to a testator to leave nothing to the heir, supposing he made a sufficient number of legatees up to the statutable limit.” 1 Henry John Roby, *Roman Private Law* 344–45 (1902).

#### LEX FUSIA CANINIA

*lex Fusia Caninia*. See *LEX FUFIA CANINIA*.

#### LEX GABINIA

*lex Gabinia* (leks g<<schwa>>-bin-ee-<<schwa>>). [Latin] Roman law.A law introducing popular election by secret ballot. • Secret ballots were also used in judicial meetings. — Also termed *lex Gabinia tabellaria* (leks g<<schwa>>-bin-ee-<<schwa>> tab-<<schwa>>-lair-ee-<<schwa>>).

#### LEX GENERALIS

*lex generalis* (leks jen-<<schwa>>-ray-lis). A law of general application, as opposed to one

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that affects only a particular person or a small group of people.

#### LEX GENUCIA

lex Genucia (leks j<<schwa>>-n[y]oo-shee-<<schwa>>). [Latin] Roman law. A law prohibiting the charging of interest on loans between Roman citizens. • The statute was proposed in the 4th century B.C., but it is uncertain when, if ever, it was enacted. If enacted, it was not enforced.

#### LEX GOTHICA

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

#### LEX HORATIA VALERIA

lex Horatia Valeria. See LEX VALERIA HORATIA.

#### LEX HORTENSIA

lex Hortensia (leks hor-ten-s[h]ee-<<schwa>>). [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 class. This statute put enactments of the concilium plebis on the same footing as leges. See JUS PUBLICUM; JUS SACRUM.

#### LEX HOSTILIA DE FURTIS

lex Hostilia de furtis (leks hos-til-ee-<<schwa>> dee f<<schwa>>-r-tis). [Latin] Roman law. A law of the early Republic providing that the state could prosecute a person for theft on behalf of an owner when the owner was captive or abroad. • This affected the actiones legis. See LEGIS ACTIO.

#### LEXICAL DEFINITION

lexical definition. See DEFINITION.

#### LEX IMPERATORIA

lex imperatoria (leks im-p<<schwa>>-r-<<schwa>>-tor-ee-<<schwa>>). [Latin] Imperial law.

#### LEX INCORPORATIONIS

lex incorporationis (leks in-kor-por-ay-shee-oh-nis). [Latin] The law of the state where incorporation takes place. See INTERNAL-AFFAIRS DOCTRINE.

#### LEXIS

LEXIS (lek-sis). A proprietary online computer service that provides access to databases of

legal information, including federal and state caselaw, statutes, and secondary materials.

### LEX JUDICIALIS

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

### LEX JULIA

lex Julia (leks joo-lee-*<<schwa>>*). [Latin] Roman law. One of several Roman statutes dating from the reign of the Emperor Augustus (27 B.C.–A.D. 14) or sometimes from Julius Caesar (47–44 B.C.).

lex Julia de adulteriis coarcerendis (leks joo-lee-*<<schwa>>* dee *<<schwa>>*-d*<<schwa>>*-l-t*<<schwa>>*-r-ee-is koh-*<<schwa>>*-r-s*<<schwa>>*-ren-d*<<schwa>>*s). [Latin] Roman law. A statute of 18 B.C. making adultery a public crime, justiciable before a quaestio perpetua. — Sometimes shortened to lex Julia de adulteriis.

lex Julia de ambitu (leks joo-lee-*<<schwa>>* dee am-bi-t[y]oo). [Latin] Roman law. A law of 18 B.C. discouraging electoral corruption by a would-be magistrate.

lex Julia de annona (leks joo-lee-*<<schwa>>* dee *<<schwa>>*-noh-n*<<schwa>>*). [Latin] Roman law. A law against business combinations that negatively affected the grain supply, esp. attempts to raise the price of corn.

lex Julia de cessione bonorum (leks joo-lee-*<<schwa>>* dee ses[h]-ee-oh-nee b*<<schwa>>*-nor-*<<schwa>>*m). [Latin] Roman law. A law governing bankruptcies allowing a debtor to avoid further adverse action by ceding all the debtor's property to the creditors.

lex Julia de majestate (leks joo-lee-*<<schwa>>* dee maj-*<<schwa>>*-stay-tee). [Latin] Roman law. A treason law imposing capital punishment on a person acting against the emperor or state. • Enacted about 8 B.C., this was the last specific law on treason.

lex Julia de maritandis ordinibus (leks joo-lee-*<<schwa>>* dee mar-*<<schwa>>*-tan-dis or-din-*<<schwa>>*-b*<<schwa>>*s). [Latin] Roman law. A law regulating marriages, imposing a duty to be married on all men between 25 and 60, and on all women between 20 and 50, and forbidding marriages between senators and freedwomen, and forbidding senators and all other freeborn citizens from marrying actresses, prostitutes, and the like. • This 18 B.C. statute is usu. considered as one law with the lex Papia Poppea of A.D. 9, which exempted women with three children or more from being placed under guardianship.

lex Julia de peculatu (leks joo-lee-*<<schwa>>* dee pek-y-*<<schwa>>*-lay-t [y]oo). [Latin] Roman law. A law punishing the embezzlement of public moneys. • Originally a magistrate determined the punishment. The same court had jurisdiction for transgressions under lex Julia de residuis and for sacrilege, the wrongful taking of money dedicated to sacred or religious purposes. See lex Julia de residuis.

lex Julia de residuis (leks joo-lee-*<<schwa>>* dee ri-zij-oo-is). [Latin] Roman law. A law



punishing persons who could not account for public money lawfully in their charge. See *lex Julia de peculatu*.

*lex Julia judiciorum privatorum* (leks joo-lee-*<<schwa>>* joo-dish-ee-or-*<< schwa>>*m p*r*I-v*<<schwa>>*-tor-*<<schwa>>*m). See *lex Julia judiciorum publicorum*.

*lex Julia judiciorum publicorum* (leks joo-lee-*<<schwa>>* joo-dish-ee-or-*<< schwa>>*m p*<<schwa>>*-bli-kor-*<<schwa>>*m). [Latin] Roman law. An Augustan law that, with the *lex Julia judiciorum privatorum*, reformed various aspects of civil procedure. • The two laws are often referred to together as *leges Juliae*, or *duae Juliae*. Together with the *lex Aebutia*, the *leges Juliae* largely abolished the *legis actiones*, the ancient form of Roman civil procedure that relied on fixed oral forms.

#### LEX JUNIA NORBANA

*lex Junia Norbana* (leks joo-nee-*<<schwa>>* nor-bay-n-*<<schwa>>*). [Latin] Roman law. A law creating the status of Junian Latin for informally manumitted slaves. — Often shortened to *lex Junia*. 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 VELLEIA

*lex Junia Velleia* (leks joo-nee-*<<schwa>>* v-*<<schwa>>*-lee-y-*<<schwa>>*). [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. • This was probably enacted in A.D. 26.

#### LEX KANTIAE

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

#### LEX LANGOBARDORUM

*lex Langobardorum*. See *LEX LONGOBARDORUM*.

#### LEX LIGEANTIAE

*lex ligeantiae* (leks lij-ee-an-shee-ee). [Law Latin] 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

*lex loci* (leks loh-sI). [Latin] 1. The law of the place; local law. Cf. *LEX FORI* . 2. *LEX LOCI*

## CONTRACTUS.

## LEX LOCI ACTUS

lex loci actus (leks loh-sIak-t<<schwa>>s). [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

lex loci celebrationis (leks loh-sI sel-<<schwa>>-bray-shee-oh-nis). [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

lex loci contractus (leks loh-sI k<<schwa>>n-trak-t<<schwa>>s). [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. [Cases: Contracts 144. C.J.S. Conflict of Laws §§ 91–93; Contracts §§ 13–23, 25.]

“The lex loci contractus controls the nature, construction, and validity of the contract; and on this broad foundation the law of contracts, founded on necessity and commercial convenience, is said to have been originally established. If the rule were otherwise, the citizens of one country could not safely contract, or carry on commerce, in the territories of another.” 2 James Kent, Commentaries on American Law \*454 (George Comstock ed., 11th ed. 1866).

## LEX LOCI DELICTI

lex loci delicti (leks loh-sI d<<schwa>>-lik-tI). [Latin] The law of the place where the tort or other wrong was committed. — Often shortened to lex delicti. — Also termed lex loci delictus; lex loci delicti commissi; place-of-wrong rule; place-of-wrong law. Cf. LOCUS DELICTI. [Cases: Negligence 204; Torts 2. C.J.S. Aeronautics and Aerospace § 272; Conflict of Laws §§ 16–17, 99; Negligence §§ 3, 651–652; Right of Privacy and Publicity §§ 3, 40; Torts §§ 27–29.]

## LEX LOCI REI SITAE

lex loci rei sitae (leks loh-sIree-IsI-tee). [Latin] LEX SITUS.

## LEX LOCI SOLUTIONIS

lex loci solutionis (leks loh-sI s<<schwa>>-loo-shee-oh-nis). [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

lex Longobardorum (leks long-goh-bahr-dor-<<schwa>>m). [Latin “law of the Lombards”] Hist. An ancient legal code developed between the fifth and eighth centuries, in force until the

reign of Charlemagne; the laws of the Lombards, seen cumulatively from the Edict of Rothari in A.D. 643, and added to by Liutprand. • It was a subject of study in the early law school at Pavia. — Also spelled *lex Langobardorum*; *lex Langobardica*.

#### LEX MAJORIS PARTIS

*lex majoris partis* (leks m<<schwa>>-jor-is pahr-tis). [Latin “law of the major party”] Majority rule. See MAJORITY RULE.

“The voice of the majority decides. For the *lex majoris partis* is the law of all councils, elections, &c. where not otherwise expressly provided. But if the house be equally divided, ‘semper presumatur pro negante:’ that is, the former law is not to be changed but by a majority.” Thomas Jefferson, *A Manual of Parliamentary Practice* 105 (1801) (citation omitted).

#### LEX MANIFESTA

*lex manifesta* (leks man-<<schwa>>-fes-t<<schwa>>). [Law Latin] Hist. 1. Open law; manifest law. 2. Trial by duel or ordeal. — Also termed manifest law.

#### LEX MARITYMA

*lex maritima* (leks mair-i-tee-m<<schwa>>). Hist. The body of customs, usage, and local rules governing seagoing commerce that developed in the maritime countries of medieval Europe.

#### LEX MERCATORIA

*lex mercatoria* (leks m<<schwa>>-r-k<<schwa>>-tor-ee-<<schwa>>). [Latin “mercantile law”] See LAW MERCHANT.

#### LEX MERCIORUM

*lex merciorum* (leks m<<schwa>>-r-shee-or-<<schwa>>m). See MERCENLAGE.

#### LEX MONETAE

*lex monetae* (leks m<<schwa>>-nee-tee). [Latin] The law of the country whose money is in question.

#### LEX NATURAE

*lex naturae* (leks n<<schwa>>-tyoor-ee). See NATURAL LAW.

#### LEX NATURALE

*lex naturale* (leks nach-<<schwa>>-ray-lee). [Law Latin] See NATURAL LAW.

#### LEX NON SCRIPTA

*lex non scripta* (leks non skrip-t<<schwa>>). [Latin “unwritten law”] Common law, including customs and local laws, as distinguished from statutory law; UNWRITTEN LAW. Pl. *leges non scriptae*. Cf. LEX SCRIPTA.

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**LEX ORDINANDI**

lex ordinandi (leks or-d<<schwa>>-nan-dI). See LEX FORI.

**LEX PAPIA POPPEA**

lex Papia Poppea (leks pay-pee-<<schwa>> pah-pee-<<schwa>>). [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**

lex patriae (leks pay-tree-ee orpa-tree-ee). [Latin] National law; the law of one's country. See PERSONAL LAW.

**LEX PETRONIA**

lex Petronia (leks p<<schwa>>-troh-nee-<<schwa>>). [Latin] Roman law. A law forbidding masters from sending their slaves to fight wild beasts in the arena, without a magistrate's authorization. • This law was enacted sometime before A.D. 79.

**LEX PLAETORIA**

lex Plaetoria (leks pli- or plee-tor-ee-<<schwa>>). [Latin] Roman law. A law protecting minors against frauds and probably permitting them to apply for a guardian or curator to assist them.

**LEX POETELIA**

lex Poetelia (leks poh-<<schwa>>-tee-lee-<<schwa>>). [Latin] Roman law. A law abolishing a creditor's right to reduce his debtor to slave-like treatment. • This law was enacted sometime before 300 B.C.

**LEX POMPEIA DE PARRICIDIIS**

lex Pompeia de parricidiis (leks pom-pee-<<schwa>> dee par-<<schwa>>-sI-dee-is). [Latin] Roman law. A law of 70 or 55 B.C. defining what murders amounted to parricide and establishing a special expiatory punishment, in which the offender was executed by being sewn up in a sack with a dog, a rooster, a viper, and a monkey, and thrown into the sea or a river.

**LEX POSTERIOR DEROGAT PRIORI**

lex posterior derogat priori (leks pah-steer-ee-<<schwa>>r der-<<schwa>>-gat pr I-or-I). [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**

lex praetoria (leks pri- or pree-tor-ee-<<schwa>>). [Latin “praetorian law”] 1. Roman

law. Law laid down in the praetor's edict. Cf. JUS PRAETORIUM. 2. Hist. The applicable rules in a court of equity.

#### LEX PRIVATA

lex privata (leks prI-vay-t<<schwa>>). [Latin "private law"] Roman law. A term in a private contract. — Sometimes shortened to lex.

#### LEX PUBLICA

lex publica (leks p<<schwa>>b-li-k<<schwa>>). [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

lex Publilia (leks p[y]oo-blil-ee-<<schwa>>). [Latin "Publilian law"] Roman law. A law dispensing with senatorial approval for the enactments of the plebs (common citizens). • In 339 B.C. these laws strengthened the force of the plebiscita and indirectly weakened the patrician element in the Senate by permitting auctoritas patrum to be given in advance for some legislation, and requiring one of the censors to be a plebeian. — Also termed leges Publiliae Philonis.

#### LEX REGIA

lex regia (leks ree-jee-<<schwa>>). [Latin "royal law"] Roman law. A law ostensibly enacted by the Roman people granting wide legislative and executive powers to the emperor, later interpreted 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. See LEGES IMPERII.

#### LEX REI SITAE

lex rei sitae (leks ree-IsI-tee). [Law Latin] Scots law. The law of the place where the property is situated.

#### LEX RHODIA

lex Rhodia (leks roh-dee-<<schwa>>). [Latin] Roman law. The Rhodian law governing the subject of jettison. • This began as the common law of the ancient Mediterranean Sea. It required that all consignors and the shipmaster share losses equally. — Also termed lex Rhodia de jactu. See RHODIAN LAW.

#### LEX ROMANA

lex Romana (leks r<<schwa>>-may-n<<schwa>>). [Latin] ROMAN LAW.

#### LEX ROMANA VISIGOTHORUM

Lex Romana Visigothorum (leks r<<schwa>>-may-n<<schwa>> viz-<<schwa>>-gah-thor-<<schwa>>m). See BREVIARIUM ALARICIANUM.

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**LEX SALICA**

lex Salica (leks sal-*<<schwa>>*-k*<<schwa>>*). [Latin] See SALIC LAW.

**LEX SCRIBONIA**

lex Scribonia (leks skri-boh-nee-*<<schwa>>*). [Latin] Roman law. A law of the late Republic abolishing the acquisition of praedial servitudes through prescription.

**LEX SCRIPTA**

lex scripta (leks skrip-t*<<schwa>>*). [Latin “written law”] Law authorized or created by statute rather than custom or usage; WRITTEN LAW. Pl. *leges scriptae*. Cf. LEX NON SCRIPTA.

**LEX SEMPRONIA**

lex Sempronia (leks sem-proh-nee-*<<schwa>>*). [Latin] Roman law. A law of 122 B.C. transferring the duty of jury service from the senators to the equestrians (knights). • The control of the juries in the *quaestiones perpetuae*, particularly in extortion (*repetundae*) trials, was one of the key areas of political conflict in the late Republic.

**LEX SILIA**

lex Silia (leks sil-ee-*<<schwa>>*). [Latin] Roman law. A law providing for personal actions for a fixed sum of money; specif., a law from perhaps 250 B.C. introducing the *legis actio per conditionem* to claim a fixed sum of money.

**LEX SITUS**

lex situs (leks sI-t*<<schwa>>*s). [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**

lex solutionis. See LEX LOCI SOLUTIONIS.

**LEX TALIONIS**

lex talionis (leks tal-ee-oh-nis). [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 — but no more. — 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

*lex terrae* (leks ter-ee). [Law Latin] See LAW OF THE LAND.

#### LEX THEODOSIANA

*lex Theodosiana* (leks thee-<<schwa>>-doh-see-an-<<schwa>>). See THEODOSIAN CODE .

#### LEX VALERIA HORATIA

*lex Valeria Horatia* (leks v-<<schwa>>-leer-ee-<<schwa>> h-<<schwa>>-ray-shee-<<schwa>>). [Latin] Roman law. A law making enactments by the assembly of the people in tribes binding on all citizens. • Several laws of this name were passed in 449 B.C. One was aimed at strengthening the force of *plebiscita*. Another protected *plebeian* tribunes with *sacrosanctity*. A third, more dubious, law falls between the *lex Valeria* of 509 B.C. and the *lex Valeria* of 300 B.C. in granting the right of *provocatio* to the Roman citizen oppressed by a magistrate. Cf. LEX HORTENSIA.

#### LEX VALIDITATIS

*lex validitatis* (leks val-<<schwa>>-tay-tis). [Latin] Conflict of laws. The presumption of validity given to marriages, contracts, and other matters.

#### LEX VISIGOTHORUM

*lex Visigothorum* (leks viz-<<schwa>>-gah-thor-<<schwa>>m). [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 spelled *lex Wisigothorum*. — Also termed *liber iudiciorum*.

#### LEX VOCONIA

*lex Voconia* (leks v-<<schwa>>-koh-nee-<<schwa>>). [Latin] Roman law. A law enacted in 169 B.C. to regulate inheritance (esp. by women) by capping the amount receivable by anyone as legacy or gift in view of death at no more than the heirs took. • The *Falcidian* law superseded the *lex Voconia*. — Also termed *Voconian law*. See FALCIDIAN 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**

lex Wallensica (leks wawl-en-z<<schwa>>-k<<schwa>>), n.[Latin] Welsh law.

**LEX WISIGOTHORUM**

Lex Wisigothorum.See LEX VISIGOTHORUM.

**LEY**

ley (lay), n.[Law French] Hist. Law.

**LEY CIVILE**

ley civile (lay see- or s<<schwa>>-veel), n.[Law French] Hist. 1.The civil law. 2. The Roman law. — Also termed ley escripte.

**LEY DE TERRE**

ley de terre (lay d<<schwa>> tair). [Law French] See LAW OF THE LAND.

**LEYERWITE**

leyerwite. See LAIRWITE.

**LEY ESCRIPTE**

ley escripte (lay es-kript). See LEY CIVILE.

**LEY GAGER**

ley gager (lay gay-j<<schwa>>r), 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**

leze majesty.See LESE MAJESTY.

**L.F.**

L.F.abbr.LAW FRENCH.

**LHWCA**

LHWCA.abbr.LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.

**LIABILITY**



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; responsibility; subjection. 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 (in some jurisdictions) after a crime. See 18 USCA § 2. [Cases: Criminal Law 59. C.J.S. Criminal Law §§ 127, 998.]

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). [Cases: Products Liability 23; Torts 21. C.J.S. Products Liability §§ 40, 42; Torts §§ 36–38.]

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). — Also termed short-term debt.

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. 1. 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. [Cases: Products Liability 23.1, 24. C.J.S. Products Liability § 41.] 2. Criminal liability imposed on a business (such as a corporation or partnership) for certain offenses, such as public-welfare offenses or offenses for which the legislature specifically intended to impose criminal sanctions. See Model Penal Code § 2.07. See public-welfare offense under OFFENSE(1).

fault liability.Liability based on some degree of blameworthiness. — Also termed fault-based liability. Cf. strict liability.

industry-wide liability.See enterprise 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. [Cases: Contracts 181; Negligence 484; Torts 22. C.J.S. Contracts §§ 366, 371; Negligence §§ 154–156; Torts §§ 39–44.]

joint liability.Liability shared by two or more parties. [Cases: Negligence 484; Torts 22. C.J.S. Negligence §§ 154–156; Torts §§ 39–44.]

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. [Cases: Corporations 215. C.J.S. Corporations §§ 414, 417, 425, 427.]

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. [Cases: Products Liability 23.1, 24. C.J.S. Products Liability § 41.]

official liability.Liability of an officer or receiver for a breach of contract or a tort committed during the officer's or receiver's tenure, but not involving any personal 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. [Cases: Negligence 484; Torts 22. C.J.S. Negligence §§ 154–156; Torts §§ 39–44.]

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. [Cases: Corporations 215, 227. C.J.S. Corporations §§ 414, 417, 425, 427.]

solidary liability (sol-*<<schwa>>-dair-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. La. Civ. Code art. 1794. • This is equivalent to joint and several liability in the common law. — Also termed liability in solido. See joint and several liability. [Cases: Negligence 484; Torts 22. C.J.S. Negligence §§ 154–156; Torts §§ 39–44.]

statutory liability. Liability that is created by a statute (or regulation) as opposed to common law.

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. Cf. fault liability; OUTCOME RESPONSIBILITY. [Cases: Negligence 301–307; Products Liability 5. C.J.S. Negligence §§ 170–179; Products Liability

§§ 7–8.]

tortious liability. Liability that arises from the breach of a duty that (1) is fixed primarily by the law, (2) is owed to persons generally, and (3) when breached, is redressable by an action for unliquidated damages.

vicarious liability (vI-kair-ee-*<<schwa>>*s). Liability that a supervisory party (such as an employer) bears for the actionable conduct of a subordinate or associate (such as an employee) based on the relationship between the two parties. See RESPONDEAT SUPERIOR. [Cases: Master and Servant 300, 315; Negligence 483. C.J.S. Employer-Employee Relationship §§ 181–184, 188–193, 203, 231–235, 242, 244–246, 248, 251–252, 254–255; Negligence §§ 152–153.]

“The vicarious liability of an employer for torts committed by employees should not be confused with the liability an employer has for his own torts. An employer whose employee commits a tort may be liable in his own right for negligence in hiring or supervising the employee. If in my business I hire a truck driver who has a record of drunk driving and on whom one day I detect the smell of bourbon, I (along with my employee) may be held liable for negligence if his driving causes injury. But that is not ‘vicarious’ liability — I am held liable for my own negligence in hiring that employee or letting him drive after I know he has been drinking.” Kenneth S. Abraham, *The Forms and Functions of Tort Law* 166 (2002).

3.NO-RIGHT.

LIABILITY BOND

liability bond. See BOND(2).

LIABILITY DIVIDEND

liability dividend. See scrip dividend under DIVIDEND.

LIABILITY IN SOLIDO

liability in solido. See solidary liability under LIABILITY.

LIABILITY INSURANCE

liability insurance. See INSURANCE.

LIABILITY LIMIT

liability limit. Insurance. 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. [Cases: Insurance 2105. C.J.S. Insurance § 420.]

LIABILITY WITHOUT FAULT

liability without fault. See strict liability under LIABILITY.

## LIABLE

liable (II-*li*-b*l* also II-*li*-b*l*), 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

libel (II-*li*-b*l*), 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. 2. The act of making such a statement; publication of defamatory matter by written or printed words, by its embodiment in physical form, or by any other form of communication that has the potentially harmful qualities characteristic of written or printed words. See DEFAMATION. Cf. SLANDER. [Cases: Libel and Slander 1, 25. C.J.S. Libel and Slander; Injurious Falsehood §§ 2, 5–6, 10, 47–52.]

“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 ed., *Prosser and Keeton on 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. [Cases: Libel and Slander 141. C.J.S. Libel and Slander; Injurious Falsehood §§ 7–8.]

false-implication libel. Libel 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. [Cases: Libel and Slander 21. C.J.S. Libel and Slander; Injurious Falsehood § 15.]

libel per quod (p*er* 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 INNUENDO (2). [Cases: Libel and Slander 11, 33. C.J.S. Libel and Slander; Injurious Falsehood § 198.]

libel per se (p<<schwa>>r 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.” [Cases: Libel and Slander 33. C.J.S. Libel and Slander; Injurious Falsehood § 198.]

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. [Cases: Libel and Slander 141, 145. C.J.S. Libel and Slander; Injurious Falsehood §§ 7–8.]

trade libel.Trade defamation that is written or recorded. See trade defamation under DEFAMATION. Cf. trade slander under SLANDER. [Cases: Libel and Slander 130. C.J.S. Libel and Slander; Injurious Falsehood §§ 204–206, 209.]

3. The complaint or initial pleading in an admiralty or ecclesiastical case. [Cases: Admiralty 60. C.J.S. Admiralty §§ 171–173.] — Also termed (in sense 3) libel of information.

libel,vb.1. To defame (someone) in a permanent medium, esp. in writing. [Cases: Libel and Slander 1, 25. C.J.S. Libel and Slander; Injurious Falsehood §§ 2, 5–6, 10, 47–52.] 2.Hist. Maritime law. To sue in admiralty or ecclesiastical court. • This use of the term was eliminated with the merging of the Admiralty Rules into the Federal Rules of Civil Procedure in 1986.

#### LIBELANT

libelant (II-b<<schwa>>l-<<schwa>>nt).1. The party who institutes a suit in admiralty or ecclesiastical court by filing a libel. [Cases: Admiralty 41. C.J.S. Admiralty §§ 142–145, 147.] 2.LIBELER. — Also spelled libellant.

#### LIBELEEE

libelee (II-b<<schwa>>l-ee). The party against whom a libel has been filed in admiralty or ecclesiastical court. — Also spelled libellee. [Cases: Admiralty 42. C.J.S. Admiralty §§ 146–147.]

#### LIBELER

libeler. One who publishes a written defamatory statement. — Also spelled libeller. — Also termed libelant. [Cases: Libel and Slander 77. C.J.S. Libel and Slander; Injurious Falsehood § 126.]

**LIBELLARY PROCEDURE**

libellary procedure (lĭ-bĕl-er-ee). Roman law. The preliminary proceedings in a lawsuit, initiated by a plaintiff's written claims (in a libellus) to the magistrate.

**LIBELLOS AGERE**

libellos agere (lĭ-bĕl-s aj-ree), vb. [Latin] Roman law. To assist the emperor in responding to petitions. — Also termed libellum agere.

**LIBELLOUS**

libellous, adj. See LIBELOUS.

**LIBELLUS**

libellus (lĭ-bĕl-s), n. [Latin] 1. Roman law. A small book; a written statement to a court; 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**

libellus accusatorius (lĭ-bĕl-s <schwa>-kyoo-z<schwa>-tor-ee-s). [Latin] Roman law. A criminal accusation in writing.

**LIBELLUS APPELLATORIUS**

libellus appellatorius (lĭ-bĕl-s <schwa>-pel<schwa>-tor-ee-s). [Latin] Roman law. A written appeal in cognitio proceedings.

**LIBELLUS CONVENTIONIS**

libellus conventionis (lĭ-bĕl-s k<schwa>-n-ven-shee-oh-nis). [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**

libellus divortii (lĭ-bĕl-s di-vor-shee-I). [Latin] Roman law. A bill of divorce. • In the later Roman Empire, also termed libellus repudii.

**LIBELLUS FAMOSUS**

libellus famosus (l<<schwa>>-bel-<<schwa>>s f<<schwa>>-moh-s<<schwa>>s). [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 (ediderit) 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 REPUDI

libellus repudii (l<<schwa>>-bel-<<schwa>>s ri-pyoo-dee-I). See LIBELLUS DIVORTII .

#### LIBELLUS RERUM

libellus rerum (l<<schwa>>-bel-<<schwa>>s reer-<<schwa>>m), n.[Latin] Hist. An inventory.

#### LIBELLUS SUPPLEX

libellus supplex (l<<schwa>>-bel-<<schwa>>s s<<schwa>>p-leks). [Latin] Roman law. A petition, esp. to the emperor. • All petitions to the emperor had to be in writing.

#### LIBEL OF ACCUSATION

libel of accusation.Scots law. The instrument stating the criminal charge against an accused person.

#### LIBEL OF INFORMATION

libel of information.Maritime law. See LIBEL(3).

#### LIBEL OF REVIEW

libel of review.Maritime law. A new proceeding attacking a final decree after the right to appeal has expired. See LIBEL(3).

#### LIBELOUS

libelous,adj. Constituting or involving libel; defamatory <a libelous newspaper story>. — Also spelled libellous. [Cases: Libel and Slander 6–14. C.J.S. Libel and Slander; Injurious Falsehood§§ 2, 5, 10–12, 17–42, 104.]

#### LIBEL PER QUOD

libel per quod.See LIBEL.

#### LIBEL PER SE

libel per se.See LIBEL.

#### LIBER



liber (II-b<<schwa>>r), adj.[Latin “free”] 1. (Of courts, public places, etc.) open and accessible. 2. (Of a person) having the state or condition of a freeman. 3. (Of a person) free from another's service or authority.

liber (II-b<<schwa>>r), n.[Latin “book”] 1. A book of records, esp. of deeds. 2. A main division of a literary or professional work.

#### LIBERA BATELLA

libera batella (lib-<<schwa>>r-<<schwa>> b<<schwa>>-tel-<<schwa>>), n.[Latin “free boat”] Hist. The right to have a boat fish in certain waters; free fishery.

#### LIBERA CHASEA HABENDA

libera chasea habenda (lib-<<schwa>>r-<<schwa>> chay-see-<<schwa>> h<<schwa>>-ben-d<<schwa>>), n.[Law Latin] Hist. A judicial writ granting a person the right to a free chase after game belonging to the person's manor, after the jury's verdict granting that right. See CHASE.

#### LIBERA ELEEMOSYNA

libera eleemosyna (lib-<<schwa>>r-<<schwa>> el-<<schwa>>-mos-<<schwa>>-n<<schwa>>). See FRANKALMOIN.

#### LIBERA FALDA

libera falda (lib-<<schwa>>r-<<schwa>> fal-d<<schwa>> orfawl-d<<schwa>>). See DE LIBERA FALDA.

#### LIBERAL

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

liberal construction.See CONSTRUCTION.

#### LIBERA LEX

libera lex (lib-<<schwa>>r-<<schwa>> 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 AMITTERE.

#### LIBERAL INTERPRETATION

liberal interpretation.See INTERPRETATION.

## LIBERAM LEGEM AMITTERE

liberam legem amittere (lib-⟨schwa⟩r-⟨schwa⟩m lee-j⟨schwa⟩m ⟨schwa⟩-mit-⟨schwa⟩-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

libera piscaria (lib-⟨schwa⟩r-⟨schwa⟩ pis-kair-ee-⟨schwa⟩). See free fishery under FISHERY(1).

## LIBERARE

liberare (lib-⟨schwa⟩-rair-ee), vb.1.Civil law. To set (a person) free. 2.Hist. To deliver or transfer (a writ, etc.).

## LIBERARI FACIAS

liberari facias (lib-⟨schwa⟩-rair-ee fay-shee-⟨schwa⟩s). [Law Latin “that you cause to be delivered”] Hist. A writ of execution ordering a sheriff to seize the debtor's unsalable real property and deliver it to the creditor to satisfy the creditor's claim. Cf. LEVARI FACIAS; FIERI FACIAS.

## LIBER ASSISARUM

Liber Assisarum (II-b⟨schwa⟩r as-I-zair-⟨schwa⟩m), 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

liberate (lib-⟨schwa⟩-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 , (2).

liberate,vb. To set (a person) free, as from slavery, bondage, or hostile control.

#### LIBERATIO

liberatio (lib-⟨schwa⟩-ray-shee-oh), n.[Law Latin] Hist. Money paid for the delivery or use of a thing; a payment.

#### LIBERATIO LEGATA

liberatio legata (lib-⟨schwa⟩-ray-shee-oh l⟨schwa⟩-gay-t⟨schwa⟩). See LEGATUM LIBERATIONIS.

#### LIBERATION

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

liberation movement.Int'l law. An organized effort to achieve the political independence of a particular nation or people.

#### LIBERATIO NOMINIS

liberatio nominis (lib-⟨schwa⟩-ray-shee-oh nahm-⟨schwa⟩-nis). [Latin] Roman law. The discharge of a debt.

#### LIBERATIVE

liberative,adj. Serving or tending to free or release.

#### LIBERATIVE PRESCRIPTION

liberative prescription.See PRESCRIPTION.

#### LIBER AUTHENTICORUM

Liber Authenticorum (lɪ-b⟨schwa⟩r aw-then-t⟨schwa⟩-kor-⟨schwa⟩m). [Latin] Roman law. A translated, unabridged collection of Justinian's Greek Novels, assembled between A.D. 535 and 556. • This collection is distinguished from the similar work, the Epitome Juliani. — Also termed Authenticum.

#### LIBERA WARRENA

libera warrena (lɪ-b⟨schwa⟩r-⟨schwa⟩ wor-ee-n⟨schwa⟩). See free warren under WARREN.

#### LIBER BANCUS

liber bancus (lɪ-b⟨schwa⟩r bang-k⟨schwa⟩s). See FREE BENCH.

#### LIBER ET LEGALIS HOMO

liber et legalis homo (II-b<<schwa>>r et l<<schwa>>-gay-lis hoh-moh). See LEGALIS HOMO.

#### LIBERI

liberi (lib-<<schwa>>r-I), n. pl.[Latin] Roman law. 1. Children. 2. Descendants. • In the praetorian rules of intestate succession, liberi were the first rank of claimants, comprising the sui heredes of the Twelve Tables, and some others, such as emancipated children. Cf. LEGITIMI HEREDES.

#### LIBERIS NASCITURIS

liberis nascituris (lib-<<schwa>>r-is nas-<<schwa>>-t[y]uur-is). [Latin] Hist. To children yet to be born. • The phrase usu. referred to designations made in marriage contracts.

#### LIBER IUDICIORUM

liber iudiciorum. See LEX VISIGOTHORUM.

#### LIBER JUDICIALIS OF ALFRED

liber judicialis of Alfred (II-b<<schwa>>r joo-dish-ee-ay-lis), n.[Law Latin] See DOOMBOOK.

#### LIBER NIGER

liber niger (II-b<<schwa>>r nI-j<<schwa>>r), n.[Latin “black book”] Hist. An ancient record, such as the register in the Exchequer and the register of charters of abbeys and cathedrals.

#### LIBER NIGER PARVUS

Liber Niger Parvus (II-b<<schwa>>r nI-j<<schwa>>r pahr-v<<schwa>>s). See BLACK BOOK OF THE EXCHEQUER .

#### LIBER RUBER SCACCARII

liber ruber scaccarii (II-b<<schwa>>r roo-b<<schwa>>r sk<<schwa>>-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

libertas (li-b<<schwa>>r-tas orlib-<<schwa>>r-tas), n.[Latin “liberty, freedom”] Hist. A privilege or franchise.

#### LIBERTAS ECCLESIASTICA

libertas ecclesiastica (li-b<<schwa>>r-tas e-klee-z[h]ee-as-ti-k<<schwa>>), n.[Law Latin “church liberty”] Hist. Immunity from secular law, enjoyed by the church and the clergy, who are subject to ecclesiastical law. • This immunity was created in Magna Carta (1215).

## LIBERTATIBUS ALLOCANDIS

libertatibus allocandis (lib-*<<schwa>>*r-tay-t*<<schwa>>*-b*<<schwa>>*s al-*<<schwa>>*-kan-dis). See DE LIBERTATIBUS ALLOCANDIS.

## LIBERTATIBUS EXIGENDIS IN ITINERE

libertatibus exigendis in itinere (lib-*<<schwa>>*r-tay-t*<<schwa>>*-b*<<schwa>>*s ek-s*<<schwa>>*-jen-dis in I-tin-*<<schwa>>*-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

liberti (li-b*<<schwa>>*r-tI), n. pl.[Latin] Roman law. Manumitted slaves, considered in their relation with their former masters, who were known as patrons. Cf. INGENUUS; LIBERTINI.

## LIBERTICIDE

liberticide (l*<<schwa>>*-b*<<schwa>>*r-t*<<schwa>>*-sId), n.1. The destruction of liberty. 2. A destroyer of liberty. — liberticidal,adj.

## LIBERTIES

liberties.Hist. 1. Privileged districts exempt from the sheriff's jurisdiction. 2. In American colonial times, laws. 3. Political subdivisions of Philadelphia.

## LIBERTINI

libertini (lib-*<<schwa>>*r-tI-nI), n. pl.[Latin] Roman law. See LATINI JUNIANI.

## LIBERTY

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>. [Cases: Constitutional Law 83, 254.1. C.J.S. Constitutional Law §§ 472, 511, 977–978, 980, 1418; Right to Die§ 2.]

“[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 ... [is] 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. [Cases: Constitutional Law 83. C.J.S. Constitutional Law §§ 472, 511.]

political liberty. A person's freedom to participate in the operation of government, esp. in elections and 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. [Cases: Constitutional Law 84. C.J.S. Constitutional Law §§ 513–517.]

#### LIBERTY CLAUSE

Liberty Clause. The Due Process Clause in the 14th Amendment to the U.S. Constitution. See DUE PROCESS CLAUSE. [Cases: Constitutional Law 251–320.5. C.J.S. Constitutional Law §§ 455, 461–467, 470, 501, 503, 513, 518, 540, 557, 576–581, 585, 587, 596, 612, 614–618, 704, 883, 945–1348, 1350–1396, 1399–1401, 1405–1427; Right to Die § 2; Zoning and Land Planning § 23.]

**LIBERTY INTEREST**

liberty interest. See INTEREST(2).

**LIBERTY NOT**

liberty not. See NO-DUTY.

**LIBERTY OF A PORT**

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**

liberty of contract. See FREEDOM OF CONTRACT.

**LIBERTY OF SPEECH**

liberty of speech. See FREEDOM OF SPEECH.

**LIBERTY OF THE GLOBE**

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. [Cases: Insurance 2214.]

**LIBERTY OF THE PRESS**

liberty of the press. See FREEDOM OF THE PRESS.

**LIBERUM MARITAGIUM**

liberum maritagium (lib-*schwa*-*r*-*schwa*-*m* mar-*schwa*-*tay-jee*-*schwa*-*m*). See FRANKMARRIAGE.

**LIBERUM SERVITIUM**

liberum servitium (lib-*schwa*-*r*-*schwa*-*m* s-*schwa*-*r*-*vish-ee*-*schwa*-*m*), n. [Law Latin] See SERVITIUM LIBERUM.

**LIBERUM SOCAGIUM**

liberum socagium (lib-*schwa*-*r*-*schwa*-*m* sok-ay-jee-*schwa*-*m*), n. [Law Latin] See free socage under SOCAGE.

**LIBERUM TENEMENTUM**

liberum tenementum (lib-*schwa*-*r*-*schwa*-*m* ten-*schwa*-*men-t*-*schwa*-*m*), 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. [Cases: Trespass 25, 27. C.J.S. Trespass §§ 46-56, 167.]

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**2.FREEHOLD.****LIBERUM VETO**

liberum veto. See VETO.

**LIBOR**

LIBOR.abbr. See LONDON INTERBANK OFFERED RATE.

**LIBRA**

libra (II-br<<schwa>>), n.[Latin] Hist. An English pound; a sum of money equal to a pound sterling. Pl. librae.

libra arsa (II-br<<schwa>> ahr-s<<schwa>>), n.[Law Latin] Hist. A pound melted to test its purity.

libra numerata (II-br<<schwa>> n[y]oo-m<<schwa>>-ray-t<<schwa>>), n.[Law Latin] Hist. A pound of money that has been counted.

libra pensa (II-br<<schwa>> pen-s<<schwa>>), n.[Law Latin] Hist. A pound of money by weight.

**LIBRARIAN**

librarian.Parliamentary law. An officer charged with custody of an organization's books, periodicals, and other published matter, and sometimes of the organization's own archives and files as well.

**LIBRARY OF CONGRESS**

Library of Congress.A library on the U.S. Capitol grounds responsible for conducting research for members of Congress and congressional committees. • The Library maintains collections of materials that in many areas are the world's most extensive. Headed by a Librarian appointed by the President with the advice and consent of the Senate, it was established in 1860.2 USCA §§ 131 et seq.

**LIBRIPENS**

libripens (lib-r<<schwa>>-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 important property; a scale-holder. • 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 MANCIPATION.

**LICENSE**

license,n.1. A permission, usu. revocable, to commit some act that would otherwise be unlawful; esp., an agreement (not amounting to a lease or profit à prendre) that it is 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(1). [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

“[A] license is an authority to do a particular act, or series of acts, upon another's land, without possessing any estate therein. It is founded in personal confidence, and is not assignable, nor within the statute of frauds.” 2 James Kent, *Commentaries on American Law* \*452–53 (George Comstock ed., 11th ed. 1866).

2. The certificate or document evidencing such permission. — license,vb.

artistic license.An open-source license that prohibits the sale of modified software unless it is included in a package with other software.

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. [Cases: Licenses 43, 57. C.J.S. Easements § 9; Licenses §§ 88, 95, 101–102.]

blanket license.Copyright. A license granted by a performing-rights society, such as ASCAP or BMI, to use all works in the society's portfolio in exchange for a fixed percentage of the user's revenues.

box-top license.See shrink-wrap license.

BSD license.A form of open-source license that allows users to incorporate the source code into proprietary products as long as the names of the original creator or contributors are not used to endorse or promote the products without permission. — Also termed BSD-style license.

click-wrap license.See POINT-AND-CLICK AGREEMENT.

compulsory license. 1.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. — Also termed equitable remuneration. [Cases: Copyrights and Intellectual Property 48.1. C.J.S. Copyrights and Intellectual Property §§ 86–91.] 2.Patents. A statutorily created license that allows certain people to pay a royalty and use an invention without the patentee's permission. • While some nations currently recognize compulsory licenses, the United States never has.

cross-license.Patents. An agreement between two or more patentees to exchange licenses for their mutual benefit and mutual use of the licensed products. [Cases: Patents 206. C.J.S. Patents § 342.]

distribution license.A marketing license, usu. limited by geography.

exclusive license.A license that gives the licensee the sole right to perform the licensed act, often in a defined territory, and that prohibits the licensor from performing the licensed act and from granting the right to anyone else; esp., such a license of a copyright, patent, or trademark right. [Cases: Patents 211(1). C.J.S. Patents § 348.]

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general-public license. See open-source license.

implied license. A royalty-free license arising from a property owner's conduct regarding another person's use of the property even though the owner has not expressly consented to the property's use. • In a patent context, the circumstances surrounding the conduct give rise to an affirmative grant of consent or permission to infringe a patent's claims. For example, the conduct of a patentee who encourages the manufacture of infringing products may constitute an implied license to use the patent. An implied license may also arise when a patentee authorizes the sale or express grant of a license to a buyer, who then resells the license to a third party; the third party is the patentee's implied licensee. [Cases: Patents 210. C.J.S. Patents § 346.]

implied license by acquiescence. An implied license that arises from the patentee's tacit or passive acceptance of or implied consent to an otherwise infringing act.

implied license by conduct. An implied license based on the patentee's course of conduct, including language, from which another person could properly infer that the patentee consented to the other's use of the patent. See implied license by equitable estoppel; implied license by legal estoppel.

implied license by equitable estoppel. An implied license usu. based on the patentee's failure to take timely action to enforce patent rights against an infringer after objecting to the infringer's actions, thereby misleading the infringer into believing that the patentee will not act. See *A.C. Aukerman Co. v. R.L. Chaides Constr. Co.*, 960 F.2d 1020, 1042–43 (Fed. Cir. 1992).

implied license by legal estoppel. An implied license usu. based on the patentee's broadcast grant of a right or interest that cannot be derogated by the patentee's later acts.

label license. A notice on an item's package granting the purchaser a license to practice the process by using the item without additional payments to the licensor.

license coupled with an interest. An irrevocable license in real estate that confers the right (not the mere permission) to perform an act or acts upon the property; esp., a license incidental to the ownership of an interest in a chattel located on the land with respect to which the license exists. • This type of license is considered an interest in the land itself. An injunction may be obtained to prevent the wrongful revocation of such a license. — Also termed license coupled with the grant of an interest. [Cases: Licenses 43, 57. C.J.S. Easements § 9; Licenses §§ 88, 95, 101–102.]

“A licence may be coupled with some interest in the land or chattels thereon. Thus the right to enter another man's land to hunt and take away the deer killed, or to cut down a tree and remove it, involves the grant of an interest in the deer or tree and also a licence annexed to it to come on the land. The interest must be a recognised interest in the property, and it must have been validly created. Thus at law a right to take game or minerals, being a profit à prendre, must have been created by deed or prescription, whereas no formalities are required for the grant of a right to take away chattels, such as felled timber or cut hay. Equity will give effect to a specifically enforceable agreement to grant an interest, so that a licence coupled with a profit à prendre granted merely in

writing but for value may be protected by injunction.” Robert E. Megarry & M.P. Thompson, *A Manual of the Law of Real Property* 428 (6th ed. 1993).

**mechanical license.**A grant of the right to produce and release a copyrighted work in exchange for a royalty based on the number of units manufactured and sold.

**mere license.**See bare license.

**Mozilla public license.**An open-source license that allows software users to modify and publicly distribute the software, but requires users to release the changed software under the same copyright as the original source code, and to release all claims to patent rights. • The Mozilla public license was developed for the Netscape and Netscape Communicator browsers but is not limited to use with them. — Abbr. MPL.

**naked license.** 1. A license allowing a licensee to use a trademark on any goods and services the licensee chooses. [Cases: Trade Regulation 108. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 209–212.] 2. See bare license.

**nonexclusive license.**A license of intellectual-property rights that gives the licensee a right to use, make, or sell the licensed item on a shared basis with the licensor and possibly other licensees.

**nonmetered license.**Patents. An agreement to allow a patent's use in exchange for a flat percentage of sales, regardless of how much the patent is actually used. • The Supreme Court rejected a nonmetered license as patent misuse, saying the buyer has a right to insist on paying only for actual use. *Zenith Radio Co. v. Hazeltine Research, Inc.*, 395 U.S. 100, 89 S.Ct. 1562 (1969). See PATENT-MISUSE DOCTRINE. [Cases: Patents 218(5). C.J.S. Patents § 371.]

**open-source license.**A license that allows open-source software users to copy, distribute, or modify the source code, and publicly distribute derived works based on the source code. • Open-source licenses usu. do not require royalty or other fees on distribution. The license typically requires a user who redistributes original or modified software that was received under an open-source license to provide the original license terms, including all disclaimers, to all future users, and to distribute the source code with any machine-executable software. It is unclear who has the right or power to enforce the terms of an open-source license. — Sometimes termed general-public license.

**proprietary license.**A license that restricts a software user's ability to copy, distribute, or modify the software.

**shrink-wrap license.**A license printed on the outside of a software package to advise the buyer that by opening the package, the buyer becomes legally bound 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. See

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**POINT-AND-CLICK AGREEMENT.** [Cases: Copyrights and Intellectual Property 107.]

site license.Copyright. A software license that allows a company to install a set number of copies on individual computers within the company.

synchronization license.A license to reproduce and synchronize a copyrighted musical composition with visual images that are not covered by the musical work's copyright. • Synchronization rights are commonly associated with audiovisual productions, such as music videos or movies.

tear-me-open license.See shrink-wrap license.

use-based license.An open-source software license to which the user assents by acting according to the license's terms, namely, by using, modifying, or distributing the licensed software. • Unlike a point-and-click agreement, a use-based license does not require the user to expressly declare acceptance of the license terms before using the software.

**LICENSE BOND**

license bond.See BOND(2).

**LICENSE COUPLED WITH THE GRANT OF AN INTEREST**

license coupled with the grant of an interest.See license coupled with an interest under LICENSE.

**LICENSEE**

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. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

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. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

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. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

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. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

licensee with an interest.See INVITEE.

mere licensee.See bare licensee.

naked licensee. See bare licensee.

#### LICENSE FEE

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. [Cases: Licenses 1. C.J.S. Architects § 8; Licenses §§ 2–4.] 2. A charge of this type accompanied by a requirement that the licensee take some action, or be subjected to regulations or restrictions. [Cases: Licenses 1. C.J.S. Architects § 8; Licenses §§ 2–4.]

#### LICENSE IN AMORTIZATION

license in amortization. Hist. A license authorizing the conveyance of property otherwise invalid under the statutes of mortmain. See MORTMAIN.

#### LICENSE TAX

license tax. See LICENSE FEE(1).

#### LICENSING

licensing. 1. The sale of a license authorizing another to use something (such as computer software) protected by copyright, patent, or trademark. [Cases: Copyrights and Intellectual Property 48; Patents 206; Trade Regulation 108. C.J.S. Copyrights and Intellectual Property §§ 27, 29, 33–34, 93; Patents § 342; Trade-Marks, Trade-Names, and Unfair Competition §§ 209–212.] 2. A governmental body's process of issuing a license. — Also termed (in sense 2) licensure. [Cases: Licenses 1. C.J.S. Architects § 8; Licenses §§ 2–4.]

#### LICENSOR

licensor. One who grants a license to another. — Also spelled licenser. [Cases: Licenses 43. C.J.S. Easements § 9; Licenses § 88.]

#### LICENSURE

licensure. See LICENSING(2).

#### LICENTIA

licentia (li-sen-shee-⟨⟨schwa⟩⟩), n. [fr. Latin licere “to be lawful”] Hist. License; permission.

#### LICENTIA CONCORDANDI

licentia concordandi (li-sen-shee-⟨⟨schwa⟩⟩ kon-kor-dan-di), 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

licentia loquendi (li-sen-shee-<<schwa>> loh-kwen-dI). [Latin “license to speak”] See IMPARLANCE.

#### LICENTIA SURGENDI

licentia surgendi (li-sen-shee-<<schwa>> s<<schwa>>r-jen-dI), 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; DE ESSONIO DE MALO LECTI.

#### LICENTIATE

licentiate (II-sen-shee-<<schwa>>t), 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>.

#### LICENTIA TRANSFRETANDI

licentia transfretandi.See DE LICENTIA TRANSFRETANDI.

#### LICENTIOUS

licentious (II-sen-sh<<schwa>>s), adj. Lacking or ignoring moral or legal restraint, esp. in sexual activity; lewd; lascivious. — licentiousness,n.

#### LICERE

licere (li-seer-ee), vb.[Latin] Roman law. To be allowed by law. • The stipulation habere licere guaranteed the buyer indemnity from eviction.

#### LICERI

liceri. See LICITARI.

#### LICET

licet (II-set orlis-<<schwa>>t). [Latin] Hist. 1. It is permitted; it is lawful. 2. It is conceded; it is granted.

#### LICIT

licit (lis-it), adj. Not forbidden by law; permitted; legal. — licitly,adv.

#### LICITARI

licitari (lis-<<schwa>>-tair-ee), vb.[Latin] Roman law. To bid for an item, esp. repeatedly during the same sale. — Also termed liceri.

#### LICITATION

licitation (lis-<<schwa>>-tay-sh<<schwa>>n).1. The offering for sale or bidding for purchase at an auction; esp., in civil law, a judicial sale of property held in common. See La. Civ. Code art. 811. [Cases: Husband and Wife 272(5); Partition 99. C.J.S. Partition § 149.] 2.CANT.

#### LICITATOR

licitator (lis-<<schwa>>-tay-t<<schwa>>r), n.[Latin] Roman law. The bidder at a sale.

#### LICTOR

lictor (lik-<<schwa>>r), n.[Latin] Roman law. An officer who accompanied a magistrate having imperium and traditionally carried a bundle of rods and an ax, symbolizing the magistrate's powers of life and death and of corporal punishment over citizens. See IMPERIUM.

#### LIDFORD LAW

Lidford law (lid-f<<schwa>>rd).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(1).

#### LIE

lie,vb.1. To tell an untruth; to speak or write falsely <she lied on the witness stand>. See PERJURY. Cf. FABRICATE. [Cases: Perjury 12.C.J.S. Perjury §§ 6–11, 17–20.] 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>.

#### LIEBER CODE

Lieber Code.A codification of rules and customs of warfare, first developed by Francis Lieber during the American Revolution, formally adopted as law by Abraham Lincoln during the Civil War, and used as the basis for the first codified international rules of law at The Hague Peace Conference of 1899. • The rules were extended and refined in another Hague convention in 1907, and became known as the Law of The Hague. See LAW OF THE HAGUE.

#### LIE DETECTOR

lie detector.See POLYGRAPH.

#### LIEGE

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

liege homage,n. Hist. Homage paid by one sovereign to another, including pledges of loyalty and services.

#### LIEGE LORD

liege lord,n. Hist. See LIEGE(3).

#### LIEGE MAN

liege man,n. Hist. See LIEGE(1).

#### LIEGE POUSTIE

liege poustie (leej pow-see). [Law French “liege power” fr. Latin legitima potestas “lawful power”] Scots law. The lawful power of one in good health, as a result of which the person might dispose of heritable property. • The phrase often appeared attributively, as in liege poustie conveyance. Cf. LEGITIMA POTESTAS.

“LIEGE POUSTIE; is that state of health which gives a person full power to dispose mortis causa, or otherwise, of his heritable property. The term, according to our institutional writers, is derived from the words legitima potestas, signifying the lawful power of disposing of property at pleasure. It is used in contradistinction to deathbed — a liege poustie conveyance being a conveyance not challengeable on the head of deathbed .... The tests of liege poustie, opposed to the presumption of deathbed, are survivance during sixty days, and going to kirk or market unsupported.” William Bell, *Bell's Dictionary and Digest of the Law of Scotland* 662 (George Watson ed., 7th ed. 1890).

“[A] liege poustie conveyance being one not challengeable by the heir on the ground of death-bed. This condition of health the granter of a deed was held to have enjoyed, if at the time of granting it he was not affected by the disease of which he died, or if, after executing it, he attended kirk or market, unsupported, or survived for sixty days.” John Trayner, *Trayner's Latin Maxims* 329 (4th ed. 1894).

#### LIEGER

lieger,n. Archaic. See LEDGER(2).

#### LIEGE SUBJECT

liege subject.See natural-born subject under SUBJECT.

#### LIEGE WOMAN



liege woman,n. Hist. See LIEGE(1).

#### LIE IN FRANCHISE

lie in franchise,vb. Hist. (Of wrecks, waifs, strays, etc.) to be seizable without judicial action.

#### LIE IN GRANT

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

lie in livery,vb. Hist. (Of corporeal hereditaments) to be passable by livery of seisin rather than by deed.

#### LIEN

lien (leen orlee-<<schwa>>n), 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. Cf. PLEDGE(3). [Cases: Liens 1.C.J.S. Liens §§ 2–3, 12, 18.] — lien,vb. — lienable, liened,adj.

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. [Cases: Principal and Agent 90. C.J.S. Agency § 357.]

agister's lien (<<schwa>>-jis-t<<schwa>>rz). A lien on the animals under an agister's care, to secure payment of the agister's fee. See AGISTER; AGISTMENT. [Cases: Animals 26. C.J.S. Animals § 62.]

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. [Cases: Agriculture 10. C.J.S. Agriculture §§ 105, 113–114, 119–120.] 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)(5).

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. [Cases: Mechanics' Liens 36. C.J.S. Mechanics' Liens § 33.]

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. [Cases: Attachment 177; Federal Civil Procedure 589. C.J.S. Attachment §§ 203–205.]

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 (a charging lien) until the attorney's fees have been properly determined and paid. [Cases: Attorney and Client 171. C.J.S. Attorney and Client §§ 357–359.]

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. [Cases: Banks and Banking 134, 136. C.J.S. Banks and Banking §§ 293, 301–305, 312–313, 316.]

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. [Cases: Carriers 197. C.J.S. Aeronautics and Aerospace § 232; Carriers §§ 484, 486.]

charging lien. 1. An attorney's lien on a claim that the attorney has helped the client perfect, as through a judgment or settlement. [Cases: Attorney and Client 182. C.J.S. Attorney and Client § 359.] 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. [Cases: Internal Revenue 4781; Liens 1, 12. C.J.S. Internal Revenue § 719; Liens §§ 2–3, 12, 14, 18.]

common-law lien. 1. A lien granted by the common law, rather than by statute, equity, or agreement by the parties. [Cases: Liens 1. C.J.S. Liens §§ 2–3, 12, 18.] 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 (k<<schwa>>n-s<<schwa>>m-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-m<<schwa>>r-ij). A carrier's lien on goods for any unpaid demurrage charges. See DEMURRAGE. [Cases: Shipping 185. C.J.S. Shipping §§ 431, 439.]

dragnet lien.A lien that is enlarged to cover any additional credit extended to the debtor by the same creditor. [Cases: Secured Transactions 114. C.J.S. Secured Transactions § 83.]

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. — Also termed equitable levy. [Cases: Liens 7. C.J.S. Liens §§ 5–8.]

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(3). [Cases: Execution 106. C.J.S. Executions § 137.]

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 FACTOR(2). [Cases: Factors 47.]

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. [Cases: Secured Transactions 116. C.J.S. Secured Transactions § 85.] 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. [Cases: Federal Civil Procedure 609; Garnishment 106.]

**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.

“The usage of any trade sufficient to establish a general lien, must ... have been so uniform and notorious, as to warrant the inference that the party against whom the right is claimed had knowledge of it. This general lien may also be created by express agreement; as, where one or more persons give notice that they will not receive any property for the purpose of their trade or business, except on condition that they shall have a lien upon it, not only in respect to the charges arising on the particular goods, but for the general balance of account. All persons who afterwards deal with them, with the knowledge of such notice, will be deemed to have acceded to that agreement.” 2 James Kent, *Commentaries on American Law* \*637 (George Comstock ed., 11th ed. 1866).

**grantor's lien.** See vendor's lien (1).

**healthcare lien.** A statutory lien asserted by an HMO, insurer, medical group, or independent practice association against those liable to the patient for damages, to recover money paid or claim money payable for healthcare services provided under a healthcare service plan or a disability insurance policy. — Also termed medical lien. Cf. hospital lien; workers'-compensation lien.

**hospital lien.** A statutory lien asserted by a hospital to recover the costs of emergency and ongoing medical and other services. • The lien applies against any judgment, compromise, or settlement received by a hospital patient either from a third person who caused the patient's injuries or from the third person's insurer. See healthcare 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. — Also termed innkeeper's lien. [Cases: Innkeepers 13. C.J.S. Inns, Hotels and Eating Places § 19.]

**inchoate lien (in-koh-it).** A judgment lien that may be defeated if the judgment is vacated or a motion for new trial is granted. Cf. consummate lien.

**innkeeper's lien.** See hotelkeeper's 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. [Cases: Federal Civil Procedure 2671; Judgment 752–802. C.J.S. Judgments §§ 551–616.]

**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. [Cases: Federal Civil Procedure 2671; Judgment 752. C.J.S. Judgments § 552.]

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. [Cases: Landlord and Tenant 239–257. C.J.S. Landlord and Tenant §§ 605–609, 611–615, 619–634, 636, 638, 640–657.]

lien of attachment.See attachment lien.

lien of factor at common law.Hist. A lien not created by statute; a common-law lien. [Cases: Factors 47.]

lien of garnishment.See garnishment lien.

lien of judgment.See judgment lien.

manufacturer's lien.A statutory lien that secures payment for labor or materials expended in producing goods for another.

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. [Cases: Maritime Liens 1. C.J.S. Maritime Liens §§ 2–3, 7, 13, 16.]

“The maritime lien has been described as one of the most striking peculiarities of Admiralty law, constituting a charge upon ships of a nature unknown alike to common law and equity. It arises by operation of law and exists as a claim upon the property, secret and invisible. A maritime lien may be defined as: (1) a privileged claim, (2) upon maritime property, (3) for service done to it or injury caused by it, (4) accruing from the moment when the claim attaches, (5) travelling with the property unconditionally, (6) enforced by means of an action in rem.” Griffith Price, *The Law of Maritime Liens* 1 (1940).

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). [Cases: Bailment 18(2); Mechanics' Liens 1. C.J.S. Bailments §§ 80–81, 84; Mechanics' Liens § 2.]

medical lien.See healthcare lien.

**mortgage lien.**A lien on the mortgagor's property securing the mortgage. [Cases: Mortgages 145. C.J.S. Mortgages §§ 198, 200.]

**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. [Cases: Municipal Corporations 519. C.J.S. Municipal Corporations §§ 1388–1389, 1391–1392.]

**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**.

“A general lien is the right to retain the property of another, for a general balance of accounts; but a particular lien is a right to retain it only for a charge on account of labor employed or expenses bestowed upon the identical property detained. The former is taken strictly, but the latter is favored in law. The right rests on principles of natural equity and commercial necessity, and it prevents circuitry of action, and gives security and confidence ....” 2 James Kent, Commentaries on American Law \*634 (George Comstock ed., 11th ed. 1866).

**possessory garageman's lien.**A lien on a vehicle in the amount of the repairs performed by the garage. [Cases: Automobiles 374. C.J.S. Motor Vehicles §§ 1627–1629, 1631–1633, 1639–1677.]

**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 keep a client's papers until the client has paid for the attorney's services. • The attorney's retaining lien is not recognized in some states. [Cases: Attorney and Client 182(3). C.J.S. Attorney and Client §§ 376–377.]

**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. [Cases: Bankruptcy 2580, 2583. C.J.S. Bankruptcy § 130.]

superlien. See SUPERLIEN.

tax lien. 1. A lien on property, and all rights to property, imposed by the federal government for unpaid federal taxes. [Cases: Internal Revenue 4765–4806. C.J.S. Internal Revenue §§ 499, 715–720, 751, 753–756, 759, 762, 764, 766–767; Social Security and Public Welfare § 202.] 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. [Cases: Taxation 501, 902, 1090, 1320. C.J.S. Social Security and Public Welfare § 202; Taxation §§ 824, 828–829, 834, 1779, 1972–1975, 2065.]

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. [Cases: Vendor and Purchaser 337. C.J.S. Vendor and Purchaser §§ 639, 653–654.]

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. [Cases: Vendor and Purchaser 246. C.J.S. Vendor and Purchaser §§ 529–530.] 2. A lien held by a seller of goods, who retains possession of the goods until the buyer has paid in full. [Cases: Sales 300. C.J.S. Sales § 328.]

voluntary lien. A lien created with the debtor's consent.

warehouseman's lien. A lien covering storage charges for goods stored with a bailee. — Also termed warehouseman's lien. [Cases: Warehousemen 29. C.J.S. Warehousemen and Safe Depositaries § 106.]

workers'-compensation lien. 1. A statutory lien, asserted by a healthcare provider, to recover the costs of emergency and ongoing medical and other services. • The lien applies against any workers'-compensation benefits paid to a patient. 2. A statutory lien, asserted by a workers'-compensation insurance carrier, against an insured worker's recovery from a third-party tortfeasor, to recover benefits paid to the injured worker. — Also termed workers'-compensation subrogation lien. Cf. healthcare lien.

## LIENABLE

liable, adj. (Of property) legally amenable to a lien; capable of being subject to a lien.

## LIEN ACCOUNT

lien account. See ACCOUNT.

#### LIEN AVOIDANCE

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). [Cases: Bankruptcy 2571–2588, 2784. C.J.S. Bankruptcy §§ 110, 121, 123–125, 127, 129–132, 177–180.]

#### LIEN CREDITOR

lien creditor. See CREDITOR.

#### LIENEE

lienee (leen-ee or lee-<<schwa>>n-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

lienholder. A person having or owning a lien. — Also termed lienor; lienee.

#### LIEN JURISDICTION

lien jurisdiction. See LIEN THEORY.

#### LIEN OF A COVENANT

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

lien of attachment. See attachment lien under LIEN.

#### LIEN OF FACTOR AT COMMON LAW

lien of factor at common law. See LIEN.

#### LIEN OF GARNISHMENT

lien of garnishment. See garnishment lien under LIEN.

#### LIEN OF JUDGMENT

lien of judgment. See judgment lien under LIEN.

#### LIENOR

lienor. See LIENHOLDER.



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**LIEN STATE**

lien state. See LIEN THEORY.

**LIEN-STRIPPING**

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 (*Dewsnup 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. [Cases: Bankruptcy 2575. C.J.S. Bankruptcy § 110.]

**LIEN THEORY**

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. [Cases: Mortgages 136. C.J.S. Mortgages § 183.]

**LIEN WAIVER**

lien waiver. See WAIVER(2).

**LIEU CONUS**

lieu conus (l[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**

lieu land. See LAND.

**LIEUTENANCY**

lieutenancy. The rank, office, or commission of a lieutenant. See COMMISSION OF LIEUTENANCY .

**LIEUTENANT**

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.

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**LIEUTENANT COLONEL**

lieutenant colonel. In the U.S. military, an officer next below colonel and above major.

**LIEUTENANT COMMANDER**

lieutenant commander. In the U.S. Navy, an officer next below commander and above lieutenant.

**LIEUTENANT GENERAL**

lieutenant general. In the U.S. Army, an officer next below four-star general and above major general.

**LIEUTENANT GOVERNOR**

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. [Cases: States 42. C.J.S. States § 131.]

**LIFE ANNUITY**

life annuity. See ANNUITY.

**LIFE BENEFICIARY**

life beneficiary. See BENEFICIARY.

**LIFE-CARE CONTRACT**

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. Cf. CORODY.

**LIFE ESTATE**

life estate. See ESTATE(1).

**LIFE ESTATE PUR AUTRE VIE**

life estate pur autre vie. See ESTATE(1).

**LIFE EXPECTANCY**

life expectancy. 1. The period that a person of a given age and sex is expected to live, according to actuarial tables. [Cases: Evidence 364. C.J.S. Evidence § 1007.] 2. The period that a given person is expected to live, taking into account individualized characteristics such as heredity, past and present diseases, and other relevant medical data. — Also termed (in both senses) expectation of life. See ACTUARIAL TABLE; LIFE TABLE. [Cases: Death 65. C.J.S. Death § 217.]

**LIFE-HOLD**

life-hold. See life land under LAND.

#### LIFE IN BEING

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. See IN BEING; RULE AGAINST PERPETUITIES. Cf. MEASURING LIFE. [Cases: Perpetuities 4(1). C.J.S. Perpetuities §§ 2, 12, 15–18, 20–24, 27–28, 30, 33, 35–36, 52–53.]

#### LIFE-INCOME PERIOD-CERTAIN ANNUITY

life-income period-certain annuity. See ANNUITY.

#### LIFE INSURANCE

life insurance. An agreement between an insurance company and the policyholder to pay a specified amount to a designated beneficiary on the insured's death. — Also termed (in Britain) assurance. See ASSURANCE(2). [Cases: Insurance 1011. C.J.S. Insurance §§ 10–14.]

“Life and accident insurance has been defined as a contract whereby one party, for a stipulated consideration, agrees to indemnify another against injury by accident or death from any cause not excepted in the contract. Strictly speaking, however, a contract of life insurance is not one of indemnity, but is an absolute engagement to pay a certain sum at the end of a definite or indefinite time.” 43 Am. Jur. 2d Insurance § 3 (1982).

corporate-owned life insurance. A life-insurance policy bought by a company on an employee's life, naming the company as beneficiary. — Abbr. COLI.

credit life insurance. Life insurance on a borrower, usu. in a consumer installment loan, in which the amount due is paid if the borrower dies.

decreasing-term life insurance. See decreasing term insurance under INSURANCE.

endowment life insurance. A type of life insurance that is payable either to the insured at the end of the policy period or to the insured's beneficiary if the insured dies before the period ends. — Also termed endowment insurance.

industrial life insurance. Life insurance characterized by (1) a small death benefit (usu. \$2,000 or less), (2) premium payments that are due weekly, biweekly, or monthly and that are collected at home by the insurer's representative, and (3) no required medical examination of the insured. — Sometimes shortened to industrial insurance.

joint life insurance. Life insurance on two or more persons, payable to the survivor or survivors when one of the policyholders dies.

key-employee life insurance. Life insurance taken out by a company on an essential or valuable employee, with the company as beneficiary. — Also termed key-employee insurance; key-man insurance; key-person insurance; key-executive insurance.

last-survivor life insurance. Life insurance on two or more persons, payable after all the insureds have died. — Also termed last-survivor insurance.

limited-payment life insurance. Life insurance that requires premium payments for less than the life of the agreement.

national-service life insurance. Life insurance available to a person in active U.S. military service on or after October 8, 1940, and issuable at favorable rates. • This insurance was established by the National Service Life Insurance Act of 1940, and is regulated by the Administrator of Veterans Affairs. 38 USCA §§ 1901–1929. [Cases: Armed Services 55. C.J.S. Armed Services § 192.]

ordinary life insurance. 1. Life insurance having an investment-sensitive cash value, such as whole life insurance or universal life insurance. • Ordinary insurance is one of three main categories of life insurance. — Often shortened to ordinary insurance. Cf. group insurance; industrial life insurance. 2. See whole life insurance.

partnership life insurance. See partnership insurance (1) under INSURANCE.

single-premium life insurance. Life insurance that is paid for in one installment rather than a series of premiums over time. — Also termed single-premium insurance.

split-dollar life insurance. An arrangement between two people (often an employer and employee) by which life insurance is written on the life of one, though both share the premium payments. • On the insured's death or other event terminating the plan, the noninsured person receives the cash value of the insurance as reimbursement, and the beneficiary named by the insured is entitled to the remainder. — Also termed split-dollar insurance.

straight life insurance. See whole life insurance.

term life insurance. Life insurance that covers the insured for only a specified period. • It pays a fixed benefit to a named beneficiary upon the insured's death but is not redeemable for a cash value during the insured's life. Cf. whole life insurance.

universal life insurance. A form of term life insurance in which the premiums are paid from the insured's earnings from a money-market fund.

variable life insurance. A form of life insurance in which the premiums are invested in securities and whose death benefits thus depend on the securities' performance, though there is a minimum guaranteed death benefit.

whole life insurance. Life insurance that covers an insured for life, during which the insured pays fixed premiums, accumulates savings from an invested portion of the premiums, and receives a guaranteed benefit upon death, to be paid to a named beneficiary. • Such a policy may provide that at a stated time, premiums will end or benefits will increase. — Also termed ordinary life insurance; straight life insurance. Cf. term life insurance.

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**LIFE-INSURANCE TRUST**

life-insurance trust. See TRUST.

**LIFE INTEREST**

life interest. An interest in real or personal property measured by the duration of the holder's or another named person's life. See life estate under ESTATE(1). [Cases: Life Estates 1. C.J.S. Estates §§ 28–29, 31, 34.]

**LIFE LAND**

life land. See LAND.

**LIFELODE**

lifelode. See LIVELODE.

**LIFE OF A WRIT**

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**

life-owner. See LIFE TENANT.

**LIFE PEERAGE**

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**

life policy. See INSURANCE POLICY.

**LIFE-QUALIFIED JURY**

life-qualified jury. See JURY.

**LIFER**

lifer. See NONREMOVABLE INMATE.

**LIFERENT**

liferent. Scots law. The right to use and enjoy during a lifetime the property of another (the fiar) without consuming its substance. — Also spelled life-rent. See USUFRUCT.

**LIFERENTRIX**

liferentrix. Archaic. A woman who has a liferent.

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**LIFE SENTENCE**

life sentence. See SENTENCE.

**LIFE SETTLEMENT**

life settlement. See viatical settlement under SETTLEMENT(2).

**LIFE-SUSTAINING PROCEDURE**

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. [Cases: Health 913.]

**LIFE TABLE**

life table. An actuarial table that gives the probable proportions of people who will live to different ages. Cf. ACTUARIAL TABLE. [Cases: Death 65; Evidence 364. C.J.S. Death § 217; Evidence § 1007.]

**LIFE TENANCY**

life tenancy. See life estate under ESTATE(1).

**LIFE TENANT**

life tenant. A person who, until death, is beneficially entitled to property; the holder of a life estate. — Also termed tenant for life; life-owner. See life estate under ESTATE(1). [Cases: Life Estates 1. C.J.S. Estates §§ 28–29, 31, 34.]

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. [Cases: Life Estates 1, 6. C.J.S. Estates §§ 28–29, 31, 34, 54.]

legal life tenant. A life tenant who is automatically entitled to possession by virtue of a legal estate. [Cases: Life Estates 1. C.J.S. Estates §§ 28–29, 31, 34.]

**LIFETIME GIFT**

lifetime gift. See inter vivos gift under GIFT.

**LIFO**

LIFO (II-foh). abbr. LAST-IN, FIRST-OUT.

**LIFT**

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>. [Cases: Mortgages 298(1). C.J.S. Mortgages §§ 451–455, 457–458.] 3. Slang. To steal <lift a purse>.

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**LIFTING COSTS**

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**

liga (lee-g<<schwa>>), n.[Law Latin] Hist. A league or confederation.

**LIGAN**

ligan (II-g<<schwa>>n), n. See LAGAN.

**LIGARE**

ligare (l<<schwa>>-gair-ee), vb.[Latin] Hist. 1. To tie or bind. 2. To enter into a treaty or league.

**LIGEA**

ligea (lee-jee-<<schwa>>), n.[Law Latin] Hist. A female subject; a liege woman. See LIEGE(1).

**LIGEANCE**

ligeance (II-j<<schwa>>nts orlee-j<<schwa>>nts).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. [Cases: International Law 10.3. C.J.S. International Law § 7.]

“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**

ligen,n. See LAGAN.

**LIGEUS**

ligeus (lee-jee-<<schwa>>s), n.[Law Latin] Hist. A male subject; a liege man. See LIEGE(1).

**LIGHT-AND-AIR EASEMENT**

light-and-air easement.See EASEMENT.

**LIGHTERAGE**

lighterage (II-t<<schwa>>r-ij).1. The loading and unloading of goods between a ship and a

smaller vessel, called a lighter, that is able to use a restricted port or dock. [Cases: Shipping 126, 134, 141. C.J.S. Shipping §§ 278–280, 296–299, 306–311, 338–339.] 2. The compensation paid for this service. [Cases: Shipping 147. C.J.S. Shipping §§ 369–370.] 3. The loading and unloading of freight between a railroad car and a ship's side.

#### LIGHT MOST FAVORABLE

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 inferences <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. [Cases: Federal Civil Procedure 2543, 2609.]

#### LIGHTS, ANCIENT

lights, ancient. See ANCIENT-LIGHTS DOCTRINE.

#### LIGHT WORK

light work. See WORK(1).

#### LIGIA ET NON LIGIA

ligia et non ligia (lij-ee-⟨schwa⟩ et non lij-ee-⟨schwa⟩). [Law Latin] Scots law. Liege and nonliege. • A liege fee was held under the Crown while a nonliege fee was held under a vassal of the Crown. See LIEGE.

#### LIGIUS

ligius (lee-jee-⟨schwa⟩s), n. [Law Latin] Hist. A person bound to another by solemn relationship, as between subject and sovereign. See LIEGE.

#### LIGNAGIUM

lignagium (lig-nay-jee-⟨schwa⟩m), n. [Law Latin] Hist. 1. A right to cut firewood. 2. The payment for this right.

#### LIGULA

ligula (lig-y⟨schwa⟩-l⟨schwa⟩), n. [Law Latin] Hist. A copy or transcript of a court roll or deed.

#### LIKE

like, adj. 1. Equal in quantity, quality, or degree; corresponding exactly <like copies>. 2. Similar or substantially similar <like character>.

#### LIKE-KIND EXCHANGE

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. See IRC (26 USCA) § 1031. [Cases: Internal Revenue 3184.C.J.S. Internal Revenue §§ 120–121, 124.]

#### LIKE-KIND PROPERTY

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. [Cases: Internal Revenue 3184. C.J.S. Internal Revenue §§ 120–121, 124.]

#### LIKELIHOOD-OF-CONFUSION TEST

likelihood-of-confusion test.Trademarks. 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. [Cases: Trade Regulation 334. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 87.]

#### LIKELIHOOD-OF-SUCCESS-ON-THE-MERITS TEST

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

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 Locomotive Eng'rs v. Atchison, Topeka & Santa Fe R.R., 516 U.S. 152, 116 S.Ct. 595 (1996).

#### LIMENARCHA

limenarcha (lim-<<schwa>>n-ahr-k<<schwa>>), n.[Latin] Roman law.An officer in charge of a harbor or frontier post.

#### LIMINE

limine. See IN LIMINE.

#### LIMINE OUT

limine out (lim-<<schwa>>-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

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

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; limitation of action. See STATUTE OF LIMITATIONS. Cf. LACHES. [Cases: Criminal Law 145.5–160; Limitation of Actions 1.C.J.S. Criminal Law §§ 196–207; Limitations of Actions §§ 2–4.] 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. [Cases: Deeds 124–134; Wills 616. C.J.S. Deeds §§ 245–252, 263–266, 270, 273–276; Wills §§ 1287–1293.]

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. [Cases: Landlord and Tenant 103(1). C.J.S. Landlord and Tenant §§ 109, 112, 115.]

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 an executory devise. It is 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.” [Cases: Deeds 124–134. C.J.S. Deeds §§ 245–252, 263–266, 270, 273–276.]

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. [Cases: Deeds 125, 126, 130. C.J.S. Deeds §§ 246, 249.]

“[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).

supplanting limitation. A limitation involving a secondary gift that is expressed in a clause following the original gift and that is typically introduced by the words “but if,” “and if,” or “in case.”

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**LIMITATION OF ACTION**

limitation of action. See **LIMITATION(3)**.

**LIMITATION OF ASSIZE**

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**

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. Cf. **LIQUIDATED-DAMAGES CLAUSE**. [Cases: Damages 76.C.J.S. Damages §§ 176, 185–187, 194.]

**LIMITATION-OF-LIABILITY ACT**

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)**. [Cases: Shipping 203.C.J.S. Shipping §§ 471–472, 477–478.]

**LIMITATION-OF-REMEDIES CLAUSE**

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. Cf. **LIQUIDATED-DAMAGES CLAUSE**; **PENALTY CLAUSE**. [Cases: Contracts 114; Sales 418(6), 426.C.J.S. Contracts § 271; Sales §§ 281–283, 376, 402.]

**LIMITATION ON INDEBTEDNESS**

limitation on indebtedness. See **DEBT LIMITATION**.

**LIMITATION PERIOD**

limitation period. See **LIMITATION(3)**.

**LIMITATIONS, STATUTE OF**

limitations, statute of. See **STATUTE OF LIMITATIONS**.

**LIMITATIONS PERIOD**

limitations period. 1. **LIMITATION(3)**. 2. **STATUTE OF LIMITATIONS**.

**LIMIT DEBATE**

limit debate. Parliamentary law. To set a limit on how long debate may continue, or on the number and length of speeches. See **DEBATE**. Cf. **CLOSE DEBATE** ; **EXTEND DEBATE**.

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**LIMITED ADMINISTRATION**

limited administration. See ADMINISTRATION.

**LIMITED ADMISSIBILITY**

limited admissibility. See ADMISSIBILITY.

**LIMITED APPEAL**

limited appeal. See APPEAL.

**LIMITED APPEARANCE**

limited appearance. See special appearance under APPEARANCE.

**LIMITED-CAPACITY WELL**

limited-capacity well. See WELL.

**LIMITED COMPANY**

limited company. See COMPANY.

**LIMITED COURT**

limited court. See COURT.

**LIMITED DEBATE**

limited debate. See DEBATE.

**LIMITED DEFENSE**

limited defense. See personal defense under DEFENSE(4).

**LIMITED DIVORCE**

limited divorce. See DIVORCE.

**LIMITED EXECUTOR**

limited executor. See EXECUTOR.

**LIMITED FEE**

limited fee. See base fee under FEE(2).

**LIMITED GUARANTY**

limited guaranty. See GUARANTY.

**LIMITED INTERDICT**

limited interdict. See INTERDICT(2).

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**LIMITED INTERDICTION**

limited interdiction. See partial interdiction under INTERDICTION(3).

**LIMITED INTERPRETATION**

limited interpretation. See restrictive interpretation under INTERPRETATION.

**LIMITED JURISDICTION**

limited jurisdiction. See JURISDICTION.

**LIMITED LIABILITY**

limited liability. See LIABILITY.

**LIMITED-LIABILITY COMPANY**

limited-liability company. See COMPANY.

**LIMITED-LIABILITY CORPORATION**

limited-liability corporation. See limited-liability company under COMPANY.

**LIMITED-LIABILITY PARTNERSHIP**

limited-liability partnership. See PARTNERSHIP.

**LIMITED-MARKET PROPERTY**

limited-market property. See special-purpose property under PROPERTY.

**LIMITED MEMBER**

limited member. See nonvoting member under MEMBER.

**LIMITED MONARCHY**

limited monarchy. See MONARCHY.

**LIMITED OWNER**

limited owner. See OWNER.

**LIMITED PARTNER**

limited partner. See PARTNER.

**LIMITED PARTNERSHIP**

limited partnership. See PARTNERSHIP.

**LIMITED PARTNERSHIP ASSOCIATION**

limited partnership association. See PARTNERSHIP ASSOCIATION.

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**LIMITED-PAYMENT LIFE INSURANCE**

limited-payment life insurance. See LIFE INSURANCE.

**LIMITED POLICY**

limited policy. See INSURANCE POLICY.

**LIMITED-POLICY INSURANCE**

limited-policy insurance. See INSURANCE.

**LIMITED POWER OF APPOINTMENT**

limited power of appointment. See POWER OF APPOINTMENT.

**LIMITED PUBLICATION**

limited publication. See PUBLICATION.

**LIMITED PUBLIC FORUM**

limited public forum. See designated public forum under PUBLIC FORUM.

**LIMITED-PURPOSE MARRIAGE**

limited-purpose marriage. See MARRIAGE(1).

**LIMITED-PURPOSE PUBLIC FIGURE**

limited-purpose public figure. See PUBLIC FIGURE.

**LIMITED TRUST**

limited trust. See TRUST.

**LIMITED VETO**

limited veto. See qualified veto under VETO.

**LIMITED VOTING**

limited voting. See VOTING.

**LIMITED WARRANTY**

limited warranty. See WARRANTY(2).

**LIMIT OF LIABILITY**

limit of liability. See LIABILITY LIMIT.

**LIMIT ORDER**

limit order. See ORDER(8).

## LINCOLN'S INN

Lincoln's Inn. One of the Inns of Court. See INN OF COURT(1).

## LINDBERGH ACT

Lindbergh Act. See FEDERAL KIDNAPPING ACT.

## LINE

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. In manufacturing, a series of closely related products. 4. 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 who are descendants of a common ancestor. [Cases: Descent and Distribution 32, 37. C.J.S. Descent and Distribution §§ 40–41, 44–49.]

direct line. A line of descent traced through only those persons who are related to each other directly as ascendants or descendants. [Cases: Descent and Distribution 25. C.J.S. Descent and Distribution § 32.]

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.

## LINEA

linea (lin-ee-<<schwa>>), n. [Latin “line”] Hist. A line of descent.

linea directa (lin-ee-<<schwa>> d<<schwa>>-rek-t<<schwa>>). [Latin “direct line”] Roman law. The relationship among persons in the direct line of ascent and descent, such as grandfather, father, and son. — Also termed linea recta.

linea transversa (lin-ee-<<schwa>> trans-v<<schwa>>r-s<<schwa>>). [Latin “transverse line”] Roman law. The relationship between persons in collateral lines of descent, such as uncle and nephew. — Also termed linea obliqua.

## LINEAGE

lineage (lin-ee-<<schwa>>j). Ancestry and progeny; family, ascending or descending.

## LINEAL

lineal (lin-ee-<<schwa>>l), adj. Derived from or relating to common ancestors, esp. in a direct line; hereditary. Cf. COLLATERAL(2). [Cases: Descent and Distribution 25. C.J.S. Descent and Distribution § 32.]

lineal, n. A lineal descendant; a direct blood relative.

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**LINEAL ASCENDANT**

lineal ascendant. See ASCENDANT.

**LINEAL CONSANGUINITY**

lineal consanguinity. See CONSANGUINITY.

**LINEAL DESCENDANT**

lineal descendant. See DESCENDANT.

**LINEAL DESCENT**

lineal descent. See DESCENT.

**LINEAL HEIR**

lineal heir. See HEIR.

**LINEAL WARRANTY**

lineal warranty. See WARRANTY(1).

**LINEA OBLIQUA**

linea obliqua. See linea transversa under LINEA.

**LINEA RECTA**

linea recta. See linea directa under LINEA.

**LINE-ITEM VETO**

line-item veto. See VETO.

**LINE OF CREDIT**

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**

line of demarcation. See DEMARCATION LINE.

**LINE OF TITLE**

line of title. CHAIN OF TITLE(1).

**LINES AND CORNERS**

lines and corners. See METES AND BOUNDS.

**LINEUP**



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. [Cases: Criminal Law 339.8. C.J.S. Criminal Law § 801.]

#### LINGLE<TT> TEST

Lingle test.Labor law. A test for determining whether a union member's state-law claim against the employer is preempted by the Labor-Management Relations Act, the controlling principle being that if the state-law claim can be resolved without interpreting the collective-bargaining agreement, then there is no preemption. *Lingle v. Norge Division of Magic Chef, Inc.*, 486 U.S. 399, 108 S.Ct. 1877 (1988). See MARCUS MODEL; WHITE MODEL.

#### LINK

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>. [Cases: Weights and Measures 3. C.J.S. Weights and Measures § 3.] 3. See HYPERLINK.

#### LINK FINANCING

link financing.See FINANCING.

#### LINK-IN-CHAIN PRINCIPLE

link-in-chain principle.Criminal procedure. The principle that a criminal defendant's Fifth Amendment right against self-incrimination protects the defendant not only from answering directly incriminating questions but also from giving answers that might connect the defendant to criminal activity in the chain of evidence. [Cases: Criminal Law 393. C.J.S. Criminal Law § 645.]

#### LIP

LIP.abbr.LEGALLY INCAPACITATED PERSON.

#### LIQUERE

liquere (li-kweer-ee), vb.[Latin] Roman law. To be clear, evident, or apparent. • When a judex 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

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

liquid asset. See current asset under ASSET.

#### LIQUIDATE

liquidate, vb. 1. To settle (an obligation) by payment or other adjustment; to extinguish (a debt). 2. To ascertain the precise amount of (debt, damages, etc.) by litigation or agreement. 3. To determine the liabilities and distribute the assets of (an entity), esp. in bankruptcy or dissolution. 4. To convert (a nonliquid asset) into cash. 5. To wind up the affairs of (a corporation, business, etc.). 6. Slang. To get rid of (a person), esp. by killing.

#### LIQUIDATED

liquidated, adj. 1. (Of an amount or debt) settled or determined, esp. by agreement. 2. (Of an asset or assets) converted into cash.

#### LIQUIDATED ACCOUNT

liquidated account. See ACCOUNT.

#### LIQUIDATED AMOUNT

liquidated amount. A figure readily computed, based on an agreement's terms.

#### LIQUIDATED CLAIM

liquidated claim. See CLAIM(3).

#### LIQUIDATED DAMAGES

liquidated damages. See DAMAGES.

#### LIQUIDATED-DAMAGES CLAUSE

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 ; LIMITATION-OF-DAMAGES CLAUSE; PENALTY CLAUSE. [Cases: Damages 74–84. C.J.S. Damages §§ 175–179, 184–194.]

#### LIQUIDATED DEBT

liquidated debt. See DEBT.

#### LIQUIDATED DEMAND

liquidated demand. See liquidated claim under CLAIM(3).

#### LIQUIDATING DISTRIBUTION

liquidating distribution. See DISTRIBUTION.

#### LIQUIDATING DIVIDEND

liquidating dividend. See liquidation dividend under DIVIDEND.

#### LIQUIDATING PARTNER

liquidating partner. See PARTNER.

#### LIQUIDATING PRICE

liquidating price. See redemption price under PRICE.

#### LIQUIDATING TRUST

liquidating trust. See TRUST.

#### LIQUIDATION

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.

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. [Cases: Internal Revenue 3820. C.J.S. Internal Revenue §§ 398–399, 402.]

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 § 337. [Cases: Internal Revenue 3698, 3711. C.J.S. Internal Revenue §§ 400, 403.]

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. See CHAPTER 7. Cf. REHABILITATION (3). [Cases: Bankruptcy 2251. C.J.S. Bankruptcy § 50.]

#### LIQUIDATION BANKRUPTCY

liquidation bankruptcy. See CHAPTER 7 (2).

#### LIQUIDATION DIVIDEND

liquidation dividend. See DIVIDEND.

#### LIQUIDATION PREFERENCE

liquidation preference. See PREFERENCE.

#### LIQUIDATION PRICE

liquidation price. See PRICE.

#### LIQUIDATION VALUE

liquidation value. See VALUE (2).

#### LIQUIDATOR

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

liquid debt. See DEBT.

#### LIQUIDITY

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

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

liquor offense. See OFFENSE (1).

#### LIS

lis (lis). [Latin] A piece of litigation; a controversy or dispute.

#### LIS ALIBI PENDENS

lis alibi pendens (lis al-*schwa*-b*pen*-d*schwa*-nz). [Latin] 1. A lawsuit pending elsewhere. 2. Hist. A preliminary defense that a case involving the same parties and the same

subject is pending in another court. See LIS PENDENS .

#### LIS EST SOPITA

lis est sopita (lis est s<<schwa>>-pI-t<<schwa>>). [Latin] Hist. The suit is concluded; the issues in a case are decided. — Also termed lis est finita (lis est fi-nI-t<<schwa>>).

#### LIS MOTA

lis mota (lis moh-t<<schwa>>), n.[Latin “a lawsuit moved”] Hist. A dispute that has begun and later forms the basis of a lawsuit.

#### LIS PENDENS

lis pendens (lis pen-d<<schwa>>nz). [Latin] 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. [Cases: Lis Pendens 1, 12.1. C.J.S. Lis Pendens §§ 2–7.]

#### LIST

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

listed security.See SECURITY.

#### LISTED SECURITY EXCHANGE

listed security exchange.An organized secondary security market operating at a designated location, such as the New York Stock Exchange.

#### LISTED STOCK

listed stock.See listed security under SECURITY.

#### LISTER

lister. A person authorized to compile lists of taxable property for assessment and appraisal; an assessor.

#### LISTING

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. [Cases: Brokers 40. C.J.S. Brokers §§ 117–120, 125, 143.]

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 listing; exclusive-authorization-to-sell listing. [Cases: Brokers 40, 46. C.J.S. Brokers §§ 117–120, 125, 143, 170, 175.]

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. [Cases: Brokers 40, 66. C.J.S. Brokers §§ 117–120, 125, 135, 141, 143, 185.]

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. [Cases: Brokers 40. C.J.S. Brokers §§ 117–120, 125, 143.]

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 commission 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. [Cases: Brokers 46. C.J.S. Brokers §§ 170, 175.]

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. [Cases: Exchanges 13.10. C.J.S. Exchanges §§ 17–18.]

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. [Cases: Taxation 328, 366. C.J.S. Taxation §§ 483, 535–536, 541, 544.]

#### LISTING AGENT

listing agent.The real-estate broker's representative who obtains a listing agreement with the owner. Cf. selling agent under AGENT(2). [Cases: Brokers 40. C.J.S. Brokers §§ 117–120, 125, 143.]

#### LISTING AGREEMENT

listing agreement.See LISTING(1).

#### LIST OF CREDITORS

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. [Cases: Bankruptcy 2324.]

#### LIST PRICE

list price. See PRICE.

#### LITEM

litem (II-tem or -t<<schwa>>m). See AD LITEM.

#### LITEM DENUNTIARE

litem denuntiare (II-tem d<<schwa>>-n<<schwa>>n-shee-air-ee). [Latin “to announce a suit”] Roman law. 1. The summoning of a defendant by a magistrate exercising *cognitio* 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

litem suam facere (II-tem s[y]oo-<<schwa>>m fay-s<<schwa>>-ree). [Latin “to make a suit one's own”] Roman law. (Of a *judex*) to fail in his official duty through imprudence, such as not adhering to the formula, or not following due procedure. • This failure amounted to misconduct in the *judex's* duties, and a litigant was given a private action against him. The scope of actionable misconduct is not certain. It included not obeying the formula and not adjourning the trial properly, but it may also have included overt acts of corruption, such as accepting bribes.

#### LITE PENDENTE

lite pendente (II-tee pen-den-tee). [Latin] See PENDENTE LITE.

#### LITERA

litera (lit-<<schwa>>r-<<schwa>>), n. [Latin “letter”] Hist. 1. A letter. 2. The letter of a law, as distinguished from its spirit. — Also spelled *littera*. Pl. *litterae*. See LETTER(3).

#### LITERACY TEST

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. [Cases: Elections 59. C.J.S. Elections § 16.]

#### LITERAE MORTUAE

litterae mortuae (lit-<<schwa>>r-ee mor-choo-ee), n. [Latin] Hist. Dead letters; filler words in a statute.

#### LITERAE PATENTES

litterae patentes (lit-<<schwa>>r-ee p<<schwa>>-ten-teez), n. [Latin “open letters”] Hist. A

public grant from the sovereign to a subject, conferring the right to land, a franchise, a title, liberty, or some other endowment. • The modern “patent” and, more closely, “letters patent” derive from this term. See LETTERS PATENT(1).

“The term ‘patent’ is short for ‘letters patent,’ derived from the Latin *litterae patentes*, meaning open letters. Generally, letters patent were letters addressed by the sovereign ‘to all whom these presents shall come,’ reciting a grant of some dignity, office, franchise, or other privilege that has been given by the sovereign to the patentee.” Donald S. Chisum et al., *Principles of Patent Law* 2 (1998).

#### LITERAE PROCURATORIAE

*litterae procuratoriae* (lit-*<<schwa>>*r-ee prok-y*<<schwa>>*-r*<<schwa>>*-tor-ee-ee), n.[Law Latin] Hist. Letters of procuration; letters of attorney; power of attorney. See POWER OF ATTORNEY.

#### LITERAE RECOGNITIONIS

*litterae recognitionis* (lit-*<<schwa>>*r-ee rek-*<<schwa>>*g-nish-ee-oh-nis), n.[Latin] Hist. A bill of lading. See BILL OF LADING.

#### LITERAE SIGILLATAE

*litterae sigillatae* (lit-*<<schwa>>*r-ee sij-*<<schwa>>*-lay-tee), n.[Latin] Hist. Sealed letters. • A sheriff's return on a writ was often called *litterae sigillatae*.

#### LITERAL

literal,adj. According to expressed language. • Literal performance of a condition requires exact compliance with its terms. [Cases: Contracts 152. C.J.S. Contracts §§ 307, 318–322, 327, 331.]

#### LITERAL CANON

literal canon.See STRICT CONSTRUCTIONISM.

#### LITERAL CONSTRUCTION

literal construction.See strict construction under CONSTRUCTION.

#### LITERAL CONTRACT

literal contract.See CONTRACT.

#### LITERA LEGIS

*littera legis*.See LETTER OF THE LAW.

#### LITERAL INFRINGEMENT

literal infringement.See INFRINGEMENT.



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**LITERAL INTERPRETATION**

literal interpretation. See strict construction under CONSTRUCTION.

**LITERAL PROOF**

literal proof. See PROOF.

**LITERAL RULE**

literal rule. See STRICT CONSTRUCTIONISM.

**LITERARY**

literary, adj. Of or relating to literature, books, or writings.

**LITERARY COMPOSITION**

literary composition. An original expression of mental effort in written words arranged in an intelligent and purposeful order. See literary work under WORK(2). [Cases: Copyrights and Intellectual Property 5. C.J.S. Copyrights and Intellectual Property § 11.]

**LITERARY EXECUTOR**

literary executor. See EXECUTOR.

**LITERARY PROPERTY**

literary property. 1. The physical property in which an intellectual production is embodied, such as a book, screenplay, or lecture. [Cases: Copyrights and Intellectual Property 41.3. C.J.S. Copyrights and Intellectual Property § 26.] 2. An owner's exclusive right to possess, use, and dispose of such a production. See COPYRIGHT; INTELLECTUAL PROPERTY. [Cases: Copyrights and Intellectual Property 36. C.J.S. Copyrights and Intellectual Property §§ 10, 40–41, 97.]

**LITERARY WORK**

literary work. See WORK(2).

**LITERATE**

literate, adj. 1. Able to read and write a language. 2. Knowledgeable and educated. — literacy, n.

**LITERATURA**

literatura (lit-*<<schwa>>*r-*<<schwa>>*-t[y]uur-*<<schwa>>*), n. [Latin fr. *littera* “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**

litigable (lit-*<<schwa>>-g<<schwa>>-b<<schwa>>l*), adj. Able to be contested or disputed in court *<litigable claims>*. — litigability,n.

#### LITIGANT

litigant. A party to a lawsuit.

institutional litigant.See INSTITUTIONAL LITIGANT.

vexatious litigant.A litigant who repeatedly files frivolous lawsuits. • Many jurisdictions have statutes or local rules requiring a vexatious litigant to obtain the court's permission to file any further lawsuits or pleadings.

#### LITIGATION

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.

complex litigation.Litigation involving several parties who are separately represented, and usu. involving multifarious factual and legal issues.

“What exactly is ‘complex litigation’? The problem is that no one really knows — or, more accurately perhaps, various definitions don't agree. Complex civil litigation has an ‘I-know-it-when-I-see-it’ quality. Nearly everyone agrees that matters like the massive asbestos litigation, the AT&T antitrust suit, or the remedial phase of a school desegregation case are complex. But trying to find a common thread that both describes these cases and distinguishes them from the run-of-the-mill car crash is difficult.” Jay Tidmarsh & Roger H. Transgrud, *Complex Litigation 1* (2002).

#### LITIGATION COSTS

litigation costs.See COST(3).

#### LITIGATION PRIVILEGE

litigation privilege.See PRIVILEGE(1).

#### LITIGATOR

litigator. 1. A trial lawyer. 2. A lawyer who prepares cases for trial, as by conducting discovery and pretrial motions, trying cases, and handling appeals. 3.Archaic. A party to a lawsuit; a litigant.

#### LITIGIOUS

litigious (li-tij-*<<schwa>>s*), 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-<<schwa>>-tee), n.

#### LITIGIOUS RIGHT

litigious right. Civil law. A right that cannot be exercised without first being determined in a lawsuit. La. Civ. Code art. 2652. • If the right is sold, it must be in litigation at the time of sale to be considered a litigious right.

#### LITIS AESTIMATIO

litis aestimatio (II-tis es-t<<schwa>>-may-shee-oh). [Latin] Roman law. The judicial estimate of the measure of damages.

#### LITIS CONTESTATIO

litis contestatio (II-tis kon-tes-tay-shee-oh). [Latin] 1. Roman law. The final agreement of the parties to a suit on the formula the praetor would issue to the judex. — Also termed contestatio litis. See FORMULA.

“Both parties being present, or represented, before the praetor, the plaintiff stated the nature of his claim and asked for an action. It lay in the discretion of the praetor to give or to refuse it.... If, in the event, the praetor refused any action at all, or any action which the plaintiff was willing to accept, the matter was at an end.... If, on the other hand, subject to the direction and approval of the praetor, the parties agreed upon the issues to be referred ... [a] document framed in identical terms was issued to the judex by the praetor as his authority to act. This ceremonial in which three persons concurred (plaintiff, defendant, praetor) was the litis contestatio.” R.W. Lee, *The Elements of Roman Law* 179–80 (4th ed. 1956).

2. Hist. A contested point in a lawsuit; a litigable issue developed by the litigants' alternating statements. 3. CONTESTATION OF SUIT.

#### LITIS DENUNTIATIO

litis denuntiatio (II-tis d<<schwa>>-n<<schwa>>n-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

litis dominium (II-tis d<<schwa>>-min-ee-<<schwa>>m), n. [Latin] See DOMINUS LITIS .

#### LITIS ORDINATIO

litis ordinatio (II-tis or-di-nay-shee-oh). [Latin “the order or regulation of a lawsuit”] Scots law. The form under which a lawsuit is conducted.

#### LITISPENDENCE

litispence (II-tis-pen-d<<schwa>>nts).Archaic. The time during which a lawsuit is pending.

#### LITTERA

littera. See LITERA.

#### LITTERIS OBLIGATIO

litteris obligatio (lit-<<schwa>>r-is ob-l<<schwa>>-gay-shee-oh). [Latin] Roman law. An obligation arising from formal, written entries in account books; an obligation arising from a literal contract. See literal contract under CONTRACT.

#### LITTLE FTC ACT

Little FTC Act.See UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.

#### LITTORAL

littoral (lit-<<schwa>>r-<<schwa>>l), 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. — littoral,n.

#### LITTUS MARIS

littus maris (lit-<<schwa>>s mar-is) [Law Latin “shore of the sea”] 1. Ordinary tides or neap tides that occur between the full moon and dark of the moon. 2. The shore between the normal high-water and low-water marks.

#### LITURA

litura (li-t[y]oor-<<schwa>>), n.[Latin] Roman law. A blot or erasure in a will or other instrument.

#### LIVELIHOOD

livelihood. A means of supporting one's existence, esp. financially.

#### LIVELODE

livelode.Archaic. Livelihood; maintenance. — Also termed lifelode.

#### LIVERY

livery (liv-<<schwa>>-ree orliv-ree).1. The delivery of the possession of real property. Cf. DELIVERY. 2.Hist. An heir's writ, upon reaching the age of majority, to obtain seisin of his lands from the king. 3. The boarding and care of horses for a fee. 4. A business that rents vehicles.

#### LIVERY IN CHIVALRY

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

livery office.An office designated for the delivery of lands.

#### LIVERY OF SEISIN

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. [Cases: Deeds 21.C.J.S. Deeds §§ 12–13.]

“[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 *livrer*) 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

lives in being.See LIFE IN BEING.

#### LIVESTOCK

livestock,n. Domestic animals and fowls that (1) are kept for profit or pleasure, (2) can normally be confined within boundaries without seriously impairing their utility, and (3) do not normally intrude on others' land in such a way as to harm the land or growing crops.

#### LIVE STORAGE

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. [Cases: Automobiles 370. C.J.S. Motor Vehicles §§ 1564–1568, 1586, 1589.]

#### LIVE THALWEG

live thalweg.See THALWEG.

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**LIVING**

living,n. One's source of monetary support or resources; esp., one's employment.

**LIVING SEPARATE AND APART**

living separate and apart.(Of a husband and wife) living away from each other, along with at least one spouse's intent to dissolve the marriage. • One basis for no-fault divorce in many states exists if the spouses have lived apart for a specified period. — Sometimes shortened to separate and apart. [Cases: Divorce 35, 36, 37(2, 3, 4); Husband and Wife 272(1). C.J.S. Divorce §§ 20–21, 42, 52, 70.]

**LIVING-TOGETHER AGREEMENT**

living-together agreement.See COHABITATION AGREEMENT.

**LIVING TRUST**

living trust.See inter vivos trust under TRUST.

**LIVING WILL**

living will.An instrument, signed with the formalities statutorily required for a will, by which a person directs that his or her life not be artificially prolonged by extraordinary measures when there is no reasonable expectation of recovery from extreme physical or mental disability. • Most states have living-will legislation. — Also termed declaration of a desire for a natural death; directive to physicians. See NATURAL-DEATH ACT; UNIFORM HEALTH-CARE DECISION ACT . Cf. ADVANCE DIRECTIVE(1), (2); INSTRUCTION DIRECTIVE . [Cases: Health 916.]

**L.J.**

L.J.abbr.1. Law Judge. 2.LAW JOURNAL. 3. Lord Justice.

**L.JJ.**

L.JJ.abbr.Lords justices.

**L.L.**

L.L.abbr.LAW LATIN.

**L.LAT.**

L.Lat.abbr.LAW LATIN.

**LL.B.**

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.

L.L.C. See limited-liability company under COMPANY.

LL.D.

LL.D.abbr.DOCTOR OF LAWS.

LL.J.

LL.J.abbr.Lords justices.

LL.M.

LL.M.abbr.MASTER OF LAWS.

LLOYD'S

Lloyd's. See LLOYD'S OF LONDON.

LLOYD'S ASSOCIATION

Lloyd's association. See LLOYD'S UNDERWRITERS.

LLOYD'S BOND

Lloyd's bond. See BOND(3).

LLOYD'S INSURANCE

Lloyd's insurance. See INSURANCE.

LLOYD'S OF LONDON

Lloyd's of London. Insurance. 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. [Cases: Insurance 1220. C.J.S. Insurance § 1709.]

“[I]t is not the corporation of Lloyd's which undertakes insurance risks and enters into policies of insurance; that is done by the individual members of Lloyd's, acting usually in groups or 'syndicates,' which are not partnerships or companies but merely fortuitous aggregations of, say, five, ten, or more members represented in common by one underwriting agent having power to bind them each individually and separately to contracts of insurance. These members are frequently referred to as 'names'; and their agent is said to 'write' for them. If, as is commonly the case, he also is a member of Lloyd's, then he will 'write' for himself, too.” 2 Stephen's Commentaries on the Laws of England 237 (L. Crispin Warmington ed., 21st ed. 1950).

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**LLOYD'S UNDERWRITERS**

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. [Cases: Insurance 1220. C.J.S. Insurance § 1709.]

**L.L.P.**

L.L.P. See limited-liability partnership under PARTNERSHIP.

**LOAD**

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**

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. [Cases: Electricity 11.3. C.J.S. Electricity § 30.] 2. An analysis of the number of passengers on an airplane or other common carrier compared to available capacity.

**LOAD FUND**

load fund. See MUTUAL FUND.

**LOADING**

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). [Cases: Insurance 2000, 2005. C.J.S. Insurance §§ 436–439.]

**LOAD LINE**

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

loadmanage.Hist. 1. The fee paid to loadsmen, who sail in small vessels acting as pilots for larger ships. 2. The hiring of a pilot for a vessel. 3. A pilot's or loadsmen's skill. — Also spelled lodemanage; lode manage.

#### LOADSMAN

loadsmen.Hist.1. A person who directs a ship's course from a small boat traveling in front of the larger ship rather than from the ship itself. • The loadsmen had a monopoly on piloting in the cinque ports. See CINQUE PORTS. 2. A person who took the ship to a berth after a pilot had brought it into port. — Also spelled loadman; lodeman; lodesman.

#### LOAN

loan,n.1. An act of lending; a grant of something for temporary use <Turner gave the laptop as a loan, not a gift>. [Cases: Contracts 194.] 2. A thing lent for the borrower's temporary use; esp., a sum of money lent at interest <Hull 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. [Cases: Bills and Notes 129(3). C.J.S. Bills and Notes; Letters of Credit§ 90.]

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. [Cases: Consumer Credit 1. C.J.S. Interest and Usury; Consumer Credit § 274.]

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.

doorstep loan.A loan offered by a door-to-door solicitor, usu. for home repairs at a high interest rate and under misleading or fraudulent terms. • The term is used primarily in the United Kingdom.

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. — Also termed home-equity line of credit. 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. — Also termed marine loan.

mortgage loan.A loan secured by a mortgage or deed of trust on real property. [Cases: Mortgages 14. C.J.S. Mortgages §§ 143–150.]

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. [Cases: Bills and Notes 44; Secured Transactions 227, 240. C.J.S. Bills and Notes; Letters of Credit § 11; Secured Transactions §§ 152, 164–166, 168–169, 172, 174–175, 180–183.]

participation loan.A loan issued by two or more lenders. See LOAN PARTICIPATION. [Cases: Contracts 194.]

policy loan.An insurer's loan to an insured, secured by the policy's cash reserve. [Cases: Insurance 1868. C.J.S. Insurance §§ 352–356.]

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. [Cases: Insurance 1868, 2037. C.J.S. Insurance §§ 352–356, 518–519, 742–745, 749–754.]

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. [Cases: Secured Transactions 227, 240. C.J.S. Secured Transactions §§ 152, 164–166, 168–169, 172, 174–175, 180–183.]

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. [Cases: Bills and Notes 129(1). C.J.S. Bills and Notes; Letters of Credit §§ 86–89, 91.]

loan, vb. To lend, esp. money.

#### LOAN-AMORTIZATION SCHEDULE

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

loan association. See SAVINGS-AND-LOAN ASSOCIATION.

#### LOAN BROKER

loan broker. See BROKER.

#### LOAN-BROKERAGE FEE

loan-brokerage fee. See MORTGAGE DISCOUNT.

#### LOAN CERTIFICATE

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

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 . [Cases: Contracts 194.]

#### LOANED EMPLOYEE

loaned employee. See borrowed employee under EMPLOYEE.

#### LOANED SERVANT

loaned servant. See borrowed employee under EMPLOYEE.

#### LOAN FOR CONSUMPTION

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. [Cases: Contracts 194.]

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**LOAN FOR EXCHANGE**

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**

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**

loanland. Hist. A tenancy involving the loan of land by one person to another. — Also spelled laenland. Cf. BOOKLAND; FOLKLAND.

“Laenlands were loaned lands, that is, lands granted for a period, either the life of the grantee or some longer time such as three lives. In return the grantees performed services, usually of an agricultural nature, or made payments in kind to their landlords. Laenlands, like boclands, were usually held under a written instrument, and they are therefore sometimes included in the boclands. But strictly, laenland and bocland differed. Bocland, we may say, was held directly as a result of a charter from the king, whereas laenland was temporarily held by grant from some great landlord.” W.J.V. Windeyer, *Lectures on Legal History* 28 (2d ed. 1949).

**LOAN PARTICIPATION**

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. [Cases: Contracts 194.]

**LOAN RATIO**

loan ratio. See LOAN-TO-VALUE RATIO.

**LOAN-RECEIPT AGREEMENT**

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. [Cases: Compromise and Settlement 7; Insurance 3524. C.J.S. Compromise and Settlement § 29; Insurance §§ 1465, 1467.]

**LOANSHARKING**

loansharking, n. The practice of lending money at excessive and esp. usurious rates, and often threatening or using extortion to enforce repayment. — Also termed extortionate credit transaction. — loan-shark, vb. — loan shark, n.

**LOAN SOCIETY**

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

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. [Cases: Mortgages 145. C.J.S. Mortgages §§ 198, 200.]

#### LOAN VALUE

loan value.Insurance. 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. [Cases: Insurance 1868. C.J.S. Insurance §§ 352–356.]

#### LOBBY

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>. [Cases: Statutes 24. C.J.S. Statutes § 7.] 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

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. [Cases: Statutes 24.C.J.S. Statutes § 7.]

#### LOBBY VOTE

lobby vote.See VOTE(4).

#### LOCAL ACT

local act.1.LOCAL LAW(1).2.LOCAL LAW(2).

#### LOCAL ACTION

local action.See ACTION(4).

#### LOCAL ADMINISTRATOR

local administrator. See ADMINISTRATOR(1).

#### LOCAL AGENCY

local agency. See AGENCY(3).

#### LOCAL AGENT

local agent. See AGENT(2).

#### LOCAL ALLEGIANCE

local allegiance. See actual allegiance under ALLEGIANCE.

#### LOCAL AND SPECIAL LEGISLATION

local and special legislation. See LEGISLATION.

#### LOCAL ASSESSMENT

local assessment. See ASSESSMENT.

#### LOCAL BAR ASSOCIATION

local bar association. See BAR ASSOCIATION.

#### LOCAL CHATTEL

local chattel. See CHATTEL.

#### LOCAL CONCERN

local concern. An activity conducted by a municipality in its proprietary capacity. [Cases: Municipal Corporations 57. C.J.S. Municipal Corporations §§ 104, 106, 108, 110–115, 117–118, 122, 137–138, 143, 145–146.]

#### LOCAL COUNSEL

local counsel. See COUNSEL.

#### LOCAL COURT

local court. See COURT.

#### LOCAL CUSTOM

local custom. See CUSTOM.

#### LOCAL-EXCHANGE CARRIER

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. [Cases: Telecommunications 46, 267, 323. C.J.S.

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Telegraphs, Telephones, Radio, and Television §§ 31–32.]

#### 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. [Cases: Telecommunications 46, 267, 323. C.J.S. Telegraphs, Telephones, Radio, and Television §§ 31–32.]

#### LOCAL GOVERNMENT

local government. See GOVERNMENT.

#### LOCAL IMPROVEMENT

local improvement. See IMPROVEMENT.

#### LOCAL-IMPROVEMENT ASSESSMENT

local-improvement assessment. See local assessment under ASSESSMENT.

#### LOCALITY

locality, n. 1. A definite region; vicinity; neighborhood; community. 2. Hist. Scots law. The land held by a widow in usufruct under the terms of her marriage contract. • If a widow has locality lands, she cannot assert her statutory claim to a one-third share of her husband's real property.

#### LOCALITY OF A LAWSUIT

locality of a lawsuit. The place where a court may exercise judicial authority.

#### LOCALITY-PLUS TEST

locality-plus test. Maritime law. The requirement that, for a federal court to exercise admiralty tort jurisdiction, not only must the alleged wrong occur on navigable waters, it must also relate to a traditional maritime activity. *Executive Jet Aviation, Inc. v. Cleveland*, 409 U.S. 249, 93 S.Ct. 493 (1972). — Also termed locality-plus rule; maritime-connection doctrine. [Cases: Admiralty 17. C.J.S. Admiralty §§ 62–63.]

#### LOCALITY RULE



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. [Cases: Health 620.]

“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. [Cases: Costs 194.18; Federal Civil Procedure 2737.4. C.J.S. Costs § 132.]

#### LOCALITY TEST

locality test. Maritime law. The requirement that, for a federal court to exercise admiralty tort jurisdiction, the alleged wrong must have occurred on navigable waters. • The test was replaced by the locality-plus test in *Executive Jet Aviation, Inc. v. Cleveland*, 409 U.S. 249, 93 S.Ct. 493 (1972). — Also termed locality rule. See LOCALITY-PLUS TEST.

#### LOCALIZATION DOCTRINE

localization doctrine. The doctrine that a foreign corporation, by doing sufficient business in a state, will subject itself to that state's laws. [Cases: Corporations 638. C.J.S. Corporations §§ 893–896.]

#### LOCAL LAW

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. [Cases: Statutes 76–104. C.J.S. Statutes §§ 148–149, 151–155, 159, 162–201.] 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). [Cases: Action 17. C.J.S. Actions §§ 18–20; Conflict of Laws §§ 2–3, 12, 15, 20, 23, 27–32, 34–40, 42–48, 50–65, 96–97, 100, 102, 105–107.]

#### LOCAL-LAW THEORY

local-law theory. Conflict of laws. The view that, although a court of the forum recognizes

and enforces a local right (that is, one created under its own law), in a foreign-element case it does not necessarily apply the rule that would govern an analogous case of a purely domestic character, but instead takes into account the law of the foreign country by fashioning a local right as nearly as possible upon the law of the country in which the decisive facts have occurred. • This theory is credited to Walter Wheeler Cook, who expounded it in the first chapter of his *Logical and Legal Bases of the Conflict of Laws* (1949).

“Since the court of the forum adopts the view that the chosen law would have taken not of the actual case, but of an equivalent domestic case, it does not necessarily recognize the right that would have been vested in the plaintiff according to that law.... It is scarcely deniable, however, that this local law theory is little more than what a learned writer has stigmatized as a sterile truism — sterile because it affords no basis for the systematic development of private international law. To remind an English judge, about to try a case containing a foreign element, that whatever decision he gives he must enforce only the *lex fori*, is a technical quibble that explains nothing and solves nothing. It provides no guidance whatever upon the limits within which he must have regard to the foreign law.” G.C. Cheshire, *Private International Law* 35 (6th ed. 1961).

#### LOCAL OPTION

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. [Cases: Intoxicating Liquors 24–43; Municipal Corporations 65.C.J.S. Intoxicating Liquors §§ 49–89; Municipal Corporations §§ 122, 140–141, 143.]

#### LOCAL RECEIVER

local receiver. See RECEIVER.

#### LOCAL RULE

local rule. 1. A rule based on the physical conditions of a state and the character, customs, and beliefs of its people. [Cases: Federal Civil Procedure 25.] 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

local statute. 1. LOCAL LAW(1). 2. LOCAL LAW(2).

#### LOCAL UNION

local union. See UNION.

#### LOCAL USAGE

local usage. See USAGE.

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**LOCAL VETO**

local veto. See LOCAL OPTION.

**LOCARE**

locare (l<<schwa>>-kair-ee), vb. [Latin] Roman law. To let or hire out. See LOCATOR.

**LOCARE ALIQUID FACIENDUM**

locare aliquid faciendum (l<<schwa>>-kair-ee al-i-kwid fay-shee-en-d<<schwa>>m). [Latin] Roman law. To contract to have someone perform work for remuneration. Cf. CONDUCERE ALIQUID FACIENDUM.

**LOCARE ALIQUID UTENDUM**

locare aliquid utendum (l<<schwa>>-kair-ee al-i-kwid yoo-ten-d<<schwa>>m). [Latin] Roman law. To let something on hire for the use of the lessee; to accept consideration for the use of an object. Cf. CONDUCERE ALIQUID UTENDUM.

**LOCARIUM**

locarium (l<<schwa>>-kair-ee-<<schwa>>m), n. [Law Latin] Hist. Rent.

**LOCATARIUS**

locatarius (loh-k<<schwa>>-tair-ee-<<schwa>>s), n. [Latin] Hist. A person with whom something is deposited; a deposittee.

**LOCATIO**

locatio (l<<schwa>>-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 agreed to be given for a compensation. • This type of contract benefits both parties. — Also termed lease; hiring. Cf. ABLOCATION. Pl. locationes (l<<schwa>>-kay-shee-oh-nee-z).

locatio conductio (l<<schwa>>-kay-shee-oh k<<schwa>>n-duk-shee-oh). [Latin] Roman law. A letting for hire; specif., a contract by which one person agreed to give to another the use, or the use and enjoyment, of a thing or of services or labor in return for remuneration, usu. money. • In Roman law, it covered a broad range of circumstances in return for a merces or rent.

locatio custodiae (l<<schwa>>-kay-shee-oh k<<schwa>>s-toh-dee-ee). [Latin] Roman law. The hiring of care or service, as when the bailee is to protect the thing bailed.

locatio mercium vehendarum. See locatio operis mercium vehendarum.

locatio operarum (l<<schwa>>-kay-shee-oh op-<<schwa>>-rair-<<schwa>>m). [Latin “the letting of services”] Roman & civil law. A contract of employment; specif., contract in which someone, usu. a day laborer, hires out his services for a specified price. — Also termed locatio operis faciendi. Cf. REDEMPTIO OPERIS.

locatio operis faciendi (l<<schwa>>-kay-shee-oh op-<<schwa>>-ris fay-shee-en-dI). [Latin “the letting of a job to be done”] Roman law. A contract by which someone hires a contractor (conductor) to undertake work (e.g., to build a home or teach a slave to read) on behalf of the hirer. — Sometimes shortened to locatio operis. Cf. locatio operarum.

locatio operis mercium vehendarum (l<<schwa>>-kay-shee-oh op-<<schwa>>-ris m<<schwa>>r-shee-<<schwa>>m vee-h<<schwa>>n-dair-<<schwa>>m). [Latin “the letting of the job of carrying goods”] Roman law. A bailment in which goods are delivered to the bailee for transport elsewhere, esp. by sea. — Also termed locatio mercium vehendarum.

locatio rei (l<<schwa>>-kay-shee-oh ree-I). [Latin “letting of a thing”] Roman law. The hiring of a thing for use, by which the hirer gains the temporary use of the thing for a fee.

“Locatio rei was the letting of a res for hire. Roman law differed in several aspects from the relevant rules of English law. Firstly, there was not in Roman law a fundamental distinction between the hiring of personal property and the lease of real property: locatio rei applied both to land and movables. Secondly, in Roman law the hirer did not obtain possession. Thirdly, the locatio was a mere contract and even the tenant of land did not have a right to be restored if he were [wrongfully] ejected, his sole remedy being an action for breach of contract. Fourthly, the Roman contract gave more consideration to the tenant or hirer than does English law.” G.W. Paton, *Bailment in the Common Law* 53 (1952).

## LOCATION

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. [Cases: Boundaries 7–9. C.J.S. Boundaries §§ 10–23.] 4. Mining law. The act of appropriating a mining claim. See MINING CLAIM. [Cases: Mines and Minerals 9–38. C.J.S. Mines and Minerals §§ 13, 26–93, 95–110, 112, 131.] 5. The claim so appropriated. — Also termed (in senses 4 & 5) mining location. 6. Civil law. A contract for the temporary use of something for hire; a leasing for hire. See LOCATIO.

## LOCATION-DAMAGE CLAUSE

location-damage clause. See SURFACE-DAMAGE CLAUSE.

## LOCATIVE CALLS

locative calls (lok-<<schwa>>-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 CALL. [Cases: Boundaries 1–23. C.J.S. Boundaries §§ 2–61.]

## LOCATOR

locator (loh-kay-t<<schwa>>r), n. [Latin] 1. Roman law. (usu. ital.) One who lets out property

or services for reward, or who contracts to have another person (the conductor) perform work for reward; a lessor or landlord. See CONDUCTOR(2).

locator operarum,n. One who offers one's labor for hire, esp. as a day laboror.

locator operas faciendi,n. One who employs contract labor.

locator rei,n. A lessor or landlord.

2. One who is entitled to locate land or set the boundaries of a mining claim.

#### LOCATUM

locatum (l<<schwa>>-kay-t<<schwa>>m), n.[Latin] Hist. A hiring. See BAILMENT.

#### LOCHNERIZE

Lochnerize (lok-n<<schwa>>r-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

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

lockdown. The temporary confinement of prisoners in their cells during a state of heightened alert caused by an escape, riot, or other emergency. [Cases: Prisons 13(4). C.J.S. Prisons and Rights of Prisoners §§ 58, 60.]

#### LOCKEANISM

Lockeanism. See LOCKEAN LABOR THEORY.

#### LOCKEAN LABOR THEORY

Lockean labor theory.The philosopher John Locke's justification of private property, based on the natural right of one's ownership of one's own labor, and the right to nature's common property to the extent that one's labor can make use of it. • Locke's theory, from the fifth chapter of his *Second Treatise on Civil Government*, is often used to analyze the natural rights of inventors, authors, and artists in their own creations. — Also termed labor theory; Lockeanism. Cf. PERSONALITY THEORY; UTILITARIANISM.

#### LOCKED IN

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

locked-in rate.See lock rate under INTEREST RATE.

#### LOCKOUT

lockout. 1. An employer's withholding of work and closing of a business because of a labor dispute. [Cases: Labor Relations 290. C.J.S. Labor Relations §§ 273–274, 277–278.]

defensive lockout.A lockout that is called to prevent imminent and irreparable financial harm to the company or to protect a legal right. • Defensive lockouts were legal, but the U.S. Supreme Court abolished the distinction between defensive and offensive lockouts in favor of a balancing test. *American Ship Bldg. Co. v. NLRB*, 380 U.S. 300, 85 S.Ct. 955 (1965).

offensive lockout.A lockout called by management to assert economic pressure on workers and thereby gain a bargaining advantage over a union. • Offensive lockouts were illegal before the U.S. Supreme Court abolished the legal distinction between offensive and defensive lockouts in favor of a balancing test. *American Ship Bldg. Co. v. NLRB*, 380 U.S. 300, 85 S.Ct. 955 (1965).

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

lock rate.See INTEREST RATE.

#### LOCKUP

lockup,n.1.JAIL. 2.LOCKUP OPTION.

#### 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. [Cases: Corporations 312(5). C.J.S. Corporations §§ 500–501, 503, 524.]

#### LOCO PARENTIS

loco parentis.See IN LOCO PARENTIS.

#### LOCO RERUM IMMOBILIUM

loco rerum immobilium (loh-koh reer-*<<schwa>>*m im-*<<schwa>>*-bil-ee-*<<schwa>>*m). [Latin] Scots law. Treated as immovable things. • The phrase appeared in reference to a determination of whether certain items (such as shares of stock) should be treated as movable or immovable property.

#### LOCO TUTORIS

loco tutoris (loh-koh t[y]oo-tor-is). [Latin] Scots law. In the place of a tutor.

“The Court of Session is in the practice of appointing, on application made for such appointment, a factor loco tutoris on the estates of pupils not having tutors. Such an appointment places the factor in the same position towards the pupil, both as regards his person and the administration of his estate, as if he held the office by virtue of relationship and was tutor-at-law, or had received the appointment of tutor from the pupil's father under his testamentary settlement, the only difference being that the office of a tutor appointed by the Court is not gratuitous.” John Trayner, *Trayner's Latin Maxims* 336–37 (4th ed. 1894).

#### LOCUM TENENS

locum tenens (loh-k*<<schwa>>*m tee-nenz orten-*<<schwa>>*nz), n. [Law Latin “holding the place”] Hist. A deputy; a substitute; a representative.

#### LOCUPLES

locuples (lok-y*<<schwa>>*-pleez), adj. [Latin] Civil law. Having the means to pay any amount that the plaintiff might recover. — Also termed locuplete.

#### LOCUPLETARI CUM DAMNO ALTERIUS

locupletari cum damno alterius (lok-yuu-pl*<<schwa>>*-tair-I k*<<schwa>>*m dam-noh al-teer-ee-*<<schwa>>*s). [Latin] To be enriched through the damage sustained by another.

#### LOCUS

locus (loh-k*<<schwa>>*s). [Latin “place”] The place or position where something is done or exists. — Abbr. L. See SITUS.

#### LOCUS ACTUS

locus actus (loh-k*<<schwa>>*s ak-t*<<schwa>>*s). [Latin “place of the act”] The place where an act was done; the place of performance.

#### LOCUS CONTRACTUS

locus contractus (loh-k*<<schwa>>*s k*<<schwa>>*n-trak-t*<<schwa>>*s). [Latin “place of the contract”] The place where a contract was made. Cf. LEX LOCI CONTRACTUS . [Cases: Contracts 144, 145. C.J.S. Conflict of Laws §§ 91–93; Contracts §§ 13–23, 25, 372.]

#### LOCUS CRIMINIS

locus criminis (loh-k<<schwa>>s krim-<<schwa>>-nis), n.[Latin] The place where a crime was committed.

#### LOCUS DELICTI

locus delicti (loh-k<<schwa>>s d<<schwa>>-lik-tl). [Latin “place of the wrong”] The place where an offense was committed; the place where the last event necessary to make the actor liable occurred. Cf. LEX LOCI DELICTI. [Cases: Torts 2. C.J.S. Aeronautics and Aerospace § 272; Conflict of Laws §§ 16–17, 99; Right of Privacy and Publicity §§ 3, 40; Torts §§ 27–29.]

“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

locus in quo (loh-k<<schwa>>s in kwoh). [Latin “place in which”] The place where something is alleged to have occurred.

#### LOCUS PARTITUS

locus partitus (loh-k<<schwa>>s pahr-tl-t<<schwa>>s), 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

locus poenitentiae (loh-k<<schwa>>s pen-<<schwa>>-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. [Cases: Contracts 138(3). C.J.S. Contracts §§ 280–281, 283, 290.]

#### LOCUS PUBLICUS

locus publicus (loh-k<<schwa>>s p<<schwa>>b-li-k<<schwa>>s). [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

locus regit actum (loh-k<<schwa>>s ree-jit ak-t<<schwa>>m), 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

locus rei sitae (loh-k<<schwa>>s ree-IsI-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

locus sigilli (loh-k<<schwa>>s 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 . [Cases: Seals 3. C.J.S. Seals § 4.]

“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 SOLUTIONIS

locus solutionis (loh-k<<schwa>>s s<<schwa>>-loo-shee-oh-nis). [Latin] Hist. The place of performance.

#### LOCUS STANDI

locus standi (loh-k<<schwa>>s stan-dIor-dee). [Latin “place of standing”] The right to bring an action or to be heard in a given forum; **STANDING**.

#### LODE

lode, n. 1. MINERAL LODE. 2. LADE.

#### LODE CLAIM

lode claim. See **MINING CLAIM**.

## LODEMAN

lodeman. See LOADSMAN.

## LODEMANAGE

lodemanage, n. See LOADMANAGE.

## LODESMAN

lodesman. See LOADSMAN.

## LODESTAR

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. [Cases: Costs 194.18; Federal Civil Procedure 2737.4. C.J.S. Costs § 132.]

## LODGE

lodge. See FILE(1).

## LODGER

lodger. 1. A person who rents and occupies a room in another's house. [Cases: Innkeepers 8; Landlord and Tenant 1. C.J.S. Inns, Hotels and Eating Places § 5; Landlord and Tenant §§ 1, 2(1, 2), 6(1), 7, 202(5).] 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.

## LOG

log, n. 1. ARREST RECORD. 2. JOURNAL(1).

## LOGAN

logan. See LAGAN.

## LOGBOOK

logbook. 1. A ship's or aircraft's journal containing an account of each trip, often with a history of events during the voyage; JOURNAL(1). 2. Any journal or record of events.

## LOGIA

logia (loj-ee-<<schwa>>), n. [Latin] Hist. A small house or cottage.

## LOGICAL-CAUSE DOCTRINE

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. [Cases: Workers' Compensation 1356.C.J.S. Workmen's Compensation §§ 960, 974.]

#### LOGICAL INTERPRETATION

logical interpretation. See INTERPRETATION.

#### LOGICAL POSITIVISM

logical positivism. A philosophical system or movement requiring that meaningful statements be in principle verifiable. Cf. LEGAL POSITIVISM.

#### LOGICAL-RELATIONSHIP STANDARD

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). [Cases: Federal Civil Procedure 776; Set-off and Counterclaim 60.C.J.S. Set-off and Counterclaim §§ 102–103.]

“[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).

#### LOGIC BOMB

logic bomb. Destructive or disruptive computer software that is planted on a computer, server, or network and waits until a certain time to activate itself.

#### LOGIUM

logium (loj-ee-<<schwa>>m), n. [Latin] Hist. A lodge, hovel, or outhouse.

#### LOGOGRAPHUS

logographus (log-<<schwa>>-graf-<<schwa>>s), n. [Latin fr. Greek] Roman law. A bookkeeper or public clerk.

#### LOGROLLING

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. [Cases: Constitutional Law 9(1); Statutes 107.C.J.S. Constitutional Law §§ 13–14; Statutes § 208.] — logroll,vb.

#### LOI

LOI.abbr.LETTER OF INTENT.

#### LOITERING

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. Cf. VAGRANCY. [Cases: Disorderly Conduct 1; Vagrancy 1. C.J.S. Disorderly Conduct §§ 2–5; Vagrancy §§ 2–12, 22–27, 31–32, 35–37.] — loiter,vb.

#### LOLLIPOP SYNDROME

lollipop syndrome.Family law. A situation in which one or both parents, often in a custody battle, manipulate the child with gifts, fun, good times, and minimal discipline in an attempt to win over the child. See Disneyland parent under PARENT. Cf. RESCUE SYNDROME.

#### LOMBARD LAW

Lombard law.A Germanic customary law based primarily on a code called the Edict of Rothar, published in A.D. 643. • Rothar was the King of the Lombards at the time (A.D. 636–652), and his code (written in Latin) was more complete than the Germanic *leges barbarorum*. — Also termed law of Lombardy; law of Langobardi. Cf. LEGES BARBARORUM.

#### LONDON COMMODITY OPTION

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 INTERBANK OFFERED RATE

London Interbank Offered Rate.A daily compilation by the British Bankers Association of the rates that major international banks charge each other for large-volume, short-term loans of Eurodollars, with monthly maturity rates calculated out to one year. • These daily rates are used as the underlying interest rates for derivative contracts in currencies other than the euro. — Abbr. LIBOR. Cf. EURO INTERBANK OFFERED RATE.

#### LONDON LLOYD'S

London Lloyd's.See LLOYD'S OF LONDON.

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**LONE PINE ORDER**

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. [Cases: Federal Civil Procedure 1925.1; Pretrial Procedure 747.1. C.J.S. Trial § 47.]

**LONG**

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**

long account.See ACCOUNT.

**LONGA MANU**

longa manu (long-g<<schwa>> man-yoo), adv. [Latin “with a long hand”] Roman & civil law. Indirectly; by the longest route. • This described the transfer of ownership by pointing out, at some distance, the thing to the transferee and authorizing its taking. This could be done, for example, by handing over the keys at the door of a warehouse, or by pointing out the boundaries of land. See CONSTITUTUM POSSESSORIUM. Cf. BREVI MANU.

**LONG-ARM**

long-arm,adj. Of, relating to, or arising from a long-arm statute <long-arm jurisdiction>. [Cases: Courts 12(2). C.J.S. Courts §§ 39, 44.]

**LONG-ARM JURISDICTION**

long-arm jurisdiction.See JURISDICTION.

**LONG-ARM STATUTE**

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. See long-arm jurisdiction under JURISDICTION. [Cases: Courts 12(2). C.J.S. Courts §§ 39, 44.]

**LONG-FIRM FRAUD**

long-firm fraud. See FRAUD.

#### LONG-FORM BILL OF LADING

long-form bill of lading. See BILL OF LADING.

#### LONGI TEMPORIS PRAESCRIPTIO

longi temporis praescriptio (long-gItem-p<<schwa>>-ris pri-skip-shee-oh). [Latin] Roman law. The prescriptive period after which a possessor of property could defeat any challenge to his title. See USUCAPTION.

#### LONG PARLIAMENT

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 monarchy. • This Parliament is sometimes called the “Long Parliament of Charles II” to distinguish it from that of sense 1.

#### LONG ROBE

long robe. Hist. The legal profession <gentlemen of the long robe>. See ROBE.

#### LONG-RUN INCREMENTAL COST

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

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 §§ 901–950. — Abbr. LHWCA. [Cases: Workers' Compensation 93, 260, 2085. C.J.S. Workmen's Compensation §§ 96, 98–99, 170, 1593–1596.]

“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).

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**LONGSHOREMAN**

longshoreman. A maritime laborer who works on the wharves in a port; esp., a person who loads and unloads ships. [Cases: Shipping 84. C.J.S. Shipping §§ 199–210.]

**LONG-TERM CAPITAL GAIN**

long-term capital gain. See CAPITAL GAIN.

**LONG-TERM CAPITAL LOSS**

long-term capital loss. See LOSS.

**LONG-TERM DEBT**

long-term debt. See DEBT.

**LONG-TERM FOSTER CARE**

long-term foster care. See FOSTER CARE.

**LONG-TERM SECURITY**

long-term security. See SECURITY.

**LONG TITLE**

long title. See TITLE(3).

**LONG TON**

long ton. See TON.

**LOOK AND FEEL**

look and feel. See TRADE DRESS.

**LOOK-AND-FEEL PROTECTION**

look-and-feel protection. Copyright protection of the images generated or revealed when one activates a computer program. [Cases: Copyrights and Intellectual Property 10.4. C.J.S. Copyrights and Intellectual Property §§ 11–12, 16, 92, 101.]

**LOOKOUT**

lookout, n. A careful, vigilant watching <the motorist's statutory duty of proper lookout>. [Cases: Automobiles 150; Collision 77. C.J.S. Collision §§ 129–137; Motor Vehicles §§ 568–571, 573.]

**LOOK-THROUGH PRINCIPLE**

look-through principle. Tax. 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.

[Cases: Internal Revenue 3071.C.J.S. Internal Revenue §§ 13–14.]

### LOOPHOLE

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

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

loose construction. See liberal construction under CONSTRUCTION.

### LOOSELEAF SERVICE

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 313–314 (1937).

### LOQUELA

loquela (l<<schwa>>-kwee-l<<schwa>>), 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

loquela sine die (l<<schwa>>-kwee-l<<schwa>> sI-nee dI-ee orsin-ay dee-ay), n. [Law Latin] Hist. Indefinite postponement of an action.

### LORD

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-p<<schwa>>-r<<schwa>>l). One of the English peers (other than ecclesiastical) who sit in Parliament.

#### LORD ADVOCATE

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 Scottish government on matters of Scots law. — Formerly also termed King's advocate. Cf. ADVOCATE GENERAL .

#### LORD-AND-MASTER RULE

lord-and-master rule.See HEAD-AND-MASTER RULE.

#### LORD CAMPBELL'S ACT

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.” W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 127, at 945 (5th ed. 1984).

2. An American state's wrongful-death statute patterned after the original English act.

#### LORD CHAMBERLAIN

Lord Chamberlain.The second officer of the royal household in England, who serves as a peer, a privy councilor, and a member of the ruling government. — Also termed lord chamberlain of the household.

#### LORD CHANCELLOR

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

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 CLERK REGISTER

Lord Clerk Register.Scots law. The officer who, from 1288 to 1879, was keeper of the rolls of court and records of Scotland. • These functions were later discharged by the Keeper of the Registers of Scotland and the Keeper of the Records of Scotland.

#### LORD DENMAN'S ACT

Lord Denman's Act.See DENMAN'S ACT(1).

#### LORD HIGH CHANCELLOR

Lord High Chancellor.See LORD CHANCELLOR.

#### LORD HIGH STEWARD

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

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

lord in gross.Hist. A lord holding the title not by virtue of a manor; a lord without a manor.

#### LORD JUSTICE-CLERK

Lord Justice-Clerk.Scots law. The second highest judicial officer in Scotland, historically with special responsibility for criminal law. • The Lord Justice-Clerk presides over the Second Division of the Inner House of the Court of Session.

#### LORD JUSTICE GENERAL

Lord Justice General.Scots law. 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

Lord Justice of Appeal.A judge of the English Court of Appeal. — Abbr. L.J. (or, in pl., either LL.J. or L.JJ.). — Often shortened to lord justice.

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**LORD KEEPER**

Lord Keeper. See KEEPER OF THE GREAT SEAL.

**LORD KEEPER OF THE GREAT SEAL**

Lord Keeper of the Great Seal. See KEEPER OF THE GREAT SEAL.

**LORD KEEPER OF THE PRIVY SEAL**

Lord Keeper of the Privy Seal. See LORD PRIVY SEAL.

**LORD LANGDALE'S ACT**

Lord Langdale's Act. See WILLS ACT(2).

**LORD LIEUTENANT**

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**

Lord Lyndhurst's Act. See LYNDHURST'S ACT.

**LORD LYON KING AT ARMS**

Lord Lyon King at Arms. Scots law. The monarch's representative who grants arms to suitable applicants, oversees the use of armorial bearings, holds court to determine rights to arms and chieftainship, and supervises messengers-at-arms.

**LORD MANSFIELD'S RULE**

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 most states — made it impossible to bastardize a child born during a marriage. [Cases: Witnesses 57.]

**LORD MAYOR**

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**

lord mayor's court. See COURT.

**LORD OF APPEAL**

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

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. Cf. LAW LORD.

#### LORD OF PARLIAMENT

Lord of Parliament. A member of the House of Lords.

#### LORD OF SESSION

Lord of Session. Scots law. Any judge of the Court of Session. — Also termed Senator of the College of Justice. See COURT OF SESSION(1).

#### LORD ORDINARY

Lord Ordinary. Scots law. A judge of the Court of Session, sitting alone at first instance in the Outer House. See COURT OF SESSION(1).

#### LORD PRESIDENT

Lord President. Scots law. The highest judicial officer in Scotland, heading the Court of Session and the First Division of the Upper House. • The Lord President also holds the office of Lord Justice General of Scotland.

#### LORD PRIVY SEAL

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

Lords. See HOUSE OF LORDS.

#### LORD'S DAY ACT

Lord's Day Act. See BLUE LAW.

#### LORDSHIP

lordship. 1. Dominion. 2. An honorary title used for a nobleman other than a duke. 3. A

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customary title for a judge or some other public official.

#### LORDS MARCHERS

Lords Marchers. See MARCHERS.

#### LORD SPIRITUAL

lord spiritual. An archbishop or bishop who is a member of the House of Lords.

#### LORD TEMPORAL

lord temporal. A House of Lords member who is not an ecclesiastic.

#### LORD TENTERDEN'S RULE

Lord Tenterden's rule. See EJUSDEM GENERIS.

#### LOSER-PAYS RULE

loser-pays rule. See ENGLISH RULE.

#### LOSS

loss. 1. An undesirable outcome of a risk; the disappearance or diminution of value, usu. in an unexpected or relatively unpredictable way. • When the loss is a decrease in value, the usual method of calculating the loss is to ascertain the amount by which a thing's original cost exceeds its later selling price. 2. 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 realized loss. [Cases: Internal Revenue 3178. C.J.S. Internal Revenue § 110.] 3. Insurance. 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. The failure to maintain possession of a thing.

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. [Cases: Insurance 2235. C.J.S. Insurance §§ 1195–1196, 1216–1217.]

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. [Cases: Internal Revenue 3416; Taxation 1039.]

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; consequential injury. Cf. direct loss. [Cases: Damages 15–23. C.J.S. Damages §§ 21–37.]

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. [Cases: Insurance 2176. C.J.S. Insurance § 1103.] 2. Marine underwriting. According to the traditional 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. [Cases: Insurance 2236. C.J.S. Insurance §§ 1216, 1218–1220.]

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). [Cases: Insurance 2240. C.J.S. Insurance §§ 1198, 1206.]

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. [Cases: Internal Revenue 3396, 3397.]

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. [Cases: Internal Revenue 3260. C.J.S. Internal Revenue § 127.]

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. [Cases: Internal Revenue 3399. C.J.S. Internal Revenue § 200.]

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. [Cases: Fraud 59(3).]

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. [Cases: Insurance 2177. C.J.S. Insurance § 1104.]

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. [Cases: Insurance 2241. C.J.S. Insurance §§ 1199–1203, 1208, 1211–1214.]

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. [Cases: Internal Revenue 3418. C.J.S. Internal Revenue § 199.]

pecuniary loss. A loss of money or of something having monetary value. [Cases: Damages 1. C.J.S. Damages §§ 1–2, 4–6.]

progressive loss. 1. Loss that spreads or becomes more expensive to repair over time. 2. Late-manifesting harm that is related to an event that caused immediate harm, worsens over time, and is not catalyzed by any additional causative agent. • A classic example is asbestosis, a disease that manifests long after exposure to asbestos fibers.

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. [Cases: Insurance 2233.]

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. [Cases: Insurance 2175. C.J.S. Insurance § 1103.]

unrealized loss. See paper loss.

#### LOSS CARRYBACK

loss carryback. See CARRYBACK.

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**LOSS CARRYFORWARD**

loss carryforward.See CARRYOVER.

**LOSS CARRYOVER**

loss carryover.See CARRYOVER.

**LOSS INSURANCE**

loss insurance.See INSURANCE.

**LOSS LEADER**

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**

loss-of-bargain damages.See benefit-of-the-bargain damages under DAMAGES.

**LOSS-OF-BARGAIN RULE**

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. [Cases: Damages 117, 120(1). C.J.S. Damages §§ 108–110.]

**LOSS-OF-CHANCE DOCTRINE**

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. [Cases: Health 833.]

**LOSS OF CONSORTIUM**

loss of consortium (k<<schwa>>n-sor-shee-<<schwa>>m).1. 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 from a tortfeasor in a personal-injury or wrongful-death action. Originally, only the husband could sue for loss of consortium. But in 1950, nearly a century after the enactment of the married women's property acts, a wife's action for negligent impairment of consortium was first recognized. *Hitaffer v. Argonne Co.*, 183 F.2d 811 (D.C. Cir. 1950). Today 48 states and the District of Columbia recognize both a husband's and a wife's right to sue for loss of consortium (Utah and Virginia do not). [Cases: Husband and Wife 209(3, 4).] 2. A similar loss of benefits that one is entitled to receive from a parent or child. See CONSORTIUM.

**LOSS-OF-USE EXCLUSION**



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loss-of-use exclusion. See failure-to-perform exclusion under EXCLUSION(3).

#### LOSS-PAYABLE CLAUSE

loss-payable clause. Insurance. 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 . [Cases: Insurance 3450. C.J.S. Insurance §§ 1404, 1520.]

#### LOSS PAYEE

loss payee. Insurance. A person or entity named in an insurance policy (under a loss-payable clause) to be paid if the insured property suffers a loss. [Cases: Insurance 3450. C.J.S. Insurance §§ 1404, 1520.]

#### LOSS RATIO

loss ratio. 1. Insurance. The ratio between premiums paid and losses incurred during a given period. [Cases: Insurance 1540. C.J.S. Insurance § 65.] 2. A bank's loan losses compared to its loan assets; a business's receivable losses compared to its receivables.

#### LOSS RESERVE

loss reserve. See RESERVE.

#### LOST

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>. 3. Parliamentary law. (Of a motion) rejected; not adopted <the motion is lost>.

#### LOST BOUNDARY

lost boundary. See BOUNDARY.

#### LOST-CHANCE DOCTRINE

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

lost corner. See CORNER.

#### LOST EARNING CAPACITY

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. [Cases: Damages 38.C.J.S. Damages § 56.]

“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

lost earnings. See EARNINGS.

#### LOST-EXPECTATION DAMAGES

lost-expectation damages. See expectation damages under DAMAGES.

#### LOST OR NOT LOST

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

lost profits. 1. Contracts. A measure of damages that allows a seller to collect the profits that would have been made on the sale if the buyer had not breached. UCC § 2-708(2). [Cases: Damages 40; Sales 384(1). C.J.S. Damages §§ 58–61; Sales §§ 363, 365–366.] 2. Patents. A measure of damages set by estimating the net amount lost by a plaintiff-inventor because of the infringing defendant's actions. • The plaintiff can ask for a lost-profits recovery by showing that the patent is in demand, that the plaintiff is able to meet demand, and that there are no acceptable alternatives on the market. [Cases: Patents 318. C.J.S. Patents §§ 561–562.]

#### LOST PROPERTY

lost property. See PROPERTY.

#### LOST-SALES-OF-UNPATENTED-ITEMS THEORY

lost-sales-of-unpatented-items theory. Patents. A theory of lost-profits remedy whereby compensation is sought for sales of unpatented items that the plaintiff would have sold along with patented items but for the defendant's infringement.

#### LOST-VOLUME SELLER

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).

[Cases: Sales 384(1, 7). C.J.S. Sales §§ 363, 365–366.]

#### LOST WILL

lost will. See WILL.

#### LOT

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.

[Cases: Zoning and Planning 63, 254. C.J.S. Zoning and Land Planning §§ 48–49, 116.]

nonconforming lot. A previously lawful lot that now violates a newly adopted or an amended zoning ordinance. [Cases: Zoning and Planning 321. C.J.S. Zoning and Land Planning §§ 154–155, 157–159.]

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

lot and scot. Hist. A collection of duties paid by voters before voting in certain cities and boroughs.

#### LOT LINE

lot line. A land boundary that separates one tract from another <from the street to the alley, the lot line is 150 feet>.

#### LOTTERY

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. [Cases: Lotteries 3. C.J.S. Lotteries §§ 2–7, 11.]

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-eezor -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

love day. See DAY.

LOVELY CLAIM

Lovely claim. Hist. Property. An entitlement to settle on and take ownership of public land in Arkansas, created by the federal government for Lovely County settlers who were displaced by an 1828 treaty that gave the settlers' land to the Cherokee nation. • The term gets its name from Lovely County in the Arkansas territory, which straddled what is now the Oklahoma–Arkansas border. The treaty divided the county, granted the portion west of the Mississippi River to the Cherokee nation, and required the settlers in that territory to relocate. On May 24, 1828, Congress passed an act granting relief to Lovely County settlers who were forced to leave the Cherokee land and granted them land on the eastern side of the river. Lovely claims are found in chains of title in Arkansas.

LOWBOTE

lowbote (loh-boht). Hist. Compensation paid for the death of one killed in a disturbance.

LOW DILIGENCE

low diligence. See slight diligence under DILIGENCE.

LOWER CHAMBER

lower chamber. See CHAMBER.

LOWER COURT

lower court. 1. See court below under COURT. 2. See inferior court under COURT.

LOWER ESTATE

lower estate. See servient estate under ESTATE(4).

LOWER-OF-COST-OR-MARKET METHOD

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. [Cases: Internal Revenue 3105.1. C.J.S. Internal Revenue §§ 27–29, 31–33.]

LOWER SCALE

lower scale. See SCALE(4).

LOWEST RESPONSIBLE BIDDER

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. [Cases: Public Contracts 11. C.J.S. Public Administrative Law and Procedure §§ 8–9, 12, 16–17.]

**LOW-GRADE SECURITY**

low-grade security. See SECURITY.

**LOW JUSTICE**

low justice. See JUSTICE(3).

**LOW-TOTAL VOTING**

low-total voting. See VOTING.

**LOW-WATER MARK**

low-water mark. See WATERMARK.

**LOYALTY**

loyalty, n. Faithfulness or allegiance to a person, cause, duty, or government. — loyal, adj.

**LOYALTY OATH**

loyalty oath. See oath of allegiance under OATH.

**L.P.**

L.P. See limited partnership under PARTNERSHIP.

**L.R.**

L.R. abbr. Law Reports.

**L. REV.**

L. Rev. abbr. LAW REVIEW.

**LRIC**

LRIC. abbr. LONG-RUN INCREMENTAL COST.

**L.S.**

L.S. abbr. LOCUS SIGILLI.

**LSAT**

LSAT. abbr. LAW SCHOOL ADMISSIONS TEST.

**LTD.**

Ltd.abbr.Limited — used in company names to indicate limited liability.

#### LTV RATIO

LTV ratio.See LOAN-TO-VALUE RATIO.

#### LUCE CLARIUS

luce clarius (loo-see klair-ee-<<schwa>>s). [Latin] Scots law. Clearer than light. • The phrase expresses the idea that the evidence is very clear, usu. in circumstances necessary to support a conviction in a criminal case. — Also termed *luce meridiana clariores*.

#### LUCID

lucid,adj.1. Understandable. 2. Rational. 3. Sane.

#### LUCID INTERVAL

lucid interval. 1. A brief period during which an insane person regains sanity sufficient to have the legal capacity to contract and act on his or her own behalf. [Cases: Mental Health 3.1, 371; Wills 37. C.J.S. Insane Persons § 211; Wills § 9.] 2. A period during which a person has enough mental capacity to understand the concept of marriage and the duties and obligations it imposes. [Cases: Marriage 7. C.J.S. Marriage § 15.] 3. A period during which an otherwise incompetent person regains sufficient testamentary capacity to execute a valid will. — Also termed *lucid moment*.

#### LUCID MOMENT

lucid moment.See LUCID INTERVAL.

#### LUCRA NUPTIALIA

lucra nuptialia (loo-kr<<schwa>> n<<schwa>>p-shee-ay-l<<schwa>>). [Latin] Roman law. The property that one spouse receives from another, whether by gift, marriage-gift, dos, or testamentary disposition. See *POENAE SECUNDARUM NUPTIARUM*.

#### LUCRATIVA CAUSA

lucrativa causa (loo-kr<<schwa>>-tī-v<<schwa>> kaw-z<<schwa>>). [Latin] Roman law.Enrichment for which the acquirer pays nothing (e.g., a bequest). — Also termed *causa lucrativa*.

#### LUCRATIVA USUCAPIO PRO HEREDE

lucrativa usucapio pro herede (loo-kr<<schwa>>-tī-v<<schwa>> yoo-z[y]oo-kay-pee-oh or -kap-ee-oh). [Latin] Roman law.A means of acquiring title to land that an heir has not possessed and excluding the rightful heirs by holding it for one year after the death of the landowner. • There was no requirement that the possessor act in good faith. This practice survived from primitive law. — Also termed *lucrativa uscapio pro herede*. See *USUCAPIO*.

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**LUCRATIVE**

lucrative (loo-kr<<schwa>>-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**

lucrative bailment.See bailment for hire under BAILMENT.

**LUCRATIVE OFFICE**

lucrative office.See OFFICE.

**LUCRATIVE SUCCESSION**

lucrative succession.See PRAECEPTIO HAEREDITATIS.

**LUCRATIVE TITLE**

lucrative title.See TITLE(2).

**LUCRE**

lucre (loo-k<<schwa>>r), n. Monetary gain; profit.

**LUCRI CAUSA**

lucri causa (loo-krIkaw-z<<schwa>>). [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).

**LUCRO CAPTANDO**

lucro captando. 1.CERTANS DE LUCRO CAPTANDO. 2.IN LUCRO CAPTANDO.

**LUCRUM**

lucrum (loo-kr<<schwa>>m), n.[Latin] 1.Roman law. Gain; profit. 2.Hist. A small parcel of

land.

#### LUCRUM CESSANS

lucrum cessans (loo-kr<<schwa>>m ses-anz). [Law Latin “ceasing gain”] Hist. Damages awarded to include a loss of anticipated profit in addition to an actual realizable loss. — Also termed lucrum interceptum. See DAMNUM EMERGENS .

#### LUCRUM INTERCEPTUM

lucrum interceptum (loo-kr<<schwa>>m in-t<<schwa>>r-sep-t<<schwa>>m). See LUCRUM CESSANS.

#### LUCTUOSA HEREDITAS

luctuosa hereditas (l<<schwa>>k-choo-oh-s<<schwa>> h<<schwa>>-red-i-tas), n.[Latin “mournful inheritance”] See hereditas luctuosa under HEREDITAS.

#### LUCTUS

luctus (l<<schwa>>k-t<<schwa>>s), n.[Latin] Roman law. Mourning. — Also termed tempus lugendi.

#### LUDERE IN EXTREMIS

ludere in extremis (loo-d<<schwa>>-ree in ek-stree-mis). [Latin] Hist. To make sport on deathbed. • A person was presumed never to trifle at the point of death.

#### LUMINARE

luminare (loo-m<<schwa>>-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

lumping.Criminal procedure. The imposition of a general sentence on a criminal defendant. See general sentence under SENTENCE.

#### LUMPING SALE

lumping sale.See SALE.

#### LUMP-SUM AGREEMENT

lump-sum agreement.Int'l law. An agreement for one nation that caused injuries to another nation's citizens to make a single payment to the other nation to settle outstanding claims for those injuries. • The recipient nation has the power to decide how the settlement funds should be distributed. 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.



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**LUMP-SUM ALIMONY**

lump-sum alimony. See alimony in gross under ALIMONY.

**LUMP-SUM PAYMENT**

lump-sum payment. See PAYMENT.

**LUNACY**

lunacy. See INSANITY.

**LUNAR MONTH**

lunar month. See MONTH(3).

**LUNATIC**

lunatic, adj. Archaic. An insane person. See INSANE.

dangerous lunatic. A mentally incompetent person who seems reasonably likely to harm himself or herself, another person, or property.

**LUNCH-HOUR RULE**

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. [Cases: Workers' Compensation 768. C.J.S. Workmen's Compensation § 452.]

**LUXURY TAX**

luxury tax. See TAX.

**LWI**

LWI. abbr. LEGAL WRITING INSTITUTE.

**LYING BY**

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**

lying in wait. Criminal law. The series of acts involved in watching, waiting for, 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**

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lynch,vb. (Of a mob) to kill (somebody) without legal authority, usu. by hanging. [Cases: Rescue 1; Riot 1. C.J.S. Escape §§ 28–31, 33; Riot; Insurrection §§ 2–10.]

#### LYNCH LAW

lynch law.The administration of summary punishment, esp. death, for an alleged crime, without legal authority. — Also termed (through personification) Judge Lynch.

#### LYNDHURST'S ACT

Lyndhurst's Act.Hist. An English statute that rendered 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

lytae (II-tee), n.pl.[Latin, fr. Greek] Roman law. Civil-law students in their fourth year of study.