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## GA

GA.abbr.See general average under AVERAGE.

## GAAP

GAAP (gap).abbr.GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

## GAAS

GAAS (gas).abbr.GENERALLY ACCEPTED AUDITING STANDARDS.

## GABEL

gabel (g<<schwa>>-bel).Hist. 1. A tax or duty on movables. 2.GAVEL(2). — Also spelled gabelle. See LAND-GAVEL.

## GABELLA

gabella (g<<schwa>>-bel-<<schwa>>).Hist. 1. A tax or duty on merchandise. 2. A peasant villager, esp. one who pays rent or tribute. See GAVEL(1). — Also spelled gavella.

## GAGE

gage (gayj), n. A pledge, pawn, or other thing deposited as security for performance. • An archaic use of this word corresponded to the way wage was formerly used in legal contexts: a gager del ley, for example, was an earlier form of wager of law, while gager de deliverance had the same meaning as wager of deliverance.

“A single root has sent out many branches which overshadow large fields of law. Gage, engagement, wage, wages, wager, wed, wedding, the Scottish wadset, all spring from one root. In particular we must notice that the word ‘gage,’ in Latin vadium, is applied indiscriminately to movables and immovables, to transactions in which a gage is given and to those in which a gage is taken. When a lord has seized his tenant's goods in distress they are in his hands a gage for the payment of the rent that is in arrear, and the sheriff is always taking gages from those who have no mind to give them. The notion expressed by the word seems to be that expressed by our ‘security’ ....” 2 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 117–18 (2d ed. 1899).

gage,vb. To pawn or pledge; to give as security for. • Gage is an older form of wage, and often appeared as a phrase, gager deliverance. Cf. WAGE(2).

“Though the word Gage be retained, as it is a Substantive, yet as it is a verb, use hath turned the Gage into Wage so as it is oftener written Wage; as to Wage Deliverance, to give security, that a thing shall be delivered: For, if he that distrained, being sued, have not delivered the Cattle that were distrained, then he shall not onely avow the Distress, but Gager Deliverance, put in surety,

that he will deliver them.” Thomas Blount, *Nomo-Lexicon: A Law-Dictionary* (1670).

### GAGER

*gager* (gay-j<<schwa>>r), n. The giving of security; the transaction in which one gives a gage. See GAGE.

### GAGER DEL LEY

*gager del ley*. See WAGER OF LAW.

### GAG ORDER

*gag order*. 1. A judge's order directing parties, attorneys, witnesses, or journalists to refrain from publicly discussing the facts of a case. • When directed to the press, such an order is generally unconstitutional under the First Amendment. [Cases: Criminal Law 633(1); Federal Civil Procedure 1951; Trial 18, 20. C.J.S. Criminal Law §§ 564, 1134, 1140, 1145–1149, 1191; Trial §§ 91–92, 97.] 2. A judge's order that an unruly defendant be bound and gagged during trial to prevent further interruptions. [Cases: Criminal Law 637. C.J.S. Criminal Law §§ 1168–1172.]

### GAIN

*gain*, n. 1. An increase in amount, degree, or value.

*pecuniary gain*. 1. A gain of money or of something having monetary value. 2. Criminal law. Any monetary or economic gain that serves as an impetus for the commission of an offense. • In most states, an offense and its punishment are aggravated if the offense was committed for pecuniary gain. Murder, for example, is often aggravated to capital murder if the murderer is paid to commit the crime. See SOLICITATION(2).

2. Excess of receipts over expenditures or of sale price over cost. See PROFIT(1). 3. Tax. The excess of the amount realized from a sale or other disposition of property over the property's adjusted value. IRC (26 USCA) § 1001. — Also termed realized gain; net gain. [Cases: Internal Revenue 3178–3216. C.J.S. Internal Revenue §§ 107–108, 110–126, 132–134, 136, 283.]

*capital gain*. See CAPITAL GAIN.

*extraordinary gain*. A gain that is both unusual and infrequent, such as the gain realized from selling a large segment of a business.

*ordinary gain*. A gain from the sale or exchange of a noncapital asset. Cf. CAPITAL GAIN.

*recognized gain*. The portion of a gain that is subject to income taxation. IRC (26 USCA) § 1001(c). See BOOT(1). [Cases: Internal Revenue 3178–3216. C.J.S. Internal Revenue §§ 107–108, 110–126, 132–134, 136, 283.]

4. (pl.) Civil law. A type of community property that reflects the increase in property value brought about by the spouses' common skill or labor. See COMMUNITY PROPERTY; ACQUET. [Cases: Husband and Wife 258.]

### GAINAGE

gainage. See WAINAGE(2).

#### GAINFUL EMPLOYMENT

gainful employment. See EMPLOYMENT.

#### GAINOR

gainor. See SOCMAN.

#### GAINS

gains, n. See GAIN.

#### GAL

GAL. abbr. See guardian ad litem under GUARDIAN.

#### GALE

gale (gayl). Hist. 1. A periodic payment of rent. See GAVEL(2). 2. Rent paid by a free miner (the galee) for the right to mine a plot of land. 3. A license to mine a plot of land. • A gale could be conveyed or devised. 4. The land so licensed.

#### GALLAGHER AGREEMENT

Gallagher agreement. A contract that gives one codefendant the right to settle with the plaintiff for a fixed sum at any time during trial and that guarantees payment of the sum regardless of the trial's outcome. *City of Tucson v. Gallagher*, 493 P.2d 1197 (Ariz. 1972). Cf. MARY CARTER AGREEMENT.

#### GALLOWS

gallows. A wooden frame consisting of two upright posts and a crossbeam, from which condemned criminals are hanged by a rope.

#### GAMALIS

gamalis (g<<schwa>>-may-lis). [Law Latin] Hist. 1. A child born in lawful wedlock. 2. A child born to betrothed but unmarried parents.

#### GAMBLER

gambler. See COMMON GAMBLER.

#### GAMBLING

gambling, n. The act of risking something of value, esp. money, for a chance to win a prize. • Gambling is regulated by state and federal law. 18 USCA §§ 1081 et seq. — Also termed gaming. See COMMON GAMBLER. [Cases: Gaming 1.]

Indian gambling. Gambling conducted by a federally recognized Indian tribe and regulated by federal law.

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**GAMBLING CONTRACT**

gambling contract. See CONTRACT.

**GAMBLING DEVICE**

gambling device. Any thing, such as cards, dice, or an electronic or mechanical contrivance, that allows a person to play a game of chance in which money may be won or lost. • Gambling devices are regulated by law, and the use or possession of a gambling device can be illegal. — Also termed gaming device.

**GAMBLING PLACE**

gambling place. Any location where gambling occurs. 18 USCA § 1081. — Also termed gaming house; gaming room.

**GAMBLING POLICY**

gambling policy. See wager policy under INSURANCE POLICY.

**GAMBLING VERDICT**

gambling verdict. See chance verdict under VERDICT.

**GAME**

game, n. 1. Wild animals and birds considered as objects of pursuit, for food or sport; esp., animals for which one must have a license to hunt. [Cases: Game 2.] 2. A contest, for amusement or for a prize, whose outcome depends on the skill, strength, or luck of the players. [Cases: Gaming 6.]

game of chance. A game whose outcome is determined by luck rather than skill. Cf. GAMBLING DEVICE.

“Games of chance do not cease to be such merely because they call for the exercise of skill by the players, nor do games of skill cease to be so because at times ... their result is determined by some unforeseen accident, usually called ‘luck.’ According to some cases, the test of the character of the game is not whether it contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game.... And it has been said that ‘it is the character of the game, and not the skill or want of skill of the player,’ which determines whether a game is one of chance or skill.” 38 Am. Jur. 2d Gambling § 4, at 109–10 (1968).

game of skill. A game in which the outcome is determined by a player's superior knowledge or ability, not chance.

percentage game. A game of chance from which the house collects an amount calculated as a percentage of the wagers made or the sums won. • Percentage games are illegal in many states.

game, vb. To gamble; to play for a stake.

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**GAME LAW**

game law. A federal or state law that regulates the hunting of game, esp. one that forbids the capturing or killing of specified game either entirely or seasonally, describes the means for killing or capturing game in season, or restricts the number and type of game animals that may be killed or captured in season. 16 USCA §§ 661–667; 18 USCA §§ 41–47. [Cases: Game 4.]

**GAMETE INTRAFALLOPIAN TRANSFER**

gamete intrafallopian transfer. A procedure in which mature eggs are implanted in a woman's fallopian tubes and fertilized with semen. — Abbr. GIFT. — Also termed gamete intrafallopian-tube transfer. Cf. ZYGOTE INTRAFALLOPIAN TRANSFER ; ARTIFICIAL INSEMINATION; IN VITRO FERTILIZATION.

**GAMING**

gaming. See GAMBLING.

**GAMING CONTRACT**

gaming contract. See gambling contract under CONTRACT.

**GAMING DEVICE**

gaming device. See GAMBLING DEVICE.

**GAMING HOUSE**

gaming house. See GAMBLING PLACE.

**GAMING ROOM**

gaming room. See GAMBLING PLACE.

**GANANCIAL**

ganancial (g<<schwa>>-nan-sh<<schwa>>l), adj. Of, relating to, or consisting of community property <a spouse's ganancial rights>. See COMMUNITY PROPERTY. [Cases: Husband and Wife 246–276(9).]

“The Spanish [more correctly, the Castilian] form of community property, called the ‘ganancial’ system, is found today in nine states of the United States, the Spanish-American republics of Central and South America, the Commonwealth of Puerto Rico and the Philippine Republic.” Robert L. Menell & Thomas M. Boykoff, Community Property in a Nutshell 10 (2d ed. 1988).

**G & A**

G & A. abbr. See general administrative expense under EXPENSE.

**GANG**

gang. A group of persons who go about together or act in concert, esp. for antisocial or

criminal purposes. • Many gangs (esp. those made up of adolescents) have common identifying signs and symbols, such as hand signals and distinctive colors. — Also termed street gang.

**GANGLAND**

gangland. The world of criminal gangs and organized crime.

**GANGSTER**

gangster. A member of a criminal gang or an organized-crime syndicate.

**GANSER'S SYNDROME**

Ganser's syndrome (gahn-z<<schwa>>r organ-s<<schwa>>r). An abnormality characterized by the giving of irrelevant and nonsensical answers to questions. • Prisoners have been known to feign this syndrome in an attempt to obtain leniency.

**GANTLET**

gantlet (gawnt-lit). [fr. Swedish gata “lane” + lopp “course”] 1.Hist. A former military punishment in which the offender was stripped to the waist and forced to run between two rows of soldiers who gave him lashes as he passed. 2. A series of severe troubles or difficulties; an ordeal. — Also spelled gauntlet; (archaically) gantlope.

**GAO**

GAO.abbr.GENERAL ACCOUNTING OFFICE.

**GAOL**

gaol. See JAIL.

**GAOL DELIVERY**

gaol delivery.See JAIL DELIVERY.

**GAOLER**

gaoler. See JAILER.

**GAOL LIBERTIES**

gaol liberties.See JAIL LIBERTIES.

**GAP**

gap. See GAP PERIOD.

**GAP CREDITOR**

gap creditor.See CREDITOR.

**GAP-FILLER**

gap-filler. A rule that supplies a contractual term that the parties failed to include in the

contract. • For example, if the contract does not contain a sales price, UCC § 2-305(1) establishes the price as being a reasonable one at the time of delivery. Cf. default rule under RULE(1). [Cases: Sales 22(4), 23(4). C.J.S. Sales §§ 38–40, 223.]

“Contracts often have gaps in them, intentional or inadvertent. Gaps arise, too, out of the ‘battle of the forms’ under sections 2–204 and 2–207. Some gaps are more or less complete, others only partial. Article 2 of the Code includes numerous gap filler provisions which taken together constitute a kind of standardized statutory contract.” 1 James J. White & Robert S. Summers, *Uniform Commercial Code* § 3-4 (4th ed. 1995).

#### GAP FINANCING

gap financing. See FINANCING.

#### GAP PERIOD

gap period. Bankruptcy. The duration of time between the filing of an involuntary bankruptcy petition and the entry of the order for relief. — Often shortened to gap. [Cases: Bankruptcy 2281. C.J.S. Bankruptcy § 56.]

#### GAP REPORT

gap report. In the making of federal court rules, a report that explains any changes made by an advisory committee in the language of a proposed amendment to a procedural rule after its publication for comment. • Before advisory committees began issuing gap reports in the early 1980s, there were complaints that the public record did not show why changes were made after the public-comment period. The five advisory committees — for appellate, bankruptcy, civil, criminal, and evidence rules — therefore began filing the reports to fill in the “gaps” in the record. Although the phrase is sometimes written in capital letters (GAP report), it is not an acronym.

#### GAP THEORY

gap theory. Insurance. The principle that a tortfeasor will be considered underinsured if his or her liability-insurance coverage — although legally adequate — is less than the injured party's underinsured-motorist coverage. • This principle allows an injured party to invoke underinsured-motorist coverage. Cf. EXCESS THEORY. [Cases: Insurance 2787. C.J.S. Insurance § 1657.]

#### GARAGEMAN'S LIEN

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

#### GARANDIA

garandia (g<<schwa>>-ran-dee-<<schwa>>). [Law Latin] Hist. A warranty. — Also spelled *garantia* (g<<schwa>>-ran-shee-<<schwa>>).

#### GARAUNTOR

garauntor (gar-<<schwa>>n-t<<schwa>>r). [Law French] Hist. A warrantor of land. • A

garauntor was obligated to defend the title and seisin of the alienee. If the alienee was evicted, the garauntor had to provide the alienee with other land of equal value.

#### GARCIA<TT> HEARING

Garcia hearing (gahr-see-<<schwa>>).Criminal procedure. A hearing held to ensure that a defendant who is one of two or more defendants represented by the same attorney understands (1) the risk of a conflict of interest inherent in this type of representation, and (2) that he or she is entitled to the services of an attorney who does not represent anyone else in the defendant's case. *United States v. Garcia*, 517 F.2d 272 (5th Cir. 1975). See CON-FLICT OF INTEREST(2). [Cases: Criminal Law 641.5(5). C.J.S. Criminal Law § 319.]

#### GARD

gard (gahrd). [Law French] Hist. 1.Wardship or custody (of a person).2. A precinct (or ward) of a city. — Also spelled garde; gardia.

#### GARDE

garde (gahrd). [French] Civil law. A relationship that gives rise to liability for a person when an injury is caused by a thing, whether animate or inanimate, that is considered by law to be that person's responsibility or to be in that person's custody.

#### GARDEIN

gardein (gahr-deen). [Law French] Hist. A guardian or keeper. — Also spelled gardian; gardien; gardeyn.

#### GARDIA

gardia (gahr-dee-<<schwa>>). [Law French] Hist. Wardship, care, or custody of someone.

#### GARDIANUS

gardianus (gahr-dee-ay-n<<schwa>>s). [Law Latin] Hist. A guardian, defender, or protector; a warden. — Also spelled guardianus.

gardianus ecclesiae (gahr-dee-ay-n<<schwa>>s e-klee-z[h]ee-ee). A churchwarden.

#### GARENE

garene (g<<schwa>>-reen). [Law French] See WARREN.

#### GARMON DOCTRINE

Garmon doctrine.See Garmon preemption under PREEMPTION.

#### GARMON PREEMPTION

Garmon preemption.See PREEMPTION.

#### GARNER<TT> DOCTRINE



Garner doctrine. The rule that allows shareholder plaintiffs in a corporate derivative action to discover confidential communications between a corporate officer and the corporation's attorney.

• The Garner doctrine does not apply to attorney work product, and the movant must show good cause. *Garner v. Wolfinbarger*, 430 F.2d 1093 (5th Cir. 1970). See DERIVATIVE ACTION(1). [Cases: Federal Civil Procedure 1600; Witnesses 197. C.J.S. Witnesses §§ 316–340.]

#### GARNISH

garnish, n. Hist. Money exacted from a new prisoner by other prisoners or as a jailer's fee. • This practice was banned in England in 1815.

garnish, vb. [Old French garnir “to warn”; “to prepare”] 1. Hist. To serve an heir with notice (i.e., to warn) of certain debts that must be paid before the person is entitled to receive property as an heir. 2. To subject (property) to garnishment; to attach (property held by a third party) in order to satisfy a debt. 3. To notify (a person, bank, etc.) that a garnishment proceeding has been undertaken and that the one receiving notice may be liable as stakeholder or custodian of the defendant's property. — Also termed garnishee; (in senses 2 & 3) factorize. [Cases: Federal Civil Procedure 601; Garnishment 1.] — garnishable, adj.

#### GARNISHEE

garnishee (gahr-ni-shee), n. A person or institution (such as a bank) that is indebted to or is bailee for another whose property has been subjected to garnishment. — Also termed garnishee-defendant (as opposed to the “principal defendant,” i.e., the primary debtor). [Cases: Federal Civil Procedure 601; Garnishment 13–24.]

garnishee (gahr-ni-shee), vb. See GARNISH.

#### GARNISHER

garnisher. A creditor who initiates a garnishment action to reach the debtor's property that is thought to be held or owed by a third party (the garnishee). — Also spelled garnishor. [Cases: Garnishment 11.]

#### GARNISHMENT

garnishment, n. 1. A judicial proceeding in which a creditor (or potential creditor) asks the court to order a third party who is indebted to or is bailee for the debtor to turn over to the creditor any of the debtor's property (such as wages or bank accounts) held by that third party. • A plaintiff initiates a garnishment action as a means of either prejudgment seizure or postjudgment collection. [Cases: Federal Civil Procedure 601; Garnishment 64, 118.]

“Garnishment is a[n] ... inquisitorial proceeding, affording a harsh and extraordinary remedy. It is an anomaly, a statutory invention sui generis, with no affinity to any action known to the common law.... It is a method of seizure; but it is not a ‘levy’ in the usual acceptance of that term. It is a proceeding by which a diligent creditor may legally obtain preference over other creditors; and it is in the nature of a creditor's bill, or a sequestration of the effects of a debtor in the hands of his debtor.” 38 C.J.S. Garnishment § 3, at 248–50 (2003).

wrongful garnishment. 1. An improper or tortious garnishment. [Cases: Garnishment 122, 248.] 2. A cause of action against a garnisher for improperly or tortiously filing a garnishment proceeding. [Cases: Federal Civil Procedure 601; Garnishment 174.]

2. The judicial order by which such a turnover is effected. Cf. ATTACHMENT (1); SEQUESTRATION(1).

#### GARNISHMENT LIEN

garnishment lien. See LIEN.

#### GARNISHOR

garnishor. See GARNISHER.

#### GARRITY<TT> STATEMENT

Garrity statement (gar-<<schwa>>-tee). A public employee's oral or written report (as of an incident) obtained under a threat of termination of employment. • A public employee usu. makes a Garrity statement in the course of an internal investigation (as by a police department). Because a Garrity statement is coerced, the statement and any evidence obtained as a result of it cannot be used in a later criminal prosecution against the public employee. The statement and evidence may be used only to evaluate the employee's performance. *Garrity v. New Jersey*, 385 U.S. 493, 87 S.Ct. 616 (1967).

#### GAS-BALANCING AGREEMENT

gas-balancing agreement. Oil & gas. A contract among owners of the production of a gas well to balance production if one owner sells more of the gas stream than the other owners do.

“Gas balancing agreements address the problem of imbalances in production from a gas well or field. Co-owners frequently sell their share of production to different purchasers .... Even when co-owners sell to the same purchaser, their contracts are likely to be signed at different times and to have different price and take provisions. Thus, imbalances are inevitable.” John S. Lowe, *Oil and Gas Law in a Nutshell* 385 (3d ed. 1995).

#### GAS CHAMBER

gas chamber. A small, sealed room in which a capital punishment is carried out by strapping the prisoner into a chair and releasing poisonous fumes.

#### GAS CONTRACT

gas contract. Oil & gas. An agreement for the sale of natural gas.

#### GAS SOLD

gas sold. Oil & gas. Natural gas that is actually sold but not necessarily all that a well produces. • The term is used in natural-gas leases.

#### GAS USED

gas used.Oil & gas. Natural gas that is consumed while a well is in operation but that is not necessarily sold.

**GATT**

GATT (gat).abbr.GENERAL AGREEMENT ON TARIFFS AND TRADE. See TRIPS.

**GAUGER**

gauger (gay-j<<schwa>>r). A surveying officer who examines containers of liquids to give them a mark of allowance, as containing the lawful measure.

**GAVEL**

gavel (gav-<<schwa>>l).1.Hist. A tribute, toll, or custom paid to a superior. 2.Hist. An annual payment of rent or revenue, esp. payment in kind, such as gavel-corn, gavel-malt, or oat-gavel. — Sometimes spelled gabel. 3. A mallet used by a presiding officer, often a judge, to bring a meeting or court to order.

**GAVELBRED**

gavelbred (gav-<<schwa>>l-bred).Hist. Rent payable in bread, corn, or some other provision; rent payable in kind.

**GAVELET**

gavelet (gav-<<schwa>>l-it).Hist. A writ used in Kent and London to recover rent from land held in gavelkind. See CESSAVIT.

**GAVELGELD**

gavelgeld (gav-<<schwa>>l-geld).Hist. 1. Property that yields a profit or a toll. 2. The tribute or toll itself.

**GAVELHERTE**

gavelherte (gav-<<schwa>>l-h<<schwa>>rt).Hist. A service of plowing performed by a customary tenant.

**GAVELING MAN**

gaveling man (gav-<<schwa>>l-ing man or m<<schwa>>n).Hist. See GAVELMAN.

**GAVELKIND**

gavelkind (gav-<<schwa>>l-kInd).Hist. 1. A species of socage tenure arising in land that has descended equally to the decedent's sons. • It was widespread before 1066, when it was mainly superseded by primogeniture. This property-division technique was then largely limited to Kent. The person holding land in this manner enjoyed several advantages not available under the common law: the land could be disposed of by will, did not escheat for felony other than treason or for want of heirs, and was alienable by an heir at age 15. Gavelkind was abolished in 1925. Although the etymology of this term was much debated in the 19th century, the explanation given

in the first quotation below appears to be the true one. 2. Land that yields gavel service.

“[G]afol, or gavel, was a word of frequent use before the Norman Conquest, and signified not only a tribute, tax, or custom, but also rent in general; and ... under this term were comprehended all socage services whatsoever which lay in render or feascence, the word being often compounded with and applied to the particulars wherein the payment or performance of the service consisted; as corn-gavel, or gavel-corn, was a corn-rent, and gavel-earth was a service of ‘earing’ or ploughing.... The tenant from whom such services were due was called a gavel-man; and ‘gavelkind’ being taken as a compound of this word ‘gavel’ and ‘gekynde,’ which is nature, kind, quality (usually appearing under the form ‘gafolcund’ in the most ancient records), the proper signification of the term will be land of the kind or nature which yielded rent, or ‘censual land,’ which may be compared to rent-service land as distinguished from knight-service land, which being held by free military service yielded no ‘cens’ or rent in money, provision, or works: so that the lands held by the old English tenure are known in Kent as gavelkind which in other parts of the country are distinguished by the name of socage.” Charles I. Elton & Herbert J.H. Mackay, *Robinson on Gavelkind* 5–6 (5th ed. 1897).

“The term ‘gavelkind’ has by the modern usage acquired [a] signification more confined as to the properties contained under it, yet more extensive in point of place: since at this day it is generally used to denote the partibility of the land, exclusive of all other customary qualities; nor is the word ‘gavelkind’ in common parlance confined to Kentish lands, but is equally and indifferently applied to all partible lands wherever they lie.” *Id.* at 9.

“Archbishop Hubert Walter, who presided in the king's court ... obtained from King John a charter empowering him and his successors to convert into military fees the tenements that were holden of their church in gavelkind. The archbishop's main object may have been to get money in the form of rents and scutages, instead of provender and boonworks, ‘gavel-corn’ and ‘gavel-swine,’ ‘gavel-erth’ and ‘gavel-rip’ ....” 2 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 273 (2d ed. 1899).

#### GAVELMAN

gavelman (gav-⟨⟨schwa⟩⟩l-m⟨⟨schwa⟩⟩n).Hist. A tenant who is liable for money rent in addition to a customary service to the lord. • A gavelman was formerly a villein who had been released from villenage in consideration of money rent. — Also termed gaveling man.

#### GAVELMED

gavelmed (gav-⟨⟨schwa⟩⟩l-meed).Hist. A tenant's customary service of mowing the lord's meadowland or grass for hay. — Also spelled gavelmead.

#### GAVELREP

gavelrep (gav-⟨⟨schwa⟩⟩l-reep).Hist. A tenant's duty to reap the lord's fields at the lord's command; bederepe. — Also spelled gavelrip.

#### GAVEL THROUGH

gavel through.Parliamentary law. To put (a question) to a vote before any member can obtain the floor. • The practice of “gaveling through” a motion is improper under parliamentary law.

“It should be noted that, under legitimate parliamentary procedure, there is no such thing as ‘gaveling through’ a measure. The right of members to debate or introduce secondary motions cannot be cut off by the chair’s at-tempting to put a question to vote so quickly that no member can get the floor — either when the chair first states the question or when he believes debate is ended. Debate is not closed by the presiding officer’s rising to put the question.” Henry M. Robert, *Robert’s Rules of Order Newly Revised* § 43, at 374 (10th ed. 2000).

#### GAVELWERK

gavelwerk (gav-*<<schwa>>*l-w*<<schwa>>*rk).Hist. Customary service, either by the tenant’s own hands or with the aid of the tenant’s carts or carriages.

#### GAY MARRIAGE

gay marriage.See same-sex marriage under MARRIAGE(1).

#### GAZETTE

Gazette (g*<<schwa>>*-zet). An official newspaper of the British government in which acts of State, Crown ap-pointments, notices of bankruptcy, and other legal matters are reported. • Although the London Gazette is the most famous, there are also publications called the Edinburgh Gazette and the Belfast Gazette with similar purposes.

#### GAZUMPING

gazumping (g*<<schwa>>*-z*<<schwa>>*mp-ing).BrE Slang. The improper sale of a house, usu. by raising the price after accepting an offer. • Gazumping can take different forms, the usual one being when a seller raises the price after accepting the buyer’s offer. But it may also occur when a competing buyer makes a higher bid than the one already accepted, thus encouraging the seller to back out of the earlier contract.

#### G.B.H.

g.b.h.abbr.Grievous bodily harm. See serious bodily injury under INJURY.

#### GBMI

GBMI.abbr.GUILTY BUT MENTALLY ILL.

#### GDN

gdn.abbr.GUARDIAN.

#### GEBRAUCHSMUSTER

Gebrauchsmuster. [German] Patents. UTILITY MODEL. — Abbr. GM.

#### GELD

geld, n. Hist. A tax paid to the Crown under Anglo-Saxon and Norman kings.

#### GELDABLE

geldable (geld-⟨schwa⟩-b⟨schwa⟩l), adj. Hist. (Of property) subject to tax or tribute. — Also spelled gildable.

#### GEM

GEM. See growing-equity mortgage under MORTGAGE.

#### GEMOT

gemot (g⟨schwa⟩-moht). Hist. A local judicial assembly; a public meeting. — Also spelled gemote.

#### GENDER DISCRIMINATION

gender discrimination. See sex discrimination under DISCRIMINATION.

#### GENER

gener (jee-n⟨schwa⟩r), n. [Latin] Roman law. A son-in-law.

#### GENERAL ACCOUNTING OFFICE

General Accounting Office. An office in the legislative branch of the federal government responsible for auditing the receipt and disbursement of U.S. government funds and conducting investigations for members of Congress and congressional committees. • Headed by the Comptroller General of the United States, it was established by the Budget and Accounting Act of 1921. 31 USCA § 702. — Abbr. GAO.

#### GENERAL ACT

general act. See PUBLIC LAW(2).

#### GENERAL ADMINISTRATION

general administration. See ADMINISTRATION.

#### GENERAL ADMINISTRATIVE EXPENSE

general administrative expense. See EXPENSE.

#### GENERAL ADMINISTRATOR

general administrator. See ADMINISTRATOR(2).

#### GENERAL AGENCY

general agency. See AGENCY(1).

#### GENERAL AGENT

general agent. 1. AGENT(2). 2. INSURANCE AGENT.

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**GENERAL AGREEMENT ON TARIFFS AND TRADE**

General Agreement on Tariffs and Trade. A multiparty international agreement — signed originally in 1948 — that promotes international trade by lowering import duties and providing equal access to markets. • More than 130 nations are parties to the agreement. — Abbr. GATT.

**GENERAL APPEARANCE**

general appearance. See APPEARANCE.

**GENERAL ASSEMBLY**

general assembly. 1. The name of the legislative body in many states. 2. (cap.) The deliberative body of the United Nations. 3. CONVENTION(4).

**GENERAL ASSIGNMENT**

general assignment. See ASSIGNMENT(2).

**GENERAL ASSUMPSIT**

general assumpsit. See ASSUMPSIT.

**GENERAL AUTHORITY**

general authority. See AUTHORITY(1).

**GENERAL AVERAGE**

general average. See AVERAGE.

**GENERAL-AVERAGE BOND**

general-average bond. See BOND(2).

**GENERAL-AVERAGE CONTRIBUTION**

general-average contribution. See general average under AVERAGE.

**GENERAL AVERAGE LOSS**

general average loss. See LOSS.

**GENERAL-AVERAGE STATEMENT**

general-average statement. Maritime law. A statement containing an exact calculation of the general average and each party's contributory share. See AVERAGE(3). [Cases: Shipping 199. C.J.S. Shipping §§ 467, 469.]

**GENERAL BENEFIT**

general benefit. See BENEFIT.

**GENERAL BEQUEST**

general bequest.See BEQUEST.

#### GENERAL CARGO

general cargo.See CARGO.

#### GENERAL CHALLENGE

general challenge.See challenge for cause under CHALLENGE(2).

#### GENERAL COMPROMIS

general compromis.See COMPROMIS.

#### GENERAL CONSENT

general consent.1.BLANK CONSENT.2.CONSENT(2).

#### GENERAL CONTRACTOR

general contractor.See CONTRACTOR.

#### GENERAL COUNCIL

general council.See COUNCIL.

#### GENERAL COUNSEL

general counsel.See COUNSEL.

#### GENERAL COUNSEL'S MEMORANDUM

General Counsel's Memorandum.Tax law. 1. A written discussion, issued by the office of the Chief Counsel of the IRS, on the merits of a legal issue involving tax law. 2. A written explanation, issued by the office of the Chief Counsel of the IRS, explaining the IRS's positions in revenue rulings and technical advice memorandums. [Cases: Internal Revenue 3051.]

#### GENERAL COUNT

general count.See COUNT.

#### GENERAL COURT

General Court.The name of the legislatures of Massachusetts and New Hampshire. • “General Court” was a common colonial-era term for a body that exercised judicial and legislative functions. Cf. COURT OF ASSIS-TANTS.

#### GENERAL COURT-MARTIAL

general court-martial.See COURT-MARTIAL.

#### GENERAL COVENANT AGAINST ENCUMBRANCES

general covenant against encumbrances.See covenant against encumbrances under COVENANT(4).



**GENERAL CREDITOR**

general creditor. See unsecured creditor under CREDITOR.

**GENERAL CRIMINAL INTENT**

general criminal intent. See general intent under INTENT(1).

**GENERAL CUSTOM**

general custom. See CUSTOM.

**GENERAL DAMAGES**

general damages. See DAMAGES.

**GENERAL DEBT**

general debt. See DEBT.

**GENERAL DEFICIENCY BILL**

general deficiency bill. See deficiency bill under BILL(3).

**GENERAL DEMURRER**

general demurrer. See general exception (1) under EXCEPTION(1).

**GENERAL DENIAL**

general denial. See DENIAL.

**GENERAL DEPOSIT**

general deposit. See DEPOSIT(2).

**GENERAL DEPUTY**

general deputy. 1. DEPUTY. 2. deputy sheriff under SHERIFF.

**GENERAL DETERRENCE**

general deterrence. See DETERRENCE.

**GENERAL DEVISE**

general devise. See DEVISE.

**GENERAL-DISABILITY INSURANCE**

general-disability insurance. See INSURANCE.

**GENERAL DISCHARGE**

general discharge. See DISCHARGE(8).

**GENERAL ELECTION**

general election. See ELECTION(3).

**GENERAL EMPLOYER**

general employer. See EMPLOYER.

**GENERAL EXCEPTION**

general exception. See EXCEPTION(1).

**GENERAL EXECUTION**

general execution. See EXECUTION(4).

**GENERAL EXECUTOR**

general executor. See EXECUTOR.

**GENERAL EXPENSE**

general expense. See general administrative expense under EXPENSE.

**GENERAL FEDERAL COMMON LAW**

general federal common law. See COMMON LAW(1).

**GENERAL FEE CONDITIONAL**

general fee conditional. See fee simple conditional under FEE SIMPLE.

**GENERAL FINDING**

general finding. See FINDING OF FACT.

**GENERAL FRANCHISE**

general franchise. See FRANCHISE(2).

**GENERAL FUND**

general fund. See FUND(1).

**GENERAL GOOD AND WELFARE**

general good and welfare. See GOOD OF THE ORDER.

**GENERAL GUARANTY**

general guaranty. See GUARANTY.

**GENERAL GUARDIAN**

general guardian. See GUARDIAN.

**GENERAL HYPOTHECATION**

general hypothecation. See HYPOTHECATION.

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**GENERALIA SPECIALIBUS NON DEROGANT**

generalia specialibus non derogant (jen-<<schwa>>-ray-lee-<<schwa>> spesh-ee-ay-l-<<schwa>>-b-<<schwa>>s non der-<<schwa>>-g-<<schwa>>nt). [Latin “general things do not derogate from specific things”] The doctrine holding that general words in a later statute do not repeal an earlier statutory provision dealing with a special subject. • This principle illustrates the cautious approach that some courts have adopted in interpreting broad provisions, but there are many exceptions. [Cases: Statutes 223.4. C.J.S. Statutes § 355.]

**GENERAL IMPARLANCE**

general imparlance. See IMPARLANCE.

**GENERAL IMPROVEMENT**

general improvement. See IMPROVEMENT.

**GENERAL INDORSEMENT**

general indorsement. See blank indorsement under INDORSEMENT.

**GENERAL INSTRUCTION**

general instruction. See JURY INSTRUCTION.

**GENERAL INTANGIBLE**

general intangible. See INTANGIBLE.

**GENERAL INTENT**

general intent. See INTENT(1).

**GENERAL-INTENT CRIME**

general-intent crime. See CRIME.

**GENERAL ISSUE**

general issue. See ISSUE(1).

**GENERAL JAIL DELIVERY**

general jail delivery. See JAIL DELIVERY.

**GENERAL JURISDICTION**

general jurisdiction. See JURISDICTION.

**GENERAL-JURISDICTION COURT**

general-jurisdiction court. See court of general jurisdiction under COURT.

**GENERAL JURISPRUDENCE**

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general jurisprudence. See JURISPRUDENCE.

**GENERAL-JUSTIFICATION DEFENSE**

general-justification defense. See lesser-evils defense under DEFENSE(1).

**GENERAL LAND OFFICE**

General Land Office. A former U.S. Interior Department division that exercised executive power relating to the public lands, including their survey, patenting, and sale or other disposition. • The General Land Office and the U.S. Grazing Service were consolidated into the Bureau of Land Management in 1946. See BUREAU OF LAND MANAGEMENT. [Cases: Public Lands 94.C.J.S. Public Lands §§ 167–168.]

**GENERAL LAW**

general law. See LAW.

**GENERAL LEDGER**

general ledger. See LEDGER(1).

**GENERAL LEGACY**

general legacy. See LEGACY.

**GENERAL LEGAL PRINCIPLE**

general legal principle. See GENERAL PRINCIPLE OF LAW.

**GENERAL LEGATEE**

general legatee. See LEGATEE.

**GENERAL LEGISLATION**

general legislation. See LEGISLATION.

**GENERAL LETTER OF CREDIT**

general letter of credit. See LETTER OF CREDIT.

**GENERAL-LIABILITY POLICY**

general-liability policy. See comprehensive general-liability policy under INSURANCE POLICY.

**GENERAL LIEN**

general lien. See LIEN.

**GENERAL LISTING**

general listing. See open listing under LISTING(1).

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**GENERALLY ACCEPTED ACCOUNTING PRINCIPLES**

generally accepted accounting principles. The conventions, rules, and procedures that define approved accounting practices at a particular time. • These principles are issued by the Financial Accounting Standards Board for use by accountants in preparing financial statements. The principles include not only broad guidelines of general application but also detailed practices and procedures. — Abbr. GAAP. — Also termed generally accepted accountancy principles.

**GENERALLY ACCEPTED AUDITING STANDARDS**

generally accepted auditing standards. The guidelines issued by the American Institute of Certified Public Accountants establishing an auditor's professional qualities and the criteria for the auditor's examination and required reports. — Abbr. GAAS.

**GENERAL MALICE**

general malice. See MALICE.

**GENERAL MANAGER**

general manager. See MANAGER.

**GENERAL MARITIME LAW**

general maritime law. The body of U.S. legal precedents and doctrines developed through caselaw in maritime and admiralty litigation. • General maritime law is a branch of federal common law. It is distinguished from statutory law. Cf. MARITIME LAW; LAW OF THE SEA.

“The general maritime law is characterized by the expansive and dominant role played by federal courts in fashioning and applying its precepts to new situations. Large areas of maritime tort law have not been touched by legislation; these are left to the federal courts to define and fill. In areas preempted by legislation, federal courts may not establish principles in derogation of the congressional mandate. However, in the framework of admiralty jurisdiction, federal courts may still play an active role in interpreting statutes, filling gaps, and coordinating legislation with the general maritime law.” Thomas J. Schoenbaum, *Admiralty and Maritime Law* 122 (1987).

**GENERAL MENS REA**

general mens rea. See general intent under INTENT(1).

**GENERAL MORTGAGE**

general mortgage. See MORTGAGE.

**GENERAL-MORTGAGE BOND**

general-mortgage bond. See BOND(3).

**GENERALNON EST FACTUM**

general non est factum. See NON EST FACTUM.

GENERAL OBJECTION

general objection. See OBJECTION.

GENERAL-OBLIGATION BOND

general-obligation bond. See BOND(3).

GENERAL OCCUPANT

general occupant. See OCCUPANT.

GENERAL OFFICER

general officer. See OFFICER(2).

GENERAL ORDER

general order. See ORDER(4).

GENERAL OWNER

general owner. See OWNER.

GENERAL PARDON

general pardon. See AMNESTY.

GENERAL PARLIAMENTARY LAW

general parliamentary law. See PARLIAMENTARY LAW.

GENERAL PARTNER

general partner. See PARTNER.

GENERAL PARTNERSHIP

general partnership. See PARTNERSHIP.

GENERAL PLEA

general plea. See general denial under DENIAL.

GENERAL PLEA IN BAR

general plea in bar. See PLEA IN BAR.

GENERAL POWER OF APPOINTMENT

general power of appointment. See POWER OF APPOINTMENT.

GENERAL POWER OF ATTORNEY

general power of attorney. See POWER OF ATTORNEY.

GENERAL PRAYER

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general prayer. See PRAYER FOR RELIEF.

#### GENERAL PRINCIPLE OF LAW

general principle of law. 1. A principle widely recognized by peoples whose legal order has attained a certain level of sophistication. 2. Int'l law. A principle that gives rise to international legal obligations.

"[T]he adjective 'general' does not refer to several or many orders [i.e., legal systems] as do the general principles of national law, but indicates principles which are applied generally in all cases of the same kind which arise in international law (e.g. the principle of nonintervention)." Hermann Mosler, "General Principles of Law," in 2 Encyclopedia of Public International Law 512, 512 (1995).

3. A principle recognized in all kinds of legal relations, regardless of the legal system to which it belongs (state law, federal law, international law, etc.). — Also termed general legal principle.

#### GENERAL PRIVILEGE

general privilege. See PRIVILEGE(5).

#### GENERAL PROPERTY

general property. See PROPERTY.

#### GENERAL PUBLICATION

general publication. See PUBLICATION.

#### GENERAL-PUBLIC LICENSE

general-public license. See open-source license under LICENSE.

#### GENERAL RECEIVER

general receiver. See principal receiver under RECEIVER.

#### GENERAL REFERENCE

general reference. See REFERENCE.

#### GENERAL REPLICATION

general replication. See REPLICATION.

#### GENERAL REPRISAL

general reprisal. See REPRISAL.

#### GENERAL RETAINER

general retainer. See RETAINER.

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**GENERAL RETENTION**

general retention. See RETENTION.

**GENERAL REVENUE**

general revenue. See REVENUE.

**GENERAL REVENUE FUND**

general revenue fund. See FUND(1).

**GENERAL RULE**

general rule. See RULE(1).

**GENERAL SENTENCE**

general sentence. See SENTENCE.

**GENERAL SERVICES ADMINISTRATION**

General Services Administration. The independent federal agency that constructs and operates buildings; manages government property and records; procures and distributes supplies; and provides management services in communications, traffic, and automatic data processing. • Its Office of Enterprise Development assists small businesses in dealing with the agency through GSA's 12 regional offices. The agency was created by the Federal Property and Administrative Services Act of 1949. 40 USCA § 751. — Abbr. GSA.

**GENERAL SHIP**

general ship. See SHIP.

**GENERAL SPECIAL IMPARLANCE**

general special imparlance. See IMPARLANCE.

**GENERAL STATUTE**

general statute. 1. STATUTE. 2. PUBLIC LAW(2).

**GENERAL STRIKE**

general strike. See STRIKE.

**GENERAL SYNOD**

general synod. See SYNOD.

**GENERAL TAIL**

general tail. See tail general (1) under TAIL.

**GENERAL TAX**



general tax.See TAX.

#### GENERAL TENANCY

general tenancy.See TENANCY.

#### GENERAL TERM

general term.See TERM(5).

#### GENERAL TITLE

general title.See TITLE(3).

#### GENERAL TRAVERSE

general traverse.See TRAVERSE.

#### GENERAL TRUCE

general truce.See TRUCE.

#### GENERAL TRUST

general trust.See passive trust under TRUST.

#### GENERAL USAGE

general usage.See USAGE.

#### GENERAL VERDICT

general verdict.See VERDICT.

#### GENERAL-VERDICT RULE

general-verdict rule.The principle that when a general verdict is returned on multiple causes of action (or theories of recovery), it is presumed on appeal that the jury found in the prevailing party's favor on each cause of action. [Cases: Appeal and Error 930(4). C.J.S. Appeal and Error § 770.]

#### GENERAL VERDICT SUBJECT TO A SPECIAL CASE

general verdict subject to a special case.See VERDICT.

#### GENERAL VERDICT WITH INTERROGATORIES

general verdict with interrogatories.See VERDICT.

#### GENERAL WARRANT

general warrant.See WARRANT(1).

#### GENERAL WARRANTY

general warranty.See WARRANTY(1).

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**GENERAL WARRANTY DEED**

general warranty deed.See warranty deed under DEED.

**GENERAL WELFARE**

general welfare.See WELFARE(1).

**GENERAL WELFARE CLAUSE**

General Welfare Clause.U.S. Const. art. I, § 8, cl. 1, which empowers Congress to levy taxes and pay debts in order to provide for the country's general welfare. • The Supreme Court has broadly interpreted this clause to allow Congress to create, for example, the social-security system. — Also termed Welfare Clause. [Cases: United States 22. C.J.S. United States §§ 30, 33.]

**GENERAL WORDS**

general words.Language used in deeds to convey not only the specific property described in the conveyance but also all easements, privileges, and appurtenances that may belong to the property. [Cases: Deeds 117.C.J.S. Deeds §§ 238–241.]

**GENERATION**

generation. 1. A single degree or stage in the succession of persons in natural descent. 2. The average time span between the birth of parents and the birth of their children.

**GENERATION-SKIPPING TAX**

generation-skipping tax.See TAX.

**GENERATION-SKIPPING TRANSFER**

generation-skipping transfer.A conveyance of assets to a “skip person,” that is, a person more than one generation removed from the transferor. • For example, a conveyance either directly or in trust from a grandparent to a grandchild is a generation-skipping transfer subject to a generation-skipping transfer tax. IRC (26 USCA) §§ 2601–2663. See generation-skipping transfer tax under TAX; generation-skipping trust under TRUST; SKIP PERSON.

**GENERATION-SKIPPING TRANSFER TAX**

generation-skipping transfer tax.See TAX.

**GENERATION-SKIPPING TRUST**

generation-skipping trust.See TRUST.

**GENERIC**

generic,adj. Trademarks. 1. Common or descriptive, and thus not eligible for trademark protection; nonproprietary <a generic name>. [Cases: Trade Regulation 23. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 43.] 2. Not having a trademark or brand name <generic drugs>.

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**GENERALALNESS**

generalalness. See **GENERICNESS**.

**GENERIC CLAIM**

generic claim. See **PATENT CLAIM**.

**GENERIC DRUG**

generic drug. See **DRUG**.

**GENERIC-DRUG LAW**

generic-drug law. A statute that allows pharmacists to substitute a generic drug for a brand-name drug under specified conditions. • Most states have enacted generic-drug laws to ensure that less-expensive generic drugs are available to consumers.

**GENERICIDE**

genericide (j<<schwa>>-ner-<<schwa>>-sId). Trademarks. The loss or cancellation of a trademark that no longer distinguishes the owner's product from others' products. • Genericide occurs when a trademark becomes such a household name that the consuming public begins to think of the mark not as a brand name but as a synonym for the product itself. Examples of trademarks that have been “killed” by genericide include aspirin and escalator. [Cases: Trade Regulation 77. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 225.]

**GENERICISM**

genericism (j<<schwa>>-ner-<<schwa>>-siz-<<schwa>>m). See **GENERICNESS**.

**GENERIC NAME**

generic name. Trademarks. A term that describes something generally without designating the thing's source or creator, such as the word “car” or “sink.” • A generic name cannot be protected as a trademark for the thing it denotes; e.g., “Apple” can be a trademark for computers but not for apples. — Also termed generic term; generic mark; common descriptive name. [Cases: Trade Regulation 23. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 43.]

**GENERICNESS**

genericness, n. The state or condition of being generic <an affirmative defense of genericness in a trademark suit>. — Also termed generalalness; genericism.

**GENERIC SWAP**

generic swap. See plain-vanilla swap under **INTEREST-RATE SWAP**.

**GENERIC TERM**

generic term. See **GENERIC NAME**.

**GENETIC CHILD**

genetic child. See natural child (1) under CHILD.

#### GENETIC ENGINEERING

genetic engineering. A method of creating new life-forms and organic matter by gene-splicing and other techniques. • The Supreme Court has ruled that those creations are patentable. *Diamond v. Chakrabarty*, 447 U.S. 303, 100 S.Ct. 2204 (1980).

#### GENETIC FATHER

genetic father. See biological father under FATHER.

#### GENETIC FINGERPRINTING

genetic fingerprinting. See DNA IDENTIFICATION.

#### GENETIC-MARKER TEST

genetic-marker test. A medical method of testing tissue samples used in paternity and illegitimacy cases to determine whether a particular man could be the father of a child. • This test represents a medical advance over blood-grouping tests. It analyzes DNA and is much more precise in assessing the probability of paternity. — Abbr. GMT. See PATERNITY TEST. Cf. BLOOD-GROUPING TEST; HUMAN-LEUKOCYTE ANTIGEN TEST.

#### GENETIC MOTHER

genetic mother. See biological mother under MOTHER.

#### GENETIC PARENT

genetic parent. See biological parent under PARENT.

#### GENEVA CONVENTIONS OF 1949

Geneva Conventions of 1949 (j<<schwa>>-nee-v<<schwa>>). Four international agreements dealing with the protection of wounded members of the armed forces, the treatment of prisoners of war, and the protection of civilians during international armed conflicts. • Common Article 3 of the Conventions proclaims certain minimum standards of treatment that are applicable to noninternational armed conflicts. The humanitarian-law protection established in these four agreements was amplified in 1977 by the two Protocols Additional to the Geneva Conventions. In common parlance, people refer to the Geneva Convention as if there were just one agreement. [Cases: Treaties 8. C.J.S. Treaties § 6.]

#### GENEVA PHONOGRAMS CONVENTION

Geneva Phonograms Convention. A 1971 treaty requiring signatories to protect phonorecord producers against piracy and the importation of pirated copies, by copyright protection, unfair-competition law, or criminal sanctions. • The treaty was drafted by representatives from WIPO and UNESCO to correct weaknesses in the Rome Convention. — Also termed Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms; Phonograms Convention.

## GENOCIDE

genocide (jen-<<schwa>>-sId).Int'l law. An international crime involving acts causing serious physical and mental harm with the intent to destroy, partially or entirely, a national, ethnic, racial, or religious group. • The widely ratified Genocide Convention of 1948 defines the crime. The International Criminal Court has jurisdiction to try those accused of genocide. Many nations also have criminal laws providing punishment for individuals convicted of genocide. Cf. ETHNIC CLEANSING. [Cases: International Law 10.11.]

“The ... draft Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the General Assembly on December 9, 1948 and unanimously recommended for adherence to the members of the United Nations. It came into force in October, 1950 .... The term ‘genocide’ was first proposed by Dr. Lemkin in the course of the war and incorporated on his suggestion into the Indictment of the Major German War Criminals. The [U.N. General] Assembly Resolution on Genocide of December 11, 1946, and the Convention of 1948, are also the result of a remarkable one-man campaign.” Georg Schwarzenberger, *Power Politics: A Study of International Society* 634 (2d ed. 1951).

## GENOESE LOTTERY

Genoese lottery (jen-oh-eezor -ees). See LOTTERY.

## GENOTYPE

genotype.Patents. The genetic makeup of a living organism. • A patent on living matter must disclose its genotype rather than just describe its physical characteristics (phenotype) or behavior. Cf. PHENOTYPE. — genotypic,adj.

## GENS

gens (jenz), n.[Latin] Roman law. A clan or group of families who share the same name and (supposedly) a common ancestor; extended family. • Members of a gens are freeborn and possess full civic rights. Pl. gentes.

“A wider group still is the gens, of great importance in early law though its importance was gone in classical times. This consisted of all who bore the same nomen, the gentile name.” W.W. Buckland, *A Manual of Roman Private Law* 61 (2d ed. 1953).

## GENTES

gentes (jen-teez), n. [Latin] Roman law. The peoples or nations of the world, particularly the civilized peoples.

## GENTILE

gentile (jen-tII). [fr. Latin gentilis] Roman law. A member of a gens. See GENS.

## GENTIUM PRIVATUM

gentium privatum.See private international law under INTERNATIONAL LAW.

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**GENTLEMAN**

gentleman.Hist. 1. A man of noble or gentle birth or rank; a man above the rank of yeoman. 2. A man belonging to the landed gentry. • Today the term has no precise legal meaning.

**GENTLEMAN'S AGREEMENT**

gentleman's agreement.See GENTLEMEN'S AGREEMENT.

**GENTLEMAN USHER OF THE BLACK ROD**

Gentleman Usher of the Black Rod.An officer of the House of Lords who has various ceremonial duties, including the summoning of the members of the House of Commons to the House of Lords when a bill is to receive royal approval. • The office dates from the 14th century.

**GENTLEMEN'S AGREEMENT**

gentlemen's agreement.An unwritten agreement that, while not legally enforceable, is secured by the good faith and honor of the parties. — Also spelled gentleman's agreement. [Cases: Contracts 1. C.J.S. Contracts §§ 2–3, 9, 12.]

**GENTRIFICATION**

gentrification,n. The restoration and upgrading of a deteriorated or aging urban neighborhood by middle-class or affluent persons, resulting in increased property values and often in displacement of lower-income residents. — gentrify,vb.

**GENUINE**

genuine,adj.1. (Of a thing) authentic or real; something that has the quality of what it is purported to be or to have <the plaintiff failed to question whether the exhibits were genuine>.2. (Of an instrument) free of forgery or counterfeiting <the bank teller could not determine whether the signature on the check was genuine>. UCC § 1-201(b)(19).

**GENUINE ISSUE OF MATERIAL FACT**

genuine issue of material fact.Civil procedure. In the law of summary judgments, a triable, substantial, or real question of fact supported by substantial evidence. • An issue of this kind precludes entry of summary judgment. [Cases: Federal Civil Procedure 2470, 2470.1; Judgment 181(2), 185(6). C.J.S. Judgments § 260.]

**GENUS**

genus (jee-n<<schwa>>s orjen-<<schwa>>s). A general class comprising several species or divisions. • In legal usage, the terms genus and (sometimes) species invoke the taxonomic classification of life forms in biological science. For example, patent law is a species within the genus of intellectual property; burglary is a species within the genus of crime. In the law of sales, genus referred to fungibles, while species referred to specific, individual items. Cf. SPECIES(2).

**GENUS CLAIM**

genus claim. See generic claim under PATENT CLAIM.

#### GENUS NUNQUAM PERIT

genus nunquam perit (jee-n<<schwa>>s n<<schwa>>n[g]-kwam per-it). [Latin] Hist. The class never perishes. • The phrase appeared in reference to a quantity of contracted-for goods of a certain class (rather than a single item), the destruction of which did not discharge the seller's obligation.

#### GEODETTIC-SURVEY SYSTEM

geodetic-survey system (jee-<<schwa>>-det-ik). A federally created land-description method consisting of nationwide marks (or benches) made at longitude and latitude points. • The geodetic-survey system integrates most of the real property in the United States into one unified form of measurement.

#### GEOGRAPHICALLY DESCRIPTIVE TRADEMARK

geographically descriptive trademark. See TRADEMARK.

#### GEOGRAPHIC MARKET

geographic market. See MARKET.

#### GEOGRAPHIC NAME

geographic name. See NAME.

#### GEOGRAPHY OF CRIME

geography of crime. See environmental criminology under CRIMINOLOGY.

#### GEORGIA-PACIFIC<TT> ANALYSIS

Georgia-Pacific analysis. Patents. A 15-factor test for setting a reasonable royalty in infringement suits. • Among other factors, the test looks at what a prudent licensee would have paid while still being able to earn a profit. *Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 318 F.Supp. 1116 (S.D.N.Y. 1970).

#### GERMAN

german (j<<schwa>>r-m<<schwa>>n), adj. Having the same parents or grandparents; closely related.

brother-german. See BROTHER.

cousin-german. See COUSIN.

sister-german. See SISTER.

#### GERMANE

germane (j<<schwa>>r-mayn), adj. Relevant; pertinent <the caselaw cited in the brief was

not germane to the legal issue pending before the court>. • Under parliamentary law, debate and amendments are in order only if they are germane to the motion under consideration.

#### GERMANUS

germanus (j<<schwa>>r-may-n<<schwa>>s). [Latin] Roman law. 1.adj. Having the same father and mother. See frater germanus under FRATER. 2.n. A whole brother; a child of both of one's own parents.

#### GERRYMANDERING

gerrymandering (jer-ee-man-d<<schwa>>r-ing orger-ee-), n.1. The practice of dividing a geographical area into electoral districts, often of highly irregular shape, to give one political party an unfair advantage by diluting the opposition's voting strength. • When Massachusetts Governor Elbridge Gerry ran for reelection in 1812, members of his political party, the Anti-Federalists, altered the state's voting districts to benefit the party. One newly created district resembled a salamander, inspiring a critic to coin the word gerrymander by combining the governor's name, Gerry, with the ending of salamander. Gerry was not reelected governor, but was elected as James Madison's vice president. — Also termed political gerrymandering. [Cases: Constitutional Law 215.3, 225.3(5); Elections 12(6).C.J.S. Constitutional Law §§ 717, 720, 819.] 2. The practice of dividing any geographical or jurisdictional area into political units (such as school districts) to give some group a special advantage. — Also termed jurisdictional gerrymandering. Cf. REAPPORTIONMENT. [Cases: Schools 32. C.J.S. Schools and School Districts §§ 20, 23–26.] — gerrymander,vb.

delineational gerrymandering.Gerrymandering by varying the districts' shape. • There are three kinds of delineational gerrymandering: cracking (or fracturing), packing, and stacking. See CRACKING; PACKING; STACKING(2).

institutional gerrymandering.Gerrymandering by means of varying the number of representatives per district.

#### GERSUM

gersum (g<<schwa>>r-s<<schwa>>m).Hist. 1. Money paid for a thing; specif., compensation paid by a tenant to a superior on entering a holding; GRESSUME. 2. A penalty or amercement paid for an offense. — Also spelled garsumme; gersuma; gersume.

#### GERSUMARIUS

gersumarius (j<<schwa>>r-s[y]<<schwa>>-mair-ee-<<schwa>>s), adj.. Hist. Finable; liable to be fined at the discretion of a feudal superior. • A villein who gave his daughter in marriage was gersumarius — he was liable to pay a fine to the lord.

#### GESCHMACKSMUSTER

Geschmacksmuster. [German] Patents. See design patent under PATENT(3).

#### GESTATIONAL CARRIER



gestational carrier. See surrogate mother (1) under MOTHER.

#### GESTATIONAL MOTHER

gestational mother. See birth mother under MOTHER.

#### GESTATIONAL SURROGACY

gestational surrogacy. See SURROGACY.

#### GESTATIONAL SURROGATE

gestational surrogate. See surrogate mother (1) under MOTHER.

#### GESTIO

gestio (jes-chee-oh), n. [Latin] Roman law. 1. Behavior or conduct. See GESTIO PRO HAEREDE . 2. The management of a thing, esp. a transaction. See NEGOTIORUM GESTIO .

#### GESTIO PRO HAEREDE

gestio pro haerede (jes-chee-oh proh her-<<schwa>>-dee). [Latin “behavior as heir”] Roman & Hist. Scots law. An appointed heir's conduct (such as selling or leasing the decedent's property) that indicates the heir's intent to receive the inheritance and thereby take on the estate's debts; behavior as an heir. — Also spelled gestio pro herede.

#### GESTOR

gestor (jes-tor), n. [Latin] Roman law. 1. One who carries on a business. 2. NEGOTIORUM GESTOR. Pl. gestores.

#### GESTU ET FAMA

gestu et fama (jes-t[y]oo et fay-m<<schwa>>). [Latin “demeanor and reputation”] Hist. A writ used by a person who had been imprisoned because of a poor reputation in the community to gain release from jail pending the arrival of justices with commissions of gaol delivery. See COMMISSION OF GAOL DELIVERY.

#### GESTUM

gestum (jes-t<<schwa>>m), n. [Latin] Roman law. A deed or an act; a thing done. • Gestum is synonymous with factum. See FACTUM(2).

#### GESTURE

gesture. A motion of the body calculated to express a thought or emphasize a certain point <the prosecutor was known for her dramatic gestures during closing argument>.

#### GET

get, n. 1. A rabbinical divorce; a Jewish divorce. 2. Under Jewish law, a document signed by a rabbi to grant a divorce. • Under Jewish law, a Jewish divorce can be obtained only after the husband has given the get to the wife, who must voluntarily accept it. — Also spelled gett. Pl.

gittin. See rabbinical divorce under DIVORCE.

#### GET-UP

get-up. See TRADE DRESS.

#### GIBBET

gibbet (jib-it), n. Hist. A post with one arm extending from the top, from which criminals are either executed by hanging or suspended after death as a warning to other potential offenders; a type of gallows.

double gibbet. A gibbet with two arms extending from its top so that it resembles a capital "T."

#### GIBBET LAW

gibbet law. See HALIFAX LAW.

#### GIC

GIC. See guaranteed investment contract under INVESTMENT CONTRACT.

#### GIFT

GIFT. abbr. GAMETE INTRAFALLOPIAN TRANSFER.

gift, n. 1. The voluntary transfer of property to another without compensation. [Cases: Gifts 1.] 2. A thing so transferred. — gift, vb.

absolute gift. See inter vivos gift.

anatomical gift. A testamentary donation of a bodily organ or organs, esp. for transplant or for medical research. • The procedures for making an anatomical gift are set forth in the Uniform Anatomical Gift Act, which has been adopted in every state. [Cases: Dead Bodies 1. C.J.S. Dead Bodies §§ 1–3.]

antenuptial gift. See prenuptial gift.

charitable gift. An inter vivos or testamentary donation to a nonprofit organization for the relief of poverty, the advancement of education, the advancement of religion, the promotion of health, governmental, or municipal purposes, and other purposes the accomplishment of which is beneficial to the community. Restatement (Second) of Trusts § 368 (1959). • When the beneficiary is a religious organization or the gift is intended for a religious purpose, it is sometimes also termed a pious gift.

class gift. A gift to a group of persons, uncertain in number at the time of the gift but to be ascertained at a future time, who are all to take in definite proportions, the share of each being dependent on the ultimate number in the group.

"The typical class gift is to 'children,' 'issue,' 'heirs,' 'brothers and sisters,' 'nieces and nephews,' 'grandchildren.' A class gift is one in which the donor intends to benefit a group or a

class of persons, as distinguished from specific individuals; the class gift donor is said to be 'group-minded.' The class gift is one in which the donor intends that the number of donees, from the time of the delivery of the instrument of gift in the case of the inter vivos gift, or from the time of the execution of the will in the case of the testamentary gift, is subject to fluctuation by way of increase or decrease, or by way of increase only, or by way of decrease only, depending on the circumstances of the gift." Thomas F. Bergin & Paul G. Haskell, Preface to *Estates in Land and Future Interests* 136 (2d ed. 1984).

**completed gift.** A gift that is no longer in the donor's possession and control. • Only a completed gift is taxable under the gift tax.

**gift causa mortis** (kaw-z<<schwa>> mor-tis). A gift made in contemplation of the donor's imminent death. • The three essentials are that (1) the gift must be made with a view to the donor's present illness or peril, (2) the donor must actually die from that illness or peril, without ever recovering, and (3) there must be a delivery. Even though causa mortis is the more usual word order in modern law, the correct Latin phrasing is mortis causa — hence gift mortis causa. — Also termed donatio causa mortis; donatio mortis causa; gift in contemplation of death; transfer in contemplation of death. See CONTEMPLATION OF DEATH. [Cases: Gifts 53–68.]

"[Gifts causa mortis] are conditional, like legacies; and it is essential to them that the donor make them in his last illness, or in contemplation and expectation of death; and with reference to their effect after his death, they are good, notwithstanding a previous will; and if he recovers, the gift becomes void." 2 James Kent, *Commentaries on American Law* \*444 (George Comstock ed., 11th ed. 1866).

"A 'gift causa mortis' ... is testamentary, and it is similar to testamentary disposition in the respect that there remains with the donor the power to revoke the gift until his death. In some respects, a gift causa mortis may be said to resemble a contract, for mutual consent and the concurrent will of both parties are necessary to the validity of the transfer." 38A C.J.S. Gifts § 85, at 276–77 (1996).

**gift in contemplation of death.** See gift causa mortis.

**gift inter vivos.** See inter vivos gift.

**gift in trust.** A gift of legal title to property to someone who will act as trustee for the benefit of a beneficiary.

**gift over.** A property gift (esp. by will) that takes effect after the expiration of a preceding estate in the property (such as a life estate or fee simple determinable) <to Sarah for life, with gift over to Don in fee>. [Cases: Wills 614(2, 3). C.J.S. Wills §§ 1278, 1284–1285.]

**gift splitting.** See split gift.

**gratuitous gift.** A gift made without consideration, as most gifts are. • Strictly speaking, the term looks redundant, but it answers to the donum gratuitum of Roman law.

**inter vivos gift** (in-t<<schwa>>r vI-vohs orvee-vohs). A gift of personal property made

during the donor's lifetime and delivered to the donee with the intention of irrevocably surrendering control over the property. — Also termed gift inter vivos; lifetime gift; absolute gift; DONATIO INTER VIVOS. [Cases: Gifts 1–33.]

lifetime gift. See inter vivos gift.

manual gift. Civil law. A gift of movable, tangible property, made by delivery without any formalities. La. Civ. Code art. 1539.

onerous gift (ohn-<<schwa>>-r<<schwa>>s oron-<<schwa>>-r<<schwa>>s). A gift made subject to certain conditions imposed on the recipient.

pious gift. See charitable gift.

prenuptial gift (pree-n<<schwa>>p-sh<<schwa>>l). A gift of property from one spouse to another before marriage. • In community-property states, prenuptial gifts are often made to preserve the property's classification as separate property. — Also termed antenuptial gift. [Cases: Husband and Wife 250.]

split gift. Tax. A gift that is made by one spouse to a third person and that, for gift-tax purposes, both spouses treat as being made one-half by each spouse; a gift in which the spouses combine their annual gift-tax exclusions. • A split gift, for example, is eligible for two annual exclusions of \$10,000 each, or a total of \$20,000 for one gift. — Also termed gift-splitting; gift-splitting election. See annual exclusion under EXCLUSION. [Cases: Internal Revenue 4206.10. C.J.S. Internal Revenue §§ 566–568.]

substitute gift. A testamentary gift to one person in place of another who is unable to take under the will for some reason. — Also termed substitutional gift.

taxable gift. A gift that, after adjusting for the annual exclusion and applicable deductions, is subject to the federal unified transfer tax. IRC (26 USCA) § 2503. [Cases: Internal Revenue 4203.10, 4206.10. C.J.S. Internal Revenue §§ 559, 566–568.]

testamentary gift (tes-t<<schwa>>-men-t<<schwa>>-ree or -tree). A gift made in a will.

vested gift. An absolute gift, being neither conditional nor contingent, though its use or enjoyment might not occur until sometime in the future.

#### GIFT DEED

gift deed. See DEED.

#### GIFT ENTERPRISE

gift enterprise. 1. A scheme for the distribution of items by chance among those who have purchased shares in the scheme. [Cases: Lotteries 3. C.J.S. Lotteries §§ 2–7, 11.] 2. A merchant's scheme to increase sales without lowering prices by giving buyers tickets that carry a chance to win a prize. • Gift enterprises are regulated by state law. See LOTTERY.

#### GIFTING CIRCLE

gifting circle. See GIFTING CLUB.

#### GIFTING CLUB

gifting club. A type of pyramid scheme or Ponzi scheme in which recruits make “gifts” of money to other club members with the expectation that future recruits will make “gifts” to the present recruits. • Many gifting clubs limit membership to women. Club leaders usu. try to evade income-tax laws by claiming that the money paid in by a recruit is a tax-free “gift” to a club member and warning new recruits not to expect “gifts” in the future. Some states forbid gifting clubs as illegal pyramid schemes. Other states hold that the clubs are illegal lotteries. — Also termed gifting circle; sisterhood; birthday club. See PONZI SCHEME.

#### GIFT INTER VIVOS

gift inter vivos. See inter vivos gift under GIFT.

#### GIFT IN TRUST

gift in trust. See GIFT.

#### GIFT OVER

gift over. See GIFT.

#### GIFT-SPLITTING

gift-splitting. See split gift under GIFT.

#### GIFT-SPLITTING ELECTION

gift-splitting election. See split gift under GIFT.

#### GIFTS TO MINORS ACT

Gifts to Minors Act. See UNIFORM TRANSFERS TO MINORS ACT.

#### GIFT TAX

gift tax. See TAX.

#### GIFT-TAX EXCLUSION

gift-tax exclusion. See annual exclusion under EXCLUSION.

#### GILDA MERCATORIA

gilda mercatoria (gil-d<<schwa>> m<<schwa>>r-k<<schwa>>-tor-ee-<<schwa>>). [Law Latin] Hist. A mer-chant guild; an incorporated society of merchants having exclusive trading rights within a town.

#### GILOUR

gilour (gi-l<<schwa>>r). [Law French] Hist. A guiler; a person who cheats or deceives. • Gilour referred to a person who sold false goods, such as a person who sold pewter as silver.

## GILT-EDGED

gilt-edged,adj. (Of a security) having the highest rating for safety of investment; exceptionally safe as an investment.

## GINNIE MAE

Ginnie Mae (jin-ee may). See GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

## GIPSA

GIPSA.abbr. GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION.

## GIRTH

girth (g<<schwa>>rth). [Old English] 1. A measure of length, equal to a yard. • This term, which was used in Saxon and early English law, was taken from the circumference of a man's body. 2. The area surrounding a church. 3. A place of sanctuary. 4. A band or strap that encircles the body of an animal to fasten something (usu. a saddle) to its back.

## GISEMENT

gisement (jIs- orjIz-m<<schwa>>nt). [Law French] Archaic. See AGISTMENT.

## GISER

giser (jI-s<<schwa>>r), vb.[Law French] Hist. (Of an action) to lie; to be capable of being brought as a suit in court. • This verb, in its inflected form gist, appeared in such phrases as *ou assise ne gist point* (“when an assise does not lie”), *le action bien gist* (“the action well lies”), *gist en le bouche* (“it lies in the mouth”), and *cest action gist* (“this action lies”).

## GISETAKER

gisetaker (jIs- orjIz-tay-k<<schwa>>r).Archaic. See AGISTER.

## GIST

gist (jist).1. The ground or essence (of a legal action) <the gist of the crime>.2. The main point <she skimmed the brief to get the gist of it>. • This noun derives from the Law French verb *giser* “to lie.” See GISER.

## GIVE

give,vb.1. To voluntarily transfer (property) to another without compensation <Jack gave his daughter a car on her birthday>.2. To confer by a formal act <the First Amendment gives all citizens the right to free speech>.3. To present for another to consider <the witness gave compelling testimony before the jury>.4. (Of a jury) to impose or award by verdict <the jury gave the defendant the death penalty> <the jury gave the plaintiff \$1,000 in damages>.

## GIVE BAIL

give bail,vb. To post security for one's appearance in court <the court ordered the accused to give bail in the amount of \$10,000>. — Also termed post bail.

#### GIVE COLOR

give color,vb. Hist. To admit, either expressly or impliedly by silence, that an opponent's allegations appear to be meritorious. • In common-law pleading, a defendant's plea of confession and avoidance had to give color to the plaintiff's allegations in the complaint or the plea would be fatally defective. See COLOR(2).

#### GIVE, DEVISE, AND BEQUEATH

give, devise, and bequeath,vb. To transfer property by will <I give, devise, and bequeath all the rest, residue, and remainder of my estate to my beloved daughter Sarah>. • This wording has long been criticized as redundant. In modern usage, give ordinarily suffices. See BEQUEST.

#### GIVEN NAME

given name.See NAME.

#### GIVE WAY

give way,vb. Maritime law. (Of a vessel) to deviate from a course, or to slow down, in accordance with navigation rules, so that a second vessel may pass without altering its course. [Cases: Collision 29, 37. C.J.S. Collision §§ 4, 41, 43.]

#### GIVING IN PAYMENT

giving in payment.Civil law. The act of discharging a debt by giving something to the creditor (with the creditor's consent) other than what was originally called for. La. Civ. Code art. 2655. • The phrase is a translation of the French dation en paiement and derives from the Roman datio in solutum. See DATION EN PAIEMENT. Cf. ACCORD AND SATISFACTION.

#### GLADIUS

gladius (glay-dee-<<schwa>>s), n. [Latin “sword”] Roman law. The emblem of the emperor's power, esp. the power to punish criminals. See JUS GLADII.

#### GLAIVE

glaive (glayv).Hist. A sword, lance, or horseman's staff. • The glaive was one of the weapons allowed in a trial by combat.

#### GLAMOUR STOCK

glamour stock.See STOCK.

#### GLASS CEILING

glass ceiling.An actual or supposed upper limit of professional advancement, esp. for women, as a result of discriminatory practices. [Cases: Civil Rights 1164. C.J.S. Civil Rights §§ 35, 88.]

## GLASS-STEAGALL ACT

Glass-Steagall Act. A federal statute that protects bank depositors by restricting the securities-related business of commercial banks, specif. by prohibiting banks from owning brokerage firms or engaging in the brokerage business. 12 USCA § 378. — Also termed Banking Act of 1933.

## GLEBAE ASCRIPTITII

glebae ascriptitii. See ADSCRIPTI GLEBAE.

## GLEBE

glebe (gleeb). [fr. Latin gleba “clod of earth”] 1. Roman law. The soil of an inheritance; an agrarian estate. • Servi addicti glebae (“slaves bound to the land”) were serfs attached to and passing with the estate. 2. Eccles. law. Land possessed as part of the endowment or revenue of a church or ecclesiastical benefice.

“Diocesan glebe land forms the largest section of ecclesiastical conveyancing work by virtue of the large number of glebe properties which are held in each diocese. Such land is governed primarily by the Endowments and Glebe Measure 1976 ... , which in technical terms defines ‘glebe land’ as ‘land vested in the incumbent of a benefice (when the benefice is full) as part of the endowments of the benefice other than parsonage land’; and ‘diocesan glebe land’ as ‘glebe land acquired by a diocesan board of finance under any provision of this Measure and any other land acquired by such a board, being land which by virtue of, or of any enactment amended by, a provision of this Measure is to be held as part of the diocesan glebe land of the diocese.’” David Rees, *Ecclesiastical Conveyancing* 8 (1989).

## GLOBAL FUND

global fund. See MUTUAL FUND.

## GLOBE&lt;TT&gt; ELECTION

Globe election. Labor law. The procedure by which a group of employees is given the opportunity to decide whether to be represented as a distinct group or to be represented as a part of a larger, existing unit. *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937). — Also termed self-determination election.

## GLOS

glos (glos), n. [Latin] Roman law. One's husband's sister.

## GLOSS

gloss, n. 1. A note inserted between the lines or in the margin of a text to explain a difficult or obscure word in the text <this edition of Shakespeare's works is bolstered by its many glosses on Elizabethan English>. 2. A collection of explanations; a glossary <the hornbook's copious gloss>. 3. (usu. pl.) A pronouncement about meaning; an interpretation <the statutory language needs no gloss>.



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**GLOSSATORS**

glossators (glah-say-t<<schwa>>rz). (usu. cap.) A group of Italian juriconsults who, from the 11th to the 13th centuries, were primarily responsible for the revival of the study of Roman law. • They originally worked by glossing (that is, explaining in the margin) difficult or unclear passages, and gradually their writings blossomed into full-blown commentaries and discussions. See POSTGLOSSATORS.

**GLOUCESTER, STATUTE OF**

Gloucester, Statute of (glos-t<<schwa>>r).Hist. A statute that allowed a successful plaintiff to recover costs in addition to damages. • The statute was enacted in Gloucester.6 Edw. 1, ch. 1 (1278).

**GLOVE SILVER**

glove silver.Hist. Money given as an incentive or reward to a court officer, esp. money given by a sheriff to an assize official when no prisoners were left by the assize for execution. • The name derives from the practice of giving money to servants, ostensibly to buy gloves with.

**GM**

GM.abbr.Gebrauchsmuster. See UTILITY MODEL.

**GMI**

GMI.abbr.GUILTY BUT MENTALLY ILL.

**GMT**

GMT.abbr.GENETIC-MARKER TEST.

**GNMA**

GNMA.abbr.GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

**GNP**

GNP.abbr.GROSS NATIONAL PRODUCT.

**GO BAIL**

go bail,vb. Archaic. To act as a surety on a bail bond.

**GODBOTE**

Godbote. See BOTE(2).

**GOD-GILD**

God-gild.Hist. Money paid or something offered for the service of God; esp., a payment of money or a gift (for example, land) to a church. See FRANKALMOIN.

**GODPARENT**

godparent.Eccles. law. A person, usu. a close family friend or relative, who accepts a parent's invitation to assume part of the responsibility for the religious education of a newly baptized child. • Often, too, there is an un-derstanding that the godparent would help support and rear the child if the parents were to die or become inca-pacitated. The spiritual parent-child relationship creates a canonical impediment to marriage. — Also termed (more specifically) godmother; godfather; (in eccles. law) sponsor.

#### GOD'S PENNY

God's penny.Hist. Earnest money; a small sum paid on the striking of a bargain. — Also termed denarius Dei; earnest-penny; godpenny. See ARRA.

“It is among the merchants that the giving of earnest first ... becomes a form which binds both buyer and seller in a contract of sale. To all appearances this change was not accomplished without the intermediation of a religious idea. All over western Europe the earnest becomes known as the God's penny or Holy Ghost's penny (denarius Dei) ...” 2 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 208 (2d ed. 1899).

#### GO FORWARD

go forward,vb. To commence or carry on with the presentation of a case in court <after the lunch recess, the judge instructed the plaintiff to go forward with its case>.

#### GO HENCE WITHOUT DAY

go hence without day.(Of a defendant to a lawsuit) to be finished with legal proceedings without any further settings on the court's calendar. • Thus, a defendant who “goes hence without day” succeeds in getting a case finally resolved, usu. by dismissal. The phrase derives from the Law French phrase *aller sans jour*, and over time defendants came to use it to request that the case against them be dismissed without the necessity of a day in court. — Sometimes shortened to go without day; without day. See SINE DIE.

#### GOING-AND-COMING RULE

going-and-coming rule. 1. The principle that torts committed by an employee while commuting to or from work are generally outside the scope of employment. [Cases: Master and Servant 302.] 2. The principle that denies workers'-compensation benefits to an employee injured while commuting to or from work. [Cases: Workers' Compensation 719–755. C.J.S. Workmen's Compensation §§ 431–432, 435–447.]

#### GOING CONCERN

going concern.A commercial enterprise actively engaging in business with the expectation of indefinite conti-nuance. — Also termed going business.

#### GOING-CONCERN VALUE

going-concern value.See VALUE(2).

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**GOING PRICE**

going price,n. The prevailing or current market value of something. See fair market value under VALUE(2).

**GOING PRIVATE**

going private.The process of changing a public corporation into a close corporation by terminating the corporation's status with the SEC as a publicly held corporation and by having its outstanding publicly held shares acquired by a single shareholder or a small group. [Cases: Securities Regulation 60.23.]

**GOING PUBLIC**

going public.The process of a company's selling stock to the investing public for the first time (after filing a registration statement under applicable securities laws), thereby becoming a public corporation. [Cases: Securities Regulation 11.10–11.14. C.J.S. Securities Regulation §§ 8, 35–39, 45, 63.]

**GOING THROUGH THE BAR**

going through the bar.Hist. A daily process in which the court would ask all barristers present whether they had motions to present. • This practice, which ended in 1873, was conducted according to seniority, except for the last day of a term, when the junior barristers were asked first.

**GOING TO THE COUNTRY**

going to the country.Hist. The act of requesting a jury trial. • A defendant was said to be “going to the country” by concluding a pleading with the phrase “and of this he puts himself upon the country.” Similarly, a plaintiff would conclude a pleading with the phrase “and this the plaintiff prays may be enquired of by the country.” — Also termed go to the country. Cf. CONCLUSION TO THE COUNTRY.

**GOING VALUE**

going value.See going-concern value under VALUE(2).

**GOING WITNESS**

going witness.See WITNESS.

**GOLD BOND**

gold bond.See BOND(3).

**GOLD CLAUSE**

gold clause.A provision calling for payment in gold. • Gold clauses, which are now void, were once used in contracts, bonds, and mortgages.

**GOLDEN HANDCUFFS**

golden handcuffs. Remuneration set at such a high level that the employee earning it cannot leave the firm or company and receive commensurate pay elsewhere. • As a result, the employee often stays in the position even if it is otherwise unrewarding or unpleasant.

#### GOLDEN HANDSHAKE

golden handshake. A generous compensation package offered to an employee, usu. as an inducement to retire or upon dismissal.

#### GOLDEN PARACHUTE

golden parachute. An employment-contract provision that grants an upper-level executive lucrative severance benefits — including long-term salary guarantees or bonuses — if control of the company changes hands (as by a merger). Cf. TIN PARACHUTE. [Cases: Corporations 308(3). C.J.S. Corporations §§ 532–533, 536.]

“Key executives may be provided with significant employment contract clauses that are triggered only by a change in the firm's control through a sale, merger, acquisition, or takeover. These contract clauses are commonly termed golden parachutes, and they generally provide that if control over the employer's business occurs and the new management terminates the executive, additional compensation will be received.... Golden parachutes are useful in providing long-term incentives for executives to enter industries in which takeover chances are above average. Generally, golden parachutes do not violate public policy.” Kurt H. Decker & H. Thomas Felix II, *Drafting and Revising Employment Contracts* § 3.33, at 84 (1991).

#### GOLDEN RULE

golden rule. The principle that, in construing written instruments, a court should adhere to the grammatical and ordinary sense of the words unless that adherence would lead to some manifest absurdity; esp., in statutory construction, the principle that if a statute's literal meaning would lead to an absurd or unjust result, or even to an inconsistency within the statute itself, the statute should be interpreted in a way that avoids such a result or in-consistency. — Also termed Baron Parke's rule. Cf. ABSURDITY; MISCHIEF RULE ; PLAIN-MEANING RULE; EQUITY-OF-THE-STATUTE RULE. [Cases: Statutes 181(2), 189. C.J.S. Statutes §§ 318, 324.]

“[T]he ‘golden’ rule ... allows for a departure from the literal rule when the application of the statutory words in the ordinary sense would be repugnant to or inconsistent with some other provision in the statute or even when it would lead to what the court considers to be an absurdity. The usual consequence of applying the golden rule is that words which are in the statute are ignored or words which are not there are read in. The scope of the golden rule is debatable, particularly so far as the meaning of an ‘absurdity’ is concerned.” Rupert Cross, *Statutory Interpretation* 14 (1976).

#### GOLDEN-RULE ARGUMENT

golden-rule argument. A jury argument in which a lawyer asks the jurors to reach a verdict by imagining themselves or someone they care about in the place of the injured plaintiff or crime victim. • Because golden-rule arguments ask the jurors to become advocates for the plaintiff or

victim and to ignore their obligation to exercise calm and reasonable judgment, these arguments are widely condemned and are considered improper in most states. [Cases: Trial 125(1). C.J.S. Trial §§ 320, 323.]

#### GOLDSMITHS' NOTES

goldsmiths' notes.Hist. Bankers' cash notes; promissory notes given by bankers to customers as acknowledgments of the receipt of money. • This term derives from the London banking business, which originally was transacted by goldsmiths.

#### GOLD STANDARD

gold standard.A monetary system in which currency is convertible into its legal equivalent in gold or gold coin. • The United States adopted the gold standard in 1900 and abandoned it in 1934. Cf. PAPER STANDARD.

#### GOOD

good,adj.1. Sound or reliable <a good investment>.2. Valid, effectual, and enforceable; sufficient under the law <good title>.

good,n. See GOODS.

#### GOOD AND LAWFUL FENCE

good and lawful fence.See LAWFUL FENCE.

#### GOOD AND MERCHANTABLE ABSTRACT OF TITLE

good and merchantable abstract of title.See ABSTRACT OF TITLE.

#### GOOD AND VALUABLE CONSIDERATION

good and valuable consideration.See valuable consideration under CONSIDERATION(1).

#### GOOD AND WORKMANLIKE

good and workmanlike.(Of a product or service) characterized by quality craftsmanship; constructed or performed in a skillful way or method <the house was built in a good and workmanlike manner>.

#### GOOD BEHAVIOR

good behavior. 1. A standard by which judges are considered fit to continue their tenure. [Cases: Judges 7. C.J.S. Judges §§ 21–24, 27–29.] 2. Orderly conduct, which in the context of penal law allows a prisoner to reduce the time spent in prison. Cf. good time under TIME. [Cases: Prisons 15; Sentencing and Punishment 1966. C.J.S. Criminal Law §§ 1556, 1560–1562; Prisons and Rights of Prisoners § 153.]

#### GOOD CAUSE

good cause.See CAUSE(2).

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**GOOD CAUSE SHOWN**

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

**GOOD CONSIDERATION**

good consideration. See CONSIDERATION(1).

**GOOD DEED**

good deed. See DEED.

**GOOD DELIVERY**

good delivery. See DELIVERY.

**GOOD FAITH**

good faith, n. A state of mind consisting in (1) honesty in belief or purpose, (2) faithfulness to one's duty or obligation, (3) observance of reasonable commercial standards of fair dealing in a given trade or business, or (4) absence of intent to defraud or to seek unconscionable advantage. — Also termed *bona fides*. Cf. BAD FAITH. — good-faith, adj.

“The phrase ‘good faith’ is used in a variety of contexts, and its meaning varies somewhat with the context. Good faith performance or enforcement of a contract emphasizes faithfulness to an agreed common purpose and consistency with the justified expectations of the other party; it excludes a variety of types of conduct characterized as involving ‘bad faith’ because they violate community standards of decency, fairness or reasonableness. The appropriate remedy for a breach of the duty of good faith also varies with the circumstances.” Restatement (Second) of Contracts § 205 cmt. a (1979).

“[G]ood faith is an elusive idea, taking on different meanings and emphases as we move from one context to another — whether the particular context is supplied by the type of legal system (e.g., common law, civilian, or hybrid), the type of contract (e.g., commercial or consumer), or the nature of the subject matter of the contract (e.g., insurance, employment, sale of goods, financial services, and so on).” Roger Brownsword et al., “Good Faith in Contract,” in *Good Faith in Contract: Concept and Context* 1, 3 (Roger Brownsword ed., 1999).

**GOOD-FAITH BARGAINING**

good-faith bargaining. Labor law. Negotiations between an employer and a representative of employees, usu. a union, in which both parties meet and confer at reasonable times with open minds and with a view to reaching an agreement. • The National Labor Relations Act requires good-faith bargaining, and failure to bargain in good faith is considered an unfair labor practice. 29 USCA §§ 151–169. See UNFAIR LABOR PRACTICE. [Cases: Labor Relations 388.2.]

**GOOD-FAITH EXCEPTION**

good-faith exception. Criminal procedure. An exception to the exclusionary rule whereby evidence obtained under a warrant later found to be invalid (esp. because it is not supported by

probable cause) is nonetheless admissible if the police reasonably relied on the notion that the warrant was valid. • The good-faith exception was adopted by the Supreme Court in *United States v. Leon*, 468 U.S. 897, 104 S.Ct. 3405 (1984). [Cases: Criminal Law 394.4(6). C.J.S. Criminal Law §§ 782–785.]

#### GOOD-FAITH IMPROVER

good-faith improver. A person who makes improvements to real property while actually and reasonably believing himself or herself to be the owner or lawful occupant. • The improver may be entitled to recover the value of the improvements from the true owner or to remove them. See **IMPROVEMENT**.

#### GOOD-FAITH MARGIN

good-faith margin. See **MARGIN**.

#### GOOD-FAITH PURCHASER

good-faith purchaser. See bona fide purchaser under **PURCHASER**(1).

#### GOOD HEALTH

good health. Insurance. A state of reasonable healthiness; a state of health free from serious disease. • Good health, a phrase often appearing in life-insurance policies, does not mean perfect health. — Also termed sound health. [Cases: Insurance 1758, 3003(8). C.J.S. Insurance § 314.]

“As used in policies of insurance, there is no material difference between the terms ‘sound health’ and ‘good health,’ and generally it appears that the two terms are considered to be synonymous. Such expressions are comparative terms, and the rule followed generally is that the term ‘good health’ or ‘sound health,’ when used in an insurance contract, means that the applicant has no grave, important, or serious disease, and is free from any ailment that seriously affects the general soundness or healthfulness of his system.” 43 Am. Jur. 2d Insurance § 1061, at 1069 (1982).

#### GOOD JURY

good jury. See special jury under **JURY**.

#### GOOD MORAL CHARACTER

good moral character, n. 1. A pattern of behavior that is consistent with the community's current ethical standards and that shows an absence of deceit or morally reprehensible conduct. • An alien seeking to be naturalized must show good moral character in the five years preceding the petition for naturalization. [Cases: Aliens 62(5). C.J.S. Aliens §§ 287–292.] 2. A pattern of behavior conforming to a profession's ethical standards and showing an absence of moral turpitude. • Good moral character is usu. a requirement of persons applying to practice a profession such as law or medicine. [Cases: Licenses 20. C.J.S. Architects §§ 4, 7; Licenses §§ 39–41.]

#### GOOD OFFICES

good offices.Int'l law. The involvement of one or more countries or an international organization in a dispute between other countries with the aim of contributing to its settlement or at least easing relations between the disputing countries.

#### GOOD OF THE ORDER

good of the order.Parliamentary law. A time scheduled, usu. late in a meeting, for informal announcements, comments, and suggestions that do not seek the meeting's immediate action. — Also termed general good and welfare; open forum; open microphone.

#### GOODRIGHT

Goodright.Hist. A name sometimes used as a fictitious plaintiff in an ejectment action. • “John Doe” was used more frequently. — Also termed Goodtitle. Cf. JOHN DOE.

#### GOODS

goods. 1. Tangible or movable personal property other than money; esp., articles of trade or items of merchandise <goods and services>. • The sale of goods is governed by Article 2 of the UCC. [Cases: Sales 10. C.J.S. Sales §§ 12–16.] 2. Things that have value, whether tangible or not <the importance of social goods varies from society to society>.

“ ‘Goods' means all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (Article 8) and things in action. ‘Goods' also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (Section 2-107).” UCC § 2-105(1).

bulky goods.Goods that are obviously difficult to move because of their nature, their number, or their location.

capital goods.Goods (such as equipment and machinery) used for the production of other goods or services. — Also termed industrial goods.

consumer goods.Goods bought or used primarily for personal, family, or household purposes, and not for resale or for producing other goods. UCC § 9-102(a)(23). [Cases: Secured Transactions 15. C.J.S. Secured Transactions § 14.]

customers' goods.Insurance. Goods belonging to the customers of a casualty-insurance policyholder; goods held by a policyholder as a bailee.

distressed goods.Goods sold at unusually low prices or at a loss.

durable goods.Consumer goods that are designed to be used repeatedly over a long period, such as automobiles and personal computers. — Also termed durables; hard goods.

fungible goods (f<<schwa>>n-j<<schwa>>b<<schwa>>l). Goods that are interchangeable with one another; goods that, by nature or trade usage, are the equivalent of any other like unit, such as coffee or grain. UCC § 1-201(b)(18).



future goods.Goods that will come into being, such as those yet to be manufactured; goods that are not both existing and identified. • A purported present sale of future goods or any interest in them operates as a contract to sell. UCC § 2-105(2).

gray-market goods.See PARALLEL IMPORTS.

hard goods.See durable goods.

household goods.Goods that are used in connection with a home. • This term usu. arises when a warehouse claims a lien on what he or she asserts are “household” goods. According to the UCC, a warehouse may claim a lien on a depositor's furniture, furnishings, and personal effects that are used in a dwelling. UCC § 7-209(3)(b).

industrial goods.See capital goods.

mobile goods.Goods that are normally used in more than one jurisdiction (such as shipping containers and road-construction machinery) and that are held by the debtor as equipment or leased by the debtor to others. • Under previous drafts of the Uniform Commercial Code, the procedure for perfecting a security interest in mobile goods was generally defined by the law of the state where the debtor is located. The current UCC does not distinguish mobile goods.

nonconforming goods.Goods that fail to meet contractual specifications, allowing the buyer to reject the tender of the goods or to revoke their acceptance. UCC §§ 2-601, 2-608. See PERFECT-TENDER RULE. [Cases: Sales 119, 166(1). C.J.S. Sales §§ 176, 182, 194, 199–202.]

ordinary goods.Goods that are anything other than mobile goods, minerals, or goods covered by a certificate of title. • The current UCC does not distinguish between ordinary and mobile goods. [Cases: Secured Transactions 14. C.J.S. Secured Transactions § 13.]

prize goods.Goods captured at sea during wartime.

soft goods.Consumer goods (such as clothing) that are not durable goods.

#### GOOD SAMARITAN DOCTRINE

Good Samaritan doctrine (s<<schwa>>-mar-i-t<<schwa>>n).Torts. The principle that a person who is injured while attempting to aid another in imminent danger, and who then sues the one whose negligence created the danger, will not be charged with contributory negligence unless the rescue attempt is an unreasonable one or the rescuer acts unreasonably in performing the attempted rescue. Cf. EMERGENCY DOCTRINE; RESCUE DOCTRINE; LOST-CHANCE DOCTRINE. [Cases: Negligence 510(3). C.J.S. Negligence §§ 240, 317.]

#### GOOD-SAMARITAN LAW

good-samaritan law.A statute that exempts from liability a person (such as an off-duty physician) who voluntarily renders aid to another in imminent danger but negligently causes injury while rendering the aid. • Some form of good-samaritan legislation has been enacted in all 50 states and in the District of Columbia. — Also written Good Samaritan law. — Also termed

good-samaritan statute. Cf. GOOD SAMARITAN DOCTRINE. [Cases: Health 769; Negligence 284. C.J.S. Negligence § 87.]

“The so-called ‘Good Samaritan Statutes’ ... do not require aid to be given. They merely encourage doctors to stop and give aid to strangers in emergency situations by providing that no physician who in good faith renders such aid shall be liable in civil damages as a result of acts or omissions in rendering such aid. Some states have enacted statutes that require a person who is able to do so with no danger or peril to himself to come to the aid of another who is exposed to grave physical harm.” Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 661 (3d ed. 1982).

#### GOODS AND CHATTELS

goods and chattels (chat-<<schwa>>lz), n. Loosely, personal property of any kind; occasionally, tangible personal property only. — Also termed goods and effects; goods and merchandise.

#### GOOD-SOLDIER DEFENSE

good-soldier defense. An excuse theory based on the assertion that a defendant was following orders, esp. of a military or corporate superior. • The term is a derisive label rather than a valid defense. Following an order does not relieve a defendant of responsibility for wrongful acts unless there are circumstances that would amount to coercion.

#### GOOD TIME

good time. See TIME.

#### GOOD TITLE

good title. See TITLE(2).

#### GOODWILL

goodwill. A business's reputation, patronage, and other intangible assets that are considered when appraising the business, esp. for purchase; the ability to earn income in excess of the income that would be expected from the business viewed as a mere collection of assets. • Because an established business's trademark or servicemark is a symbol of goodwill, trademark infringement is a form of theft of goodwill. By the same token, when a trademark is assigned, the goodwill that it carries is also assigned. — Also written good will. Cf. going-concern value under VALUE(2). [Cases: Good Will 1–2.]

“[Goodwill] is only another name for reputation, credit, honesty, fair name, reliability.” Harry D. Nims, *The Law of Unfair Competition and Trade-Marks* 36 (1929).

“Good will is to be distinguished from that element of value referred to variously as going-concern value, going value, or going business. Although some courts have stated that the difference is merely technical and that it is unimportant to attempt to separate these intangibles, it is generally held that going-concern value is that which inheres in a plant of an established business.” 38 Am. Jur. 2d Good Will § 2, at 913 (1968).

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**GOOSE CASE**

goose case. See WHITEHORSE CASE.

**GOOSEHORN**

goosehorn, n. Slang. A bawdy house; a house of prostitution. See DISORDERLY HOUSE .

**GORE**

gore (gor), n. 1. Hist. A small, narrow slip of land. 2. A small (often triangular) piece of land, such as may be left between surveys that do not close. 3. In some New England states (such as Maine and Vermont), a county's subdivision that has little population and thus is not organized as a town.

**GOTHLAND SEA LAWS**

Gothland sea laws. See LAWS OF VISBY.

**GO TO PROTEST**

go to protest. (Of commercial paper) to be dishonored by nonpayment or nonacceptance <the draft will go to protest>. See DISHONOR(1); PROTEST(2).

**GO TO THE COUNTRY**

go to the country. See GOING TO THE COUNTRY.

**GOVERN**

govern, vb. (Of a precedent) to control a point in issue <the Smith case will govern the outcome of the appeal>.

**GOVERNING BODY**

governing body. 1. GOVERNMENT(2). 2. A group of (esp. corporate) officers or persons having ultimate control <the board of directors is the governing body of XYZ, Inc.>.

**GOVERNING DOCUMENT**

governing document. See DOCUMENT.

**GOVERNMENT**

government. 1. The structure of principles and rules determining how a state or organization is regulated. 2. The sovereign power in a nation or state. 3. An organization through which a body of people exercises political authority; the machinery by which sovereign power is expressed <the Canadian government>. • In this sense, the term refers collectively to the political organs of a country regardless of their function or level, and regardless of the subject matter they deal with. Cf. NATION; STATE.

central government. See federal government (1).

de facto government (di fak-toh). 1. A government that has taken over the regular government and exercises sovereignty over a nation. 2. An independent government established and exercised by a group of a country's inhabitants who have separated themselves from the parent state. — Also termed government de facto.

de jure government. A functioning government that is legally established. — Also termed government de jure.

federal government. 1. A national government that exercises some degree of control over smaller political units that have surrendered some degree of power in exchange for the right to participate in national political matters. — Also termed (in federal states) central government. 2. The U.S. government. — Also termed national government. [Cases: United States 1. C.J.S. United States §§ 2–3.]

government de facto. See de facto government.

government de jure. See de jure government.

local government. The government of a particular locality, such as a city or county; a governing body at a lower level than the state government. • The term includes a school district, fire district, transportation authority, and any other special-purpose district or authority. — Also termed municipal government. [Cases: Municipal Corporations 6. C.J.S. Municipal Corporations § 12.]

mixed government. A government containing a blend of forms, as in democracy and monarchy.

municipal government. See local government.

national government. 1. NATIONAL GOVERNMENT. 2. See federal government(2).

proprietary government. Hist. A government granted by the Crown to an individual, in the nature of a feudatory principality, with powers of legislation formerly belonging to the owner of a county palatine. Cf. COUNTY PALATINE.

provisional government. A government temporarily established to govern until a permanent one is organized to replace it.

republican government. A government in the republican form; specif., a government by representatives chosen by the people.

state government. The government of a state of the United States. [Cases: States 1. C.J.S. States §§ 2, 16.]

4. The executive branch of the U.S. government. 5. The prosecutors in a given criminal case <the government has objected to the introduction of that evidence>. 6. An academic course devoted to the study of government; political science <Bridges is enrolled in Government 101>.

GOVERNMENT AGENCY

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government agency. See AGENCY(3).

#### GOVERNMENT-AGENCY DEFENSE

government-agency defense. Torts. An affirmative defense that immunizes a contractor from liability upon proof that the contractor acted on the government's behalf as an agent or as a government officer. • This defense is extremely limited because of the difficulty of establishing the government-agent relationship. See *Yearsley v. W.A. Ross Constr. Co.*, 309 U.S. 18, 20–22, 60 S.Ct. 413, 414–15 (1940). Cf. GOVERNMENT-CONTRACTOR DEFENSE; CONTRACT-SPECIFICATION DEFENSE.

#### GOVERNMENT-AGENCY SECURITY

government-agency security. See government security under SECURITY.

#### GOVERNMENT AGENT

government agent. See AGENT(2).

#### GOVERNMENTAL ACT

governmental act. See GOVERNMENTAL FUNCTION.

#### GOVERNMENTAL ACTIVITY

governmental activity. See GOVERNMENTAL FUNCTION.

#### GOVERNMENTAL EMPLOYEE BENEFIT PLAN

governmental employee benefit plan. See governmental plan under EMPLOYEE BENEFIT PLAN.

#### GOVERNMENTAL ENTERPRISE

governmental enterprise. See ENTERPRISE.

#### GOVERNMENTAL FUNCTION

governmental function. Torts. A government agency's conduct that is expressly or impliedly mandated or authorized by constitution, statute, or other law and that is carried out for the benefit of the general public. • Generally, a governmental entity is immune from tort liability for governmental acts. — Also termed governmental act; governmental activity. See PUBLIC-FUNCTION TEST. Cf. PROPRIETARY FUNCTION. [Cases: Municipal Corporations 724.C.J.S. Municipal Corporations § 664.]

“[A]ctivities of police or firefighters, though tortious, are usually considered governmental in the sense that they involve the kind of power expected of the government, even if its exercise in the specific case is wrongful. The city is immune as to such activities for this reason. On the other hand, if the city operates a local electric or water company for which fees are charged, this looks very much like private enterprise and is usually considered pro-prietary.... The difficult distinction between governmental and proprietary functions is even more troubling where the city's conduct

combines both kinds of function at once. For example, operation of a sanitary sewer may be deemed governmental, but operation of a storm sewer may be deemed proprietary.” W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 131, at 1053–54 (5th ed. 1984).

#### GOVERNMENTAL-FUNCTION THEORY

governmental-function theory. Constitutional law. A principle by which private conduct is characterized as state action, esp. for due-process and equal-protection purposes, when a private party is exercising a public function. • Under this theory, for example, a political party (which is a private entity) cannot exclude voters from primary elections on the basis of race. — Also termed public-function rationale. [Cases: Civil Rights 1326(4, 7); Constitutional Law 213(4), 254(4). C.J.S. Civil Rights §§ 92–94; Constitutional Law §§ 705, 719, 954–958.]

#### GOVERNMENTAL IMMUNITY

governmental immunity. See sovereign immunity under IMMUNITY(1).

#### GOVERNMENTAL INSTRUMENTALITY

governmental instrumentality. A constitutionally or legislatively created agency that is immune from certain kinds of liability, as for taxes or punitive damages. [Cases: United States 53. C.J.S. United States §§ 83, 88–95.]

#### GOVERNMENTAL-INTEREST-ANALYSIS TECHNIQUE

governmental-interest-analysis technique. See INTEREST-ANALYSIS TECHNIQUE.

#### GOVERNMENTAL PLAN

governmental plan. See EMPLOYEE BENEFIT PLAN.

#### GOVERNMENTAL SECRET

governmental secret. See STATE SECRET.

#### GOVERNMENTAL TRUST

governmental trust. See TRUST.

#### GOVERNMENTAL UNIT

governmental unit. A subdivision, agency, department, county, parish, municipality, or other unit of the government of a country or a state. • The term includes an organization with a separate corporate existence only if the organization can legally issue debt obligations on which interest is exempt from income taxation under national law. UCC § 9-102(a)(45). [Cases: Municipal Corporations 6. C.J.S. Municipal Corporations § 12.]

#### GOVERNMENT-ANNUITY SOCIETY

government-annuity society. Hist. One of several organizations formed in England to enable the working class to provide for themselves by purchasing, on advantageous terms, a government annuity for life or for a term of years.

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**GOVERNMENT BOND**

government bond. See savings bond under BOND(3); government security under SECURITY.

**GOVERNMENT CONTRACT**

government contract. See CONTRACT.

**GOVERNMENT-CONTRACTOR DEFENSE**

government-contractor defense. An affirmative defense that immunizes a government contractor from civil liability under state law when the contractor complies with government specifications. • Immunization is extended when two conditions are satisfied: (1) the supplier warned the government about any dangers presented by the goods about which the supplier had knowledge but the government did not, and (2) the government itself is immune from liability under the Feres doctrine. Essentially, this federal common-law defense, which has been applied in cases of negligence, strict liability, and breach of warranty, extends sovereign immunity over the contractor. The leading case on this defense is *Boyle v. United Techs. Corp.*, 487 U.S. 500, 108 S.Ct. 2510 (1988). — Also termed Boyle defense; government-contract defense; government-contract-specification defense; (in military context) military-contract defense. See FERES DOCTRINE. Cf. GOVERNMENT-AGENCY DEFENSE. [Cases: Aviation 13; Products Liability 26. C.J.S. Aeronautics and Aerospace §§ 125–135; Products Liability §§ 44, 48.]

**GOVERNMENT-CONTRACT-SPECIFICATION DEFENSE**

government-contract-specification defense. See GOVERNMENT-CONTRACTOR DEFENSE.

**GOVERNMENT-CONTROLLED CORPORATION**

government-controlled corporation. See quasi-governmental agency under AGENCY (3).

**GOVERNMENT CORPORATION**

government corporation. See public corporation (3) under CORPORATION.

**GOVERNMENT DE FACTO**

government de facto. See de facto government under GOVERNMENT.

**GOVERNMENT DE JURE**

government de jure. See de jure government under GOVERNMENT.

**GOVERNMENT ENTERPRISE**

government enterprise. See governmental enterprise under ENTERPRISE.

**GOVERNMENT IMMUNITY**

government immunity. See sovereign immunity under IMMUNITY(1).

**GOVERNMENT-IN-EXILE**

government-in-exile. An individual or group of individuals residing in a foreign country while (1) claiming supreme authority over a country, (2) being recognized by the hosting country as the supreme authority over that other country, and (3) being organized to perform and actually performing some acts of state on behalf of the home country.

#### GOVERNMENT INSURANCE

government insurance. See INSURANCE.

#### GOVERNMENT LAND

government land. See public land under LAND.

#### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Government National Mortgage Association. A federally owned corporation in the U.S. Department of Housing and Urban Development responsible for guaranteeing mortgage-backed securities composed of FHA-insured or VA-guaranteed mortgage loans. • The Association purchases, on the secondary market, residential mortgages originated by local lenders; it then issues federally insured securities backed by these mortgages. — Abbr. GNMA. — Also termed Ginnie Mae. [Cases: United States 53(9).]

#### GOVERNMENT OF LAWS

government of laws. The doctrine that government must operate according to established, consistent legal principles and not according to the interests of those who happen to be in power at a given time; esp., the doctrine that judicial decisions must be based on the law, regardless of the character of the litigants or the personal predilections of the judge.

#### GOVERNMENT PLAN

government plan. See governmental plan under EMPLOYEE BENEFIT PLAN.

#### GOVERNMENT PRINTING OFFICE

Government Printing Office. An office in the legislative branch of the federal government responsible for printing and distributing congressional publications and publications of other agencies of the United States government. • The Office is supervised by the Congressional Joint Committee on Printing. It began operating in 1860. — Abbr. GPO.

#### GOVERNMENT SECRET

government secret. See STATE SECRET.

#### GOVERNMENT-SECURITIES INTERDEALER BROKER

government-securities interdealer broker. See BROKER.

#### GOVERNMENT SECURITY

government security. See SECURITY.



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**GOVERNMENT SURVEY**

government survey. See SURVEY.

**GOVERNMENT-SURVEY SYSTEM**

government-survey system. A land-description method that divides the United States into checks or tracts of ground, which are further broken down into smaller descriptions, such as metes and bounds.

**GOVERNMENT TORT**

government tort. See TORT.

**GOVERNOR**

governor. The chief executive official of a U.S. state. • Governors are elected and usu. serve a two- or four-year term. [Cases: States 41. C.J.S. States §§ 88–90, 130–131.]

**GO WITHOUT DAY**

go without day. See GO HENCE WITHOUT DAY.

**GPARM**

GPARM. See graduated-payment adjustable-rate mortgage under MORTGAGE.

**GPO**

GPO. abbr. GOVERNMENT PRINTING OFFICE.

**GRAB LAW**

grab law. The various means of debt collection involving remedies outside the scope of federal bankruptcy law, such as attachment and garnishment; aggressive collection practices. [Cases: Attachment 1; Garnishment 1. C.J.S. Attachment §§ 2–4, 7.]

**GRACE PERIOD**

grace period. 1. A period of extra time allowed for taking some required action (such as making payment) without incurring the usual penalty for being late. • Insurance policies typically provide for a grace period of 30 days beyond the premium's due date, during which the premium may be paid without the policy being canceled. And Article 9 of the UCC provides for a ten-day grace period, after the collateral is received, during which a purchase-money security interest must be perfected to have priority over any conflicting security interests. — Also termed days of grace; grace days. 2. Patents. The one-year interval allowed by the U.S. Patent Act between the time an invention is used in public, sold, offered for sale, or disclosed in a publication and the time the inventor applies for a patent. • Most countries follow the doctrine of absolute priority and do not allow a grace period. — Sometimes shortened to grace. Cf. STATUTORY BAR; absolute novelty under NOVELTY.

**GRADATIM**

gradatim (gr<<schwa>>-day-t<<schwa>>m), adv.[Latin] Roman law. Gradually; by successive degrees of relationship. • Gradatim refers to the step-by-step admission of successors when there is no heir next in line. See GRADUS(1).

#### GRADE

grade,n. Criminal law. An incremental step in the scale of punishments for offenses, based on a particular offense's seriousness <several grades of murder>. See DEGREE(2).

#### GRADED OFFENSE

graded offense.See OFFENSE(1).

#### GRADING

grading. The fixing of a criminal offense at a level of seriousness, such as first degree, second degree, or third degree (in reference to a felony), or Class A, Class B, or Class C (in reference to a misdemeanor). See DEGREE OF CRIME .

#### GRADUAL METHOD

gradual method.An intestate-inheritance scheme that gives priority to relatives who are nearest in degree of consanguinity. • This method dates back to the English Statute of Distributions (1670). Cf. PARENTELIC METHOD; UNIVERSAL INHERITANCE RULE.

#### GRADUATED LEASE

graduated lease.See LEASE.

#### GRADUATED-PAYMENT ADJUSTABLE-RATE MORTGAGE

graduated-payment adjustable-rate mortgage.See MORTGAGE.

#### GRADUATED-PAYMENT MORTGAGE

graduated-payment mortgage.See MORTGAGE.

#### GRADUATED TAX

graduated tax.See TAX.

#### GRADUS

gradus (gray-d<<schwa>>s), n. [Latin "step"] 1.Roman law. A step or degree in the familial relationship. • The term identified a position in the order of succession under a will. 2.Hist. A degree, rank, or grade; specif., the rank of a master-in-chancery or a serjeant-at-law.

#### GRAFFER

graffer (graf-<<schwa>>r).Hist. A notary or scrivener. — Also termed graffarius.

#### GRAFFIUM

graffium (graf-ee-<<schwa>>m).Hist. A register or cartulary of deeds and other documents

establishing title to property, esp. real property. — Also spelled grafium.

#### GRAFIO

grafio (gray-fee-oh). [Law Latin] Hist. 1. A baron; a viscount. • A grafio was inferior to a count. 2. A fiscal judge, responsible for collecting taxes and fines. • The term was chiefly used among early European nations.

#### GRAFT

graft, n. 1. The act of taking advantage of a position of trust to gain money or property dishonestly; esp., a public official's fraudulent acquisition of public funds. 2. Money or property gained illegally or unfairly.

#### GRAHAM FACTORS

Graham factors. Patents. A three-part test for determining obviousness under § 103 of the Patent Act of 1952, looking at (1) the scope and content of the prior art, (2) the differences between the prior art and the patent claims, and (3) the level of ordinary skill in the pertinent art. *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 86 S.Ct. 684 (1966). See NONOBVIOUSNESS. [Cases: Patents 16. C.J.S. Patents § 68.]

#### GRAINAGE

grainage. Hist. A duty consisting of one-twentieth of the salt imported by an alien into London.

#### GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION

Grain Inspection, Packers, and Stockyards Administration. An agency in the U.S. Department of Agriculture responsible for helping to market meat, cereals, and related agricultural products, and for promoting fair trade practices. — Abbr. GIPSA.

#### GRAIN RENT

grain rent. See crop rent under RENT(1).

#### GRAMMATICAL INTERPRETATION

grammatical interpretation. See INTERPRETATION.

#### GRANATARIUS

granatarius (gran-*<<schwa>>*-tair-ee-*<<schwa>>*s). [Law Latin] Hist. An officer in charge of a granary, esp. one in charge of a religious house's granary.

#### GRAND

grand, adj. Of or relating to a crime involving the theft of money or property valued more than a statutorily established amount, and therefore considered more serious than those involving a lesser amount *<grand theft>*. See grand larceny under LARCENY. Cf. PETTY. [Cases: Larceny 23. C.J.S. Larceny §§ 60(1, 2, 3), 61–65.]

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**GRAND ASSIZE**

grand assize. See ASSIZE(5).

**GRAND BILL OF SALE**

grand bill of sale. See BILL(7).

**GRAND CAPE**

grand cape. See cape magnum under CAPE.

**GRAND COUTUMIER DE PAYS ET DUCHÉ DE NORMANDIE**

grand coutumier de pays et duché de Normandie (gron koo-t[y]oo-myay d<<schwa>>pay ay d<<schwa>>-shay d<<schwa>> nor-man-dee). [French] Hist. A collection of the common or customary laws of the Duchy of Normandy. • The code was probably compiled in the 13th century, and it still remains the law of Jersey, except to the extent that it has been modified by later legislation and judicial decisions. See CLAMEUR DE HARO.

**GRAND DAY**

Grand Day. English law. 1. Hist. One of four holy days on which the courts are not in session. • Each of the four court terms had a Grand Day. The four Grand Days were Candlemas Day (February 2), Ascension Day (March 25), St. John the Baptist Day (June 24), and All Saints' Day (November 1). The Inns of Court and of Chancery ceremoniously observed each Grand Day. 2. A day in each term on which the Benchers of the Inns of Court host ceremonial dinners in their halls. See BENCHER. Cf. TERM(6).

**GRAND DISTRESS**

grand distress. See DISTRESS.

**GRANDFATHER**

grandfather, vb. To cover (a person) with the benefits of a grandfather clause <the statute sets the drinking age at 21 but grandfathers those who are 18 or older on the statute's effective date>.

**GRANDFATHER CLAUSE**

grandfather clause. 1. Hist. A clause in the constitutions of some Southern states exempting from suffrage re-strictions the descendants of men who voted before the Civil War. 2. A provision that creates an exemption from the law's effect for something that existed before the law's effective date; specif., a statutory or regulatory clause that exempts a class of persons or transactions because of circumstances existing before the new rule or regulation takes effect. [Cases: Statutes 228. C.J.S. Statutes §§ 370–372.] 3. In a government contract, a provision that immunizes the contractor against any changes in federal law that would otherwise adversely affect the contract. • For example, the government may promise to cover any increased costs that arise from a change in the law, even though the contractor would bear them for any other reason. 4. In a construction contract, a general and inclusive provision that makes a party responsible for dealing

with risks, whether expected or unexpected.

#### GRAND INQUEST

grand inquest. See INQUEST.

#### GRAND JUROR

grand juror. See JUROR.

#### GRAND JURY

grand jury. A body of (often 23) people who are chosen to sit permanently for at least a month — and sometimes a year — and who, in ex parte proceedings, decide whether to issue indictments. See Fed. R. Crim. P. 6. • If the grand jury decides that evidence is strong enough to hold a suspect for trial, it returns a bill of indictment (a true bill) charging the suspect with a specific crime. — Also termed accusing jury; presenting jury; jury of indictment. Cf. petit jury under JURY. [Cases: Grand Jury 1.]

“The grand jury serves — or may serve — two distinct functions. One is a screening function; the grand jury evaluates evidence supporting possible charges and returns an indictment only in those cases in which the evidence amounts to at least probable cause. The other is an investigational function; the grand jury sometimes develops information that is of value in determining whether grounds for a charge exist and — perhaps incidentally — in proving that charge at the defendant's later criminal trial.” Frank W. Miller et al., *Cases and Materials on Criminal Justice Administration* 546 (3d ed. 1986).

additional grand jury. See special grand jury.

investigative grand jury. A grand jury whose primary function is to examine possible crimes and develop evidence not currently available to the prosecution. — Also termed investigatory grand jury.

runaway grand jury. A grand jury that acts essentially in opposition to the prosecution, as by perversely failing to return an indictment that the prosecution has requested.

screening grand jury. A grand jury whose primary function is to decide whether to issue an indictment.

special grand jury. A grand jury specially summoned, usu. when the regular grand jury either has already been discharged or has not been drawn; a grand jury with limited authority. — Also termed additional grand jury; extraordinary grand jury. [Cases: Grand Jury 10.]

#### GRAND JURY CLAUSE

Grand Jury Clause. The clause of the Fifth Amendment to the U.S. Constitution requiring an indictment by a grand jury before a person can be tried for serious offenses.

#### GRAND-JURY WITNESS

grand-jury witness. See WITNESS.

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**GRAND LARCENY**

grand larceny. See LARCENY.

**GRANDPARENT APPLICATION**

grandparent application. See PATENT APPLICATION.

**GRANDPARENT RIGHTS**

grandparent rights. A grandfather's or grandmother's rights in seeking visitation with a grandchild. • By statute in most states, in certain circumstances a grandparent may seek court-ordered visitation with a grandchild. Typically these circumstances include the death of the grandparents' child (the child's parent) and the divorce of the child's parents. But the United States Supreme Court has held that the primary, constitutionally protected right of decision-making regarding association with a child lies with the child's parents. As a general rule, if the parent is a fit and proper guardian and objects to visitation, the parent's will prevails. *Troxel v. Granville*, 530 U.S. 57, 120 S.Ct. 2054 (2000).

**GRANDPARENT VISITATION**

grandparent visitation. See VISITATION.

**GRAND REMONSTRANCE**

Grand Remonstrance (ri-mon-str<<schwa>>nts). Hist. A protest document issued by the House of Commons in 1641, setting forth numerous political grievances against Charles I. • The document demanded three primary remedial measures: (1) improvements in the administration of justice, (2) appointment of trustworthy ministers, and (3) enforcement of the laws against Roman Catholics. It was the first major split between the Royalist and Parliamentary parties, and it led Charles to seek the arrest of the five members who pushed the document through Commons.

**GRAND SERJEANTY**

grand serjeanty. See SERJEANTY.

**GRAND SURVEY**

Grand Survey. See grand inquest (2) under INQUEST.

**GRANGE**

grange (graynj). 1. Hist. A farm furnished with all the necessities for husbandry, such as a barn, granary, and stables; esp., an outlying farm that belonged to a religious establishment or a feudal lord. 2. (cap.) A social, educational, and political organization, formally called the National Grange of the Patrons of Husbandry, that informs its members about agriculture-related legislation and proposals, and represents farm interests in lobbying government. • The Grange was formed in 1867 and soon became the foundation of the Granger Movement, a 19th-century political force that protested economic abuses that increased farmers' costs while forcing down prices for agricultural products. Movement followers (called Grangers) controlled several Midwest state

legislatures and passed Granger laws that set maximum rates for railroads, warehouses, and elevators. Railroads and other interested parties challenged the constitutionality of these laws in what have become known as the Granger Cases.

#### GRANGER CASES

Granger Cases (grayn-j<<schwa>>r). Six U.S. Supreme Court decisions that affirmed the government's right to regulate fees charged by common carriers, warehouses, and grain elevators. • The cases, decided in 1876, arose out of grangers' (i.e., farmers') frustration with the inflated prices they were paying to store and transport their agricultural products. Several state legislatures passed statutes regulating the rates. The affected businesses sued to have the statutes overturned on grounds that they violated the Commerce Clause and the Due Process Clause of the 14th Amendment. The Court rejected these claims, holding that the activities involved affected the public interest and were therefore subject to the government's regulatory authority. See GRANGE(2).

#### GRANT

grant,n.1. An agreement that creates a right of any description other than the one held by the grantor. • Examples include leases, easements, charges, patents, franchises, powers, and licenses. 2. The formal transfer of real prop-erty. [Cases: Deeds 3. C.J.S. Deeds §§ 1–8.] 3. The document by which a transfer is effected; esp., DEED. 4. The property or property right so transferred.

community grant.A grant of real property made by a government (or sometimes by an individual) for communal use, to be held in common with no right to sell. • A community grant may set out specific, communal uses for the property, such as for grazing animals or a playground. Cf. private grant.

escheat grant.A government's grant of escheated land to a new owner. — Also termed escheat patent.

imperfect grant. 1. A grant that requires the grantor to do something before the title passes to another. Cf. perfect grant. 2. A grant that does not convey all rights and complete title against both private persons and government, so that the granting person or political authority may later disavow the grant. See *Paschal v. Perex*, 7 Tex. 368 (1851).

inclusive grant.A deed or grant that describes the boundaries of the land conveyed and excepts certain parcels within those boundaries from the conveyance, usu. because those parcels of land are owned or claimed by others. — Also termed inclusive deed.

office grant.A grant made by a legal officer because the owner is either unwilling or unable to execute a deed to pass title, as in the case of a tax deed. See tax deed under DEED.

perfect grant.A grant for which the grantor has done everything required to pass a complete title, and the grantee has done everything required to receive and enjoy the property in fee. Cf. imperfect grant (1).

private grant. A grant of real property made to an individual for his or her private use, including the right to sell it. • Private grants made by a government are often found in the chains of title for land outside the original 13 states, esp. in former Spanish and Mexican possessions. Cf. community grant.

5.Int'l law. SUBSIDY(1).

grant, vb. 1. To give or confer (something), with or without compensation <the parents granted the car to their daughter on her 16th birthday>. 2. To formally transfer (real property) by deed or other writing <the Lewisons granted the townhouse to the Bufords>. [Cases: Deeds 3. C.J.S. Deeds §§ 1–8.] 3. To permit or agree to <the press secretary granted the reporter access to the Oval Office>. 4. To approve, warrant, or order (a request, motion, etc.) <the court granted the continuance>. 5.Int'l law. SUBSIDY(1).

#### GRANTBACK

grantback, n. A license-agreement provision requiring the licensee to assign or license back to the licensor any improvements that the licensee might make to a patent or other proprietary right. [Cases: Patents 213. C.J.S. Patents § 351.]

#### GRANT DEED

grant deed. See DEED.

#### GRANTEE

grantee. One to whom property is conveyed.

#### GRANTEE– GRANTOR INDEX

grantee–grantor index. See INDEX(1).

#### GRANT-IN-AID

grant-in-aid. 1. A sum of money given by a governmental agency to a person or institution for a specific purpose; esp., federal funding for a state public program. [Cases: United States 82(2).] 2.Hist. AID(1).

#### GRANTING CLAUSE

granting clause. The words that transfer an interest in a deed or other instrument, esp. an oil-and-gas lease. • In an oil-and-gas lease, the granting clause typically specifies the rights transferred, the uses permitted, and the substances covered by the lease. [Cases: Deeds 28–37; Mines and Minerals 73, 73.1. C.J.S. Deeds §§ 19, 34–38, 40–42, 44–53; Mines and Minerals §§ 233, 238, 240–246, 265, 291, 442.]

#### GRANT OF RIGHTS

grant of rights. Copyright. A copyright owner's prepublication assignment to the publisher of all rights in exchange for an advance on royalties or other payment.



## GRANTOR

grantor. 1. One who conveys property to another. [Cases: Deeds 10, 30. C.J.S. Deeds §§ 23, 44.] 2.SETTLOR(1).

## GRANTOR–GRANTEE INDEX

grantor–grantee index.See INDEX(1).

## GRANTOR-RETAINED ANNUITY TRUST

grantor-retained annuity trust.See TRUST.

## GRANTOR-RETAINED INCOME TRUST

grantor-retained income trust.See TRUST.

## GRANTOR-RETAINED UNITRUST

grantor-retained unitrust.See TRUST.

## GRANTOR'S LIEN

grantor's lien.See vendor's lien under LIEN.

## GRANTOR TRUST

grantor trust.See TRUST.

## GRANT TO USES

grant to uses.Hist. A conveyance of legal title to real property to one person for the benefit of another. • If, for example, A conveyed land to B and his heirs to the use of C and his heirs, B — the feoffee to uses — acquired seisin in and had possession of the land and was considered the legal owner. C — the cestui que use — was considered the equitable owner of the land and was entitled to the land's rents, profits, and benefits. Because the cestui que use did not have seisin in the land, he was not subject to feudal payments. From the 13th century forward, the grant to uses was an increasingly popular mode of conveyance. See CESTUI QUE USE; STATUTE OF USES; USE(4).

## GRASS HEARTH

grass hearth.Hist. A tenant's customary service, consisting of the tenant's bringing his plow to the lord's land and plowing it for one day.

## GRASSUM

grassum (gras-*<<schwa>>*m). [Law Latin] Scots law. 1. An additional lease payment made in anticipation of or in addition to rent. Pl. grassums.2.GRESSUME.

“Grassum; an anticipation of rent in a gross or lump sum .... In questions with singular successors there is no limitation of the power to take grassums, only the rent must not be thereby diminished so as to be altogether elusory. In regard, however, to lands under entail, the heir in

possession must administer the estate *secundum bonum et aequum*, taking no more of the annually accruing rents and profits than he leaves to descend to his successors. Hence, *grassums*, as being, in effect, anticipations of the future rents, to the prejudice of succeeding heirs, are held to be struck at by the prohibition against alienation." William Bell, *Bell's Dictionary and Digest of the Laws of Scotland* 492 (George Watson ed., 7th ed. 1890).

#### GRAT

GRAT.abbr.GRANTOR-RETAINED ANNUITY TRUST.

#### GRATIA CURIAE

*gratia curiae* (gray-shee-<<schwa>> kyoor-ee-ee or -I). [Latin] Favor of the court. Cf. RIGOR JURIS.

#### GRATIA MANDATARIII

*gratia mandatarii* (gray-shee-<<schwa>> man-d<<schwa>>-tair-ee-I). [Latin] Hist. For the sake of the mandatory. • The phrase appeared in reference to the irrevocability of a mandate given solely for the mandatory's benefit.

"*Gratia mandatarii* .... In the general case, a mandate, being for the benefit of the mandant, may be recalled by him at pleasure. Mandates, however, which are granted solely for the sake (or advantage) of the mandatory, such as the mandate contained in the registration clause of a deed, whereby the granter gives authority for its registration, are not revocable." John Trayner, *Trayner's Latin Maxims* 237 (4th ed. 1894).

#### GRATIFICATION

gratification.Archaic. A voluntarily given reward or recompense for a service or benefit; a gratuity.

#### GRATIS

gratis (grat-is or gray-tis), adj. Free; without compensation.

#### GRATIS DICTUM

gratis dictum.See DICTUM.

#### GRATUITOUS

gratuitous (gr<<schwa>>-tyoo-<<schwa>>-t<<schwa>>s), adj.1. Done or performed without obligation to do so; given without consideration in circumstances that do not otherwise impose a duty <gratuitous promise>. Cf. ONEROUS(3).2. Done unnecessarily <gratuitous obscenities>. — gratuity,n.

#### GRATUITOUS ALLOWANCE

gratuitous allowance.See ALLOWANCE(1).

#### GRATUITOUS ASSIGNEE

gratuitous assignee. See ASSIGNEE.

#### GRATUITOUS ASSIGNMENT

gratuitous assignment. See ASSIGNMENT(2).

#### GRATUITOUS BAILMENT

gratuitous bailment. See BAILMENT.

#### GRATUITOUS CONSIDERATION

gratuitous consideration. See CONSIDERATION(1).

#### GRATUITOUS CONTRACT

gratuitous contract. See CONTRACT.

#### GRATUITOUS DEED

gratuitous deed. See deed of gift under DEED.

#### GRATUITOUS DEPOSIT

gratuitous deposit. 1. See gratuitous bailment under BAILMENT. 2. DEPOSIT(5).

#### GRATUITOUS GIFT

gratuitous gift. See GIFT.

#### GRATUITOUS PROMISE

gratuitous promise. See PROMISE.

#### GRATUITOUS SURETY

gratuitous surety. See SURETY.

#### GRATUITOUS TRUST

gratuitous trust. See donative trust under TRUST.

#### GRATUITY

gratuity. See BOUNTY.

#### GRAVAMEN

gravamen (gr<<schwa>>-vay-m<<schwa>>n). The substantial point or essence of a claim, grievance, or com-plaint.

#### GRAVATIO

gravatio (gr<<schwa>>-vay-shee-oh). [Law Latin] Hist. An accusation or impeachment.

#### GRAVEYARD INSURANCE

graveyard insurance. See *wager policy* under INSURANCE POLICY.

#### GRAVITY

gravity. Seriousness of harm, an offense, etc., as judged from an objective, legal standpoint.

#### GRAYMAIL

graymail. A criminal defendant's threat to reveal classified information during the trial in the hope of forcing the government to drop the criminal charge. Cf. BLACKMAIL(1); GREENMAIL(1), (2); FEEMAIL.

#### GRAY MARKET

gray market. See MARKET.

#### GRAY-MARKET ADOPTION

gray-market adoption. See private adoption under ADOPTION.

#### GRAY-MARKET GOODS

#### GRAY MULE CASE

gray mule case. See WHITEHORSE CASE.

#### GREAT BODILY INJURY

great bodily injury. See serious bodily injury under INJURY.

#### GREAT CARE

great care. See CARE.

#### GREAT DILIGENCE

great diligence. See DILIGENCE.

#### GREAT FEE

great fee. See FEE(2).

#### GREAT INQUEST

Great Inquest. See grand inquest (2) under INQUEST.

#### GREAT LAKES RULE

Great Lakes rule. Maritime law. The statutory provision that an admiralty litigant is entitled to a jury trial in a contract or tort action if the lawsuit arises from the operation of a commercial vessel on the Great Lakes or the navigable waters connecting them. See 28 USCA § 1873. [Cases: Admiralty 80. C.J.S. Admiralty §§ 216–218.]

“The most important distinction between the law and admiralty ‘sides’ of federal court is that trial by jury is guaranteed for law claims through the Seventh Amendment, but where the case is

maintained as an admiralty claim the litigant has neither constitutional nor statutory right to a jury trial. The one exception is the 'Great Lakes Rule' ...." Frank L. Maraist, *Admiralty in a Nutshell* 338 (2d ed. 1988).

#### GREAT LAW, THE

Great Law, The.Hist. The first code of laws established in Pennsylvania. • The Great Law was passed by an assembly in 1682.

#### GREAT POND

great pond.In Maine and Massachusetts, a body of water larger than ten acres, and thus subject to public own-ership. — Also termed public pond. [Cases: Waters and Water Courses 113. C.J.S. Waters § 242.]

#### GREAT ROLLS OF THE EXCHEQUER

Great Rolls of the Exchequer.See PIPE ROLLS.

#### GREAT SEAL

great seal.See SEAL.

#### GREAT SURVEY

Great Survey.See grand inquest (2) under INQUEST.

#### GREAT TITHE

great tithe.See TITHE.

#### GREAT WATERS PROGRAM

Great Waters Program.A scheme created by Congress in 1990 to make the Environmental Protection Agency more directly responsible for protecting large bodies of fresh water and coastal waters from environmental harm caused by air pollution. Clean Air Act Amendments of 1990, 42 USCA § 7412(m).

#### GREAT WRIT

Great Writ.See HABEAS CORPUS.

#### GREE

gree (gree), n.[Law French] Hist. A satisfaction received by a party for an offense or injury against the party. See SATISFACTION(1).

"Gree comes of the French word gree, good liking: and it signifies in our law, contentment or satisfaction; as in the statute of 1 R. 2, c. 15, to make gree to the parties is to give them contentment or satisfaction for an offence done unto them." *Termes de la Ley* 247 (1st Am. ed. 1812).

#### GREENBACK

greenback,n. Slang. A legal-tender note of the United States; any note issued by a federal reserve bank. • The term was coined in 1862 when the backs of American paper currency were first printed in green ink.

#### GREEN CARD

green card.A registration card evidencing a resident alien's status as a permanent U.S. resident.

#### GREEN-CARD MARRIAGE

green-card marriage.See MARRIAGE(1).

#### GREEN CLOTH

Green Cloth.See BOARD OF GREEN CLOTH.

#### GREENFIELD SITE

greenfield site. 1. Land that has never been developed. • Such land is presumably uncontaminated. Cf. BROWNFIELD SITE. 2. Property acquired as an investment, esp. for establishing a new business.

#### GREEN GOODS

green goods.Slang. Counterfeit money.

#### GREENMAIL

greenmail. 1. The act or practice of buying enough stock in a company to threaten a hostile takeover and then selling the stock back to the corporation at an inflated price. 2. The money paid for stock in the corporation's buyback. Cf. BLACKMAIL(1); FEEMAIL; GRAYMAIL. 3. A shareholder's act of filing or threatening to file a derivative action and then seeking a disproportionate settlement.

#### GREEN PAPER ON COPYRIGHT AND THE CHALLENGE OF TECHNOLOGY

Green Paper on Copyright and the Challenge of Technology.Copyright. A 1988 European Commission publication that laid out a plan to harmonize the copyright laws of member nations, esp. laws relating to information technology. • The Green Paper was followed by a series of directives that mandated uniform policies regarding copyright and new technologies. — Usu. shortened to Green Paper.

#### GREEN RIVER ORDINANCE

Green River ordinance.A local licensing law that protects residents from unwanted peddlers and salespersons, typically by prohibiting door-to-door solicitations without prior consent. • The ordinance takes its name from Green River, Wyoming, which enacted the first such law in the early 20th century before others came into vogue during the 1930s and 1940s throughout the United States. [Cases: Hawkers and Peddlers 2.]

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**GREEN WAX**

green wax.(pl.) Hist. An Exchequer order (an estreat) directing a sheriff to collect the fines and amercements listed in the order. • The name derives from the color of the wax that the Exchequer used on the estreat to certify its authenticity. See ESTREAT(1).

**GREFFIER**

greffier (gref-ee-<<schwa>>r or gref-yay), n.[Law French] Hist. A registrar, esp. of a court; the court recordkeeper.

**GREGORIAN CALENDAR**

Gregorian calendar.See NEW STYLE.

**GREGORIAN CODE**

Gregorian Code.See CODEX GREGORIANUS.

**GREMIO JURIS, IN**

gremio juris, in.See IN GREMIO JURIS.

**GREMIO LEGIS, IN**

gremio legis, in.See IN GREMIO LEGIS.

**GRENVILLE ACT**

Grenville Act.Hist. A statute that transferred jurisdiction of parliamentary election petitions from the whole House of Commons to select committees. • The Act was passed in 1770 and repealed in 1828.

**G REORGANIZATION**

G reorganization.See REORGANIZATION(2).

**GRESHAM'S LAW**

Gresham's law.The principle that inferior products or practices tend to displace superior ones. • This economic principle is popularly attributed to Sir Thomas Gresham (1519–1579), even though earlier writers such as Oresme and Copernicus discussed it.

**GRESSUME**

gressume (gres-<<schwa>>m).Hist. A fine paid by a copyhold tenant upon the transfer of a copyhold estate, esp. upon the death of the lord. — Also spelled grasson; grassum; grosseme; gersum.

**GRETNA GREEN MARRIAGE**

Gretna Green marriage.See MARRIAGE(1).

**GREVE**

greve. See REEVE.

## GRIEVANCE

grievance, n. 1. An injury, injustice, or wrong that gives ground for a complaint <a petition for a redress of grievances>. 2. The complaint itself < the client filed a grievance with the state-bar committee>. 3. Labor law. A complaint that is filed by an employee or the employee's union representative and that usu. concerns working conditions, esp. an alleged violation of a collective-bargaining agreement. See grievance arbitration under AR-BITRATION; GRIEVANCE PROCEDURE. [Cases: Labor Relations 411. C.J.S. Labor Relations § 402.]

## GRIEVANCE ARBITRATION

grievance arbitration. See ARBITRATION.

## GRIEVANCE PROCEDURE

grievance procedure. Labor law. A process, consisting of several steps, for the resolution of an employee's complaint. • The first step usu. occurs at the shop level and is handled by a supervisor. If the grievance is not resolved at the first step, the grievance is appealed in successive steps that vary among collective-bargaining agreements. The final step of the procedure is grievance arbitration. See grievance arbitration under ARBI-TRATION; GRIEVANCE(3). [Cases: Labor Relations 451. C.J.S. Labor Relations §§ 459–460.]

## GRIEVANT

grievant, n. Labor law. An employee who files a grievance and submits it to the grievance procedure outlined in a collective-bargaining agreement.

## GRIEVE

grieve, vb. To contest under a grievance procedure <the union urged the employee to grieve the suspension>. — grievable, adj.

## GRIEVOUS BODILY HARM

grievous bodily harm. See serious bodily injury under INJURY.

## GRIFT

grift, vb. Slang. To obtain money illicitly by adroit use of a scam, confidence game, or other fraudulent means. — grifter, n.

## GRIT

GRIT. abbr. GRANTOR-RETAINED INCOME TRUST.

## GRM

GRM. abbr. GROSS-RENT MULTIPLIER.

## GROG-SHOP



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grog-shop. See DRAM SHOP.

**GROSS, EASEMENT IN**

gross, easement in. See easement in gross under EASEMENT.

**GROSS ADVENTURE**

gross adventure. See ADVENTURE.

**GROSS AVERAGE**

gross average. See general average under AVERAGE.

**GROSS CHARTER**

gross charter. See CHARTER(8).

**GROSS DAMAGES**

gross damages. See DAMAGES.

**GROSS EARNINGS**

gross earnings. See gross income under INCOME.

**GROSS ESTATE**

gross estate. See ESTATE(3).

**GROSS INCOME**

gross income. See INCOME.

**GROSS-INCOME MULTIPLIER**

gross-income multiplier. See GROSS-RENT MULTIPLIER.

**GROSS-INCOME TAX**

gross-income tax. See TAX.

**GROSS INTEREST**

gross interest. See INTEREST(3).

**GROSS LEASE**

gross lease. See LEASE.

**GROSSLY INADEQUATE CONSIDERATION**

grossly inadequate consideration. See CONSIDERATION(1).

**GROSS MISDEMEANOR**

gross misdemeanor. See MISDEMEANOR.

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**GROSS NATIONAL PRODUCT**

gross national product. The market value of all goods and services produced in a country within a year, used to measure a country's economic development and wealth. — Abbr. GNP.

**GROSS NEGLECT OF DUTY**

gross neglect of duty. See DESERTION.

**GROSS NEGLIGENCE**

gross negligence. See NEGLIGENCE.

**GROSSOME**

grossome. Hist. See GRESSUME.

**GROSS PREMIUM**

gross premium. See PREMIUM(1).

**GROSS PROFIT**

gross profit. See PROFIT(1).

**GROSS RECEIPTS**

gross receipts. Tax. The total amount of money or other consideration received by a business taxpayer for goods sold or services performed in a year, before deductions. IRC (26 USCA) § 448; 26 CFR § 1.448-1T(f)(2)(iv).

**GROSS-RECEIPTS TAX**

gross-receipts tax. See TAX.

**GROSS-RENT MULTIPLIER**

gross-rent multiplier. The ratio between the market value of rent-producing property and its annual gross rental income. • The gross-rent multiplier is used as a method to estimate a property's market value. — Abbr. GRM. — Also termed gross-income multiplier.

**GROSS SALES**

gross sales. See SALE.

**GROSS SPREAD**

gross spread. See SPREAD(4).

**GROSS UP**

gross up, vb. Slang. Tax. To add back to a decedent's gross estate the gift taxes paid by the decedent or the de-cedent's estate on gifts made by the decedent or the decedent's spouse during the three-year period preceding the decedent's death. IRC (26 USCA) § 2035. [Cases: Internal

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Revenue 4159(2). C.J.S. Internal Revenue § 514.]

**GROSS WEIGHT**

gross weight. See WEIGHT.

**GROUND**

ground, n. The reason or point that something (as a legal claim or argument) relies on for validity <grounds for divorce> <several grounds for appeal>.

ground, vb. 1. To provide a basis for (something, e.g., a legal claim or argument) <the decision was grounded on public policy>. 2. To base (something, e.g., a legal principle or judicial decision) on <the court grounded the decision on common law> <strict liability is grounded on public policy>.

**GROUNDAGE**

groundage (groun-dij), n. Hist. Maritime law. A tax or toll levied on a vessel lying in port; the tax or toll so paid.

**GROUND ANNUAL**

ground annual. 1. See ground rent (2) under RENT(1). 2. FEU DUTY.

**GROUND LANDLORD**

ground landlord. Hist. The grantor of an estate on which ground rent is reserved. See ground rent under RENT(1).

**GROUND-LAW**

ground-law. A fundamental law. See FUNDAMENTAL LAW.

“If the power of a sovereign or of a government is limited by a ground-law, written or unwritten, a treaty cannot override that constitution.” Theodore D. Woolsey, Introduction to the Study of International Law § 103, at 167 (5th ed. 1878).

**GROUND LEASE**

ground lease. See LEASE.

**GROUNDLESS**

groundless, adj. (Of a legal claim or argument) lacking reason or validity < groundless cause of action>. See FRIVOLOUS.

**GROUND OF ACTION**

ground of action. 1. See CAUSE OF ACTION(1). 2. See CAUSE OF ACTION(2).

**GROUND RENT**

ground rent. See RENT(1).

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**GROUND-RENT LEASE**

ground-rent lease. See ground lease under LEASE.

**GROUNDWATER**

groundwater. See WATER.

**GROUND WRIT**

ground writ. See WRIT.

**GROUP ANNUITY**

group annuity. See ANNUITY.

**GROUP ART UNIT**

group art unit. Patents. A U.S. Patent and Trademark Office division consisting of patent examiners who specialize in a particular invention's subject matter. [Cases: Patents 104. C.J.S. Patents §§ 145–147, 149–151, 173–175.]

**GROUP BOYCOTT**

group boycott. See BOYCOTT.

**GROUP DIRECTOR**

group director. Patents. The person responsible for directing the operations of an examining group within the U.S. Patent and Trademark Office.

**GROUPING-OF-CONTACTS THEORY**

grouping-of-contacts theory. See CENTER-OF-GRAVITY DOCTRINE.

**GROUP INSURANCE**

group insurance. See INSURANCE.

**GROUP LIBEL**

group libel. See LIBEL.

**GROUP LITIGATION**

group litigation. A set of lawsuits on behalf of or against numerous persons recognized as one litigating entity, such as a civil-rights group.

**GROUP POLICY**

group policy. See master policy under INSURANCE POLICY.

**GROWING CROPS**

growing crops. See CROPS.

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**GROWING-EQUITY MORTGAGE**

growing-equity mortgage. See MORTGAGE.

**GROWTH**

growth. The gain, increase, or expansion in value of securities or of a business.

**GROWTH COMPANY**

growth company. See COMPANY.

**GROWTH FUND**

growth fund. See MUTUAL FUND.

**GROWTH INDUSTRY**

growth industry. An industry or business segment that demonstrates steadily rising sales and earnings.

**GROWTH MANAGEMENT**

growth management. Land-use planning. The regulation of a community's rate of growth through ordinances that restrict the issuance of residential building permits. See ZONING. [Cases: Zoning and Planning 1, 86, 245. C.J.S. Zoning and Land Planning §§ 2, 5–7, 17–18, 101, 192.]

**GROWTH STOCK**

growth stock. See STOCK.

**GRUARIII**

gruarii (groo-air-ee-I), n. pl. Hist. The principal officers of a forest. See FOREST.

**GRUBSTAKE CONTRACT**

grubstake contract. See CONTRACT.

**GRUBSTAKING CONTRACT**

grubstaking contract. See grubstake contract under CONTRACT.

**GRUNDNORM**

grundnorm. See basic norm under NORM.

**GRUNDY TARIFF**

Grundy Tariff. See SMOOT–HAWLEY TARIFF ACT.

**GRUT**

GRUT. abbr. GRANTOR-RETAINED UNITRUST.

**GSA**

GSA.abbr.GENERAL SERVICES ADMINISTRATION.

GST SUPERTRUST

GST supertrust.See dynasty trust under TRUST.

GUARANTEE

guarantee (gar-<<schwa>>n-tee), n.1. The assurance that a contract or legal act will be duly carried out. 2.GUARANTY(1).

“In practice, guarantee, n., is the usual term, seen often, for example, in the context of consumer warranties or other assurances of quality or performance. Guaranty, in contrast, is now used primarily in financial and banking contexts in the sense ”a promise to answer for the debt of another. “ Guaranty is now rarely seen in nonlegal writing, whether in G.B. or in the U.S.” Bryan A. Garner, A Dictionary of Modern Legal Usage 394 (2d ed. 1995).

3. Something given or existing as security, such as to fulfill a future engagement or a condition subsequent. [Cases: Guaranty 29.] 4. One to whom a guaranty is made. — Also spelled guaranty.

guarantee,vb.1. To assume a suretyship obligation; to agree to answer for a debt or default. 2. To promise that a contract or legal act will be duly carried out. 3. To give security to.

GUARANTEE CLAUSE

guarantee clause. 1. A provision in a contract, deed, or mortgage by which one person promises to pay the obligation of another. [Cases: Mortgages 111. C.J.S. Mortgages § 74.] 2. (cap.) U.S. Const. art. IV, § 4, under which the federal government ensures for the states both a republican form of government and protection from invasion or internal insurrection.

GUARANTEED ANNUAL WAGE PLAN

guaranteed annual wage plan.Labor law. A wage-payment method in which the employer agrees either to pay employees a predetermined minimum sum each year or to provide a minimum number of hours of employment each year. • A wide variety of guaranteed annual wage plans are used. For example, an employer may agree to pay employees wages for each week in the year, even though work may not be available at certain times of the year. The purpose of such a plan is to provide a stable labor force year-round.

GUARANTEED BOND

guaranteed bond.See BOND(3).

GUARANTEED INVESTMENT CONTRACT

guaranteed investment contract.See INVESTMENT CONTRACT.

GUARANTEED-PURCHASE CONTRACT

guaranteed-purchase contract.See guaranteed-sale contract under CONTRACT.

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**GUARANTEED-SALE CONTRACT**

guaranteed-sale contract. See CONTRACT.

**GUARANTEED STOCK**

guaranteed stock. See STOCK.

**GUARANTEE STOCK**

guarantee stock. See STOCK.

**GUARANTEE TREATY**

guarantee treaty. See TREATY(1).

**GUARANTOR**

guarantor. One who makes a guaranty or gives security for a debt. • While a surety's liability begins with that of the principal, a guarantor's liability does not begin until the principal debtor is in default. Cf. SURETY. [Cases: Guaranty 29, 33.]

“A guarantor either guarantees payment or collection, depending on the words used. ‘Payment guaranteed’ or equivalent words added to a signature mean the signer will pay the instrument if it is not paid when due without a need for the holder to resort to another party. ‘Collection guaranteed’ means resort must first be had to others.” Fred H. Miller & Alvin C. Harrell, *The Law of Modern Payment Systems* § 5.02, at 195 (2003).

guarantor of collectibility. One who guarantees a debtor's solvency and is under a duty to pay only if the creditor is unable to collect from the principal debtor after exhausting all legal remedies, including demand, suit, judgment, and any supplementary proceedings. [Cases: Guaranty 33, 45, 77(2).]

guarantor of payment. One who guarantees payment of a negotiable instrument when it is due without the holder first seeking payment from another party. • A guarantor of payment is liable only if “payment guaranteed” or equivalent words are added to the guarantor's indorsement. [Cases: Guaranty 35, 45, 77.]

**GUARANTOR TRUST**

guarantor trust. See TRUST.

**GUARANTY**

guaranty (gar-*<<schwa>>*n-tee), n.1. A promise to answer for the payment of some debt, or the performance of some duty, in case of the failure of another who is liable in the first instance. • The term is most common in finance and banking contexts. While a warranty relates to things (not persons), is not collateral, and need not be in writing, a guaranty is an undertaking that a person will pay or do some act, is collateral to the duty of the primary obligor, and must be in writing. On the spelling of guaranty vs. guarantee, see the quotation at GUARANTEE(2). — Also termed guaranty contract. [Cases: Guaranty 1.]

“Both guaranty and warranty are undertakings by one party to another to indemnify the party assured against some possible default or defect. But a guaranty relates to the future, as a collateral promise designed to protect the promisee from loss in case another fails to perform his duty. A warranty relates to the present or past, and is an independent promise designed to protect the promisee from loss in the event that the facts warranted are not as the promisor states them to be when the contract is made. A warranty is broken as soon as it is made if the facts are not as represented, and is enforceable though oral; whereas a guaranty is not breached until a future default occurs, and is unenforceable unless in writing.” Laurence P. Simpson, *Handbook on the Law of Suretyship* 23 (1950).

“A transaction of guaranty involves at least three parties: a promisor, a creditor (the person to whom the promise is made), and a debtor — although at the time the promise is made, the person denominated the ‘creditor’ need not have extended the credit to the person denominated as the ‘debtor.’ The usual guaranty situation arises when the promisor makes a promise to the creditor either as to the solvency of the debtor or as to the payment of the debt.” 38 Am. Jur. 2d Guaranty § 1, at 996 (1968).

**absolute guaranty.** 1. An unqualified promise that the principal will pay or perform. 2. A guarantor’s contractual promise to perform some act for the creditor — such as paying money or delivering property — if the principal debtor defaults.

**conditional guaranty.**A guaranty that requires the performance of some condition by the creditor before the guarantor will become liable. [Cases: Guaranty 42.]

**contingent guaranty.**A guaranty in which the guarantor will not be liable unless a specified event occurs.

**continuing guaranty.**A guaranty that governs a course of dealing for an indefinite time or by a succession of credits. — Also termed open guaranty. [Cases: Guaranty 38.]

**general guaranty.** 1. A guaranty addressed to no specific person, so that anyone who acts on it can enforce it. 2. A guaranty for the principal’s default on obligations that the principal undertakes with anyone.

**guaranty of collection.**A guaranty that is conditioned on the creditor’s having first exhausted legal remedies against the principal debtor before suing the guarantor. See guarantor of collectibility under GUARANTOR.

**guaranty of payment.**A guaranty that is not conditioned on the creditor’s exhausting legal remedies against the principal debtor before suing the guarantor. See guarantor of payment under GUARANTOR.

**irrevocable guaranty** (i-rev-*schwa*-k*schwa*-b*schwa*l). A guaranty that cannot be terminated unless the other parties consent. [Cases: Guaranty 24.]

**limited guaranty.**An agreement to answer for a debt arising from a single transaction. — Also termed noncon-tinuing guaranty.



revocable guaranty. A guaranty that the guarantor may terminate without any other party's consent. [Cases: Guaranty 24.]

special guaranty. 1. A guaranty addressed to a particular person or group of persons, who are the only ones who can enforce it. [Cases: Guaranty 29, 32.] 2. A guaranty that names a definite person as obligee and that can be accepted only by the person named.

specific guaranty. A guaranty of a single debt or obligation.

2. GUARANTEE(1).

GUARANTY BOND

guaranty bond. See BOND(2).

GUARANTY COMPANY

guaranty company. See surety company under COMPANY.

GUARANTY CONTRACT

guaranty contract. See GUARANTY(1).

GUARANTY FUND

guaranty fund. See FUND(1).

GUARANTY INSURANCE

guaranty insurance. See INSURANCE.

GUARANTY LETTER OF CREDIT

guaranty letter of credit. See standby letter of credit under LETTER OF CREDIT.

GUARANTY STOCK

guaranty stock. See STOCK.

GUARANTY TREATY

guaranty treaty. See guarantee treaty under TREATY(1).

GUARD

guard. See DOORKEEPER.

GUARDAGE

guardage. Hist. 1. WARDSHIP. 2. GUARDIANSHIP.

GUARDHOUSE LAWYER

guardhouse lawyer. See JAILHOUSE LAWYER.

GUARDIAN

guardian,n.1. One who has the legal authority and duty to care for another's person or property, esp. because of the other's infancy, incapacity, or disability. • A guardian may be appointed either for all purposes or for a specific purpose. — Abbr. gdn. — Also termed custodian. See CONSERVATOR. Cf. WARD(1). [Cases: Guardian and Ward 1; Mental Health 101. C.J.S. Insane Persons §§ 108, 110, 143.]

chancery guardian (chan-s<<schwa>>r-ee). A guardian appointed by a court of chancery to manage both the person and the estate of the ward. [Cases: Guardian and Ward 10, 17, 36.]

domestic guardian.A guardian appointed in the state in which the ward is domiciled.

foreign guardian.A guardian appointed by a court in a state other than the one in which the ward is domiciled. • A foreign guardian cares for the ward's property that is located in the state of appointment. [Cases: Guardian and Ward 166; Mental Health 194.]

general guardian.A guardian who has general care and control of the ward's person and estate. [Cases: Guardian and Ward 29, 36; Mental Health 495. C.J.S. Insane Persons §§ 271–273.]

guardian ad litem (ad II-tem or- t<<schwa>>m). A guardian, usu. a lawyer, appointed by the court to appear in a lawsuit on behalf of an incompetent or minor party. — Abbr. GAL. — Also termed special advocate; special guardian; law guardian. Cf. NEXT FRIEND; attorney ad litem under ATTORNEY. [Cases: Infants 76, 205; Mental Health 485. C.J.S. Infants §§ 51–52, 62, 64–67, 222; Insane Persons § 264.]

“[I]t is necessary to determine whether the lawyer has been appointed as a guardian ad litem (GAL) charged with representing the child's best interests, or as an advocate, serving as counsel to the child .... From the distinction between guardian and advocate flow a series of important consequences, including such matters as whether the attorney may file motions and examine witnesses, whether the attorney may file a report with the court, and whether the attorney may testify. Moreover, in most jurisdictions a GAL has an absolute quasi-judicial immunity for lawsuits for negligence .... Although a non-lawyer cannot serve as counsel to the child, such an individual might be a GAL or ‘special advocate’ in some states. Courts have struggled to clarify these roles, and define how children's representatives may participate in different types of proceedings.” Homer H. Clark Jr. & Ann Laquer Estin, *Domestic Relations: Cases and Problems* 1078 (6th ed. 2000).

guardian by custom.Hist. A person who, under local custom, had the right to act as a minor's guardian.

guardian by election.A guardian chosen by a ward who would otherwise be without one. [Cases: Guardian and Ward 19.]

guardian by estoppel.See quasi-guardian.

guardian by nature.Hist. The parental guardian of an heir apparent who has not yet reached the age of 21. • Although the common law made the father the guardian by nature and the mother only after the father's death, most states have given both parents equal rights of guardianship over their children (see, e.g., N.Y. Dom. Rel. Law § 81). — Also termed natural guardian. [Cases:

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**Guardian and Ward** 4.]

guardian by nurture.Hist. The parental guardian of a child who is not the heir apparent, lasting until the child reaches the age of 14. — Also termed guardian for nurture.

“There are also guardians for nurture, which are, of course, the father or mother, till the infant attains the age of fourteen years and, in default of father or mother, the ordinary usually assigns some discreet persons to take care of the infant's personal estate, and to provide for his maintenance and education.” 1 William Blackstone, *Com-mentaries on the Laws of England* 449 (1765).

guardian by statute.See statutory guardian.

guardian de son tort (d<<schwa>> sawn [or son] tor[t]). See quasi-guardian.

guardian for nurture.See guardian by nurture.

guardian in chivalry.Hist. A guardian who, by virtue of knight's service, had custody of the body and lands of a male heir under 21 or a female heir under 14. • This type of guardian had no accountability for profits.

guardian in socage.New York law. A guardian for a child who has acquired lands by descent. • A guardian is usu. a relative who could not possibly inherit from the child. This type of guardianship applies to both the person and the property of the child and, historically, lasted only until the child was 14, when the child was allowed to select a guardian; now it lasts until the child reaches age 18 or is emancipated.

guardian of property.See guardian of the estate.

guardian of the estate.A guardian responsible for taking care of the property of someone who is incapable of caring for his or her own property because of infancy, incapacity, or disability. — Also termed guardian of property.

guardian of the person.A guardian responsible for taking care of someone who is incapable of caring for himself or herself because of infancy, incapacity, or disability.

law guardian.See guardian ad litem.

natural guardian. 1.Hist. The eldest son's father, until the son turned 21. 2. In the absence of statute, the father of a legitimate child until the child reaches the age of 21. • A father of illegitimate children may be appointed as their guardian upon the mother's death. 3. Most commonly and by statute, either the father or the mother of a minor child — each bearing the title simultaneously. • If one parent dies, the other is the natural guardian. [Cases: Parent and Child 1. C.J.S. Parent and Child §§ 1–12, 201.]

partial guardian.A guardian whose rights, duties, and powers are strictly limited to those specified in a court order.

quasi-guardian. A guardian who assumes that role without any authority. • Such a person may be made to account as guardian. — Also termed guardian by estoppel; guardian de son tort. [Cases:

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**Guardian and Ward** 7.]

special guardian. 1. A guardian who has special or limited powers over the ward's person or estate. • Examples are guardians who have custody of the estate but not of the person, those who have custody of the person but not of the estate, and guardians ad litem. — Also termed (in civil law) curator ad hoc. See CURATOR(2).2. See guardian ad litem. [Cases: Mental Health 495. C.J.S. Insane Persons §§ 271–273.]

standby guardian.A parent-designated guardian who is appointed to assume responsibility for a child at a future date if the child's parent becomes incapable of caring for the child but who does not divest the parent of custodial rights. • Several states have enacted statutes providing for a standby guardian in the case of a terminally ill single parent. A standby guardian assumes responsibility for a child during periods of the parent's incapacity and upon the parent's death.

statutory guardian.A guardian appointed by a court having special statutory jurisdiction. — Also termed guar-dian by statute.

successor guardian.An alternate guardian named in a parent's will against the possibility that the first nominee cannot or will not serve as guardian.

testamentary guardian.A guardian nominated by a parent's will for the person and property of a child until the latter reaches the age of majority.

2.Hist. A mesne lord who was entitled to treat an infant heir's lands for all practical purposes as the lord's own, enjoying fully their use and whatever profits they yielded. • At the end of the guardianship, when the heir reached majority, no accounting was owed by the mesne lord.

**GUARDIAN OF THE CINQUE PORTS**

guardian of the cinque ports.See WARDEN OF THE CINQUE PORTS.

**GUARDIAN OF THE POOR**

guardian of the poor.Hist. A person in charge of the relief and maintenance of the poor in a parish. • Guardians of the poor administered poor-relief funds raised under the Poor Relief Act of 1601. • The function is now performed by local authorities.

**GUARDIAN OF THE SPIRITUALITIES**

guardian of the spiritualities.Eccles. law. A person who exercises the spiritual and ecclesiastical jurisdiction of a diocese during a vacancy in the see or the absence of the bishop.

**GUARDIAN OF THE TEMPORALITIES**

guardian of the temporalities.Eccles. law. The person to whom custody of the secular possessions of a vacant see or abbey is committed by the Crown. • Temporalities (secular possessions) are the land, revenue, and tene-ments that archbishops and bishops have had annexed to their sees.

**GUARDIANSHIP**

guardianship. 1. The fiduciary relationship between a guardian and a ward or other incapacitated person, whereby the guardian assumes the power to make decisions about the ward's person or property. • A guardianship is almost always an involuntary procedure imposed by the state on the ward. Cf. CONSERVATOR; INTERDICTION(2). 2. The duties and responsibilities of a guardian. — Also termed GUARDAGE.

ancillary guardianship. A subservient and subsidiary guardianship in a state other than that in which guardianship is originally granted.

guardianship of the estate. A guardianship in which the guardian can make decisions only about matters regarding the ward's assets and property.

guardianship of the person. A guardianship in which the guardian is authorized to make all significant decisions affecting the ward's well-being, including the ward's physical custody, education, health, activities, personal relationships, and general welfare.

plenary guardianship. A guardianship in which the guardian can make decisions about both the ward's estate and the ward's person.

standby guardianship. A guardianship in which a parent designates a guardian to assume responsibility for a child at a future date, if the child's parent becomes incapable of caring for the child, but without divesting the parent of custodial rights.

#### GUBERNATOR NAVIS

gubernator navis (g[y]oo-b<<schwa>>r-nay-t<<schwa>>r nay-vis). [Latin "ship helmsman"] Roman law. The pilot or steersman of a ship. • The gubernator navis could be sued for damages if he negligently caused a collision.

#### GUERRILLA WARFARE

guerrilla warfare. See WARFARE.

#### GUEST

guest. 1. A person who is entertained or to whom hospitality is extended. 2. A person who pays for services at an establishment, esp. a hotel or restaurant. [Cases: Innkeepers 8. C.J.S. Inns, Hotels and Eating Places § 5.] 3. A nonpaying passenger in a motor vehicle. [Cases: Automobiles 181(2). C.J.S. Motor Vehicles §§ 792, 805–806, 808–809.]

business guest. Torts. See BUSINESS VISITOR.

social guest. Torts. A guest who is invited to enter or remain on another person's property primarily for private entertainment as opposed to entertainment open to the general public. See LICENSEE(2).

#### GUEST STATUTE

guest statute. A law that bars a nonpaying passenger in a noncommercial vehicle from suing the host-driver for damages resulting from the driver's ordinary negligence. • Though once

common, guest statutes remain in force in only a few states. — Also termed automobile-guest statute. Cf. FAMILY-PURPOSE RULE . [Cases: Automobiles 181. C.J.S. Motor Vehicles § 791.]

#### GUIDAGE

guidage.Hist. 1. A toll or fee for guiding a traveler through strange or dangerous territory. 2. The act of guiding a traveler through strange or dangerous territory.

#### GUILD

guild. 1. A group of persons sharing a common vocation who unite to regulate the affairs of their trade in order to protect and promote their common vocation; specif., a voluntary society or fraternity of persons employed in the same trade or craft, formed for the mutual benefit and protection of its members, who pay a fee (a geld or gild) for its general expenses. — Also termed trade guild. 2.Hist. A company or corporation.

#### GUILDHALL

guildhall.Hist. 1. The meeting place of a guild. — Also spelled gildhall. 2. The chief hall of a city, used for holding court and the meetings of the municipal corporation.

#### GUILD RENT

guild rent.See RENT(1).

#### GUILT

guilt,n. The fact or state of having committed a wrong, esp. a crime <the state's burden was to prove guilt beyond a reasonable doubt>. Cf. INNOCENCE.

#### GUILTLESS

guiltless,adj.1. Free from guilt; not having committed a wrong <guiltless of the crime>.2. Having the quality or appearance of innocence <even though she confessed, the defendant looked guiltless>.

#### GUILT PHASE

guilt phase.The part of a criminal trial during which the fact-finder determines whether the defendant committed a crime. Cf. PENALTY PHASE.

#### GUILTY

guilty,adj.1. Having committed a crime; responsible for a crime <guilty of armed robbery>. [Cases: Criminal Law 273. C.J.S. Criminal Law § 384.] 2. Responsible for a civil wrong, such as a tort or breach of contract <guilty of fraudulent misrepresentation>. — guiltily,adv.

guilty,n.1. A plea of a criminal defendant who does not contest the charges. 2. A jury verdict convicting the defendant of the crime charged.

#### GUILTY BUT MENTALLY ILL

guilty but mentally ill. A form of verdict in a criminal case whereby the jury rejects the defendant's insanity defense but still recommends psychiatric treatment because the defendant is mentally ill. — Abbr. GBMI; GMI. — Also termed guilty but insane; guilty of the act, but so insane as not to be responsible. See INSANITY DEFENSE. [Cases: Criminal Law 286.10.]

#### GUILTY MIND

guilty mind. See MENS REA.

#### GUILTY PLEA

guilty plea. See PLEA(1).

#### GUILTY VERDICT

guilty verdict. See VERDICT.

#### GUN-CONTROL LAW

gun-control law. A statute or ordinance that regulates the sale, possession, or use of firearms. • Gun-control laws vary widely among the states, and many cities have gun-control ordinances. Federal law restricts and regulates the illegal sale, possession, and use of firearms. 18 USCA §§ 921–930. See BRADY ACT. [Cases: Weapons 3. C.J.S. Weapons §§ 2–8.]

#### GUN-FREE SCHOOLS ACT

Gun-Free Schools Act. A federal law designed to eliminate weapons in schools. 20 USCA § 8921. • The Gun-Free Schools Act provides that each state receiving federal funds under the Act must require school districts to expel for one year any student found to have brought a weapon to school. The Act does, however, provide for a case-by-case modification of the expulsion requirement.

#### GUN-JUMPING

gun-jumping. Slang. The act of unlawfully soliciting the public's purchase of securities before the SEC approves a registration statement; the making of offers after the filing of a registration statement, but before its effective date, when such offers violate the Securities Act. — Also termed conditioning the market. See REGISTRATION STATEMENT.

#### GWALSTOW

gwalstow (gwawl-stoh). [fr. Old English gwal “gallows” + stow “place”] Hist. A place where criminals were executed.

#### GYNECOCRACY

gynecocracy (gI-n<<schwa>>-kok-r<<schwa>>-see also jin-<<schwa>> or jI-n<<schwa>>-). Government by women; a political state in which women are legally capable of the highest office. — Also spelled gynaeocracy.

#### GYVE

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gyve (jIv). (usu. pl.) Hist. A shackle for the leg.