

N.

N.A.

n.a.abbr.1. (cap.) National Association. See national bank under BANK. 2. Not applicable. 3. Not available. 4. Not allowed.

NAA

NAA.abbr.NEUTRON-ACTIVATION ANALYSIS.

NAFTA

NAFTA (naf-t<<schwa>>).abbr.NORTH AMERICAN FREE TRADE AGREEMENT.

NAKED

naked,adj. (Of a legal act or instrument) lacking confirmation or validation < naked ownership of property>.

NAKED ASSIGNMENT

naked assignment.See assignment in gross under ASSIGNMENT(2).

NAKED AUTHORITY

naked authority.See AUTHORITY(1).

NAKED BAILMENT

naked bailment.See gratuitous bailment under BAILMENT.

NAKED CONFESSION

naked confession.See CONFESSION.

NAKED CONTRACT

naked contract.See NUDUM PACTUM.

NAKED DEBENTURE

naked debenture.See DEBENTURE(3).

NAKED DEPOSIT

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

NAKED EXPECTANCY

naked expectancy.See naked possibility under POSSIBILITY.

NAKED LAND TRUST

naked land trust. See land trust under TRUST.

NAKED LICENSE

naked license. See LICENSE.

NAKED LICENSEE

naked licensee. See bare licensee under LICENSEE.

NAKED OPTION

naked option. See OPTION.

NAKED OWNER

naked owner. See OWNER.

NAKED OWNERSHIP

naked ownership. See imperfect ownership under OWNERSHIP.

NAKED POSSESSION

naked possession. See POSSESSION.

NAKED POSSIBILITY

naked possibility. See POSSIBILITY.

NAKED POWER

naked power. See POWER(3).

NAKED PROMISE

naked promise. See gratuitous promise under PROMISE.

NAKED TRUST

naked trust. See passive trust under TRUST.

NAM

nam (nam), n. [Old English naam] Hist. The act of distraining property.

nam (nam or nahm), prep. [Latin] For.

“Nam This particle is frequently used as introductory to the quotation of a maxim, and sometimes erroneously treated as a part of the maxim quoted.” 2 Alexander M. Burrill, *A Law Dictionary and Glossary* 219 (2d ed. 1867).

NAMARE

namare (n<<schwa>>-mair-ee), vb. [Law Latin] Hist. To distrain property.

NAMATION

namation (n<<schwa>>-may-sh<<schwa>>n), n.[fr. Old English nam] Hist. 1.The act of distraining property. 2.Scots law. The impounding of property. — Also termed namatio.

NAME

name,n. A word or phrase identifying or designating a person or thing and distinguishing that person or thing from others.

alias. See ALIAS.

assumed name. See ASSUMED NAME.

brand name.See TRADENAME.

Christian name.See personal name.

corporate name.The registered name under which a corporation conducts legal affairs such as suing, being sued, and paying taxes; the name that a corporation files with a state authority (usu. the secretary of state) as the name under which the corporation will conduct its affairs. • A corporate name usu. includes, and in many states is required to include, the word “corporation,” “incorporated,” or “company,” or an abbreviation of one of those words. Cf. ASSUMED NAME. [Cases: Corporations 43–50. C.J.S. Corporations §§ 98–105.]

distinctive name.A name, esp. a tradename, that clearly distinguishes one thing from another. • To maintain an action for tradename infringement, the plaintiff must prove, among other things, that it owns a distinctive name. [Cases: Trade Regulation 10. C.J.S. Names §§ 15, 17; Trade-Marks, Trade-Names, and Unfair Competition §§ 41–42.]

fictitious name.1.ASSUMED NAME. 2.ALIAS3.JOHN DOE.

first name.See personal name.

full name.An individual's personal name, second or middle names or initials (if any), and surname arranged in a customary order. • In Western cultures, the traditional order is usu. personal name, middle names or initials, and surname. In many other cultures, the order is surname first, followed by one or more personal names. [Cases: Names 1.]

generic name.See GENERIC NAME.

geographic name.A name that designates a geographic location or area. — Also termed geographical name.

given name.See personal name.

legal name.A person's full name as recognized in law. • A legal name is usu. acquired at birth or through a court order. There are no rules governing a legal name's length or constitution; it may be a single name (e.g., Prince) or include words not generally used in human names (e.g., Moon Unit). [Cases: Names 1.]

maiden name.A woman's childhood surname (which may or may not remain her surname for life). • Normally the term is used only in reference to a woman who has married and changed her

last name.

nickname. See NICKNAME.

personal name. An individual's name or names given at birth, as distinguished from a family name. — Also termed given name; (in the Western tradition) first name; (in the Christian tradition) Christian name. Cf. surname.

proprietary name. Trademarks. A nondescriptive name that may be owned and registered as a trademark.

street name. See STREET NAME.

surname. The family name automatically bestowed at birth, acquired by marriage, or adopted by choice. • Although in many cultures a person's surname is traditionally the father's surname, there is nothing to prevent someone from taking the mother's surname or a combination of the parents' surnames.

tradename. See TRADENAME.

NAME-AND-ARMS CLAUSE

name-and-arms clause. Hist. A clause (usu. in a will or settlement transferring property) providing that the property's recipient must assume and continue using the testator's or settlor's surname and coat-of-arms, or else the property will pass to another person. [Cases: Wills 642. C.J.S. Wills §§ 1397, 1415, 1418, 1424.]

NAMED ADDITIONAL INSURED

named additional insured. See additional insured under INSURED.

NAMED INSURED

named insured. See INSURED.

NAMED-INSURED EXCLUSION

named-insured exclusion. See EXCLUSION(3).

NAMED PARTNER

named partner. See name partner under PARTNER.

NAMED-PERILS POLICY

named-perils policy. See multiperil policy under INSURANCE POLICY.

NAMED PLAINTIFF

named plaintiff. See class representative under REPRESENTATIVE.

NAMELY

namely, adv. By name or particular mention; that is to say <the plaintiff asserted two claims,

namely wrongful termination and slander>. • The term indicates what is to be included by name. By contrast, including implies a partial list and indicates that something is not listed. See INCLUDE.

NAME PARTNER

name partner. See PARTNER.

NAMIUM

namium (nay-mee-*<<schwa>>*m), n. [Law Latin] Hist. The act of distraining property.

NAMIUM VETITUM

namium vetitum (nay-mee-*<<schwa>>*m vet-*<<schwa>>*-t*<<schwa>>*m), n. [Law Latin “taking prohibited”] Hist. A refused or prohibited taking or redelivery. • This term is most often associated with the circumstance in which a lord's bailiff distrained animals or goods, and was ordered by the lord to take them to an unknown place or otherwise not to redeliver them when the sheriff came to replevy them. — Also termed vetitum namium.

NANNY TAX

nanny tax. See TAX.

NANTISSEMENT

nantissement (non-tis-mahn), n. [French] French law. A security or pledge. • If it involves movable property, it is called “gage.” If it involves immovable property such as real estate, it is called “antichrèse.”

NAPABA

NAPABA. abbr. NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION.

NAPOLEONIC CODE

Napoleonic Code. 1. (usu. pl.) The codification of French law commissioned by Napoleon in the 19th century, including the Code civil (1804), the Code de procédure civil (1806), the Code de commerce (1807), the Code pénal (1810), and the Code d'instruction crimenelle (1811). — Sometimes shortened to Napoléon. — Also termed Code Napoléon (abbr. CN). 2. Loosely, CIVIL CODE (2).

NAR

NAR. abbr. NATIONAL ASSOCIATION OF REALTORS.

NARA

NARA. abbr. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

NARCOANALYSIS

narcoanalysis (nahr-koh-*<<schwa>>*-nal-*<<schwa>>*-sis). The process of injecting a

“truth-serum” drug into a patient to induce semiconsciousness, and then interrogating the patient. • This process has been used to enhance the memory of a witness. [Cases: Witnesses 257.10. C.J.S. Criminal Law §§ 965–971; Witnesses §§ 437, 571.]

NARCOTIC

narcotic, n. 1. An addictive drug, esp. an opiate, that dulls the senses and induces sleep. 2. (usu. pl.) A drug that is controlled or prohibited by law. [Cases: Controlled Substances 9.] — narcotic, adj.

NARR

narr. abbr. NARRATIO.

NARR-AND-COGNOVIT LAW

narr-and-cognovit law (nahr-and-kahg-noh-vit). [Latin narratio “declaration” and cognovit “the person has conceded”] Hist. A law providing that a plaintiff will be granted judgment on a note through an attorney's confession that the amount shown on the note, together with interest and costs, constitutes a legal and just claim. Cf. cognovit judgment under JUDGMENT; CONFESSION OF JUDGMENT. [Cases: Judgment 29, 54. C.J.S. Judgments §§ 138, 140, 143–144, 152–153, 169–170.]

NARRATIO

narratio (n<<schwa>>-ray-shee-oh), n. [Latin “narrative”] Hist. A declaration, complaint, or petition in which the plaintiff sets out the facts of a case; an oral narrative by the plaintiff of the facts and legal arguments on which the claim is based. • The term has also been called the “conte” or “tale.” — Abbr. narr.

“[T]he making of the count, in Latin the narratio, was the very centre of the legal process. We do not know how it came about that the litigant was allowed to speak through the mouth of another, though it has been suggested that it was not to prevent mistakes being made but to prevent them being fatal. Certainly the litigant could disavow what was said on his behalf; and perhaps it was only ‘said’ by him when he formally adopted it. If this is right, our modern barrister began as one who could harmlessly blunder.” S.F.C. Milsom, *Historical Foundations of the Common Law* 28 (1969).

NARRATIVE RECITAL

narrative recital. See RECITAL.

NARRATOR

narrator (na-ray-tor or na-ray-t<<schwa>>r), n. [Law Latin] Hist. A pleader or counter; a person who prepares pleadings (i.e., narrs). • For example, a serjeant-at-law was also known as *serviens narrator*. Pl. *narratores* (na-r<<schwa>>-tor-eez).

“The Latin narrator and its French equivalent *contour* became technical terms. If an English term was in use, it was perhaps *forspeaker*.” 1 Frederick Pollock & Frederic W. Maitland, *The*

History of English Law Before the Time of Edward I 215 n.1 (2d ed. 1898).

NARROW-CHANNEL RULE

narrow-channel rule. The navigational requirement that a vessel traveling down a slim fairway must keep as near to the fairway wall on the vessel's starboard side as is safe and practicable. 33 USCA § 2009(a)(i). [Cases: Collision 90. C.J.S. Collision §§ 160, 162, 165–174, 177, 180.]

NARROWLY TAILORED

narrowly tailored, adj. (Of a content-neutral restriction on the time, place, or manner of speech in a designated public forum) being only as broad as is reasonably necessary to promote a substantial governmental interest that would be achieved less effectively without the restriction; no broader than absolutely necessary. See designated public forum under PUBLIC FORUM. [Cases: Constitutional Law 90.1(4). C.J.S. Constitutional Law §§ 556–557, 559–561, 568, 570–572, 580, 608.]

NARROW SEA

narrow sea. (often pl.) A sea running between two coasts that are close to each another. • The English Channel, for example, is a narrow sea.

NASA

NASA. abbr. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

NASCITURUS

nasciturus (nas-⟨schwa⟩-t[y]oor-⟨schwa⟩s or -t[y]⟨schwa⟩r-⟨schwa⟩s), n. [fr. Latin nascor “to be born”] Roman law. An unborn child.

NASD

NASD. abbr. NATIONAL ASSOCIATION OF SECURITIES DEALERS.

NASDAQ

NASDAQ (naz-dak). abbr. NATIONAL ASSOCIATION OF SECURITIES DEALERS AUTOMATED QUOTATION SYSTEM.

NASS

NASS. abbr. NATIONAL AGRICULTURAL STATISTICS SERVICE.

NATALE

natale (n⟨schwa⟩-tay-lee), n. [Latin “of or belonging to birth”] Hist. The status a person acquires by birth. • For example, if one or both parents of a child were serfs, the child was generally regarded as a serf, and a child born free rarely became a serf. See NATIVUS.

NATI ET NASCITURI

nati et nascituri (nay-tl et nas-⟨schwa⟩-t[y]oor-Ior -t[y]⟨schwa⟩r-I), n. pl. [Latin “born

and to be born”] Hist. A person's heirs, near and remote.

NATIO

natio (nay-shee-oh), n.[Latin] Hist. 1. A nation. 2. A group of students. 3. A native place.

NATION

nation, n. 1. A large group of people having a common origin, language, and tradition and usu. constituting a political entity. • When a nation is coincident with a state, the term nation-state is often used. — Also termed nationality.

“The nearest we can get to a definition is to say that a nation is a group of people bound together by common history, common sentiment and traditions, and, usually (though not always, as, for example, Belgium or Switzerland) by common heritage. A state, on the other hand, is a society of men united under one government. These two forms of society are not necessarily coincident. A single nation may be divided into several states, and conversely a single state may comprise several nations or parts of nations.” John Salmond, *Jurisprudence* 136 (Glanville L. Williams ed., 10th ed. 1947).

2. A community of people inhabiting a defined territory and organized under an independent government; a sovereign political state. Cf. STATE.

NATIONAL

national, adj. 1. Of or relating to a nation <national anthem>. 2. Nationwide in scope <national emergency>.

national, n. 1. A member of a nation. 2. A person owing permanent allegiance to and under the protection of a state. 8 USCA § 1101(a)(21).

national of the United States. A citizen of the United States or a noncitizen who owes permanent allegiance to the United States. 8 USCA § 1101(a)(22). — Also termed U.S. national; U.S. citizen. [Cases: Citizens 1. C.J.S. Citizens §§ 7, 12.]

NATIONAL AERONAUTICS AND SPACE ACT

National Aeronautics and Space Act. A 1958 federal statute that created the National Aeronautics and Space Administration (NASA), a civilian agency of the federal government whose functions include conducting space research, improving aeronautical travel, building manned and unmanned space vehicles, developing operational space programs, and engaging in other space activities devoted to peaceful purposes for the benefit of all humankind. 42 USCA §§ 2451–2484.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

National Aeronautics and Space Administration. The independent federal agency that conducts research into space flight and that builds and flies space vehicles. • NASA was created by the National Aeronautics and Space Act of 1958. 42 USCA §§ 2451 et seq. — Abbr. NASA.

NATIONAL AGRICULTURAL STATISTICS SERVICE

National Agricultural Statistics Service. An agency in the U.S. Department of Agriculture responsible for compiling statistical information and estimating agricultural production, supply, price, chemical use, and other statistics. — Abbr. NASS.

NATIONAL AIRSPACE

national airspace. See AIRSPACE.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

National Archives and Records Administration. An independent federal agency that sets procedures for managing governmental records; helps federal agencies manage their records; provides record-storage access; and manages the Presidential Libraries system. • The agency is run by the Archivist of the United States. It publishes the United States Statutes at Large, the Federal Register, the Code of Federal Regulations, the weekly Compilation of Presidential Documents, the annual Public Papers of the President, and the United States Government Manual. It is a successor to the National Archives Establishment, created in 1934, that was made a unit of the General Services Administration in 1949. It became an independent agency in 1984. — Abbr. NARA. See FEDERAL REGISTER.

NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION

National Asian Pacific American Bar Association. A professional association of Asian Pacific American attorneys, judges, law professors, and law students, emphasizing civil rights and immigration issues. — Abbr. NAPABA.

NATIONAL ASSOCIATION

national association. See national bank under BANK.

NATIONAL ASSOCIATION OF REALTORS

National Association of Realtors. An association of real-estate brokers and agents promoting education, professional standards, and modernization in areas of real estate such as brokerage, appraisal, and property management. — Abbr. NAR. [Cases: Brokers 3. C.J.S. Brokers §§ 14–24.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS

National Association of Securities Dealers. A group of brokers and dealers empowered by the SEC to regulate the over-the-counter securities market. — Abbr. NASD. [Cases: Exchanges 11; Securities Regulation 40.15. C.J.S. Exchanges §§ 4, 25; Securities Regulation §§ 166–167.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS AUTOMATED

National Association of Securities Dealers Automated Quotation system. A computerized system for recording transactions and displaying price quotations for a group of actively traded securities on the over-the-counter market. — Abbr. NASDAQ.

NATIONAL ASSOCIATION OF WOMEN LAWYERS

National Association of Women Lawyers.An organization, formed in 1899, devoted to the interests of female lawyers and their families. — Abbr. NAWL.

NATIONAL BANK

national bank.See BANK.

NATIONAL BAR ASSOCIATION

National Bar Association.An organization of primarily African-American lawyers, founded in 1925 to promote education, professionalism, and the protection of civil rights. — Abbr. NBA.

NATIONAL CAPITAL PARKS COMMISSION

National Capital Parks Commission.See NATIONAL CAPITAL PLANNING COMMISSION.

NATIONAL CAPITAL PLANNING COMMISSION

National Capital Planning Commission.A 12-member federal commission that plans the development of federal lands and facilities in the National Capital region, an area that includes the District of Columbia and six nearby counties — two in Maryland and four in Virginia. • The Commission was originally established as the National Capital Parks Commission, a park-planning agency, in 1924. — Abbr. NCPC.

NATIONAL CAPITAL REGION

National Capital Region.The District of Columbia and six nearby counties: Montgomery and Prince George's in Maryland. and Fairfax, Loudoun, Prince William, and Arlington in Virginia. — Abbr. NCR.

NATIONAL CEMETERY ADMINISTRATION

National Cemetery Administration.A unit in the U.S. Department of Veterans Affairs responsible for operating national cemeteries, providing headstones for unmarked graves of veterans worldwide, and making grants to states for establishing and caring for veterans' cemeteries. — Abbr. NCA.

NATIONAL CONFERENCE OF BLACK LAWYERS

National Conference of Black Lawyers.An organization of African-American attorneys formed in 1969, active esp. in civil rights. — Abbr. NCBL.

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

National Conference of Commissioners on Uniform State Laws.An organization that drafts and proposes statutes for adoption by individual states, with the goal of making the laws on various subjects uniform among the states. • Founded in 1892 and composed of representatives from all 50 states, the Conference has drafted more than 200 uniform laws, including the Uniform Commercial Code. — Abbr. NCCUSL. — Also termed Uniform Law Commissioners. See UNIFORM LAW; MODEL ACT.

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

National Council of Juvenile and Family Court Judges. An organization of judges and hearing officers who exercise jurisdiction over abuse, neglect, divorce, custody and visitation, support, domestic-violence, and other family-law cases. • Founded in 1937, the Council has an educational and support facility located near Reno, Nevada. It provides training, technical support, and professional assistance in improving courtroom operations.

NATIONAL CREDIT UNION ADMINISTRATION

National Credit Union Administration. An independent federal agency that charters, insures, supervises, and examines federal credit unions; administers the National Credit Union Share Insurance Fund and the Community Development Revolving Loan Fund; and manages the Central Liquidity Facility, a separate mixed-ownership government corporation that supplies emergency loans to member credit unions. • The agency was established in 1970 and reorganized in 1978. — Abbr. NCUA.

NATIONAL CURRENCY

national currency. See CURRENCY.

NATIONAL DAILY QUOTATION SERVICE

National Daily Quotation Service. See PINK SHEET.

NATIONAL DEBT

national debt. The total financial obligation of the federal government, including such instruments as Treasury bills, notes, and bonds, as well as foreign debt. [Cases: United States 79. C.J.S. United States §§ 153, 169.]

NATIONAL DEFENSE

national defense. 1. All measures taken by a nation to protect itself against its enemies. • A nation's protection of its collective ideals and values is included in the concept of national defense. [Cases: War and National Emergency 48. C.J.S. War and National Defense § 66.] 2. A nation's military establishment.

NATIONAL DISASTER MEDICAL SYSTEM

National Disaster Medical System. A unit of the Federal Emergency Management Agency in the U.S. Department of Homeland Security responsible for training, equipping, and deploying teams of emergency medical responders and for coordinating the transportation of people affected by emergencies. • The agency was transferred from the U.S. Department of Health and Human Services in 2003. — Abbr. NDMS.

NATIONAL DOMICILE

national domicile. See DOMICILE.

NATIONAL ECONOMIC COUNCIL

National Economic Council. See OFFICE OF POLICY DEVELOPMENT.

NATIONAL EMERGENCY

national emergency. A state of national crisis or a situation requiring immediate and extraordinary national action. [Cases: War and National Emergency 1. C.J.S. War and National Defense §§ 1, 5.]

NATIONAL ENDOWMENT FOR THE ARTS

National Endowment for the Arts. An independent federal agency that promotes involvement in the arts by making grants to organizations, honoring artists for their achievements, expanding artistic resources, preserving cultural heritage, and funding projects that educate children and adults in the arts. — Abbr. NEA. See NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

NATIONAL ENDOWMENT FOR THE HUMANITIES

National Endowment for the Humanities. An independent federal agency that supports research, education, and public programs in the humanities through grants to individuals, groups, and institutions. — Abbr. NEH. See NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES .

NATIONAL ENVIRONMENTAL POLICY ACT

National Environmental Policy Act. A 1969 federal statute establishing U.S. environmental policy. • The statute requires federal agencies to submit an environmental-impact statement with every proposal for a program or law that would affect the environment. 42 USCA §§ 4321–4347 — Abbr. NEPA. See ENVIRONMENTAL-IMPACT STATEMENT. [Cases: Environmental Law 571–615.]

“One should not assume that NEPA's emphasis upon procedural consideration of environmental consequences somehow diminishes its stature. To the contrary, NEPA is the key environmental statute to be reckoned with in lawsuits challenging agency action on NEPA grounds. As a result of the popularity of NEPA in court, federal agencies have become extremely sensitive to NEPA's procedural commands. They have not only sought to articulate the environmental impacts of their decisions before-the-fact, they have also either abandoned projects or mitigated their adverse environmental consequences after performing NEPA studies.” Jan G. Laitos, *Natural Resources Law* § 4.01, at 119 (2002).

NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE

National Environmental Satellite, Data, and Information Service. See NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION .

NATIONAL FIREARMS ACT

National Firearms Act. A 1934 federal statute that governs the manufacture, possession, and transfer of certain types of firearms and other weapons. • In its original form, the act banned gangster-type weapons, such as machine guns and sawn-off shotguns. It has been expanded by

amendments to cover most rifles and handguns, and also “destructive devices” such as grenades and land mines.²⁶ USCA §§ 5801 et seq.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Foundation on the Arts and the Humanities. An independent federal foundation that encourages and supports progress in the humanities and the arts by supporting the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services. • The agency was created by act of Congress in 1965. See NATIONAL ENDOWMENT FOR THE ARTS ; NATIONAL ENDOWMENT FOR THE HUMANITIES; INSTITUTE OF MUSEUM AND LIBRARY SERVICES .

NATIONAL GOVERNMENT

national government. The government of an entire country, as distinguished from that of a province, state, subdivision, or territory of the country and as distinguished from an international organization.

NATIONAL GUARD

National Guard. The U.S. militia, which is maintained as a reserve for the U.S. Army and Air Force. • Its members are volunteers, recruited and trained on a statewide basis and equipped by the federal government. A state may request the National Guard's assistance in quelling disturbances, and the federal government may order the National Guard into active service in times of war or other national emergency. See MILITIA(1). [Cases: Armed Services 5; Militia 1–22. C.J.S. Armed Services §§ 13–17, 288–298.]

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

National Highway Traffic Safety Administration. A unit in the U.S. Department of Transportation responsible for regulating the safety of motor vehicles and their equipment. • The agency's work focuses on matters such as theft prevention, speed limits, truthful odometer readings, and fuel consumption. It was established by the Highway Safety Act of 1970.²³ USCA §§ 101 et seq. — Abbr. NHTSA.

NATIONAL IMAGING AND MAPPING AGENCY

National Imaging and Mapping Agency. A unit in the U.S. Department of Defense responsible for providing the armed forces and intelligence officers with up-to-date and accurate geospatial information, esp. in the form of photographs, maps, and charts. — Abbr. NIMA.

NATIONAL INSTITUTE FOR LITERACY

National Institute for Literacy. A federally aided institute that leads national efforts to achieve universal literacy. — Abbr. NIFL.

NATIONAL INSTITUTE OF CORRECTIONS

National Institute of Corrections. A federal organization (established within the Bureau of Prisons) whose responsibilities include helping federal, state, and local authorities improve

correctional programs, conducting research on correctional issues such as crime prevention, and conducting workshops for law-enforcement personnel, social workers, judges, and others involved in treating and rehabilitating offenders. 18 USCA §§ 4351–4353. See BUREAU OF PRISONS .

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

National Institute of Standards and Technology. See TECHNOLOGY ADMINISTRATION.

NATIONALITY

nationality. 1. NATION(1). 2. The relationship between a citizen of a nation and the nation itself, customarily involving allegiance by the citizen and protection by the state; membership in a nation. • This term is often used synonymously with citizenship. See CITIZENSHIP. 3. The formal relationship between a ship and the nation under whose flag the ship sails. See FLAG STATE . [Cases: Shipping 2. C.J.S. Shipping § 1.]

“ ‘Nationality’ is a term which has long been used to define the legal relationship between a state and a ship which is authorized by the state to fly its flag.... Discussions in the International Law Commission in 1951 reflected concern that the use of the term ‘nationality’ in reference to ships was misleading as it implied similarity to the term's use in defining the legal relationship between a state and its citizen. Nonetheless, the term has continued to be the one most often employed in describing the relationship between a ship and its flag state. It is important to realize, however, that in spite of their common names, the legal relationship ascribed to the nationality of ships does differ from that arising from the nationality of natural or juridical persons.” Louis B. Sohn & Kristen Gustafson, *The Law of the Sea in a Nutshell* 1–2 (1984).

NATIONALITY ACT

Nationality Act. See IMMIGRATION AND NATIONALITY ACT.

NATIONALITY THEORY

nationality theory. The jurisdictional principle that citizens are subject to the laws of their country, no matter where the citizens are.

NATIONALIZATION

nationalization, n. 1. The act of bringing an industry under governmental control or ownership. [Cases: International Law 10.16. C.J.S. International Law § 35.] 2. The act of giving a person the status of a citizen. See NATURALIZATION. [Cases: Aliens 60–70. C.J.S. Aliens §§ 276–315, 326.]

NATIONALIZE

nationalize, vb. 1. To bring (an industry) under governmental control or ownership. 2. To give (a person) the status of a citizen; naturalize.

NATIONAL LABOR RELATIONS ACT

National Labor Relations Act. A federal statute regulating the relations between employers and employees and establishing the National Labor Relations Board. 29 USCA §§ 151–169. • The

statute is also known as the Wagner Act of 1935. It was amended by the Taft–Hartley Act of 1947 and the Landrum–Griffin Act of 1959. — Also termed Wagner Act. — Abbr. NLRA. [Cases: Labor Relations 41. C.J.S. Labor Relations § 20.]

NATIONAL LABOR RELATIONS BOARD

National Labor Relations Board. An independent five-member federal board created to prevent and remedy unfair labor practices and to safeguard employees' rights to organize into labor unions. • The board hears complaints of unfair labor practices and issues orders that can be reviewed or enforced by a U.S. court of appeals. The agency was created by the National Labor Relations Act of 1935. 29 USCA § 153. — Abbr. NLRB. — Often shortened to Labor Relations Board. [Cases: Labor Relations 501. C.J.S. Labor Relations §§ 501–502.]

NATIONAL LAWYERS GUILD

National Lawyers Guild. An association of lawyers, law students, and legal workers dedicated to promoting a left-wing political and social agenda. • Founded in 1937, it now comprises some 4,000 members. Cf. FEDERALIST SOCIETY.

NATIONAL MARINE FISHERIES SERVICE

National Marine Fisheries Service. See NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION .

NATIONAL MEDIATION BOARD

National Mediation Board. An independent federal board that mediates labor–management disputes in the airline and railroad industries and provides administrative and financial support in adjusting grievances in the railroad industry. • The agency was created by the Railway Labor Act of 1934 to prevent interruptions in service. 45 USCA §§ 154–163. — Abbr. NMB. Cf. FEDERAL MEDIATION AND CONCILIATION SERVICE. [Cases: Labor Relations 451, 452. C.J.S. Labor Relations §§ 459–463.]

NATIONAL MONUMENT

national monument. An object or structure and the land on which it is situated, publicly proclaimed by the U.S. President to be of historic or scientific interest. See 16 USCA § 341.

NATIONAL MOTOR VEHICLE THEFT ACT

National Motor Vehicle Theft Act. See DYER ACT.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration. A unit in the U.S. Department of Commerce responsible for monitoring the environment in order to make accurate and timely weather forecasts and to protect life, property, and the environment. • It was established in 1970 under Reorganization Plan No. 4 of 1970 and operates through several agencies: the National Weather Service (NWS); the National Environmental Satellite, Data, and Information Service (NESDIS); the National Marine Fisheries Service (NMFS); the National Ocean Service (NOS);

and the Office of Oceanic and Atmospheric Research (OAR). It also maintains a fleet of ships and aircraft for research. — Abbr. NOAA.

NATIONAL OCEAN SERVICE

National Ocean Service. See NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

NATIONAL OF THE UNITED STATES

national of the United States. See NATIONAL.

NATIONAL ORGAN TRANSPLANT ACT

National Organ Transplant Act. A 1984 federal law banning the sale of transplantable human organs. 42 USCA §§ 273–274. — Abbr. NOTA.

NATIONAL ORIGIN

national origin. The country in which a person was born, or from which the person's ancestors came. • This term is used in several antidiscrimination statutes, including Title VII of the Civil Rights Act of 1964, which prohibits discrimination because of an individual's “race, color, religion, sex, or national origin.” 42 USCA § 2000e-2. [Cases: Civil Rights 1009, 1107. C.J.S. Civil Rights §§ 2–5, 7–9, 11–13, 18, 22, 26–27, 30–31, 33–34, 37, 41–42, 44, 67.]

NATIONAL PARK

national park. A scenic, natural, historic, and recreational area owned by the United States and set aside for permanent protection. • Yellowstone National Park was declared the first national park in 1872. See 16 USCA § 1a-1.

NATIONAL PARK SERVICE

National Park Service. A unit in the U.S. Department of the Interior responsible for managing the nation's national parks, monuments, scenic parkways, preserves, trails, river ways, seashores, lakeshores, recreational areas, and historic sites commemorating movements, events, and personalities of America's past. • The Service was established in 1916. 16 USCA § 1.

NATIONAL PRIORITIES LIST

National Priorities List. Environmental law. The Environmental Protection Agency's list of the most serious uncontrolled or abandoned hazardous-waste sites that are identified for possible long-term remediation as Superfund sites. 40 CFR § 35.6015. — Abbr. NPL. [Cases: Environmental Law 436.]

NATIONAL QUOTATION BUREAU

National Quotation Bureau. A company that publishes daily price quotations (pink sheets) of over-the-counter securities.

NATIONAL RAILROAD PASSENGER CORPORATION

National Railroad Passenger Corporation. A federally chartered corporation created by the Rail Passenger Service Act of 1970 to provide intercity rail passenger service. • The corporation owns or leases railroad stations and operates passenger trains over tracks that are almost entirely owned by others. — Abbr. NRPC. — Usu. termed Amtrak.

NATIONAL REPORTER SYSTEM

National Reporter System. A series of lawbooks, published by the West Group, containing every published appellate decision of the federal and state courts in the United States. • For federal courts, the system includes the Supreme Court Reporter, Federal Reporter, Federal Claims Reporter, Federal Supplement, Federal Rules Decisions, Bankruptcy Reporter, Military Justice Reporter, and Veterans Appeals Reporter. For state courts, the system includes the Atlantic Reporter, California Reporter, New York Supplement, North Eastern Reporter, North Western Reporter, Pacific Reporter, South Eastern Reporter, Southern Reporter, and South Western Reporter.

NATIONAL RESPONSE CENTER

National Response Center. Environmental law. A nationwide communication center located in Washington, D.C., responsible for receiving, and relaying to appropriate federal officials, all notices of oil discharges and other releases of hazardous substances. 40 CFR § 310.11.

NATIONAL RIVER

national river. See RIVER.

NATIONAL SCIENCE FOUNDATION

National Science Foundation. An independent federal foundation that promotes progress in science and engineering through grants, contracts, and other agreements awarded to universities, colleges, academic consortia, and nonprofit and small-business institutions. • It was created by the National Science Foundation Act of 1950. — Abbr. NSF.

NATIONAL SECURITY AGENCY

National Security Agency. A unit in the U.S. Department of Defense responsible for protecting U.S. information systems as well as producing foreign intelligence information. • The agency uses code makers and code breakers. — Abbr. NSA.

NATIONAL SECURITY COUNCIL

National Security Council. An agency in the Executive Office of the President responsible for advising the President on national-security matters. • It was created by the National Security Act of 1947. 50 USCA § 402. — Abbr. NSC.

NATIONAL-SECURITY PRIVILEGE

national-security privilege. See state-secrets privilege under PRIVILEGE(3).

NATIONAL-SERVICE LIFE INSURANCE

national-service life insurance. See LIFE INSURANCE.

NATIONAL STOLEN PROPERTY ACT

National Stolen Property Act. A federal statute that makes it a crime to transport, transmit, or transfer in interstate or foreign commerce goods or money worth \$5,000 or more if the person knows that the money or goods were obtained unlawfully. 18 USCA §§ 2311 et seq. — Abbr. NSPA.

NATIONAL SYNOD

national synod. See SYNOD.

NATIONAL TECHNICAL INFORMATION SERVICE

National Technical Information Service. See TECHNOLOGY ADMINISTRATION.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

National Technical Institute for the Deaf. A federally aided institute, located in Rochester, New York, responsible for educating large numbers of deaf students on a college campus designed primarily for students who can hear. • Established by Congress in 1965, the institute is a part of the Rochester Institute for Technology. — Abbr. NTID.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

National Telecommunications and Information Administration. A unit in the U.S. Department of Commerce responsible for advising the President on telecommunications and information policy; conducting research through its Institute for Telecommunications Sciences; and making grants to support advanced infrastructures and to increase ownership by women and minorities. — Abbr. NTIA.

NATIONAL TRANSPORTATION SAFETY BOARD

National Transportation Safety Board. An independent five-member federal board that investigates air, rail, water, highway, pipeline, and hazardous-waste accidents; conducts studies; and makes recommendations to government agencies, the transportation industry, and others on safety measures and practices. • The agency was created in 1966. 49 USCA §§ 1101–1155. — Abbr. NTSB. [Cases: Aviation 31. C.J.S. Aeronautics and Aerospace §§ 15–18, 27, 34.]

NATIONAL TREATMENT

national treatment. Intellectual property. The policy or practice of a country that accords the citizens of other countries the same intellectual-property protection as it gives its own citizens, with no formal treaty of reciprocity required. • The principle of national treatment underlay the first international intellectual-property treaties in the 19th century, the Paris and Berne Conventions, and is also embodied in the TRIPs Agreement. Cf. RECIPROCITY(3); UNIVERSALITY.

“The beauty of the principle of national treatment is that it allows countries the autonomy to develop and enforce their own laws, while meeting the demands for international protection.

Effectively, national treatment is a mechanism of international protection without harmonization.”
Lionel Bently & Brad Sherman, *Intellectual Property Law* 5 (2001).

NATIONAL-TREATMENT CLAUSE

national-treatment clause. A provision contained in some treaties, usu. commercial ones, according foreigners the same rights, in certain respects, as those accorded to nationals. [Cases: *Treaties* 8. C.J.S. *Treaties* § 6.]

NATIONAL UNION

national union. See UNION.

NATIONAL WEATHER SERVICE

National Weather Service. See NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

NATIONS, LAW OF

nations, law of. See INTERNATIONAL LAW.

NATION-STATE

nation-state. See NATION(1).

NATIS ET NASCITURIS

natis et nascituris (nay-tis et nas-i-t[y]uur-is). [Latin] Hist. To children born and to be born. • This was a common destination used to convey an inheritance.

NATIVE

native, n. 1. A person who is a citizen of a particular place, region, or nation by virtue of having been born there. 2. A person whose national origin derives from having been born within a particular place. 3. Loosely, a person born abroad whose parents are citizens of the nation and are not permanently residing abroad. 4. Loosely, a person or thing belonging to a group indigenous to a particular place. • The term Native American is sometimes shortened to native. [Cases: *Indians* 1. C.J.S. *Indians* §§ 2–3, 156.]

NATIVE AMERICAN LAW

Native American law. The body of law dealing with American Indian tribes and their relationships to federal and state governments, private citizens, and each other. — Also termed American Indian law; Indian law.

NATIVE-BORN

native-born, adj. Born in the nation specified <a native-born Canadian>. • This term is sometimes considered redundant. See NATIVE.

NATIVE TITLE

native title. See aboriginal title (1) under TITLE(2).

NATIVI CONVENTIONARII

nativi conventionarii (n<<schwa>>-tI-vI k<<schwa>>n-ven-shee-<<schwa>>-nair-ee-I), n. pl. [Law Latin] Hist. Villeins by contract.

NATIVI DE STIPITE

nativi de stipite (n<<schwa>>-tI-vI dee stip-<<schwa>>-tee), n. pl. [Law Latin] Hist. Villeins by birth. See NATIVUS; NATALE.

NATIVITAS

nativitas (n<<schwa>>-tiv-<<schwa>>-tas), n. [Law Latin] Hist. The servitude or bondage of serfs.

NATIVO HABENDO

nativo habendo (n<<schwa>>-tI-voh h<<schwa>>-ben-doh), n. See DE NATIVO HABENDO.

NATIVUS

nativus (n<<schwa>>-tI-v<<schwa>>s), n. [Law Latin] Hist. A person who is born a villein or serf.

“Having seen what serfdom means, we may ask how men become serfs. The answer is that almost always the serf is a born serf; nativus and villanus were commonly used as interchangeable terms” 1 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 422 (2d ed. 1898).

NATURAL

natural, adj. 1. In accord with the regular course of things in the universe and without accidental or purposeful interference <a natural death as opposed to murder>. 2. Normal; proceeding from the regular character of a person or thing <it is natural for a duck to fly south in the winter>. 3. Brought about by nature as opposed to artificial means <a natural lake>. 4. Inherent; not acquired or assumed <natural talent>. 5. Indigenous; native <the original or natural inhabitants of a country>. 6. Of or relating to birth <natural child as distinguished from adopted child>. [Cases: Children Out-of-Wedlock 1. C.J.S. Children Out-of-Wedlock §§ 2–11.] 7. Untouched by civilization; wild <only a small part of the forest remains in its natural state>. — naturally, adv.

natural, n. 1. A person who is native to a place. See NATIVE; NATURAL-BORN CITIZEN. 2. A person or thing well suited for a particular endeavor.

NATURAL-ACCUMULATION DOCTRINE

natural-accumulation doctrine. The rule that a governmental entity or other landowner is not required to remove naturally occurring ice or snow from public property, such as a highway, unless the entity has, by taking some affirmative action (such as highway construction), increased

the travel hazard to the public. [Cases: Automobiles 262; Municipal Corporations 773. C.J.S. Motor Vehicles § 453; Municipal Corporations § 727.]

NATURAL AFFECTION

natural affection. The love naturally existing between close relatives, such as parent and child.

• Natural affection is not consideration for a contract. See CONSIDERATION(1); executory contract under CONTRACT. [Cases: Contracts 77. C.J.S. Contracts § 103.]

NATURAL ALLEGIANCE

natural allegiance. See ALLEGIANCE.

NATURAL AND PROBABLE CONSEQUENCE

natural and probable consequence. See NATURAL CONSEQUENCE.

NATURAL-BORN CITIZEN

natural-born citizen. See CITIZEN.

NATURAL BORN CITIZEN CLAUSE

Natural Born Citizen Clause. The clause of the U.S. Constitution barring persons not born in the United States from the presidency. U.S. Const. art. II, § 1, cl. 5. [Cases: United States 26. C.J.S. United States §§ 45–47.]

NATURAL-BORN SUBJECT

natural-born subject. See SUBJECT.

NATURAL BOUNDARY

natural boundary. See BOUNDARY.

NATURAL CHANNEL

natural channel. See CHANNEL.

NATURAL CHILD

natural child. See CHILD.

NATURAL COGNATION

natural cognation. See COGNATION.

NATURAL CONSEQUENCE

natural consequence. Something that predictably occurs as the result of an act <plaintiff's injuries were the natural consequence of the car wreck>. — Also termed natural and probable consequence. [Cases: Damages 21; Negligence 386. C.J.S. Damages §§ 30–33; Negligence § 196.]

NATURAL DAY

natural day. See DAY.

NATURAL DEATH

natural death. See DEATH.

NATURAL-DEATH ACT

natural-death act. A statute that allows a person to prepare a living will instructing a physician to withhold life-sustaining procedures if the person should become terminally ill. See ADVANCE DIRECTIVE; LIVING WILL. [Cases: Health 916.]

NATURAL DOMICILE

natural domicile. See domicile of origin under DOMICILE.

NATURAL DUTY

natural duty. See moral duty under DUTY(1).

NATURAL EQUITY

natural equity. See EQUITY(3).

NATURAL FATHER

natural father. See biological father under FATHER.

NATURAL FLOOD CHANNEL

natural flood channel. See CHANNEL.

NATURAL FOOL

natural fool. Hist. A person who is mentally challenged from birth. See INCOMPETENCY.

NATURAL FRUIT

natural fruit. See FRUIT.

NATURAL GAS

natural gas. See DISTILLATE(1).

NATURAL GUARDIAN

natural guardian. See GUARDIAN.

NATURAL HEIR

natural heir. See HEIR.

NATURALIA FEUDI

naturalia feudi (nach-<<schwa>>-ray-lee-<<schwa>> fyoo-dI). [Law Latin] Scots law. Those things that naturally belong to a feu grant. • The phrase included the grantor's warranty against

eviction of the grantee.

NATURAL INFANCY

natural infancy. See INFANCY.

NATURAL INTERRUPTION

natural interruption. See INTERRUPTION.

NATURALIS POSSESSIO

naturalis possessio (nach-<<schwa>>-ray-lis p<<schwa>>-zes[h]-ee-oh). See possessio naturalis under POSSESSIO.

NATURALIZATION

naturalization. The granting of citizenship to a foreign-born person under statutory authority.

NATURALIZATION CLAUSE

Naturalization Clause. The constitutional provision stating that every person born or naturalized in the United States is a citizen of the United States and of the state of residence. U.S. Const. amend. XIV, § 1. See JUS SOLI. [Cases: Citizens 1. C.J.S. Citizens §§ 7, 12.]

NATURALIZATION COURT

naturalization court. A court having jurisdiction to hear and decide naturalization petitions. • Naturalization courts were abolished as a result of the Immigration Act of 1990. Under current U.S. law, the Attorney General has the sole authority to naturalize citizens. But after a hearing before an immigration officer, an applicant may seek review of the denial of an application for naturalization in the federal district court for the district in which the applicant resides. If an applicant is certified to be eligible for naturalization, the oath of allegiance may be administered by the Attorney General, a federal district court, or a state court of record. See oath of allegiance under OATH. [Cases: Aliens 68. C.J.S. Aliens § 299.]

NATURALIZE

naturalize, vb. To grant citizenship to (a foreign-born person) under statutory authority. [Cases: Aliens 60–72. C.J.S. Aliens §§ 276–341.] — naturalization, n.

NATURALIZED CITIZEN

naturalized citizen. See CITIZEN.

NATURAL JUSTICE

natural justice. See JUSTICE(1).

NATURAL LAW

natural law. 1. A physical law of nature <gravitation is a natural law>. 2. A philosophical system of legal and moral principles purportedly deriving from a universalized conception of

human nature or divine justice rather than from legislative or judicial action; moral law embodied in principles of right and wrong <many ethical teachings are based on natural law>. — Also termed law of nature; natural justice; *lex aeterna*; eternal law; *lex naturae*; *lex naturalae*; divine law; *jus divinum*; *jus naturale*; *jus naturae*; normative jurisprudence; *jure naturae*. Cf. FUNDAMENTAL LAW; POSITIVE LAW.

“Natural law, as it is revived today, seeks to organize the ideal element in law, to furnish a critique of old received ideals and give a basis for formulating new ones, and to yield a reasoned canon of values and a technique of applying it. I should prefer to call it philosophical jurisprudence. But one can well sympathize with those who would salvage the good will of the old name as an asset of the science of law.” Roscoe Pound, *The Formative Era of American Law* 29 (1938).

“It is true that when medieval writers spoke of natural law as being discoverable by reason, they meant that the best human reasoning could discover it, and not, of course, that the results to which any and every individual's reasoning led him was natural law. The foolish criticism of Jeremy Bentham: ‘a great multitude of people are continually talking of the law of nature; and then they go on giving you their sentiments about what is right and what is wrong; and these sentiments, you are to understand, are so many chapters and sections of the law of nature,’ merely showed a contempt for a great conception which Bentham had not taken the trouble to understand.” J.L. Brierly, *The Law of Nations* 20–21 (5th ed. 1955).

“[N]atural law is often an idealization of the opposite to that which prevails. Where inequality or privilege exists, natural law demands its abolition.” Morris R. Cohen, *Reason and Law* 96 (1961).

NATURAL LIBERTY

natural liberty. See LIBERTY.

NATURAL LIFE

natural life. A person's physical life span.

NATURAL MONOPOLY

natural monopoly. See MONOPOLY.

NATURAL MONUMENT

natural monument. See MONUMENT.

NATURAL MOTHER

natural mother. See birth mother under MOTHER.

NATURAL OBJECT

natural object. 1. A person likely to receive a portion of another person's estate based on the nature and circumstances of their relationship. — Also termed natural object of bounty; natural object of one's bounty; natural object of testator's bounty. [Cases: Wills 50. C.J.S. Wills § 7.] 2.

See natural boundary under BOUNDARY. 3. See natural monument under MONUMENT.

NATURAL OBLIGATION

natural obligation. See OBLIGATION.

NATURAL PERSON

natural person. See PERSON(1).

NATURAL POSSESSION

natural possession. See POSSESSION.

NATURAL PREMIUM

natural premium. See PREMIUM(1).

NATURAL PRESUMPTION

natural presumption. See PRESUMPTION.

NATURAL RESOURCE

natural resource. 1. Any material from nature having potential economic value or providing for the sustenance of life, such as timber, minerals, oil, water, and wildlife. 2. Environmental features that serve a community's well-being or recreational interests, such as parks. [Cases: Environmental Law 13.]

NATURAL RESOURCES CONSERVATION SERVICE

Natural Resources Conservation Service. An agency in the U.S. Department of Agriculture responsible for providing information and financial assistance to farmers and ranchers for voluntary conservation programs. • The Service was formerly known as the Soil Conservation Service. — Abbr. NRCS.

NATURAL RIGHT

natural right. See RIGHT.

NATURAL SERVITUDE

natural servitude. See SERVITUDE(2).

NATURAL SUCCESSION

natural succession. See SUCCESSION(2).

NATURAL WATERCOURSE

natural watercourse. See WATERCOURSE.

NATURAL WEAR AND TEAR

natural wear and tear. See WEAR AND TEAR.

NATURAL WRONG

natural wrong. See moral wrong under WRONG.

NATURAL YEAR

natural year. See YEAR.

NATURA NEGOTII

natura negotii (n<<schwa>>-tyoor-<<schwa>> ni-goh-shee-I). [Latin] Hist. The nature of the transaction.

NATURE

nature. 1. A fundamental quality that distinguishes one thing from another; the essence of something. 2. A wild condition, untouched by civilization. 3. A disposition or personality of someone or something. 4. Something pure or true as distinguished from something artificial or contrived. 5. The basic instincts or impulses of someone or something. 6. The elements of the universe, such as mountains, plants, planets, and stars.

NATUS

natus (nay-t<<schwa>>s), adj. [Latin] Born; (of a child) alive.

NAUCLERUS

naulerus (naw-kleer-<<schwa>>s), n. [Latin fr. Greek naus "ship" + kl ros "allotment"] Roman law. A shipmaster; a skipper.

NAULAGE

naulage (naw-lij), n. [Old French fr. Law Latin naulagium "passage money"] The fare for passengers or goods traveling by ship. See NAULUM.

NAULUM

naulum (naw-l<<schwa>>m), n. [Latin fr. Greek] Roman law. Fare; freights; a shipowner's fee for carrying people or goods from one place to another.

NAUTA

nauta (naw-t<<schwa>>), n. [Latin fr. Greek naus "ship"] Roman law. A sailor.

NAUTAE, CAUPONES, STABULARII

nautae, caupones, stabularii (naw-tee, kaw-poh-nee-z, stab-y<<schwa>>-lair-ee-I). [Latin] Roman law. Carriers by sea, innkeepers, stablers. • The phrase was used in an edict holding shippers, innkeepers, and stablers liable for damages to goods entrusted to them for safekeeping (receptum). Members of this group were also vicariously liable for the torts of their employees and slaves.

"The edict is in these terms: 'NAUTAE, CAUPONES, STABULARII, QUOD CUJUSQUE

SALVUM FORE RECEPERINT, NISI RESTITUENT, IN EOS JUDICIUM DABO .’ This rule, from its expediency, has been, with some variations, received into the law of Scotland. Persons of this description are liable for their servants, or even for the acts of guests and passengers; and the extent of the damage may be proved by the oath of the claimant.” William Bell, *Bell's Dictionary and Digest of the Law of Scotland* 737 (George Watson ed., 7th ed. 1890).

NAUTICAL

nautical,adj. Of or relating to ships or shipping, carriage by sea, or navigation.

NAUTICAL ASSESSOR

nautical assessor.A person skilled in maritime matters who is summoned in an admiralty case to assist the judge on points requiring special expertise.

NAUTICAL MILE

nautical mile.A measure of distance for air and sea navigation, equal to one minute of arc of a great circle of the earth. • Different measures have been used by different countries because the earth is not a perfect sphere. Since 1959, however, the United States has used an international measure for a nautical mile, set by the Hydrographic Bureau, equal to 6,076.11549 feet, or 1,852 meters.

NAUTICUM FENUS

nauticum fenus (naw-ti-k<<schwa>>m fee-n<<schwa>>s), n.[Greek nautikon “nautical” + Latin fenus “interest”] Roman & civil law. A loan to finance the transport of goods by sea; specif., a loan on bottomry made to a transporter of merchandise by ship. • The loan is subject to an extremely high rate of interest because it does not have to be repaid unless the ship safely reaches its destination. The nauticum fenus is both a loan and marine insurance. The rate, originally unlimited because of the risks of sea travel, was eventually fixed at 12%. The money loaned is pecunia trajecticia (money conveyed overseas). — Also spelled nauticum foenus. — Also termed fenus nauticum; nautica pecunia; foenus nauticum.

NAV

NAV.abbr.NET ASSET VALUE.

NAVAGIUM

navagium (na-vay-jee-<<schwa>>m), n.[Latin “ship; voyage”] Hist. A tenant's duty to transport the lord's goods by ship.

NAVAL

naval,adj.1. Of or relating to ships or shipping. 2. Of or relating to a navy. See NAVY.

NAVAL LAW

naval law.A system of regulations governing naval forces. See CODE OF MILITARY JUSTICE . [Cases: Armed Services 2; Military Justice 507.C.J.S. Armed Services §§ 5–6;

Military Justice §§ 6, 66.]

NAVARCH

navarch (nay-vahrk), n.[fr. Greek naus “ship” + archos “chief”] Hist. A master of an armed ship. — Also termed navarchus. Cf. NAVICULARIUS.

NAVICULARIUS

navicularius (n<<schwa>>-vik-y<<schwa>>-lair-ee-<<schwa>>s), n.[Latin “shipowner”] Hist. A person engaged in the shipping business.

NAVIGABLE

navigable (nav-i-g<<schwa>>-b<<schwa>>l), adj.1. Capable of allowing vessels or vehicles to pass, and thereby usable for travel or commerce <the channel was barely navigable because it was so narrow>. [Cases: Navigable Waters 1. C.J.S. Navigable Waters § 1.]

navigable in fact,adj. Naturally usable for travel or commerce in the present condition. • A stream is navigable in fact if, in its natural and ordinary state, it can be used for travel or commerce. For admiralty jurisdiction, the water must be capable of being used as a route in interstate or international commerce in customary modes of travel. [Cases: Navigable Waters 1. C.J.S. Navigable Waters § 1.]

2. Capable of being steered <navigable aircraft>. — Also termed boatable. See NAVIGABLE WATER.

NAVIGABLE AIRSPACE

navigable airspace.See AIRSPACE.

NAVIGABLE SEA

navigable sea.Int'l law. The ocean waters divided into three zones of control among nations: (1) the inland waters, which are near a nation's shores and over which a nation has complete sovereignty; (2) territorial waters, which are measured from the seaward edge of the inland waters, over which a nation has extensive control but over which innocent parties must be allowed to travel to other nations; and (3) the high seas, which are international waters not subject to the domain of any single nation. [Cases: International Law 7. C.J.S. International Law §§ 23–24.]

NAVIGABLE WATER

navigable water. 1. At early common law, any body of water affected by the ebb and flow of the tide. • This test was first adopted in England because most of England's in-fact navigable waters are influenced by the tide, unlike the large inland rivers that are capable of supporting commerce in the United States. — Also termed boatable water. [Cases: Navigable Waters 1.C.J.S. Navigable Waters § 1.]

“In addition to its bearing on admiralty jurisdictional inquiries, the navigable waters issue comes up in cases involving the scope of Congress's regulatory authority under the commerce clause; the validity and interpretation of a variety of statutes and regulations administered by the

Coast Guard; the powers of the Corps of Engineers over waterways, dams, marinas, etc., under the Rivers & Harbors Act and other statutes; the Federal Power Commission's authority to inspect and license electricity-generating dams; the existence and exercise of a servitude of navigation, which affects both public access to waterways on private land and governmental regulatory authority over such waters; and disputes over the ownership of stream beds. The foregoing is not an exhaustive listing. Well over a thousand federal statutes use the term 'navigable waters.' ” David W. Robertson, Steven F. Friedell & Michael F. Sturley, *Admiralty and Maritime Law in the United States* 53 n.1 (2001).

2. (usu. pl.) A body of water that is used, or typically can be used, as a highway for commerce with ordinary modes of trade and travel on water. • Under the Commerce Clause, Congress has broad jurisdiction over all navigable waters of the United States. [Cases: Navigable Waters 1. C.J.S. Navigable Waters § 1.]

navigable water of the United States. Navigable water that alone — or in combination with other waters — forms a continuous highway for commerce with other states or foreign countries.

NAVIGATE

navigate, vb. 1. To travel or sail in a vessel on water <to navigate from New York to Bermuda>. [Cases: Collision 3, 90, 103. C.J.S. Collision §§ 28, 160, 162, 165–174, 177, 180, 184–185.] 2. To steer <to navigate the plane>. 3. To make way through, on, or about something <the plaintiff was unable to navigate the stairs in the dark>.

NAVIGATION

navigation. 1. The act of sailing vessels on water. 2. The process and business of directing the course of a vessel from one place to another. See RULES OF NAVIGATION .

NAVIGATION EASEMENT

navigation easement. See EASEMENT.

NAVIGATION SERVITUDE

navigation servitude. See SERVITUDE(2).

NAVIS

navis (nay-vis), n. [Latin] A ship; a vessel.

NAVY

navy. 1. A fleet of ships. 2. The military sea force of a country, including its collective ships and its corps of officers and enlisted personnel; esp. (usu. cap.), the division of the U.S. armed services responsible primarily for seagoing forces. • The U.S. Constitution gives Congress the power to establish a navy and make laws governing the naval forces. U.S. Const. art. I, § 8, cl. 13–14. [Cases: Armed Services 4. C.J.S. Armed Services §§ 14, 16–17, 19, 37.]

NAVY DEPARTMENT

Navy Department. A division of the Department of Defense that oversees the operation and efficiency of the Navy, including the Marine Corps component (and the U.S. Coast Guard when operating as a naval service). • Established in 1798, the Department is headed by the Secretary of the Navy, who is appointed by the President and reports to the Secretary of Defense. — Also termed Department of the Navy. [Cases: Armed Services 4. C.J.S. Armed Services §§ 14, 16–17, 19, 37.]

NAVY YARD

navy yard. The land on which ships are built for the U.S. Navy and the contiguous waters that are necessary to float the ships.

NAWL

NAWL.abbr. NATIONAL ASSOCIATION OF WOMEN LAWYERS.

NAY

nay, n. Parliamentary law. A negative vote.

NAZERANNA

nazeranna (naz-*<<schwa>>*-ran-*<<schwa>>*). Hist. The amount that a person paid to the government as an acknowledgment for public office or a grant of public lands.

N.B.

N.B.abbr. [Latin nota bene] Note well; take notice — used in documents to call attention to something important.

NBA

NBA.abbr. NATIONAL BAR ASSOCIATION.

NBFI

NBFI.abbr. Nonbank financial institution. See MONEY SERVICE BUSINESS.

NCA

NCA.abbr. NATIONAL CEMETERY ADMINISTRATION.

NCBL

NCBL.abbr. NATIONAL CONFERENCE OF BLACK LAWYERS.

NCCUSL

NCCUSL (n-*<<schwa>>*-k[y]oo-s-*<<schwa>>*l).abbr. NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS .

N.C.D.

n.c.d.abbr. NEMINE CONTRADICENTE.

NCPC

NCPC.abbr. NATIONAL CAPITAL PLANNING COMMISSION.

NCR

NCR.abbr.NATIONAL CAPITAL REGION.

NCUA

NCUA.abbr. NATIONAL CREDIT UNION ADMINISTRATION.

N.D.

N.D.abbr.Northern District, in reference to a U.S. judicial district.

n.d.NEMINE DISSENTIENTE.

NDMS

NDMS.abbr.NATIONAL DISASTER MEDICAL SYSTEM.

NDP

NDP.abbr.Nondepository provider of financial services. See MONEY SERVICE BUSINESS .

N.E.

N.E.NORTH EASTERN REPORTER.

NEA

NEA.abbr.NATIONAL ENDOWMENT FOR THE ARTS.

NE ADMITTAS

ne admittas (nee ad-mit-<<schwa>>s), n.[Latin “that you admit not”] Eccles. law. A writ prohibiting a bishop, usu. in a quare impedit action, from admitting the other party's clerk to be a parson of a church. • After a party institutes a quare impedit action to enforce a right to propose a clerk to the position of parson of a vacant church (right of advowson), that party can resort to the ne admittas writ if it is believed that the bishop will admit another person's proposed clerk before the quare impedit action concludes. See QUARE IMPEDIT.

NEAP TIDE

neap tide.See TIDE.

NEAR

near,adv. & adj. 1. Close to; not far away, as a measure of distance <the neighbors' houses are near one another>.2. Almost; close in degree <a near miss>.3. Closely tied by blood <my brother is a near relative>.4. Familiar; intimate <a near friend>.

NEARLY CLOSED-ENDED CLAIM

nearly closed-ended claim. See PATENT CLAIM.

NEAR MONEY

near money. See current asset under ASSET.

NEAT

neat, adj. 1. Clean; pure. 2. Free from extraneous matter.

NEAT WEIGHT

neat weight. See net weight under WEIGHT.

NE BAILA PAS

ne baila pas (n<<schwa>> bay-l<<schwa>> pah), n. [Law French “he or she did not deliver”] In an action for detinue, a defendant's plea denying the receipt of the property in question.

NECATION

necation (ni-kay-sh<<schwa>>n), n. [fr. Latin necare “to kill”] Hist. The act of killing.

NECESSARIES

necessaries. 1. Things that are indispensable to living <an infant's necessities include food, shelter, and clothing>. • Necessaries include whatever food, medicine, clothing, shelter, and personal services are usu. considered reasonably essential for the preservation and enjoyment of life, to the extent that a person having a duty of protection must furnish them. — Also termed necessities; necessities of life. [Cases: Husband and Wife 19.] 2. Things that are essential to maintaining the lifestyle to which one is accustomed <a multimillionaire's necessities may include a chauffeured limousine and a private chef>. • The term includes whatever is reasonably needed for subsistence, health, comfort, and education, considering the person's age, station in life, and medical condition, but it excludes (1) anything purely ornamental, (2) anything solely for pleasure, (3) what the person is already supplied with, (4) anything that concerns someone's estate or business as opposed to personal needs, and (5) borrowed money. Under the common law, a husband was required to pay debts incurred by his wife or children for necessities. Beginning in the late 1960s, most states began to change their statutes regarding the obligation to provide necessities to include both husband and wife. See DOCTRINE OF NECESSARIES; FAMILY-EXPENSE STATUTE .

“Things may be of a useful character, but the quality or quantity supplied may take them out of the character of necessities. Elementary textbooks might be a necessary to a student of law, but not a rare edition of ‘Littleton's Tenures,’ or eight or ten copies of ‘Stephen's Commentaries.’ Necessaries also vary according to the station in life of the infant or his peculiar circumstances at the time. The quality of clothing suitable to an Eton boy would be unnecessary for a telegraph clerk; the medical attendance and diet required by an invalid would be unnecessary to one in ordinary health. It does not follow therefore that because a thing is of a useful class, a judge is bound to allow a jury to say whether or no it is a necessary.” William R. Anson, *Principles of the Law of Contract* 172 (Arthur L. Corbin ed., 3d Am. ed. 1919).

3. Maritime law. Supplies and services needed for the maintenance and operation of a vessel, including repairs, tow fees, and the costs of loading and unloading. • Authorized provision of necessaries automatically confers a maritime lien to the provider under the Federal Maritime Lien Act, 46 USCA §§ 31341–31343. “The case law is clear that ‘necessaries’ does not mean absolutely indispensable; rather, the term refers to what is reasonably needed in the ship’s business.” Thomas J. Schoenbaum, *Admiralty and Maritime Law* 256 (1987).

NECESSARILY INCLUDED OFFENSE

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

NECESSARIUS

necessarius (ne-s<<schwa>>-sair-ee-<<schwa>>s), adj. [Latin] 1. Necessary; essential. 2. Unavoidable; obligatory; compelling.

NECESSARY AND PROPER

necessary and proper, adj. Being appropriate and well adapted to fulfilling an objective.

NECESSARY AND PROPER CLAUSE

Necessary and Proper Clause. The clause of the U.S. Constitution permitting Congress to make laws “necessary and proper” for the execution of its enumerated powers. U.S. Const. art. I, § 8, cl. 18. • The Supreme Court has broadly interpreted this clause to grant Congress the implied power to enact any law reasonably designed to achieve an express constitutional power. *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819). — Also termed Basket Clause; Coefficient Clause; Elastic Clause; Sweeping Clause. [Cases: United States 22. C.J.S. United States §§ 30, 33.]

NECESSARY DAMAGES

necessary damages. See general damages under DAMAGES.

NECESSARY DEPOSIT

necessary deposit. See DEPOSIT(5).

NECESSARY DILIGENCE

necessary diligence. See DILIGENCE.

NECESSARY DOMICILE

necessary domicile. See DOMICILE.

NECESSARY IMPLICATION

necessary implication. See IMPLICATION.

NECESSARY IMPROVEMENT

necessary improvement. See IMPROVEMENT.

NECESSARY INFERENCE

necessary inference. A conclusion that is unavoidable if the premise on which it is based is taken to be true.

NECESSARY INTROMISSION

necessary intromission. See INTROMISSION.

NECESSARY PARTY

necessary party. See PARTY(2).

NECESSARY REPAIR

necessary repair. An improvement to property that is both needed to prevent deterioration and proper under the circumstances.

NECESSARY WAY

necessary way. See easement by necessity under EASEMENT.

NECESSITAS

necessitas (n<<schwa>>-ses-i-tas), n. [Latin] Roman law. 1. Necessity. 2. A force or influence that compels an unwilling person to act. • The term refers to a lack of free will to do a legal act, as opposed to libera voluntas (“free will”).

NECESSITAS CULPABILIS

necessitas culpabilis (n<<schwa>>-ses-i-tas k<<schwa>>l-pay-b<<schwa>>-lis). [Latin “culpable necessity”] Hist. An unfortunate necessity that, while essentially excusing the act done under its compulsion, does not necessarily relieve the actor from blame.

“And as to the necessity which excuses a man who kills another se defendendo lord Bacon entitles it necessitas culpabilis For the law intends that the quarrel or assault arose from some unknown wrong ... and since in quarrels both parties may be, and usually are, in some fault; and it scarce can be tried who was originally in the wrong; the law will not hold the survivor entirely guiltless. But it is clear, in the other case, that where I kill a thief that breaks into my house, the original default can never be upon my side.” 4 William Blackstone, Commentaries on the Laws of England 186–87 (1769).

NECESSITATE JURIS

necessitate juris (n<<schwa>>-ses-i-tay-tee joor-is). [Latin] Hist. By necessity of law. • That phrase appeared in reference to acts necessarily arising from the effect of a legal rule.

NECESSITIES

necessities. 1. Indispensable things of any kind. 2. NECESSARIES(1).

NECESSITIES OF LIFE

necessities of life. See NECESSARIES(1).

NECESSITOUS

necessitous, adj. Living in a state of extreme want; hard up.

NECESSITOUS CIRCUMSTANCES

necessitous circumstances. The situation of one who is very poor; extreme want.

NECESSITUDO

necessitudo (n<<schwa>>-ses-i-t[y]oo-doh), n. [Latin "need"] Hist. 1. An obligation. 2. A close connection or relationship between persons, such as a family relationship.

NECESSITY

necessity. 1. Criminal law. A justification defense for a person who acts in an emergency that he or she did not create and who commits a harm that is less severe than the harm that would have occurred but for the person's actions. • For example, a mountain climber lost in a blizzard can assert necessity as a defense to theft of food and blankets from another's cabin. — Also termed choice of evils; duress of circumstances; lesser-evils defense. See lesser-evils defense under DEFENSE(1). [Cases: Criminal Law 38. C.J.S. Criminal Law §§ 49–53.] 2. Torts. A privilege that may relieve a person from liability for trespass or conversion if that person, having no alternative, harms another's property in an effort to protect life or health.

“In some cases even damage intentionally done may not involve the defendant in liability when he is acting under necessity to prevent a greater evil. The precise limits of the defence are not clear, for it has affinities with certain other defences, such as act of God, self-help, duress, or inevitable accident. It is distinguishable from self-defence on the ground that this presupposes that the plaintiff is prima facie a wrongdoer: the defence of necessity contemplates the infliction of harm on an innocent plaintiff. The defence, if it exists, enables a defendant to escape liability for the intentional interference with the security of another's person or property on the ground that the acts complained of were necessary to prevent greater damage to the commonwealth or to another or to the defendant himself, or to their or his property. The use of the term necessity serves to conceal the fact that the defendant always has a choice between two evils. This is what distinguishes the defence of necessity from that of impossibility.” R.F.V. Heuston, *Salmond on the Law of Torts* 493 (17th ed. 1977).

manifest necessity. A sudden and overwhelming emergency, beyond the court's and parties' control, that makes conducting a trial or reaching a fair result impossible and that therefore authorizes the granting of a mistrial. • The standard of manifest necessity must be met to preclude a defendant from successfully raising a plea of former jeopardy after a mistrial. [Cases: Double Jeopardy 99. C.J.S. Criminal Law § 230.]

military necessity. See MILITARY NECESSITY.

moral necessity. A necessity arising from a duty incumbent on a person to act in a particular way.

physical necessity. A necessity involving an actual, tangible force that compels a person to act in a particular way.

private necessity. Torts. A necessity that involves only the defendant's personal interest and thus provides only a limited privilege. • For example, if the defendant harms the plaintiff's dock by keeping a boat moored to the dock during a hurricane, the defendant can assert private necessity but must compensate the plaintiff for the dock's damage. [Cases: Negligence 510(3). C.J.S. Negligence §§ 240, 317.]

public necessity. Torts. A necessity that involves the public interest and thus completely excuses the defendant's liability. • For example, if the defendant destroys the plaintiff's house to stop the spread of a fire that threatens the town, the defendant can assert public necessity.

3. RULE OF NECESSITY.

NECESSITY DEFENSE

necessity defense. See JUSTIFICATION(2).

NECK VERSE

neck verse. Hist. A verse, usu. consisting of the opening verse of Psalm 51 (Miserere mei, Deus "Have mercy on me, O God"), which was used as a literacy test for an accused who claimed benefit of clergy. • An accused who read the passage satisfactorily would not receive the maximum sentence (the person's neck would be saved). Although judges could assign any passage, they usu. chose Psalm 51, so that for many years criminals memorized this verse and pretended to read it. Still, the records show that many accused persons failed the test. The reading of the neck verse was abolished in 1707. See BENEFIT OF CLERGY.

"During the fourteenth and fifteenth centuries the judges' attitudes to benefit of clergy changed completely, and they came to see it as a regular means of escape from the mandatory death penalty. Physical appearance was disregarded, and reading became the sole test of clerical status. When a man was convicted of a felony, he would fall on his knees and 'pray the book'; he would then be tendered a passage from the psalter, known as the neck-verse, and if he could read or recite it satisfactorily his clergy was taken to be proved Strictly speaking, the decision whether the convict read 'as a clerk' was for the ordinary; but he was subject to the control of the judges, and could be fined for refusing to accept someone. By the end of the sixteenth century as many as half of all men convicted of felony were recorded as having successfully claimed benefit of clergy." J.H. Baker, *An Introduction to English Legal History* 587 (3d ed. 1990).

NEC MANIFESTUM

nec manifestum (nek man-i-fes-t<<schwa>>m). [Latin] Civil law. Not manifest. • The phrase usu. referred to a theft in which the thief was not caught in the act.

NE CONJUGES MUTUO AMORE SE INVICEM SPOLIANT

ne conjuges mutuo amore se invicem spoliant (nee k<<schwa>>n-joo-jeez myoo-choo-oh <<schwa>>-mor-ee see in-vI-s<<schwa>>m spoh-lee-<<schwa>>nt). [Latin] Roman & civil law.

Lest spouses through their mutual love should impoverish one another. • The phrase appeared in reference to the rationale for holding that donations between husband and wife were invalid. A similar phrase, *ne mutuato amore invicem spoliarentur* (“lest they should be impoverished by each other through their mutual affection”), was also used.

NECROPSY

necropsy (nek-rop-see). See AUTOPSY(1).

NE DISTURBA PAS

ne disturba pas (n<<schwa>> di-st<<schwa>>r-b<<schwa>> pah), n.[Law French “did not disturb”] Eccles. law. A defendant's general denial (plea of the general issue) in a *quare impedit* action. See QUARE IMPEDIT.

NE DOMINIA RERUM SINT INCERTA, NEVE LITES SINT PERPETUAE

ne dominia rerum sint incerta, neve lites sint perpetuae (nee d<<schwa>>-min-ee-<<schwa>> reer-<<schwa>>m sint in-s<<schwa>>r-t<<schwa>>, nee-vee II-teez sint p<<schwa>>r-pech-oo-ee). [Latin] Hist. Lest the ownership of things should remain uncertain or lawsuits never come to an end. • The phrase appeared in reference to the principle on which all actions prescribed after (*usu.*) 30 years. See PRESCRIPTION.

NE DONA PAS

ne dona pas (n<<schwa>> doh-n<<schwa>> pah), n.[Law French “did not give”] Hist. A defendant's general denial (plea of the general issue) in a *formedon* action, alleging that the plaintiff was given the right to land under a gift of tail. — Also termed *non dedit*. See FORMEDON.

NÉE

née (nay), adj.[French] (Of a woman) born. • This term is sometimes used after a married woman's name to indicate her maiden name <Mrs. Robert Jones, *née* Thatcher>. The masculine form (not common in English) is *né*. — Also spelled *nee*.

NEED

need, n.1. The lack of something important; a requirement. 2. Indigence. — need, vb.

NEEDY

needy, adj.1. Needful; necessary. 2. Indigent; very poor. • Needy implies a more permanent and less urgent condition than *necessitous*. See NECESSITOUS.

NE EXEAT

ne exeat (nee ek-see-<<schwa>>t [orek-see-at]). [Latin “that he not depart”].1. A writ restraining a person from leaving the republic; specif., an equitable writ ordering the person to whom it is addressed not to leave the jurisdiction of the court or the state. • *Ne exeat* writs are *usu.* issued to ensure the satisfaction of a claim against the defendant. The full phrase is *ne exeat*

republica (nee ek-see-<<schwa>>t [orek-see-at] ri-p<<schwa>>b-li-k<<schwa>>h) [Latin “let him not go out of the republic”]. 2. Family law. An equitable writ restraining a person from leaving, or removing a child or property from, the jurisdiction. • A ne exeat is often issued to prohibit a person from removing a child or property from the jurisdiction — and sometimes from leaving the jurisdiction. — Also termed writ of ne exeat; ne exeat republica; ne exeat regno. [Cases: Ne Exeat 1. C.J.S. Ne Exeat §§ 2–4, 6, 9–10.]

“The district courts of the United States ... shall have such jurisdiction to make and issue in civil actions, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and processes ... as may be necessary or appropriate for the enforcement of the internal revenue laws.” IRC (26 USCA) § 7402(a).

“Such a writ [ne exeat] might be issued upon the commencement of the suit for equitable relief, during the pendency of the suit, or upon issuance of the final decree to secure its enforcement. But such writ related primarily to the person of the defendant and issued only upon satisfactory proof that he planned or intended to remove himself beyond the court's jurisdiction so that he might escape obedience to such command as might be or had been laid upon him. The writ has been frequently termed an equitable bail. It involves taking and keeping the defendant in custody until he gives bail or bond in a designated amount, conditioned upon his keeping himself amenable to the effective processes of the court.” William Q. de Funiak, *Handbook of Modern Equity* 21 (2d ed. 1956).

NE EXEAT REGNO

ne exeat regno. See NE EXEAT.

NE EXEAT REPUBLICA

ne exeat republica. See NE EXEAT.

NEFAS

nefas (nee-fas), n. [Latin ne “not” + fas “right”] 1. Roman law. Something that the gods forbid. 2. Roman law. Something against the law or custom. 3. Hist. Something that is wicked. Cf. FAS.

NEFASTUS

nefastus (ni-fas-t<<schwa>>s), n. [Latin ne “not” + fastus “lawful for public business”] Roman law. A day when it is unlawful to open the courts, administer justice, or hold public assemblies. • The priests in charge of supervising the laws and religious observances established an official calendar, on which certain days, marked “nefasti,” were to be devoted to religious or public ceremonies. — Also termed dies nefasti. Cf. dies fasti under DIES.

NEGATE

negate, vb. 1. To deny. 2. To nullify; to render ineffective.

NEGATIVE

negative, adj. 1. Of or relating to something bad; not positive <a negative attitude>. 2. Of or

relating to refusal of consent; not affirmative <a negative answer>.

negative,n.1. A word or phrase of denial or refusal <“no” and “not” are negatives>.2. A word expressing the opposite of the positive <two negatives and one positive>.3. The original plate of a photograph, on which light and shadows are the opposite of the positive images later created and printed < not only the pictures, but also the negatives, were required to be returned>.4.Archaic. The power of veto <the king's negative has eroded>.

negative,vb. To negate; to deny, nullify, or render ineffective <the jury negated fraud>.

NEGATIVE ACT

negative act.See ACT.

NEGATIVE AMORTIZATION

negative amortization.See AMORTIZATION.

NEGATIVE AVERMENT

negative averment.See AVERMENT.

NEGATIVE CASH FLOW

negative cash flow.See CASH FLOW.

NEGATIVE CAUSATION

negative causation.See CAUSATION.

NEGATIVE COMMERCE CLAUSE

Negative Commerce Clause.See COMMERCE CLAUSE.

NEGATIVE CONDITION

negative condition.See CONDITION(2).

NEGATIVE CONTINGENT FEE

negative contingent fee.See reverse contingent fee under CONTINGENT FEE.

NEGATIVE COVENANT

negative covenant.See COVENANT(1).

NEGATIVE DEFENSE

negative defense.See DEFENSE(1).

NEGATIVE DISINHERITANCE

negative disinheritance.See DISINHERITANCE.

NEGATIVE DUTY

negative duty. See DUTY(1).

NEGATIVE EASEMENT

negative easement. See EASEMENT.

NEGATIVE EVIDENCE

negative evidence. See EVIDENCE.

NEGATIVE EXTERNALITY

negative externality. See EXTERNALITY.

NEGATIVE LIMITATION

negative limitation. Patents. In a patent application, a claim that describes what the element is not or does not do, rather than what it is or does. [Cases: Patents 101(3).]

NEGATIVE MISPRISION

negative misprision. See MISPRISION.

NEGATIVE PLEA

negative plea. See PLEA(3).

NEGATIVE-PLEDGE CLAUSE

negative-pledge clause. 1. A provision requiring a borrower, who borrows funds without giving security, to refrain from giving future lenders any security without the consent of the first lender. 2. A provision, usu. in a bond indenture, stating that the issuing entity will not pledge its assets if it will result in less security to the bondholders under the indenture agreement.

NEGATIVE PREGNANT

negative pregnant. A denial implying its affirmative opposite by seeming to deny only a qualification of the allegation and not the allegation itself. • An example is the statement, "I didn't steal the money last Tuesday," the implication being that the theft might have happened on another day. — Also termed negative pregnant with an affirmative. Cf. AFFIRMATIVE PREGNANT. [Cases: Pleading 126. C.J.S. Pleading § 191.]

NEGATIVE PRESCRIPTION

negative prescription. See PRESCRIPTION(4).

NEGATIVE PROOF

negative proof. See PROOF.

NEGATIVE REPRISAL

negative reprisal. See REPRISAL.

NEGATIVE RIGHT

negative right. See RIGHT.

NEGATIVE SERVITUDE

negative servitude. See SERVITUDE(2).

NEGATIVE STATUTE

negative statute. See STATUTE.

NEGATIVE TESTIMONY

negative testimony. See negative evidence under EVIDENCE.

NEGATIVE VETO

negative veto. See qualified veto under VETO.

NEGLECT

neglect, n. 1. The omission of proper attention to a person or thing, whether inadvertent, negligent, or willful; the act or condition of disregarding. 2. The failure to give proper attention, supervision, or necessities, esp. to a child, to such an extent that harm results or is likely to result. Cf. ABUSE. — neglect, vb. — neglectful, adj.

“ ‘Neglect’ is not the same thing as ‘negligence.’ In the present connection the word ‘neglect’ indicates, as a purely objective fact, that a person has not done that which it was his duty to do; it does not indicate the reason for this failure. ‘Negligence,’ on the other hand, is a subjective state of mind, and it indicates a particular reason why the man has failed to do his duty, namely because he has not kept the performance of the duty in his mind as he ought to have done. A man can ‘neglect’ his duty either intentionally or negligently.” J.W. Cecil Turner, *Kenny's Outlines of Criminal Law* 108 n.1 (16th ed. 1952).

child neglect. The failure of a person responsible for a minor to care for the minor's emotional or physical needs. • Child neglect is a form of child abuse. Local child-welfare departments investigate reports of child neglect. In a severe case, criminal charges may be filed against a person suspected of child neglect. [Cases: Infants 156.]

culpable neglect. Censurable or blameworthy neglect; neglect that is less than gross carelessness but more than the failure to use ordinary care.

developmental neglect. Failure to provide necessary emotional nurturing and physical or cognitive stimulation, as a result of which a child could suffer from serious developmental delays.

educational neglect. Failure to ensure that a child attends school in accordance with state law.

excusable neglect. A failure — which the law will excuse — to take some proper step at the proper time (esp. in neglecting to answer a lawsuit) not because of the party's own carelessness, inattention, or willful disregard of the court's process, but because of some unexpected or unavoidable hindrance or accident or because of reliance on the care and vigilance of the party's counsel or on a promise made by the adverse party. [Cases: Federal Civil Procedure 2656;

Judgment 362. C.J.S. Judgments § 320.]

inexcusable neglect.Unjustifiable neglect; neglect that implies more than unintentional inadvertence. • A finding of inexcusable neglect in, for example, failing to file an answer to a complaint will prevent the setting aside of a default judgment. [Cases: Federal Civil Procedure 2656; Judgment 362. C.J.S. Judgments § 320.]

medical neglect.Failure to provide medical, dental, or psychiatric care that is necessary to prevent or to treat serious physical or emotional injury or illness. • In determining whether a parent's refusal to consent to medical treatment is neglectful, courts use any of three approaches: (1) an ad hoc test, (2) a best-interests-of-the-child test, or (3) a balancing test that weighs the interests of the parents, the child, and the state. Cf. FAITH-HEALING EXEMPTION.

physical neglect.Failure to provide necessities, the lack of which has caused or could cause serious injury or illness.

willful neglect.Intentional or reckless failure to carry out a legal duty, esp. in caring for a child.

NEGLECTED CHILD

neglected child.See CHILD.

NEGLECT HEARING

neglect hearing.See HEARING.

NEGLEGENTIA

neglegentia (neg-li-jen-shee-<<schwa>>), n.[Latin] Roman law. Carelessness; inattentive omission. • Neglegentia can be of varying degrees, which may or may not result in actionable liability. — Also spelled negligencia. See CULPA. Cf. DILIGENTIA.

“In the sources negligentia is tantamount to culpa, and similarly graduated (magna, lata negligentia). Precision in terminology is no more to be found here than in the field of culpa. One text declares ... ‘gross negligence (magna negligentia) is culpa, magna culpa is dolus’; another says: ‘gross negligence (dissoluta negligentia) is near to dolus (prope dolum).’ In the saying ‘lata culpa is exorbitant (extreme) negligence, i.e., not to understand (intelligere) what all understand’ ...negligentia is identified with ignorance.” Adolf Berger, *Encyclopedic Dictionary of Roman Law* 593 (1953).

lata neglegentia (lay-t<<schwa>> neg-li-jen-shee-<<schwa>>). Extreme negligence resulting from an unawareness of something that the actor should have known.

magna neglegentia (mag-n<<schwa>> neg-li-jen-shee-<<schwa>>). See gross negligence under NEGLIGENCE.

NEGLIGENCE

negligence,n.1. The failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation; any conduct that falls below the legal standard

established to protect others against unreasonable risk of harm, except for conduct that is intentionally, wantonly, or willfully disregarding of others' rights. • The term denotes culpable carelessness. The Roman-law equivalents are *culpa* and *neglegentia*, as contrasted with *dolus* (wrongful intention). — Also termed actionable negligence; ordinary negligence; simple negligence. [Cases: Negligence 201, 233, 250. C.J.S. Negligence §§ 14, 34, 59, 118–121, 125–127, 130–131, 133.] 2. A tort grounded in this failure, usu. expressed in terms of the following elements: duty, breach of duty, causation, and damages. [Cases: Negligence 202. C.J.S. Negligence §§ 21–31, 64, 649.]

“Negligence in law ranges from inadvertence that is hardly more than accidental to sinful disregard of the safety of others.” Patrick Devlin, *The Enforcement of Morals* 36 (1968).

“During the first half of the nineteenth century, negligence began to gain recognition as a separate and independent basis of tort liability. Its rise coincided in a marked degree with the Industrial Revolution; and it very probably was stimulated by the rapid increase in the number of accidents caused by industrial machinery, and in particular by the invention of railways. It was greatly encouraged by the disintegration of the old forms of action, and the disappearance of the distinction between direct and indirect injuries, found in trespass and case Intentional injuries, whether direct or indirect, began to be grouped as a distinct field of liability, and negligence remained as the main basis for unintended torts. Negligence thus developed into the dominant cause of action for accidental injury in this nation today.” W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 28, at 161 (5th ed. 1984).

“Negligence is a matter of risk — that is to say, of recognizable danger of injury In most instances, it is caused by heedlessness or inadvertence, by which the negligent party is unaware of the results which may follow from his act. But it may also arise where the negligent party has considered the possible consequences carefully, and has exercised his own best judgment. The almost universal use of the phrase ‘due care’ to describe conduct which is not negligent should not obscure the fact that the essence of negligence is not necessarily the absence of solicitude for those who may be adversely affected by one's actions but is instead behavior which should be recognized as involving unreasonable danger to others.” *Id.* § 31, at 169.

active negligence. Negligence resulting from an affirmative or positive act, such as driving through a barrier. Cf. **passive negligence**.

advertent negligence. Negligence in which the actor is aware of the unreasonable risk that he or she is creating; **RECKLESSNESS**. — Also termed **willful negligence**; **supine negligence**.

casual negligence. A plaintiff's failure to (1) pay reasonable attention to his or her surroundings, so as to discover the danger created by the defendant's negligence, (2) exercise reasonable competence, care, diligence, and skill to avoid the danger once it is perceived, or (3) prepare as a reasonable person would to avoid future dangers.

collateral negligence. An independent contractor's negligence, for which the employer is generally not liable. See **COLLATERAL-NEGLIGENCE DOCTRINE**.

comparative negligence. A plaintiff's own negligence that proportionally reduces the damages

recoverable from a defendant. — Also termed comparative fault. See COMPARATIVE-NEGLIGENCE DOCTRINE. [Cases: Negligence 549. C.J.S. Negligence §§ 262–264.]

concurrent negligence. The negligence of two or more parties acting independently but causing the same damage. Cf. joint negligence.

contributory negligence. 1. A plaintiff's own negligence that played a part in causing the plaintiff's injury and that is significant enough (in a few jurisdictions) to bar the plaintiff from recovering damages. • In most jurisdictions, this defense has been superseded by comparative negligence. See CONTRIBUTORY-NEGLIGENCE DOCTRINE. [Cases: Negligence 547. C.J.S. Negligence §§ 293, 297.] 2. Rare. The negligence of a third party — neither the plaintiff nor the defendant — whose act or omission played a part in causing the plaintiff's injury. [Cases: Negligence 540. C.J.S. Negligence § 267.]

“The contributory negligence of a third party is no excuse for the negligence of the defendant.” Thomas E. Holland, *The Elements of Jurisprudence* 154 (13th ed. 1924).

criminal negligence. Gross negligence so extreme that it is punishable as a crime. • For example, involuntary manslaughter or other negligent homicide can be based on criminal negligence, as when an extremely careless automobile driver kills someone. — Also termed culpable negligence; gross negligence. [Cases: Criminal Law 23; Negligence 1800–1802. C.J.S. Criminal Law § 38; Negligence §§ 913–914, 916.]

“Though the legislatures and the courts have often made it clear that criminal liability generally requires more fault than the ordinary negligence which will do for tort liability, they have not so often made it plain just what is required in addition to tort negligence — greater risk, subjective awareness of the risk, or both. Statutes are sometimes worded in terms of ‘gross negligence’ or ‘culpable negligence’ or ‘criminal negligence,’ without any further definition of these terms.... The courts thus have had to do their best with little guidance from the legislature, with varying results.” Wayne R. LaFare & Austin W. Scott Jr., *Criminal Law* § 3.7, at 235–37 (2d ed. 1986).

culpable negligence. 1. Negligent conduct that, while not intentional, involves a disregard of the consequences likely to result from one's actions. 2. See criminal negligence.

“‘Culpable negligence,’ while variously defined, has been held incapable of exact definition; it means something more than negligence In connection with negligence, the word ‘culpable’ is sometimes used in the sense of ‘blamable,’ and it has been regarded as expressing the thought of a breach of a duty or the commission of a fault; but culpable negligence has been held to amount to more than ‘blameworthy’ conduct It does not involve the element of intent On the other hand, it has been said to be intentional conduct which the actor may not intend to be harmful but which an ordinary and reasonably prudent man would recognize as involving a strong probability of injury to others.” 65 C.J.S. Negligence § 1(13) (1966).

gross negligence. 1. A lack of slight diligence or care. [Cases: Negligence 273. C.J.S. Negligence §§ 91–97.] 2. A conscious, voluntary act or omission in reckless disregard of a legal

duty and of the consequences to another party, who may typically recover exemplary damages. — Also termed reckless negligence; wanton negligence; willful negligence; willful and wanton negligence; hazardous negligence; magna neglegentia. [Cases: Damages 91; Negligence 273. C.J.S. Damages §§ 202–207; Negligence §§ 91–97.] 3. See criminal negligence.

“Negligence is gross if the precautions to be taken against harm are very simple, such as persons who are but poorly endowed with physical and mental capacities can easily take.” H.L.A. Hart, “Negligence, Mens Rea and Criminal Responsibility,” in *Punishment and Responsibility* 136, 149 (1968).

“Gross Negligence. As it originally appeared, this was very great negligence, or the want of even slight or scant care. It has been described as a failure to exercise even that care which a careless person would use. Several courts, however, dissatisfied with a term so nebulous ... have construed gross negligence as requiring willful, wanton, or reckless misconduct, or such utter lack of all care as will be evidence thereof But it is still true that most courts consider that ‘gross negligence’ falls short of a reckless disregard of the consequences, and differs from ordinary negligence only in degree, and not in kind.” W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 34, at 211–12 (5th ed. 1984).

hazardous negligence. 1. Careless or reckless conduct that exposes someone to extreme danger of injury or to imminent peril. 2. See gross negligence.

imputed negligence. Negligence of one person charged to another; negligence resulting from a party's special relationship with another party who is originally negligent — so that, for example, a parent might be held responsible for some acts of a child. [Cases: Negligence 483, 575; Parent and Child 13.5(2). C.J.S. Negligence §§ 152–153, 268–280; Parent and Child § 191.]

inadvertent negligence. Negligence in which the actor is not aware of the unreasonable risk that he or she is creating, but should have foreseen and avoided it. — Also termed simple negligence.

joint negligence. The negligence of two or more persons acting together to cause an accident. Cf. concurrent negligence.

legal negligence. See negligence per se.

negligence in law. Failure to observe a duty imposed by law. See negligence per se.

negligence per se. Negligence established as a matter of law, so that breach of the duty is not a jury question. • Negligence per se usu. arises from a statutory violation. — Also termed legal negligence. [Cases: Negligence 259. C.J.S. Negligence §§ 134–147.]

ordinary negligence. Lack of ordinary diligence; the failure to use ordinary care. • The term is most commonly used to differentiate between negligence and gross negligence. [Cases: Negligence 232.]

passive negligence. Negligence resulting from a person's failure or omission in acting, such as failing to remove hazardous conditions from public property. Cf. active negligence.

professional negligence. See MALPRACTICE.

reckless negligence. See gross negligence.

simple negligence. See inadvertent negligence.

slight negligence. The failure to exercise the great care of an extraordinarily prudent person, resulting in liability in special circumstances (esp. those involving bailments or carriers) in which lack of ordinary care would not result in liability; lack of great diligence.

subsequent negligence. The negligence of the defendant when, after the defendant's initial negligence and the plaintiff's contributory negligence, the defendant discovers — or should have discovered — that the plaintiff was in a position of danger and fails to exercise due care in preventing the plaintiff's injuries. — Also termed supervening negligence. See LAST-CLEAR-CHANCE DOCTRINE. [Cases: Negligence 530. C.J.S. Negligence §§ 281–290, 313, 318.]

supine negligence. See advertent negligence.

tax negligence. Negligence arising out of the disregard of tax-payment laws, for which the Internal Revenue Service may impose a penalty — 5% of the amount underpaid. IRC (26 USCA) § 6651(a). [Cases: Internal Revenue 5219. C.J.S. Internal Revenue § 824.]

wanton negligence. See gross negligence.

willful and wanton negligence. See gross negligence.

willful negligence. See advertent negligence.

NEGLIGENCE RULE

negligence rule. Commercial law. The principle that if a party's negligence contributes to an unauthorized signing or a material alteration in a negotiable instrument, that party is estopped from raising this issue against later parties who transfer or pay the instrument in good faith. • Examples of negligence include leaving blanks or spaces on the amount line of the instrument, erroneously mailing the instrument to a person with the same name as the payee, and failing to follow internal procedures designed to prevent forgeries. [Cases: Banks and Banking 148(3); Bills and Notes 279, 365(2). C.J.S. Banks and Banking §§ 434–435; Bills and Notes; Letters of Credit §§ 29–30, 33, 150–151.]

NEGLIGENT

negligent, adj. Characterized by a person's failure to exercise the degree of care that someone of ordinary prudence would have exercised in the same circumstance <the negligent driver went through the stop sign> <negligent construction caused the bridge to collapse>. [Cases: Automobiles 146; Negligence 200, 232. C.J.S. Motor Vehicles §§ 18, 41, 500–503, 506–510, 545–546, 550–552, 554–555, 1299; Negligence §§ 5–13, 15–20, 33, 64.] — negligently, adv.

“[A] careful consideration is needed of the differences between the meaning of expressions like ‘inadvertently’ and ‘while his mind was a blank’ on the one hand, and ‘negligently’ on the

other. In ordinary English, and also in lawyers' English, when harm has resulted from someone's negligence, if we say of that person that he has acted negligently we are not thereby merely describing the frame of mind in which he acted. 'He negligently broke a saucer' is not the same kind of expression as 'he inadvertently broke a saucer'. The point of the adverb 'inadvertently' is merely to inform us of the agent's psychological state, whereas if we say 'He broke it negligently' we are not merely adding to this an element of blame or reproach, but something quite specific, viz. we are referring to the fact that the agent failed to comply with a standard of conduct with which any ordinary reasonable man could and would have complied: a standard requiring him to take precautions against harm. The word 'negligently', both in legal and in non-legal contexts, makes an essential reference to an omission to do what is thus required: it is not a flatly descriptive psychological expression like 'his mind was a blank'." H.L.A. Hart, "Negligence, Mens Rea and Criminal Responsibility," in *Punishment and Responsibility* 136, 147–48 (1968).

NEGLIGENT ACT

negligent act. See ACT.

NEGLIGENT ENTRUSTMENT

negligent entrustment. The act of leaving a dangerous article (such as a gun or car) with a person who the lender knows, or should know, is likely to use it in an unreasonably risky manner. [Cases: Automobiles 192(11); Negligence 351–355; Weapons 18(1). C.J.S. Motor Vehicles §§ 838–840; Negligence §§ 157–160, 170; Weapons §§ 52–53.]

NEGLIGENT ESCAPE

negligent escape. See ESCAPE(3).

NEGLIGENT HIRING

negligent hiring. Torts. An employer's lack of care in selecting an employee who the employer knew or should have known was unfit for the position, thereby creating an unreasonable risk that another person would be harmed.

NEGLIGENT HOMICIDE

negligent homicide. See HOMICIDE.

NEGLIGENTIA

negligentia (neg-li-jen-shee-*<<schwa>>*), n. [Latin] Roman law. See NEGLEGENCIA.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

negligent infliction of emotional distress. The tort of causing another severe emotional distress through one's negligent conduct. • Most courts will allow a plaintiff to recover damages for emotional distress if the defendant's conduct results in physical contact with the plaintiff or, when no contact occurs, if the plaintiff is in the zone of danger. See EMOTIONAL DISTRESS; ZONE-OF-DANGER RULE. Cf. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS. — Abbr. NIED. [Cases: Damages 49.10. C.J.S. Damages § 95; Torts §§ 67, 76–79, 82–83.]

NEGLIGENT MANSLAUGHTER

negligent manslaughter. See involuntary manslaughter under **MANSLAUGHTER**.

NEGLIGENT MISREPRESENTATION

negligent misrepresentation. See **MISREPRESENTATION**.

NEGLIGENT OFFENSE

negligent offense. See **OFFENSE**(1).

NEGLIGENT TORT

negligent tort. See **TORT**.

NÉGOCE

négoce (ni-gohs), n. [French] Trade; business.

NEGOTIABILITY

negotiability. The capability of commercial paper to have its title transferred by indorsement and delivery, or by delivery alone, so that the transferee has a rightful claim on it. • Negotiability (which pertains to commercial paper) differs from assignability (which pertains to contracts in general) because an assignee traditionally takes title subject to all equities, and an assignment is not complete without notice to the debtor, whereas an indorsee takes free of all equities and without any notice to the debtor. [Cases: Bills and Notes 144–175. C.J.S. Bills and Notes; Letters of Credit §§ 3–4, 127–138, 143, 148, 155, 159.]

NEGOTIABLE

negotiable, adj. 1. (Of a written instrument) capable of being transferred by delivery or indorsement when the transferee takes the instrument for value, in good faith, and without notice of conflicting title claims or defenses. [Cases: Bills and Notes 144. C.J.S. Bills and Notes; Letters of Credit §§ 127, 129–130, 143.] 2. (Of a deal, agreement, etc.) capable of being accomplished. 3. (Of a price or deal) subject to further bargaining and possible change. Cf. **NONNEGOTIABLE**; **ASSIGNABLE**.

“The term ‘negotiable,’ in its enlarged signification, is used to describe any written security which may be transferred by indorsement and delivery, or by delivery merely, so as to vest in the indorsee the legal title, and thus enable him to bring a suit thereon in his own name. But in a strictly commercial classification, and as the term is technically used, it applies only to those instruments which, like bills of exchange, not only carry the legal title with them by indorsement, or delivery, but carry as well, when transferred before maturity, the right of the transferee to demand the full amounts which their faces call for. ‘Assignable’ is the more appropriate term to describe bonds, and ordinary notes, or notes of hand as they are most commonly called; as ‘negotiable’ is the more fitting term to describe the peculiar instruments of commerce.” 1 John W. Daniel, *A Treatise on the Law of Negotiable Instruments* § 2, at 3 (Thomas H. Calvert ed., 7th ed. 1933).

NEGOTIABLE BILL OF LADING

negotiable bill of lading. See BILL OF LADING.

NEGOTIABLE BOND

negotiable bond. See BOND(2).

NEGOTIABLE CERTIFICATE OF DEPOSIT

negotiable certificate of deposit. See CERTIFICATE OF DEPOSIT.

NEGOTIABLE DOCUMENT OF TITLE

negotiable document of title. See DOCUMENT OF TITLE.

NEGOTIABLE INSTRUMENT

negotiable instrument. A written instrument that (1) is signed by the maker or drawer, (2) includes an unconditional promise or order to pay a specified sum of money, (3) is payable on demand or at a definite time, and (4) is payable to order or to bearer. UCC § 3-104(a). — Also termed negotiable paper; negotiable note. • Among the various types of negotiable instruments are bills of exchange, promissory notes, bank checks, certificates of deposit, and other negotiable securities. [Cases: Bills and Notes 5, 144–175. C.J.S. Bills and Notes; Letters of Credit §§ 3–4, 9, 127–138, 143, 148, 155, 159.]

“What are called ‘negotiable instruments,’ or ‘paper to bearer,’ such as bills of exchange, or promissory notes, do really pass from hand to hand, either by delivery or indorsement, giving to each successive recipient a right against the debtor, to which no notice to the debtor is essential, and which, if the paper is held bona fide and for value, is unaffected by flaws in the title of intermediate assignors.” Thomas E. Holland, *The Elements of Jurisprudence* 315–16 (13th ed. 1924).

“One must first understand that a negotiable instrument is a peculiar animal and that many animals calling for the payment of money and others loosely called ‘commercial paper’ are not negotiable instruments and not subject to the rules of Article 3.” 2 James J. White & Robert S. Summers, *Uniform Commercial Code* § 16-1, at 70 (4th ed. 1995).

NEGOTIABLE NOTE

negotiable note. See NEGOTIABLE INSTRUMENT.

NEGOTIABLE ORDER OF WITHDRAWAL

negotiable order of withdrawal. A negotiable instrument (such as a check) payable on demand and issued against funds deposited with a financial institution. — Abbr. NOW.

NEGOTIABLE-ORDER-OF-WITHDRAWAL ACCOUNT

negotiable-order-of-withdrawal account. See NOW account under ACCOUNT.

NEGOTIABLE PAPER

negotiable paper. See NEGOTIABLE INSTRUMENT.

NEGOTIABLE WORDS

negotiable words. The terms and phrases that make a document a negotiable instrument. — Also termed words of negotiability. See NEGOTIABLE INSTRUMENT . [Cases: Bills and Notes 147. C.J.S. Bills and Notes; Letters of Credit § 128.]

NEGOTIATE

negotiate, vb. 1. To communicate with another party for the purpose of reaching an understanding <they negotiated with their counterparts for weeks on end>. 2. To bring about by discussion or bargaining <she negotiated a software license agreement>. 3. To transfer (an instrument) by delivery or indorsement, whereby the transferee takes the instrument for value, in good faith, and without notice of conflicting title claims or defenses <Jones negotiated the check at the neighborhood bank>. [Cases: Bills and Notes 176, 208. C.J.S. Bills and Notes; Letters of Credit §§ 139, 143, 146, 148.]

NEGOTIATED AGREEMENT

negotiated agreement. A settlement that disputing parties reach between themselves, usu. with the help of their attorneys, but without benefit of formal mediation. — Also termed negotiated settlement.

NEGOTIATED MARKET

negotiated market. See MARKET.

NEGOTIATED OFFERING

negotiated offering. See OFFERING.

NEGOTIATED PLEA

negotiated plea. See PLEA(1).

NEGOTIATING BANK

negotiating bank. See BANK.

NEGOTIATION

negotiation, n. 1. A consensual bargaining process in which the parties attempt to reach agreement on a disputed or potentially disputed matter. • Negotiation usu. involves complete autonomy for the parties involved, without the intervention of third parties. [Cases: Contracts 25. C.J.S. Contracts § 60.]

“Negotiation, we may say, ought strictly to be viewed simply as a means to an end; it is the road the parties must travel to arrive at their goal of mutually satisfactory settlement. But like other means, negotiation is easily converted into an end in itself; it readily becomes a game played for its own sake and a game played with so little reserve by those taken up with it that they will sacrifice their own ultimate interests in order to win it.” Lon L. Fuller, *Anatomy of the Law* 128

(1968).

2. (usu. pl.) Dealings conducted between two or more parties for the purpose of reaching an understanding. 3. The transfer of an instrument by delivery or indorsement whereby the transferee takes it for value, in good faith, and without notice of conflicting title claims or defenses. See **HOLDER IN DUE COURSE**. [Cases: Bills and Notes 176, 208. C.J.S. Bills and Notes; Letters of Credit §§ 139, 143, 146, 148.] — negotiate,vb. — negotiable,adj. — negotiability,n.

due negotiation.The transfer of a negotiable document of title so that the transferee takes it free of certain claims enforceable against the transferor. • This is the good-faith-purchase exception to the doctrine of derivative title. UCC §§ 7-501(4); 7-502(1). [Cases: Warehousemen 15. C.J.S. Warehousemen and Safe Depositaries § 36.]

NEGOTIATION LETTER OF CREDIT

negotiation letter of credit.See **LETTER OF CREDIT**.

NEGOTIORUM GESTIO

negotiorum gestio (ni-goh-shee-or-<<schwa>>m jes-chee-oh), n.[Latin “management of another's affairs”] Roman & civil law. A quasi-contractual situation in which an actor (negotiorum gestor) manages or interferes in the business transaction of another person (dominus negotii) in that person's absence, without authority but out of concern or friendship. La. Civ. Code art. 2292. • By such conduct, the actor is bound to conduct the matter to a conclusion and to deliver the transaction's proceeds to the person, who likewise must reimburse the actor for any expenses incurred. La. Civ. Code art. 2297. A negotiorum gestio does not exist if the gestor acted self-interestedly or if the owner expressly forbade the gestor from acting on the owner's behalf. See **actio negotiorum gestorum** under **ACTIO**. [Cases: Implied and Constructive Contracts 2.1; Principal and Agent 149(2).C.J.S. Agency §§ 362, 372–374.]

“The negotiorum gestio, according to the civilians, is a species of spontaneous agency, or an interference by one in the affairs of another, in his absence, from benevolence or friendship, and without authority. The negotiorum gestor acquires no right of property by means of the interference, and he is strictly bound not only to good faith, but to ordinary care and diligence; and in some cases he is held responsible for the slightest neglect.” 2 James Kent, Commentaries on American Law *616 n.(c) (George Comstock ed., 11th ed. 1866).

NEGOTIORUM GESTOR

negotiorum gestor (ni-goh-shee-or-<<schwa>>m jes-tor), n.[Latin “a manager of another's affairs”] Roman & civil law. A person who acts without authority to protect another person's interests, in the reasonable belief that the owner would approve the action if made aware of the circumstances. La. Civ. Code art. 2292. • The actor has a claim to be compensated by the owner for the trouble taken, and the owner has a claim for any loss that results from the negotiorum gestor's fault. — Sometimes shortened to gestor. Pl. negotiorum gestores.See **NEGOTIORUM GESTIO**.

NEGOTIUM

negotium (ni-goh-shee-<<schwa>>m), n.[Latin] Roman law. 1. A matter; an affair, as in negotium absentis, a matter concerning an absent person. 2. A transaction; an agreement. 3. A trade; a business. 4. A civil or criminal trial. Pl. negotia.

NEH

NEH.abbr. NATIONAL ENDOWMENT FOR THE HUMANITIES.

N.E.I.

n.e.i.abbr.NON EST INVENTUS.

NEIFE

neife (neef), n.[Law French] Hist. A person born into bondage or serfdom; specif., a female serf. — Also spelled naif; neif; niefe.

“For the children of villeins were also in the same state of bondage with their parents; whence they were called in Latin, nativi, which gave rise to the female appellation of a villein, who was called a neife.” 2 William Blackstone, Commentaries on the Laws of England 93–94 (1766).

NEIGHBOR

neighbor,n.1. A person who lives near another <Jensen's neighbor spotted the fire>.2. A person or thing situated near something <Canada is the United States' neighbor to the north>.3. A person in relation to humankind <love thy neighbor>.

NEIGHBORHOOD

neighborhood. 1. The immediate vicinity; the area near or next to a specified place. 2. People living in a particular vicinity, usu. forming a community within a larger group and having similar economic statuses and social interests. 3. The condition of being close together.

NEIGHBORHOOD EFFECT

neighborhood effect.See EXTERNALITY.

NEIGHBORING RIGHT

neighboring right.(usu. pl.) Copyright. An intellectual-property right of a performer or of an entrepreneur such as a publisher, broadcaster, or producer, as distinguished from a moral right belonging to an author or artist as the work's creator. • In civil-law systems, neighboring rights and moral rights are typically protected by different laws, while in common-law systems both are typically protected by the same copyright laws. — Also termed related right; entrepreneurial right; (in French) droit voisins; (in German) Leistungsschutzrecht; (in Italian) diritto connessi. Cf. MORAL RIGHT . [Cases: Copyrights and Intellectual Property 41(3).]

“Civil law countries have generally, but not consistently, consigned protection of collaborative technological productions to regimes of neighboring rights. Common law countries, with their utilitarian emphasis on the products rather than the processes of creative work, have

generally, but not consistently, included these productions in the subject matter of copyright, alongside such traditional objects as novels and musical works.” Paul Goldstein, *International Copyright: Principles, Law, and Practice* 157 (2001).

NEIGHBOR PRINCIPLE

neighbor principle. The doctrine that one must take reasonable care to avoid acts or omissions that one can reasonably foresee will be likely to injure one's neighbor. • According to this principle, neighbor includes all persons who are so closely and directly affected by the act that the actor should reasonably think of them when engaging in the act or omission in question.

NE INJUSTE VEXES

ne injuste vexes (nee in-j<<schwa>>s-tee vek-seez), n. [Law Latin “do not trouble unjustly”] Hist. A writ prohibiting a lord from demanding more services from a tenant than the tenure allowed.

“The writ of ne injuste vexes... which prohibits distresses for greater services than are really due to the lord; being itself of the prohibitory kind, and yet in the nature of a writ of right. It lies, where the tenant in fee-simple and his ancestors have held of the lord by certain services; and the lord hath obtained seisin of more or greater services, by the inadvertent payment or performance of them by the tenant himself. Here the tenant cannot ... avoid the lord's possessory right, because of the seisin given by his own hands; but is driven to this writ, to divest the lord's possession, and establish the mere right of property, by ascertaining the services, and reducing them to their proper standard.” 3 William Blackstone, *Commentaries on the Laws of England* 234 (1768).

NEITHER PARTY

neither party. A docket entry reflecting the parties' agreement not to continue to appear to prosecute and defend a lawsuit. • This entry is equivalent to a dismissal.

NE LUMINIBUS OFFICIATUR

ne luminibus officiatur (nee loo-min-i-b<<schwa>>s <<schwa>>-fish-ee-ay-t<< schwa>>r). [Latin “that lights be not impeded”] Roman law. An urban praedial servitude restraining a homeowner from constructing anything that blocks light to an adjoining house.

NEMINE CONTRADICENTE

nemine contradicente (nem-i-nee kahn-tr<<schwa>>-di-sen-tee). [fr. Latin nemo “nobody” + contradicere “contradict”] Without opposition or dissent. • This phrase expresses the lack of opposition by members of a court, legislative body, or other group to a resolution or vote <the motion passed nemine contradicente>. It is used in the English House of Commons. — Abbr. nem. con.; n.c.d. — Also termed nemine dissentiente.

NEMINE DISSENTIENTE

nemine dissentiente (nem-i-nee di-sen-shee-en-tee). [fr. Latin nemo “nobody” + dissentio “dissents”] See NEMINE CONTRADICENTE. • This phrase is used in the House of Lords. — Abbr. nem dis.; n.d.

NEMO

nemo (nee-moh), n.[Latin] No one; no man. • This term is the first word of many Latin maxims, such as *nemo est supra leges* (“no one is above the law”).

NE MUTUATO AMORE INVICEM SPOLIARENTUR

ne mutuato amore invicem spoliarentur (nee myoo-choo-ay-toh <<schwa>>-mor-ee in-vI-s<<schwa>>m spoh-lee-<<schwa>>-ren-t<<schwa>>r). [Latin] See NE CONJUGES MUTUO AMORE SE INVICEM SPOLIANT .

NEONATAL

neonatal (nee-oh-nayt-<<schwa>>l), adj. Of or relating to the first four weeks of life. Cf. PERINATAL. — neonate (nee-oh-nayt or nee-<<schwa>>-nayt), n.

NEONATICIDE

neonaticide. See INFANTICIDE(1).

NEONATOLOGY

neonatology (nee-oh-nay-tol-<<schwa>>-jee or nee-<<schwa>>-n<<schwa>>-tol-<<schwa>>-jee), n. The branch of medicine dealing with the development of newborn children, as well as various disorders of early infancy. — neonatological (nee-oh-nay-t<<schwa>>-loj-i-k<<schwa>>l or nee-<<schwa>>-), adj. — neonatologist (nee-oh-nay-tol-<<schwa>>-jist or nee-<<schwa>>-n<<schwa>>-tol-<<schwa>>-jist), n.

NEPA

NEPA (nee-p<<schwa>>).abbr.NATIONAL ENVIRONMENTAL POLICY ACT.

NEPHEW

nephew. 1. The son of a person's brother or sister; sometimes understood to include the son of a person's brother-in-law or sister-in-law. • This term is extended in some wills to include a grandnephew. Cf. NIECE. [Cases: Descent and Distribution 32. C.J.S. Descent and Distribution §§ 40–41.]

half nephew.The son of one's half brother or half sister.

2.Hist. A grandchild. 3.Hist. A descendant.“[N]ephew... a son's or daughter's son, a grandson (also ... a granddaughter), later also a brother's or sister's son, a nephew, in general a descendant The application, as with all other terms denoting relationship beyond the first degree, formerly varied (‘grandson,’ ‘nephew,’ ‘cousin,’ ‘kinsman,’ etc.); its final exclusive use for ‘nephew’ instead of ‘grandson’ is prob. due in part to the fact that, by reason of the great difference in age, a person has comparatively little to do with his grandsons, if he has any, while nephews are proverbially present and attentive, if their uncle is of any importance.” 5 The Century Dictionary and Cyclopedia 3968 (1895).

NEPOS

nepos (nep-ohs), n.[Latin] 1.Roman law. A grandson. 2.Hist. A nephew. • The term nepos later became neveu and then “nephew.” See NEPHEW.

NEPOTISM

nepotism (nep-<<schwa>>-tiz-<<schwa>>m), n. Bestowal of official favors on one's relatives, esp. in hiring.[Cases: Officers and Public Employees 29. C.J.S. Officers and Public Employees §§ 31–33.] — nepotistic (nep-<<schwa>>-tis-tik), adj.

NEPTIS

neptis (nep-tis), n.[Latin] Hist. 1. A granddaughter. 2. A female descendant.

NE RELESSA PAS

ne relessa pas (n<<schwa>> r<<schwa>>-les-<<schwa>> pah), n.[Law French “did not release”] A plaintiff's reply to a defendant's plea of release as a defense to liability in a case.

NERVE-CENTER TEST

nerve-center test.A method courts sometimes use to determine the location of a company's principal place of business, by examining where the company's central decision-making authority lies. • Factors include the locations where the corporate officers, directors, and (sometimes) shareholders reside, and where they direct and control the corporation's activities. [Cases: Corporations 52; Federal Courts 300. C.J.S. Corporations §§ 107–109, 886.]

NESDIS

NESDIS.abbr.National Environmental Satellite, Data, and Information Service. See NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

NET

net,n.1. An amount of money remaining after a sale, minus any deductions for expenses, commissions, and taxes. [Cases: Sales 77. C.J.S. Sales §§ 26, 96–98.] 2. The gain or loss from a sale of stock. 3. See net weight under WEIGHT.

NET ASSETS

net assets.See net worth under WORTH.

NET ASSET VALUE

net asset value.The market value of a share in a mutual fund, computed by deducting any liabilities of the fund from its total assets and dividing the difference by the number of outstanding fund shares. — Abbr. NAV. — Also termed asset value. See MUTUAL FUND.

NET BALANCE

net balance.See net proceeds under PROCEEDS.

NET BOOK COST

net book cost.See COST(1).

NET BOOK VALUE

net book value.An asset's value as that value appears on an organization's books, less the asset's depreciation since the last valuation. [Cases: Taxation 375(1). C.J.S. Taxation §§ 547–548, 556.]

NET-CAPITAL RULES

net-capital rules.Securities. Basic financial-responsibility standards adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934. • Under these rules, securities brokers are required to maintain a minimum level of capitalization and to maintain aggregate indebtedness at a level less than a specified multiple of the broker's net capital. 15 USCA § 780(c)(3); SEC Rule 15c3-1 (17 CFR § 240). [Cases: Securities Regulation 40.13. C.J.S. Securities Regulation § 159.]

NET CASH FLOW

net cash flow.See CASH FLOW.

NET COST

net cost.See COST(1).

NET EARNINGS

net earnings.See net income under INCOME.

NET ESTATE

net estate.See net probate estate under PROBATE ESTATE.

NET GAIN

net gain.See GAIN(3).

NETHER HOUSE OF PARLIAMENT

nether house of Parliament.Hist. The lower house of Parliament; the English House of Commons. • This name was given to the House of Commons in the reign of Henry VIII.

NET INCOME

net income.See INCOME.

NET INVESTMENT

net investment.See INVESTMENT.

NET LEASE

net lease.See LEASE.

NET LEVEL ANNUAL PREMIUM

net level annual premium. See PREMIUM(1).

NET LISTING

net listing. See LISTING(1).

NET LOSS

net loss. See LOSS.

NET NATIONAL PRODUCT

net national product. The total value of goods and services produced in a country during a specific period, after deducting capital replacement costs.

NET-NET-NET LEASE

net-net-net lease. See LEASE.

NET OPERATING INCOME

net operating income. See INCOME.

NET OPERATING LOSS

net operating loss. See LOSS.

NET POSITION

net position. 1. The difference between long and short contracts held by a securities or commodities trader. 2. The amount gained or lost because of a change in the value of a stock or commodity.

NET PREMIUM

net premium. See PREMIUM(1).

NET PRESENT VALUE

net present value. See PRESENT VALUE.

NET PRICE

net price. See PRICE.

NET PROBATE ESTATE

net probate estate. See PROBATE ESTATE.

NET PROCEEDS

net proceeds. See PROCEEDS.

NET PROFIT

net profit. See PROFIT(1).

NET-PROFITS INTEREST

net-profits interest.Oil & gas. A share of production free of the costs of production. • Like a royalty, the interest is expressed as a fraction or a percentage of production. But unlike a royalty, it is payable only if there is a net profit, and the costs that are used to calculate the net profit depend on what is negotiated.

NET QUICK ASSETS

net quick assets.1.ASSET. 2.QUICK-ASSET RATIO.

NET REALIZABLE VALUE

net realizable value. 1. For a receivable, the amount of cash expected from the collection of present customer balances. 2. For inventory, the selling price less the completion and disposal costs. 3. An accounting method requiring the value of scrap or by-products to be treated as a reduction in the cost of the primary products.

NET RENT

net rent.See RENT(1).

NET RENTAL

net rental.See RENTAL.

NET RETURN

net return.See RETURN.

NET REVENUE

net revenue.See net profit under PROFIT(1).

NET SALE

net sale.See SALE.

NET SALE CONTRACT

net sale contract.See net listing under LISTING(1).

NET SINGLE PREMIUM

net single premium.See PREMIUM(1).

NET TONNAGE

net tonnage.See TONNAGE(1).

NET VALUATION PREMIUM

net valuation premium.See net premium under PREMIUM(1).

NET VALUE

net value. See VALUE(2).

NET WEIGHT

net weight. See WEIGHT.

NETWORK ELEMENT

network element. Telecommunications. A facility or piece of equipment used to provide telecommunications service, as by a local-exchange network, and each feature, function, or capability of the service. 47 USCA § 153(29). [Cases: Telecommunications 46, 267, 323. C.J.S. Telegraphs, Telephones, Radio, and Television §§ 31–32.]

NET WORTH

net worth. See WORTH.

NET-WORTH METHOD

net-worth method. The procedure the Internal Revenue Service uses to determine the taxable income of a taxpayer who does not keep adequate records. • The change in net worth for the year determines the taxpayer's gross income, after taking into account nontaxable receipts and nondeductible expenses. [Cases: Internal Revenue 4530. C.J.S. Internal Revenue §§ 645, 872.]

NET YIELD

net yield. See YIELD.

NE UNQUES

ne unques (nee <<schwa>>ng-kweez). [Law French] Never.

NE UNQUES ACCOUPLE

ne unques accouple (nee <<schwa>>ng-kweez <<schwa>>k<<schwa>>p-<<schwa>>l), n. [Law French “never married”] In a dower action by a widow to recover the estate of her deceased husband, a tenant's plea denying the woman's marriage to the decedent. — Also termed ne unques accouple en loiall matrimonies. See DOWER.

NE UNQUES EXECUTOR

ne unques executor (nee <<schwa>>ng-kweez ig-zek-y<<schwa>>-t<<schwa>>r), n. [Law French “never executor”] A plea that the defendant or plaintiff is not an executor as alleged.

NE UNQUES SEISE QUE DOWER

ne unques seise que dower (nee <<schwa>>ng-kweez see-zee k<<schwa>> dow-<<schwa>>r), n. [Law French “never seised of a dowable estate”] Hist. In a dower action, the tenant's general denial (plea of general issue) that the widow's husband was never seised of a dowable estate of inheritance.

NE UNQUES SON RECEIVER

ne unques son receiver (nee <<schwa>>ng-kweez sawn ri-see-v<<schwa>>r), n.[Law French “never a receiver”] In an action for an accounting, the defendant's plea denying the receipt of anything from the plaintiff. — Also termed ne unques receivour.

NE URBS RUINIS DEFORMETUR

ne urbs ruinis deformetur (nee <<schwa>>rbz roo-I-nis di-for-m<<schwa>>-t<< schwa>>r). [Latin] Scots law. Lest the city should be disfigured by ruinous houses. • The phrase appeared in reference to the jurisdiction of the Dean of Guild, who presided over construction projects, to order repairs to or demolition of unsafe buildings.

NEUTRAL

neutral,adj.1. Indifferent. 2. (Of a judge, mediator, arbitrator, or actor) refraining from taking sides in a dispute.

neutral,n. 1. A person or country taking no side in a dispute; esp., a country that is at peace and is committed to aid neither of two or more belligerents. Cf. BELLIGERENT.

“The rights of neutrals have grown up to be an important part of international law in modern times.... Now, when a war arises between two states, the interests of all neutrals are more affected than formerly; or, in other words, neutral power has increased more than war power, and the tendency is more and more towards such alterations of the code of war as will favor neutral commerce” Theodore D. Woolsey, *Introduction to the Study of International Law* § 163, at 276 (5th ed. 1878).

2. A nonpartisan arbitrator typically selected by two other arbitrators — one of whom has been selected by each side in the dispute.

NEUTRALITY

neutrality,n. The condition of a nation that in time of war takes no part in the dispute but continues peaceful dealings with the belligerents. — neutral,adj.

armed neutrality.A condition of neutrality that the neutral state is willing to maintain by military force.

NEUTRALITY LAW

neutrality law.Int'l law. An act that prohibits a nation from militarily aiding either of two or more belligerent powers with which the nation is at peace; esp., a federal statute forbidding acts — such as the equipping of armed vessels or the enlisting of troops — designed to assist either of two belligerents that are at peace with the United States. 22 USCA §§ 441–457. [Cases: Neutrality Laws 1–5. C.J.S. Neutrality Laws §§ 2–7.]

NEUTRALITY PROCLAMATION

neutrality proclamation.Int'l law. At the outbreak of a war between two nations, an announcement by the President that the United States is neutral and that its citizens may not violate the neutrality laws, as in the Neutrality Proclamation of 1793, issued during the war

between France and Great Britain.

NEUTRALIZATION

neutralization. 1. The act of making something ineffective. 2.Int'l law. The process by which a country's integrity has been permanently guaranteed by international treaty, conditionally on its maintaining a perpetual neutrality except in its own defense. • Switzerland is the only remaining example, having been neutralized by the Treaty of Vienna in 1815 — a provision reaffirmed by the Treaty of Versailles in 1919. 3. The act of declaring certain persons or property neutral and safe from capture. See NEUTRAL PROPERTY . 4.Evidence. The cancellation of unexpected harmful testimony from a witness by showing, usu. by cross-examination, that the witness has made conflicting statements. • For example, a prosecutor may attempt to neutralize testimony of a state witness who offers unexpected adverse testimony. See IMPEACHMENT(2).

NEUTRAL PRINCIPLES

neutral principles.Constitutional law. Rules grounded in law, as opposed to rules based on personal interests or beliefs. • In this context, the phrase was popularized by Herbert Wechsler. See *Toward Neutral Principles of Constitutional Law*, 73 Harv. L. Rev. 1 (1959).

NEUTRAL PROPERTY

neutral property.Things belonging to citizens of a country that is not a party to a war, as long as the things are properly used and labeled. • For example, harmless neutral property aboard a captured belligerent ship would not normally be subject to seizure. But the hiding of explosives in otherwise neutral property could allow the property to be seized as contraband.

NEUTRON-ACTIVATION ANALYSIS

neutron-activation analysis.A method of identifying and analyzing physical evidence by measuring gamma rays emitted by a sample of material after that material has been bombarded with neutrons in a nuclear reactor. • This technique can be used, for example, to detect gunshot residue on the hand of someone who recently fired a gun. The analysis is usu. expensive to perform, but most courts allow the results into evidence. — Abbr. NAA.

NE VARIETUR

ne varietur (nee vair-ee-ee-t<<schwa>>r), n.[Latin “it must not be altered”] A notation of identity that a person, usu. a notary, places on documents or translations of documents. • In Louisiana, this notation is typically placed on a collateral mortgage note to bind and identify the note with the collateral mortgage.

NEVER INDEBTED, PLEA OF

never indebted, plea of.A common-law traverse — or denial — by which the defendant in an action on a contract debt denies that an express or implied contract existed. — Also termed non debit. See TRAVERSE. [Cases: Bills and Notes 474; Contracts 339. C.J.S. Bills and Notes; Letters of Credit § 271; Contracts §§ 657–658.]

NEW

new,adj.1. (Of a person, animal or thing) recently come into being <the new car was shipped from the factory this morning>.2. (Of any thing) recently discovered <a new cure for cancer>.3. (Of a person or condition) changed from the former state <she has a new state of mind>.4. Unfamiliar; unaccustomed <she asked for directions because she was new to the area>.5. Beginning afresh <a new day in court>.

NEW ACQUISITION

new acquisition.See ACQUISITION.

NEW AND USEFUL

new and useful.Patents. Two of the requirements for an invention to be patentable — namely, that the invention be novel and that it have practical utility. 35 USCA § 101. See PATENT(3). [Cases: Patents 37, 46.C.J.S. Patents §§ 29–30, 59.]

NEW ASSET

new asset.See ASSET.

NEW ASSIGNMENT

new assignment.See ASSIGNMENT(7).

NEW BUSINESS

new business.See BUSINESS.

NEW-BUSINESS RULE

new-business rule.The principle precluding an award of damages for lost profits to a business with no recent record of profitability, because the damages would be too speculative. [Cases: Damages 40(1), 190.C.J.S. Damages §§ 58, 61, 304.]

NEW CAUSE OF ACTION

new cause of action.See CAUSE OF ACTION.

NEW-CONTRACT DISPUTE

new-contract dispute.See major dispute under DISPUTE.

NEW COURT COMMITMENT

new court commitment.See COMMITMENT.

NEW DEBTOR

new debtor.See DEBTOR.

NEW-DEBTOR SYNDROME

new-debtor syndrome.Conduct showing a debtor's bad faith in filing for bankruptcy, as a result of which the court may dismiss the bankruptcy petition. • An example is the debtor's

formation of a corporation, immediately before the bankruptcy filing, solely to take advantage of the bankruptcy laws. [Cases: Bankruptcy 2252.1.]

NEW DRUG

new drug. See DRUG.

NEW-FOR-OLD

new-for-old. 1. Marine insurance. In adjusting a partial marine-insurance loss, the principle that old materials apply toward payment of the new, so that the old material's value is deducted from the total repair expenses, and then from that balance one-third of the cost of repairs (one-third of the new materials for the old on the balance) is deducted and charged against the insured shipowner. — Also termed deduction for new. [Cases: Insurance 2244. C.J.S. Insurance § 1208.] 2. The principle that a party whose property has been damaged is entitled to recover only the amount necessary to restore the property to the condition it was in before the damage, instead of acquiring a new item to replace one that was old and depreciated. [Cases: Damages 103. C.J.S. Damages §§ 129, 142.]

NEW INN

New Inn. Hist. English law. One of the Inns of Chancery (collegiate houses) in which law students were placed before entering the Inns of Court. • This practice continued until approximately 1650, when the buildings began to be used only by barristers and solicitors. See INN OF CHANCERY. Cf. INN OF COURT .

NEW ISSUE

new issue. See ISSUE(2).

NEW-LOAN FEE

new-loan fee. See MORTGAGE DISCOUNT.

NEWLY DISCOVERED EVIDENCE

newly discovered evidence. See EVIDENCE.

NEW MATTER

new matter. 1. MATTER. 2. Patents. Additional information in an amended patent application that departs from the original disclosure. • Since the new matter was reduced to practice after the application was filed, it cannot carry the same filing date. Rather, it must be included in a continuation-in-part application. — Also termed disconformity. [Cases: Patents 109. C.J.S. Patents §§ 152–155.]

NEW-MATTER REJECTION

new-matter rejection. See REJECTION.

NEW PROMISE

new promise.See PROMISE.

NEW-RULE PRINCIPLE

new-rule principle. Criminal procedure. A doctrine barring federal courts from granting habeas corpus relief to a state prisoner because of a rule, not dictated by existing precedent, announced after the prisoner's conviction and sentence became final. — Also termed nonretroactivity principle. See HABEAS CORPUS . [Cases: Courts 100(1). C.J.S. Courts §§ 147–148.]

NEW RULING

new ruling.Criminal procedure. A Supreme Court ruling not dictated by precedent existing when the defendant's conviction became final and thus not applicable retroactively to habeas cases. • For example, when the Court in *Ford v. Wainwright*, 477 U.S. 399, 106 S.Ct. 2595 (1986), ruled that the Eighth Amendment prohibits execution of insane prisoners, this new ruling was nonretroactive because it departed so widely from prior doctrine. *Teague v. Lane*, 489 U.S. 288, 109 S.Ct. 1060 (1989). See HABEAS CORPUS. [Cases: Courts 100(1). C.J.S. Courts §§ 147–148.]

NEW RULES

New Rules.See HILARY RULES.

NEW SERIES

new series.See N.S.

NEWSMAN'S PRIVILEGE

newsman's privilege.See journalist's privilege (1) under PRIVILEGE(3).

NEWSPAPER

newspaper. A publication for general circulation, usu. in sheet form, appearing at regular intervals, usu. daily or weekly, and containing matters of general public interest, such as current events.

daily newspaper.A newspaper customarily published five to seven days every week. — Often shortened to daily.

legal newspaper.A newspaper containing matters of legal interest including summaries of cases, legal advertisements, legislative or regulatory changes, and local bankruptcy notices. [Cases: Newspapers 1–7. C.J.S. Newspapers §§ 2–29.]

newspaper of general circulation.A newspaper that contains news and information of interest to the general public, rather than to a particular segment, and that is available to the public within a certain geographic area. • Legal notices (such as a class-action notice) are often required by law to be published in a newspaper of general circulation. [Cases: Newspapers 3(5). C.J.S. Newspapers §§ 4–5.]

“The phrase ‘newspaper of general circulation’ is a term of art in most states and does not necessarily mean the newspaper best calculated to reach interested persons.” Ann Taylor Schwing, *Open Meeting Laws* § 5.28, at 190–91 (2d ed. 2000).

official newspaper. A newspaper designated to contain all the public notices, resolves, acts, and advertisements of a state or municipal legislative body. [Cases: Newspapers 1–7. C.J.S. Newspapers §§ 2–29.]

NEWSPAPER PROSPECTUS

newspaper prospectus. See PROSPECTUS.

NEW STYLE

new style. The modern system for ordering time according to the Gregorian method, introduced by Pope Gregory XIII in 1582 and adopted in England and the American colonies in 1752. • Because the Julian calendar was slightly longer than the astronomical year, the vernal equinox was displaced by ten days. Pope Gregory reformed the calendar by announcing that October 5, 1582 would be called October 15. And, while generally retaining a leap year for years divisible by 4, he skipped leap years in years divisible by 100 (such as 1800 and 1900), but retained leap years for years divisible by 400 (such as 2000). Thus, the years 2000, 2004, 2008, etc. are leap years, but 2100 is not. — Abbr. n.s. — Also termed Gregorian calendar. Cf. OLD STYLE.

NEW TRIAL

new trial. See TRIAL.

NEW-USE CLAIM

new-use claim. See PATENT CLAIM.

NEW-USE INVENTION

new-use invention. See INVENTION.

NEW VALUE

new value. See VALUE(2).

NEW WORKS

new works. See WORKS.

NEW YORK INTEREST

New York interest. See Boston interest under INTEREST(3).

NEW YORK STANDARD CLAUSE

New York standard clause. See MORTGAGE-LOSS CLAUSE.

NEW YORK STOCK EXCHANGE

New York Stock Exchange. An unincorporated association of member firms that handle the

purchase and sale of securities both for themselves and for customers. • This exchange, the dominant one in the United States, trades in only large companies having at least one million outstanding shares. — Abbr. NYSE. [Cases: Exchanges 1–15; Securities Regulation 40.10–40.16. C.J.S. Exchanges §§ 2–43; Securities Regulation §§ 154–163, 165–168.]

NEW YORK SUPPLEMENT

New York Supplement.A set of regional lawbooks, part of the West Group's National Reporter System, containing every published appellate decision from intermediate and lower courts of record in New York, from 1888 to date. • The first series ran from 1888 to 1937; the second series is the current one. — Abbr. N.Y.S.; N.Y.S.2d.

NEW YORK TIMES MALICE

New York Times malice.See actual malice (2) under MALICE.

NEW YORK TIMES RULE

New York Times rule.A commonsense rule of ethical conduct holding that one should not do anything arguably newsworthy — in public or in private — that one would mind having reported on the front page of a major newspaper. • In various communities, a local newspaper is substituted for the Times. — Also termed New York Times test; New York Times v. Sullivan rule. See actual malice under MALICE.

NEXI

nexi (nek-sI), n. pl.[Latin] Roman law. Debtors given in bondage to creditors until their debts have been paid. See NEXUM.

NEXT DEVISEE

next devisee.See DEVISEE.

NEXT EVENTUAL ESTATE

next eventual estate.See ESTATE(1).

NEXT FRIEND

next friend.A person who appears in a lawsuit to act for the benefit of an incompetent or minor plaintiff, but who is not a party to the lawsuit and is not appointed as a guardian. — Also termed *prochein ami*. Cf. guardian ad litem under GUARDIAN. [Cases: Infants 76; Mental Health 485.C.J.S. Infants § 222; Insane Persons § 264.]

NEXT-IN, FIRST-OUT

next-in, first-out.A method of inventory valuation (but not a generally accepted accounting principle) whereby the cost of goods is based on their replacement cost rather than their actual cost. — Abbr. NIFO. Cf. FIRST-IN, FIRST-OUT ; LAST-IN, FIRST-OUT.

NEXT OF KIN

next of kin. 1. The person or persons most closely related to a decedent by blood or affinity. Cf. RELATIVE. [Cases: Descent and Distribution 20–43; Wills 508. C.J.S. Descent and Distribution §§ 23–49; Wills§ 921.] 2. An intestate's heirs — that is, the person or persons entitled to inherit personal property from a decedent who has not left a will. See HEIR.

NEXT PRESENTATION

next presentation. See PRESENTATION.

NEXUM

nexum (nek-s<<schwa>>m), n. [Latin] Roman law. A transaction or practice of early Roman law under which a debtor, upon a failure to repay the debt, could be seized and held in bondage until the debt was repaid. • This practice was allowed in very early Roman law.

“Nexum. This highly controversial matter will be briefly dealt with as nexum had long been obsolete in classical law. Little is really known of it: it has been doubted whether there ever was such an institution. No text tells us that there was a contract called nexum But we have texts which speak of nexum as creative of obligation ... and many literary texts dealing with debtors who were nexi, so that it may be taken as certain that there was such a transaction ... which in some way reduced debtors to a sort of slavery, that great hardships resulted and that a l. Poetelia... practically ended this state of things, presumably by requiring an actual judgment before seizure. The effect was not to abolish nexum, but, by depriving it of its chief value, the power of seizure ... to leave it with no advantages to counterbalance its clumsiness, so that it went out of use.” W.W. Buckland, *A Text-Book of Roman Law from Augustus to Justinian 429–30* (Peter Stein ed., 3d ed. 1963).

NEXUS

nexus, n. 1. A connection or link, often a causal one <cigarette packages must inform consumers of the nexus between smoking and lung cancer>. Pl. nexuses; nexus. 2. Roman law. (ital.) In very early times, a debtor given in bondage to creditors until the debts have been paid. Pl. nexi. See NEXUM.

NEXUS REALIS

nexus realis (nek-s<<schwa>>s ree-ay-lis). [Latin “a real fetter”] Scots law. An encumbrance to property, such as a servitude.

NEXUS TEST

nexus test. The standard by which a private person's act is considered state action — and may give rise to liability for violating someone's constitutional rights — if the conduct is so closely related to the government's conduct that the choice to undertake it may fairly be said to be that of the state. • While similar to the symbiotic-relationship test, the nexus test focuses on the particular act complained of, instead of on the overall relationship of the parties. Still, some courts use the terms and analyses interchangeably. — Also termed close-nexus test. Cf. SYMBIOTIC-RELATIONSHIP TEST T. See JOINT PARTICIPATION; STATE-COMPULSION TEST. [Cases: Civil Rights 1326(4, 7). C.J.S. Civil Rights §§ 92–94.]

“The complaining party must ... show that there is a sufficiently close nexus between the State and the challenged action of the regulated entity so that the action of the latter may be fairly treated as that of the State itself. The purpose of this requirement is to assure that constitutional standards are invoked only when it can be said that the State is responsible for the specific conduct of which the plaintiff complains.... [O]ur precedents indicate that a State normally can be held responsible for a private decision only when it has exercised coercive power or has provided such significant encouragement, either overt or covert, that the choice must in law be deemed to be that of the State.” *Blum v. Yaretsky*, 457 U.S. 991, 1004, 102 S.Ct. 2777, 2786 (1982).

NGO

NGO.abbr.NONGOVERNMENTAL ORGANIZATION.

NGRI

NGRI. See not guilty by reason of insanity under NOT GUILTY.

NHTSA

NHTSA.abbr.NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

NICHIL

nichil (nich-⟨⟨schwa⟩⟩l), n.[Old French nichil fr. Latin nihil “nothing”] Hist. English law. A debt owed to the Exchequer's office but nihiled by sheriffs as nonleviable. • Once a year, an officer of the Clerk of Nichils enrolled these amounts and sent them to the treasurer's remembrancer's office from which process was issued for their recovery. Both offices were abolished in 1833. — Also spelled nichill; nichel.

nichil,vb. (Of a sheriff) to make return that a debt is worthless, because the debtor either cannot be found or is unable to pay.

NICKNAME

nickname,n.1. A shortened version of a person's name <“Bill” is William's nickname>. [Cases: Names 7. C.J.S. Names § 13.] 2. A descriptive or alternative name, in addition to or instead of the actual name <David Smith's nickname is “Red”>.

NIECE

niece. The daughter of a person's brother or sister; sometimes understood to include the daughter of a person's brother-in-law or sister-in-law. • This term is extended in some wills to include a grandniece. Cf. NEPHEW.

half niece.The daughter of one's half brother or half sister.

NIED

NIED.abbr.NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS.

NIENT

nient (nee-ent). [Law French] Not; nothing.

NIENT CULPABLE

nient culpable (nee-ent k<<schwa>>l-p<<schwa>>-b<<schwa>>l), n.[Law French] Hist. A general plea of “not guilty” in a tort or criminal action.

“When the prisoner hath thus pleaded not guilty, non culpabilis, or nient culpable; which was formerly used to be abbreviated upon the minutes, thus, ‘non (or nient) cul.’ the clerk of the assise, or clerk of the arraigns, on behalf of the crown replies, that the prisoner is guilty, and that he is ready to prove him so.” 4 William Blackstone, Commentaries on the Laws of England 333 (1769).

NIENT DEDIRE

nient dedire (nee-ent d<<schwa>>-deer), vb.[Law French] Hist. To deny nothing; to be subject to a default judgment.

NIENT LE FAIT

nient le fait (nee-ent l<<schwa>> fay). [Law French] Hist. Not the deed. • This term was the earlier version of non est factum. See NON EST FACTUM.

NIENT SEISI

nient seisi (nee-ent see-zee), n.[Law French “not seised”] Hist. The general denial in a writ to recover an annuity.

NIFL

NIFL.abbr.NATIONAL INSTITUTE FOR LITERACY.

NIFO

NIFO (nI-foh).abbr.NEXT-IN, FIRST-OUT.

NIGHT

night. 1. The time from sunset to sunrise. 2. Darkness; the time when a person's face is not discernible. • This definition was used in the common-law definition of certain offenses, such as burglary. [Cases: Burglary 8. C.J.S. Burglary §§ 26, 36.]

“The definition of a burglar, as given by Sir Edward Coke, is, ‘he that by night breaketh and entereth into a mansion-house, with intent to commit a felony.’ ... The time must be by night, and not by day; for in the daytime there is no burglary As to what is reckoned night, and what day, for this purpose anciently the day was accounted to begin only at sunrising, and to end immediately upon sunset; but the better opinion seems to be, that if there be daylight ... enough, begun or left, to discern a man's face withal, it is no burglary. But this does not extend to moonlight; for then many midnight burglaries would go unpunished: and besides, the malignity of the offence does not so properly arise from its being done in the dark, as at the dead of night when all the creation, except beasts of prey, are at rest; when sleep has disarmed the owner, and rendered his castle defenceless.” 4 William Blackstone, Commentaries on the Laws of England 224 (1769).

3. Thirty minutes after sunset and thirty minutes before sunrise, or a similar definition as set forth by statute, as in a statute requiring specific authorization for night searches. 4. Evening. — Also termed nighttime. Cf. DAY.

NIGHTWALKER

nightwalker. 1.Hist. A person who suspiciously wanders about at night and who might disturb the peace. • Nightwalking was an example of a “common” offense requiring no specific facts to be asserted in the indictment. 2. A prostitute who walks the streets at night; a streetwalker. [Cases: Prostitution 1. C.J.S. Prostitution and Related Offenses §§ 2–4, 8–13, 17, 21–24.] 3. A sleepwalker.

NIHIL

nihil. See NIHIL EST.

NIHIL CAPIAT PER BREVE

nihil capiat per breve (nI-hil kap-ee-<<schwa>>t p<<schwa>>r bree-vee or breev), n.[Latin “Let him take nothing by his writ”] A judgment against the plaintiff in an action at bar or in abatement. — Also termed nihil capiat per billam (“let him take nothing by his bill”).

NIHIL DICIT

nihil dicit (nI-hil dI-sit), n.[Latin “he says nothing”] 1. The failure of a defendant to answer a lawsuit. [Cases: Judgment 106. C.J.S. Judgments § 212.] 2. See nil dicit default judgment under DEFAULT JUDGMENT.

NIHIL DICIT DEFAULT JUDGMENT

nihil dicit default judgment.See nil dicit default judgment under DEFAULT JUDGMENT .

NIHIL EST

nihil est (nI-hil est). [Latin “there is nothing”] A form of return by a sheriff or constable who was unable to serve a writ because nothing was found to levy on. — Often shortened to nihil. Cf. NULLA BONA. [Cases: Execution 334. C.J.S. Executions §§ 324–325.]

NIHIL HABET

nihil habet (nI-hil hay-b<<schwa>>t). [Latin “he has nothing”] A form of return by a sheriff or constable who was unable to serve a scire facias or other writ on the defendant. See SCIRE FACIAS.

NIHILISM

nihilism (nI-<<schwa>>l-iz-<<schwa>>m).1. A doctrine maintaining that there is no rational justification for moral principles and that there is no objective truth. 2. The view that traditional beliefs are unfounded and that life is meaningless and useless. 3. A theory that the existing economic, social, or political institutions should be destroyed, regardless of the result, because of the basic undesirability of those institutions. • This theory, featured by Ivan Turgenev in his 1861

novel *Fathers and Sons*, was popular among Russian extremists until the collapse of the czarist government.

NIHILIST

nihilist, n. A person who advocates nihilism. See NIHILISM.

NIHIL NOVIT

nihil novit (nī-hil noh-vit). [Law Latin] Scots law. He knew nothing. • The phrase appeared in reference to a defendant's oath denying any knowledge of the matter in issue.

“[A] defender may swear that he knows nothing of the matter referred, and so obtain absolvitor; but such an answer would not avail any defender in regard to a factum proprium. In regard to such a matter, an answer of nihil novit would, in the general case, be regarded as simply an evasion, and be treated as an admission of the debt.” John Trayner, *Trayner's Latin Maxims* 387 (4th ed. 1894).

NIL

nil (nil). [Latin] Nothing. • This word is a contracted form of nihil. See NIHIL EST.

NIL DEBET

nil debet (nil deb-<<schwa>>t). [Latin “he owes nothing”] Hist. A general denial in a debt action on a simple contract.

“The proper general issue in debt on simple contracts and statutes is ‘nil debet,’ which is a formal denial of the debt. It denies not only the existence of any contract, but under it any matters in excuse or in discharge may also be shown.” Benjamin J. Shipman, *Handbook of Common-Law Pleading* § 184, at 327 (Henry Winthrop Ballantine ed., 3d ed. 1923).

NIL DICIT DEFAULT JUDGMENT

nil dicit default judgment. See DEFAULT JUDGMENT.

NIL HABUIT IN TENEMENTIS

nil habuit in tenementis (nil hab-yoo-it in ten-<<schwa>>-men-tis), n. [Law Latin “he has nothing in the tenements”] Hist. In an action to recover rent on a lease, the defendant's plea that the landlord has no title or interest in the property at issue.

NIL LIGATUM

nil ligatum (nil li-gay-t<<schwa>>m). [Latin “nothing is bound”] No obligation has been incurred.

NIMA

NIMA. abbr. NATIONAL IMAGING AND MAPPING AGENCY.

NIMBLE DIVIDEND

nimble dividend. See DIVIDEND.

NIMMER

nimmer. A petty thief; pilferer; pickpocket.

NINETEENTH AMENDMENT

Nineteenth Amendment. The constitutional amendment, ratified in 1920, providing that a citizen's right to vote cannot be denied or abridged by the United States, or by any state within it, on the basis of sex. — Also termed Women's Suffrage Amendment. [Cases: Elections 13. C.J.S. Elections § 8.]

NINETY-DAY LETTER

ninety-day letter. Statutory notice of a tax deficiency sent by the IRS to a taxpayer. • During the 90 days after receiving the notice, the taxpayer must pay the taxes (and, if desired, seek a refund) or challenge the deficiency in tax court. IRC (26 USCA) §§ 6212, 6213. — Also written 90-day letter. — Also termed notice of deficiency; deficiency notice; tax-deficiency notice. Cf. THIRTY-DAY LETTER. [Cases: Internal Revenue 4542. C.J.S. Internal Revenue § 650.]

NINTH AMENDMENT

Ninth Amendment. The constitutional amendment, ratified with the Bill of Rights in 1791, providing that rights listed in the Constitution must not be construed in a way that denies or disparages unlisted rights, which are retained by the people. [Cases: Constitutional Law 82(2). C.J.S. Constitutional Law §§ 445–446, 630.]

NISI

nisi (nĪ-sĪ), adj. [Latin “unless”] (Of a court's ex parte ruling or grant of relief) having validity unless the adversely affected party appears and shows cause why it should be withdrawn <a decree nisi>. See decree nisi under DECREE. [Cases: Motions 24. C.J.S. Motions and Orders §§ 20–23.]

NISI ALIUD CONVENERIT

nisi aliud convenerit (nĪ-sĪ-lee-lee-ə-ven-ə-rĪt). [Latin] Hist. Unless it has been otherwise agreed; unless something else has been agreed to.

NISI DECREE

nisi decree. See decree nisi under DECREE.

NISI FECERIS

nisi feceris (nĪ-sĪ-fee-s-ə-rĪs), n. [Law Latin “unless you have done so”] Hist. A clause in a manorial writ providing that the king's court or officer will do justice if the lords fail. • This provision allowed royal courts to usurp the jurisdiction of manorial courts.

NISI MALITIA SUPPLEAT AETATEM

nisi malitia suppleat aetatem (nI-sI m<<schwa>>-lish-ee-<<schwa>> s<<schwa>>p-lee-at ee-tay-t<<schwa>>m). [Latin] Roman & Scots law. Unless malice supplies want of age. • A child under the age of puberty was presumed to lack the necessary intent to commit a crime unless an evil intent was specifically shown.

NISI PRIUS

nisi prius (nI-sIprI-<<schwa>>s). [Latin “unless before then”] A civil trial court in which, unlike in an appellate court, issues are tried before a jury. • The term is obsolete in the United States except in New York and Oklahoma. — Abbr. n.p. — Also termed nisi prius court.

NISI PRIUS CLAUSE

nisi prius clause. An entry to the record authorizing a jury trial in the designated county. See NISI PRIUS.

NISI PRIUS COURT

nisi prius court. See NISI PRIUS.

NISI PRIUS RECORD

nisi prius record. A civil-trial record. See RECORD(4).

NISI PRIUS ROLL

nisi prius roll. The transcript of a case at nisi prius. — Also termed nisi prius record.

NIST

NIST. abbr. National Institute of Standards and Technology. See TECHNOLOGY ADMINISTRATION .

NITROGLYCERINE CHARGE

nitroglycerine charge. See ALLEN CHARGE.

NIXIE

nixie. [fr. German nichts “nothing”] 1. A piece of mail that cannot be delivered, usu. because the addressee is fictitious or the address is incorrect. 2. Hist. An undeliverable piece of mail created by a postal inspector for the purpose of discovering interference with mail processing and delivery. — Also termed nix; nixey.

N.L.

n.l. abbr. NON LIQUET.

NLRA

NLRA. abbr. NATIONAL LABOR RELATIONS ACT.

NLRB

NLRB.abbr.NATIONAL LABOR RELATIONS BOARD.

NMB

NMB.abbr.NATIONAL MEDIATION BOARD.

NMFS

NMFS.abbr.NATIONAL MARINE FISHERIES SERVICE.

NMI

NMI.abbr.No middle initial.

NMN

NMN.abbr.No middle name.

NOAA

NOAA.abbr.NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

NO-ACTION CLAUSE

no-action clause.An insurance-policy provision that bars suit against the insurer until the liability of the insured has been determined by a judgment. [Cases: Insurance 3549(4).]

NO-ACTION LETTER

no-action letter.A letter from the staff of a governmental agency stating that if the facts are as represented in a person's request for an agency ruling, the staff will advise the agency not to take action against the person. • Typically, a no-action letter is requested from the SEC on such matters as shareholder proposals, resales of stock, and marketing techniques. [Cases: Securities Regulation 81. C.J.S. Securities Regulation §§ 242–244.]

NOACTUS REUS

no actus reus (noh ak-t<<schwa>>s ree-<<schwa>>s). A plea in which a criminal defendant either denies involvement with a crime or asserts that the harm suffered is too remote from the criminal act to be imputable to the defendant.

NO-ANSWER DEFAULT JUDGMENT

no-answer default judgment.See DEFAULT JUDGMENT.

NO ARRIVAL, NO SALE

no arrival, no sale.A delivery term, included in some sales contracts, by which the seller assumes the duty to deliver the goods to a specified place, and assumes the risk of loss for the goods while they are in transit. • If the goods arrive damaged or late, the buyer can either avoid the contract or accept the goods at a discount. [Cases: Sales 201(2).]

NO AWARD

no award. In an action to enforce an award, the defendant's plea denying that an award was made.

NOBILE OFFICIUM

nobile officium (noh-b<<schwa>>-lee <<schwa>>-fish-ee-<<schwa>>m), n. [Latin "noble office or privilege"] Scots law. The power of a superior court, the Court of Session, or the High Court to give equitable relief when none is possible under law.

NOBILITY

nobility, n. pl. 1. Persons of social or political preeminence, usu. derived by inheritance or from the sovereign. • In English law, there are various degrees of nobility, or peerage, such as dukes, marquises, earls, viscounts, and barons, and their female counterparts. Nobility is generally created either by a writ of summons to sit in Parliament or by a royal grant through letters patent, and was once usu. accompanied by a large land grant. Nobility by writ descended to a person's bodily heirs. The modern practice is to grant nobility by letters patent, which provide limitations as to future heirs. The U.S. Constitution prohibits granting a title of nobility. U.S. Const. art. I, § 9, cl. 8.

"In England nobility is apt to be confounded with the peculiar institution of the British peerage. Yet nobility, in some shape or another, has existed in most places and times or the world's history, while the British peerage is an institution purely local, and one which has actually hindered the existence of a nobility in the sense which the word bears in most other countries.... Nobility, then, in the strict sense of the word, is the hereditary handing on from generation to generation of some acknowledged pre-eminence, a pre-eminence founded on hereditary succession, and on nothing else.... The pre-eminence so handed on may be of any kind, from substantial political power to mere social respect and precedence." 17 Encyclopaedia Britannica 538 (9th ed. 1907).

2. Persons of high or noble character. 3. The collective body of persons making up the noble class.

NO BILL

no bill, n. A grand jury's notation that insufficient evidence exists for an indictment on a criminal charge <the grand jury returned a no bill instead of the indictment the prosecutors expected>. <the grand jury no-billed three of the charges>. Cf. TRUE BILL. [Cases: Grand Jury 42.] — no-bill, vb.

NO-BONUS CLAUSE

no-bonus clause. Landlord–tenant law. A lease provision that takes effect upon governmental condemnation, limiting the lessee's damages to the value of any improvements to the property and preventing the lessee from recovering the difference between the lease's fixed rent and the property's market rental value. See CONDEMNATION. [Cases: Eminent Domain 155. C.J.S. Eminent Domain § 190.]

NO CAUSE OF ACTION

no cause of action. See take-nothing judgement under JUDGMENT.

NOCENT

nocent (noh-s<<schwa>>nt), adj. [fr. Latin nocere “harm”] Archaic. 1. Injurious; harmful. 2. Guilty; criminal. • This word is the little-used antonym of innocent.

nocent (noh-s<<schwa>>nt), n. [fr. Latin nocere “harm”] Hist. A person who is guilty.

NO-CLAIM

no-claim, n. The lack of a claim. • Legal philosophers devised this term to denote the opposite of a claim. As one jurist has said apologetically, “there is no word in English which expresses the lack of a claim and therefore the rather barbarous ‘no-claim’ has been suggested.” George Whitecross Paton, *A Textbook of Jurisprudence* 291 (G.W. Paton & David P. Derham eds., 4th ed. 1972).

NO-CONFIDENCE VOTE

no-confidence vote. The formal legal method by which a legislative body, by a majority vote, forces the resignation of a cabinet or ministry. — Also termed vote of no confidence.

NO-CONTACT ORDER

no-contact order. See STAY-AWAY ORDER.

NO CONTEST

no contest. A criminal defendant's plea that, while not admitting guilt, the defendant will not dispute the charge. • This plea is often preferable to a guilty plea, which can be used against the defendant in a later civil lawsuit. — Also termed no-contest plea; nolo contendere; non vult contendere. Cf. ALFORD PLEA. [Cases: Criminal Law 275. C.J.S. Criminal Law §§ 398–407, 417.]

NO-CONTEST CLAUSE

no-contest clause. A provision designed to threaten one into action or inaction; esp., a testamentary provision that threatens to dispossess any beneficiary who challenges the terms of the will. — Also termed in terrorem clause; noncontest clause; terrorem clause; anticontest clause; forfeiture clause. [Cases: Wills 651, 656. C.J.S. Wills §§ 1391–1392, 1403–1404, 1422.]

NOCTANTER

noctanter (nok-tan-t<<schwa>>r), n. [Latin “by night”] Hist. A chancery writ issued to a sheriff as a first step in the recovery of damages for destroying a ditch or hedge. • The neighboring villagers (vills) were held liable for the damages unless they indicted the offender.

NOCTEM DE FIRMA

noctem de firma (nok-t<<schwa>>m dee f<<schwa>>r-m<<schwa>>), n. [Law Latin “night of duty (payable)”] Hist. The duty or custom of providing entertainment or provisions for a night. • At the time of the Norman Conquest, this was the duty or custom of entertaining the king for one

night. — Also termed noctes; firma noctis.

NOCUMENTUM

nocumentum (nok-y<<schwa>>-men-t<<schwa>>m). [fr. Latin nocere “to harm”] Hist. A nuisance. • There was no remedy at law for a nuisance causing only property damage, but there was a remedy for a nuisance causing injury.

NO CURE, NO PAY

no cure, no pay. Maritime law. The common-law principle that compensation for salvage must come from the material salvaged, and that if no material is salvaged there can be no compensation. • By contrast, civil-law tradition awards compensation even for a failed effort. Cf. ASSISTANCE.

NO-DUTY

no-duty, n. Liberty not to do an act. — Also termed liberty not.

NO-DUTY DOCTRINE

no-duty doctrine. Torts. 1. The rule that a defendant who owes no duty to the plaintiff is not liable for the plaintiff's injury. 2. The rule that the owner or possessor of property has no duty to warn or protect an invitee from known or obvious hazards. [Cases: Negligence 1037(4). C.J.S. Negligence §§ 469–471, 487, 492–493, 527, 537–538, 542–554, 560, 562–563, 565, 569–570, 572.]

NOERR–PENNINGTON DOCTRINE

Noerr–Pennington doctrine. The principle that the First Amendment shields from liability (esp. under antitrust laws) companies that join together to lobby the government. • The doctrine derives from a line of Supreme Court cases beginning with *Eastern R.R. Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 81 S.Ct. 523 (1961), and *United Mine Workers v. Pennington*, 381 U.S. 657, 85 S.Ct. 1585 (1965). [Cases: Civil Rights 1374; Constitutional Law 91. C.J.S. Civil Rights §§ 143–144, 146, 157, 160; Constitutional Law §§ 461–462, 466, 612–629.]

NO EVIDENCE

no evidence. 1. The lack of a legally sufficient evidentiary basis for a reasonable fact-finder to rule in favor of the party who bears the burden of proof <there is no evidence in the record about his whereabouts at midnight>. • Under the Federal Rules of Civil Procedure, a party can move for judgment as a matter of law to claim that the other party — who bears the burden of proof — has been fully heard and has not offered sufficient evidence to prove one or more essential elements of the suit or defense. Fed. R. Civ. P. 50. Though such a contention is usually referred to as a no-evidence motion, the issue is not whether there was actually no evidence, but rather whether the evidence was sufficient for the fact-finder to be able to reasonably rule in favor of the other party. [Cases: Evidence 597; Federal Civil Procedure 2142.1. C.J.S. Evidence §§ 1301, 1304, 1306, 1339.]

“Since judgment as a matter of law deprives the party opposing the motion of a determination of the facts by a jury, it should be granted cautiously and sparingly. Nevertheless, the federal

courts do not follow the rule that a scintilla of evidence is enough to create an issue for the jury. The question is not whether there is literally no evidence upon which the jury properly could find a verdict for that party.” 9A Charles Alan Wright & Arthur Miller, *Federal Practice and Procedure* § 2524, at 252–54 (2d ed. 1995).

2. Evidence that has no value in an attempt to prove a matter in issue <that testimony is no evidence of an alibi>.

NO-EYEWITNESS RULE

no-eyewitness rule. Torts. The largely defunct principle that if no direct evidence shows what a dead person did to avoid an accident, the jury may infer that the person acted with ordinary care for his or her own safety. • In a jurisdiction where the rule persists, a plaintiff in a survival or wrongful-death action can assert the rule to counter a defense of contributory negligence. [Cases: Death 58(1). C.J.S. Death §§ 141–145, 213–214.]

NO-FAULT

no-fault,adj. Of or relating to a claim that is adjudicated without any determination that a party is blameworthy <no-fault divorce>. [Cases: Divorce 12. C.J.S. Divorce §§ 13–18, 70.]

NO-FAULT AUTO INSURANCE

no-fault auto insurance. See INSURANCE.

NO-FAULT DIVORCE

no-fault divorce. See DIVORCE.

NO FUNDS

no funds. An indorsement marked on a check when there are insufficient funds in the account to cover the check. See NOT SUFFICIENT FUNDS.

NO GOODS

no goods. See NULLA BONA.

NOIBN

NOIBN.abbr. NOT OTHERWISE INDEXED BY NAME.

NO-KNOCK SEARCH

no-knock search. See SEARCH.

NO-KNOCK SEARCH WARRANT

no-knock search warrant. See SEARCH WARRANT.

NOL

NOL. See net operating loss under LOSS.

NOLAN ACT

Nolan Act.Hist. Patents. A statute, passed after World War I, that extended the U.S. patenting deadlines for citizens of former enemy nations. • A similar measure, the Boykin Act, was passed after World War II.

NOLENS VOLENS

nolens volens (noh-lenz voh-lenz), adv. & adj.[Latin] Willing or unwilling < nolens volens, the school district must comply with the court's injunction>.

NO-LIMIT ORDER

no-limit order.See ORDER(8).

NOLISSEMENT

nolisement (n<<schwa>>-lis-mahn), n.[French] French law. The chartering of a ship; AFFREIGHTMENT.

NOLITION

nolition (noh-lish-<<schwa>>n). The absence of volition; unwillingness.

NOLLE PROSEQUI

nolle prosequi (nah-ee prahs-<<schwa>>-kwI), n.[Latin “not to wish to prosecute”] 1. A legal notice that a lawsuit or prosecution has been abandoned. [Cases: Pretrial Procedure 511. C.J.S. Dismissal and Nonsuit §§ 30–32, 34–35.] 2. A docket entry showing that the plaintiff or the prosecution has abandoned the action. — Often shortened to nolle. [Cases: Criminal Law 303.5–303.35. C.J.S. Criminal Law §§ 419–424.]

“In America the term [nolle prosequi] bears the same meaning as in England, with one exception. The attorney-general has not the same discretion with which English law invests him. Although in some States the prosecuting officer may enter a nolle prosequi at his discretion, in others the leave of the court must be obtained.” 17 Encyclopaedia Britannica 546 (9th ed. 1907).

“Nolle prosequi is a formal entry on the record by the prosecuting officer by which he declares that he will not prosecute the case further, either as to some of the counts of the indictment, or as to part of a divisible count, or as to some of the persons accused, or altogether. It is a judicial determination in favor of accused and against his conviction, but it is not an acquittal, nor is it equivalent to a pardon.” 22A C.J.S. Criminal Law § 419, at 1 (1989).

nolle prosequi (nah-ee prahs-<<schwa>>-kwI), vb. To abandon (a suit or prosecution); to have (a case) dismissed by a nolle prosequi <the state nolle prosequed the charges against Johnson>. — Often shortened to nolle pros; nol-pros; nol-pro. [Cases: Criminal Law 303.5–303.35; Pretrial Procedure 501. C.J.S. Criminal Law §§ 419–424; Dismissal and Nonsuit §§ 2–7, 9–10, 12, 14–16, 24.]

NO-LOAD FUND

no-load fund. See MUTUAL FUND.

NOLO CONTENDERE

nolo contendere (noh-loh k<<schwa>>n-ten-d<<schwa>>-ree). [Latin "I do not wish to contend"] NO CONTEST. — Often shortened to nolo. [Cases: Criminal Law 275. C.J.S. Criminal Law §§ 398–407, 417.]

NOLO PLEA

nolo plea. See PLEA(1).

NO MAN'S LAND

no man's land. Labor law. The lack of clear jurisdiction between a state government and the federal government over labor disputes. • This term was common in the 1950s, but its use has declined as later laws have clarified jurisdictional issues.

NOM CLAUSE

NOM clause. abbr. NO-ORAL-MODIFICATION CLAUSE.

NOMEN

nomen (noh-men or -m<<schwa>>n), n. [Latin] 1. Roman law. A personal name. • A Roman citizen generally had three names: a praenomen ("first name"), a nomen ("the name of the family group"), and cognomen ("a surname"). 2. Hist. A person's first name. 3. More broadly, any name. Pl. nomina. See AGNOMEN.

nomen collectivum (noh-men kol-<<schwa>>k-t-i-v<<schwa>>m). [Latin] A collective name; a name of a class of things.

nomen generale (noh-men jen-<<schwa>>-ray-lee). [Latin] A general name; a genus.

nomen generalissimum (noh-men jen-<<schwa>>-r<<schwa>>-lis-i-m<<schwa>>m). [Law Latin] A name with the most general meaning.

"Nomen generalissimum. A very general name: a comprehensive term. Such are the terms crime, demand, draft, estate, goods, grant, heir, house, instrument, interest, land, merchandise, obligation, offense." William C. Anderson, *A Dictionary of Law* 711 (1889).

nomen juris (noh-men joor-is). [Latin] A legal name or designation.

nomen universitatis (noh-men yoo-ni-v<<schwa>>-r-s<<schwa>>-tay-tis). [Latin] Hist. The name of the whole together.

"Thus the name Barony is, in our law, a nomen universitatis, for it includes not only the lands over which the rights of barony extend, but also the rights competent to the owner of the barony themselves." John Trayner, *Trayner's Latin Maxims* 390 (4th ed. 1894).

NOMEN TRANSCRIPTICIUM

nomen transcripticium (noh-men tran-skrip-tish-ee-<<schwa>>m). [Latin "entry (in an

account) transferred”] Roman law. A creditor's entry of a money debt into a new account (expensilatio) after closing another account, thereby creating, with the debtor's permission, a literal contract from an existing obligation, which may or may not have been enforceable. Pl. nomina transcripticia.

“The subject will, perhaps, become clearer by examples: ... A has in the past had dealings by way of sale, exchange, etc., with B, of which an account appears in his codex showing a balance against B for 500 aurei. A, with B's consent, closes this account by a statement on the opposite page (contrary to fact) that B has paid the aurei... and opens a new account with the statement (contrary to strict fact) that he has advanced to B the sum of 500 aurei. Hence the expensilatio represents a nomen transcripticium; a nomen (debt) has been transferred from one account to another In effect the old contracts between A and B have been novated, i.e. extinguished, one single obligation having been substituted in their place; obviously a course which offered many advantages to both parties, as it simplified the accounts, and saved disputes about the previous transactions.” R.W. Leage, *Roman Private Law* 317–18 (C.H. Ziegler ed., 2d ed. 1930).

NO-MERIT BRIEF

no-merit brief. See ANDERS BRIEF.

NOMINA DEBITORUM

nomina debitorum (nahm-<<schwa>>-n<<schwa>> deb-i-tor-<<schwa>>m). [Latin “entries (in a ledger) of names of debtors”] Roman law. Records of debt. See NOMEN TRANSCRIPTICIUM.

NOMINAL

nominal (nahm-<<schwa>>-n<<schwa>>l), adj. 1. Existing in name only <the king was a nominal figurehead as he had no power>. 2. (Of a price or amount) trifling, esp. as compared to what would be expected <the lamp sold for a nominal price of ten cents>. 3. Of or relating to a name or term <a nominal definition>. — nominally, adv.

NOMINAL ACCOUNT

nominal account. See ACCOUNT.

NOMINAL ASSET

nominal asset. See ASSET.

NOMINAL CAPITAL

nominal capital. See CAPITAL.

NOMINAL CONSIDERATION

nominal consideration. See CONSIDERATION(1).

NOMINAL DAMAGES

nominal damages. See DAMAGES.

NOMINAL DEFENDANT

nominal defendant. See nominal party under PARTY(2).

NOMINAL DIRECTOR

nominal director. See dummy director under DIRECTOR.

NOMINAL PARTNER

nominal partner. See PARTNER.

NOMINAL PARTY

nominal party. See PARTY(2).

NOMINAL-PAYEE RULE

nominal-payee rule. Commercial law. The rule that validates any person's indorsement of an instrument (such as a check) when the instrument's drawer intended for the payee to have no interest in the instrument. UCC § 3-404(b). [Cases: Bills and Notes 279. C.J.S. Bills and Notes; Letters of Credit §§ 29, 150–151.]

NOMINAL PLAINTIFF

nominal plaintiff. See nominal party under PARTY(2).

NOMINAL RATE

nominal rate. See INTEREST RATE.

NOMINAL SENTENCE

nominal sentence. See SENTENCE.

NOMINAL TRUST

nominal trust. See passive trust under TRUST.

NOMINAL VALUE

nominal value. See PAR VALUE.

NOMINAL YIELD

nominal yield. See coupon yield under YIELD.

NOMINANDUS

nominandus (nahm-⟨⟨schwa⟩⟩-nan-d⟨⟨schwa⟩⟩s). [Latin] Scots law. To be named. • The phrase usu. referred to an heir whom the entailer had the right to name if that right was reserved in the deed of entail. See ENTAIL.

NOMINATE

nominate (nom-⟨⟨schwa⟩⟩-n⟨⟨schwa⟩⟩t), adj. Civil law. Classified; having a special name

or designation. See nominate contract under CONTRACT.

nominate, vb. 1. To propose (a person) for election or appointment <Steven nominated Jane for president>. [Cases: Elections 122–147; Officers and Public Employees 8. C.J.S. Elections §§ 93, 95, 97–110, 111(1), 112–114, 115(1), 116, 118(1), 119(1), 135–137, 162; Officers and Public Employees § 47.] 2. To name or designate (a person) for a position <the testator nominated an executor, who later withdrew because he couldn't perform his duties>. [Cases: Executors and Administrators 14, 17(7). C.J.S. Executors and Administrators §§ 17–21, 43.]

NOMINATE ACTION

nominate action. See ACTION(4).

NOMINATE CONTRACT

nominate contract. See CONTRACT.

NOMINATIM

nominatim (nah-mi-nay-t<<schwa>>m), adv. [fr. Latin nomen “name”] Roman law. By name.
 • This term refers to mentioning someone or something expressly by name or by specific description, so that (for example) to disinherit persons nominatim means that there is no doubt who is meant to be excluded.

NOMINATING AND REDUCING

nominating and reducing. Hist. A method used, esp. in London, to obtain special jurors from which to select a jury panel. • Under this method, a number representing each person on a sheriff's list is drawn from a box until 48 unchallenged people have been nominated. Each party then strikes 12 people and the remaining 24 constitute the panel.

NOMINATING COMMITTEE

nominating committee. See COMMITTEE.

NOMINATIO AUCTORIS

nominatio auctoris (nah-mi-nay-shee-oh awk-tor-is). [Latin “naming of the originator (or seller)”] 1. In an action for the recovery of something, such as real estate, the defendant's plea that the property is actually owned by another party. • The true owner is then required to defend the action. 2. Roman law. In an action alleging ownership of an item, the defendant's plea naming the seller, who then must assist in the defense of the action against the plaintiff. — Also termed *laudare auctorem*.

NOMINATION

nomination. 1. The act of proposing a person for election or appointment. [Cases: Elections 122–140. C.J.S. Elections §§ 97–105, 111(1), 112–114, 115(1), 116, 118(1), 119(1), 135, 137, 162.] 2. The act of naming or designating a person for an office, membership, award, or like title or status. • Under parliamentary law, each nomination is effectively a proposal for filling the blank in the question, “Resolved, That _____ is elected.” See BLANK(2); CLOSE NOMINATIONS;

OPEN NOMINATIONS .

NOMINATION PAPER

nomination paper.(usu. pl.) A document filed by an independent political group — usu. one not qualifying as a political party or able to hold primary elections — to place one or more nominees on a general-election ballot. [Cases: Elections 144. C.J.S. Elections § 108.]

NOMINATION TO A LIVING

nomination to a living.Eccles. law. The right of an advowson owner to present a clerk to the bishop for induction to a benefice. • The owner of an advowson can grant the right to another but is then bound to present whomever the grantee chooses.

NOMINATIVUS PENDENS

nominativus pendens (nahm-<<schwa>>-n<<schwa>>-tI-v<<schwa>>s pen-denz), n.[Latin “nominative hanging”] In a sentence, a nominative phrase that is not grammatically connected with the rest of the sentence. — Also termed nominative absolute.

“Nominativus pendens The opening words in the form of a deed inter partes (‘This deed,’ etc., down to ‘whereas’), though an intelligible and convenient part of the deed, having regard to the predicate ‘witnesseth’ or ‘nor this deed witnesseth,’ are sometimes of this kind.” William A. Jowitt, *The Dictionary of English Law* 1230 (1959).

NOMINA VILLARUM

nomina villarum (nahm-<<schwa>>-n<<schwa>> vi-lair-<<schwa>>m), n.[Latin “names of the villages”] Hist. In the reign of Edward II, a list compiled by sheriffs of the names of the villages and possessors in their respective counties.

NOMINE

nomine (nahm-<<schwa>>-nee), adv. [fr. Latin nomen “name”] Roman law. 1. By name; under the name of, as in sine nomine edere librum (“to publish [a book] anonymously”).2. On behalf of, as in proprio (suo) nomine (“on one's own behalf”).

NOMINE ALBAE FIRMAE

nomine albae firmae (nahm-<<schwa>>-nee al-bee f<<schwa>>r-mee), adv.[Law Latin] Scots law. In name of blench farm. • The phrase appeared in reference to one of the tenures by which lands were held for only a nominal sum (such as a penny) from the superior.

NOMINE DAMNI

nomine damni (nahm-<<schwa>>-nee dam-nI), adv. [Latin] Scots law. By way of damage. • A person was required to pay interest nomine damni.

NOMINE DOTIS

nomine dotis (nahm-<<schwa>>-nee doh-tis), adv. [Latin] Scots law. By way of dowry.

NOMINEE

nominee (nom-i-nee), n.1. A person who is proposed for an office, membership, award, or like title or status. • An individual seeking nomination, election, or appointment is a candidate. A candidate for election becomes a nominee after being formally nominated. See CANDIDATE. 2. A person designated to act in place of another, usu. in a very limited way. 3. A party who holds bare legal title for the benefit of others or who receives and distributes funds for the benefit of others.

NOMINEE TRUST

nominee trust. See TRUST.

NOMINE FEUDIFIRMAE

nomine feudifirmae (nahm-<<schwa>>-nee fyoo-di-f<<schwa>>r-mee). [Law Latin] Scots law. In name of feu-farm; on account of lands held in feu. See FEU.

NOMINE POENAE

nomine poenae (nahm-<<schwa>>-nee pee-nee), n.[Latin "in the name of penalty"] 1.Civil law. A clause in a testament requiring the heir to do something by way of penalty. 2. At common law, a penalty for nonperformance, such as additional rent to be paid by a tenant to a landlord for failing to perform certain conditions in a lease.

NOMINIS RECEPTIO

nominis receptio (nahm-<<schwa>>-nis ri-sep-shee-oh). [Latin] Roman law. A presiding judge's registering of an accused person's name in the rolls of a criminal court. • This registration was essential for the case to be tried. The day fixed for a criminal trial was ordinarily ten days after the nominis receptio.

NOMOCANON

nomocanon (n<<schwa>>-mok-<<schwa>>-non or noh-m<<schwa>>-kan-<<schwa>>n).1. A collection of canon and imperial laws applicable to ecclesiastical matters in the orthodox churches. • The first nomocanon is falsely ascribed to Johannes Scholasticus, patriarch of Constantinople, in 553. Later canons consist primarily of the canons of the Quinisext and the ecclesiastical laws of Justinian. 2. A collection of the ancient canons of the apostles, councils, and fathers, without regard to imperial constitutions.

NOMOGENETICS

nomogenetics. See COMPARATIVE NOMOGENETICS.

NOMOGRAPHER

nomographer (n<<schwa>>-mog-r<<schwa>>-f<<schwa>>r).1. A person who drafts laws. 2. A person skilled in nomography.

NOMOGRAPHY

nomography (n<<schwa>>-mog-r<<schwa>>-fee).1. The art of drafting laws. 2. A treatise on

the drafting of laws.

NOMOSCOPY

nomoscopy. See COMPARATIVE NOMOSCOPY.

NOMOTHETE

nomothete (noh-m<<schwa>>-theet), n.[fr. Greek nomos “law” + thetes “a person who prescribes”] Hist. A lawgiver. — Also spelled nomotheta.

“It was [in ancient Greek law] provided that all motions to repeal or amend an existing law should be brought before the ecclesia or general meeting of citizens, at the beginning of the year. They might be then and there rejected; but if a motion was received favorably, the ecclesia appointed a body of nomothetes, sometimes as many as a thousand in number, before whom the proposal was put on trial according to the regular forms of Athenian judicial procedure. A majority vote of the nomothetes was decisive for acceptance or rejection.” 5 Century Dictionary and Cyclopedia 4011 (1895).

NOMOTHETICS

nomothetics. See COMPARATIVE NOMOTHETICS.

NON

non (non). [Latin] Not; no. • This term negates, sometimes as a separate word and sometimes as a prefix.

NONABILITY

nonability. 1. The lack of legal capacity, esp. to sue on one's own behalf. 2. A plea or exception raising a lack of legal capacity.

NONACCEPTANCE

nonacceptance. 1. The refusal or rejection of something, such as a contract offer; REJECTION(1).2. A buyer's rejection of goods because they fail to conform to contractual specifications. See UCC § 2-601. [Cases: Sales 119, 179(6). C.J.S. Sales §§ 192, 194–202.] 3. A drawee's failure or refusal to receive and pay a negotiable instrument. [Cases: Bills and Notes 24. C.J.S. Bills and Notes; Letters of Credit § 19.]

NON ACCEPTAVIT

non acceptavit (non ak-sep-tay-vit). [Latin “he did not accept”] In an assumpsit action against the acceptor of a bill of exchange, the defendant's plea denying acceptance of the bill.

NONACCESS

nonaccess. Family law. Absence of opportunity for sexual intercourse. • Nonaccess is often used as a defense by the alleged father in paternity cases. Cf. multiple access under ACCESS. [Cases: Children Out-of-Wedlock 32, 53. C.J.S. Children Out-of-Wedlock §§ 70, 108.]

NON ACCREVIT INFRA SEX ANNOS<TT>

non accrevit infra sex annos (non <<schwa>>-kree-vit in-fr<<schwa>> seks an-ohs), n.[Latin “it did not accrue in six years”] Hist. The general pleading form for the statute-of-limitations defense.

NONACQUIESCENCE

nonacquiescence (non-ak-wee-es-<<schwa>>nts).Administrative law. An agency's policy of declining to be bound by lower-court precedent that is contrary to the agency's interpretation of its organic statute, but only until the Supreme Court has ruled on the issue.

“Too much nonacquiescence, however, would interfere with the courts’ ability to prevent an agency from violating its statutory mandate. The practice is generally upheld, but is considered questionable when an agency adheres to its legal position in a case that could only be reviewed in a circuit that has already rejected the agency's stance. When the Social Security Administration made frequent use of the latter kind of nonacquiescence in the administration of its disability benefits program in the 1980's, it was widely criticized.” Ernest Gellhorn & Ronald M. Levin, *Administrative Law and Process in a Nutshell* 98 n.2 (4th ed. 1997).

NONACTUARIALLY SOUND RETIREMENT SYSTEM

nonactuarially sound retirement system.A retirement plan that uses current contributions and assets to pay current benefit obligations, instead of investing contributions to pay future benefits. Cf. ACTUARIALLY SOUND RETIREMENT SYSTEM .

NONADMISSION

nonadmission. 1. The failure to acknowledge something. 2. The refusal to allow something, such as evidence in a legal proceeding.

NONADMITTED ASSET

nonadmitted asset.See ASSET.

NONAE ET DECIMAE

nonae et decimae (noh-nee et des-<<schwa>>-mee), n. pl.[Law Latin “ninth and tenths”] Hist. Two payments that church-farm tenants make to the church, the first being rent for the land and the second being a tithe.

NONAGE

nonage (non-ij).1.MINORITY(1).2.NONAGIUM.

NONAGGRESSION PACT

nonaggression pact.Int'l law. A treaty in which two or more countries agree not to engage in aggressive military operations against one another. — Also termed nonaggression treaty.

NONAGIUM

nonagium (noh-nay-jee-<<schwa>>m). [Latin "a ninth"] Hist. The ninth part of a decedent's personal property, sometimes payable to the parish clergy for pious uses. — Also termed nonage.

NONALIGNED STATE

nonaligned state. Int'l law. A (usu. less developed) country that has banded together with other similarly situated countries to enhance its political and economic position in the world. • The movement of nonaligned states formally began at a summit in 1961, and during the Cold War these countries declared their independence from both the western and the Soviet blocs.

NONANCESTRAL ESTATE

nonancestral estate. See ESTATE(1).

NONANCESTRAL PROPERTY

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

NONAPPARENT EASEMENT

nonapparent easement. See discontinuous easement under EASEMENT.

NONAPPARENT SERVITUDE

nonapparent servitude. See SERVITUDE(2).

NONAPPEARANCE

nonappearance. The failure to appear in court, esp. to prosecute or defend a lawsuit. See DEFAULT; NONSUIT.

NONAPPORTIONMENT RULE

nonapportionment rule. Oil & gas. The majority doctrine that royalties accrued under a mineral lease on land that is later subdivided during the lease term are not shared by the owners of the subdivisions, but belong exclusively to the owner of the land where the producing well is located. • For example, if Grey granted a lease to Wainwright, then sold one-half of the land to Svenson, and a well on Wainwright's half began producing minerals, only Wainwright would be entitled to the royalty. Cf. APPORTIONMENT RULE.

NONART REJECTION

nonart rejection. See formal rejection under REJECTION.

NONASSERTION LETTER

nonassertion letter. Patents. A patentee's written declaration that the holder does not intend to enforce the right to exclude others from practicing specified claims of a patent. • The patentee may choose to waive the right entirely or specify a time limit for the waiver. [Cases: Patents 82.C.J.S. Patents §§ 114–118.]

NONASSERTIVE CONDUCT

nonassertive conduct. See CONDUCT.

NONASSESSABLE INSURANCE

nonassessable insurance. See INSURANCE.

NONASSESSABLE STOCK

nonassessable stock. See STOCK.

NON ASSUMPSIT

non assumpsit (non <<schwa>>-s<<schwa>>m[p]-sit). [Latin "he did not undertake"] Hist. A general denial in an action of assumpsit. See ASSUMPSIT. [Cases: Assumpsit, Action of 20. C.J.S. Assumpsit, Action of § 19.]

“ ‘Non assumpsit’ is the general issue in assumpsit, whether special or general, and is in effect a formal denial of liability on the promise or contract alleged. It denies not only the inducement or statement of the plaintiff's right, but also the breach, and allows any defense tending to show that there was no debt or cause of action at the time of commencing suit.” Benjamin J. Shipman, *Handbook of Common-Law Pleading* § 182, at 322 (Henry Winthrop Ballantine ed., 3d ed. 1923).

non assumpsit infra sex annos (non <<schwa>>-s<<schwa>>m[p]-sit in-fr<< schwa>> seks an-ohs), n. [Latin "he did not undertake within six years"] Hist. The specific pleading form for the statute-of-limitations defense in an action of assumpsit.

NONBAILABLE

nonbailable, adj. 1. (Of a person) not entitled to bail <the defendant was nonbailable because of a charge of first-degree murder>. [Cases: Bail 43. C.J.S. Bail; Release and Detention Pending Proceedings §§ 18–23.] 2. (Of an offense) not admitting of bail <murder is a nonbailable offense>.

NONBANK

nonbank, adj. Of, relating to, or being an entity other than a bank <a nonbank depositor> <a nonbank creditor>.

NONBANK BANK

nonbank bank. See BANK.

NONBANK FINANCIAL INSTITUTION

nonbank financial institution. See MONEY SERVICE BUSINESS.

NONBILLABLE TIME

nonbillable time. An attorney's or paralegal's time that is not chargeable to a client. Cf. BILLABLE TIME.

NONBINDING MINITRIAL

nonbinding minitrial. See summary jury trial under TRIAL.

NONBINDING SUMMARY JURY TRIAL

nonbinding summary jury trial. See summary jury trial under TRIAL.

NON BIS IDEM

non bis idem. See NON BIS IN IDEM.

NON BIS IN IDEM

non bis in idem (non bis in I-dem). [Latin] Scots law. Not twice for the same thing. • The phrase usu. referred to the law forbidding more than one trial for the same offense. It essentially refers to the double-jeopardy bar. — Also termed non bis idem; non bis in eodem. See DOUBLE JEOPARDY.

NONCALLABLE BOND

noncallable bond. See noncallable security under SECURITY.

NONCALLABLE SECURITY

noncallable security. See SECURITY.

NONCANCELABILITY CLAUSE

noncancelability clause. An insurance-policy provision that prevents the insurer from canceling the policy after an insured's loss, as long as the premium has been paid. [Cases: Insurance 1916, 1920.]

NONCAPITAL

noncapital, adj. (Of a crime) not involving or deserving of the death penalty < noncapital murder >.

NONCAREER VICE-CONSUL

noncareer vice-consul. See VICE-CONSUL.

NONCASH CHARGE

noncash charge. See CHARGE.

NON CEPIT

non cepit (non see-pit). [Latin "he did not take"] Hist. A general denial in a replevin action that puts at issue both the taking and the place of taking. — Also termed non cepit modo et forma. See REPLEVIN. [Cases: Replevin 63, 69.]

“ ‘Non cepit’ is the general issue in replevin, and is a formal denial both of the fact and the place of the alleged taking. It denies the taking only, and not the plaintiff's right of possession. Where replevin may be and is brought for goods lawfully obtained, but unlawfully detained, the general issue is ‘non detinet,’ which is a denial of the detention. It denies the detention only, and

not the plaintiff's right." Benjamin J. Shipman, Handbook of Common-Law Pleading § 178, at 318 (Henry Winthrop Ballantine ed., 3d ed. 1923).

NONCITABLE

noncitable,adj. Not authorized by a court to be used as legal precedent. • In general, unpublished opinions are noncitable, although court rules vary. — Also termed uncitable. Cf. CITABLE.

NONCITIZEN

noncitizen. A person who is not a citizen of a particular place. See ALIEN. [Cases: Citizens 1. C.J.S. Citizens §§ 7, 12.]

NONCLAIM

nonclaim. A person's failure to pursue a right within the legal time limit, resulting in that person's being barred from asserting the right. See STATUTE OF LIMITATIONS .

NONCLAIM STATUTE

nonclaim statute.See STATUTE.

NONCODE STATE

noncode state.Hist. A state that, at a given time, had not procedurally merged law and equity, so that equity was still administered as a separate system. • The term was current primarily in the early to mid-20th century. — Also termed common-law state. Cf. CODE STATE.

NONCOMBATANT

noncombatant,adj.1. Not serving in a fighting capacity <noncombatant personnel>.2. Not designed for combat <noncombatant vehicle>.

noncombatant,n.1. An armed-service member who serves in a non-fighting capacity. 2. A civilian in wartime.

NONCOMMERCIAL PARTNERSHIP

noncommercial partnership.See nontrading partnership under PARTNERSHIP.

NONCOMMISSIONED OFFICER

noncommissioned officer.See OFFICER(2).

NONCOMPETE COVENANT

noncompete covenant.See noncompetition covenant under COVENANT(1).

NONCOMPETITION AGREEMENT

noncompetition agreement.See noncompetition covenant under COVENANT(1).

NONCOMPETITION COVENANT

noncompetition covenant. See COVENANT(1).

NON COMPOS MENTIS

non compos mentis (non kom-p<<schwa>>s men-tis), adj. [Latin "not master of one's mind"]
1. Insane. 2. Incompetent. Cf. COMPOS MENTIS. [Cases: Mental Health 3.1.]

NON CONCESSIT

non concessit (non k<<schwa>>n-ses-it), n. [Law Latin "he did not grant"] Hist. 1. English law. The plea by which the defendant denies that certain rights were given by letters patent to the plaintiff. • For example, if a plaintiff sues for the infringement of a patent right, the defendant can deny that the Crown granted the plaintiff that right as alleged in the plaintiff's declaration. 2. A plea by a stranger to a deed, by which the title and operation of the deed are placed in issue.

NONCONFORMING GOODS

nonconforming goods. See GOODS.

NONCONFORMING LOT

nonconforming lot. See LOT(1).

NONCONFORMING USE

nonconforming use. See USE(1).

NONCONFORMIST

nonconformist. A person who refuses to follow established customs, practices, beliefs, or ideas; esp., an English Protestant who refuses to adhere to the Church of England.

NONCONFORMITY

nonconformity. The failure to comply with something, as in a contract specification.

NONCONSENSUAL

nonconsensual, adj. Not occurring by mutual consent <nonconsensual sexual relations>.

NONCONSENT

nonconsent. 1. Lack of voluntary agreement. 2. Criminal law. In the law of rape, the refusal to engage willingly in sexual intercourse. See CONSENT. [Cases: Rape 8. C.J.S. Rape § 18.]

NON CONSTAT

non constat (non kon-stat). [Latin "it is not settled"] It is not certain or agreed. • The phrase is generally used to state that some conclusion does not necessarily follow although it might appear on its face to follow. Cf. NON SEQUITUR .

"Non Constat Words frequently used, particularly in argument, to express dissatisfaction with the conclusions of the other party: as, it was moved in arrest of judgment that the declaration was not good, because non constat whether AB was seventeen years of age when the action was

commenced.” 3 John Bouvier, *Bouvier's Law Dictionary* 2355 (8th ed. 1914).

NONCONSTITUTIONAL

nonconstitutional,adj. Of or relating to some legal basis or principle other than those of the U.S. Constitution or a state constitution <the appellate court refused — on nonconstitutional procedural grounds — to hear the defendant's argument about cruel and unusual punishment>. Cf. UNCONSTITUTIONAL.

NONCONSUMABLE

nonconsumable,n. A thing (such as land, a vehicle, or a share of stock) that can be enjoyed without any change to its substance other than a natural diminution over time; NONFUNGIBLE. Cf. CONSUMABLE. — nonconsumable,adj.

NONCONTESTABILITY CLAUSE

noncontestability clause.See INCONTESTABILITY CLAUSE.

NONCONTEST CLAUSE

noncontest clause.See NO-CONTEST CLAUSE.

NONCONTINUING GUARANTY

noncontinuing guaranty.See limited guaranty under GUARANTY.

NONCONTINUOUS EASEMENT

noncontinuous easement.See discontinuous easement under EASEMENT.

NONCONTRACT

noncontract,adj. See NONCONTRACTUAL.

NONCONTRACT DEMURRAGE

noncontract demurrage.See DEMURRAGE.

NONCONTRACTUAL

noncontractual,adj. Not relating to or arising from a contract <a noncontractual obligation>. — Also termed noncontract.

NONCONTRACTUAL DUTY

noncontractual duty.See DUTY(1).

NONCONTRIBUTION CLAUSE

noncontribution clause.A fire-insurance-policy provision stating that only the interests of the property owner and the first mortgagee are protected under the policy. [Cases: Insurance 3449. C.J.S. Insurance § 1395.]

NONCONTRIBUTORY

noncontributory,adj.1. Not involved in something. 2. (Of an employee benefit plan) funded solely by the employer. [Cases: Pensions 25. C.J.S. Pensions and Retirement Plans and Benefits § 16.]

NONCONTRIBUTORY PENSION PLAN

noncontributory pension plan.See PENSION PLAN.

NONCORE PROCEEDING

noncore proceeding.See RELATED PROCEEDING.

NONCOVERED WAGES

noncovered wages.See WAGE.

NON CULPABILIS

non culpabilis (non k<<schwa>>l-pay-b<<schwa>>-l<<schwa>>s). [Latin] Not guilty. —
Abbr. non cul.

NONCUMULATIVE APPROACH

noncumulative approach.See DUALITY OF ART.

NONCUMULATIVE DIVIDEND

noncumulative dividend.See DIVIDEND.

NONCUMULATIVE PREFERRED STOCK

noncumulative preferred stock.See STOCK.

NONCUMULATIVE STOCK

noncumulative stock.See noncumulative preferred stock under STOCK.

NONCUMULATIVE VOTING

noncumulative voting.See VOTING.

NONCUSTODIAL

noncustodial,adj.1. (Of an interrogation, etc.) not taking place while a person is in custody. 2. Of or relating to someone, esp. a parent, who does not have sole or primary custody.

NONCUSTODIAL INTERROGATION

noncustodial interrogation.See INTERROGATION.

NONCUSTODIAL PARENT

noncustodial parent.See PARENT.

NONCUSTODIAL SENTENCE

noncustodial sentence. See SENTENCE.

NON DAMNIFICATUS

non damnificatus (non dam-n<<schwa>>-f<<schwa>>-kay-t<<schwa>>s). [Latin “he is not damaged”] In an action of debt on a bond that holds the plaintiff harmless, the defendant's plea that the plaintiff has not been damaged.

NONDEADLY FORCE

nondeadly force. See FORCE.

NON DEBIT

non debit. See NEVER INDEBTED, PLEA OF.

NON DECIMANDO

non decimando (non des-<<schwa>>-man-doh). See DE NON DECIMANDO.

NON DEDIT

non dedit (non dee-dit), n. [Latin “he did not grant”] NE DONA PAS.

NON DEFICIT JUS SED PROBATIO

non deficit jus sed probatio (non def-<<schwa>>-sit j<<schwa>>st sed proh-bay-shee-oh). [Latin] Scots law. The right is not lacking, but the proof of it. • The phrase appeared in reference to the principle that many rights, both disputed and sometimes undisputed, require a special mode of proof, such as a written document.

NONDELEGABLE

nondelegable (non-del-<<schwa>>-g<<schwa>>-b<<schwa>>l), adj. (Of a power, function, etc.) not capable of being entrusted to another's care <the duty to maintain the premises is a nondelegable duty>.

NONDELEGABLE DUTY

nondelegable duty. See DUTY(1).

NONDELEGATION DOCTRINE

nondelegation doctrine. See DELEGATION DOCTRINE.

NONDELIVERY

nondelivery. A failure to transfer or convey something, such as goods. Cf. DELIVERY.

NON DEMISET

non demiset (non d<<schwa>>-mI-zit). [Latin “he did not demise”] Hist. 1. A defensive plea in an action for rent when the plaintiff failed to plead that the demise was by indenture. • It could not be used if the plaintiff alleged an indenture. 2. In a replevin action, a plea in bar to an avowry

for arrears of rent.

NONDEPOSITORY PROVIDER OF FINANCIAL SERVICES

nondepository provider of financial services. See MONEY SERVICE BUSINESS.

NON DETINET

non detinet (non det-i-net ordet-*n*). [Latin "he does not detain"] Hist. 1. The pleading form of a general denial in a detinue action for recovery of goods detained by the defendant. • A non detinet denies both the detention and the plaintiff's right of possession or property in the goods claimed. See DETINUE. [Cases: Detinue 17. C.J.S. Detinue §§ 30–31.] 2. Loosely, NON CEPIT.

NONDIRECTION

nondirection. The failure of a judge to properly instruct a jury on a necessary point of law.

NONDISCHARGEABLE DEBT

nondischargeable debt. See DEBT.

NONDISCLOSURE

nondisclosure. 1. The failure or refusal to reveal something that either might be or is required to be revealed. Cf. CONCEALMENT. [Cases: Fraud 16.] 2. NONDISCLOSURE AGREEMENT.

NONDISCLOSURE AGREEMENT

nondisclosure agreement. Trade secrets. A contract or contractual provision containing a person's promise not to disclose any information shared by or discovered from a trade-secret holder, including all information about trade secrets, procedures, or other internal matters. • Employees and some nonemployees, such as beta-testers and contractors, are frequently required to sign nondisclosure agreements. — Often shortened to nondisclosure. — Also termed confidentiality agreement.

NONDISCRETIONARY TRUST

nondiscretionary trust. See fixed trust under TRUST.

NON DISTRINGENDO

non distringendo (non di-strin-jen-doh). [Law Latin "not to be distrained"] A writ to prevent the distraint of something.

NONDIVERSE

nondiverse, adj. 1. Of or relating to similar types <the attorney's practice is nondiverse: she handles only criminal matters>. 2. (Of a person or entity) having the same citizenship as the party or parties on the other side of a lawsuit <the parties are nondiverse because both plaintiff and defendant are California citizens>. See diversity jurisdiction under JURISDICTION. [Cases:

Federal Courts 286.1.]

NONELECTED CLAIM

nonelected claim. See PATENT CLAIM.

NONENABLEMENT

nonenablement. Patents. In a patent application's specification, the quality of not being clear or complete enough to teach a person skilled in the art how to make and use the invention without undue experimentation. — Also termed lack of enablement.

NONENABLEMENT REJECTION

nonenablement rejection. See REJECTION.

NON ENTIA

non entia (non en-shee-*<<schwa>>*). [Law Latin] Hist. Nonentities; things not existing.

NONES

nones (nohnz), n. [fr. Latin *nonus* “ninth”] 1. Roman law. In the Roman calendar, the ninth day before the ides, being the 7th of March, May, July, and October, and the 5th of the other months. 2. Eccles. law. In the Roman Catholic church, one of the seven daily canonical hours (about 3:00 p.m.) for prayer and devotion. 3. Archaic. The ninth hour after sunrise, usu. about 3:00 p.m. Cf. CALENDIS; IDES.

NONESSENTIAL MISTAKE

nonessential mistake. See unessential mistake under MISTAKE.

NONESSENTIAL TERM

nonessential term. See nonfundamental term under TERM(2).

NON EST

non est. See NON EST INVENTUS.

NON EST FACTUM

non est factum (non est fak-t*<<schwa>>*m). [Latin “it is not his deed”] Hist. A denial of the execution of an instrument sued on. [Cases: Bills and Notes 475. C.J.S. Bills and Notes; Letters of Credit § 272.]

“The general issue in covenant is ‘non est factum,’ which is a formal denial that the deed is the deed of the defendant.” Benjamin J. Shipman, *Handbook of Common-Law Pleading* § 187, at 331 (Henry Winthrop Ballantine ed., 3d ed. 1923).

general non est factum. Hist. A broad, nonspecific denial that an instrument was executed or executed properly.

particular non est factum. See special non est factum.

special non est factum.Hist. A pleading that specifies the grounds on which an instrument's execution is invalid or nonbinding. — Also termed particular non est factum.

verified non est factum.Hist. A sworn denial that puts the validity of the instrument as well as the signature in question.

NON EST INVENTUS

non est inventus (non est in-ven-t<<schwa>>s). [Latin “he is not found”] Hist. A statement in a sheriff's return indicating that the person ordered arrested could not be found in the sheriff's jurisdiction. — Sometimes shorted to non est. — Abbr. n.e.i.

“If non est inventus was returned to the bill, and the plaintiff had reason to think that the defendant was still in the same county, he might have another bill, and after that a third, and so on till the defendant was caught” 1 George Crompton, *Practice Common-Placed: Rules and Cases of Practice in the Courts of King's Bench and Common Pleas* xxxv (3d ed. 1787).

NONEXCLUSIVE EASEMENT

nonexclusive easement.See common easement under EASEMENT.

NONEXCLUSIVE LICENSE

nonexclusive license.See LICENSE.

NONEXCLUSIVE LISTING

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

NONEXECUTIVE RIGHT

nonexecutive right.Oil & gas. A mineral interest that does not confer the right to lease. • Nonexclusive rights include royalty interests and nonexecutive mineral interests.

NONEXEMPT PROPERTY

nonexempt property.A debtor's holdings and possessions that a creditor can attach to satisfy a debt. Cf. EXEMPT PROPERTY(1).

NONFEASANCE

nonfeasance (non-fee-z-<<schwa>>nts), n. The failure to act when a duty to act existed. Cf. MALFEASANCE; MISFEASANCE; FEASANCE. [Cases: Municipal Corporations 735; Negligence 200. C.J.S. Municipal Corporations §§ 668, 671–672, 682; Negligence §§ 5–13, 15–20, 33, 64.] — nonfeasant,adj. — nonfeasor,n.

“Hence there arose very early a difference, still deeply rooted in the law of negligence, between ‘misfeasance’ and ‘nonfeasance’ — that is to say, between active misconduct working positive injury to others and passive inaction or a failure to take steps to protect them from harm.” W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 56, at 374 (5th ed. 1984).

NON FECIT

non fecit (non fee-sit). [Latin "he did not make it"] A denial in an assumpsit action on a promissory note.

NON FECIT VASTUM CONTRA PROHIBITIONEM

non fecit vastum contra prohibitionem (non fee-sit vas-t<<schwa>>m kahn-tr<< schwa>> proh-[h]<<schwa>>-bish-ee-oh-n<<schwa>>m). [Latin "he did not commit waste against the prohibition"] In an estrepement action, a tenant's denial of any destruction to lands after an adverse judgment but before the sheriff has delivered possession of the lands to the plaintiff. See ESTREPEMENT.

NONFELONIOUS HOMICIDE

nonfelonious homicide. See HOMICIDE.

NONFORFEITABLE

nonforfeitable, adj. Not subject to forfeiture. See FORFEITURE. [Cases: Controlled Substances 164; Forfeitures 3.]

NONFORFEITURE OPTION

nonforfeiture option. See OPTION.

NONFREEHOLD ESTATE

nonfreehold estate. See ESTATE(1).

NONFUNCTIONAL

nonfunctional, n. Trademarks. A feature of a good that, although it might identify or distinguish the good from others, is unrelated to the product's use. [Cases: Trade Regulation 43. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 49–50.]

NONFUNDAMENTAL TERM

nonfundamental term. See TERM(2).

NONFUNGIBLE

nonfungible (non-f<<schwa>>n-j<<schwa>>-b<<schwa>>l), adj. Not commercially interchangeable with other property of the same kind <a piece of land is regarded as nonfungible>. — nonfungible, n.

NONGERMANE AMENDMENT

nongermane amendment. See AMENDMENT(3).

NONGOVERNMENTAL ORGANIZATION

nongovernmental organization. Int'l law. Any scientific, professional, business, or public-interest organization that is neither affiliated with nor under the direction of a government; an international organization that is not the creation of an agreement among countries, but rather is

composed of private individuals or organizations. • Examples of nongovernmental organizations, which are often granted consultative status with the United Nations, include Amnesty International, Greenpeace, and the International Committee of the Red Cross. — Abbr. NGO.

NON IMPEDIVIT

non impedivit (non im-p<<schwa>>-dI-vit), n.[Latin “he did not impede”] The defendant's general denial in a quare impedit action. • This is the Latin form equivalent to ne disturba pas. See NE DISTURBA PAS; QUARE IMPEDIT.

NON IMPLACITANDO ALIQUEM DE LIBERO TENEMENTO SINE BREVI

non implacitando aliquem de libero tenemento sine brevi (non im-plas-<<schwa>>-tan-doh al-<<schwa>>-kwem dee lib-<<schwa>>-r-oh ten-<<schwa>>-men-toh sI-nee bree-vI) [Latin “not impleading anyone of his free tenement without a breve”] Hist. A writ that prohibited bailiffs or others without a writ from the king from distraining anyone from touching their freehold estates.

NONINFAMOUS CRIME

noninfamous crime.See CRIME.

NON INFREGIT CONVENTIONEM

non infregit conventionem (non in-free-jit k<<schwa>>n-ven-shee-oh-n<<schwa>>m). [Latin “he committed no breach of covenant”] Hist. A defensive plea in an action for breach of covenant.

NONINSTALLMENT CREDIT

noninstallment credit.See CREDIT(4).

NONINSURABLE RISK

noninsurable risk.See RISK.

NONINTERCOURSE

nonintercourse. 1. The refusal of one country to deal commercially with another. • For example, the Non-Intercourse Act of 1809, a congressional act, prohibited the importation of British or French goods. 2. The lack of access, communication, or sexual relations between husband and wife. Cf. NONACCESS.

NONINTERCOURSE ACT

nonintercourse act.Int'l law. A statute that suspends commercial or other relations between nations.

NON-INTEREST-BEARING BOND

non-interest-bearing bond.See discount bond under BOND(3).

NON INTERFUI

non interfui (non in-t<<schwa>>r-fyoo-I). [Latin "I was not present"] A reporter's note.

NONINTERPRETIVISM

noninterpretivism,n. In constitutional interpretation, the doctrine holding that judges are not confined to the Constitution's text or preratification history but may instead look to evolving social norms and values as the basis for constitutional judgments. Cf. INTERPRETIVISM; ORIGINALISM. — noninterpretivist,n.

NONINTERVENTION

nonintervention.Int'l law. The principle that a country should not interfere in the internal affairs of another country. • The U.N. Charter binds it from intervening "in matters which are essentially within the domestic jurisdiction of any state ..." U.N. Charter art. 2(7). — Also termed principle of nonintervention.

NONINTERVENTION EXECUTOR

nonintervention executor.See independent executor under EXECUTOR.

NONINTERVENTION WILL

nonintervention will.See WILL.

NON INTROMITTENDO, QUANDO BREVE PRAECIPE

non intromittendo, quando breve praecipe in capite subdole impetratur (non in-troh-mi-ten-doh, kwon-doh bree-vee pree-s<<schwa>>-pee [orpres-<<schwa>>-pee] in kap-<<schwa>>-tee s<<schwa>>b-d<<schwa>>-lee im-p<<schwa>>-tray-t<<schwa>>r), n.[Latin "not interfering, when the writ praecipe in capite was obtained by deceit"] Hist. A writ issued to the King's Bench or Eyre, commanding them not to aid a person who obtained a praecipe in capite for lands from the king because that person likely obtained the writ deceitfully, and ordering them to put that person to the writ of right.

NONINTROMITTENT CLAUSE

nonintromittent clause (non-in-troh-mit-<<schwa>>nt).English law. A clause in the charter of a borough exempting it from the jurisdiction of the justices of the peace appointed for the borough's county.

NONISSUABLE PLEA

nonissuable plea.See PLEA(3).

NONJOINDER

nonjoinder. 1. The failure to bring a person who is a necessary party into a lawsuit. Fed. R. Civ. P. 12(b)(7), 19. See JOINDER. Cf. MISJOINDER(1); DISJOINDER(1). [Cases: Federal Civil Procedure 384; Parties 77, 81. C.J.S. Parties §§ 197, 205.] 2.Patents. Failure to name a coinventor in a patent application.

NONJUDICIAL DAY

nonjudicial day. See DAY.

NONJUDICIAL FORECLOSURE

nonjudicial foreclosure. See FORECLOSURE.

NONJUDICIAL OATH

nonjudicial oath. See OATH.

NONJUDICIAL PUNISHMENT

nonjudicial punishment. See PUNISHMENT.

NONJURIDICAL

nonjuridical (non-juu-rid-i-k<<schwa>>l), adj. 1. Not of or relating to judicial proceedings or to the administration of justice <the dispute was nonjuridical>. 2. Not of or relating to the law; not legal <a natural person is a nonjuridical entity>. Cf. JURIDICAL.

NON JURIDICUS

non juridicus (non juu-rid-i-k<<schwa>>s), adj. [Latin “not judicial”] Of or relating to a day when courts do not sit or when legal proceedings cannot be conducted, such as a Sunday.

NONJUROR

nonjuror. 1. Someone who is not serving as a juror. 2. Hist. A person who refused to pledge allegiance to the sovereign; specif., in England and Scotland, a clergyman who, after 1688, refused to break the oath to James II and his heirs and successors, and to recognize William of Orange as king. • In Scotland, a nonjuror was also recognized by the Presbyterian Church as a clergyman who refused to renounce the Episcopal Church when it was disestablished in 1690 in favor of Presbyterianism.

NONJURY

nonjury, adj. Of or relating to a matter determined by a judicial officer, such as a judge, rather than a jury <the plaintiff asked for a nonjury trial>. [Cases: Federal Civil Procedure 2251; Trial 367. C.J.S. Trial §§ 1018–1021.]

NONJURY TRIAL

nonjury trial. See bench trial under TRIAL.

NONJUSTICIABLE

nonjusticiable (non-j<<schwa>>s-tish-ee-<<schwa>>-b<<schwa>>l or non-j<<schwa>>s-tish-<<schwa>>-b<<schwa>>l), adj. Not proper for judicial determination <the controversy was nonjusticiable because none of the parties had suffered any harm>. [Cases: Action 6; Federal Courts 12.1. C.J.S. Actions §§ 38–45.]

NONJUSTICIABLE QUESTION

nonjusticiable question. See POLITICAL QUESTION.

NONLAPSE STATUTE

nonlapse statute. See ANTILAPSE STATUTE.

NONLAWYER

nonlawyer. A person who is not a lawyer.

NONLEVIABLE

nonleviable (non-lev-ee-<<schwa>>-b<<schwa>>l), adj. (Of property or assets) exempt from execution, seizure, forfeiture, or sale, as in bankruptcy. See HOMESTEAD LAW. [Cases: Exemptions 1; Homestead 1.]

NON LIQUET

non liquet (non li-kwet or li-kwet). [Latin "it is not clear"] 1. Civil law. The principle that a decision-maker may decline to decide a dispute on the ground that the matter is unclear. • Even British judges formerly sometimes said Non liquet and found for the defendant. 2. Int'l law. A tribunal's nondecision resulting from the unclarity of the law applicable to the dispute at hand. • In modern usage, the phrase appears almost always in passages stating what a court must not do: tribunals are routinely disallowed from declaring a non liquet. — Abbr. n.l.

NONLIQUIDATING DISTRIBUTION

nonliquidating distribution. See DISTRIBUTION.

NONLITERAL INFRINGEMENT

nonliteral infringement. See DOCTRINE OF EQUIVALENTS.

NONMAILABLE

nonmailable, adj. Of or relating to a letter or parcel that cannot be transported by mail for a particular reason such as the package's size, contents, or obscene label. [Cases: Postal Service 14. C.J.S. Postal Service and Offenses Against Postal Laws §§ 15–17.]

NONMARITAL CHILD

nonmarital child. See illegitimate child under CHILD.

NONMARKETABLE SECURITY

nonmarketable security. See SECURITY.

NONMEDICAL POLICY

nonmedical policy. See INSURANCE POLICY.

NONMEMBER BANK

nonmember bank. See BANK.

NON MEMINI

non memini (non mem-*<<schwa>>-n*I). [Law Latin] Scots law. I do not remember. • The phrase appeared in reference to an oath in which one person swore no remembrance of a transaction.

“Where a party to whose oath the resting-owing of a debt, or a payment, is referred, swears that he does not remember receiving the goods charged for, or of his incurring the debt, or of receiving the alleged payment, such oath, as not being evidence of the point referred, may result in decree of absolvitor in his favour, where the whole circumstances tend to the conclusion that the non memini is not only an honest answer, but a reasonable one. But if the fact referred is so recent that the deponent cannot be believed to be ignorant of it, or to have forgotten it, he is considered as concealing the truth, and will be decerned against in the same manner as if he had refused to depone.” John Trayner, *Trayner's Latin Maxims* 397 (4th ed. 1894).

NON MERCHANDIZANDA VICTUALIA

non merchandizanda victualia (non m*<<schwa>>r-ch<<schwa>>n-di-zan-d<<schwa>>vik-choo-ay-lee-<<schwa>>*), n.[Law Latin “not to merchandise victuals”] Hist. A writ directing justices of assize to investigate and punish town magistrates who retailed victuals while in office.

NONMERCHANTABLE TITLE

nonmerchantable title. See unmarketable title under TITLE(2).

NONMETERED LICENSE

nonmetered license. See LICENSE.

NON MOLESTANDO

non molestando (non moh-l*<<schwa>>-stan-doh*), n.[Law Latin “by not molesting”] Hist. A writ available to a person whose possession of land has been disturbed, contrary to the Crown's protection.

NONMONETARY ITEM

nonmonetary item. An asset or liability whose price fluctuates over time (such as land, equipment, inventory, and warranty obligations).

NONMOVANT

nonmovant (non-moov-*<<schwa>>nt*). A litigating party other than the one that has filed the motion currently under consideration <the court, in ruling on the plaintiff's motion for summary judgment, properly resolved all doubts in the nonmovant's favor>.

NONMUTUAL COLLATERAL ESTOPPEL

nonmutual collateral estoppel. See COLLATERAL ESTOPPEL.

NONNAVIGABLE

nonnavigable,adj.1. (Of a body of water) unaffected by the tide. [Cases: Navigable Waters 1. C.J.S. Navigable Waters § 1.] 2. (Of a body of water) incapable of allowing vessels to pass for travel or commerce. 3. (Of any vessel) incapable of being steered. Cf. NAVIGABLE.

NONNEGOTIABLE

nonnegotiable,adj.1. (Of an agreement or term) not subject to change <the kidnapper's demands were nonnegotiable>.2. (Of an instrument or note) incapable of transferring by indorsement or delivery. Cf. NEGOTIABLE INSTRUMENT . [Cases: Bills and Notes 144. C.J.S. Bills and Notes; Letters of Credit §§ 127, 129–130, 143.]

NONNEGOTIABLE BILL OF LADING

nonnegotiable bill of lading.See straight bill of lading under BILL OF LADING.

NONNEGOTIABLE DOCUMENT OF TITLE

nonnegotiable document of title.See DOCUMENT OF TITLE.

NON NUMERATAE PECUNIAE

non numeratae pecuniae (non n[y]oo-m<<schwa>>-ray-tee pi-kyoo-nee-ee). [Latin] Hist. (Defense) of money not paid.

NON OBSTANTE

non obstante (non ahb-stan-tee or <<schwa>>b-stan-tee), n.[Latin “notwithstanding”].1.Hist. A doctrine used by the Crown of England to give effect to certain documents, such as grants or letters patent, despite any laws to the contrary. • This doctrine was abolished by the Bill of Rights. 2. A phrase used in documents to preclude any interpretation contrary to the stated object or purpose. 3.NON OBSTANTE VEREDICTO.

NON OBSTANTE VEREDICTO

non obstante veredicto (non ahb-stan-tee [or <<schwa>>b-stan-tee] ver-<< schwa>>-dik-toh). [Latin] Notwithstanding the verdict. — Often shortened to non obstante. — Abbr. n.o.v.; NOV. See judgment notwithstanding the verdict under JUDGMENT. [Cases: Federal Civil Procedure 2601; Judgment 199. C.J.S. Judgments §§ 62–68, 70.]

NONOBVIOUSNESS

nonobviousness.Patents. 1. An invention's quality of being sufficiently different from the prior art that, at the time the invention was made, it would not have been obvious to a person having ordinary skill in the art relevant to the invention. 2. The requirement that this quality must be demonstrated for an invention to be patentable. • Nonobviousness may be demonstrated with evidence concerning prior art or with other objective evidence, such as commercial success or professional approval. The test of obviousness involves examining the scope and content of the prior art, the differences between the prior art and the patent claims, and the level of ordinary skill in the art. 35 USCA § 103. See GRAHAM FACTORS. Cf. NOVELTY; OBVIOUSNESS. [Cases: Patents 16(1). C.J.S. Patents § 68.]

NONOCCUPANT VISITOR

nonoccupant visitor. Criminal procedure. A person who owns, coowns, is employed by, or is a patron of a business enterprise where a search is being conducted in accordance with a search warrant.

NONOCCUPATIONAL

nonoccupational, adj. 1. Not relating to one's job. 2. Of or relating to a general-disability policy providing benefits to an individual whose disability prevents that individual from working at any occupation. [Cases: Insurance 2561(5).]

NONOCCUPIER

nonoccupier. One who does not occupy a particular piece of land; esp., an entrant on land who is either an invitee or a licensee. See INVITEE; LICENSEE(2).

NON OMITTAS PROPTER LIBERATEM

non omittas propter liberatem (non <<schwa>>-mit-<<schwa>>s prop-t<<schwa>>r lib-<<schwa>>-ray-t<<schwa>>m). [Latin "do not omit because of any liberty"] Hist. A clause, usu. contained in writs of execution, directing the sheriff to execute the writ regardless of whether the sheriff had been granted the requisite special authority from a franchise (liberty) or district. [Cases: Execution 60. C.J.S. Executions §§ 57–58.]

NONOPERATING INCOME

nonoperating income. See INCOME.

NONOPERATIVE PERFORMANCE BOND

nonoperative performance bond. See PERFORMANCE BOND.

NONORIGINAL BILL

nonoriginal bill. See BILL(2).

NONOWNERSHIP THEORY

nonownership theory. Oil & gas. A characterization of oil-and-gas rights used in a minority of jurisdictions, holding that the owner of a severed mineral interest does not have a present right to possess the oil and gas in place, but only to search for, develop, and produce it. • Because there is no right to present possession, the interest of such an owner in a nonownership-theory state is akin to a profit a prendre: a right to use the land and remove items of value from it. This theory is used in California, Wyoming, Louisiana, and Oklahoma. Cf. OWNERSHIP-IN-PLACE THEORY.

NON PARS SUBSTANTIAE SIVE FUNDI, SED ACCIDENS

non pars substantiae sive fundi, sed accidens (non parz s<<schwa>>b-stan-shee-ee sI-vee f<<schwa>>n-dI, sed ak-si-denz). [Law Latin] Scots law. Not a part of the substance or the land, but an accident. • The phrase appeared in reference to servitudes, among other things.

NONPARTICIPATING

nonparticipating,adj. Of or relating to not taking part in something; specif., not sharing or having the right to share in profits or surpluses. — Often shortened to nonpar.

NONPARTICIPATING PREFERRED STOCK

nonparticipating preferred stock.See STOCK.

NONPARTICIPATING ROYALTY

nonparticipating royalty.See ROYALTY(2).

NONPAYMENT

nonpayment. Failure to deliver money or other valuables, esp. when due, in discharge of an obligation. Cf. PAYMENT(1). [Cases: Contracts 312(3). C.J.S. Contracts § 584.]

NONPECUNIARY DAMAGES

nonpecuniary damages.See DAMAGES.

NONPECUNIARY INJURY

nonpecuniary injury.See irreparable injury under INJURY.

NONPERFORMANCE

nonperformance. Failure to discharge an obligation (esp. a contractual one). Cf. PERFORMANCE; MISPERFORMANCE. [Cases: Contracts 315. C.J.S. Contracts § 561.]

NONPERFORMING LOAN

nonperforming loan.See LOAN.

NONPERSONAL ACTION

nonpersonal action.See ACTION(4).

NON PLEVIN

non plevin (non plev-in). [Latin] Hist. The failure to timely replevy land after it is taken by the Crown on a default.

NON PONENDIS IN ASSISIS ET JURATIS

non ponendis in assisis et juratis (non p<<schwa>>-nen-dis in <<schwa>>-sI-zis et juu-ray-tis), n.[Law Latin “not to be put in assizes and juries”] Hist. A writ discharging a person from jury duty.

NONPOSSESSORY ESTATE

nonpossessory estate.See FUTURE INTEREST.

NONPRIVITY

nonprivity (non-priv-<<schwa>>-tee). The fact or state of not being in privity of contract with another; lack of privity. See PRIVITY. [Cases: Contracts 186; Sales 255. C.J.S. Contracts §§ 610–611; Sales §§ 240–241, 284, 288–289.]

horizontal nonprivity. The lack of privity occurring when the plaintiff is not a buyer within the distributive chain, but one who consumes, uses, or is otherwise affected by the goods. • For example, a houseguest who becomes ill after eating meat that her host bought from the local deli is in horizontal nonprivity with the deli. [Cases: Sales 255. C.J.S. Sales §§ 240–241, 284, 288–289.]

vertical nonprivity. The lack of privity occurring when the plaintiff is a buyer within the distributive chain who did not buy directly from the defendant. • For example, someone who buys a drill from a local hardware store and later sues the drill's manufacturer is in vertical nonprivity with the manufacturer.

NONPROBATE

nonprobate, adj. 1. Of or relating to some method of transmitting property at death other than by a gift by will <nonprobate distribution>. [Cases: Wills 4. C.J.S. Wills § 53.] 2. Of or relating to the property so disposed <nonprobate assets>. See nonprobate asset under ASSET.

NONPROBATE ASSET

nonprobate asset. See ASSET.

NONPROBATE PROPERTY

nonprobate property. See nonprobate asset under ASSET.

NON PROCEDENDO AD ASSISAM

non procedendo ad assisam (non proh-s<<schwa>>-den-doh ad <<schwa>>-sI-z<<schwa>>m). See DE NON PROCEDENDO AD ASSISAM.

NON PROCEDENDO AD ASSISAM REGE INCONSULTO

non procedendo ad assisam rege inconsulto (non proh-s<<schwa>>-den-doh ad <<schwa>>-sI-z<<schwa>>m ree-jee in-k<<schwa>>n-s<<schwa>>l-toh). [Latin] Hist. A writ to put a stop to the trial of a case (pertaining to one who is in the king's service, etc.) when the king has not been consulted.

NONPROFIT ASSOCIATION

nonprofit association. See ASSOCIATION.

NONPROFIT CORPORATION

nonprofit corporation. See CORPORATION.

NONPROLIFERATION BUREAU

Nonproliferation Bureau. See BUREAU OF NONPROLIFERATION.

NONPROLIFERATION TREATY

nonproliferation treaty. See TREATY(1).

NON PROS

non pros (non prahs). abbr. NON PROSEQUITUR.

NONPROSECUTION, AFFIDAVIT OF

nonprosecution, affidavit of. See affidavit of nonprosecution under AFFIDAVIT.

NON PROSEQUITUR

non prosequitur (non pr<<schwa>>-sek-w<<schwa>>-t<<schwa>>r or proh-). [Latin “he does not prosecute”] The judgment rendered against a plaintiff who has not pursued the case. — Often shortened to non pros.

NONPUBLIC FORUM

nonpublic forum. Constitutional law. Public property that is not designated or traditionally considered an arena for public communication, such as a jail or a military base. • The government's means of regulating a nonpublic forum need only be reasonable and viewpoint-neutral to be constitutional. Cf. PUBLIC FORUM. [Cases: Constitutional Law 90.1(4). C.J.S. Constitutional Law §§ 556–557, 559–561, 568, 570–572, 580, 608.]

NON-PURCHASE-MONEY

non-purchase-money, adj. Not pertaining to or being an obligation secured by property obtained by a loan <non-purchase-money mortgage>. Cf. purchase-money mortgage under MORTGAGE.

NONQUALIFIED DEFERRED-COMPENSATION PLAN

nonqualified deferred-compensation plan. See EMPLOYEE BENEFIT PLAN.

NONQUALIFIED PENSION PLAN

nonqualified pension plan. See PENSION PLAN.

NONQUALIFIED STOCK OPTION

nonqualified stock option. See STOCK OPTION.

NON QUIETA MOVERE

non quieta movere (non kwI-ee-t<<schwa>> moh-veer-ee), n. [Latin “not to disturb what is settled”] Stare decisis. • Non quieta movere expresses the same principle as stare decisis. It is part of the longer phrase stare decisis et non quieta movere (“to adhere to precedents, and not to unsettle things that are established”). See STARE DECISIS. [Cases: Courts 89.C.J.S. Courts §§ 139–140, 144–146, 161–164, 166–167.]

NONRECOGNITION

nonrecognition.Int'l law. The refusal of one government to recognize the legitimacy of another government. Cf. RECOGNITION(6).

NONRECOGNITION PROVISION

nonrecognition provision.Tax. A statutory rule that allows all or part of a realized gain or loss not to be recognized for tax purposes. • Generally, this type of provision only postpones the recognition of the gain or loss. See RECOGNITION(4).

NONRECOURSE

nonrecourse,adj. Of or relating to an obligation that can be satisfied only out of the collateral securing the obligation and not out of the debtor's other assets. [Cases: Bills and Notes 44; Secured Transactions 227, 240. C.J.S. Bills and Notes; Letters of Credit § 11; Secured Transactions §§ 152, 164–166, 168–169, 172, 174–175, 180–183.]

NONRECOURSE LOAN

nonrecourse loan.See LOAN.

NONRECOURSE NOTE

nonrecourse note.See NOTE(1).

NONRECURRING DIVIDEND

nonrecurring dividend.See extraordinary dividend under DIVIDEND.

NONREFOULEMENT

nonrefoulement (non-ri-fowl-m<<schwa>>nt). [French] A refugee's right not to be expelled from one state to another, esp. to one where his or her life or liberty would be threatened. Cf. REFOULEMENT.

NONREFUND ANNUITY

nonrefund annuity.See ANNUITY.

NONREMOVABLE INMATE

nonremovable inmate.An alien who, having been detained, would ordinarily be deportable but cannot be deported because the United States does not maintain diplomatic ties with the alien's country of origin. — Also termed indefinite detainee; lifer.

NONRENEWAL

nonrenewal. A failure to renew something, such as a lease or an insurance policy. [Cases: Insurance 1894; Landlord and Tenant 81.5–90. C.J.S. Insurance §§ 342–343, 350; Landlord and Tenant §§ 54–55, 56(1, 2, 3, 4, 5), 57, 58(1, 2, 3), 59–61, 62(1, 2, 3), 63–65, 67–73, 79, 505.]

NONREPORTING ISSUER

nonreporting issuer.See ISSUER.

NON REPUGNANTIA

non repugnantia (non ree-p<<schwa>>g-nan-shee-<<schwa>>). [Law Latin] Scots law. An absence of opposition, as to a claim.

NONRESIDENCE

nonresidence, n.1. The status of living outside the limits of a particular place. 2. Eccles. law. The absence of a spiritual person from the benefice. • This was an offense punishable by sequestering the benefice and forfeiting part of its income.

NONRESIDENT

nonresident, n. One who does not live within the jurisdiction in question. — Abbr. n.r. — nonresident, adj.

NONRESIDENT ALIEN

nonresident alien. See ALIEN.

NONRESIDENT DECEDENT

nonresident decedent. See DECEDENT.

NON RESIDENTIA CLERICI REGIS

non residentia clerici regis (non rez-i-den-shee-<<schwa>> kler-<<schwa>>-sree-jis). See DE NON RESIDENTIA CLERICI REGIS.

NONRESIDENTIAL PARENT

nonresidential parent. See noncustodial parent under PARENT.

NON RESIDENTIO PRO CLERICO REGIS

non residentio pro clerico regis (non rez-i-den-shee-oh proh kler-<<schwa>>-koh ree-jis). [Latin “by nonresidence for a royal clerk”] Hist. A writ ordering a bishop not to harass a clerk who, being employed in the royal service, has become a nonresident.

NONRESIDENT-MOTORIST STATUTE

nonresident-motorist statute. A state law governing the liabilities and obligations of nonresidents who use the state's highways. [Cases: Automobiles 235. C.J.S. Motor Vehicles §§ 989–997, 1005–1006.]

NONRESPONSIVE

nonresponsive, adj. 1. (Of a reply to a question, esp. from a witness under oath) not directly answering the question asked. 2. Patents. (Of a patent applicant's answer) not addressing every rejection, objection, and requirement contained in a patent examiner's office action. • A nonresponsive reply may render an application abandoned. 37 CFR § 1.111. [Cases: Patents 104. C.J.S. Patents §§ 145–147, 149–151, 173–175.]

NONRESPONSIVE ANSWER

nonresponsive answer. See unresponsive answer under ANSWER(2).

NONRETROACTIVITY PRINCIPLE

nonretroactivity principle. See NEW-RULE PRINCIPLE.

NONRUN TIME

nonrun time. See dead time under TIME.

NON SANAE MENTIS

non sanae mentis (non say-nee men-tis), adj. [Latin] Not of sound mind.

NON-SELF-GOVERNING TERRITORY

non-self-governing territory. See TERRITORY.

NON SEQUITUR

non sequitur (non sek-w<<schwa>>-t<<schwa>>r). [Latin "it does not follow"] 1. An inference or conclusion that does not logically follow from the premises. 2. A remark or response that does not logically follow from what was previously said. Cf. NON CONSTAT.

NONSERVANT AGENT

nonservant agent. See AGENT(2).

NONSERVICE

nonservice. The failure to serve a summons, warrant, or other process in a civil or criminal case.

NONSHAREHOLDER CONSTITUENCY

nonshareholder constituency. A group of nonstockholders, such as employees or the public, who have an interest in the corporation's business — an interest that the corporation may legally consider, in addition to shareholders' interests, in making major policy decisions. — Also termed alternative constituency. [Cases: Corporations 310(1). C.J.S. Corporations §§ 475, 477–484, 487–489.]

NONSKIP PERSON

nonskip person. Tax. A person who is not a skip person for purposes of the generation-skipping transfer tax. IRC (26 USCA) § 2613(b). See SKIP PERSON . [Cases: Internal Revenue 4224.]

NONSOLICITATION AGREEMENT

nonsolicitation agreement. A promise, usu. in a contract for the sale of a business, a partnership agreement, or an employment contract, to refrain, for a specified time, from either (1) enticing employees to leave the company or (2) trying to lure customers away.

NON SOLVENDO PECUNIAM AD QUAM CLERICUS

non solvendo pecuniam ad quam clericus mulctatur pro non-residentia (non sol-ven-doh pi-kyoo-nee-<<schwa>>m ad kwam kler-<<schwa>>-k<<schwa>>s m<<schwa>>lk-tay-t<<schwa>>r proh non-rez-<<schwa>>-den-shee-<<schwa>>). [Latin] Hist. A writ prohibiting an ordinary from taking a pecuniary mulct imposed on a clerk of the sovereign for nonresidence.

NONSOVEREIGN STATE

nonsovereign state. See STATE.

NONSTAPLE

nonstaple. Patents. An unpatented thing or material that is a component of a patented product or is used in a patented process, but that has little or no other practical use. • Patentees have a limited right to control the market for nonstaples through tying agreements. But if the thing supplied is a staple, the tying agreement is restraint of trade. 35 USCA § 271(d). Cf. STAPLE(3).

NONSTATUTORY

nonstatutory, adj. 1. Enforceable by some legal precept other than enacted law, such as precedent or trade custom. 2. Patents. Unpatentable for not meeting some statutory requirement, e.g., novelty, utility, nonobviousness, or enabling description. 3. Patents. Of or relating to an equitable defense to an infringement claim, esp. estoppel, inequitable conduct, or laches.

NONSTATUTORY BOND

nonstatutory bond. See voluntary bond under BOND(3).

NONSTATUTORY CLAIM

nonstatutory claim. See omnibus claim under PATENT CLAIM.

NONSTATUTORY SUBJECT MATTER

nonstatutory subject matter. Patents. A thing that does not fit into any of the categories of things that by law can be patented. • Examples are works of nature, abstract ideas, and human movements. [Cases: Patents 1. C.J.S. Patents §§ 1–5, 10–12, 15.]

NONSTOCK CORPORATION

nonstock corporation. See CORPORATION.

NON SUBMISSIT

non submissit (non s<<schwa>>b-mis-it). [Latin “he did not submit”] In a debt action on a bond to perform an arbitration award, a defendant's denial that he or she submitted to the arbitration.

NON SUI JURIS

non sui juris (non s[y]oo-Iorsoo-ee joor-is), adj. [Latin “not of one's own right”] Lacking legal

age or capacity. Cf. SUI JURIS.

NONSUIT

nonsuit, n.1. A plaintiff's voluntary dismissal of a case or of a defendant, without a decision on the merits. • Under the Federal Rules of Civil Procedure, a voluntary dismissal is equivalent to a nonsuit. Fed. R. Civ. P. 41(a). — Also termed voluntary discontinuance. [Cases: Federal Civil Procedure 1691; Pretrial Procedure 501. C.J.S. Dismissal and Nonsuit §§ 2–7, 9–10, 12, 14–16, 24.] 2. A court's dismissal of a case or of a defendant because the plaintiff has failed to make out a legal case or to bring forward sufficient evidence. — Also termed involuntary nonsuit; compulsory nonsuit. See judgment of nonsuit under JUDGMENT. [Cases: Trial 139.1, 159, 384. C.J.S. Trial §§ 346–368, 405–408, 410, 415, 423, 1052–1057.] — nonsuit, vb.

“It did not follow [in the 15th–18th centuries], of course, that the issue in a trial at nisi prius would ever get to the jury at all, for it might be that the plaintiff would be ‘non-suited’ on the ground that he had failed to prove something which was essential to his case or that the case which he had proved was different from that which he had pleaded.” Geoffrey Radcliffe & Geoffrey Cross, *The English Legal System* 184 (G.J. Hand & D.J. Bentley eds., 6th ed. 1977).

“Nonsuit ... is equivalent to a demurrer to the evidence in that, even if all facts that plaintiff presents are true, the evidence is not, as a matter of law, sufficient to entitle plaintiff to a judgment. However, a voluntary nonsuit, unlike a demurrer or a directed verdict which resolves the action on its merits, may result in another trial of the cause.” 75A Am. Jur. 2d Trial § 853 (1991).

NON SUM INFORMATUS

non sum informatus (non s<<schwa>>m in-f<<schwa>>r-may-t<<schwa>>s), n.[Latin “I am not informed”] Hist. A type of default judgment based on a defense attorney's statement that the client gave no instructions to answer the lawsuit.

NONSUPPORT

nonsupport. Family law. The failure to support a person for whom one is legally obliged to provide, such as a child, spouse, or other dependent. • Nonsupport is a crime in most states. — Also termed criminal nonsupport; criminal neglect of family; abandonment of minor children; abandonment of children. Cf. SUPPORT. [Cases: Child Support 652.]

NONTARIFF BARRIER

nontariff barrier. An official policy, other than a tariff, that restricts international trade, esp. by limiting imports or exports. — Abbr. NTB. Cf. NONTARIFF MEASURE.

NONTARIFF MEASURE

nontariff measure. An official policy, other than a tariff, that affects international-trade conditions, including a policy that increases trade as well as one that restricts it. — Abbr. NTM. Cf. NONTARIFF BARRIER.

NON TENENT INSIMUL

non tenent insimul (non ten-*<<schwa>>*nt in-sim-*<<schwa>>*l), n.[Latin “they do not hold together”] Hist. In a partition action, the defendant's plea denying a joint tenancy with the plaintiff in the estate at issue.

NON TENUIT

non tenuit (non ten-yuu-wit). [Latin] In an action of replevin, the plaintiff's plea in bar to the defendant's assertion of a rightful taking of property (avowry), whereby the plaintiff denies holding the property in the manner and form alleged. [Cases: Replevin 64.]

NONTENURE

nontenure (non ten-y*<<schwa>>*r).Hist. A general denial in a real action, whereby the defendant denies holding some or all of the land in question.

NONTERM

nonterm. See NON TERMINUS.

NON TERMINUS

non terminus (non ter-mi-n*<<schwa>>*s), n.[Law Latin “not the end”] Hist. The vacation between two terms of a court. • In England, it was also called “the time of days of the king's peace.” — Also termed nonterm; non term.

NONTESTIFYING EXPERT

nontestifying expert.See consulting expert under EXPERT.

NONTRADING PARTNERSHIP

nontrading partnership.See PARTNERSHIP.

NONTRADITIONAL PUBLIC FORUM

nontraditional public forum.See designated public forum under PUBLIC FORUM.

NONUNION

nonunion,adj.1. (Of a person or thing) not belonging to or affiliated with a labor union <a nonunion worker> <a nonunion contract>.2. (Of a position or belief) not favoring labor unions <she will not alter her nonunion stance>.3. (Of a product) not made by labor-union members <the equipment was of nonunion manufacture>.

NONUSE

nonuse. 1. The failure to exercise a right <nonuse of the easement>.2. The condition of not being put into service <the equipment was in nonuse>.3.Intellectual property. ABANDONMENT(7–9).

NONUSER

nonuser. The failure to exercise a right (such as a franchise or easement), as a result of which

the person having the right might lose it <the government may not revoke a citizen's voting right because of nonuser>. Cf. USER(1).

NON USURPAVIT

non usurpavit (non yoo-s<<schwa>>r-pay-vit). [Latin "he has not usurped"] A defendant's denial of an alleged usurpation of an office or franchise.

NON UTENDO

non utendo (non yoo-ten-do). [Latin] Roman & Scots law. By nonuse. • Certain rights (such as some servitudes) could be lost through neglect of use.

NON VALENTIA AGERE

non valentia agere (non v<<schwa>>-len-shee-<<schwa>> aj-<<schwa>>-ree). [Latin] Inability to sue. See NONABILITY.

NONVERBAL TESTIMONY

nonverbal testimony. See TESTIMONY.

NON-VESSEL-OPERATING COMMON CARRIER

non-vessel-operating common carrier. See CARRIER.

NONVITAL TERM

nonvital term. See nonfundamental term under TERM(2).

NONVOLUNTARY EUTHANASIA

nonvoluntary euthanasia. See EUTHANASIA.

NONVOTING MEMBER

nonvoting member. See MEMBER.

NONVOTING STOCK

nonvoting stock. See STOCK.

NON VULT CONTENDERE

non vult contendere (non v<<schwa>>lt k<<schwa>>n-ten-d<<schwa>>-ree). [Latin "he will not contest it"] NO CONTEST.

NONWAIVER AGREEMENT

nonwaiver agreement. Insurance. A contract (supplementing a liability-insurance policy) in which the insured acknowledges that the insurer's investigation or defense of a claim against the insured does not waive the insurer's right to contest coverage later. Cf. RESERVATION-OF-RIGHTS LETTER. [Cases: Insurance 3120. C.J.S. Insurance § 824.]

NOOK OF LAND

nook of land.Hist. A variable quantity of land, often 12.5 acres.

NO-ORAL-MODIFICATION CLAUSE

no-oral-modification clause.A contractual provision stating that the parties cannot make any oral modifications or alterations to the agreement. — Abbr. NOM clause. See INTEGRATION CLAUSE; ZIPPER CLAUSE. [Cases: Contracts 238(2). C.J.S. Contracts §§ 412–414.]

NO PAR

no par.See no-par stock under STOCK.

NO-PAR STOCK

no-par stock.See STOCK.

NO-PAR-VALUE STOCK

no-par-value stock.See no-par stock under STOCK.

NO-PASS, NO-PLAY RULE

no-pass, no-play rule.A state law requiring public-school students who participate in extracurricular activities (such as sports or band) to maintain a minimum grade-point average or else lose the privilege to participate. [Cases: Schools 164. C.J.S. Schools and School Districts §§ 701, 782–785, 817.]

NO PROGRESS

no progress.See WANT OF PROSECUTION.

NO RECOURSE

no recourse. 1. The lack of means by which to obtain reimbursement from, or a judgment against, a person or entity <the bank had no recourse against the individual executive for collection of the corporation's debts>.2. A notation indicating that such means are lacking <the bill was indorsed “no recourse”>. See nonrecourse loan under LOAN; WITHOUT RECOURSE.

NO RELIGIOUS TEST CLAUSE

No Religious Test Clause.See RELIGIOUS TEST CLAUSE.

NO-RETREAT RULE

no-retreat rule.Criminal law. The doctrine that the victim of a murderous assault may use deadly force in self-defense if there is no reasonable alternative to avoid the assailant's threatened harm. • A majority of American jurisdictions have adopted this rule. Cf. RETREAT RULE. [Cases: Homicide 769.]

NO-RIGHT

no-right,n. The absence of right against another in some particular respect. • A no-right is the correlative of a privilege. — Also termed liability.

“A says to B, ‘If you will agree to pay me \$100 for this horse you may have him and you may indicate your agreement by taking him.’ This is a physical fact, called an offer, consisting of certain muscular acts of A having certain physical results in B. The legal relations immediately following are (in part) as follows: B now has the privilege of taking the horse and A has no-right that he shall not” William R. Anson, *Principles of the Law of Contract* 321 (Arthur L. Corbin ed., 3d Am. ed. 1919).

“ ‘No-right’ is sometimes derided as being a purely negative concept. If a no-right is something that is not a right, the class of no-rights must, it is said, include elephants. The answer is that negative terms are often useful as alternative ways of stating propositions involving negatives. For instance, the terms ‘alien,’ ‘cold,’ and ‘dark’ are all negative or privative, because their meaning includes the idea of the absence of something else. The proposition that A is an alien means that A is not a British subject; in the one mode of statement the negative is incorporated in the noun, whereas in the other it is expressed as a separate word. Similarly the word ‘liberty’ is negative, and critics who attack the concept of no-right should logically attack the concept of liberty also.... [L]iberty means ‘no-duty not.’ ... [F]or the sake of clear thinking it is necessary to give each of the four meanings [of right] a separate name. Words like ‘no-right’ and ‘no-duty’ may seem uncouth at first sight, but it is surely a clear and useful statement to say that ‘right’ sometimes means ‘no-duty not.’ ” John Salmond, *Jurisprudence* 240–41 n.(u) (Glanville L. Williams ed., 10th ed. 1947).

NORM

norm. 1. A model or standard accepted (voluntarily or involuntarily) by society or other large group, against which society judges someone or something. • An example of a norm is the standard for right or wrong behavior. 2. An actual or set standard determined by the typical or most frequent behavior of a group.

basic norm. In the legal theory of Hans Kelsen, the law from which all the other laws in a society derive. • Kelsen's “pure theory of law” maintains that laws are norms. Therefore, a society's legal system is made up of its norms, and each legal norm derives its validity from other legal norms. Ultimately, the validity of all laws is tested against the “basic norm,” which may be as simple as the concept that all pronouncements of the monarch are to be obeyed. Or it may be an elaborate system of lawmaking, such as a constitution. — Also termed *grundnorm*. See PURE THEORY.

NORMAL

normal, adj. 1. According to a regular pattern; natural <it is normal to be nervous in court>. • The term describes not just forces that are constantly and habitually operating but also forces that operate periodically or with some degree of frequency. In this sense, its common antonyms are unusual and extraordinary. 2. According to an established rule or norm <it is not normal to deface statues>. 3. Setting a standard or norm <a normal curriculum was established in the schools>.

NORMAL BALANCE

normal balance. A type of debit or credit balance that is usu. found in ledger accounts. • For

example, assets usu. have debit balances and liabilities usu. have credit balances.

NORMAL COLLEGE

normal college. See NORMAL SCHOOL.

NORMAL LAW

normal law. The law as it applies to persons who are free from legal disabilities.

NORMAL MARKET

normal market. See CONTANGO.

NORMAL MIND

normal mind. A mental capacity that is similar to that of the majority of people who can handle life's ordinary responsibilities.

NORMAL SCHOOL

normal school. A training school for public-school teachers. • Normal schools first appeared in the United States in the 1800s and were two-year post-high-school training programs for elementary-school teachers. At the turn of the century, normal schools expanded into four-year teaching colleges. Most of these institutions have developed into liberal arts colleges offering a wider variety of education and teaching programs. — Also termed normal college. [Cases: Colleges and Universities 1. C.J.S. Colleges and Universities §§ 2–3, 9.]

NORMAN FRENCH

Norman French. A language that was spoken by the Normans and became the official language of English courts after the Norman Conquest in 1066. • The language deteriorated into Law French and continued to be used until the late 17th century. English became the official language of the courts in 1731.

NORMATIVE

normative, adj. Establishing or conforming to a norm or standard <Rawls's theory describes normative principles of justice>.

NORMATIVE JURISPRUDENCE

normative jurisprudence. See NATURAL LAW.

NORRIS–LA GUARDIA ACT

Norris–La Guardia Act (nor-is l<<schwa>>-gwahr-dee-<<schwa>>). A 1932 federal law that forbids federal courts from ruling on labor policy and that severely limits their power to issue injunctions in labor disputes. • The statute was passed to curb federal-court abuses of the injunctive process, to declare the government's neutrality on labor policy, to curtail employers' widespread use of injunctions to thwart union activity, and to promote the use of collective bargaining to resolve disputes. 29 USCA §§ 101–115. — Also termed Labor Disputes Act;

Anti-Injunction Act.

NORROY

Norroy (nor-oy).English law. The third of the three Kings at Arms (and the chief herald), whose province lies on the north side of the river Trent. • The Norroy's duties have included the supervision of weddings and funerals of nobility. See HERALD.

NORTH AMERICAN FREE TRADE AGREEMENT

North American Free Trade Agreement.A 1994 agreement between the United States, Canada, and Mexico, designed to phase out all tariffs and eliminate many nontariff barriers (such as quotas) inhibiting the free trade of goods between the participating nations. • Among other provisions, it set minimum standards for intellectual-property protection afforded other members' citizens. Negotiated at the same time as the GATT talks that produced TRIPs, NAFTA borrowed from many TRIPs provisions on intellectual-property protection, as by as protecting computer software and databases by copyright. While NAFTA incorporates by reference the Berne Convention standards of intellectual-property rights, it exempts the U.S. from recognizing Berne's moral rights. — Abbr. NAFTA. [Cases: Treaties 8. C.J.S. Treaties § 6.]

NORTH EASTERN REPORTER

North Eastern Reporter.A set of regional lawbooks, part of the West Group's National Reporter System, containing every published appellate decision from Illinois, Indiana, Massachusetts, New York, and Ohio, from 1885 to date. • The first series ran from 1885 to 1936; the second series is the current one. — Abbr. N.E.; N.E.2d.

NORTH WESTERN REPORTER

North Western Reporter.A set of regional lawbooks, part of the West Group's National Reporter System, containing every published appellate decision from Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, from 1879 to date. • The first series ran from 1879 to 1941; the second series is the current one. — Abbr. N.W.; N.W.2d.

NORTHWEST TERRITORY

Northwest Territory.Hist. The first possession of the United States, being the geographical region south of the Great Lakes, north of the Ohio River, and east of the Mississippi River, as designated by the Continental Congress in the late 1700s. • This area includes the present states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and the eastern part of Minnesota.

NOS

NOS.abbr.National Ocean Service. See NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION .

NOSCITUR A SOCIIS

noscitur a sociis (nos-<<schwa>>-t<<schwa>>r ay [or ah] soh-shee-is). [Latin “it is known by its associates”] A canon of construction holding that the meaning of an unclear word or phrase

should be determined by the words immediately surrounding it. Cf. EJUSDEM GENERIS; EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS ; RULE OF RANK. [Cases: Statutes 193. C.J.S. Statutes § 332.]

“The ejusdem generis rule is an example of a broader linguistic rule or practice to which reference is made by the Latin tag *noscitur a sociis*. Words, even if they are not general words like ‘whatsoever’ or ‘otherwise’ preceded by specific words, are liable to be affected by other words with which they are associated.” Rupert Cross, *Statutory Interpretation* 118 (1976).

NO-SETOFF CERTIFICATE

no-setoff certificate. See WAIVER OF DEFENSES.

NO-SHOP PROVISION

no-shop provision. A stipulation prohibiting one or more parties to a commercial contract from pursuing or entering into a more favorable agreement with a third party.

NOSOCOMUS

nosocomus (nos-*<<schwa>>*-koh-m*<<schwa>>*s), n. [Greek “an attendant on the side”] Hist. A person who manages a hospital that cares for paupers.

NO-STRIKE CLAUSE

no-strike clause. A labor-agreement provision that prohibits employees from striking for any reason and establishes instead an arbitration system for resolving labor disputes.

NOTA

NOTA. abbr. NATIONAL ORGAN TRANSPLANT ACT.

nota (noh-t*<<schwa>>*), n. [Latin “mark”] Hist. 1. A promissory note. 2. A brand placed on a person by law.

NOTA BENE

nota bene (noh-t*<<schwa>>* ben-ee orbee-nee orben-ay). See N.B.

NOTABILIS EXCESSUS

notabilis excessus (noh-tab-*<<schwa>>*-lis ek-ses-*<<schwa>>*s). [Law Latin] Hist. A very great excess.

NOTAE

notae (noh-tee), n. pl. [Latin] Hist. Shorthand characters. See NOTARIUS.

NOTARIAL

notarial, adj. Of or relating to the official acts of a notary public <a notarial seal>. — Also spelled (in Scots law) notorial. See NOTARY PUBLIC. [Cases: Notaries 6. C.J.S. Notaries §§ 11, 15, 17.]

NOTARIAL ACT

notarial act. An official function of a notary public, such as placing a seal on an affidavit. See **NOTARY PUBLIC**. [Cases: Notaries 6. C.J.S. Notaries §§ 11, 15, 17.]

NOTARIAL PROTEST CERTIFICATE

notarial protest certificate. See **PROTEST CERTIFICATE**.

NOTARIAL RECORD

notarial record. See **JOURNAL OF NOTARIAL ACTS**.

NOTARIAL REGISTER

notarial register. See **JOURNAL OF NOTARIAL ACTS**.

NOTARIAL SEAL

notarial seal. See **NOTARY SEAL**.

NOTARIAL WILL

notarial will. See **WILL**.

NOTARIUS

notarius (noh-tair-ee-<<schwa>>s), n. [fr. Latin nota "a character or mark"] 1. Roman law. A writer (sometimes a slave) who takes dictation or records proceedings by shorthand. • A notarius was later also called a scriba. 2. Roman law. An officer of the court who takes a magistrate's dictation by shorthand. Cf. **SCRIBA**. 3. Hist. An officer who prepares deeds and other contracts. 4. A notary or a scribe.

NOTARIZE

notarize, vb. (Of a notary public) to attest to the authenticity of (a signature, mark, etc.).

NOTARY PUBLIC

notary public (noh-t<<schwa>>-ree), n. A person authorized by a state to administer oaths, certify documents, attest to the authenticity of signatures, and perform official acts in commercial matters, such as protesting negotiable instruments. — Often shortened to notary. [Cases: Notaries 1. C.J.S. Notaries § 2.] — Abbr. n.p. Pl. notaries public. — notarize, vb. — notarial, adj.

"A notary public is an officer long known to the civil law, and designated as registrarius, actuarius, or scrivarius." John Proffatt, *A Treatise on the Law Relating to the Office and Duties of Notaries Public* § 1, at 1 (John F. Tyler & John J. Stephens eds., 2d ed. 1892).

"The notary public, or notary, is an official known in nearly all civilized countries. The office is of ancient origin. In Rome, during the republic, it existed, the title being tabelliones forenses, or personae publicae; and there are records of the appointment of notaries by the Frankish kings and the Popes as early as the ninth century. They were chiefly employed in drawing up legal documents; as scribes or scriveners they took minutes and made short drafts of writings, either of

a public or a private nature. In modern times their more characteristic duty is to attest the genuineness of any deeds or writings, in order to render the same available as evidence of the facts therein contained.” Benjamin F. Rex, *The Notaries' Manual* § 1, at 1–2 (J.H. McMillan ed., 6th ed. 1913).

“In jurisdictions where the civilian law prevails, such as in the countries of continental Europe, a notary public is a public official who serves as a public witness of facts transacted by private parties ... and also serves as impartial legal advisor for the parties involved.... In colonial Louisiana, the notary public had the same rank and dignity as his continental civilian ancestor.... Although notaries still constitute a protected profession in present-day Louisiana, holding office for life provided they renew their bonds periodically in compliance with the governing statute, the importance of their function has diminished over the years to the point that it has been said that a Louisiana notary is no longer a truly civilian notary. Indeed, the trained lawyer is nowadays the Louisiana, and American, counterpart of the continental civilian notary.” Saul Litvinoff, 5 *Louisiana Civil Law Treatise: The Law of Obligations* 296–97 (2d ed. 2001).

NOTARY RECORD BOOK

notary record book. See *JOURNAL OF NOTARIAL ACTS*.

NOTARY'S CERTIFICATE

notary's certificate. A notary's signed and sealed or stamped statement attesting to the time and place that the specified acts and documents were authenticated.

NOTARY SEAL

notary seal. 1. The imprint or embossment made by a notary public's seal. [Cases: Notaries 8. C.J.S. Notaries § 8.] 2. A device, usu. a stamp or embosser, that makes an imprint on a notarized document. — Also termed notarial seal.

embossed seal. 1. A notary seal that is impressed onto a document, raising the impression above the surface. • An embossed seal clearly identifies the original document because the seal is only faintly reproducible. For this reason, this type of seal is required in some states and on some documents notarized for federal purposes. [Cases: Notaries 8. C.J.S. Notaries § 8.] 2. The embossment made by this seal.

rubber-stamp seal. 1. In most states, a notary public's official seal, which is ink-stamped onto documents and is therefore photographically reproducible. • It typically includes the notary's name, the state seal, the words “Notary Public,” the name of the county where the notary's bond is filed, and the expiration date of the notary's commission. [Cases: Notaries 8. C.J.S. Notaries § 8.] 2. The imprint made by this seal.

NOTATION CREDIT

notation credit. A letter of credit specifying that anyone purchasing or paying a draft or demand for payment made under it must note the amount of the draft or demand on the letter. See *LETTER OF CREDIT*. [Cases: Banks and Banking 191.20. C.J.S. Bills and Notes; Letters of Credit §§ 342, 346–347, 351, 360–364, 366, 368–371, 375, 380.]

NOTE

note,n.1. A written promise by one party (the maker) to pay money to another party (the payee) or to bearer. • A note is a two-party negotiable instrument, unlike a draft (which is a three-party instrument). — Also termed promissory note. Cf. DRAFT(1). [Cases: Bills and Notes 28. C.J.S. Bills and Notes; Letters of Credit §§ 2–3, 7–9, 12, 22, 75.]

accommodation note.A note that an accommodating party has signed and thereby assumed secondary liability for; ACCOMMODATION PAPER. Cf. GUARANTY(1). [Cases: Bills and Notes 49, 122. C.J.S. Bills and Notes; Letters of Credit §§ 24–25.]

approved indorsed note.A note indorsed by a person other than the maker to provide additional security.

balloon note.A note requiring small periodic payments but a very large final payment. • The periodic payments usu. cover only interest, while the final payment (the balloon payment) represents the entire principal.

banker's note.A promissory note given by a private banker or an unincorporated banking institution.

banknote. See BANKNOTE.

blue note.A note that maintains a life-insurance policy in effect until the note becomes due. [Cases: Insurance 2020, 2027. C.J.S. Insurance §§ 306, 388, 688, 737–739.]

bought note.A written memorandum of a sale delivered to the buyer by the broker responsible for the sale.

circular note.See LETTER OF CREDIT.

coal note.Hist. A promissory note written according to a statute that required payment for coal out of any vessel in the port of London to be in cash or by promissory note containing the words “value received in coal.” • Noncompliance with the statute resulted in a fine of £100.

cognovit note.See COGNOVIT NOTE.

collateral note.See secured note.

coupon note.A note with attached interest coupons that the holder may present for payment as each coupon matures.

demand note.A note payable whenever the creditor wants to be paid. See call loan under LOAN. [Cases: Bills and Notes 129(3). C.J.S. Bills and Notes; Letters of Credit § 90.]

executed note.A note that has been signed and delivered. [Cases: Bills and Notes 54–62. C.J.S. Bills and Notes; Letters of Credit §§ 26–32, 34, 197.]

floating-rate note.A note carrying a variable interest rate that is periodically adjusted within a predetermined range, usu. every six months, in relation to an index, such as Treasury bill rates. — Also termed floater. [Cases: Bills and Notes 125; Interest 32. C.J.S. Bills and Notes; Letters of

Credit §§ 84, 100; Interest and Usury; Consumer Credit § 38.]

hand note.A note that is secured by a collateral note.

installment note.A note payable at regular intervals. — Also termed serial note.

inverse-floating-rate note.A note structured in such a way that its interest rate moves in the opposite direction from the underlying index (such as the London Interbank Offer Rate). • Many such notes are risky investments because if interest rates rise, the securities lose their value and their coupon earnings fall. — Also termed inverse floater. [Cases: Interest 32. C.J.S. Interest and Usury; Consumer Credit § 38.]

joint and several note.A note for which multiple makers are jointly and severally liable for repayment, meaning that the payee may legally look to all the makers, or any one of them, for payment of the entire debt. See joint and several liability under LIABILITY. [Cases: Bills and Notes 120. C.J.S. Bills and Notes; Letters of Credit §§ 81, 83, 249.]

joint note.A note for which multiple makers are jointly, but not severally, liable for repayment, meaning that the payee must legally look to all the makers together for payment of the debt. See joint liability under LIABILITY. [Cases: Bills and Notes 120. C.J.S. Bills and Notes; Letters of Credit §§ 81, 83, 249.]

mortgage note.A note evidencing a loan for which real property has been offered as security. [Cases: Mortgages 14. C.J.S. Mortgages §§ 143–150.]

nonrecourse note.A note that may be satisfied upon default only by means of the collateral securing the note, not by the debtor's other assets. Cf. recourse note. [Cases: Bills and Notes 44; Secured Transactions 227, 240. C.J.S. Bills and Notes; Letters of Credit § 11; Secured Transactions §§ 152, 164–166, 168–169, 172, 174–175, 180–183.]

note of hand.See promissory note.

post note.See time note.

premium note.A promissory note given by an insured to an insurance company for part or all of the premium.

promissory note.An unconditional written promise, signed by the maker, to pay absolutely and in any event a certain sum of money either to, or to the order of, the bearer or a designated person. — Also termed note of hand. [Cases: Bills and Notes 28–53. C.J.S. Bills and Notes; Letters of Credit §§ 2–5, 7–9, 11–16, 22–25, 75, 81, 121, 167, 231, 244–248, 263, 309.]

recourse note.A note that may be satisfied upon default by pursuing the debtor's other assets in addition to the collateral securing the note. Cf. nonrecourse note. [Cases: Secured Transactions 227, 240. C.J.S. Secured Transactions §§ 152, 164–166, 168–169, 172, 174–175, 180–183.]

reissuable note.A note that may again be put into circulation after having once been paid.

renewal note.A note that continues an obligation that was due under a prior note. [Cases: Bills and Notes 138. C.J.S. Bills and Notes; Letters of Credit §§ 109–113, 117.]

sale note.A broker's memorandum on the terms of a sale, given to the buyer and seller.

savings note.A short-term, interest-bearing paper issued by a bank or the U.S. government.

secured note.A note backed by a pledge of real or personal property as collateral. — Also termed collateral note.

self-canceling installment note.A debt obligation that is automatically extinguished at the creditor's death. • Any remaining balance on the note becomes uncollectible. Self-canceling notes are typically used in estate planning. — Abbr. SCIN.

serial note.See installment note.

sold note.A written memorandum of sale delivered to the seller by the broker responsible for the sale, and usu. outlining the terms of the sale. See CONFIRMATION SLIP.

stock note.A note that is secured by securities, such as stocks or bonds.

tax-anticipation note.A short-term obligation issued by state or local governments to finance current expenditures and that usu. matures once the local government receives individual and corporate tax payments. — Abbr. TAN. [Cases: Municipal Corporations 908. C.J.S. Municipal Corporations §§ 1646, 1652.]

time note.A note payable only at a specified time and not on demand. — Also termed post note. [Cases: Bills and Notes 129. C.J.S. Bills and Notes; Letters of Credit §§ 86–89, 91–99.]

treasury note.See TREASURY NOTE.

unsecured note.A note not backed by collateral.

2. A scholarly legal essay shorter than an article and restricted in scope, explaining or criticizing a particular set of cases or a general area of the law, and usu. written by a law student for publication in a law review. — Also termed comment; lawnote. Cf. ANNOTATION. 3. A minute or memorandum intended for later reference; MEMORANDUM(1).

broker's note.A memorandum, usu. one authorizing a broker to act as a principal's agent, that is prepared by the broker and a copy given to the principal.

note,vb.1. To observe carefully or with particularity <the defendant noted that the plaintiff seemed nervous>.2. To put down in writing <the court reporter noted the objection in the record>.3.Archaic. To brand <as punishment, the criminal was noted>. See NOTA.

NOTE BROKER

note broker.See BROKER.

NOTE OF A FINE

note of a fine.Hist. English law. A step in the judicial process for conveying land, consisting of a chirographer's brief of the proceedings before the documents of conveyance are engrossed. — Also termed abstract of a fine. See FINE(1).

NOTE OF ALLOWANCE

note of allowance.English law. A master's note, upon receiving a party's memorandum of an error of law in a case, allowing error to be asserted.

NOTE OF HAND

note of hand.See promissory note under NOTE(1). Pl. notes of hand.

NOTE OF PROTEST

note of protest.A notary's preliminary memo, to be formalized at a later time, stating that a negotiable instrument was neither paid nor accepted upon presentment. See PROTEST. [Cases: Bills and Notes 408. C.J.S. Bills and Notes; Letters of Credit § 211.]

NOTE PAYABLE

note payable.See account payable under ACCOUNT.

NOTE RECEIVABLE

note receivable.See account receivable under ACCOUNT.

NO-TERM LEASE

no-term lease.Oil & gas. A mineral lease with a drilling-delay rental clause that allows the lessee to extend the primary term indefinitely by paying delay rentals. • No-term leases were common at the end of the 19th century. Some courts refused to enforce them on the ground that they created a mere estate at will, terminable at the will of either the lessor or the lessee. Other courts upheld them, but with the stipulation that the lessee had an obligation to either test or release the lease within a reasonable time.

NOTE VERBAL

note verbal (noht v<<schwa>>r-b<<schwa>>l).Int'l law. An unsigned diplomatic note, usu. written in the third person, that sometimes accompanies a diplomatic message or note of protest to further explain the country's position or to request certain action. — Also spelled note verbale (vair-bahl).

NOT-FOR-PROFIT CORPORATION

not-for-profit corporation.See nonprofit corporation under CORPORATION.

NOT FOUND

not found.Words placed on a bill of indictment, meaning that the grand jury has insufficient evidence to support a true bill. See IGNORAMUS; NO BILL. Cf. TRUE BILL.

NOT GUILTY

not guilty. 1. A defendant's plea denying the crime charged. [Cases: Criminal Law 299. C.J.S. Criminal Law § 378.] 2. A jury verdict acquitting the defendant because the prosecution failed to prove the defendant's guilt beyond a reasonable doubt. Cf. INNOCENT.

not guilty by reason of insanity. 1. A not-guilty verdict, based on mental illness, that usu. does not release the defendant but instead results in commitment to a mental institution. [Cases: Criminal Law 47. C.J.S. Criminal Law §§ 99–108.] 2. A criminal defendant's plea of not guilty that is based on the insanity defense. — Abbr. NGRI. — Also termed not guilty on the ground of insanity. See INSANITY DEFENSE. [Cases: Criminal Law 286.5. C.J.S. Criminal Law § 380.]

3. Common-law pleading. A defendant's plea denying both an act of trespass alleged in a plaintiff's declaration and the plaintiff's right to possess the property at issue. [Cases: Trespass 41. C.J.S. Trespass §§ 86–89.] “In trespass, whether to person or property, the general issue is ‘not guilty.’ It operates in the first place as a denial that the defendant committed the act of trespass alleged, to wit, the application of force to the plaintiff's person, the entry on his land, or the taking or damages of his goods. It also denies the plaintiff's possession, title, or right of possession of the land or goods.” Benjamin J. Shipman, *Handbook of Common-Law Pleading* § 170, at 307–08 (Henry Winthrop Ballantine ed., 3d ed. 1923).

not guilty by statute. Hist. Under certain acts of Parliament, the pleading form for a defendant's general denial in a civil action. • This pleading form allowed a public officer to indicate action under a statute. The officer had to write the words “by statute” in the margin along with the year, chapter, and section of the applicable statute, and the defendant could not file any other defense without leave of court. The right to plead “not guilty by statute” was essentially removed by the Public Authorities Protection Act of 1893.

4. A general denial in an ejectment action. [Cases: Ejectment 68. C.J.S. Ejectment §§ 63–64.] “The general issue in ejectment is not guilty. This plea operates as follows: (1) As a denial of the unlawfulness of the withholding; i.e., of the plaintiff's title and right of possession. (2) All defenses in excuse or discharge, including the statute of limitations, are available under the general issue in ejectment.” Benjamin J. Shipman, *Handbook of Common-Law Pleading* § 188, at 333 (Henry Winthrop Ballantine ed., 3d ed. 1923).

NOT-GUILTY PLEA

not-guilty plea. See PLEA(1).

NOTHOUS

nothous (noh-th<<schwa>>s), adj. Archaic. Spurious; illegitimate.

NOTHUS

nothus (noh-th<<schwa>>s), n. [Latin fr. Greek nothos “false”] Roman law. An illegitimate child; one of base birth. • If the child's mother was a Roman citizen, the child was also a Roman citizen. — Also termed spurius.

NOTICE

notice, n. 1. Legal notification required by law or agreement, or imparted by operation of law as a result of some fact (such as the recording of an instrument); definite legal cognizance, actual or constructive, of an existing right or title <under the lease, the tenant must give the landlord written notice 30 days before vacating the premises>. • A person has notice of a fact or condition if

that person (1) has actual knowledge of it; (2) has received information about it; (3) has reason to know about it; (4) knows about a related fact; or (5) is considered as having been able to ascertain it by checking an official filing or recording. [Cases: Constitutional Law 251.6, 309; Notice 1. C.J.S. Constitutional Law §§ 968, 1154, 1165–1166, 1168–1169; Notice §§ 2–3, 9.] 2. The condition of being so notified, whether or not actual awareness exists <all prospective buyers were on notice of the judgment lien>. Cf. KNOWLEDGE. 3. A written or printed announcement <the notice of sale was posted on the courthouse bulletin board>. [Cases: Sales 235; Vendor and Purchaser 225. C.J.S. Sales § 233; Vendor and Purchaser §§ 486–487, 491.]

actual notice. Notice given directly to, or received personally by, a party. — Also termed express notice. [Cases: Notice 1.5. C.J.S. Notice § 4.]

adequate notice. See due notice.

commercial-law notice. Under the UCC, notice of a fact arising either as a result of actual knowledge or notification of the fact, or as a result of circumstances under which a person would have reason to know of the fact. UCC § 1-201(25) (2d ed. 1995). [Cases: Sales 235. C.J.S. Sales § 233.]

constructive notice. Notice arising by presumption of law from the existence of facts and circumstances that a party had a duty to take notice of, such as a registered deed or a pending lawsuit; notice presumed by law to have been acquired by a person and thus imputed to that person. — Also termed legal notice. [Cases: Notice 4; Vendor and Purchaser 229. C.J.S. Notice § 7; Vendor and Purchaser § 488.]

direct notice. Actual notice of a fact that is brought directly to a party's attention. — Also termed positive notice.

due notice. Sufficient and proper notice that is intended to and likely to reach a particular person or the public; notice that is legally adequate given the particular circumstance. — Also termed adequate notice; legal notice.

express notice. Actual knowledge or notice given to a party directly, not arising from any inference, duty, or inquiry. See actual notice. [Cases: Notice 2. C.J.S. Notice §§ 4–5.]

fair notice. 1. Sufficient notice apprising a litigant of the opposing party's claim. 2. The requirement that a pleading adequately apprise the opposing party of a claim. • A pleading must be drafted so that an opposing attorney of reasonable competence would be able to ascertain the nature and basic issues of the controversy and the evidence probably relevant to those issues. 3. FAIR WARNING. [Cases: Federal Civil Procedure 673; Pleading 48. C.J.S. Pleading §§ 116–124, 132–133.]

immediate notice. 1. Notice given as soon as possible. 2. More commonly, and esp. on notice of an insurance claim, notice that is reasonable under the circumstances. [Cases: Insurance 3154.]

implied notice. Notice that is inferred from facts that a person had a means of knowing and that is thus imputed to that person; actual notice of facts or circumstances that, if properly

followed up, would have led to a knowledge of the particular fact in question. — Also termed indirect notice; presumptive notice. [Cases: Notice 3. C.J.S. Notice § 6.]

imputed notice. Information attributed to a person whose agent, having received actual notice of the information, has a duty to disclose it to that person. • For example, notice of a hearing may be imputed to a witness because it was actually disclosed to that witness's attorney of record. [Cases: Principal and Agent 177(1). C.J.S. Agency §§ 433–435, 442–444, 446.]

indirect notice. See implied notice.

inquiry notice. Notice attributed to a person when the information would lead an ordinarily prudent person to investigate the matter further; esp., the time at which the victim of an alleged securities fraud became aware of facts that would have prompted a reasonable person to investigate. [Cases: Notice 6; Vendor and Purchaser 229. C.J.S. Notice §§ 12–14; Vendor and Purchaser § 488.]

judicial notice. See JUDICIAL NOTICE.

legal notice. 1. See constructive notice. 2. See due notice.

notice by publication. See public notice.

personal notice. Oral or written notice, according to the circumstances, given directly to the affected person.

positive notice. See direct notice.

presumptive notice. See implied notice.

public notice. Notice given to the public or persons affected, usu. by publishing in a newspaper of general circulation. • This notice is usu. required, for example, in matters of public concern. — Also termed notice by publication. [Cases: Notice 11. C.J.S. Notice §§ 16, 32.]

reasonable notice. Notice that is fairly to be expected or required under the particular circumstances.

record notice. Constructive notice of the contents of an instrument, such as a deed or mortgage, that has been properly recorded. [Cases: Vendor and Purchaser 231. C.J.S. Vendor and Purchaser § 496.]

short notice. Notice that is inadequate or not timely under the circumstances.

4. Intellectual property. A formal sign attached to an item that embodies or reproduces an intellectual-property right. • Notice of patent is made by placing the word “patent” (or its abbreviation, “pat.”) and the item's patent number on an item made by a patentee or licensee. There are three statutory notice forms for U.S. trademark and servicemark registration. The most common is the symbol with the letter R (®) but “Reg. U.S. Pat. & Tm. Off.” or “Registered in U.S. Patent and Trademark Office” affords the same legal protection. A copyright notice also takes several forms. The first part may be the symbol with the letter C in a circle (©), or the word “Copr.” or “Copyright.” It must be followed by the copyright owner's name and the year that the

work was first published. Informal signs, such as “Brand,” “TM,” “Trademark,” “SM,” and “Service Mark,” adjacent to words or other symbols considered to be protectable marks are not legal notices of exclusive rights. 5.Parliamentary law. A meeting's published call. See call of a meeting under CALL(1).6.Parliamentary law. A formal statement that certain business may come before a meeting, usu. made at an earlier meeting or published with the call of the meeting that will consider the business, and made as a prerequisite to the business's consideration. See call of a meeting under CALL(1). — Also termed previous notice.

notice,vb.1. To give legal notice to or of <the plaintiff's lawyer noticed depositions of all the experts that the defendant listed>.2. To realize or give attention to <the lawyer noticed that the witness was leaving>.

NOTICE ACT

notice act.See NOTICE STATUTE.

NOTICE-AND-COMMENT PERIOD

notice-and-comment period.Administrative law. The statutory time frame during which an administrative agency publishes a proposed regulation and receives public comment on the regulation. • The regulation cannot take effect until after this period expires. — Often shortened to comment period. [Cases: Administrative Law and Procedure 394, 395. C.J.S. Public Administrative Law and Procedure §§ 104–105.]

NOTICE-AND-COMMENT RULEMAKING

notice-and-comment rulemaking.See informal rulemaking under RULEMAKING.

NOTICE-BASED QUORUM

notice-based quorum.See QUORUM.

NOTICE BY PUBLICATION

notice by publication.See public notice under NOTICE.

NOTICE DOCTRINE

notice doctrine.The equitable doctrine that when a new owner takes an estate with notice that someone else had a claim on it at the time of the transfer, that claim may still be asserted against the new owner even if it might have been disregarded at law. — Also termed doctrine of notice.

NOTICE FILING

notice filing.The perfection of a security interest under Article 9 of the UCC by filing only a financing statement, as opposed to a copy or abstract of the security agreement. • The financing statement must contain (1) the debtor's signature, (2) the secured party's name and address, (3) the debtor's name and mailing address, and (4) a description of the types of, or items of, collateral. [Cases: Secured Transactions 92. C.J.S. Secured Transactions §§ 65–66.]

NOTICE-OF-ALIBI RULE

notice-of-alibi rule. The principle that, upon written demand from the government, a criminal defendant who intends to call an alibi witness at trial must give notice of who that witness is and where the defendant claims to have been at the time of the alleged offense. • The government is, in turn, obligated to give notice to the defendant of any witness it intends to call to rebut the alibi testimony. See Fed. R. Crim. P. 12.1.

NOTICE OF ALLOWABILITY

notice of allowability. Patents. Notification from the U.S. Patent and Trademark Office that the claims in a patent application have been approved on their merits. • This notice is followed by the Notice of Allowance. The notice may also be issued if the claims are allowable but the application is under a secrecy order. It may include examiner's amendments incorporating some formal changes. [Cases: Patents 104. C.J.S. Patents §§ 145–147, 149–151, 173–175.]

NOTICE OF ALLOWANCE

notice of allowance. 1. Patents. The formal notification from the U.S. Patent and Trademark Office that a patent application has been approved and that a patent can be issued. • The patent itself is not issued until the applicant has paid the issue fee. [Cases: Patents 104. C.J.S. Patents §§ 145–147, 149–151, 173–175.] 2. Trademarks. The formal notification from the U.S. Patent and Trademark Office that a trademark may be placed on the Principal Register if it is actually used in commerce.

NOTICE OF APPEAL

notice of appeal. A document filed with a court and served on the other parties, stating an intention to appeal a trial court's judgment or order. • In most jurisdictions, filing a notice of appeal is the act by which the appeal is perfected. For instance, the Federal Rules of Appellate Procedure provide that an appeal is taken by filing a notice of appeal with the clerk of the district court from which the appeal is taken, and that the clerk is to send copies of the notice to all the other parties' attorneys, as well as the court of appeals. Fed. R. App. P. 3(a), (d). — Also termed claim of appeal. See APPEAL. [Cases: Appeal and Error 396–430; Federal Courts 665.1. C.J.S. Appeal and Error §§ 270, 274–282, 290, 295–297, 314, 353–389.]

NOTICE OF APPEARANCE

notice of appearance. 1. Procedure. A party's written notice filed with the court or oral announcement on the record informing the court and the other parties that the party wants to participate in the case. [Cases: Appearance 6; Federal Civil Procedure 561. C.J.S. Appearances § 20.] 2. Bankruptcy. A written notice filed with the court or oral announcement in open court by a person who wants to receive all pleadings in a particular case. • This notice is usu. filed by an attorney for a creditor who wants to be added to the official service list. 3. A pleading filed by an attorney to notify the court and the other parties that he or she represents one or more parties in the lawsuit.

NOTICE OF COPYRIGHT

notice of copyright. See COPYRIGHT NOTICE.

NOTICE OF DEFICIENCY

notice of deficiency. See NINETY-DAY LETTER.

NOTICE OF DISHONOR

notice of dishonor. Notice to the indorser of an instrument that acceptance or payment has been refused. • This notice — along with presentment and actual dishonor — is a condition of an indorser's secondary liability. UCC § 3-503. — Also termed certificate of protest; certificate of dishonor. [Cases: Bills and Notes 393, 411. C.J.S. Bills and Notes; Letters of Credit §§ 97, 210, 212, 257.]

NOTICE OF INCOMPLETE APPLICATION

notice of incomplete application. Patents. A notice sent to the applicant by the U.S. Patent and Trademark Office when a patent application lacks a required document or the filing fee. • The applicant generally has two months to complete the application, with an extension available upon payment of a surcharge. [Cases: Patents 104. C.J.S. Patents §§ 145–147, 149–151, 173–175.]

NOTICE OF LIS PENDENS

notice of lis pendens. See LIS PENDENS(3).

NOTICE OF MOTION

notice of motion. Written certification that a party to a lawsuit has filed a motion or that a motion will be heard or considered by the court at a particular time. • Under the Federal Rules of Civil Procedure, the requirement that a motion be made in writing is fulfilled if the motion is stated in a written notice of the hearing on the motion. Also, the courts in most jurisdictions require all motions to include a certificate, usu. referred to as a certificate of service, indicating that the other parties to the suit have been given notice of the motion's filing. Notice of any hearing or other submission of the motion must usu. be provided to all parties by the party requesting the hearing or submission. Fed. R. Civ. P. 5(d), 7(b)(1); Fed. R. Civ. P. Form 19. [Cases: Federal Civil Procedure 921; Motions 18.1. C.J.S. Motions and Orders § 13.]

NOTICE OF ORDERS OR JUDGMENTS

notice of orders or judgments. Written notice of the entry of an order or judgment, provided by the court clerk or one of the parties. • Notice of a judgment is usu. provided by the clerk of the court in which the judgment was entered. If the court does not provide notice, a party is usu. required to provide it. Under the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, the clerk is required to provide immediate notice of any order or judgment to any party to the case who is not in default. Fed. R. Civ. P. 77(d); Fed. R. Crim. P. 49(c). [Cases: Federal Civil Procedure 2628; Judgment 276; Motions 57. C.J.S. Judgments §§ 112, 114, 117; Motions and Orders §§ 63–64.]

NOTICE OF PENDENCY

notice of pendency. See LIS PENDENS(3).

NOTICE OF PRIOR-ART REFERENCES

notice of prior-art references. Patents. Notification from a patent examiner of the previously issued patents used in rejecting one or more of the applicant's claims.

NOTICE OF PROTEST

notice of protest. 1. A statement, given usu. by a notary public to a drawer or indorser of a negotiable instrument, that the instrument was neither paid nor accepted; information provided to the drawer or indorser that protest was made for nonacceptance or nonpayment of a note or bill. See PROTEST(2). [Cases: Bills and Notes 408. C.J.S. Bills and Notes; Letters of Credit § 211.] 2. A shipowner's or crew's declaration under oath that damages to their vessel or cargo were the result of perils of the sea and that the shipowner is not liable for the damages. See PERIL OF THE SEA.

NOTICE OF REMOVAL

notice of removal. The pleading by which the defendant removes a case from state court to federal court. • A notice of removal is filed in the federal district court in the district and division in which the suit is pending. The notice must contain a short and plain statement of the grounds for removal and must include a copy of all process, pleadings, and orders that have been served on the removing party while the case has been pending. The removing party must also notify the state court and other parties to the suit that the notice of removal has been filed. A notice of removal must be filed, if at all, within 30 days after the defendant is served with process in the suit. 28 USCA § 1446; Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 119 S.Ct. 1322 (1999). [Cases: Removal of Cases 86, 87. C.J.S. Removal of Causes § 163.]

NOTICE OF TRIAL

notice of trial. A document issued by a court informing the parties of the date on which the lawsuit is set for trial. • While the court typically provides the notice to all parties, it may instead instruct one party to send the notice to all the others. [Cases: Federal Civil Procedure 1966; Trial 6. C.J.S. Trial §§ 31–38.]

NOTICE PLEADING

notice pleading. See PLEADING(2).

NOTICE-PREJUDICE RULE

notice-prejudice rule. A doctrine barring an insurer from using late notice as a reason to deny an insured's claim unless the insurer can show that it was prejudiced by the untimely notice. [Cases: Insurance 3168. C.J.S. Insurance § 1307.]

NOTICE-RACE STATUTE

notice-race statute. See RACE-NOTICE STATUTE.

NOTICE STATUTE

notice statute. A recording act providing that the person with the most recent valid claim, and

who purchased without notice of an earlier, unrecorded claim, has priority. • About half the states have notice statutes. — Also termed notice act. Cf. RACE STATUTE; RACE-NOTICE STATUTE. [Cases: Vendor and Purchaser 231. C.J.S. Vendor and Purchaser § 496.]

NOTICE TO ADMIT

notice to admit.See REQUEST FOR ADMISSION.

NOTICE TO ALL THE WORLD

notice to all the world.A general public announcement regarding a lawsuit, esp. to persons within the jurisdiction where a lawsuit is pending.

NOTICE TO APPEAR

notice to appear.A summons or writ by which a person is cited to appear in court. • This is an informal phrase sometimes used to refer to the summons or other initial process by which a person is notified of a lawsuit. The Federal Rules of Civil Procedure require the summons to state that the defendant must appear and defend within a given time and that failure to do so will result in a default judgment. Fed. R. Civ. P. 4(a). See PROCESS; SUMMONS; DEFAULT JUDGMENT ; NOTICE TO PLEAD.

NOTICE TO CREDITORS

notice to creditors.Bankruptcy. A formal notice to creditors that a creditors' meeting will be held, that proofs of claim must be filed, or that an order for relief has been granted. [Cases: Bankruptcy 2131. C.J.S. Bankruptcy §§ 30, 275.]

NOTICE TO PAY RENT OR QUIT

notice to pay rent or quit.See NOTICE TO QUIT.

NOTICE TO PLEAD

notice to plead.A warning to a defendant, stating that failure to file a responsive pleading within a prescribed time will result in a default judgment. • The Federal Rules of Civil Procedure require the summons to notify the defendant that failure to appear and defend within a prescribed time will result in a default judgment. Fed. R. Civ. P. 4(a). See PROCESS; SUMMONS; DEFAULT JUDGMENT; NOTICE TO APPEAR. [Cases: Pleading 83.C.J.S. Pleading § 171.]

NOTICE TO PRODUCE

notice to produce.See REQUEST FOR PRODUCTION.

NOTICE TO QUIT

notice to quit. 1. A landlord's written notice demanding that a tenant surrender and vacate the leased property, thereby terminating the tenancy. [Cases: Landlord and Tenant 94(1), 283. C.J.S. Landlord and Tenant §§ 733, 736.] 2. A landlord's notice to a tenant to pay any back rent within a specified period (often seven days) or else vacate the leased premises. — Also termed notice to pay rent or quit.

NOTIFICATION

notification. 1.Int'l law. A formal announcement of a legally relevant fact, action, or intent, such as notice of an intent to withdraw from a treaty. 2.NOTICE. • A person receives notification if someone else (1) informs the person of the fact or of other facts from which the person has reason to know or should know the fact, or (2) does an act that, under the rules applicable to the transaction, has the same effect on the legal relations of the parties as the acquisition of knowledge. Restatement of Agency § 9(2).

NOTIFY

notify,vb.1. To inform (a person or group) in writing or by any method that is understood <I notified the court of the change in address>.2.Archaic. To give notice of; to make known <to notify the lawsuit to all the defendants>. See NOTICE.

NOTING PROTEST

noting protest.See PROTEST(2).

NOT IN ORDER

not in order.See OUT OF ORDER(1).

NOTIO

notio (noh-shee-oh), n.[fr. Latin *noscere* “to know”] 1.Roman law. An investigation of a case by a magistrate. 2.Hist. The authority of a judge to try a case. Pl. *notiones* (noh-shee-oh-neeZ).

NOTITIA

notitia (noh-tish-ee-<<schwa>>), n.[Latin “knowledge”] 1.Roman law. Knowledge; information. • This term carried over for a time into English practice. 2.Roman law. A list; register; catalogue. • The *Notitia Dignitatum* (dig-ni-tay-t<<schwa>>m) was a list of the high offices in the Eastern and Western parts of the empire, compiled in the late fourth or early fifth century A.D.3.Hist. Notice. 4.A list of ecclesiastical sees.

NOT LAW

not law.A judicial decision regarded as wrong by the legal profession.

“Even when it is not possible to point out any decision that affects the point in question in any one of the ways enumerated, it sometimes happens that the profession has grown to ignore the old decision as wrong or obsolete; and though this does not happen often, when it does happen, the old decision is very likely not to be followed in case the point is squarely raised again. This is one of the instances in which lawyers rather mystically, though soundly, say that a decision is ‘not law.’ ” William M. Lile et al., *Brief Making and the Use of Law Books* 329 (3d ed. 1914).

NOTORIAL

notorial. See NOTARIAL.

NOTORIETY

notoriety. 1. The state of being generally, and often unfavorably, known and spoken of <the company executive achieved notoriety when she fled the country to avoid paying taxes>.2. A person in such a state <the notoriety gave a rare interview>.

NOTORIOUS

notorious,adj.1. Generally known and spoken of, usu. unfavorably. 2. (Of the possession of property) so conspicuous as to impute notice to the true owner. — Also termed (in sense 2) open and notorious. See ADVERSE POSSESSION . [Cases: Adverse Possession 30. C.J.S. Adverse Possession § 49.]

NOTORIOUS COHABITATION

notorious cohabitation.See COHABITATION.

NOTORIOUS INSOLVENCY

notorious insolvency.Scots law. A bankruptcy; the stage of insolvency in which the debtor has publicly acknowledged insolvency under the statute. • This stage is usu. followed by sequestration, which is notorious insolvency coupled with the appointment of a trustee for creditors. — Also termed notour bankruptcy.

“Bankruptcy, according to the law of Scotland, is public or notorious insolvency. When a debtor in an obligation cannot fulfil his obligation as undertaken ... a position which constitutes insolvency — and makes public acknowledgment, in manner determined by statute, of his inability, the status or condition of bankruptcy has arisen, and the insolvent debtor is, in the language of the statutes, a ‘notour’ bankrupt The law of notour bankruptcy is mainly statutory. Legislation has fixed the circumstances which constitute the status, and determined all the most important results.” George Watson, *Bell's Dictionary and Digest of the Law of Scotland* 78 (3d ed. 1882).

NOTORIOUS POSSESSION

notorious possession.See POSSESSION.

NOT OTHERWISE INDEXED BY NAME

not otherwise indexed by name.A phrase used in shipping and tariff construction, usu. to show a classification of something generally rather than specifically. • For example, a shipment of aircraft and boat engines merely labeled “other articles” is not otherwise indexed by name. — Abbr. NOIBN. [Cases: Carriers 189. C.J.S. Aeronautics and Aerospace § 231; Carriers §§ 470–472, 474.]

NOTOUR BANKRUPTCY

notour bankruptcy.See NOTORIOUS INSOLVENCY.

NOT POSSESSED

not possessed.Common-law pleading. In an action in trover, the defendant's plea denying possession of the articles allegedly converted. See TROVER.

NOT PROVEN

not proven. An archaic jury verdict — now used only in Scots criminal law — equivalent in result to not guilty, but carrying with it a strong suspicion of guilt not fully proved. — Also termed Scotch verdict.

NOT SATISFIED

not satisfied. A form of return by a sheriff or constable, on a writ of execution, indicating only that the amount due on a judgment was not paid. • A general return of this type is usu. viewed as technically deficient because it does not state why the writ was not satisfied. Cf. NULLA BONA. [Cases: Execution 334. C.J.S. Executions §§ 324–325.]

NOT SUFFICIENT FUNDS

not sufficient funds. The notation of dishonor (of a check) indicating that the drawer's account does not contain enough money to cover payment. — Abbr. NSF. — Also termed insufficient funds.

NOTWITHSTANDING

notwithstanding, prep. Despite; in spite of <notwithstanding the conditions listed above, the landlord can terminate the lease if the tenant defaults>.

N.O.V

n.o.v.abbr. NON OBSTANTE VEREDICTO.

NOVA CAUSA INTERVENIENS

nova causa interveniens. See intervening cause under CAUSE(1).

NOVA CAUSA OBLIGATIONIS

nova causa obligationis (noh-v<<schwa>> kaw-z<<schwa>> ahb-li-gay-shee-oh-nis). [Latin] Hist. A new ground of obligation.

NOVA CUSTUMA

nova custuma (noh-v<<schwa>> k<<schwa>>s-t[y]<<schwa>>-m<<schwa>>), n. [Law Latin “new custom”] Hist. A tax; an imposition. Cf. ANTIQUA CUSTUMA.

NOVA DEBITA

nova debita (noh-v<<schwa>> deb-i-t<<schwa>>). [Latin] Scots law. New debts, as distinguished from preexisting ones.

“A security granted by a debtor within sixty days of his bankruptcy for a debt contracted before that period is reducible as a fraudulent preference. But security or payment granted in consideration of a novum debitum — a debt presently contracted — is not reducible although granted within the sixty days.” John Trayner, *Trayner's Latin Maxims* 402 (4th ed. 1894).

NOVAE NARRATIONES

novae narrationes (noh-vee n<<schwa>>-ray-shee-oh-nee-z), n. [Law Latin “new counts or tales”] Hist. A collection of pleading forms published during the reign of Edward III.

NOVALIA

novalia (noh-vay-lee-<<schwa>>). [Law Latin “new lands” or “newly tilled land”] Scots law. Land newly cultivated. • Exemptions from paying teinds, or tithes, were sometimes granted for novalia.

NOVA STATUTA

nova statuta (noh-v<<schwa>> st<<schwa>>-t[y]oo-t<<schwa>>), n. pl. [Law Latin] Hist. New statutes. • This term refers to the statutes passed beginning with the reign of Edward III. Cf. VETERA STATUTA.

NOVATION

novation (noh-vay-sh<<schwa>>n), n.1. The act of substituting for an old obligation a new one that either replaces an existing obligation with a new obligation or replaces an original party with a new party. • A novation may substitute (1) a new obligation between the same parties, (2) a new debtor, or (3) a new creditor. 2. A contract that (1) immediately discharges either a previous contractual duty or a duty to make compensation, (2) creates a new contractual duty, and (3) includes as a party one who neither owed the previous duty nor was entitled to its performance. — Also termed substituted agreement; (Scots law) innovation.; (Roman law) novatio (noh-vay-shee-oh). See STIPULATIO AQUILIANA; substituted contract under CONTRACT; ACCORD(2). [Cases: Novation 1. C.J.S. Novation §§ 2–4, 9–10, 14–16.] — novate (noh-vay-tornoh-vayt), vb. — novatory (noh-v<<schwa>>-tor-ee), adj.

“Novation is the emerging and transfer of a prior debt into another obligation either civil or natural, that is, the constitution of a new obligation in such a way as to destroy a prior one.” Ulpian, D. 46.2.1 pr.

“The only way in which it is possible to transfer contractual duties to a third party is by the process of novation, which requires the consent of the other party to the contract. In fact novation really amounts to the extinction of the old obligation, and the creation of a new one, rather than to the transfer of the obligation from one person to another. Thus if B owes A £100, and C owes B the same amount, B cannot transfer to C the legal duty of paying his debt to A without A's consent. But if A agrees to accept C as a debtor in place of B, and if C agrees to accept A as his creditor in place of B, the three parties may make a tripartite agreement to this effect, known as novation. The effect of this is to extinguish B's liability to A and create a new liability on the part of C.” P.S. Atiyah, *An Introduction to the Law of Contract* 283 (3d ed. 1981).

“The word ‘novation’ is used in a variety of senses. Courts frequently use it as synonymous with ‘substituted contract.’ Most academic writers and both contracts restatements, however, restrict its use to describe a substituted contract involving at least one obligor or obligee who was not a party to the original contract.... The development of a separate category under the rubric ‘novation’ is doubtless traceable to problems of consideration formerly thought to be present in such contracts because of the former common law rule that consideration must be supplied by the

promisee. This rule has long been laid to rest almost everywhere.” John D. Calamari & Joseph M. Perillo, *The Law of Contracts* § 11–8, at 444–45 (3d ed. 1987).

objective novation.Civil law. A novation involving the substitution of a new obligation for an old one. [Cases: Novation 4. C.J.S. Novation §§ 2, 11–14, 29.]

subjective novation.Civil law. A novation involving the substitution of a new obligor for a previous obligor who has been discharged by the obligee.

NOVEL ASSIGNMENT

novel assignment.See new assignment under ASSIGNMENT(7).

NOVEL DISSEISIN

novel disseisin (nov-*<<schwa>>*l dis-see-zin), n. A recent disseisin. See DISSEISIN; assize of novel disseisin under ASSIZE.

NOVELLAE

Novellae (n*<<schwa>>*-vel-ee). See NOVELS.

NOVELLAE CONSTITUTIONES

Novellae Constitutiones.See NOVELS.

NOVELLAE LEONIS

Novellae Leonis (n*<<schwa>>*-vel-ee lee-oh-nis), n.[Latin “novels of Leo”] A collection of 113 ordinances issued by Emperor Leo during the years A.D. 887–893.

NOVELS

Novels. A collection of 168 constitutions issued by the Roman emperor Justinian and his immediate successors. • Taken together, the Novels make up one of four component parts of the *Corpus Juris Civilis*. — Also termed *Novellae*; *Novellae Constitutiones*. See *CORPUS JURIS CIVILIS*.

NOVELTY

novelty. 1.Trade secrets. The newness of information that is generally unused or unknown and that gives its owner a competitive advantage in a business field. • In the law of trade secrets, novelty does not require independent conception or even originality. A rediscovered technique with marketable applications can qualify as a novelty and be protected as a trade secret. 2.Patents. Newness of an invention both in form and in function or performance; the strict statutory requirement that this originality be demonstrated before an invention is patentable. • Proving novelty is one purpose of the rigorous and expensive examination process. If the invention has been previously patented, described in a publication, known or used by others, or sold, it is not novel. 35 USCA § 102. Cf. NONOBVIOUSNESS. [Cases: Patents 37.C.J.S. Patents §§ 29–30.]

“Although the statute uses the words ‘not known,’ these are not to be taken literally. Novelty consists primarily in the invention not having been used by others in the United States or patented

or described in any printed publication in this or any foreign country.” Roger Sherman Hoar, *Patent Tactics and the Law* 36–37 (3d ed. 1950).

absolute novelty. Patents. The rule in most countries, but not in the United States, that an inventor must always file a patent application before the invention is publicly used, placed on sale, or disclosed. • Under U.S. law, an inventor is given a one-year grace period — beginning on the date of any public use, sale, offer of sale, or publication by the inventor or the inventor's agent — in which to file a patent application. After that, the patent is barred. Canada and Mexico also give the first inventor or the inventor's assignees a one-year grace period for filing, but they bar a patent for the first inventor if the invention is independently developed and disclosed by someone else during that time. — Also termed absolute-novelty requirement. Cf. BAR DATE.

NOVERCA

noverca (n<<schwa>>-v<<schwa>>r-k<<schwa>>), n. [Latin] A stepmother.

NOVERINT UNIVERSI PER PRAESENTES

noverint universi per praesentes (noh-v<<schwa>>-r<<schwa>>nt yoo-ni-v<<schwa>>r-sI p<<schwa>>r pri-zen-teez). [Latin] Know all men by these presents. • This is a formal phrase once found at the beginning of deeds of release. In translation, the phrase still sometimes appears on various types of legal documents. See KNOW ALL MEN BY THESE PRESENTS; PATEAT UNIVERSIS PER PRAESENTES .

NOVIGILD

novigild (noh-v<<schwa>>-gild), n. [fr. Latin novem “nine” + Anglo-Saxon gid or geld “a payment”] Hist. The money a person must pay for damaging another person's property, the amount equaling nine times the purchase price of the property damaged.

NOVI OPERIS NUNTIATIO

novi operis nuntiatio (noh-vIahp-<<schwa>>-ris n<<schwa>>n-shee-ay-shee-oh). [Latin “new work protest”] Roman law. A protest against an opus novum (“new work”). • A person whose rights were impaired by the building of a new structure could protest to the praetor. The praetor could order the builder to give the protestor a security against any loss caused by the construction (edictum de novi operis nuntiatione). If the builder refused, the praetor could prohibit further construction with a prohibitory interdict (interdictum de novi operis nuntiatione). — Also written operis novi nuntiatio. Cf. JACTUS LAPILLI.

NOVITER PERVENTA

noviter perventa (noh-v<<schwa>>-t<<schwa>>r p<<schwa>>r-ven-t<<schwa>>), n. pl. [Law Latin “newly known”] Eccles. law. Newly discovered facts, which are usu. allowed to be introduced in a case even after the pleadings are closed.

NOVODAMUS

novodamus (noh-v<<schwa>>-day-m<<schwa>>s), n. [Latin novo damus “we grant anew”] Scots law. 1. A clause in a charter that progressively grants certain rights anew. • The phrase

appeared in reference to any charter by which a superior renewed a previous land grant to a vassal.
2. A charter containing such a clause.

“This clause is subjoined to the dispositive clause; and by it the superior, whether the Crown or a subject, grants de novo the subjects, rights, or privileges therein described. Such a clause is usually inserted where the vassal is sensible of some defect or flaw in the former right This was also the correct form of proceeding ... when the vassal wished to get free of burdens chargeable upon the subject for casualties due to the superior; for a charter of novodamus is accounted in law an original right, which imports a discharge of all prior burdens.” William Bell, *Bell's Dictionary and Digest of the Law of Scotland* 747 (George Watson ed., 7th ed. 1890).

NOVUS ACTUS INTERVENIENS

novus actus interveniens (noh-v<<schwa>>s ak-t<<schwa>>s
in-t<<schwa>>r-vee-nee-<<schwa>>nz). See intervening cause under CAUSE(1).

NOVUS HOMO

novus homo (noh-v<<schwa>>s hoh-moh), n.[Latin “new man”] Hist. A man who has been pardoned for a crime.

NOW

NOW.abbr.1.NEGOTIABLE ORDER OF WITHDRAWAL. 2. National Organization for Women.

NOW ACCOUNT

NOW account.See ACCOUNT.

NOW COMES

now comes.See COMES NOW.

NOXA

noxa (nok-s<<schwa>>), n.[Latin “injury”] Hist. 1.Roman law. A harm done or an offense committed such as injury to a person or property, esp. by a slave or son. • This gave rise to noxal liability. 2.Roman law. The obligation to pay for damage committed by a son, slave, or animal. • The father or owner generally had to pay damages or else surrender the tortfeasor offending person or animal to the injured party (noxal surrender). — Also termed noxal liability. See NOXAL ACTION. 3. An offense, generally. 4. The punishment for an offense. 5. Something that exerts a harmful effect on the body.

NOXAL

noxal (nok-s<<schwa>>l), adj. Archaic. Of or relating to a claim against a father or owner for damage done by a son, a slave, or an animal.

NOXAL ACTION

noxal action.[fr. Latin actio noxalis “injurious action”] 1.Roman law. The claim against an

owner or father for a tort committed by a son, a slave, or an animal. • The head of the family could be sued either to pay a penalty due or to surrender the tortfeasor to the injured party. Roman law also provided for the surrender of animals that caused damage under the actio de pauperie. See actio de pauperie under ACTIO. 2.Hist. A person's claim to recover for damages committed by a person's son, slave, or animal.

NOXAL LIABILITY

noxal liability.See NOXA(2).

NOXAL SURRENDER

noxal surrender.See NOXA(2).

NOXIOUS

noxious (nok-sh<<schwa>>s), adj.1. Harmful to health; injurious. 2. Unwholesome; corruptive. 3.Archaic. Guilty.

N.P.

n.p.abbr.1.NISI PRIUS. 2.NOTARY PUBLIC.

NPL

NPL.abbr.NATIONAL PRIORITIES LIST.

NPV

NPV. See net present value under PRESENT VALUE.

NQSO

NQSO.abbr.See nonqualified stock option under STOCK OPTION.

N.R.

n.r.abbr.1. New reports. 2. Not reported. 3.NONRESIDENT.

NRC

NRC.abbr. NUCLEAR REGULATORY COMMISSION.

NRCS

NRCS.abbr. NATURAL RESOURCES CONSERVATION SERVICE.

NRPC

NRPC.abbr.NATIONAL RAILROAD PASSENGER CORPORATION.

N.S.

n.s.abbr.1. New series. • This citation form indicates that a periodical has been renumbered in a new series. 2.NEW STYLE.

NSA

NSA.abbr.NATIONAL SECURITY AGENCY.

NSC

NSC.abbr. NATIONAL SECURITY COUNCIL.

NSF

NSF.abbr. 1.NATIONAL SCIENCE FOUNDATION. 2.NOT SUFFICIENT FUNDS.

NSPA

NSPA.abbr.NATIONAL STOLEN PROPERTY ACT.

NTB

NTB.abbr. NONTARIFF BARRIER.

NTIA

NTIA.abbr.NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.

NTID

NTID.abbr.NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

NTIS

NTIS.abbr.National Technical Information Service. See TECHNOLOGY ADMINISTRATION .

NTM

NTM.abbr.NONTARIFF MEASURE.

NTSB

NTSB.abbr.NATIONAL TRANSPORTATION SAFETY BOARD.

NUBILIS

nubilis (n[y]oo-b<<schwa>>-lis), n.[Latin "marriageable"] Civil law. A person, esp. a girl, who is old enough to be married.

NUCLEAR-NONPROLIFERATION TREATY

nuclear-nonproliferation treaty.See nonproliferation treaty under TREATY(1).

NUCLEAR REGULATORY COMMISSION

Nuclear Regulatory Commission.An independent federal agency that licenses and regulates civilian use of nuclear energy. • The agency was created by the Energy Reorganization Act of 1974.Executive Order 11834 of 1975 gave it additional functions previously performed by the

Atomic Energy Commission. — Abbr. NRC.

NUDA DETENTIO

nuda detentio (n[y]oo-d<<schwa>> di-ten-shee-oh). [Latin] See *possessio naturalis* under POSSESSIO.

NUDA PATIENTIA

nuda patientia (n[y]oo-d<<schwa>> pash-ee-en-shee-<<schwa>>). [Latin] Mere sufferance. • In a servitude, the servient estate owner's obligation is one of mere sufferance because, while the owner has to submit to the dominant estate, the owner does not have to take any positive steps (such as fixing a sidewalk) to enhance the exercise of the dominant servitude.

NUDA POSSESSIO

nuda possessio (n[y]oo-d<<schwa>> p<<schwa>>-zes[h]-ee-oh). [Latin] Mere possession.

NUDE

nude,adj.1. Naked; unclothed. 2. Lacking in consideration or in some essential particular. See NUDUM PACTUM. 3. Mere; lacking in description or specification.

NUDE CONTRACT

nude contract.See NUDUM PACTUM.

NUDE MATTER

nude matter.A mere allegation.

“[N]ude matter is not of so high nature, as either a mater of Record or a speciality, otherwise there called mater in deede; which maketh mee to thinke, that nude mater is a naked allegation of a thing done, to be proved only by witnesses, and not either by Record, or other speciality in writing vnder seale.” John Cowell, *The Interpreter* (1607).

NUDE PACT

nude pact.See NUDUM PACTUM.

NUDUM DOMINIUM

nudum dominium (n[y]oo-d<<schwa>>m d<<schwa>>-min-ee-<<schwa>>m). See DOMINIUM.

NUDUM OFFICIUM

nudum officium (n[y]oo-d<<schwa>>m <<schwa>>-fish-ee-<<schwa>>m). [Latin] Scots law. The bare office, without the usual emoluments. Pl. nuda officia.

NUDUM PACTUM

nudum pactum (n[y]oo-d<<schwa>>m pak-t<<schwa>>m). [Latin “bare agreement”]
1.Roman law.An informal agreement that is not legally enforceable, because it does not fall within

the specific classes of agreements that can support a legal action. • But a pactum could create an exception to or modification of an existing obligation. 2. An agreement that is unenforceable as a contract because it is not “clothed” with consideration. — Also termed naked contract; nude contract; nude pact. [Cases: Contracts 47, 54(1).C.J.S. Contracts §§ 83–84, 87.]

NUGATORY

nugatory (n[y]oo-g<<schwa>>-tor-ee), adj. Of no force or effect; useless; invalid <the Supreme Court rendered the statute nugatory by declaring it unconstitutional>.

NUISANCE

nuisance. 1. A condition, activity, or situation (such as a loud noise or foul odor) that interferes with the use or enjoyment of property; esp., a nontransitory condition or persistent activity that either injures the physical condition of adjacent land or interferes with its use or with the enjoyment of easements on the land or of public highways. • Liability might or might not arise from the condition or situation. — Formerly also termed annoyance. [Cases: Nuisance 1–4. C.J.S. Nuisances §§ 2–8, 10–14, 17–23, 25–45, 47–57, 59–62.]

“A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.” *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388, 47 S.Ct. 114, 118 (1926).

“A ‘nuisance’ is a state of affairs. To conduct a nuisance is a tort. In torts, the word ‘nuisance’ has had an extremely elastic meaning; sometimes it is little more than a pejorative term, a weasel word used as a substitute for reasoning The general distinction between a nuisance and a trespass is that the trespass flows from a physical invasion and the nuisance does not.” Roger A. Cunningham et al., *The Law of Property* § 7.2, at 417 (2d ed. 1993).

2. Loosely, an act or failure to act resulting in an interference with the use or enjoyment of property. • In this sense, the term denotes the action causing the interference, rather than the resulting condition <the Slocums' playing electric guitars in their yard constituted a nuisance to their neighbors>. [Cases: Nuisance 3, 61. C.J.S. Nuisances §§ 4, 10–14, 18, 20–21, 25–26, 28, 31–57, 59–62.]“There is perhaps no more impenetrable jungle in the entire law than that which surrounds the word ‘nuisance.’ It has meant all things to all people, and has been applied indiscriminately to everything from an alarming advertisement to a cockroach baked in a pie.” Prosser and Keeton on the Law of Torts § 86, at 616 (W. Page Keeton et al., 5th ed. 1984).

3. The class of torts arising from such conditions, acts, or failures to act when they occur unreasonably. — Also termed actionable nuisance. [Cases: Nuisance 3, 61. C.J.S. Nuisances §§ 4, 10–14, 18, 20–21, 25–26, 28, 31–57, 59–62.]“Nuisance is really a field of tortious liability rather than a single type of tortious conduct: the feature which gives it unity is the interest invaded — that of the use and enjoyment of land. The tort emphasises the harm to the plaintiff rather than the conduct of the defendant.” R.F.V. Heuston, *Salmond on the Law of Torts* 50–51 (17th ed. 1977).

abatable nuisance. 1. A nuisance so easily removable that the aggrieved party may lawfully cure the problem without notice to the liable party, such as overhanging tree branches. [Cases:

Nuisance 19. C.J.S. Nuisances §§ 92–97, 99.] 2. A nuisance that reasonable persons would regard as being removable by reasonable means.

absolute nuisance. 1. Interference with a property right that a court considers fixed or invariable, such as a riparian owner's right to use a stream in its natural condition. [Cases: Nuisance 1–7. C.J.S. Nuisances §§ 2–8, 10–15, 17–45, 47–57, 59–62.] 2. See nuisance per se. 3. Interference in a place where it does not reasonably belong, even if the interfering party is careful. 4. Interference for which a defendant is held strictly liable for resulting harm, esp. in the nature of pollution. Cf. qualified nuisance.

Sense (4) has been disapproved: “[T]he use of the term ‘nuisance’ to describe the tort liability that sometimes results from accidental invasions produces too much confusion.” W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 89, at 637 (5th ed. 1984).

anticipatory nuisance. A condition that, although not yet at the level of a nuisance, is very likely to become one, so that a party may obtain an injunction prohibiting the condition. — Also termed prospective nuisance. [Cases: Nuisance 1. C.J.S. Nuisances §§ 2–8, 10–14, 18–21.]

attractive nuisance. A dangerous condition that may attract children onto land, thereby causing a risk to their safety. See ATTRACTIVE-NUISANCE DOCTRINE. [Cases: Negligence 1172, 1175. C.J.S. Negligence §§ 399, 476–477, 494–526.]

“[T]he doctrine acquired the unfortunate misnomer ‘attractive nuisance,’ a label which persists to this day. It cannot be taken literally, since the courts have now largely rejected the notion that the child must be attracted by that which injures him, and whether or not the condition is in fact a ‘nuisance’ has nothing at all to do with defendant's liability to the child.” Edward J. Kionka, *Torts in a Nutshell* 89 (2d ed. 1992).

cognate nuisance. Rare. Interference with an easement.

“The term nuisance is applied to torts of two distinct groups, first, acts of wrongful user by an owner or possessor of land resulting in an unreasonable interference with the rights of enjoyment of the owner or possessor of neighboring land, and, second, wrongful interferences with easements or other incorporeal rights.” William F. Walsh, *A Treatise on Equity* 170 (1930).

“When an easement was interfered with, an action on the case lay as a matter of course.... Such an interference is sometimes called ‘cognate nuisance’ to distinguish it from interferences with the personal enjoyment of the incidents of occupying the land.” J.H. Baker, *An Introduction to English Legal History* 486 (3d ed. 1990).

common nuisance. See public nuisance.

continuing nuisance. A nuisance that is either uninterrupted or frequently recurring. • It need not be constant or unceasing, but it must occur often enough that it is almost continuous. [Cases: Nuisance 4, 19. C.J.S. Nuisances §§ 25–27, 92–97, 99.]

legalized nuisance. A nuisance sanctioned by legislative, executive, or other official action and therefore immune from liability, such as a city park.

mixed nuisance.A condition that is both a private nuisance and a public nuisance, so that it is dangerous to the community at large but also causes particular harm to private individuals. [Cases: Nuisance 72. C.J.S. Nuisances §§ 65–66.]

nuisance at law.See nuisance per se.

nuisance dependent on negligence.See qualified nuisance.

nuisance in fact.A nuisance existing because of the circumstances of the use or the particular location. • For example, a machine emitting high-frequency sound may be a nuisance only if a person's dog lives near enough to the noise to be disturbed by it. — Also termed nuisance per accidens.

nuisance per se (p<<schwa>>r say). Interference so severe that it would constitute a nuisance under any circumstances; a nuisance regardless of location or circumstances of use, such as a leaky nuclear-waste storage facility. — Also termed nuisance at law; absolute nuisance. [Cases: Nuisance 4. C.J.S. Nuisances §§ 25–27.]

permanent nuisance.A nuisance that cannot readily be abated at reasonable expense. Cf. temporary nuisance. [Cases: Nuisance 1, 4. C.J.S. Nuisances §§ 2–8, 10–14, 18–21, 25–27.]

private nuisance.A condition that interferes with a person's enjoyment of property; esp., a structure or other condition erected or put on nearby land, creating or continuing an invasion of the actor's land and amounting to a trespass to it. • The condition constitutes a tort for which the adversely affected person may recover damages or obtain an injunction. [Cases: Nuisance 1. C.J.S. Nuisances §§ 2–8, 10–14, 18–21.]

“Trespass and private nuisance are alike in that each is a field of tort liability rather than a single type of tortious conduct. In each, liability may arise from an intentional or an unintentional invasion. For an intentional trespass, there is liability without harm; for a private nuisance, there is no liability without significant harm.... In private nuisance an intentional interference with the plaintiff's use or enjoyment is not of itself a tort, and unreasonableness of the interference is necessary for liability.” Restatement (Second) of Torts § 821D cmt. d (1979).

“The different ways and combinations of ways in which the interest in the use or enjoyment of land may be invaded are infinitely variable. A private nuisance may consist of an interference with the physical condition of the land itself, as by vibration or blasting which damages a house, the destruction of crops, flooding, raising the water table, or the pollution of a stream or of an underground water supply.” W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 87, at 619 (5th ed. 1984).

prospective nuisance.See anticipatory nuisance.

public nuisance.An unreasonable interference with a right common to the general public, such as a condition dangerous to health, offensive to community moral standards, or unlawfully obstructing the public in the free use of public property. • Such a nuisance may lead to a civil injunction or criminal prosecution. — Also termed common nuisance. [Cases: Nuisance 59–96. C.J.S. Landlord and Tenant § 344; Nuisances §§ 4, 9–10, 14–16, 18, 20–21, 24, 34–39, 41–66,

70–76, 78, 84–86, 88–91, 94–97, 103–115, 117–118, 120–122, 124–133, 149–158.]

“Public and private nuisances are not in reality two species of the same genus at all. There is no generic conception which includes the crime of keeping a common gaming-house and the tort of allowing one's trees to overhang the land of a neighbour. A public nuisance falls within the law of torts only in so far as it may in the particular case constitute some form of tort also. Thus the obstruction of a highway is a public nuisance; but if it causes any special and peculiar damage to an individual, it is also a tort actionable at his suit.” R.F.V. Heuston, *Salmond on the Law of Torts* 49–50 (17th ed. 1977).

“[P]ublic nuisance ... is an amorphous and unsatisfactory area of the law covering an ill-assorted collection of wrongs, some of which have little or no association with tort and only appear to fill a gap in criminal law. Others cover what could be generally described as ‘noisome trade,’ which could be dealt with under some form of statutory nuisance. Yet a third group deals with what we would generally describe as ‘abuses of the highway’” R.W.M. Dias & B.S. Markesinis, *Tort Law* 254 (1984).

qualified nuisance. A condition that, though lawful in itself, is so negligently permitted to exist that it creates an unreasonable risk of harm and, in due course, actually results in injury to another. • It involves neither an intentional act nor a hazardous activity. — Also termed nuisance dependent on negligence. Cf. absolute nuisance. [Cases: Nuisance 1, 6, 59. C.J.S. Nuisances §§ 2–8, 10–15, 18–21, 24.]

recurrent nuisance. A nuisance that occurs from time to time with distinct intervals between occurrences, rather than being continuous or only briefly interrupted.

temporary nuisance. A nuisance that can be corrected by a reasonable expenditure of money or labor. Cf. permanent nuisance. [Cases: Nuisance 4, 19. C.J.S. Nuisances §§ 25–27, 92–97, 99.]

NUISANCE MONEY

nuisance money. See nuisance settlement under SETTLEMENT(2).

NUISANCE PER ACCIDENS

nuisance per accidens. See nuisance in fact under NUISANCE.

NUISANCE PRIOR ART

nuisance prior art. See ART.

NUISANCE SETTLEMENT

nuisance settlement. See SETTLEMENT(2).

NUKING

nuking. Slang. See DENIAL-OF-SERVICE ATTACK.

NUL

nul (n<<schwa>>l). [Law French] No; none. • This negative particle begins many phrases, such as nul tiel.

NUL AGARD

nul agard (n<<schwa>>l <<schwa>>-gahrd), n.[Law French “no award”] In an action to enforce an arbitration award on an arbitration bond, a plea denying the existence of the award. Cf. AGARD.

NUL DISSEISIN

nul disseisin (n<<schwa>>l dis-see-zin). [Law French “no disseisin”] In a real action, a defendant's plea that the plaintiff was not deprived of the possession of any land and tenements. See DISSEISIN.

NUL FAIT AGARD

nul fait agard (n<<schwa>>l fay <<schwa>>-gahrd). [Law French] No award was made. Cf. AGARD.

NULL

null,adj. Having no legal effect; without binding force; VOID <the contract was declared null and void>. • The phrase null and void is a common redundancy. [Cases: Contracts 98, 135. C.J.S. Contracts §§ 137, 139–140, 145, 153–155, 157, 171, 173–174, 185, 188, 280.]

NULLA BONA

nulla bona (n<<schwa>>l-<<schwa>> boh-n<<schwa>>). [Latin “no goods”] A form of return by a sheriff or constable upon an execution when the judgment debtor has no seizable property within the jurisdiction. Cf. NIHIL EST. [Cases: Execution 334. C.J.S. Executions §§ 324–325.]

NULLA PERSONA

nulla persona (n<<schwa>>l-<<schwa>> p<<schwa>>r-soh-n<<schwa>>). [Latin] Hist. No person. • The phrase appeared in reference to the status of one who essentially has no legal rights usu. because of that person's actions, such as committing a crime, or that person's status, such as being a minor.

NULLA POENA SINE LEGE

nulla poena sine lege (n<<schwa>>l-<<schwa>> pee-n<<schwa>> sI-nee lee-jee orsin-ay lay-gay). [Latin] No punishment without a law authorizing it.

NULLA SASINA, NULLA TERRA

nulla sasina, nulla terra (n<<schwa>>l-<<schwa>> say-si-n<<schwa>> [orsay-zi-], n<<schwa>>l-<<schwa>> ter-<<schwa>>). [Law Latin] Scots law. No seisin (or enfeoffment), no land. • The phrase appeared in reference to the principle that there could be no indefeasible right in land until an enfeoffment was taken.

NULLIFICATION

nullification (n<<schwa>>l-i-fi-kay-sh<<schwa>>n), n.1. The act of making something void; specif., the action of a state in abrogating a federal law, on the basis of state sovereignty. [Cases: States 4.1(1).] 2. The state or condition of being void. See JURY NULLIFICATION.

NULLIFICATION DOCTRINE

nullification doctrine.The theory — espoused by southern states before the Civil War — advocating a state's right to declare a federal law unconstitutional and therefore void.

NULLIFY

nullify,vb. To make void; to render invalid.

NULLITY

nullity (n<<schwa>>l-<<schwa>>-tee).1. Something that is legally void <the forged commercial transfer is a nullity>. [Cases: Contracts 98, 135. C.J.S. Contracts §§ 137, 139–140, 145, 153–155, 157, 171, 173–174, 185, 188, 280.] 2. The fact of being legally void <she filed a petition for nullity of marriage>.

absolute nullity.Civil law. 1. An act that is void because it is against public policy, law, or order. • The nullity is noncurable. It may be invoked by any party or by the court. See La. Civ. Code arts 7, 2030. 2. The state of such a nullity. See NULLITY OF MARRIAGE.

relative nullity.Civil law. 1. A legal nullity that can be cured by confirmation because the object of the nullity is valid. • The nullity may be invoked only by those parties for whose interest it was established. See La. Civ. Code art. 2031. 2. The state of such a nullity.

NULLITY OF MARRIAGE

nullity of marriage. 1. The invalidity of a presumed or supposed marriage because it is void on its face or has been voided by court order. • A void marriage, such as an incestuous marriage, is invalid on its face and requires no formality to end. See void marriage under MARRIAGE(1). [Cases: Marriage 53. C.J.S. Marriage § 45.]

“The declaration of nullity is appropriate if the marriage is relatively null or absolutely null yet one or both spouses were in good faith. If the marriage is relatively null, civil effects flow until the declaration of nullity. On the other hand, the marriage that is absolutely null generally produces civil effects only if one or both of the spouses were in good faith and only so long as good faith lasts.” 16 Katherine S. Spaht & W. Lee Hargrave, Louisiana Civil Law Treatise: Matrimonial Regimes § 7.6, at 348 (2d ed. 1997).

2. A suit brought to nullify a marriage. — Also termed nullity suit. See ANNULMENT. [Cases: Marriage 56. C.J.S. Marriage § 63.]

NULLITY SUIT

nullity suit.See NULLITY OF MARRIAGE(2).

NULLIUS FILIUS

nullius filius (n<<schwa>>-II-<<schwa>>s fil-ee-<<schwa>>s), n.[Latin “son of no one”] An illegitimate child. [Cases: Children Out-of-Wedlock 1.C.J.S. Children Out-of-Wedlock §§ 2–11.]

NULLIUS IN BONIS

nullius in bonis (n<<schwa>>-II-<<schwa>>s in boh-nis), adj.[Latin “among the property of no person”] Hist. Belonging to no one. • Wild animals were considered to be nullius in bonis. — Also termed in nullius bonis.

NULLIUS JURIS

nullius juris (n<<schwa>>-II-<<schwa>>s joor-is). [Latin] Hist. Of no legal force.

NULLUM ARBITRIUM

nullum arbitrium (n<<schwa>>l-<<schwa>>m ahr-bi-tree-<<schwa>>m), n.[Law Latin “no decision”] Hist. In an action to enforce an arbitration bond, a plea denying the existence of an arbitration award.

NULLUM EST ERRATUM

nullum est erratum (n<<schwa>>l-<<schwa>>m est <<schwa>>-ray-t<<schwa>>m), n.[Latin “there is no error in the record”] In response to an assignment of error, the common plea that there is no error in the record. • The effect of the plea is essentially to admit well-pleaded facts.

NULLUM FECERUNT ARBITRIUM

nullum fecerunt arbitrium (n<<schwa>>l-<<schwa>>m f<<schwa>>-see-r<<schwa>>nt ahr-bi-tree-<<schwa>>m). [Latin “they never submitted to arbitration”] Hist. In an action to enforce an arbitration award, the defendant's plea denying that there had been an arbitration.

NULLUM TEMPUS ACT

Nullum Tempus Act (n<<schwa>>l-<<schwa>>m tem-p<<schwa>>s akt), n.[Latin] Hist. English law. The Crown Suits Act of 1769 (amended in 1862) that limited the Crown's time to sue, in land and other specified matters, to 60 years. • The statute altered the common-law rule of nullum tempus aut locus occurrit regi (“no time or place affects the Crown”), which was based on the idea that the Crown was too busy with governmental affairs to timely attend to its legal affairs.

NULLUM TEMPUS OCCURRIT REIPUBLICAE

nullum tempus occurrit reipublicae (n<<schwa>>l-<<schwa>>m tem-p<<schwa>>s <<schwa>>-k<<schwa>>-r-it ree-I-p<<schwa>>b-l<<schwa>>-see), n.[Latin “no time runs against the state”] The principle that a statute of limitations does not apply to a commonwealth or state unless a statute specifically provides that it does. • The purpose of the rule is to fully protect public rights and property from injury. [Cases: Limitation of Actions 11. C.J.S. Limitations of Actions § 17.]

NUL TIEL

nul tiel (n<<schwa>>l teel). [Law Latin] No such. • This phrase typically denotes a plea that denies the existence of something.

NUL TIEL CORPORATION

nul tiel corporation, n. [Law French “no such corporation exists”] A plea denying the existence of an alleged corporation. • The defense of nul tiel corporation must usu. be affirmatively pleaded by a defendant before a plaintiff is required to prove its corporate existence. [Cases: Corporations 514.]

NUL TIEL RECORD

nul tiel record, n. [Law French “no such record”] A plea denying the existence of the record on which the plaintiff bases a claim. • Evidence may generally be introduced to invalidate the record only, not the statements in the record. See trial by record under TRIAL. [Cases: Judgment 914.]

“The proper general issue in debt on judgments is ‘nul tiel record,’ which denies the existence of the record alleged. Nul tiel record sets up: (1) the defense either that there is no record at all in existence; or (2) one different from that which the defendant has declared of; or (3) that the judgment is void on the face of the record.” Benjamin J. Shipman, *Handbook of Common-Law Pleading* § 186, at 330 (Henry Winthrop Ballantine ed., 3d ed. 1923).

NUL TORT

nul tort (n<<schwa>>l tort), n. [Law French “no wrong”] Hist. A type of general denial in an action to recover lands and tenements, by which the defendant claims that no wrong was done. See NUL DISSEISIN.

“The general issue, or general plea, is what traverses, thwarts, and denies at once the whole declaration; without offering any special matter whereby to evade it [I]n real actions, nul tort, no wrong done; nul disseisin, no disseisin; and in a writ of right, that the tenant has more right to hold than the demandant has to demand. These pleas are called the general issue, because, by importing an absolute and general denial of what is alleged in the declaration, they amount at once to an issue; by which we mean a fact affirmed on one side and denied on the other.” 3 William Blackstone, *Commentaries on the Laws of England* 305 (1768).

NUL WASTE

nul waste (n<<schwa>>l wayst), n. [Law French “no waste”] Hist. The defendant's general denial in an action to recover damages for the destruction of lands and tenements. See NUL TORT.

NUMBER LOTTERY

number lottery. See Genoese lottery under LOTTERY.

NUMBERS GAME

numbers game. A type of lottery in which a person bets that on a given day a certain series of

numbers will appear from some arbitrarily chosen source, such as stock-market indexes or the U.S. Treasury balance. • The game creates a fund from which the winner's share is drawn and is subject to regulation as a lottery. [Cases: Lotteries 3. C.J.S. Lotteries §§ 2–7, 11.]

NUMERATA PECUNIA

numerata pecunia (n[y]oo-m<<schwa>>-ray-t<<schwa>> pi-kyoo-nee-<<schwa>>), n.[Latin] Hist. Money counted or paid.

NUMERICAL LOTTERY

numerical lottery. See Genoese lottery under LOTTERY.

NUMEROSITY

numerosity (n[y]oo-m<<schwa>>-r-ahs-<<schwa>>-tee). The requirement that, for a case to be certified as a class action, the party applying for certification must show, among other things, that the class of potential plaintiffs is so large that the joinder of all of them into the suit is impracticable. See CLASS ACTION. [Cases: Federal Civil Procedure 163.]

NUMMATA

nummata (n<<schwa>>-may-t<<schwa>>), n.[Law Latin “money”] The monetary price of something.

NUMMATA TERRAE

nummata terrae (n<<schwa>>-may-t<<schwa>> ter-ee), n.[Law Latin] Hist. An acre of land.

NUMMI PUPILLARES

nummi pupillares (n<<schwa>>-m-I pyoo-p<<schwa>>-lair-eez). [Latin] Scots law. Money belonging to a pupil.

NUNCIATO

nunciato (n<<schwa>>-n-shee-ay-toh). See NUNTIATIO.

NUNCIO

nuncio (n<<schwa>>-n-shee-oh), n.[Italian, fr. Latin *nunciare* “to announce”] 1. A papal ambassador to a foreign court or government; a representative of the Vatican in a country that maintains diplomatic relations with it. — Also termed *nuncius*; *nuntio*. Cf. *legatus a latere* under LEGATUS; INTERNUNCIO(3); LEGATE(3). 2. Archaic. A messenger.

NUNC PRO TUNC

nunc pro tunc (n<<schwa>>-ngk proh t<<schwa>>-ngkornuungk proh tuungk). [Latin “now for then”] Having retroactive legal effect through a court's inherent power <the court entered a nunc pro tunc order to correct a clerical error in the record>. [Cases: Judgment 273, 326; Motions 54. C.J.S. Judgments §§ 123–125, 299; Motions and Orders § 51.]

“When an order is signed ‘nunc pro tunc’ as of a specified date, it means that a thing is now

done which should have been done on the specified date.” 35A C.J.S. Federal Civil Procedure §§ 370, at 556 (1960).

NUNC PRO TUNC AMENDMENT

nunc pro tunc amendment. See AMENDMENT(2).

NUNC PRO TUNC JUDGMENT

nunc pro tunc judgment. See JUDGMENT.

NUNCUPARE

nuncupare (n<<schwa>>ng-kyuu-pair-ee), vb. [Latin “call by name”] Hist. To name or pronounce orally. • Nuncupare heredem means to name an heir before public witnesses.

NUNCUPATE

nuncupate (n<<schwa>>ng-ky<<schwa>>-payt), vb. [fr. Latin nuncupare “call by name”] 1. Hist. To designate or name. 2. To vow or declare publicly and solemnly. 3. To declare orally, as a will. 4. To dedicate or inscribe (a work).

NUNCUPATIVE

nuncupative (n<<schwa>>ng-ky<<schwa>>-pay-tiv or n<<schwa>>ng-kyoo-p<<schwa>>-tiv), adj. [fr. Latin nuncupare “to name”] Stated by spoken word; declared orally.

NUNCUPATIVE WILL

nuncupative will. See WILL.

NUNC VALENT ET QUANTUM VALUERUNT TEMPORE PACIS

nunc valent et quantum valuerunt tempore pacis (n<<schwa>>ngk vay-lent et kwon-t<<schwa>>m val-yoo-er<<schwa>>nt tem-p<<schwa>>-ree pay-sis). [Latin] Scots law. The value (of the lands) now, and their value in time of peace. • This was the object of an inquiry formerly made in an inquest to assess the value of lands for taxation purposes.

NUNDINAE

nundinae (n<<schwa>>n-d<<schwa>>-nee), n. [fr. Latin novem “nine” + dies “day”] 1. Roman law. A fair or market. 2. Roman law. The period between two consecutive markets (usu. eight days), including the market days. • This period was often fixed for the payment of debts.

NUNDINATION

nundination (n<<schwa>>n-di-nay-sh<<schwa>>n), n. [fr. Latin nundinatio “the holding of a market or fair”] Hist. The act of buying or selling at a fair.

NUNQUAM INDEBITATUS

nunquam indebitatus (n<<schwa>>n[g]-kwam in-deb-i-tay-t<<schwa>>s), n. [Latin “never

indebted”] Hist. A defensive plea in a debt action, by which the defendant denies any indebtedness to the plaintiff. Cf. CONCESSIT SOLVERE.

NUNTIATIO

nuntiatio (n<<schwa>>n-shee-ay-shee-oh), n.[Latin “a declaration”] Hist. A formal declaration or protest. • A nuntiatio novi operiis was an injunction placed on the construction of a new building by the person protesting the construction. — Also spelled nunciato.

NUNTIO

nuntio. See NUNCIO.

NUNTIUS

nuntius (n<<schwa>>n-shee-<<schwa>>s), n.[Latin] [“bearer of news”] 1.Roman law. A messenger. • Declarations through a messenger were usu. as valid as those by letter. 2.Hist. A messenger sent to make an excuse for a party's absence in court. 3.Hist. An officer of the court. — Also termed summoner; beadle. 4.Eccles. law. NUNCIO(1).

NUPER OBIIT

nuper obiit (n[y]oo-p<<schwa>>r oh-bee-it), n.[Latin “lately died”] Hist. A writ available to an heir to establish the equal division of land when, on the death of an ancestor who held the estate in fee simple, a coheir took the land and prevented the other heirs from possessing it. The writ was abolished in 1833. See COPARCENER.

NUPTIAE

nuptiae (n<<schwa>>p-shee-ee). See MATRIMONIUM.

NUPTIAE SECUNDAE

nuptiae secundae (n<<schwa>>p-shee-ee s<<schwa>>-k<<schwa>>n-dee), n.[Latin] Eccles. law. A second or subsequent marriage. • In canon law, second or subsequent marriages were frowned upon, and priests would not officiate at those ceremonies.

NUPTIAL

nuptial (n<<schwa>>p-sh<<schwa>>l), adj. Of or relating to marriage. [Cases: Marriage 1. C.J.S. Marriage §§ 1, 3, 7, 9–10.]

NUPTIALES TABULAE

nuptiales tabulae (n<<schwa>>p-shee-ay-leez tab-y<<schwa>>-lee). [Latin] Roman law. Marriage tablets — i.e., documents recording a marriage and the terms on which it was entered into. • These writings were not essential to the validity of a marriage.

NUREMBERG DEFENSE

Nuremberg defense (n[y]<<schwa>>r-<<schwa>>m-b<<schwa>>rg). The defense asserted by a member of the military who has been charged with the crime of failing to obey an order and

who claims that the order was illegal, esp. that the order would result in a violation of international law. • The term is sometimes used more broadly to describe situations in which citizens accused of committing domestic crimes, such as degradation of government property, claim that their crimes were justified or mandated by international law. [Cases: Criminal Law 58; Military Justice 832. C.J.S. Criminal Law §§ 56, 88; Military Justice §§ 115, 122, 125.]

NURTURE

nurture, vb. 1. To supply with nourishment. 2. To train, educate, or develop.

NURTURING-PARENT DOCTRINE

nurturing-parent doctrine. Family law. The principle that, although a court deciding on child support generally disregards a parent's motive in failing to maximize earning capacity, the court will not impute income to a custodial parent who remains at home or works less than full-time in order to provide a better environment for a child. • The doctrine is fact-specific; courts apply it case by case.

NURUS

nurus (n[y]oor-<<schwa>>s), n. [Latin] A daughter-in-law.

NVOCC

NVOCC. abbr. See non-vessel-operating common carrier under CARRIER.

N.W.

N.W. abbr. NORTH WESTERN REPORTER.

NWS

NWS. abbr. National Weather Service. See NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION .

NYCHTHEMERON

nychthemeron (nik-thee-m<<schwa>>r-ahn), n. [Greek] An entire day and night; a 24-hour period.

N.Y.S.

N.Y.S. abbr. NEW YORK SUPPLEMENT.

NYSE

NYSE. abbr. NEW YORK STOCK EXCHANGE.

NYSTAGMUS

nystagmus (ni-stag-m<<schwa>>s). A rapid, involuntary jerking or twitching of the eyes, sometimes caused by ingesting drugs or alcohol. See HORIZONTAL-GAZE NYSTAGMUS TEST .