

**K.**

K.abbr.Contract.

K/A

k/a.abbr.Known as.

**KALDOR-HICKS EFFICIENCY**

Kaldor-Hicks efficiency.See WEALTH MAXIMIZATION.

**KALENDAR**

kalendar.Archaic. See CALENDAR.

**KALENDARIUM**

kalendarium (kal-<<schwa>>n-dair-ee-<<schwa>>m). [Latin] Roman law. 1. A book of accounts in which a moneylender recorded the names of debtors and the principal and interest due. 2. A written register of births, recorded daily.

**KALENDS**

kalends. See CALENDS.

**KANGAROO COURT**

kangaroo court.See COURT.

**K.B.**

K.B.abbr.KING'S BENCH.

**K.C.**

K.C.abbr.KING'S COUNSEL.

**K.D.**

k.d.,adj. abbr.(In a bill of lading) knocked down; not assembled or set up. • When goods, equipment, or the like are shipped in disassembled form, the bill of lading is marked "k.d."

**KEELAGE**

keelage (keel-ij).Hist. 1. The right to the demand payment of a toll by a ship entering or anchoring in a harbor. 2. The toll so paid.

**KEELHAUL**

keelhaul (keel-hawl), vb.1.Hist. To drag (a person) through the water under the bottom of a ship as punishment or torture. 2. To rebuke or reprimand harshly.

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**KEELING SCHEDULE**

Keeling Schedule.English law. A device that shows how an existing statute will read if a proposed amendment is adopted. • A Keeling Schedule is usu. included as an appendix to the proposed amendment. The schedule is named for E.H. Keeling, a member of Parliament who began promoting the use of schedules in 1938 as a way to avoid amending legislation by reference. It is rarely used today.

**KEEPER**

keeper. One who has the care, custody, or management of something and who usu. is legally responsible for it <a dog's keeper> <a keeper of lost property>.

**KEEPER OF THE BRIEFS**

Keeper of the Briefs.See CUSTOS BREVIUM.

**KEEPER OF THE BROAD SEAL**

Keeper of the Broad Seal.See KEEPER OF THE GREAT SEAL.

**KEEPER OF THE GREAT SEAL**

Keeper of the Great Seal.In England and Scotland, an officer who has custody of the Great Seal and who authenticates state documents of the highest importance. • In England, the duties of the Keeper of the Great Seal are now discharged by the Lord Chancellor. — Also termed Lord Keeper of the Great Seal; Lord Keeper; Keeper of the Broad Seal; Custos Sigilli.

**KEEPER OF THE HANAPER**

Keeper of the Hanaper.Hist. The head of the receiving and accounting department in Chancery. • The hanaper office received collected fees on charters and letters granted under the Great Seal and fines for Chancery writs, paid Chancery staff wages, purchased office supplies, and accounted for the Chancery's revenues and expenses.

**KEEPER OF THE KING'S CONSCIENCE**

Keeper of the King's Conscience.See LORD CHANCELLOR.

**KEEPER OF THE PRIVY SEAL**

Keeper of the Privy Seal (priv-ee).1.LORD PRIVY SEAL. 2. In Scotland and Cornwall, an officer similar to the English Lord Privy Seal.

**KEEPER OF THE ROLLS**

Keeper of the Rolls.See CUSTOS ROTULORUM.

**KELLOGG–BRIAND PACT**

Kellogg–Briand Pact.Int'l law. A 1928 treaty under which the United States, France, and (by 1933) 63 other nations purported to outlaw war and pledged to settle future differences through

diplomacy. • Among the signatories were Germany, Japan, and Italy, nations whose acts of aggression led to World War II. 46 Stat. 2343, T.S. No. 796. — Also termed Pact of Paris.

#### KENNING TO A TERCE

kenning to a terce. Hist. Scots law. The sheriff's determination of which tracts or parts of a decedent's land belong to a widow; esp., a sheriff's assignment of dower.

#### KEOGH PLAN

Keogh plan (kee-oh). A tax-deferred retirement program developed for the self-employed. • This plan is also known as an H.R. 10 plan, after the House of Representatives bill that established the plan. — Also termed self-employed retirement plan. Cf. INDIVIDUAL RETIREMENT ACCOUNT. [Cases: Internal Revenue 4381; Pensions 28. C.J.S. Internal Revenue §§ 579–580, 582; Pensions and Retirement Plans and Benefits §§ 11–15; Social Security and Public Welfare § 33.]

#### KER–FRISBIE RULE

Ker–Frisbie rule. The principle that the government's power to try a criminal defendant is not impaired by the defendant's having been brought back illegally to the United States from a foreign country. *Ker v. Illinois*, 119 U.S. 436, 7 S.Ct. 225 (1886); *Frisbie v. Collins*, 342 U.S. 519, 72 S.Ct. 509 (1952).

#### KETUBAH

ketubah (ke-too-vah), n. A Jewish marriage contract.

#### KEYAGE

keyage (kee-<<schwa>>j). See QUAYAGE.

#### KEYCITE

KeyCite, vb. To determine the subsequent history of (a case, statute, etc.) by using the online citator of the same name to establish that the point being researched is still good law. — KeyCiting, n.

#### KEY-EMPLOYEE LIFE INSURANCE

key-employee life insurance. See LIFE INSURANCE.

#### KEY ENCRYPTION

key encryption. A software-cryptography system that generates and employs a secure key pair, one public key and one private key, to verify a digital signature and decipher a secure, coded document. • The public key is known to all possible receivers of a message. The private key is known only to the message's sender. Key encryption transforms the message's characters into an indecipherable “hash.” A person who has the signer's public key can decipher the message and detect whether it has been altered and whether it was transmitted using the sender's private key. It does not necessarily identify the sender; identity is verified using a digital certificate. — Also

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termed public-key encryption. See DIGITAL CERTIFICATE; HASH NUMBER.

#### KEY-EXECUTIVE INSURANCE

key-executive insurance. See key-employee insurance under INSURANCE.

#### KEY MAN

key man. See KEY PERSON.

#### KEY-MAN INSURANCE

key-man insurance. See key-employee insurance under INSURANCE.

#### KEY MONEY

key money. 1. Payment (as rent or security) required from a new tenant in exchange for a key to the leased property. [Cases: Landlord and Tenant 184(2). C.J.S. Landlord and Tenant §§ 473(2–5).] 2. Payment made (usu. secretly) by a prospective tenant to a landlord or current tenant to increase the chance of obtaining a lease in an area where there is a housing shortage. • Key money in the first sense is a legal transaction; key money in the second sense is usu. an illegal bribe that violates housing laws.

#### KEY-NUMBER SYSTEM

key-number system. A legal-research indexing system developed by West Publishing Company (now West) to catalogue American caselaw with headnotes. • In this system, a number designates a point of law, allowing a researcher to find all reported cases addressing a particular point by referring to its number.

#### KEY PERSON

key person. An important officer or employee; a person primarily responsible for a business's success. — Also termed key man.

#### KEY-PERSON INSURANCE

key-person insurance. See key-employee insurance under INSURANCE.

#### KICKBACK

kickback, n. A return of a portion of a monetary sum received, esp. as a result of coercion or a secret agreement <the contractor paid the city official a 5% kickback on the government contract>. — Also termed payoff. Cf. BRIBERY.

#### KICKER

kicker. 1. An extra charge or penalty, esp. a charge added to a loan in addition to interest. 2. An equity participation that a lender seeks as a condition for lending money, so that the lender may participate in rentals, profits, or extra interest.

#### KICKOUT CLAUSE

kickout clause. A contractual provision allowing a party to end or modify the contract if a specified event occurs <under the kickout clause, the company could refuse to sell the land if it were unable to complete its acquisition of the new headquarters>.

#### KIDDIE TAX

kiddie tax. See TAX.

#### KIDNAP

kidnap, vb. To seize and take away (a person) by force or fraud, often with a demand for ransom.

#### KIDNAPPING

kidnapping. 1. At common law, the crime of forcibly abducting a person from his or her own country and sending the person to another. • This offense amounted to false imprisonment aggravated by moving the victim to another country. 2. The crime of seizing and taking away a person by force or fraud. — Also termed simple kidnapping; (loosely) abduction; (archaically) manstealing. See ABDUCTION. [Cases: Kidnapping 1. C.J.S. Kidnapping §§ 1–2.]

“At early common law, kidnapping required a forcible asportation of the victim to another country. Under modern statutes, the asportation need not be this extensive.” Arnold H. Loewy, *Criminal Law in a Nutshell* 64 (2d ed. 1987).

aggravated kidnapping. Kidnapping accompanied by some aggravating factor (such as a demand for ransom or injury of the victim).

child-kidnapping. The kidnapping of a minor, often without the element of force or fraud (as when someone walks off with another's baby). — Also termed child-stealing; baby-snatching; childnapping.

kidnapping for ransom. The offense of unlawfully seizing a person and then confining the person, usu. in a secret place, while attempting to extort ransom. • This grave crime is sometimes made a capital offense. In addition to the abductor, a person who acts as a go-between to collect the ransom is generally considered guilty of the crime.

parental kidnapping. The kidnapping of a child by one parent in violation of the other parent's custody or visitation rights. See PARENTAL KIDNAPPING PREVENTION ACT.

simple kidnapping. Kidnapping not accompanied by an aggravating factor.

#### KILL

kill, vb. To end life; to cause physical death. • The word is also used figuratively in putting an end to something <opponents were able to kill the proposed amendment>.

#### KILLER AMENDMENT

killer amendment. See AMENDMENT(3).

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**KILLING BY MISADVENTURE**

killing by misadventure. See ACCIDENTAL KILLING.

**KILLING WITH MALICE**

killing with malice. See MALICIOUS KILLING.

**KIN**

kin, n. 1. One's relatives; family. — Also termed kindred. [Cases: Descent and Distribution 20–43; Wills 508. C.J.S. Descent and Distribution §§ 23–49; Wills § 921.] 2. A relative by blood, marriage, or adoption, though usu. by blood only; a kinsman or kinswoman.

**KINBOTE**

kinbote. See manbote under BOTE(2).

**KIND ARBITRAGE**

kind arbitrage. See ARBITRAGE.

**KINDLIE**

kindlie (kInd-lee). Scots law. A tenant's right to a lease's renewal.

**KINDRED**

kindred. 1. KIN. 2. KINSHIP.

**KING**

King. English law. The British government; the Crown.

“In modern times it has become usual to speak of the Crown rather than of the King, when we refer to the King in his public capacity as a body politic. We speak of the property of the Crown, when we mean the property which the King holds in right of his Crown. So we speak of the debts due by the Crown, of legal proceedings by and against the Crown, and so on. The usage is one of great convenience, because it avoids a difficulty which is inherent in all speech and thought concerning corporations sole, the difficulty, namely, of distinguishing adequately between the body politic and the human being by whom it is represented and whose name it bears.” John Salmond, *Jurisprudence* 341–42 (Glanville L. Williams ed., 10th ed. 1947).

**KING'S ADVOCATE**

King's advocate. See LORD ADVOCATE.

**KING'S BENCH**

King's Bench. Historically, the highest common-law court in England, presided over by the reigning monarch. • When a queen begins to reign, the name automatically changes to Queen's Bench. In 1873, during Queen Victoria's reign, the court's jurisdiction was transferred to the Queen's Bench Division of the High Court of Justice. — Abbr. K.B. — Also termed Court of

King's Bench; Coram Rege Court. Cf. QUEEN'S BENCH; QUEEN'S BENCH DIVISION.

“The court of King's Bench is the highest court of ordinary justice in criminal cases within the realm, and paramount to the authority of justices of gaol delivery, and commissions of oyer and terminer. It has jurisdiction over all criminal causes, from high treason down to the most trivial misdemeanor or breach of the peace.” 1 Joseph Chitty, *A Practical Treatise on the Criminal Law* 156 (2d ed. 1826).

#### KING'S CHAMBERS

King's Chambers. In the United Kingdom, waters lying within an imaginary line drawn from headland to headland around the coast of Great Britain.

#### KING'S COUNSEL

King's Counsel. In the United Kingdom, Canada, and territories that have retained the rank, an elite, senior-level barrister or advocate. • Originally, a King's Counsel was appointed to serve as counsel to the reigning monarch. — Abbr. K.C. — Also termed senior counsel. Cf. QUEEN'S COUNSEL .

#### KING'S COURT

King's Court. See CURIA REGIS.

#### KING'S EVIDENCE

King's evidence. See Queen's evidence under EVIDENCE.

#### KING'S GREAT SESSIONS IN WALES

King's Great Sessions in Wales. See COURT OF GREAT SESSIONS IN WALES.

#### KING'S PEACE

King's peace. Hist. A royal subject's right to be protected from crime (to “have peace”) in certain areas subject to the king's immediate control, such as the king's palace or highway. • A breach of the peace in one of these areas subjected the offender to punishment in the king's court. Over time, the area subject to the king's peace grew, which in turn increased the jurisdiction of the royal courts. — Also written King's Peace. Cf. AGAINST THE PEACE AND DIGNITY OF THE STATE .

“A breach of the King's Peace was at one time the most comprehensive of all offences against the Crown; it indeed included, and still includes, all the more serious crimes. At one time, in fact, every indictment charged the accused with an offence ‘against the peace of our Sovereign Lord the King’; and, though this form is no longer employed, that is mainly because the imperative duty of not disturbing the King's Peace has by now evolved into an elaborate system of Criminal Law.” Edward Jenks, *The Book of English Law* 134 (P.B. Fairest ed., 6th ed. 1967).

#### KING'S PROCTOR

King's proctor. See QUEEN'S PROCTOR.

## KING'S SILVER

King's silver.Hist. Money paid in the Court of Common Pleas for a license to levy a feudal fine; an amount due on granting a *congé d'accorder* in levying a fine of lands. • It amounted to three-twentieths of the supposed annual value of the land, or ten shillings for every five marks of land. — Also termed *post-fine*. See *CONGÉ D'ACCORDER*; *FINE*(1).

## KINSHIP

kinship. Relationship by blood, marriage, or adoption. — Also termed *kindred*.

## KINSMAN

kinsman. See *RELATIVE*.

## KINTAL

kintal. See *QUINTAL*.

## KISSING THE BOOK

kissing the Book.Hist. The practice of touching one's lips to a copy of the Bible (esp. the New Testament) after taking an oath in court. • This practice — formerly used in England — was replaced by the practice of placing one's hand on the Bible while swearing.

## KITCHEN CABINET

kitchen cabinet.See *CABINET*.

## KITING

kiting. 1.CHECK-KITING. 2.Commercial law. Slang. Raising money on credit, often by using accommodation paper.

## KLAXON DOCTRINE

Klaxon doctrine (*klak-s<<schwa>>n*).Conflict of laws. The principle that a federal court exercising diversity jurisdiction must apply the choice-of-law rules of the state where the court sits. • In *Klaxon Co. v. Stentor Elec. Mfg. Co.*, the Supreme Court extended the rule of *Erie v. Tompkins* to choice-of-law issues. 313 U.S. 487, 61 S.Ct. 1020 (1941). — Also termed *Erie/Klaxon doctrine*. See *ERIE DOCTRINE*. [Cases: Federal Courts 409.1. C.J.S. Conflict of Laws § 101.]

## KLEPTOMANIA

kleptomania (*klep-t<<schwa>>-may-nee-<<schwa>>*), n. A compulsive urge to steal, esp. without economic motive. — *kleptomaniac*,n. & adj.

## KNIGHT

knight. 1.Hist. In the Middle Ages, a person of noble birth who, having been trained in arms and chivalry, was bound to follow an earl, baron, or other superior lord into battle. 2. In modern



Britain, a man upon whom the monarch has bestowed an honorary dignity (kighthood) as a reward for personal merit of some kind. • The status of kighthood no longer relates to birth or possessions and does not involve military service.

#### KNIGHT BACHELOR

knight bachelor. See BACHELOR(3).

#### KNIGHT OF THE POST

knight of the post. Hist. A hired perjurer.

#### KNIGHT-SERVICE

knight-service. Hist. A type of lay tenure in which a knight held land of another person or the Crown in exchange for a pledge of military service. — Also termed knight's service; (Scots law) ward holding. Cf. BASE SERVICE; SOCAGE; VILLEINAGE.

“By far the greater part of England is held of the king by knight's service (per servitium militare): it is comparatively rare for the king's tenants in chief to hold by any of the other tenures. In order to understand this tenure we must form the conception of a unit of military service. That unit seems to be the service of one knight or fully armed horseman (servitium unius militis) to be done to the king in his army for forty days in the year, if it be called for.” 1 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 254 (2d ed. 1898).

#### KNIGHT'S FEE

knight's fee. Hist. The amount of land that gave rise to the obligation of knight-service. • The amount varied from less than a hide to more than six hides. See HIDE.

#### KNIGHT'S SERVICE

knight's service. See KNIGHT-SERVICE.

#### KNOCK-AND-ANNOUNCE RULE

knock-and-announce rule. Criminal procedure. The requirement that the police knock at the door and announce their identity, authority, and purpose before entering a residence to execute an arrest or search warrant. — Also termed knock-and-notice rule. Cf. no-knock search warrant under SEARCH WARRANT; no-knock search under SEARCH. [Cases: Searches and Seizures 54, 143.1. C.J.S. Searches and Seizures §§ 64–65, 195–201.]

#### KNOCK-FOR-KNOCK AGREEMENT

knock-for-knock agreement. An arrangement between insurers whereby each will pay the claim of its insured without claiming against the other party's insurance.

#### KNOCK IN

knock in, vb. To rap on the courtroom door to announce the entry of (one or more judges)

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<the law clerk, acting as bailiff, knocked in the judges>.

#### KNOCK OFF

knock off,vb.1. To make an unauthorized copy of (another's product), usu. for sale at a substantially lower price than the original <the infringer knocked off popular dress designs>.2.Slang. To murder <the gang leader was knocked off by one of his lieutenants>.3.Slang. To rob or burglarize <the thieves knocked off the jewelry store in broad daylight>.

#### KNOCKOFF

knockoff,n. Intellectual property. An unauthorized counterfeit and usu. inferior copy of another's product, esp. one protected by patent, trademark, trade dress, or copyright, usu. passed off at a substantially lower price than the original.

#### KNOCK-OUT AUCTION

knock-out auction.See AUCTION.

#### KNOW ALL MEN BY THESE PRESENTS

know all men by these presents.Take note. • This archaic form of address — a loan translation of the Latin *noverint universi per praesentes* — was traditionally used to begin certain legal documents such as bonds and powers of attorney, but in modern drafting style the phrase is generally considered deadwood. See *NOVERINT UNIVERSI PER PRAESENTES*. Cf. *PATEAT UNIVERSIS PER PRAESENTES* .

#### KNOW-HOW

know-how. The information, practical knowledge, techniques, and skill required to achieve some practical end, esp. in industry or technology. • Know-how is considered intangible property in which rights may be bought and sold. See *TRADE SECRET*.

#### KNOWING

knowing,adj.1. Having or showing awareness or understanding; well-informed <a knowing waiver of the right to counsel>.2. Deliberate; conscious <a knowing attempt to commit fraud>. — knowingly,adv.

#### KNOWING CONSENT

knowing consent.See informed consent under *CONSENT*(1).

#### KNOWLEDGE

knowledge. 1. An awareness or understanding of a fact or circumstance; a state of mind in which a person has no substantial doubt about the existence of a fact. Cf. *INTENT*(1); *NOTICE*(1), (2); *SCIENTER*.

“It is necessary ... to distinguish between producing a result intentionally and producing it knowingly. Intention and knowledge commonly go together, for he who intends a result usually

knows that it will follow, and he who knows the consequences of his act usually intends them. But there may be intention without knowledge, the consequence being desired but not foreknown as certain or even probable. Conversely, there may be knowledge without intention, the consequence being foreknown as the inevitable concomitant of that which is desired, but being itself an object of repugnance rather than desire, and therefore not intended. When King David ordered Uriah the Hittite to be set in the forefront of the hottest battle, he intended the death of Uriah only, yet he knew for a certainty that many others of his men would fall at the same time and place.” John Salmond, *Jurisprudence* 380–81 (Glanville L. Williams ed., 10th ed. 1947).

“ ‘Knowingly’ or ‘knowledge’ has a broad sweep when used in connection with the element of a crime, and an untrue representation has been ‘knowingly’ made if by one who knows it is untrue, believes it is untrue or is quite aware that he has not the slightest notion whether it is true or not.” Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 379 (3d ed. 1982).

“[B]ecause there are several areas of the criminal law in which there may be good reason for distinguishing between one's objectives and [one's] knowledge, the modern approach is to define separately the mental states of knowledge and intent .... This is the approach taken in the Model Penal Code [§ 2.02(2)(a) & (b)].” Wayne R. LaFave & Austin W. Scott Jr., *Criminal Law* 218 (2d ed. 1986).

actual knowledge. 1. Direct and clear knowledge, as distinguished from constructive knowledge <the employer, having witnessed the accident, had actual knowledge of the worker's injury>. — Also termed express actual knowledge. 2. Knowledge of such information as would lead a reasonable person to inquire further <under the discovery rule, the limitations period begins to run once the plaintiff has actual knowledge of the injury>. — Also termed (in sense 2) implied actual knowledge.

“The third issue in section 523(a)(3) is the meaning of ‘notice or actual knowledge.’ Under the Uniform Commercial Code knowledge means actually knowing something; notice means having received information from which one could infer the existence of the relevant fact. What the adjective ‘actual’ adds to the idea of ‘knowledge’ is unclear.” David G. Epstein et al., *Bankruptcy* § 7-27, at 516 (1993).

common knowledge. See COMMON KNOWLEDGE.

constructive knowledge. Knowledge that one using reasonable care or diligence should have, and therefore that is attributed by law to a given person <the court held that the partners had constructive knowledge of the partnership agreement even though none of them had read it>.

express actual knowledge. See actual knowledge (1).

firsthand knowledge. See personal knowledge.

implied actual knowledge. See actual knowledge (2).

imputed knowledge. Knowledge attributed to a given person, esp. because of the person's legal responsibility for another's conduct <the principal's imputed knowledge of its agent's dealings>.

personal knowledge. Knowledge gained through firsthand observation or experience, as distinguished from a belief based on what someone else has said. • Rule 602 of the Federal Rules of Evidence requires lay witnesses to have personal knowledge of the matters they testify about. An affidavit must also be based on personal knowledge, unless the affiant makes it clear that a statement relies on “information and belief.” — Also termed firsthand knowledge. [Cases: Witnesses 37(2). C.J.S. Witnesses § 95.]

reckless knowledge. A person's awareness that a prohibited circumstance may exist, regardless of which the person accepts the risk and goes on to act.

scientific knowledge. Evidence. Knowledge that is grounded on scientific methods that have been supported by adequate validation. • Four primary factors are used to determine whether evidence amounts to scientific knowledge: (1) whether it has been tested; (2) whether it has been subject to peer review and publication; (3) the known or potential rate of error; and (4) the degree of acceptance within the scientific community. See DAUBERT TEST; SCIENTIFIC METHOD. [Cases: Criminal Law 486; Evidence 555. C.J.S. Criminal Law § 1080; Evidence §§ 597–598, 601, 649, 652, 713.]

superior knowledge. Knowledge greater than that had by another person, esp. so as to adversely affect that person <in its fraud claim, the subcontractor alleged that the general contractor had superior knowledge of the equipment shortage>. [Cases: Fraud 17; Negligence 1088, 1286(2). C.J.S. Negligence §§ 484–486, 500, 539, 545, 557–559, 563, 634.]

2. Archaic. CARNAL KNOWLEDGE.

KNOWLEDGE-OF-FALSITY EXCLUSION

knowledge-of-falsity exclusion. See EXCLUSION(3).

KNOWN CREDITOR

known creditor. See CREDITOR.

KNOWN HEIR

known heir. See HEIR.

KNOWN-LOSS DOCTRINE

known-loss doctrine. Insurance. A principle denying insurance coverage when the insured knows before the policy takes effect that a specific loss has already happened or is substantially certain to happen. — Also termed known-risk doctrine. [Cases: Insurance 2101.]

KOOP

koop (k<<schwa>>-w<<schwa>>p), n. [Dutch] Dutch law. Purchase; bargain.

KOOPBRIEF

koopbrief (k<<schwa>>-w<<schwa>>p-breef). [Dutch] Dutch law. A deed of sale.