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la. (French.) The, for the feminine.

là. (French.) There.

label. A small card or piece of paper attached to an article of goods or merchandise and indicating the manufacturer, brand, weight, size, dimension, etc. 56 Am J11st W & L §§ 54 et seq. A slip or tag of paper, or other material, bearing the description in the form of a word or words, name, monogram, letter, scroll, or trademark indicating the character, origin, or destination of the article to which it is attached. *National Battery Co. v Western Molded Products Co.* (DC Cal) 39 F Supp 954. A small card or piece of paper attached to a can or package of food, showing the contents, the nature and ingredients of the food. 35 Am J2d Food § 25. A strip of paper upon which a seal is affixed and which is attached to a written instrument.

See **misbranding**; **union label**.

labeling of narcotic. Written, printed, or graphic matter upon any wrapper or container of a narcotic, or accompanying such substance. 21 USC § 321m.

The term applies to circulars shipped simultaneously with the articles to which they relate and kept in the same room of a warehouse for distribution to retail stores. *United States v Research Laboratories* (CA9 Wash) 126 F2d 42, cert den 317 US 656, 87 L Ed 528, 63 S Ct 54.

labor. Narrowly defined as purely physical toil. 31 Am J2d Exemp § 19; 31 Am J Rev ed Lab § 1. Services in a manual occupation; work requiring little skill or special training. 36 Am J1st Mech L § 53; 58 Am J1st Workm Comp § 91. Services in following a manual occupation rather than an intellectual pursuit. *Michigan Trust Co. v Grand Rapids Democrat*, 113 Mich 615, 71 NW 1102. Better defined as work with the hands or with the mind including the application of professional and trade skills. 31 Am J2d Exemp § 19; 31 Am J Rev ed Lab § 1. Toil with the brains as well as toil with the hands. *Commonwealth v John T. Connor Co.* 222 Mass 299, 110 NE 301. In a broad but none the less accurate sense, services of a person whether they be rendered by his hands or by the application of learning and professional skill, including the work of high-salaried corporate officers, engineers, architects, actors, painters, builders, etc. 31 Am J Rev ed Lab § 1. In political economy, the position held by workers collectively. 31 Am J Rev ed Lab § 1.

An effort is no less labor because it is carried on with the use of machinery instead of hand tools. *Timber Structures v C. W. S. Grinding & Machine Works*, 191 Or 231, 229 P2d 623, 25 ALR2d 1358 (within the meaning of a statute granting a mechanic's lien for labor performed.)

labor agitator. One actively engaged in promoting the interests of labor.

The term does not imply the use of unlawful or improper means. *Wabash Railroad Co. v Young*, 162 Ind 102, 69 NE 1003.

labor a jury. To tamper with a jury or a juror in order to influence the jury's verdict.

labor and material payment bond. A contractor's bond which guarantees the owner that all bills for labor and materials contracted for and used by the contractor will be paid by the surety if the contractor defaults. *Standard Acci. Ins. Co. v Rose*, 314 Ky 233, 234 SW2d 728.

laborariis. An old English writ to compel a pauper to work.

laboratory fee. A student's fee for the use of laboratories in the institution. 15 Am J2d Colleges § 19.

laboratory report. A scientific report respecting a matter in issue, made by qualified technicians. 23 Am J2d Dep § 322.

laboratory test. A test conducted by a scientist in the field, in a laboratory, by means of instruments adapted to the problem at hand and the use of such chemicals or other materials as are required to reach a conclusion on a scientific basis. Petersen v Widule, 157 Wis 641, 147 NW 966.

labor combination. See **labor union.**

Labor Day. The first Monday in September, observed as a legal holiday in all the states in honor of labor. State v Thomas, 61 Ohio St 444, 56 NE 276.

Labor Department. An administrative department of the United States Government, headed by the Secretary of Labor. A comparable department of a state government.

labor dispute. A controversy between an employer and his employees as to terms and conditions of the employment. 31 Am J Rev ed Lab § 369. Any controversy over wages, hours, working conditions, or terms of employment. Anno: 28 ALR2d 297 (involving right to unemployment compensation). For the purposes of the application of the Norris-LaGuardia Act and state anti-injunction laws of a similar nature, any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee. 31 Am J Rev ed Lab § 546.

A labor dispute exists, within the meaning of the Pennsylvania Labor Anti-Injunction Act, where the employees of one plant of the employer, who are on strike following the expiration of a collective bargaining agreement, are picketing another plant of the employer where no labor dispute exists. American Brake Shoe Co. v District Lodge of International Asso. of Machinists, 373 Pa 164, 94 A2d 884, 37 ALR2d 675.

See **jurisdictional dispute; strike.**

labor dispute insurance. Insurance against loss resulting from strikes or labor disputes. 29A Am J Rev ed Ins § 1371. Insurance of employers of labor in the manufacturing business against loss or damage resulting directly or indirectly from any interference with or interruption or suspension of business or use or operation of plant by reason of employees' strikes. Buffalo Forge Co. V Mutual Secur. Co. 83 Conn 393, 396.

labor done. A type of consideration frequently authorized by statute as acceptable in payment of a subscription to corporate stock. 18 Am J2d Corp § 261.

See **service; work.**

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laborer. One who performs labor.

See **labor.**

laborer's lien. A lien upon a chattel for work performed thereon.

See **mechanic's lien.**

labor laws. Those constitutional provisions, statutes, ordinances, and administrative regulations which regulate labor relations in such matters as hours of labor, wages, unemployment insurance, Sunday observance, preference of wage claims in bankruptcy and insolvency proceedings, minimum wages, collective bargaining, etc.

See **contract labor law; labor relations acts.**

Labor-Management Panel. A federal agency composed of six representatives of management and six of labor, to advise upon request in the avoidance of industrial controversies and the manner in which mediation and voluntary adjustment shall be administered. 29 USC § 175.

labor market. See **free labor market.**

labor organization. In the usual sense of the term a labor union. In a less precise sense, an organization in which employees participate. *Di Georgio Fruit Corp. v NLRB*, 89 App DC 155, 191 F2d 642, 28 ALR2d 377. An organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. 29 USC § 152(5).

Spontaneous or informal activity of employees as that of "labor organization" within protection of National Labor Relations Act. Anno: 19 ALR2d 566.

labor relations acts. The statutes, state and federal, which purport to regulate the relation between capital and labor for the purpose of avoiding industrial disputes and strikes. The National Labor Relations Act, known as the Wagner Act, of 1935 and the Labor-Management Relations Act of 1947, known as the Taft-Hartley Act, amending the Act of 1935, such statutes being codified as Chapter 7, Labor Management Relations, of Title 29 of the United States Code.

Labor Relations Board. A national public agency created by statute to enforce the provisions of the Federal Labor Relations Act; not a tribunal for the enforcement of private rights through administrative remedies. An agency of the United States, an entity apart from its members, having legal capacity to sue in the federal courts to carry out its statutory functions; located in the District of Columbia. 31 Am J Rev ed Lab § 210.

labor representative. Any representative of a labor organization, whether an officer or lessee agent, and whether elected or appointed. *State v Provenzano*, 34 NJ 318, 169 A2d 135 (term appearing in statute penalizing bribery).

Labor Standards. A bureau in the Department of Labor of the federal government.

Labor Standards Act. See **Fair Labor Standards Act.**

Labor Statistics. A bureau of the United States Department of Labor.

labor ticket. A certificate or memorandum given to an employee, showing him entitled to a certain amount of pay for a certain amount of work. Anno: 76 ALR 1305. In practical politics, the group of candidates at a general election supported by organized labor.

labor union. An association of workers existing for the purpose, in whole or in part, of bargaining on behalf of workers with employers about the terms or conditions of employment. A combination of workmen organized for the ultimate purpose of securing through united action the most favorable conditions, as regards wages, hours of labor, conditions of employment, etc., for its members. 31 Am J Rev ed Lab § 13.

See **industrial union; trade union.**

laceration. A tear or wound, on face or body, characterized by jagged or irregular edges. *Moriarty v New York Cent. R. Co.* (Sup) 124 NYS2d 284.

laches. A doctrine, otherwise known as the doctrine of stale demand, by which equitable relief is denied to one who has been guilty of unconscionable delay, as shown by surrounding facts and circumstances, in seeking that relief. Anno: 34 ALR2d 1314

§ 1. More precisely, such neglect or omission to assert a right, taken in conjunction with lapse of time and other circumstances causing prejudice to an adverse party, as will operate as a bar to relief in equity. *Re O'Donnell's Estate*, 8 Ill App 2d 348, 132 NE2d 74; *Boehnke v Roenfan*, 246 Iowa 240, 67 NW2d 585, 54 ALR2d 1; *Simmerman v Ft. Hartford Coal Co.* 310 Ky 572, 221 SW2d 442, 11 ALR2d 381; *Aronovitch v Levy*, 238 Minn 237, 56 NW2d 570, 34 ALR2d 1306.

lack-learning parliament. Same as **parliament of dunces**.

lack of. See words and phrases beginning "want of."

La conscience est la plus changeante des règles. Conscience is the most changeable of rules.

La court se voet aviser de cest issue. The court will take this issue under advisement or consideration.

lacta. Lack of weight; short weight.

lacus. (Civil law.) A large body of water; a lake. In older English law, an alloy of silver used in coinage.

lada. (Saxon.) A trial by purgation.

ladder. A means of climbing in the realistic or figurative sense. A series of handholds vertically arranged on the corner of a railroad car, affording a means for the climbing of the car by an employee. 45 USC § 11.

laden in bulk. A shipping term signifying loaded with a loose, unboxed cargo.

lading. See **bill of lading**.

lading and unlading. Same as **loading and unloading**.

Lady Day. The twenty-fifth day of March. *Doe D. Hall v Benson* (Eng) 4 Barn & Ald 588.

lady's friend. The title of an officer in the English house of commons who looked to the enforcement of orders for the support and maintenance of women who had been divorced from their husbands by acts of parliament.

laesa majestas. Injured majesty; high treason. 4 Bl Comm 75.

laga. Law; a law.

lagan. Same as **ligan**.

lage. Same as **laga**.

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lage day. Same as **law day**.

lage man. A lawful man; a man qualified for jury duty; a juror.

lager beer. Beer aged by storing. 30 Am J Rev ed Intox L § 10. A malt beverage; neither a spiritous liquor or a vinous liquor. *Sarlls v United States*, 152 US 570, 38 L Ed 556, 14 S Ct 720.

laghslite. (Saxon.) An unlawful act; a fine or punishment for breaking the law.

la grippe. A disease, quite similar to a severe cold, otherwise known as "grippe." 29 Am J Rev ed Ins § 745.

lagu. Law.

lahman. (Saxon.) A law man; a lawyer.

laicum. See **feudum laicum.**

laicus. A layman, as distinguished from a person connected with the church.

laioresite. A fine imposed by the lord of the manor for committing adultery or fornication.

lais gents. Men of the laity; laymen.

laity. Same as **laymen.**

lake. A body of water in its natural state, substantially at rest, usually of fresh water. Trustees of Schools v Schroll, 120 Ill 509, 12 NE 248.

lake peril. See **perils of the river, lake, or canal.**

lake navigation. See **navigation.**

La ley favour la vie d'un homme. The law favors human life.

La ley favour l'inheritance d'un homme. The law favors the inheritance of a man.

La ley volt plus tost suffer un mischief que un inconvenience. The law will rather suffer a mischief than an inconvenience.

Lambeth degree. A degree of Oxford or Cambridge conferred by the archbishop of Canterbury. See 1 Bl Comm 381.

lammas land. Land which was thrown open after harvest as a common pasture for the cattle of the landowner and others.

lanced. Feudal vassals who labored one day in each week for the lord of the manor, at certain seasons of the year.

land. A general term including not only the soil, but everything attached to it, whether attached by the course of nature, as trees, herbage, and water, or by the hand of man, as buildings, fixtures, and fences. 42 Am J1st Prop § 14. A corporeal thing, but inclusive of a franchise connected with land. Southern Pacific Co. v Riverside County, 35 Cal App 2d 380, 95 P2d 688. A word of art; extending from the surface downward to the center of the earth and upwards indefinitely to the skies. 42 Am J1st Prop § 14. The solid material of the earth; real property, tenements, and hereditaments, and all rights thereto and interests therein, equitable as well as legal. 42 Am J1st Prop § 50. Broadly, town and city lots as well as rural property. 1 Am J2d Adj L § 1. The character of an interest in real estate. 42 Am J1st Prop § 14.

See **estate in land; real estate; real property.**

land agent. Historically, an agent for the sale of vast tracts of unimproved lands. An agent for sale of large acreages of land in the western states or Canada. In modern parlance, a real estate broker.

land bank. A bank organized under an Act of Congress known as the Federal Farm Loan Act for the purpose in general of making loans upon farm security at low rates of interest. 10 Am J2d Bks § 21.

landboc. (Saxon.) A deed or charter evidencing title to land.

land carrier. See **carrier.**

landceap. A customary fine paid to the lord of the manor on a transfer of land, in certain manors and boroughs.

land certificate. The obligation of the government entitling the owner to secure the designated quantity of land by following the requirements of the law. *Waterman v Charlton*, 102 Tex 510, 120 SW 171.

See **certificate of entry.**

landcheap. Same as **landceap.**

Land claim. See **claim.**

land contract. A contract whereby one party agrees to sell and the other to purchase real estate. *Pike Rapids Power Co. v Minneapolis, St. P. & S. S. M. R. Co.* (CA8 Minn) 99 F2d 902. A contract for the transfer of the title to real estate in consideration of a money price or its equivalent passing from the purchaser to the vendor. Recognized in equity as a transfer of ownership to the purchaser. 55 Am J1st V & P § 356.

land-cop. A sale of land.

"The lord will take a small fine for this land-cop, this sale of land, and soon it may seem that the purchaser acquires his title to the land rather from the lord than from the vendor." *Maitland's Domesday Book and Beyond* 323.

Land Department. A federal authority consisting of the General Land Office with the Secretary of the Interior at its head, vested by statute with substantially exclusive jurisdiction to determine, in the first instance, all questions of fact respecting the acquisition, disposition, and control of the public lands, so long as the title thereto remains in the United States. 42 Am J1st Pub L § 57. A comparable agency of state government.

land development. Improving and subdividing a tract of land preparatory to the erection of residential, commercial, or industrial buildings; the improvement of land for agricultural purposes. A planned scheme for the construction of houses, street improvements, utility structures, etc. in a particular area, usually with covenants restricting the use of the lots in the area by business or industry.

landed. Owning land. In another sense, having come or been brought ashore.

Persons aboard a ship are landed when they are brought ashore, but sailors on a ship have not landed unless they permanently leave the ship, since it is necessary for commerce that sailors should go ashore temporarily and return to the ship. *Taylor v United States*, 207 US 120, 52 L Ed 130, 28 S Ct 53.

landed estate. An interest in, and pertaining to, land. *Police Jury v Harris*, 10 La Ann 676, 677.

See **estate in land.**

landed interest. The interest or estate which a person holds or owns in land or in the possession of land.

See **estate in land; landed estate.**

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landed property. Real estate. While the term would ordinarily include a railway company's right of way, such a right of way will not be held to be included in a statutory exemption of landed property from taxation, where the spirit of the exemption statute is against such inclusion. *United Railways & Electric Co. v Baltimore*, 93 Md 630, 49 A 655.

landed proprietor. See **landed estate; landed property.**

landefricus. A landlord.

landegandman. A tenant of a manor of an inferior class.

land entry. See **entry under homestead law; original entry.**

land-gabel. A tax or rent paid for the use of land.

land grant. Broadly, a transfer of title to real estate. In the accepted sense of the term, a grant of public lands by the United States or a state. A grant of land in the public domain made by Congress from time to time for the support of education in the various states. 15 Am J2d Colleges § 30. A grant of land by the government to a railroad company by way of aid in the construction of a railroad. 13 Am J2d Car § 118.

land grant institutions. Educational institutions which have received a land grant made by Congress for the support of education. 15 Am J2d Colleges § 30.

land-grant rates. Favorable rates for railroad transportation of government property or armed forces, obtained because of the fact that the railroad company had obtained a land grant to assist in construction of the line. 13 Am J2d Car § 118.

landing. A pier, other structure, or unimproved area at which the cargo of a vessel can be unloaded or passengers disembark. A place on a river, or other navigable water, for loading and unloading goods, or for the reception and delivery of passengers; either the bank or the wharf, to or from which persons or things may go or be carried to or from some vessel in the contiguous waters. 56 Am J1st Whar § 2. A place for loading or unloading vessels, but not a harbor. 48 Am J1st Ship § 223. A platform maintained by a carrier for receiving or delivering freight or for the use of passengers in boarding and leaving trains. 14 Am J2d Car § 871. The act of a pilot of an aircraft in bringing it to the ground. 8 Am J2d Avi § 102.

landing area. A locality, either of land or water, including an airport or intermediate landing field, which is used, or intended to be used, for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repairs of aircraft, or for receiving or discharging passengers or cargo. 49 USC § 1301 (22).

landing card. A card handed an alien upon approval of his entry into the country, for presentation to an immigration officer upon the pier.

landing cargo. See **loading and unloading.**

landing certificate. A requirement by regulation of the Secretary of the Treasury in reference to merchandise landed for exportation or to residue cargo. 19 USC § 1622.

landing field. See **landing area.**

landing in safety. The responsibility of a carrier in reference to the condition in which a passenger finds himself immediately after he has alighted from the carrier's conveyance. *Harries v Atlantic Greyhound Corp.* 243 NC 346, 90 SE2d 710, 58 ALR2d 939.

land jobber. A person who makes a particular business of buying and selling land to obtain profit. *Vanderbilt University v Cheney*, 116 Tenn 259, 94 SW 90.

landing lights. Artificial lights placed close to the ground on a landing field for illumination to permit safe landing of aircraft during hours of darkness. Lights on an aircraft located in such position as to illuminate the landing area for safe landing during hours of darkness. *Plewes v Lancaster*, 171 Pa Super 312, 90 A2d 279.

landing net. A net used to land a fish after it is hooked. *Commonwealth v Wetherill*, 8 Pa Dist 653, 655.

landing place. See **landing; landing area.**

landlord. A lessor. One under whom another holds premises as a tenant or lessee. 32 Am J1st L & T § 2.

landlord's attachment. A remedy provided a landlord by statute for the enforcement or protection of his landlord's lien. 32 Am J1st L & T § 583.

landlord's lien. At common law, a lien for rent in arrears acquired by an actual seizure of property upon the leased premises by the levy of a distress for rent in arrears. 32 Am J1st L & T § 564. A lien in favor of the landlord for the rent, reserved in a lease, on the crops raised or personal property of the tenant brought upon the leased premises. 32 Am J1st L & T § 566. A statutory lien for rent upon property of the tenant brought upon the leased premises and, in the case of farm land, crops raised upon the leased premises. 32 Am J1st L & T § 575.

land lottery. A scheme for the division of land by chance, which is to cut a plot of land into several parcels of uniform size, but of unequal value, and to have each purchaser of a parcel pay a uniform price and select his parcel by lot. 34 Am J1st Lot § 11. Any lottery wherein land in the form of farm or building lot is the prize. *Branham v Stallings*, 21 Colo 211, 40 P 396.

landman. A tenant of land; a holder of land; a person in the occupation of land.

Land Management Bureau. A federal agency in the Department of the Interior, exercising functions formerly within the province of the General Land Office. 43 USC § 1, note.

landmark. A natural or artificial object having sufficient permanency to serve as a monument or marker of a land boundary. 12 AM J2d Bound § 4. A structure of historical significance. An event illuminative of an historical period, such as the Boston Tea Party. A reported case of great importance in establishing a legal proposition of law.

land measure. Area measure. Measuring by units of acres, square rods, square feet, etc.

land mile. See **mile.**

Land Office. See **General Land Office.**

land office records. Records of the General Land Office, kept under official sanction of the government. 30 Am J2d Ev § 999.

landowner. An owner of real property. Sometimes inclusive of a tenant for years. 32 Am J1st L & T

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§ 4. As a person entitled to redeem from an execution sale:—any owner of real estate whose interest was subject to the payment of the judgment upon which it was sold, without regard to whether he is the judgment debtor or claims under him. Anno: 2 ALR 794, s. 95 ALR 1095. As one qualified to object to the issuance of a liquor license:—a holder of the legal title, exclusive of lessee, life tenant, or person vested with title for the sole purpose of qualifying as a signer. 30 Am J Rev ed Intox L § 147. As one to be named in a petition for the establishment of a highway:—any person who has an interest of record in the land over which the highway is to be located. Anno: 2 ALR 788, s. 95 ALR 1091. As the word is used in a mechanic's lien statute:—the owner of the fee or of any interest in lands, legal or equitable, fee simple, or leasehold, including life estates, estates for years, interest as cotenant, lessee, trustee, or vendee in possession under an executory contract of sale. Anno: 2 ALR 795, s. 95 ALR 1095; 36 Am J1st Mech L § 84. Within the meaning of statutes penalizing hunting over property without the consent of the owner: a natural person, a corporation, or a quasi-person or entity such as a partnership, including one who owns an undivided fractional interest, one in possession under a parol contract of purchase, and, under some statutes, one who owns the hunting rights over lands. Anno: 2 ALR 799, s. 95 ALR 1099.

land patent. A conveyance to an individual of that which is the absolute property of the government and to which, but for the conveyance, the individual would have no right or title.

A transfer by the government to the entryman of land covered by a homestead entry, upon payment for the land and proof of settlement, residence, and cultivation. 42 Am J1st Pub L § 31.

land-poor. The condition of one whose ownership of land imposes a financial burden, being unproductive of net revenue. *Matteson v Blackmer*, 46 Mich 393, 397.

land-reeve. An overseer or superintendent of a portion of a farm or estate.

land regulations. Laws relating to the mode and requisites of a conveyance of title or any interest in real property. Laws relating to the use of premises, such as those relating to restrictive covenants, nuisances, and zoning.

lands available for mining. See **valuable for mining**.

lands beneath navigable waters. The beds of navigable rivers.

For detailed statement made for the purposes of the Submerged Lands Act, see 43 USC § 1301.

Lands' Clauses Act. An English statute passed in 1845, governing proceedings for the condemnation of private property for public use.

land scrip. See **scrip**.

land settlement. The settlement of public lands by homesteaders. A settlement upon public lands under a project primarily for the benefit of veterans. 56 Am J1st Vet & V A § 14. The closing of the transaction comprehended by a land contract by payment of consideration, transfer of title to purchaser, etc. A settlement of a controversy respecting the title to or the location of boundaries of real estate.

land's high. The title of a universal body of the common law of Sweden compiled out of the particular customs established by the laghman of every province, about 1250, and analogous to the common law of England.

lands let to lease. Lands conveyed only for life, years, or at will. *Wright v Hardy*, 76 Miss 524, 24 SW 697.

landslide. A falling or slipping of a large amount of earth or rock from a cliff, mountain, or hill onto lower ground, becoming a destructive manifestation of nature in wrecking buildings and obstructing highways. 25 Am J1st High § 111. A heavy vote in favor of a candidate at an election.

Landsteiner test. A blood test, otherwise known as the Bernstein blood test, devised to assist in the determination of parentage, postulated upon the inheritability of a blood type. 29 Am J2d Ev § 370.

lands, tenements, and hereditaments. Inheritable lands or interests therein amounting to freehold estates. Hutchinson v Bramhall, 42 NJ Eq 372, 383, 7 A 873.

See **freehold**.

land-tax. A tax imposed upon the beneficial owner of land.

See **real estate tax**.

land-tenant. A holder of land; a person in the actual possession or occupation of land. A lessee in possession.

land tenure. See **estate; tenure**.

land-waiter. An English customs officer who measured and weighed and classified imported goods on their arrival at a port.

lane. A narrow way or passage, as distinguished from a public road or highway. Wiggins v Tallmadge (NY) 11 Barb 457, 465.

lanes of traffic. See **traffic lanes**.

Langdeau Case. A comparatively recent decision of the United States Supreme Court respecting the venue of actions against national banks. Mercantile Nat. Bank v Langdeau, 371 US 555, 9 L Ed 2d 523, 83 S Ct 520.

language. The spoken or written word as a means of communication. The words, sounds, and the forms thereof in grammatical composition, as used in a particular country, or by a particular group of people, as a means of communication.

While it is true that the word is broad enough to include words which are written as well as words which are spoken, it is generally held that statutes regulating the use of objectionable language refer to oral speech only unless written language is specifically mentioned in the statute. Stevenson v State, 90 Ga 456, 458.

See **ordinary and concise language**.

languidus. Sick; ill.

languidus in prisona. Sick or ill in prison.

lanzas. (Spanish.) An annual money service paid by nobles and grandees to the government, as a substitute for military aid.

lapidation. Stoning to death; the execution of the death penalty by stoning the defendant.

lappage. The area as to which title deeds of rival claimants tend to lap upon each other. Vance v Guy, 224 NC 607, 31 SE2d 766.

lapse. A termination, particularly of a right or privilege. A forfeiture caused by one's failure to perform some necessary act. *Winsor v Brown*, 48 RI 200, 204, 136 A 434, 435. A policy of insurance becoming ineffective, according to the provisions of the policy, for failure to pay the premium. 29 Am J Rev ed Ins § 587.

lapsed benefice. The loss or forfeiture by a patron of his right to present a clergyman to a benefice, by not doing so in season.

lapsed land. Land entered by a homesteader upon the public domain under an entry which he did not perfect so as to be entitled to a patent or other conveyance of title by the government. 42 Am J1st Pub L §§ 19 et seq. Land covered by a patent which the patentee has lost by his failure to make payments or to comply with other conditions of the patent; such as the failure to pay quitrents or to cultivate the land. *Wilcox v Calloway*, 1 Va (1 Wash) 38, 39.

In the early settlement of the country, the man who received a grant of land and failed, at first in three, and afterwards in five years, to seat and improve it, was held to have abandoned it; it received the denomination of "lapsed land," and was declared to be forfeited. *Hawkins v Barney's Lessee* (US) 5 Pet 457, 468, 8 L Ed 190, 194.

lapsed patent. See **lapsed land**.

lapsed policy. See **lapse**.

lapse of legacy or devise. The falling back of the subject matter of a legacy or devise into the testator's estate. Anno: 3 ALR 1689. A legacy or devise which was good when the will was made, but has failed since then by some event which occurred before the testator's death. Occurring under a variety of circumstances, the most frequent of which is the death of the legatee or devisee before the death of the testator. 57 Am J1st Wills §§ 1424 et seq.

lapse of term of court. The ending of a term of court because of the judge's failure to appear on the day fixed by law for the opening of the term. 20 Am J2d Cts § 45.

lapsus. See **error lapsus**.

lapsus linguae. A slip of the tongue, language differing from that which the speaker intended to say. *Chattanooga, Rome, & Columbus Railroad Co. v Liddell*, 85 Ga 482, 11 SE 853; *State v Owens*, 243 NC 673, 91 SE2d 900, 902 (in charge to jury).

larboard watch. See **watch**.

larcenous. In a thievish manner; connected with the commission of larceny.

larceny. Stealing or theft. *People v Campbell*, 89 Cal App 646, 265 P 364. At common law:—the felony of taking by trespass and carrying away the goods or things personal of another, without the latter's consent and with the felonious intent permanently to deprive the owner of his property and to convert it to the taker's own use or the use of some person other than the owner. 32 Am J1st Larc § 2. As a statutory offense:—the taking of personal property accomplished by fraud or stealth, with intent to deprive another thereof. *State v Uglund*, 48 ND 841, 187 NW 237; the felonious stealing, taking, and carrying, leading, riding, or driving away the personal property of another. *People v Lardner*, 300 111 264, 133 NE 375, 19 ALR 721.

See **grand larceny**; **petit larceny**.

larceny after a trust. Embezzlement by bailee. *Almand v State*, 110 Ga 883, 36 SE 215.

larceny by bailee. An offense as defined by statute. An offense at common law only as it appears that possession was obtained by the bailee from the bailor with the felonious intent of appropriating the thing bailed to his own use and depriving the bailor thereof. 32 Am J1st Larc § 57.

larceny by finder. The taking and carrying away of the lost personal property of another with a felonious intent permanently to deprive the owner of his property and to convert it to his own, the finder's, use. 32 Am J1st Larc § 64.

larceny by fraud. The offense of taking personal property, accomplished by fraud or stealth and with intent to deprive the owner of his property permanently. *Bivens v State*, 6 Okla Crim 521, 120 P 1033.

larceny by general owner. The taking and carrying away of personal property by the general owner from the possession of a person holding possession under some special right or title, with the felonious intent of depriving such person of his rights, or of charging him with the value of the property. 32 Am J1st Larc § 53.

larceny by trick. The offense of taking personal property, accomplished by trick and with intent to deprive the owner of his property permanently. *Commonwealth v Eichelberger*, 119 Pa 254, 13 A 422.

larceny from the person. The statutory felony of stealing any article attached to the person of the owner or under his immediate personal protection.

Of course, larceny is "from the person," in any case, in the sense that the taking is with the intent to deprive another of his property.

larceny of mislaid goods. The felonious taking and carrying away of the mislaid goods of another, without his consent, and with the felonious intent permanently to deprive the owner of his property, and to convert it to his own, the finder's, use, which felonious intent may exist at the time of the finding, or subsequently to the finder's taking possession. 32 Am J1st Larc § 72.

larcyn. Larceny.

laron. A thief.

lascivious. Loose; wanton; lewd; lustful; tending to produce voluptuous or lewd emotions. *United States v Britton* (Comrs Ct Ohio) 17 F 731; *United States v Bebout* (DC Ohio) 28 F 522, 524. As used in the laws relating to the use of the mails, immorality in the sense of sexual impurity. 41 Am J1st P O § 116.

See **lewd and lascivious conduct**.

lascivious carriage and behavior. Wanton acts between persons of different sexes, flowing from the exercise of lustful passions, which are grossly indecent and unchaste, and which are not otherwise punished as crimes against chastity and public decency. *Fowler v State* (Coon) 5 Day 81, 84.

lashlit. Same as **lagslite**.

last. Adjective: Coming after all others. Noun: A measure of carrying capacity, particularly of a ship, for which purpose it is equivalent to six thousand pounds in some places, but a lesser amount in others. A form over which shoes are built or repaired.

lastage. The load or ballast of a ship; a duty or custom charged at certain fairs or markets to per-

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mit a purchaser to go where he pleased with his purchase.

last and usual place of abode. As the place for substituted service of process by leaving a copy with a member of the family or household, the place of residence or domicile in the state at which the defendant last abided. *Tilden v Johnson*, 60 Mass (6 Cush) 354.

last antecedent. For the purposes of the rule of construction of a statute that qualifying words, phrases and clauses are ordinarily confined to the last antecedent:—the last words which can be made an antecedent without impairing the meaning of the sentence. *Travers City v Blair Township*, 190 Mich 313, 157 NW 81.

last antecedent clause. The principle that relative and qualifying words, phrases, or clauses are to be applied to the words, phrases, or clauses immediately precedent, and not extended to other words, phrases or clauses more remote. *Montgomery Light & Traction Co. v Avant*, 202 Ala 404, 80 So 497, 3 ALR 384.

last clear chance. The doctrine that the negligence of the plaintiff does not preclude a recovery for the negligence of the defendant where it appears that the defendant by exercising reasonable care and prudence might have avoided injurious consequences to the plaintiff notwithstanding the plaintiff's negligence. 38 Am J1st Negl § 215. The principle that a collision of vessels is attributed to the fault of the vessel which had the last clear chance to avoid the collision. 48 Am J1st Ship § 230.

The practical import of the doctrine is that a negligent defendant is held liable to a negligent plaintiff, or even to a plaintiff who has been grossly negligent in placing himself in peril, if the defendant, aware of the plaintiff's peril, or, according to some but not all authorities, although unaware of the plaintiff's peril, reasonably in the exercise of due care should have been aware of it, had in fact a later opportunity than the plaintiff to avoid an accident. Anno: 92 ALR 50, s. 119 ALR 1044; 7 Am J2d Auto § 376.

last commanded. The settled law. *Flaherty v Thomas*, 94 Mass (12 Allen) 428.

last court. See **last resort**.

last-court. An ancient English court which was held in the marshes of Kent.

last day. The final day for payment or performance without penalty for delay.

See **default day**.

last heir. The lord of the manor, or the king, as the case might be, to whom the land of the tenant, upon his death, escheated for want of lawful heirs.

last illness. The illness or sickness which was the cause of the decedent's death, covering the period during which it was continuously operative after it became serious or pronounced. *Long v Northrop*, 225 Iowa 132, 279 NW 104, 116 ALR 1475. In some connections, a sickness from which a person believed he would not recover, and from which he did not recover, but died. *Harrington v Stees*, 82 Ill 50.

last in, first out. A method of recording inventory in assessing a stock of merchandise. Anno: 66 ALR2d 834-836. A method of inventory valuation for income tax purposes which assumes that the most recently purchased merchandise is the first sold.

By treating current purchases as being sold first, the method seeks to eliminate from income profits which arose solely from an advance in the price level, thus more accurately matching costs against revenues.

last known address. The place to which the mail is to be directed for service of process by mail where actual personal service cannot be obtained. 42 Am J1st Proc § 60.

As used in a statute authorizing the service of summons on a non-resident defendant by mailing a copy of the summons and complaint to his last known address, the term means not his last address known to the plaintiff, but the plaintiff is required to

ascertain at his peril, the last known address of the defendant as a matter of fact, and his failure to do so will amount to a failure to comply with the statute and render the service invalid. *State v Belden*, 193 Wis 145, 211 NW 916, 214 NW 460, 57 ALR 1218.

last resort. Characterizing a court from the judgments or decisions of which no appeal can be taken.

last sickness. See **last illness.**

last will. The effective will. *Occidental Life Ins. Co. v Powers*, 192 Wash 475, 74 P2d 27, 114 ALR 531.

As used in a will which the testator designated as his "last will," the term is not equivalent to "sole," and does not necessarily revoke all former wills. *Freeman v Freeman*, 27 Eng L & Eq 351.

See **will.**

last will and testament. See **last will; will.**

lata culpa. Gross fault or neglect.

Lata culpa dolo aequiparatur. An expression of the principle that gross fault—or gross negligence—is equivalent to fraud.

late. Out of time. Tardy.

late a resident. Last a resident. *Beckett v Selover*, 7 Cal 215.

latens. Same as **latent.**

latent. Hidden from view; concealed; not discoverable by ordinary inspection. *Miller v Moore*, 83 Ga 684, 10 SE 360.

latent alteration. An alteration of an instrument not manifest or visible upon the face of the instrument. *Miles City Bank v Askin*, 119 Mont 581, 179 P2d 750, 171 ALR 790.

latent ambiguity. An ambiguity in a writing which does not appear until the writing is applied to the circumstances. *Putnam v Bond*, 100 Mass 58, 60. An uncertainty in an instrument which does not appear on the face, but which is shown to exist for the first time by matter outside the writing. Equivocality of expression, or obscurity of intention, arising not from the words of the instrument themselves, but from the ambiguous or obscure state of extrinsic circumstances to which the words of the instrument pertain, and which is susceptible of explanation by a mere development of extraneous facts without altering or adding to the written language or requiring more to be understood thereby than will fairly comport with the ordinary or legal sense of the words used in the instrument. 30 Am J2d Ev § 1073.

In a will:—an ambiguity which is not discoverable from reading the will, but which appears upon

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consideration of the extrinsic circumstances, for example, a bequest to "my cousin John," it appearing that the testator has two or more cousins "John." 57 Am J1st Wills § 1042.

latent danger. A hidden danger.

latent deed. A deed kept hidden in a secret place for twenty years or more. *Den ex dem. Wright v Wright*, 7 NJL 175.

latent defect. A defect not observable on casual inspection. A hidden defect in a structure, machine, or article of merchandise. A defect in an article constituting the subject matter of a sale, not discoverable on a reasonable examination of the property. 46 Am J1st Sales § 94. A secret defect arising out of the manner in which the article was manufactured. *Hoe v Sanborn*, 21 NY 552, 555.

A defect in the title to real estate not readily observable even though a matter of public record. *Anne*: 33 ALR 994.

latent injury. An injury not apparent at the time but capable of producing pain and suffering at a later time. 6 Am J2d Atomic E § 51.

lateral. From or toward the side.

lateral branch. See **lateral railroad.**

lateral railroad. A railroad line constituting an offshoot from the main line or stem; a feeder of the main line. *Blanton v Richmond, Fredericksburg & Potomac Railroad Co.* 86 Va 618, 620. A railroad connected, indeed, with the main line, but not a mere incident of it; not constructed simply to facilitate the chief railway, but designed to have a business of its own, for the transportation of persons or property. *Baltimore & Ohio Railroad Co. v Waters*, 105 Md 396, 66 A 685.

lateral support. The right to support of soil in its natural state from land adjoining it. 1 Am J2d Adj L § 37. Precisely, the right of an adjoining property owner to support for his land in its natural state from his neighbor's land in its natural state. *Carrig v Andrews*, 127 Conn 403, 17 A2d 520, 132 ALR 993.

latere. See **ex latere.**

lath. A thin strip of wood, formerly used extensively on walls to form a base for plaster.

lathe. A machine for cutting and shaping wood or metal.

In some counties in England, an intermediate division between a shire or county and a hundred, containing about three or four hundreds, as the lathes in Kent. In Sussex, these divisions were called rapes. Each lathe had its lathe-reeve, and each rape had its rape-reeve, corresponding to the shire-reeve or sheriff of the shire or county. See 1 Bl Comm 116.

lathe-reeve. See **lathe.**

latifundium. (Civil law.) A large landed estate.

latifundus. (Civil law.) The owner or holder of a large landed estate.

Latin. A designation applicable to ancient Rome and the people and things of ancient Rome, particularly the language.

Latins. The inhabitants of Latium, the district of Italy in which Rome was situated.

Latitare. To lie hidden; to be concealed.

latitat. He lies hidden; a writ running outside the county to summon one who lay concealed there to the king's bench. See 3 Bl Comm 286.

Latitat et discurrit. He lies hidden, or lurks, and wanders about,-formal words used in a writ of latitat. See 3 Bl Comm 286.

latitatio. (Civil law.) A concealment of one's person; a lying hidden.

Latium. The district of Italy in which the city of Rome was situated.

lator. (Roman law.) A messenger; the bearer of a message; the proposer of a law.

latori praesentium. To the bearer of these presents.

lato sensu. In a broad sense; broadly speaking.

latro. A thief; a robber; a brigand; a freebooter; a bandit.

latrocination. Pillage; robbery committed by force or violence. *American Ins. Co. v Bryan & Maitland* (NY) 26 Wend 563, 573.

latrocinium. Same as latrocination.

latrociny. Larceny.

latter. Comparative in reference to point of time or of place. The word may mean later in point of time, but as applied to two conflicting provisions in the same code it has reference to place or arrangement in the code. *Armstrong v Phillips*, 76 Okla 192, 184 P 109.

laudamentum parium suorum. The finding of his peers; that is, the verdict of a jury. See 2 Bl Comm 285.

laudanum. A narcotic drug, a solution of opium in alcohol. *Michigan Mut. Life Ins. Co. v Naugle*, 130 Ind 79, 29 NE 393.

laudare. (Civil law.) To name; to cite; to quote; to show one's title or authority; to testify favorably as to a person's character. To advise; to arbitrate.

laudatio. (Roman law.) Testimony favorable to a person's character.

laudator. A witness who testifies favorably as to a person's character; an arbitrator; an adviser.

laudemium. (Civil law.) A fiftieth part of the purchase price, or if there was no sale, a fiftieth part of the true value of the estate, paid to the owner for his acceptance of a new tenant or emphyteuta upon the latter's acquisition of the estate by gift, devise, exchange, or sale. See Mackeldey's Roman Law § 328.

laudum. An award of arbitrators. A sentence or judgment; a doom.

laughe. A frank-pledge,—an old English pledge or bond given to secure the good behavior of members of a tithing by the other members.

laughlesman. A lawless man; a man who had lost his law; an outlaw.

launch. Noun: A relatively small watercraft with motive power. Verb: To start an enterprise. To let a newly-constructed vessel slide from the way to the water.

laundry. A place wherein the trade of washing and ironing clothing and linen is pursued. 33 Am J1st

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Laundries § 1. Not a manufacturing establishment. Anno: 31 ALR 535.

laundry route. A list of the customers of a laundry by name and street address. *Adkins v Model Laundry Co.* 92 Cal App 575, 268 P 939.

laundry-supply service. Same as **linen-supply service.**

laus Deo. Praise be to God. Bills of exchange at one time were written with this sanctimonious beginning.

lavatory. A toilet; a men's room; a powder room for women.

law. The whole body of rules of conduct applied and enforced under the authority of established government in determining that which is proper and should be permitted and that which should be denied, or even penalized, in respect of the relation between a person and the state, between him and society, or between him and another individual, including a provision of a constitution, a legislative enactment or statute, a municipal ordinance, a principle declared in an authoritative decision of a court, a rule of practice prescribed by a legislature or promulgated by a court acting with authority, even, to some extent, a usage or custom. *Strother v Lucas* (US) 12 Pet 410, 9 L Ed 1137.

There is no word in the language which, in its popular and technical application, takes a wider or more diversified signification. In its popular sense, and in common acceptance, by those for whom laws are made, the word includes the whole body or system of rules of conduct, but it does not include that refined, technical and astute idea which recognizes nothing within the meaning of the term which is not constitutionally and technically perfect. *Miller v Dunn*, 72 Cal 462, 14 P 27. See also 1 Bl Comm 44.

The constitution of the state is "a law of the state" within the meaning of the Constitution of the United States, prohibiting states from passing laws impairing the obligation of contract. *Bier v McGehee*, 148 US 137, 37 L Ed 397, 13 S Ct 580.

law action. See **action at law.**

law and motion day. A court day, in some jurisdictions, upon which issues of law and motions are heard by the court.

lawbook. A book primarily for use by lawyers, such as a digest, law report, text, or a volume of an encyclopedic work such as *American Jurisprudence* or *Corpus Juris*.

law borgh. A pledge or security for a person's appearance in court.

law-burrows. Security to keep the peace.

law charges. Costs,—the court and official charges in an action or proceeding.

law clerk. A person employed in a law office, usually for the performance of duties for which admission to the bar is not required. A person following the employment for the purpose of obtaining instruction in the law and the practice of law preliminary to his admission to the bar.

law conclusion. See **conclusion of law.**

law court. A court having jurisdiction of cases at law as distinguished from cases in equity; a classification no longer of moment in most jurisdictions. 20 Am J2d Cts § 25.

law-day. The exact day specified in a contract upon which money was to be paid. Moore v Norman, 43 Minn 428, 45 NW 857. The day named for the performance of the obligation of a mortgagor. 36 Am J1st Mtg § 380.

The adoption of the lien theory has been regarded as abolishing the significance of a law day, or at least as extending the term to include any day prior to foreclosure. Murray v O'Brien, 56 Wash 361, 105 P 840.

See **law and motion day**.

law digest. See **digest**.

law enforcement officer. A policeman, sheriff, deputy sheriff, constable, or other officer whose duty it is to be vigilant in discovering violations of the criminal laws and ordinances and to arrest offenders.

law French. The Norman French which was brought into use in all court proceedings at the time of the Norman Conquest.

Many of its terms survive in modern law.

lawful. According to law. In accord with the spirit of the law, not merely the forms of law. State ex rel. Van Nice v Whealey, 5 SD 427, 431, 59 NW 211.

See **legal**, also words and phrases following beginning "lawful" and words and phrases beginning "legal".

lawful business. A business lawful as to all who wish to engage in it. Re Co-operative Law Co. 198 NY 479, 92 NE 15.

lawful charges. Impositions lawfully imposed. Charges made in accord with rates prescribed by law.

As the term is used in a statute requiring a party who redeems from a mortgage foreclosure sale to pay all "lawful charges," it is one of very large signification and includes every lien or incumbrance or claim the purchaser may have upon the premises, and for which, at law or in equity, he would be entitled to hold the lands as security, and for the satisfaction of which a court of equity would condemn them. First National Bank v Elliott, 125 Ala 646, 27 So 7.

lawful day. A day which is lawful for the transaction of business or the making of a particular contract.

See **legal holiday; nonjuridical day; Sunday**.

lawful fence. A good and sufficient fence within the statutory requirement for a fence, frequently prescribed as one such as good husbandmen generally keep. 35 Am J2d Fen § 1.

lawful force. The extent of the force permitted to be used in self-defense, that is, the degree of violence permitted in resisting an attack upon one's person; such degree of violence as is necessary, or is honestly and reasonably believed by the person attacked to be necessary, for his defense. 6 Am J2d Asslt & B §§ 72, 162. That degree of force which a peace officer is permitted to employ in making an arrest; such force as is reasonably necessary to apprehend the offender or effect the arrest. 5 Am J2d Arr § 80.

lawful goods. Articles or substances which are not contraband and may be held, sold, or exported without violating the law. Seton & Co. v Low (NY) 1 Johns Cas 1, 5.

lawful heirs. Those persons upon whom the descent of real property is cast upon the death of the owner intestate. 23 Am J2d Desc & D § 43. As the term appears in a will, those persons on whom the law passes the descent of real estate or admits to partici-

pate in the distribution of personally, except as a contrary intention appears in the context of the will in which the clause appears. *White v Inman*, 212 Miss 237, 54 So 2d 375, 30 ALR2d 380. Ordinarily a term of art, constituting words of limitation. 28 Am J2d Est § 118. But sometimes constituting words of purchase. *Conger v Lowe*, 124 Ind 368, 24 NE 889; 28 Am J2d Est § 118 (construed as meaning "children"). According to some although not all, authority, inclusive of half bloods as well as whole bloods. Anno: 49 ALR2d 1369-1372.

lawful holder. One entitled to possession and in possession.

For definition of term as it appears in a provision of the Carmack Amendment to the Interstate Commerce Act (49 USC § 20(11)), see *Pennsylvania R. Co. v Carr*, 243 US 587, 61 L Ed 914, 37 S Ct 472; *Pennsylvania R. Co. v Olivit Bros.* 243 US 574, 61 L Ed 908, 37 S Ct 468.

See **holder in due course**.

lawful interest. Any rate of interest up to that fixed by statute as the maximum rate at which interest can be charged by contract. *Re Hoerman's Estate (Mo)* 247 SW2d 762.

See **legal interest**.

lawful issue. In the broader sense, all the descendants of a person; the technical equivalent of heirs of the body. 57 Am J1st Wills § 1379. Primarily words of limitation, but words of purchase where it appears on the face of a will that the clause should be construed as a word of purchase, as where a devise is to "lawful issue as tenants in common." 57 Am J1st Wills § 1377. A term exclusive of a child born out of wedlock. *Olmsted v Olmsted*, 190 NY 458, 83 NE 569.

lawful man. A freeman; a man who could make oath and testify as a witness; a man who had not been outlawed or attainted.

lawful money. Gold and silver coin of the United States, or paper money which by act of Congress has been made the equivalent of such coin. *Bronson v Rodes (US)* 7 Wall 229, 19 L Ed 141.

See **legal tender**.

lawful order. Any order of court which is not erroneous; any order which may not be reversed on appeal for error. *Ex pane Cohen*, 5 Cal 494, 495.

lawful rate. The rate for transportation which a carrier must exact and which the shipper must pay. *Duholm v Chicago, N. & St. P. Ry. Co.* 146 Minn 1, 177 NW 772.

See **lawful interest; legal interest**.

lawful representative. Same as **legal representative**.

lawful structure. A structure which conforms to law and is permitted and authorized by law. *Pike Rapids Power Co. v Minneapolis, St. P. & S. S. M. R. Co.* (CA8 Minn) 99 F2d 902.

lawful war. A war which is lawful by the law of nations. A thing which can never exist without the express concurrence of the war-making power. 56 Am J1st War § 5.

lawful wedlock. Matrimony; the ceremony or state of marriage. *State v Coliton*, 73 ND 582, 17 NW2d 546, 156 ALR 1403.

lawing a mastiff. The practice of cutting off the claws and ball or pelote of the forefeet to prevent the dogs from running after deer in the king's forest. See 3 Bl Comm 72.

law Latin. The Latin language, considerably mutilated, as used in the old forms and proceedings in England for four centuries, "until the subversion of our ancient constitution under Cromwell." See 3 Bl Comm 319, 322.

lawless. The characterization of a person who does not submit to be governed by the law. *Arkansas v Kansas & T. Coal Co.* (CC Ark) 96 F 353, 362.

lawless court. A curious ancient court held at Essex in England at cock-crowing, without lights, ink, or pen, whereat all speech was in whispers.

lawless man. A man who had lost his law; an outlaw.

law list. An annual compilation of statistics and important and interesting matters concerning the profession of the law in England. A published list of attorneys at law used in law offices in referring matters and cases to attorneys at a distance.

law lords. Those members of the upper house of the English parliament, the house of lords, who have held high judicial offices.

law martial. See **military law.**

law merchant. A body of commercial law embracing the usages of merchants in different commercial countries, but not resting exclusively on the institutions and local customs of any particular country, consisting of certain principles of equity and usages of trade which general convenience and a common sense of justice have established to regulate the dealings of merchants and mariners in all the commercial countries of the civilized world. *Bank of Conway v Stary*, 51 ND 399, 200 NW 505, 37 ALR 1186. Long recognized as a part of the common law. 15 Am J2d Com L § 8. The basis of the jurisprudence regulating bills of exchange and promissory notes, particularly the negotiability of such instruments and the rights and liabilities of persons becoming parties to the instrument. 11 Am J2d B & N § 36.

The law merchant or *lex mercatoria* was originally a separate body of law, and, like equity and admiralty law, was administered in separate or special courts. It bore some analogy to the Roman system known as "*jus gentium*." The *lex mercatoria* was not, like the common law, the custom of a place or territory; it was the recognized custom of merchants and traders who had business relations in all the countries of Europe, including England. The merchant class and the controversies of its members arising out of commercial transactions, were not subject to the common law. During the sixteenth century the admiralty court declared the principles of the law merchant. Later, the common law judges encroached upon the field of admiralty over commercial transactions. Thus, the law merchant gradually became a part of the legal system of England. *Bank of Conway v Stary*, 51 ND 399, 200 NW 505, 37 ALR 1186, 1193.

Law of Alaric. A statute book or code of laws which was published in 506 A. D., by Alaric II, often referred to as *Lex Romana Visigothorum*.

It borrowed much from the code of Theodosius, some from the Gregorian code and some from the Hermogenian code.

law of citations. In the broad sense, the effect of precedent. In a technical sense, a law of ancient Rome prescribing the relative authority of the works of Roman law writers.

law of damages. A term of art applied to the body

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of principles which determines the size of a verdict. 22 Am J2d Damg § 22.

law office clerk. See **law clerk.**

law officer. A public officer having powers and duties in the enforcement of the penal laws. A commissioned officer who presides at a general court-martial.

See **peace officer**.

law of marque. The law of nations governing the seizure of property of a hostile nation on the high seas.

See **letters of marque and reprisal**.

law of nations. Same as **international law**.

law of nature. See **natural law**.

law of payment. The law relating to performance of the contract.

law of retaliation. The principle that one should be punished for a crime by inflicting upon him the same injury that he inflicted upon the victim of the offense.

law of ship's flag. See **law of the flag**.

law of the case. The principle that instructions given by the court to the jury during the trial of a case, become, for the time being, the law of the case, binding upon the jury, court and counsel. 53 Am J11st Trial § 492. A rule kindred to the doctrine of res judicata. *United States v United States Smelting, Refining & Mining Co.* 339 US 186, 94 L Ed 750, 70 S Ct 537, reh den 339 US 972, 94 L Ed 1379, 70 S Ct 994. The principle that a decision of the appellate court, unless properly set aside is controlling at all subsequent stages of the litigation, including the rule that on remand the trial court must strictly follow the mandate of the appellate court. 5 Am J2d A & E § 744. Also inclusive of the principle that if an appellate court has passed on a legal question and has remanded the cause to the court below for further proceedings, the legal questions thus determined by the appellate court will not be differently determined on a subsequent appeal in the same case. *Todd v State*, 229 Ind 664, 101 NE2d 45 (concurring opinion). The rule that the final judgment of a court on an appeal from the action taken by an administrative agency governs the agency in all further proceedings in the case. *Federal Power Com. v Pacific Power & Light Co.* 307 US 156, 83 L Ed 1180, 59 S Ct 766; *State ex rel. Spurck v Civil Service Board*, 226 Minn 240, 32 NW2d 574.

law of the flag. The law of the state or nation whose flag is flown by the vessel involved. 2 Am J2d Adm § 90. The law of the sovereignty to which the ship belongs. 48 Am J1st Ship § 545. A doctrine, perhaps the most venerable and universal rule of maritime law bearing on conflict of laws, that certain maritime matters are determined pursuant to the law of the state or nation whose flag the vessel flies. 2 Am J2d Adm § 90.

law of the forum. The law of the jurisdiction in which the cause is litigated. 16 Am J2d Conti L § 11.

law of the land. The law of the state in which the proceeding is brought, whether common law or statutory law. 16 Am J2d Const L § 547. An implement of the guaranty of due process of law, having reference to the common law as modified by statute and as suited to the wants and conditions of the people. 16 Am J2d Const L § 543.

The term in a constitutional provision that "no person ought to be taken, imprisoned, or divested of his freehold, liberty, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property but by the law of the land," is synonymous with due process of law. *State v Ballance*, 229 NC 764, 51 SE2d 731, 7 ALR2d 407.

law of the place. The law of the place in which the circumstances arose on which the litigation is based. 16 Am J2d Confl L § 11.

law of the road. See **rules of the road**.

law of the staple. The law administered in the enforcement of a statute staple; the law merchant.

See **law merchant; statute staple.**

law of war. That part of the law of nations which prescribes for, and regulates the conduct of, war and the status, rights and duties of enemy nations and of enemy individuals. Ex parte Quirin, 317 US 1, 87 L Ed 3, 63 S Ct 2.

law question. See **question of law.**

law report. A publication containing the opinions of a court or courts in actual cases, sometimes, as in the case of the American Law Reports, containing annotations showing additional cases upon or cognate to the point or points decided in the reported case.

law review. A publication of special interest to lawyers and professors in law schools, usually emanating from a law school as the work of professors of law and law students of the more capable and scholarly type, and containing articles on points of law of the most current interest.

law side. The sitting of a court having jurisdiction in both law and equity but for the time sitting as a court of law.

Laws of Oleron. A code of maritime laws which are received by all nations in Europe as the ground and foundation of all their maritime constitutions.

This code was compiled by Richard the First at the Isle of Oleron on the coast of France which was then a possession of the English crown. See 1 Bl Comm 418. The Laws of Oleron have been held in peculiar respect by England, and have been incorporated into her maritime jurisprudence. Per Story, J., in (US CC A) 2 Mason 548.

Laws of the Bretts and Scotts. An ancient Scotch code which was abolished under Edward the First.

laws of the country. In the broader sense of the term, the laws of the United States and the state and local laws.

As the expression is used in a treaty providing that if any citizen of either country shall die in the territory of the other, the consul of the nation to which he belonged shall have the right to administer the decedent's estate, conformably with the "laws of the country," so far as the United States is concerned, the phrase means the local laws of administration and procedure of the respective states of the Union. If the right asserted is necessarily contrary to those laws, it cannot be said to conform to them. Estate of Ghio, 157 Cal 552, 108 P 516.

laws of the several states. As laws to be applied by the federal courts:—statutes and the rules of law as declared by the highest court of the state in the field of the common or decisional law, including matters of general or commercial law. Erie Railroad Co. v Tompkins, 304 US 64, 82 L Ed 1188, 58 S Ct 817, 114 ALR 1487.

As to what actions arise under the laws and trea-

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ties of the United States so as to vest jurisdiction in federal courts, see Anno: 14 ALR2d 992.

law spiritual. The ecclesiastical law.

law student. A person engaged in the study of law with the purpose of obtaining admission to the bar or of engaging in a business in which knowledge of the law is helpful, usually in a college of law but sometimes as a law clerk.

See **inns of chancery; law clerk.**

lawsuit. An action or proceeding in a civil court in law or in equity, but not a criminal prosecution. *Patterson v Standard Acci. Ins. Co.* 178 Mich 288, 144 NW 491.

law worthy. Worthy of the protection of the law; entitled to such protection.

lawyer. An attorney or counsellor at law; a barrister; a solicitor; a person licensed by law to practice the profession of the law who thus practices.

A lawyer need not appear in any court, advertise himself as a lawyer, or earn his living by the services he performs as a lawyer, if he occupies some of his time in doing the proper work of a lawyer which contributes to his support, to fall within the term as it is used in a statute exempting the library of a "lawyer" from execution. *Equitable Life Assur. Soc. v Goode*, 101 Iowa 160, 70 NW 113.

See **attorney; common lawyer; crown lawyer; practicing lawyer.**

Lawyers' Edition. The United States Supreme Court Reports as published by the Lawyers Co-operative Publishing Company of Rochester, New York.

lawyer's liability policy. See **lawyer's protective policy.**

lawyer's protective policy. A policy insuring an attorney at law against any claim against him arising out of the performance of professional services as a lawyer and caused by any negligent act, error, or omission for which he would be legally liable, excluding claims arising out of fraudulent or criminal misconduct. Anno: 72 ALR2d 1249.

Lawyers' Reports Annotated. A predecessor of the American Law Reports.

See **American Law Reports.**

Lawyers' Reports Annotated (New Series). A successor to Lawyers' Reports Annotated and a predecessor of American Law Reports.

See **American Law Reports.**

laxative. A drug or medicine, the effect of which is to induce a bowel movement. *Kelly v Carroll*, 36 Wash 2d 482, 219 P2d 79, 19 ALR2d 1174.

lay. Adjective: Pertaining to laymen or the laity, as opposed to the clergy. Verb: To place or put in position. A slang expression meaning to engage with in sexual intercourse.

lay a bet. To place a wager.

lay corporation. A corporation the purposes of which are secular, as opposed to religious; a corporation composed of laymen.

lay damages. To allege damages, particularly in a pleading, such as a complaint.

lay days. The days specified in a contract of affreightment during which the charterer of a vessel is permitted to detain her for loading or unloading without incurring liability for demurrage. 48 Am J1st Ship § 608.

lay fee. A feud or fee held by services which were not religious.

lay gents. Same as **laymen.**

lay impropiator. (Ecclesiastical law.) A layman who held the appropriation of a benefice; an impropriate rector; a lay rector.

laying basis. See **laying foundation.**

laying foundation. Introducing evidence for the purpose of showing the relevancy and materiality of other evidence sought to be introduced. 53 Am J1st Trial § 117.

laying off. The election and designation of a homestead. 26 Am J1st Home §§ 87 et seq. An employer's act in terminating the employment temporarily. A slang term for desisting from critical comments. A gambler's term for not placing a wager on a particular event.

See **laying out; layoff.**

laying on of hands. The striking or touching of one person by another. 6 Am J2d Asslt & B § 5:

laying out. Locating and establishing a new highway. *Borrowdale v Board of County Comrs.* 23 NM 1, 163 P 721.

See **laying off.**

laying the venue. Stating in the caption of a declaration, complaint, or petition the court and jurisdiction in which the action or proceeding is brought.

lay judge. A person sitting as a judge, usually, if not always, as an assistant, who is not versed or learned in the law.

layman. Singular of **laymen.**

laymen. Persons not of the profession, whether it be that of the clergy, of lawyers, of actors, or of physicians, but particularly that of the clergy.

layoff. A temporary suspension of employment of a person at the instance of his employer. The act of an employer in suspending the employment of one or more employees during an exigency, such as lack of materials, an oversupply of manufactured articles, etc. *Prudential Ins. Co. v Bridgman*, 256 Ky 575, 76 SW2d 639.

The courts are divided in view as to whether or not a layoff constitutes a termination of employment within the meaning of a group insurance policy. 29A Am J Rev ed Ins § 1772.

See **laying off.**

layoff status. The status of an employee receiving no pay during a shutdown. *Golubski Unemployment Compensation Case*, 171 Pa Super 634, 91 A2d 315, 30 ALR2d 362.

layout. A sketch of a building to be constructed. *Walter M. Ballard Corp. v Dougherty*, 106 Cal App 2d 35, 234 P2d 745. The plan or scheme determining the style and arrangement of a printed page, a newspaper, or an advertisement.

See **mine layout.**

layover ticket. A ticket issued by a carrier which permits the passenger to break the journey at various points, resuming travel at his convenience and pleasure, subject to certain overall limitations of time. *Chicago Rock Island & P. R. Co. v Boyce*, 73 111 510.

lay people. Laymen, particularly jurors.

lay taxes. To levy taxes.

lay tenure. Any tenure which was not of a spiritual nature; that is, a tenure under which lands were held by services which were not religious. See 2 Bl Comm 101.

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lay witness. A witness, other than an expert in the field, whose opinion is sought to be introduced in evidence.

lazaret. A place of quarantine, particularly on a ship, where persons having contagious diseases may be isolated, thus preventing the spreading of the disease.

lazaretto. Same as **lazaret**.

le. (French.) The, for the masculine.

Le action bien gist. The action well lies.

leading astray. The seduction of a female by persuasion or inducements. 47 Am J1st Seduc § 2.

leading a use. Making a deed to show the object or use previously to a fine or recovery.

If fines or recoveries were levied or suffered without any good consideration, and without any uses declared, they inured only to the use of him who levied or suffered them, unless their force and effect were directed by other deeds expressing particular uses. If such deeds were made before the fine or recovery, they were called deeds to lead the uses. If they were made subsequently, they were called deeds to declare the uses. See 2 Bl Comm 363.

leading case. A case often referred to by the courts and by counsel as having finally settled and determined a point of law.

leading counsel. The counsel or attorney who has charge of his side of a case with other counsel assisting him.

leading devise. A devise which operates to control or vary other distinct provisions of the will which by themselves would have tended toward the creation of an interest or estate other than indicated by the leading devise. *Lewis v Payne*, 113 Md 127, 77 A 321.

leading question. A question put to a witness which suggests the answer desired, or which assumes to be proved a fact which is not proved, or which, embodying a material fact, admits of an answer by a simple negative or affirmative. *Deans v Deans*, 171 Ga 664, 156 SE 691, 74 ALR 222; *Turney v State*, 16 Miss (8 Smedes & M) 104.

lead pencil. See **pencil**.

lead poisoning. An occupational disability of painters, of idiopathic as distinguished from traumatic origin. *Adams v Acme White Lead & Color Works*, 182 Mich 157, 148 NW 485.

leaflet. A brochure, often used in advertising, especially in political campaigns, being distributed from house to house.

league. An association or society. 6 Am J2d Asso & C § 1. A unit of linear measure, equivalent to 3 miles. A Mexican unit of area measure.

The Mexican league as used in Texas and applicable to Spanish grants in the Neutral Ground has always been estimated at 4,428.4 acres, being a square of 5,000 varas on each side, the vara being considered 33-1/3 American inches, and grants of

leagues in the Neutral Ground should be estimated at that rate. The true vara is slightly less than 33 1/3 inches, but it is by usage estimated at 33-1/3 in Texas, and in California at 33 inches. *United States v Perot* (US) 8 Otto 428, 25 L Ed 251.

See **business league; marine league.**

League of Nations. A governmental and juridical agency of international status organized to deal with questions of an international character, being in existence from January 10, 1920 until its dissolution on January 10, 1946, its successor being the United Nations. 30 Am J Rev ed Internat L § 9.

leak. A divulging of information intended to be kept secret.

See **leakage.**

leakage. The escape of a liquid or a vapor. Loss in a ship's cargo by leaking or breaking in transit.

As used in bills of lading, the term appears to be applied not only to the leaking of liquids from their casks or other containers, but also to the loss attendant upon breaking alone, such as the breakage of glass show cases stowed in a cargo. *Thomas v Ship Morning Glory*, 13 La Ann 269.

leal. Loyal; lawful; liege.

lealte. Legality; loyalty.

lean-to. A shed, or other dependent structure, the supports of which rest upon or lean against another building.

leap year. A year of 366 days, occurring after a sequence of three common years, that is, years of 365 days, the extra day of the leap year being the 29th day of February.

By the statute 21 Henry III, it was provided that in certain cases of pleading, where February 29th of a leap year intervened, the 28th and 29th were to be counted as one day and statutes in this country have provided that whenever "year" or "years" is used, the year shall be taken to consist of 365 days; and the added day of a leap year, and the day immediately preceding, if they shall occur in any period so to be computed, shall be reckoned together as one day. But each of the 28th and 29th days of February, in the leap year, is a day of twenty-four hours' duration, and where these two days occur in any period of days less than one year, they ought to be and must be regarded as two days, and not as one day, for any purpose. See 52 Am J1st Time § 10.

learned in the law. Having much learning in the law. More precisely admitted to the practice of law or entitled to be admitted to practice without examination. *Jamieson v Wiggin*, 12 SD 16, 80 NW 137; *Danforth v Egan*, 23 SD 43, 119 NW 1021.

learned of. Having acquired actual knowledge of. *Anne*: 23 ALR2d 1076.

lease. Noun: A contract for the possession and profits of lands and tenements on the one side, and a recompense of rent or other income on the other. A conveyance by one to be known as the "landlord" to another to be known as the "tenant," ordinarily for a term of years, but sometimes at will or for the life of the tenant, in consideration of payment of rent or other recompense. 32 Am J1st L & T § 2. Undoubtedly a "conveyance," although it conveys a lesser interest than does a deed. 32 Am J1st L & T § 3. Inclusive in modern times, of the bailment of a chattel, such as an automobile or a computer. Verb: To create a tenancy. *Mallory Associates, Inc. v Barving Realty Co.* 300 NY 297, 90 NE2d 468, 15 ALR2d 1193. To make a bailment of a chattel.

See **leasehold.**

lease and release. A form of conveyance, in general use at one time in England, but rarely used in the United States. 23 Am J2d Deeds §§ 14, 15.

A highly artificial method once in use in England for conveying real property, consisting, first, of a

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lease (or bargain and sale for a year) which by force of the Statute of Uses put the lessee or bargainee in possession, and while he was thus in possession, although by a mere fiction, the lessor or bargainor executed to him a deed of release, which operated by way of enlargement of the estate, and was effectual to transfer the entire title to the lessee or bargainee. *Hall's Lessee v Ashby*, 9 Ohio 96.

leased aircraft. An aircraft held under a lease. 8 Am J2d Avi § 24.

leased automobile. A rented automobile.

See **renting automobiles**.

lease for years. A contract between lessor and lessee by which the lessor contracts to grant the possession and enjoyment of land, or hereditaments of a demisable nature, for a period of years certain, and the lessee usually agrees to render to the lessor a rent in money, or any other kind of payment, at the end of stated periods during the term. 32 Am J1st L & T § 61.

See **estate for years**.

leasehold. The interest of a lessee. An interest in real estate. 26 Am J1st H & W § 233. An estate in real property which is conveyed to a tenant by his landlord when the landlord makes a lease of the property to the tenant; an estate entirely separate and distinct from the estate which the landlord retains. *Stubbings v Evanston*, 136 Ill 37, 26 NE 577. Included in a devise of "land" where the testator has no lands which he owns in fee. 57 Am J1st Wills § 1337.

See **estate for years**.

leasehold estate. Same as **leasehold**.

leasehold interest. Same as **leasehold**.

lease in reversion. A lease that becomes effective only at the expiration of the term of the prior lease.

That the lease is to have this effect may be expressed in two ways, i. e., the time set for the beginning of the term in the second lease may be made to correspond with the time set for the expiration of the term of the prior lease, or the second lease may contain a reference to the first, and be so worded as to become effective at the expiration of the term thereof. 32 Am J1st L & T § 94.

lease of personalty. See **bailment**.

lease on shares. A lease providing for the payment of grain or crop rent.

lease renewable forever. A lease for a term of years, often for ninety-nine years, with unlimited option for renewal. 32 Am J1st L & T § 1039.

lease with option to purchase. A lease in the ordinary form with the usual provisions, and in addition thereto, providing that in consideration of the payment of a specified sum and the stipulated rent and a full compliance with all the terms of the lease, the lessee is to have the option at the end of the term to purchase the property for a specified sum. *Cawthorn v McAlister*, 217 Ky 551, 552, 290 SW 316.

Leasing Act. A federal statute enacted in 1920, which, as amended, regulates the exploration and development of gas, oil, and mineral lands included within the public domain. 24 Am J1st Gas & O § 46; 36 Am J1st Min & M § 65.

leaute. Legal sufficiency.

leave. Verb: To deposit or put a thing in place. To make a disposition of something, particularly by a will. *Williams v Kidd*, 170 Cal 631, 151 P 1. To refrain from assuming possession of property in the hands of another, thereby committing it to his custody and management. *Allen v McFarland*, 150 Ill 455, 461. Noun: Permission.

leave and license. The permission of the plaintiff, set up by the defendant as a defense in an action of trespass.

leave of absence. Absence from work with the permission of the employer, Anno: 174 ALR 576, sometimes with pay. *Nolan v State* (Ct CI) 44 NYS2d 328. The absence of one in the Civil Service, from work, with the permission of his superior. 15 Am J2d Civ S § 31.

leave of court. Permission of court; an order of court granting permission to take a certain step in an action, usually, where it is discretionary with the court to give or refuse the permission. *Copperthwait v Dimmer*, 18 NJL 258, 260.

leave standing. An expression familiar in reference to statutes and ordinances prohibiting or regulating the parking of vehicles on the streets and other public highways.

As used in a statute making it unlawful to leave standing on a highway any vehicle, whether attended or not, without leaving fifteen feet of the traveled portion of the highway clear for traffic on the left, the words "leave standing" are held to mean "stopping at all without leaving the required clearance." The word "leave" means to put, place, deposit, deliver, or the like. Stand means to cease from movement or progress; to pause; to stop; to remain stationary or inactive. *Jaggers v Southeastern Greyhound Lines* (DC Tenn) 34 F Supp 667.

leaving process at place of abode. A method of substituted service of process. 42 Am J1st Proc § 60.

leaving scene of accident. The act of one of a callous class known as "hit-and-run" drivers, the purpose being to evade civil or criminal consequences by escape before identity can be established. 7 Am J2d Auto § 246.

leaving vehicle. See **alighting from vehicle.**

Le batel est obligé a la marchandise et la marchandise au batel. The ship is liable to the cargo and the cargo to the ship.

The owner of the cargo has a lien, by the maritime law, upon the ship for the safe custody, due transport, and right delivery of the same, as much as the ship-owner has upon the cargo for the freight, as expressed in the maxim. *The Maggie Hammond v Morland* (US) 9 Wall 435, 19 L Ed 772, 777.

leecator. A lecherous person.

lecherous. Lustful; characterized by lechery. *Jones v State*, 38 Tex Crim 87, 40 SW 807, 41 SW 638.

lechery. Excessive indulgence in sex.

lecherwite. Same as **laresite.**

le contrat fait la loi. The contract makes the law.

lecto mortali. See **in lecto mortali.**

L Ed. Abbreviation of **Lawyers' Edition**.

ledge. A lode or vein of mineral in its natural state.

See **lode; vein**.

ledger. A book of account, the entries of which are taken from books of original entry or journals.

See **post**.

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ledgreivus. Same as **lathe-reeve**.

lees. The dregs of the barrel or vat used in wine-making.

leet. An ancient English criminal court.

leftovers. Merchandise which remains unsold after it has been offered and displayed for sale for some time.

left turn. The movement of a motor vehicle across traffic at an intersection for the purpose of proceeding to the left on the intersecting street or highway. 8 Am J2d Auto § 799.

leg. A limb; the lower limb of the human body. A support, as of a table. A partial accomplishment of an undertaking or task.

According to its common definition, the word leg does not include the foot or any of the bones in the foot. *Butler v Eminent Household*, 116 Miss 85, 1137, 1139, 76 So 830.

lega. An alloy used in making coins.

legabilis. Chattels which were subject to bequest; whatever could be bequeathed by will.

legacy. A testamentary gift of personal property; a bequest. 57 Am J1st Wills § 1400. In loose usage, inclusive of testamentary gifts of real estate as well as of personal property. 57 Am J1st Wills § 1400.

legacy duty. See **legacy tax**.

legacy tax. A succession tax or duty on the passing of personal property by will. *Knowlton v Moore*, 178 US 41, 44 L Ed 969, 20 S Ct 747. An inheritance tax, rather than estate tax. *Re Inman*, 101 Or 182, 199 P 615, 16 ALR 675.

legal. According to the principles of law; according to the method required by statute; by means of judicial proceedings. *Estate of Folwell*, 68 NJ Eq 728, 62 A 414. According to law rather than equity.

See **lawful**, also words and phrases following, beginning "legal," and words and phrases beginning "lawful."

legal accumulation. The withholding by a trustee of the income of a minor for the purpose of creating an increased fund. *Anne*: 61 ALR 679.

See **unlawful accumulations**.

legal action. An action at law.

legal age. The age of majority, that is, the age, usually fixed by law at 21 years, at 18 years for females in some jurisdictions, at which an infant acquires the capacity to bind himself by contract, make conveyances and transfers of property, and conduct

business as an adult. 27 Am J1st Inf § 5. The age at which a person acquires the capacity to act in reference to certain things, which may be prior to the age of majority. *Montoya De Antonio v Miller*, 7 NM 289, 34 P 40. The age fixed by the common law, 14 years for males, 12 years for females, or the more common increased age prescribed by statute, at which a person can enter into a marriage. 35 Am J1st Mar § 16.

Although the term in strictness means the age at which a person reaches his majority, which is usually twenty-one years yet in construing a will, where it appeared to be the testator's intention, it was held that the term applied to the age at which a female beneficiary would be entitled by law to receive her estate from her guardian, although that age was eighteen. See *McKim v Hardy*, 4 Md Ch 228, 236.

legal assets. Assets left by a decedent available for administration without the aid of a court of equity. *Agee v Saunders*, 127 Tenn 680, 157 SW 64. Moneys in the hands of an executor as administrator arising from the sale of personal property, as distinguished from moneys in his hands arising from the sale of real estate. 31 Am J2d Ex & Ad § 193.

legal assignment. An assignment enforceable without the aid of equity.

A "legal assignment" is a transfer of property or an interest therein from one person to another; and unless in some way qualified, it is properly a transfer of the entire interest. *Purman's Estate*, 358 Pa 187, 56 A2d 86, 175 ALR 1129.

legal authority. See **lawbook**; **precedent**.

legal capacity. The ability to make contracts, conveyances, mortgages, etc. which are binding and beyond nullification for disability of the person arising from infancy, mental incompetency, etc. *Pratt v Northern Pacific Express Co.* 13 Idaho 373, 90 P 341.

legal cause. The proximate cause of damage. 22 Am J2d Damg § 20. The proximate cause of an injury. 38 Am J1st Negl §§ 49 et seq.

See **proximate cause**.

legal compulsion. That compulsion which is presumed in law, as distinguished from actual compulsion or compulsion in fact; as, where the law presumes the compulsion of the husband if the wife commits a crime in his presence. 21 Am J2d Crim L § 102.

legal conclusion. A conclusion of law.

legal consideration. A consideration legally sufficient in support of a contract, although not in the nature of pecuniary gain or benefit to the person assuming the obligation. *Albert Lee College v Brown*, 88 Minn 524, 93 NW 672.

legal constraint. The holding of a person or property under legal process; not duress. *State ex rel. Cabel v Sewerage & Water Board (La App)* 138 So 2d 856.

legal custody. Custody in accordance with law, for example, the custody of a child by a person appointed guardian of his person. The restraint of a person or of property pursuant to writ or process or otherwise in accordance with law.

legal damages. Such losses or detriments as the law compensates in consequence of a wrong committed. 22 Am J2d Damg § 1.

See **legal injury**.

legal day. A day in which legal and judicial business can be transacted, as distinguished from *dies non*.

It is distinguished also from a judicial day, which is a day in which the court is in session. *State v Judges of the Court of Appeals*, 48 La Ann 1079, 1080, 20 So 282.

legal dependent. A person whom one is legally bound to support. *Caldwell v Little*, 158 NC 351, 74 SE 10. One who has the right to invoke the aid of the law to require another to support him. *National Council J. O. U. A. M. v Tate*, 212 NC 305, 193 SE 397, 113 ALR 1514.

legal disability. Incapacity to contract; infancy; unsoundness of mind. *Re Price's Estate*, 87 Ohio App 23, 93 NE2d 769. Any condition which renders a person unable to act for himself or bind himself so that the law will not regard his acts as void or voidable.

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A disability which may relate to the power to contract or to bring suits, and which may arise out of want of sufficient understanding, as idiocy, lunacy, or want of freedom of will, as in the case of married women and persons under duress; or out of the policy of the law, as alienage when the alien is an enemy, outlawry, attainder, praemunire, and the like. The disability is something pertaining to the person of the party—a personal incapacity—and not to the cause of action, or his relation to it. For the existence of legal disability, there must be a present right of action in the person, but some want of capacity to sue. *Berkin v Marsh*, 18 Mont 152, 44 P 528.

legal discretion. See **legal capacity; judicial discretion.**

legal duty. That which the law requires to be done or forborne to a determinable person, or to the public at large, being correlative to a right vested in such determinate person, or the public at large. *Bragdon v Perkins-Campbell Co.* (CA3 Pa) 87 F 109.

legal easement. A liberty, privilege, or advantage without profit, which the owner, as such, of one parcel of land, may have in the lands of another. *Weletoff v Kohl*, 105 NJ 181, 147 A 390, 66 ALR 1317.

See **easement.**

legal entity. An organization or association recognized in law as an entity apart from the individual members.

legal estate. An estate in property recognized at law, not merely in equity. At common law, strictly speaking, the only estate. *Sayre v Mohney*, 30 Or 238, 47 P 197.

legal estoppel. An estoppel recognized in law, as distinguished from equitable estoppel or estoppel in pais.

legal ethics. Canons of Professional Ethics adopted by the American Bar Association, published in Am J2d Desk Book Document 91. The usages and customs among members of the legal profession involving their moral and professional duties toward one another, toward their clients and toward the courts.

The principles which guide an attorney at law in his professional conduct are not enforced by the court as legal principles, but an attorney maybe disciplined for not observing them. *Re Heirich*, 10 Ill 2d 357, 140 NE2d 825, 67 ALR2d 827, cert den 355 US 805, 2 L Ed 2d 49, 78 S Ct 22.

legal evidence. Evidence which is legally admissible.

Legal evidence is not confined to the human voice or oral testimony; it includes every tangible object capable of making a truthful statement, such evidence being roughly classified as documentary evidence. In oral evidence the witness is the man who speaks; in documentary evidence the witness is the thing that speaks. In either case the witness must be competent,—that is, must be deemed competent to make a truthful statement. See *Curbs v Bradley*, 65 Conn 99, 31 A 591.

legal examiners. Members of a state board conducting the examination of applicants for admission to the bar. State ex rel. Clyatt v Hockey, 39 Fla 477, 22 So 721.

legal expenses. See **attorney's fee; costs.**

legal fiction. See **fiction.**

legal fraud. Often regarded as synonymous with constructive fraud. Precisely, actual fraud, that is, fraud of which the law will take cognizance as a cause of action or foundation of a defense.

Fraud without damage, or damage without fraud gives no cause of action, but when these two concur, an action lies. This has long been recognized as the governing rule. But the rule has been obscured by the judges in their use of the phrase "legal fraud," which has sometimes been interpreted as meaning fraud by construction, and as indicating that something less than actual fraud may sustain an action for deceit. The gravamen of the action, however, is actual fraud, and nothing less will sustain it. Kountze v Kennedy, 147 NY 124, 41 NE 414.

See **constructive fraud.**

legal heirs. Essentially the same as heirs, but sometimes subject to construction, as where the term appears in a will. Those persons on whom the law passes the descent of real estate or admits to participate in the distribution of personalty, except as a contrary intention appears in the context of the will in which the clause appears. 57 Am J1st Wills § 1371. Ordinarily a term of art, constituting words of limitation. 28 Am J2d Est § 15. Sometimes construed as words of purchase, 28 Am J2d Est § 118, as where deemed synonymous with "children." 28 Am J2d Est § 118. In one sense, legal representatives.

Where a testator directed a sum of money to be "equally divided among all my children, or their legal heirs," the words "or their legal heirs" were held to be used, not to individuate grandchildren, but to supply a legal succession in the event of the death of anyone, and to mean simply legal representatives; that is, in case of the death of one of the children, his share would not go to the survivors, but would be considered as vested in the deceased child. Reed's Appeal, 118 Pa 215, 11 A 787.

legal holiday. A day declared a holiday by statute, the terms of which, such as provisions respecting the closing of banks, exchanges, public offices, etc., determine the nature of the business which can be legally transacted upon the day.

A statutory declaration that a certain day shall be a "legal holiday" does not indicate an attempt to elevate its status to that of Sunday. 50 Am J1st Sun & H § 2.

The courts do not regard "legal holidays" as nonjuridical days unless constrained to do so by the terms or the necessary effect of statutes. 50 Am J1st Sun & H § 77. Compare State v Duncan, 118 La 702, 43 So 283.

legal impediment. The lack of a quality or qualification provided for by law as a condition precedent.

Residence for a period less than required by statute, or being below the minimum age, may be a legal impediment to marriage. State v Randall, 166 Minn 381, 382, 208 NW 14, 15.

legal incapacity. See **disability; legal capacity.**

legal injury. An invasion of a legal right; a wrong from which the law imports damage. Allen v Stowell, 145 Cal 666, 79 P 371. An injury for the redress whereof an action will lie.

"The much-argued and interesting case of Allen v Flood (1898) A. C. 1, illustrates the general doctrine that, however harmful to others individual or combined action may be, if it is not unlawful, the damage or harm so inflicted does not constitute legal injury at common law." Wheeler-Stenzel Co.

legal insanity. Insanity of which the law takes cognizance in recognizing it as a defense in a criminal case, as a ground for committing the person to an asylum or state hospital, or as a ground for the appointment of a committee or guardian.

legal intent. A presumed intent, for example, the intent to accomplish the natural and probable consequences of one's acts. 29 Am J2d Ev § 204. A term applied without circumspection to the intent of a testator.

In strict reasoning, a testator can have but one intent,-his own actual intent. To speak of a testator's legal intent is strictly a solecism; there is no such thing. So that, when it is said that a testator's legal intent is to be gathered from the decisions of the court of his domicile, nothing more is meant than that whatever his actual intent may have been, if he has used in his will certain technical terms to which the courts of his domicile have attached a crystallized and settled judicial meaning which has become a rule of property in that state, then such will, wherever it comes under construction in other states, will have the same meaning given to those technical words which the courts of his domicile gave them. That is what the phrase "legal intent" means, and this rule about the legal intent being governed by the courts of his domicile means. In truth, we should only speak of a testator's actual intent, for that is all the testator ever had. If it violates no law, it stands. If it violates the law, the will fails, unless either statute or the settled decisions of the courts have given the terms which he has used a meaning which will save the will. *Ball v Phelan*, 94 Miss 293, 49 So 956.

legal interest. That rate of interest prescribed by the law which will prevail in absence of any contract between the parties fixing the rate. 30 Am J Rev ed Int § 2.

As to what constitutes the "legal interest" which one seeking equitable relief from a usurious transaction must offer to pay as the condition of obtaining such relief, the courts are not in entire agreement. While there is authority for the view that "legal interest" is to be computed at the rate prevailing in the absence of an agreement, it has also been held that it should be computed at the maximum legal rate, and not at the lesser rate prevailing in the absence of an agreement between the parties regarding interest. 55 Am J1st Usury § 108.

See **lawful interest**.

legal investment. One of a list of permissible trust investments presented by statute as authorized trust investments. 54 Am J1st Trusts § 381.

legalis homo. Same as **lawful man**.

legalis moneta Angliae. Lawful money of England.

legality. The matter or question of being in accord, or in conflict, with the law.

legalization. Legalizing; the making lawful of something otherwise unlawful.

See **legitimation; validation**.

legalize. To make legal that which otherwise is illegal. To confirm something already done; not to authorize something in the future. *Barker v Chesterfield*, 102 Mass 127.

legalized nuisance. A concept of the legalization by legislative act of that which otherwise would be a nuisance. 38 Am J1st Mon Corp § 650.

legal jeopardy. See **prior jeopardy**.

legal liability. Liability at law.

legal life estate. A life estate coming into existence by operation of law, such as dower and curtesy, as distinguished from a life estate created by will or grant. 28 Am J2d Est § 56.

legal limit. A limit fixed by law such as a speed limit, a limit upon the amount of municipal indebtedness, or a limit upon the rate of interest which may be charged by contract.

legal lottery. A lottery authorized by law. Clark v Washington (US) 12 Wheat 40, 6 L Ed 544.

legally. According to law; properly.

As the word is used in a statute referring to the legally administered affairs of a bank, it is held to import a compliance with the statutes of the state, and particularly a compliance with the statutes regulating the management of banks. People v Mancuso, 255 NY 463, 175 NE 177, 76 ALR 514.

legally adopted. Adopted according to law, that is, according to the statutes relating to adoption of children. Anno: 141 ALR 1303.

legally constituted court. A court existing under the authority of the law, so that its judgments and decrees are not open to collateral attack. State ex rel. Bales v Bailey, 106 Minn 138, 118 NW 676.

legally dead. See **presumption of death.**

legally insufficient title. A title which, not being free from reasonable doubt, is not a marketable title. 55 Am J1st V & P §§ 157, 158.

legally interested. Having a legal interest, in property, in a specific fund, or in the subject matter of litigation. Ward v San Diego School Dist. (Cal App) 259 P 349.

legally proved. Established by evidence legally admissible. Paiva v California Door Co. 75 Cal App 323, 242 P 887.

legally sufficient title. A marketable title. Cowdery v Greenlee, 126 Ga 786, 55 SE 91.

legally sworn. Put under oath. Being bound by an oath.

A person can only be "legally sworn" in a matter "judicially pending" before the court in which he makes oath to give true testimony. If the court is wholly without jurisdiction, the matter is not "judicially pending," and a witness therein cannot be "legally sworn." Smiddy v Commonwealth, 214 Ky 100, 102, 282 SW 774.

legal malice. See **malice in law.**

legal maxim. See **maxim.**

legal memory. See **time of legal memory.**

legal name. The given or Christian name in combination with the surname or family name. Butler v Smith, 84 Neb 78, 120 NW 1106; 38 Am J1st Name § 1.

But for all practical and legal purposes, a man's name is the designation by which he is known and called in the community in which he lives and is known. 38 Am J1st Name § 2.

legal notice. Notice complying with the requirements of the law; notice which the law implies either from knowledge of actual facts or from failure to make inquiry where a duty arises to make such inquiry. *Jennings v Lentz*, 50 Or 483, 93 P 327, 329.

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Legal or implied notice is the same as constructive notice and is notice which cannot be controverted by proof. It is a legal inference from established facts, and, like other legal presumptions, does not admit of dispute. A recorded deed is an instance of such notice. It is of no consequence whether the second purchaser has actual notice of the prior deed or not. He is bound to take, and is presumed to have, the requisite notice. Notice to an agent also is constructive notice to the principal. The law imputes such notice to the party whether he has it or not. See *Cooper v Flesner*, 24 Okla 47, 103 P 1016.

legal obligation. A debt; an obligation enforceable in an action at law. An obligation to do and perform what the law of the land, as it exists at the time, requires a person to do.

legal officer. A de jure officer. Also inclusive, for some purposes, of a de facto officer.

A person who actually obtains an office, with the legal indicia of title to that office is a legal officer until ousted. *Hallgren v Campbell*, 82 Mich 255, 46 NW 381.

legal possession. Same as **possession in law**.

legal presumption. A presumption of law rather than a presumption founded on the basic fact of the experience of men. *Gulick v Loder*, 13 NJL 68.

See **presumption of law**.

legal proceeding. In the broad sense, any action or special proceeding in court. In a narrower sense, an action or special proceeding at law rather than in equity.

As used in the Bankruptcy Act nullifying liens obtained by legal proceedings within four months prior to the filing of a petition in bankruptcy, the term contemplates proceedings against the insolvent debtor, and not voluntary proceedings by him. 9 Am J2d Bankr § 1025.

legal process. Process which is fair on its face, lawfully issued for a lawful purpose. *State v Knopf*, 50 Wash 229, 96 P 1076.

legal provocation. See **considerable provocation; reasonable provocation**.

legal rate. See **lawful rate**.

legal representative. In primary meaning, an executor or administrator; in secondary meaning, one who succeeds to the rights of another, such as an heir, next of kin, devisee or legatee, assignee, trustee, receiver, etc. 12 Am J2d Bonds § 24; 23 Am J2d Desc & D § 44; 31 Am J2d Ex & Ad § 4. As a designation of beneficiary of a life insurance policy:—the executor or administrator of the insured, unless a contrary intention in such respect is manifested by the context of the policy or the surrounding circumstances. 29A Am J Rev ed Ins § 1656.

legal research. A study of the authorities, whether case or text, for the purpose of supporting a proposition or the development of an article for publication.

legal reserve. See **reserve**.

legal reserve insurance. A policy of life insurance issued and maintained on the level-premium basis and supported by a reserve set aside, as required by law, with which to mature or liquidate a claim accrued under the policy. 29 Am J Rev ed Ins § 56.

legal residence. The place which the law accepts as the residence of a person, notwithstanding it is not the place where he is presently to be found. The equivalent of domicil. Phillips v South Carolina Tax Com. 195 SC 472, 12 SE2d 13; Restatement, Conflict of Laws § 9.

See **domicil; residence.**

legal settlement. Same as **legal residence.** Louriston v Swift County Comrs. 89 Minn 91, 93 NW 1052.

See **settlement of pauper.**

legal residuum rule. The rule that, even though an administrative agency is not bound by the rules and evidence applicable in court and may accept, in its discretion, any evidence that is offered, still in the end there must be a residuum of legal evidence to support the finding of the administrative agency. Carroll v Knickerbocker Ice Co. 218 NY 435, 113 NE 507.

legal reversion. The time within which property sold for debt could be redeemed.

legal right. A claim recognizable and enforceable at law. See Estate of Folwell, 68 NJ Eq. 728, 62 A 414.

legal right of redemption. The right of a mortgagor, in a jurisdiction where a mortgage has the effect of vesting title in the mortgagee, to pay the mortgage debt and thus avoid the effect of the mortgage as a transfer of title. Stevens v Turlington, 186 NC 191, 119 SE 210, 32 ALR 870, 873.

legal sanity. A mental condition whereunder a person is held responsible for his acts, contracts, and other transactions. Not necessarily a mental condition of perfection, devoid of the least aspect of mental weakness. People v Baker, 42 Cal 2d 550, 268 P2d 705.

See **legal insanity.**

legal situs. See **situs.**

legal standing. See **capacity; standing to sue.**

legal strike. A simultaneous cessation or quitting of work by a body of workmen acting in combination for the coercion of their employer in a lawful economic struggle or competition between employer and employee as to the share or division between them of the joint product of labor and capital, hours of work, or working conditions. 31 Am J Rev ed Lab § 383. As between employees and their union, a strike authorized by the union or its officers empowered to call a strike. Toledo, Ann Arbor & North Michigan Railway Co. v Pennsylvania Co. (CC Ohio) 54 F 730 (involving right to strike benefits.)

legal subrogation. A right of subrogation existing independently of custom or statute and not dependent upon contract, assignment, privity, or strict suretyship, occurring as the legal consequence of the acts and relationship of the parties. 50 Am J1st Subro § 5.

See **subrogation.**

legal system. The historic and traditional system, including the legislative and judicial process, as contrasted with the emergent or lately adopted system which includes the legislative, administrative, and judicial process. 1 Am J2d Admin L § 16.

legal tender. That sort of money in which a debt, or other obligation calling for money, may be lawfully paid, if a specific medium of payment is not required by statute or the terms of the contract or obligation. 36 Am J1st Money § 22.

Legal Tender Acts. Acts of Congress, particularly the act of February 25, 1862, making treasury notes of the United States a legal tender for the payment

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of all debts. Legal Tender Cases (US) 12 Wall 457, 20 L Ed 287.

Legal Tender Cases. Two cases decided together upholding the constitutionality of the Acts of Congress of 1862 and 1863 providing for the issue of paper money by the United States and making such money legal tender for the payment of private debts. (US) 12 Wall 457, 20 L Ed 287.

legal-tender notes. Notes declared legal tender by Act of Congress. State v Beebe, 17 Minn 241.

legal title. A title under rules of law as distinguished from a title recognized in equity according to equitable principles.

See **legally sufficient title.**

legal visitors. Official visitors.

See **visitors.**

legal voter. A person authorized by law to cast his ballot at an election. A person who possesses the qualifications for voting prescribed by law and who also has registered as a voter in accordance with the statute. Re Opinion of Justices, 247 Mass 583, 143 NE 142.

legal waste. Voluntary waste in acts done and permissive waste in acts suffered by neglect. 56 Am J1st Waste § 4.

legare. (Civil law.) To bequeath; to leave as a legacy.

legatary. Same as **legatee.**

legatee. One who takes personal property as beneficiary under a will. A word sometimes inclusive, as a generic term, of a person taking either real or personal property as beneficiary under a will. 57 Am J1st Wills § 1400.

legates. Representatives or ambassadors of the pope of Rome; nuncios.

Legatine Constitutions. Ecclesiastical laws enacted in national synods, held under the cardinals Otho and Othobon, legates from Pope Gregory IX and Pope Clement IV, in the reign of Henry the Third, about 1220 and 1268. See 1 Bl Comm 83.

legation. An embassy; a diplomatic minister of a foreign country, and his assistants; the place of business or residence of a foreign embassy.

legatory. That part of a man's personal property which he can dispose of by will. See 2 Bl Comm 492.

Legatos violare contra jus gentium est. To offer violence to ambassadors is against the law of nations.

legatum. (Civil law.) A legacy; a bequest.

Legatum morte testatoris tantum confirmatur, sicut donatio inter vivos traditione sola. A legacy is confirmed by the death of the testator, just as a gift between living persons is confirmed by delivery alone.

Legatus regis vice fungitur a quo destinatur, et honorandus ets sicut ille cujus vicem gerit. An ambassador functions in the place of the king by whom he is sent, and he should be honored as much as that king whose place he holds.

lege. See **ex lege**.

legem. See **extra legem**.

legem amittere. To lose one's law.

When a man was condemned as a recreant, amittere liberem legem—to lose his free law—that is, to become infamous, and not to be accounted liber et legalis homo—a free and lawful man—he was supposed thereby to be forsworn, and therefore never to be put upon a jury or allowed to testify as a witness in any cause. This was one of the disgraceful consequences attending a champion's defeat in trial by battle. See 3 Bl Comm 340.

Legem enim contractus dat. The contract makes the law.

legem facere. To make an oath; to wager one's law.

legem ferre. (Roman law.) To submit a proposed law to the people.

legem habere. To have one's law; to have the right to give testimony under oath.

legem jubere. (Roman law.) To ratify a proposed law which had been submitted to the people.

legem positus. See **extra legem positus**.

Legem terrae amittentes perpetuam infamiae notam inde merito incurrunt. Persons who lose the law of the land thereby justly incur the everlasting mark of disgrace.

legem vadiare. To wage law.

See **wager of law**.

legend. A notation, mark, or character upon a map or plat, explanatory of the representation made. Anno: 108 ALR 1424.

legerwite. Same as **laresite**.

leges. Laws, plural of **lex**.

Leges Angliae sunt tripartitae; jus commune, consuetudines, ac decreta comitorum. The laws of England are threefold, the common law, the customs or usages, and the resolutions of parliament.

Leges figendi et refigendi consuetudo est periculosissima. The custom of making and remaking laws is most dangerous.

Leges humanae nascuntur, vivunt, et moriuntur. Human laws are born, live, and die.

leges legum. The law of laws; the characterization of the laws of nature. Anderson v Wilkins, 142 NC 154, 55 SE 272.

Leges naturae perfectissimae sunt et immutabiles; humani vero juris conditio semper in infinitum decurrit, et nihil est in eo quod perpetuo stare possit. The laws of nature are the most perfect and immutable, but the condition of human law always runs into infinity, and there is nothing in it which can stand permanently.

leges non scriptae. The unwritten or common law, as distinguished from the leges

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scriptae, the written or statute law. See 1 Bl Comm 63.

Leges non verbis sed rebus sunt impositae. Laws are imposed not upon words but upon things.

Leges posteriores, priores contrarias abrogant. New statutes repeal old ones which are repugnant to them. See 1 Bl Comm 89.

Leges quae retrospectiunt raro, et magna cum cautione soot adhibendae neque enim Janus locator in legibus. Laws which are retrospective are rarely and cautiously received, for Janus has really no place in the laws.

The maxim expresses the well-recognized doctrine that retrospective laws are not favored, and although they are not prohibited by the Federal Constitution, nor by the constitutions of many of the states, courts will always, where possible, give a construction which avoids a retrospective meaning. 50 Am J1st Stat § 477.

leges scriptae. The written or statute laws. See 1 Bl Comm 63.

Leges sola memoria et usu retinebant. They retained laws solely by memory and usage. See 1 Bl Comm 63.

leges sub graviore lege. Laws subservient to higher laws. See 1 Bl Comm 84.

Leges suum ligent latorem. Laws should bind their own sponsor or proposer.

leges tabellariae. The laws of the ballot; that is, the laws governing elections.

Leges vigilantibus non dormientibus factae sunt. The laws aid the vigilant and not those who slumber on their rights. 27 Am J2d Eq § 130.

Leges vigilantibus, non dormientibus subveniunt. The laws aid the vigilant, not those who slumber. 27 Am J2d Eq § 130.

legibus. See **ex legibus.**

legibus patriae obtime institute. Those best instructed in the laws of their country. See 1 Bl Comm 69.

legibus solutus. (Civil law.) Immune or exempt from the operation of the laws, the condition of the emperor.

Legibus sumptis desinentibus, lege naturae utendum est. When artificial laws fail, the law of nature must be invoked.

legis. Of the law.

Legis constructio non facit injuriam. The construction of the law does not work injury.

Legis figendi et refigendi consuetudo periculosissima est. The custom of making and remaking the law is a very dangerous one.

Legis interpretatio legis vim obtinet. The interpretation of the law obtains the force of law.

legislation. The product of a legislative body in laws made. The process of making laws.

Legislation looks to the future and changes existing conditions by making a new rule to be applied thereafter to all or some part of those subject to its power. 1 Am J2d Admen L § 163.

legislative act. A law or statute enacted by the legislature. An act which predetermines what the law shall be for the regulation of future cases falling under its provisions.

It is to be distinguished from a judicial act, which is a determination of what the law is in relation to some existing thing done or happened. *Wulzen v Board of Supervisors*, 101 Cal 15, 35 P 353.

Legislative Assembly. A legislative body provided by Congress for the District of Columbia which ceased to exist on the adoption of the Temporary Organic Act of June 20, 1874, followed by the Organic Act of June 11, 1878. 24 Am J2d DC § 3. The lower house of the legislature in some states.

legislative control. A term applied in the law of corporations to control by the legislature of the affairs of a private corporation. 19 Am J2d Corp § 1447.

legislative court. A court created by legislative action, that is, by statute, rather than by constitutional provisions. 20 Am J2d Cts § 18. A federal court created by Congress under authority derived from provisions of the Constitution of the United States other than Article 3, section 1. 20 Am J2d Cts § 8.

legislative days. Days during which the legislature is in session.

legislative definition. A statement in a statute defining the sense in which words are employed in the statute. 50 Am J1st Stat § 261.

legislative department. One of the three main departments of government, the other two being the executive and judicial departments.

Under the principle of the separation of governmental powers, the legislative power of the state is vested in the state legislature and that of the Federal Government is vested in Congress.

legislative divorce. A divorce granted, without judicial inquiry, by an act of the legislature directed particularly to a specific union of husband and wife and declaring it to be dissolved. *Starr v Pease*, 8 Coon 540, 541.

legislative intent. The vital part, heart, soul and essence of statutory law; the guiding star in the interpretation of a statute. 50 Am J1st Stat § 223.

legislative journal. See **journal**.

legislative measure. A statute; an act or joint resolution of the legislature. A measure passed by a municipal council in the exercise of its legislative, rather than administrative or executive, powers. 37 Am J1st Mun Corp § 209.

legislative power. The power to make, alter, and repeal laws. 16 Am J2d Const L § 227. The determination of legislative policy and its formulation and promulgation as a defined and binding rule of conduct. *Yakus v United States*, 321 US 414, 88 L

Ed 834, 64 S Ct 660. That power which in the Federal Government is vested in Congress, and, in the several states, in their state legislatures. 49 Am J1st States § 28.

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legislative record. The record of the proceedings of the legislature. The daily journals, wherein the proceedings of the bodies are recorded, and copies thereof, such copies being bound and distributed under the direction of a state officer, usually the secretary of state. 49 Am J1st States § 37.

See **Congressional Record.**

legislative regulation. A term familiar in the field of administrative law; a regulation having the force and effect of law, intended to supplement a statute in accord with the terms of the statute by filling in the details of the rule of conduct sought to be prescribed. Anno: 153 ALR 1191.

See **interpretative regulation.**

legislator. A lawmaker; a member of a legislative body; a member of the legislature.

Legislatorum est viva vox, rebus et non verbis, legem imponere. The voice of the legislators is the living voice, to impose law upon things, and not upon words.

legislature. Broadly, any body having legislative power. One of the three branches of state government, the law-making branch, usually consisting of two bodies, a senate and a house of representatives made up of members representing districts and elected respectively by the voters of the districts. 49 Am J1st States § 28.

See **contempt of legislature.**

Legis minister non tenetur, in executione officii sui, fugere aut retrocedere. A servant of the law is not bound in the execution of his office, either to flee or to retreat.

legisperitus. A person who is skilled or learned in the law; skilled or learned in the law.

legitim. The share of a father's movable property to which his children became entitled upon his death.

legitimacy. In the broad sense, the matter of lawfulness. In the usual sense, the matter of having a lawful parentage, that is, of having been born in lawful wedlock. Pratt v Pratt, 5 Mo App 539, 542.

See **illegitimate child; legitimate child.**

legitima potestas. Lawful power.

legitimate. Adjective: Lawful; of lawful parentage. Verb: To make lawful; to make legitimate. To effect a legitimation of an illegitimate child. McKamie v Baskerville, 86 Tenn 459, 461.

See **legitimation.**

legitimate child. A child born or begotten in lawful wedlock or a child born out of wedlock who has acquired the status of legitimacy by legitimation.

At common law, a legitimate child is one either born or begotten in wedlock, and where conception takes place during lawful wedlock, the subsequent dissolution of the marriage by death or divorce before birth of the child does not affect its legitimacy. Kowalski v Wojtkowski, 19 NJ 247, 116 A2d 6, 53 ALR2d 556.

See **legitimation.**

legitimate inferences. Those inferences that necessarily follow from certain evidence; legal inferences reasonably and legally to be drawn from the evidence. *Re Little's Estate*, 46 Cal App 776, 189 P 818.

legitimacy test. A blood-grouping test helpful in the determination of parentage. 23 Am J2d Dep § 211.

legitimated child. A child born out of wedlock who has acquired the status of legitimacy by the subsequent marriage of its parents or other method of legitimation. *Hunter v Whitworth*, 9 Ala 965.

See **legitimation**.

legitimation. In the broad sense, the act of giving the character of lawfulness to that which was unlawful. In the accepted sense, the act of giving the status of a legitimate child to one born out of wedlock, such being done sometimes by statute, at other times by a proceeding provided by statute, but most frequently by the subsequent marriage of the parents. 10 Am J2d Bast §§ 45 et seq.

legitimo per subsequens matrimonium. Legitimation through subsequent marriage, that is, the legitimation of a bastard child by the subsequent marriage of the child's parents. *Blythe v Ayres*, 96 Cal 532, 31 P 915.

legitimo modo acquietatus. Acquitted in a lawful manner. *Poulterer's Case*, 9 Coke 55b, 77 Eng Rep 813.

legitime. In Louisiana,—that portion of a father's estate reserved by law for those of his legitimate children who are living at the time of his death. *Bauman v Pennywell*, 160 La 555, 562, 107 So 425. That portion of a decedent's estate of which a forced heir is not to be deprived. *Cox v Von Ahlefeldt*, 50 La Ann 1266, 23 So 959.

See **forced heir**.

Legitime imperanti parere necesse est. It is necessary to obey a person who gives a lawful command.

legitimize. To legitimate; to make lawful.

See **legitimation**.

legitimus. Lawful; legitimate.

Legitimus haeres et filius est quern nuptiae demonstrant. The lawful son and heir is he whom the marriage shows to be such.

Legit ut clericus. He reads as a clerk.

Legit vel non?. Does he read or not?

This was the question put by the bishop to the ordinary upon presenting a convict who claimed benefit of clergy. The usual answer was, "Legit ut clericus," "He reads as a clerk."

Lego. (Latin.) I bequeath. I appoint.

leguleius. A person learned or versed in the law.

legum Anglicanarum conditor. The founder of the English laws, i. e., Alfred the Great.

le haut meer. (French.) The high sea.

leidgreve. Same as **lath-reeve**.

leipa. A fugitive; a fugitive from justice.

Le ley de Dieu et le ley de terre sont tout un, et Pun et l'un et l'autre preferre et favour le common et publique bien del terre. The law of God and the law of the land are all one, and both

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the one and the other preserve and favor the common and public good of the land.

Le ley est le plus haut enheritance que le roy ad, car par le ley, il mesne et touts ses sujets sont rules, et si le ley ne fuit, nul roy ne nul enheritance serra. The law is the highest inheritance which the king has, for by the law he himself and all his subjects are ruled, and if there were no law, there would be neither king nor inheritance.

Le mort saisit le vif. The death invests the living. Succession of Meunier, 52 La Ann 79, 26 So 776.

lend. To make a loan. Subject to construction, in a proper case where it appears in a will, as a word of gift, conveyance, or bequest. 57 Am J1st Wills § 1334.

lending agency. A loan company, a bank, or building and loan association.

lending credit. Standing as surety or guarantor of a person for the purpose of enabling him to obtain funds on credit or to obtain an extension of credit.

Lent. A period of forty weekdays preceding Easter Sunday, observed by Christians, as a period of great religious significance, in attendance at daily religious services and sometimes in fasting.

See **Jack of Lent**.

leod. The people; the country; the nation.

leodes. A vassal; a liege man.

leonina societas. A Roman-law term for a partnership deemed unlawful because one partner was wholly excluded from a share in the profits.

leper. A person afflicted with the disease of leprosy. Baltimore v Fairfield Improv. Co. 87 Md 352, 39 A 1081.

leper hospital. An institution for the confinement and care of lepers. 26 Am J1st Hospit § 19.

leproso amovendo. See **de leproso amovendo**.

leprosy. An infectious disease communicated by close contact characterized by scabs on the skin and in its extremity the wasting away of parts of the body, especially the fingers and toes.

Le roi veut en deliberer. The king wishes to deliberate upon it.

Le roy le veut. The king so wills it. See 1 Bl Comm 184.

Le roy remercie ses loyal subjects, accept leur benevolence, et ausi le vent. The king thanks his loyal subjects, accepts their benevolence, and wills it to be so. The formal expression of the king's assent to a bill of supply after it had passed both houses of parliament and had been presented to him for his approval. See 1 Bl Comm 184.

Le roy s'avisera. The king will advise upon it.—The formal expression of the king's refusal to assent to a bill which had passed both houses of parliament. See 1 Bl Comm 184.

les. (French.) The article "the" in the plural.

Le salut du peuple est la supreme loi. The welfare of the people is the supreme law.

lesbian. A female who is a homosexual. In the vernacular, a lady lover.

lese majeste. High treason.

Les fictions naissent de la loi, et non la loi des fictions. Fictions arise from law, and not law from fictions.

lesion. A hurt, loss, or injury to the body, or any morbid change in structure of organs or parts of the body. *Warbende v Prudential Ins. Co. of America* (CA7 Ill) 97 F2d 749. (French.) Loss. The injury suffered by one who does not receive a full equivalent for what he gives in a commutative contract.

The remedy given for this injury is founded on its being the effect of implied error or imposition. See *Linkswiler v Hoffman*, 109 La 948, 34 So 34.

Les lois ne se chargent de punir que les actions exterieures. The laws do not assume to punish other than overt acts.

lespedeza. An annual reseeding plant; a clover. *Superior Oil Co. v Griffin* (Okla) 357 P2d 987, 87 ALR2d 224.

lespend. A subordinate forest officer.

Les prelates, seigneurs, et commons, en ce present parliament assemblees, au nom de tous vous autres subjects, remercient tres humblement votre majeste, et prient a Dieu vous donner en sante bone vie et longue. The prelates, lords, and commons, in this present parliament assembled, in the name of all your other subjects, most humbly thank your majesty, and pray to God to grant you in health and wealth long to live. See 1 Bl Comm 84.

less or more. See **more or less.**

lessa. A legacy.

lessee. The party to a lease known as the tenant. The bailee under a lease of personalty.

There is authority to the effect that the presence or absence of possession of the premises is a distinguishing factor between the relationship of landlord and tenant and that of lessor and lessee—that is, the one relation is referable only to the contract, and the other to both the contract and the change in the possession of the premises. Thus, it has been said that the lessee is not a tenant until he enters into possession. Usually, however, the word "lessee" means the same as "tenant." 32 Am J1st L & T § 2.

lesser offense. See **included offense.**

lessor. One who has leased property to another. The party to a lease known as the landlord, at least where possession of the premises has been delivered under the lease. 32 Am J1st L & T § 2. The bailor under a lease of personalty.

See **lease**; **lessee**.

lessor of the plaintiff. The real party in interest who institutes the action in an action of ejectment.

less than freehold. A characterization of estates for

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years, estates at will, and estates at sufferance. 28 Am J2d Est § 130.

lestage. Same as **lastage**.

leswes. Pasture land.

let. To select a contractor from two or more bidders for the job. To lease or demise property.

The verbs "to let" and "to demise" are usually applied to real estate, and mean to lease or to convey, but both words contain the idea of a grant, and where they could only have been intended to convey the meaning of "assign," they will be given that meaning; as where the parties have used them as operative words applied to a transfer of timber rights and contracts passing such interest for ninety-one years. *Atlantic & North Carolina Railroad Co. v Atlantic & North Carolina Co.* 147 NC 368, 61 SE 185.

let contract. See **letting**.

lethal. Capable of producing death or great bodily harm. *State v Godfrey*, 17 Or 300, 20 P 625.

lethal weapon. A deadly weapon. 56 Am J1st Weap § 3. A weapon capable of producing great bodily harm.

A gun, sword, knife, pistol, or the like, is a lethal weapon, as a matter of law, when used within striking distance from the person assaulted; and all other weapons are lethal or not, according to their capacity to produce death or great bodily harm in the manner in which they are used. *State v Godfrey*, 17 Or 300, 20 P 625.

letter. A symbol of the alphabet, representing a sound, at least in theory. A communication, usually through the mail, by one person to another in the form of writing or typewriting. A classification of mailable matter; the first class of mailable matter. 41 Am J1st PO § 56.

As used in the statutes concerning thefts by postoffice employees, a letter is a writing or document, which bears the outward semblance of a genuine communication, and comes into the possession of the employee in the regular course of his official business, regardless of what he may know of its contents or genuineness. Hence, a decoy letter is as much a letter as any other, if it is regularly transmitted through the mails. See *Goode v United States*, 159 US 663, 671, 40 L Ed 297, 301, 16 S Ct 136.

See **letters**.

letter box. See **mailbox**.

letter carrier. A government employee as a carrier in the delivery of mail. 41 Am J1st P O § 32.

letterhead. The name, address, and usually the telephone number of the person, operation, partnership, or other business enterprise appearing at the top of the paper used in correspondence, together with short pertinent statements respecting the nature of the business.

letter missive. A summons issued by the chancellor directing a peer to defend a suit in equity; a royal letter nominating a bishop.

letter of advice. A written notice of an act which has been done by the writer. A drawer's communication to the drawee that a described draft has been drawn. UCC § 3-701(1). An instrument employed to decrease the risk of forgery of an international sight draft, notifying the drawee that a draft has been drawn and will be forthcoming. 11 Am J2d B & N § 60.

letter of attorney. See **power of attorney.**

letter of credence. A letter furnished to a diplomatic agent by the sovereign or other chief magistrate of his own state, which, being addressed to the sovereign or state to which such agent is delegated, states the general object of his mission and requests that full faith and credit be given to what he may say in behalf of his government. 4 Am J2d Ambss § 2.

letter of credit. Succinctly, a letter authorizing the addressee to pay money or supply a commodity to a third person on the credit of the writer. 24 Am J1st Guar § 20.

Wilbert Ward, in his "American Commercial Credits" at page 9, says: "A buyer who can place in the hands of a seller a written instrument by the buyer's bank, authorizing the seller to draw in accordance with certain terms, and stipulating in legal form that such bills will be honored, has at his command an instrument which will make his business more attractive to the seller than would otherwise be the case. An instrument by which a bank gives formal evidence of its willingness to undertake this class of operation for one of its customers is what has come to be known as a commercial letter of credit." Ernesto Foglino & Co. v Webster, 217 App Div 282, 293, 216 NYS 225, 234.

letter of introduction. A letter introducing a person to the addressee, sometimes mailed to the addressee but often carried and presented to him in person by the person to be introduced.

letter of license. An agreement entered into between an insolvent person and his creditors extending his time for payment.

letter of recall. A notice sent to a foreign government by another government of the recall of its ambassador or diplomatic representative.

letter of recommendation. A letter commending the services of a former employee and speaking of him in such terms as will tend to bring him to the favorable notice of one to whom he may apply for employment; sometimes being directed to whom it may concern and handed to the former employee to be carried by him, and sometimes directed specially to one to whom he proposes to make application for employment. 35 Am J1st M & S § 39.

letter of recredentials. The reply of a foreign government to a letter of recall.

See **letter of recall.**

letter of service. A letter of recommendation; a character reference. 35 Am J1st M & S § 39. A clearance card.

See **clearance card; letter of recommendation.**

letter press. An instrumentality formerly in general use in offices but rarely in use at present, for the making of copies of documents and letters.

letter press copy. A copy made by the use of a letter press.

letter requisitory. Same as **letter rogatory.**

letter rogatory. A request by a court made of a foreign court in writing to secure the aid of the foreign court, backed by its power, in obtaining desired information in the form of a deposition by a person within the jurisdiction of the foreign court or to obtain the production of a record within the jurisdiction of such court. 23 Am J2d Dep § 23.

While it is usual for a letter rogatory to be accompanied by written interrogatories, this is not essen-

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tial, unless required by statute; in the absence of any such statutory provision, the testimony may be taken upon oral examination. The absence of written interrogatories may, however, affect the question whether the court in its discretion will honor the letters. Anno: 9 ALR 967, s.108 ALR 384; 23 Am J2d Dep § 23.

letters. A public or private document granting or delegating some power or authority.

See **letter**.

letters ad colligendum bona defuncti. Letters to collect the goods of the deceased.

Letters were thus designated which were issued to a person authorizing him to gather and keep in his safe custody the goods of a deceased person. Such letters neither made the person so appointed the executor nor the administrator of the estate of the decedent. See 2 Bl Comm 505.

letters avocatory. Letters officially summoning a citizen to return to his own country from a country with which it is at war, or warning him against the commission of unlawful acts.

letters close. Same as **close writs**.

letters of abolition. (Civil law.) Letters whereby a punishment for crime was remitted; but the infamy remained unless the letters had been issued before sentence.

letters of administration. The official exemplification of the record of the appointment of an administrator of a decedent's estate by the court. 31 Am J Ex & Ad § 89. Letters granted to a person by a probate court evidencing such person's authority to act as administrator of the estate of a person who has died without leaving a valid will. *Mutual Ben. Life Ins. Co. v Tisdale*, 91 US (1 Otto) 238, 23 L Ed 314.

letters of administration with the will annexed. Letters of administration issued in case no executor is appointed in the will or in case the person appointed in the will cannot qualify or refuses to do so.

letters of collection. Letters authorizing a person to gather and keep in his safe custody the goods of a deceased person; not the equivalent of letters testamentary or letters of administration. See 2 Bl Comm 505.

letters of fire and sword. Letters which were anciently directed to the sheriff of the county requesting him to gather all the force necessary to dispossess a tenant who remained in possession of land unlawfully.

letters of marque and reprisal. A commission issued during a state of war by one of the belligerent governments authorizing a privateer to attack the ships and seize the property of a hostile nation on the high seas. See 41 Am J1st Pir § 2.

letters of request. A written waiver of its jurisdiction by a lower ecclesiastical court to a higher one, requesting the higher court to take jurisdiction of a matter.

letters of safe conduct. Passports issued by a government in time of war.

letters of special administration. Letters issued to a special administrator upon his qualifying for the office.

See **special administrator**.

letters overt. Same as **letters patent**.

letters patent. The instrument evidencing the grant of a patent for an invention. 40 Am J1st Pat § 2. A royal or governmental grant of property, status, title, authority, or privilege.

letters rogatory. See **letter rogatory**.

letters testamentary. An official exemplification of the record of the appointment of an executor by the court. 31 Am J Ex & Ad § 91. Letters issued by a court of probate to a person as evidence of his authority and office as the executor of a deceased person's estate.

letting. An Americanism for the act of a public body or private owner for engaging a contractor for the construction of a building or other improvement, normally after bids for the work have been received, thus entailing the selection of a contractor from a number of bidders. *Eppes v Mississippi, Gainesville & Tuscaloosa Railroad Co.* 35 Ala 33, 55.

See **letting contract**.

letting contract. The steps in the formation and execution of a contract, particularly a public contract, including an advertising for bids, the reception of bids, and the award of the contract to the lowest bidder, provided he appears to be a responsible bidder.

letting of ship "on a lay." See **letting of ship on shares**.

letting of ship on shares. The transaction whereby the owner of a vessel lets her to the master who operates on shares or, as sometimes stated "on a lay."

The master is intrusted with entire possession and control, with the right to employ and navigate the vessel as he sees fit, and is required to victual and man her at his own expense. He collects the freights, and after deducting the expenses, divides the net earnings between himself and the owner in the agreed proportions. At a time when vessels were small, this practice was much in vogue. 48 Am J1st Ship § 335.

letting on shares. The making of a lease for crop rent.

See **crop rent**; **letting of ship on shares**.

letting out work. See **letting contract**.

letting premises. The making of a lease.

lettre de change. (French.) A bill of exchange.

leucite. An ore from which aluminum can be made. *United States v Aluminum Co. of America* (DC NY) 44 F Supp 97.

leukemia. A disease of the blood, the effects of which appear in the bone marrow, generally considered fatal. *Kundiger v Prudential Ins. Co.* 219 Minn 25, 17 NW2d 49.

levandae navis causa. For the purpose of lightening the ship.

levant. (French.) Rising up.

levantes et cubantes. Same as **levant et couchant**.

Levant et couchant. Rising up and lying down.

Cattle could not be distrained by a landlord if the lands were not sufficiently fenced to keep them out, until they had been levant et couchant; that is, until they had been there at least one night. See 3 Bl Comm 9.

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levari facias. A common law writ similar to the writ of equitable origin known as sequestration. 47 Am J1st Seques § 2. A writ of execution commanding the sheriff to levy the plaintiff's debt on the lands and goods of the defendant and authorizing the sheriff to seize all the defendant's goods and receive the rents and profits of the land until satisfaction is made to the plaintiff. 30 Am J2d Exec § 29.

levee. An artificial embankment constructed to contain the flood waters of a river. Anno: 70 ALR 1275, 1278; 26 Am J2d Em D § 65. A landing place for vessels, and for the delivery of merchandise to and from such vessels, and, as incident to that, for the temporary storage of the merchandise. *St. Paul v Chicago, Milwaukee & St. Paul Railway Co.* 63 Minn 330, 63 NW 267, 65 NW 649, 68 NW 458.

levee commissioner. A public officer having duties in reference to the construction and maintenance of levees. *Shelby v Alcorn*, 36 Miss 273.

levee district. An improvement district created for the construction and maintenance of a levee. A quasi-public corporation like a railroad, not a political or civil division of the state and not created for political purposes nor for the administration of civil government, but created by statute with only such powers as are expressly or impliedly conferred. *Board of Directors of St. Francis Levee District v Kurn (CA5 Mo)* 98 F2d 394.

level premium. A life insurance premium in the same amount from year to year, such amount being computed on the basis that mortality cost is less during the early years of the insurance and greater in later years. 29 Am J Rev ed Ins § 56.

The level rate method is a recognized method of fixing rates of life insurance whereby the insured begins at once to pay an amount each year which will in the period of his expectancy be sufficient, with interest accretions to pay the face of his policy. Whether the step rate or level rate plan is used, the total amount paid is the same. *Jenkins v Talbot*, 338 111 441, 170 NE 735, 80 ALR 638.

level rate. See **level premium**.

level road. For the purposes of a statute requiring the headlights of motor vehicles to be such that under normal atmospheric conditions and on a "level road" they will produce a driving light sufficient to render clearly discernible all vehicles, persons, or substantial objects a specified distance ahead: -a road with a uniform grade, the provision applying irrespective of whether a car is traveling on a straight level stretch of road which is horizontal, or on an up grade or down grade. *O'Rourke v Washington*, 304 Pa 78, 155 A 100, 78 ALR 811.

Lever Act. A federal statute of August 10, 1917, re-enacted in the act of October 22, 1919, § 2 (41 Stat 297, c 80), penalizing the exaction of excessive prices upon the sale of necessaries in wartime. *United States v L. Cohen Grocery Co.* 255 US 81, 65 L Ed 516, 41 S Ct 298.

levlr. (Roman law.) The brother of a wife's husband; a wife's brother-in-law.

levis culpa. Ordinary fault or neglect.

levissima culpa. Slight fault or neglect.

levissima diligentia. Slight diligence. *Brand v Troy & Schenectady Railroad Co.* (NY) 8 Barb 368, 378.

Levitical degrees. The degrees of relationship between a man and a woman which bar their marriage to each other, as stated in the eighteenth chapter of Leviticus.

levy. An imposition whether of a tax, a burden upon property as authorized by a writ, or compulsory military service. Of tax: The acts of imposing and collecting a tax under authority of law. *State v Camp Sing*, 18 Mont 128, 44 P 516. The establishment or fixing of a rate of taxation by a duly authorized board or body. More narrowly defined as the imposition of the burden of the tax in the abstract, as distinguished from the ministerial duties in listing and assessment of property and the apportionment of the tax. *Borrowdale v Socorro County*, 23 NM 1, 163 P 721. Of attachment:—the seizure or taking of possession or custody of property under a writ of attachment by sheriff or other authorized officer. 6 Am J2d Attach § 288. An act symbolizing that land has become bound by the lien of an attachment, and endorsement on the writ of attachment that such has been levied upon property of the defendant, describing the same and noting the date and time of day of the levy, and some form of actual or constructive notice to the defendant of the levy. 6 Am J2d Attach § 311. Of execution:—an absolute appropriation of property of a judgment debtor to the payment of the judgment debt; a ministerial act. 30 Am J2d Exec § 95.

At common law a levy on goods consisted of an officer's entering the premises where they were and either leaving an assistant in charge of them or removing them after taking an inventory. Today courts differ as to what is a valid levy, but by the weight of authority there must be an actual or constructive seizure of the goods. 30 Am J2d Exec § 238. In most states, a levy on land must be made by some unequivocal act of the officer indicating his intention of singling out certain real estate for the satisfaction of the debt. The cases are not agreed on what this act must be, but the better considered ones hold that, in the absence of statute, a valid levy may be made by the sheriff by an endorsement thereof upon the records without even seeing the land, if he is sufficiently informed to describe it properly. 30 Am J2d Exec §§ 245 et seq.

levy at the risk of the plaintiff. An endorsement upon the writ of execution by the execution officer meaning, not only that the execution creditor has agreed to indemnify the execution officer for a wrongful levy, but also that the property may be left with the execution debtor until the sale at the risk of the execution creditor, so that the officer is relieved from responsibility to the execution creditor if the property is not produced at the date of the sale. *Keyser's Appeal*, 13 Pa 409.

levy court. The body which was at one time charged with the administration of the ministerial and financial duties of Washington county in the District of Columbia; a board which corresponded to the county commissioners and county supervisors of various states of the Union. *Levy Court v Woodward* (US) 2 Wall 501, 17 L Ed 851.

levying fine. A fictitious proceeding at common law to effect an alienation of land.

See **fine to bar entail; fine to convey.**

levying war. A term including, not only the act of making war for the purpose of overturning the government, but also any combination forcibly to oppose the execution of any public law of the United States, if accompanied or followed by an act of

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forcible opposition to such law in pursuance of such combination. *Druecker v Salomon*, 21 Wis 621.

War is actually levied when a body of men are actually assembled for the purpose of effecting by force a treasonable object. See *Burr's Case* (US) 4 Cranch 473, 2 L Ed 686.

levy of attachment. See **levy**.

levy of execution. See **levy**.

lewd. A characterization of an act of lewdness.
See **lewdness**.

lewd and lascivious association. An offense dependent upon repetition of the acts proscribed, single or occasional acts of sexual intercourse unaccompanied by any pretense of living together being insufficient to constitute the offense. *Boswell v State*, 48 Tex Crim 47, 85 SW 1076.

See **lewd and lascivious conduct**.

lewd and lascivious behaviour. See **lewd and lascivious conduct**.

lewd and lascivious conduct. An offense distinct from adultery. 2 Am J2d Adult § 16. Including in some instances acts of illicit intercourse but not the exact equivalent of illicit intercourse; continuing conduct in defiance of the standards of decency and constituting an affront to society. *State v Brooks*, 215 Wis 134, 254 NW 374, 94 ALR 401.

lewd house. A house to which people resort for lewd acts.

See **house of ill fame**.

lewdness. The unlawful indulgence of lust; sexual impurity; gross indecency with respect to the sexual relation. *State v Rayburn*, 170 Iowa 514, 153 NW 59.

The common-law offense of "lewdness" means open and public indecency, and in order to amount to an indictable crime it must always amount to a common nuisance, committed in a public place, and seen by persons lawfully in that place. 33 Am J1st Lewd etc § 2.

If a man and woman resort to a house of ill fame for the purpose of having sexual relations, her purpose is prostitution, and his, lewdness. *State v Gardner*, 174 Iowa 748, 156 NW 747, overrd on other grounds *State v Frey*, 206 Iowa 981, 988, 221 NW 445.

lewdly. Lustfully. With unlawful indulgence in lust. *State v Lawrence*, 19 Neb 307, 313.

lex. Law; a law; the law.

See **the singular lex**.

Lex aequitate gaudet; appetit perfectum; est norms recti. The law delights in equity; it grasps at perfection; it is the rule of right.

lex aeterna. The eternal law; the moral law; the law of nature; the law which God at the time of the creation of the nature of man infused into his heart, for his preservation and direction. *Calvin's Case* (Eng) 7 Co Rep 1a.

lex agraria. The agrarian law of the Romans, which limited the amount of land which could be held by a Roman citizen, and provided for the allotment of public lands among the people.

lex alimentaria. The Roman law which provided for the distribution of bread among the poor.

Lex aliquando sequitur aequitatem. The law sometimes follows equity.

lex amissa. A person who has lost his law; a person outlawed; one civilly dead.

Lex Angliae. The law of England.

Lex Angliae est lex misericordiae. The law of England is the law of mercy.

Lex Angliae non patitur absurdum. The law of England does not suffer an absurdity.

Lex Angliae nunquam matris, sed semper patris conditionem imitari partum judicat. The law of England never adjudges that their issue shall partake of the condition of the mother, but always of that of the father.

Lex Angliae nunquam sine parlamento mutari potest. The law of England never can be changed without parliament.

lex annale. The Roman law governing minimum ages for high officials.

lex apparens. Apparent law; manifest law; that is, the law which is apparent or made manifest in a trial by battle or trial by ordeal.

lex atilia. The atilian law,—the Roman law governing the appointment of guardians.

lex atinia. The atinian law,—the Roman law which prohibited the acquisition of title to stolen goods by long-continued possession.

Lex beneficialis rei consimili remedium praestat. A beneficial law furnishes a remedy in a similar case or matter.

lex brehonia. Brehon law,—an ancient system of Irish law.

Lex citius tolerate volt privatum damnum quam publicum malum. The law would rather tolerate a private loss than a public evil.

lex commissoria. A Roman law under which a pledge securing the payment of money was ipso facto forfeited upon the failure to make payment on the due date.

lex communis. The common law.

lex contractus. The law of the contract.

Lex contra id quod praesumit probationem non recipit. The law receives no proof which is contrary to that which it presumes.

lex Cornelia de falsis. The Cornelian law of falsifying,—a Roman law for the punishment of the forgery of the will of a person dying in captivity.

lex Cornelia de injuriis. A Roman law providing a civil action for injury suffered by a beating, or in the forcing into a strange dwelling. See Mackeldey's Roman Law § 489.

lex Cornelia de sicariis et veneficis. (Roman law.) The Cor-

nelian law for the punishment of assassins and poisoners.

Lex deficere non potest in justitia exhibenda. The law cannot be deficient in allowing justice.

Lex de futuro; judex de praeterito. The law provides for the future; the judge for the past.

lex dilationes semper exhorret. The law always abhors delays.

lex domicilii. The law of the domicil.

Lex est ab aeterno. Law is from eternity, that is, its origin is in eternity.

Lex est dictamen rationis. Law is the dictate of reason.

Lex est norma recti. Law is the rule of right.

Lex est ratio summa quae jubet quae sunt utilia et necessaria, et contraria prohibet. Law is the consummation of reason, which commands those things which are useful and necessary, and prohibits the contrary.

Lex est sanctio sancta, jubens honesta, et prohibens. Law is a sacred sanction, commanding that which is right and prohibiting the contrary.

Lex est summa ratio insita a natura quae jubet ea, quae facienda sunt prohibetque contraria. Law is the highest reason implanted in us by nature, which commands what should be done and prohibits the contrary.

Lex est tutissima crisis; sub clypeo legis nemo decipitur. Law is the safest helmet; under the shield of the law no one is deceived.

lex et consuetudo parlamenti. The law and the custom of parliament. See 1 Bl Comm 163.

Lex et consuetudo regni nostri. The law and the custom or usage of our kingdom; that is, the common law of England.

lex Falcidia. The Falcidian law,—a Roman statute of 714 A. D., which restricted the disposition of one's property by will or testament.

Lex favet doti. The law favors dower.

lex feudi. The law of the fee or feud.

Lex fingit ubi subsistit aequitas. The law fabricates where equity subsists.

lex fori. The law of the jurisdiction in which the litigation occurs, controlling all that part of the litigation which is concerned merely with remedy. 16 Am J2d Confl L § 11.

lex Furia Caninia. The Fusian Caninian law,—a Roman law which limited the manumission of slaves by will or testament.

lex Hostilia de furtis. (Roman law.) The Hostilian law concerning theft or larceny. See 4 Bl Comm 236.

lexicographical definition. A definition as given in a dictionary.

A correct construction of legislative language may not always be reached by a dogmatic adherence to the lexicographical definition. Anno: 101 ALR 566.

Lex intendit vicinum vicini facta scire. The law presumes that a neighbor is cognizant of the acts of his neighbor.

Lex judicat de rebus necessario faciendis quasi de re ipsa factis. The law judges of things which must necessarily be done as if they were really done.

lex Julia majestatis. (Roman law.) The Julian law concerning treason. See 4 Bl Comm 76.

lex ligeantiae. The law of the country of a person's allegiance.

lex loci. The law of the place in which the circumstances on which the action is based arose or occurred, controlling that part of the litigation concerned with the substantive right or basis of the cause of action. 16 Am J2d Confl L § 11.

lex loci actus. The law of the place of the act.

lex loci celebrationis. The law of the place where the contract or other obligation is solemnized, controlling on questions of form or of formal validity of a contract. Pritchard v Norton (US) 16 Otto 124, 27 L Ed 104, 1 S Ct 102.

lex loci commissi. The law of the place where the act was committed, controlling in reference to matters of substantive right or basis of a cause of action. 16 Am J2d Confl L § 11.

lex loci contractus. The law of the place of the contract,—that is, the law of the place where the contract is made.

As to the law governing the validity and construction of contracts see 16 Am J2d Confl L §§ 38 et seq.

lex loci delictis. The law of the place of the crime, the wrong, the tort.

lex loci rei sitae. The law of the place where the subject matter is situated.

lex loci sitae rei. The law of the place where the property lies. Crapo v Kelly (US) 16 Wall 610, 21 L Ed 430, 438.

lex loci solutionis. The law of the place of payment or performance. Pritchard v Norton (US) 16 Otto 124, 27 L Ed 104, 1 S Ct 102.

lex manifesta. Same as **lex apparens**.

lex mercatoria. The law merchant. 11 Am J2d B & N § 36.

See **law merchant**.

Lex necessitatis est lex temporis, i. e., instantis. The law of necessity is the law of the time; that is, of the present time.

Lex neminem cogit ad impossibilia. The law compels no one to perform that which is impossible.

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This maxim is the foundation of the rule that an act of God excuses the failure to discharge a duty. Southern Pacific Co. v Schoer (CA8 Utah) 114 F 466.

Lex neminem cogit ad vane sea inutilia peragenda. The law does not compel anyone to perform vain or useless acts. *Gordon v Massachusetts Fire & Marine Ins. Co.* 19 Mass (2 Pick) 249, 259.

Lex neminem cogit ostendere quod nescire praesumitur. The law does not compel anyone to divulge that of which he is presumed to be ignorant.

Lex nemini facit injuriam. The law works injury to no one.

Lex nemini operator iniquum, nemini facit injuriam. The law works injustice to no one, does injury to no one.

Lex nil facit frustra, nil jubet frustra. The law does nothing in vain, commands nothing in vain.

Lex nil frustra facit. The law does nothing in vain.

Lex non cogit ad impossibilia. The law does not compel that which is impossible.

Lex non cogit ad vane sea inutilia. The law does not compel vain or useless things.

Lex non cogit sea ad vane aut impossibilia. The law does not compel either useless or impossible things. *Green v Litter (US)* 8 Cranch 229, 246, 3 L Ed 545, 551.

Lex non carat de minimis. The law does not pay attention to trifles.

Lex non deficit in justitia exhibenda. The law is not deficient in dispensing justice.

Lex non exacte definit, sed arbitrio boni viri permittit. The law does not define exactly, but allows for the judgment of a fair man. See 1 Bl Comm 61.

Lex non favet votis delicatorum. The law does not favor the wishes of the fastidious.

"Trifling results are disregarded, for the courts proceed with great caution, and will not interfere with the use of property by the owner thereof, unless such use is unreasonable, the injury material and actual, not fanciful or sentimental." *McCarty v Natural Carbonic Gas Co.* 189 NY 40, 81 NE 549.

Lex non intendit aliquid impossibile. The law does not require anything which is impossible. *Chew Heong v United States,* 112 US 536, 554, 28 L Ed 770, 776, 5 S Ct 255.

Lex non patitur fractiones et divisiones statuum. The law does not intend fractions and divisions of estates.

Lex non praecipit inutilia. The law does not require vain or useless things.

The maxim expresses rather an ideal than an accomplished fact. *Rock Island, Arkansas & Louisiana Railroad Co. v United States,* 254 US 141, 65 L Ed 188, 41 S Ct 55.

Lex non praecipit inutilia, quia inutilis labor stultus. The law does not command useless acts, because useless labor is silly.

Lex non requirit frustra. The law does not require a vain or useless thing.

Lex non requirit verificari quod apparet curiae. The law does not require that which is apparent to the court to be proved.

lex non scripta. The unwritten law.

lex parliaments. The laws of parliament. *Kilbourn v Thompson* (US) 13 Otto 168, 186, 26 L Ed 377, 385.

lex patriae. The law of one's country.

Lex plus laudatur quando ratione probatur. The law is more to be praised when it is approved by reason.

Lex posterior derogat prior. A later law repeals an earlier one.

Lex prospicit, non respicit. The law looks forward, it is not retrospective.

Lex punit mendacium. The law punishes falsehood or mendacity.

Lex pure poenalis obligat tantum ad poenam, non item ad culpam; lex poenalis mixta et ad culpam obligat et ad poenam. A law purely penal looks most at the punishment, not at the crime; a mixed penal law looks at both the crime and the punishment.

lex regia. The law which was ordained by the Roman emperor.

lex rei sitae. The law of the locality of the thing,—that is, the law in force at the place where the subject matter is situated, controlling all matters concerning the title and disposition of real property. 16 Am J2d Confl L § 14.

Lex rejicit superflua, pugnancia, incongrua. The law rejects those matters which are superfluous, repugnant, or incongruous.

Lex reprobat moram. The law disapproves of delay.

Lex respicit aequitatem. The law regards equity.

Lex Rhodia de jactu. The Rhodian law concerning jettison.

Historically, this law contributed to form the modern law of general average in marine insurance. *Bernard v Adams*, (US) 10 How 270, 303, 13 L Ed 417, 431.

lex Romana Visigothorum. See law of Alaric.

lex Salica. Same as Salic law.

lex scripts. Singular of **leges scriptae**.

Lex semper debet remedium. The law always gives a remedy; a com-

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mon-law maxim. *Smith v Bonsall* (Pa) 5 Rawle 80, 89.

Lex semper intendit quod convenit rationi. The law always intends what is agreeable to reason. *Williams v Hays*, 157 NY 541, 52 NE 589.

lex situs. Same as **lex rei sitae**.

lex solutionis. The law of payment,—that is, the law relating to the performance of the contract.

See **lex loci solutionis**.

Lex spectat naturae ordinem. The law regards the order of nature.

lex sub graviore lege. A law subordinate to higher law.

"A state which has not the exclusive dominion over its territory, is more or less dependent and weak; and its 'eminent domain,' modified by the will of others, is *lex sub graviore lege*." *Sneed v Ewing*, 28 Ky 460.

Lex succurrit ignoranti. The law succors ignorance.

Lex succurrit minoribus. The law aids minors.

lex talionis. The law of retaliation.

See **retaliation**.

lex terrae. The law of the land.

Lex uno ore omnes alloquitur. The law speaks to all with one mouth.

Lex vigilantibus favet. The law favors those who are vigilant.

Lex vigilantibus, non dormientibus. The law is for the vigilant, not for those who slumber. *Toole v Cook* (NY) 16 How Pr 142, 144.

Lex vigilantibus, non dormientibus subvenit. The law aids the vigilant, not those who slumber.

ley. Law; the law; an oath.

ley civile. The civil law; the civil law of the Romans.

ley gager. To wage one's law.

See **wager of law**.

leze majesty. Same as **lèse majesté**.

liability. Legal responsibility, either civil or criminal. The condition of being bound in law and justice to pay an indebtedness or discharge some obligation. *Feil v Coeur D'Alene*, 23 Idaho 32, 129 P 643. The state or condition of a person after he has breached his contract or violated any obligation resting upon him. *Lattin v Gillette*, 95 Cal 317, 30 P 545. A word of different meanings, the pertinent one to be gathered from the context in which it appears, construed in the light of surrounding circumstances. *Evans v Kroh* (Ky) 284 SW2d 329, 58 ALR2d 1446. Sometimes synonymous with "debt." Anno: 58 ALR2d 1453. Within the meaning of a statute of limitations:—under one view, a contract obligation; under another view, responsibility, embracing tort liability as well as contract liability. 34 Am J1st Lim Ac § 94. As the word appears in a limitation on the creation of debt or liability of a state in excess of a prescribed amount:—a term having special reference to the warrant and legislative authority on which a state contract must rest, and on which alone a public debt must find its sanction in order to obligate the state. 49 Am J1st States § 66.

liability created by statute. A liability created by a statute which discloses an intention, express or implied, that from disregard of the statutory command, a liability for damages will arise which would not exist but for the statute. *Schmidt v Merchants Despatch Transp. Co.* 270 NY 287, 200 NE 824, 104 ALR 450, reh den 271 NY 531, 2 NE2d 680. A liability which would not exist but for the statute. See *Fidelity & Deposit Co. v Lindholm* (CA9 Cal) 66 F2d 56, 89 ALR 279. A liability that comes into being solely by statute and has no existence prior to the enactment creating it. *Steel v National Surety Corp.* 74 Ariz 193, 245 P2d 960, 32 ALR2d 1236.

A cause of action recognized for centuries by the common law cannot be regarded as a "liability created by statute" within the meaning of a statute of limitations. *Fratt v Robinson* (CA9 Wash) 203 F2d 627, 37 ALR2d 636.

When the statute merely defines, in the interest of the general public, the degree of care which shall be exercised under certain specified circumstances, it does not "create" a new liability, but merely changes the standard which must be applied in an action to recover damages caused by lack of care. 35 Am J1st M & S § 467.

liability insurance. A policy or contract of insurance whereby the insurer agrees to protect the insured against liability arising from an act or omission of the insured which causes injury to the person or the property of a third person, the liability of the insurer attaching upon the determination that the insured is liable for such act or omission, notwithstanding the insured has not sustained a loss in payment, voluntary or involuntary, made to the third person. 7 Am J2d Auto Ins § 81; 29A Am J Rev ed Ins § 1343.

Such insurance is of recent origin when compared with fire insurance, and was unknown in this country prior to 1887, when it was introduced from England. *Employers' Liability Assur. Corp. v C. E. Carnes & Co.* (DC La) 24 F 128.

liability reserve. See **reserve.**

liability without fault. See **absolute liability.**

liable. Under liability or legal responsibility.
See **liability.**

libel. An initial pleading in a suit in admiralty; the pleading whereby litigation is brought into an Admiralty Court. 2 Am J2d Adm § 175. A malicious publication, expressed either in printing, writing, typewriting, or by signs and pictures, tending either to blacken the memory of one who is dead, or the reputation of one who is alive, and expose him to public hatred, contempt, or ridicule. 33 Am J1st L & S§3.

See **innuendo; privileged communication; privileged occasion; publication.**

libelant. Same as **libellant.**

libelee. Same as **libellee.**

libel in admiralty. The initial pleading in a suit in admiralty, corresponding to the declaration, complaint, or petition in an action or proceeding at law. 2 Am J2d Adm § 175.

See **libel of information**

libellant. The complaining party in an admiralty or ecclesiastical suit.

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libellee. The defendant in an admiralty or ecclesiastical suit.

libellous. Same as **libelous.**

libellus famosus. (Civil law.) A defamatory publication.

libel of accusation. A formal accusation charging a person with the commission of a criminal offense; an indictment.

libel of information. A pleading in a proceeding brought to obtain a forfeiture containing a substantial statement of the offense upon which the forfeiture is predicated. 23 Am J1st Forf & P § 15. A pleading in admiralty demanding a forfeiture because of breach of revenue, navigation, or other laws of the United States. 2 Am J2d Adm § 176 A pleading asking for the seizure and condemnation of property, such as adulterated or misbranded drugs. 21 USC § 334(a), (b).

libel of information for a forfeiture. See **libel of information.**

libel of review. A procedure provided for by the rules of some Admiralty Courts for demanding that the court correct or change its decree after the rendition thereof, and after expiration of the term in which it was rendered. 2 Am J2d Adm § 221.

libelous. Containing or constituting a libel; defamatory.

libelous per quod. Words which are not defamatory in themselves but may be shown, under proper allegation in the pleading and the proof, to constitute a libel. *McDonald v Lee*, 246 Pa 253, 92 A 135.

libelous per se. Written or printed words of such kind that when applied to a person they will necessarily cause injury to him in his personal, social, official, or business relations of life, so that legal injury may be presumed or implied from the bare fact of publication. 33 Am J1st L & S § 5. Written or printed words so obviously hurtful to the person aggrieved by them that no explanation of their meaning and no proof of their injurious character is required in order to make them actionable. *Jerald v Huston*, 120 Kan 3, 242 P 472.

liber. Noun: A book; a volume; one of the units of a published work, either literary or professional; a book in which public records are made Adjective: Free; freed.

libera chasea. Free chase,—the exclusive right to hunt in a chase or park.

libera eleemosyna. Frankalmoin or free alms,—a Saxon land tenure, which survived the Norman revolution, under which tenure an ecclesiastical corporation held land without fealty and merely by prayer service for the soul of the donor. See 2 Bl Comm 101.

libera faldia. Frank-fold or faldage, the right of the lord of the manor to have the sheep of his tenant manure his land; a term also applied to the fee paid by the tenant to the lord for exemption from the service of thus manuring.

liberal construction. A broad construction. A construction of the words of a contract, either singly or in connection with the subject matter, giving the words full effect so as to carry out the intention of the parties. 17 Am J2d Contr § 253. An interpretation of a statute which is within the reason and spirit of the statute or public policy which animates it, rather than the strict letter thereof; a fair or favorable construction so as to give the statute, if possible, a beneficial operation, one which will tend to promote and effectuate justice, in the interest of the public good, and avoid harsh or incongruous results. *International Mercantile Marine Co. v Lowe* (CA2 NY) 93 F2d 663, 115 ALR 896, cert den 304 US 565, 82 L Ed 1532, 58 S Ct 948; *Fox Park Timber Co. v Baker*, 53 Wyo 467, 784 P2d 736, 120 ALR 1020. An interpretation of an administrative rule in a manner similar to that applied in giving a statute a broad and liberal construction. Anno: 40 ALR2d 337, § 2[a].

libera lex. Frank law,—the aggregate rights of a freeman or a citizen.

liberam legem amittere. Same as **legem amittere**.

libera piscaria. Free fishery,—the exclusive right of fishing in a public river. *Arnold v Mundy*, 1 NJL 1.

liberare. To liberate; to deliver; to set free; to manumit; to discharge from a debt or other obligation; to release; to restore.

liberari facias. A writ of execution which commands the sheriff to set off real estate taken by him under the writ to the judgment creditor instead of selling it and appropriating the proceeds to the payment of the debt, the lands being appraised at the instance of the sheriff, so that the amount of the credit upon the judgment may be ascertained and made of record. See 7 Stand Pa Proc §§ 140 et seq.

liber assisarum. The book of the assizes,—the fourth volume of decisions reported in the reign of Edward the Third.

Liberata pecunia non liberat offerentem. A restoration of money does not free the offeror. That is, from a criminal charge.

liberate. Verb: To set free; to release from custody. Noun: A conditional writ, ordering the sheriff to cause goods, which have been taken on an extent sued out upon a statute staple, to be appraised, and to deliver them to the creditor, if he will accept them on the valuation thus set, by the appraisement, which he may do, or not, at his election. *Re Reed*, 21 Vt 635, 640.

liberatio. Livery; delivery; a payment for the delivery of a thing.

liberation. The act of setting free, discharging or releasing from custody. (Civil law.) A payment made for the discharge of, or release from, a contract.

See **emancipation; independence**.

libera warrena. Free warren,—the liberty, franchise, or royalty, derived from the crown, of taking or killing all inferior species of game, called beasts and fowls of warren. See 2 BI Comm 417.

liber bancus. Free bench,—a widow's dower in copyhold lands, which she usually held subject to the condition that she should remain chaste and unmarried. See 2 BI Comm 129.

liber et legalis homo. A free and lawful man; a juryman.

Liber Feudorum. The book of fiefs or feuds,—a code of feudal law which was compiled and published in the twelfth century.

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liber homo. A freeman; one who owns a freehold and has freedom of mind; that is, a man who, as a member of a jury, can render an unbiased verdict. *Turner v State*, 128 Tenn 27, 157 SW 67.

liberi. (Saxon.) Freemen; landholders whose tenure was allodial,—who did not hold under a superior. (Latin.) Children. The young.

liberi et legales homines. Freeholders and lawful men. *Turner v State*, 128 Tenn 27, 157 SW 67. Qualified for duty as jurors as having, not only a freehold, but freedom of mind to stand indifferent as between the persons involved in the litigation, no more inclining to the one than to the other. *Turner v State*, 128 Tenn 27, 157 SW 67.

liberi et legales homines de vicineto. Free and lawful men of the vicinage, that is, freeholders, without just exception, and of the visne or neighborhood; which is interpreted to be of the county where the fact is committed. *People of California v Powell*, 87 Cal 348, 25 P 481.

liberis. See **liberi**.

liberi sokemanni. Tenants in free socage; tenants who held their lands by services which were not only certain, but honorable. See 2 Bl Comm 79.

Liber Judicialis. The Dome Book of King Alfred which probably contained the principal maxims of the common law, the penalties for misdemeanors, and the forms of judicial proceedings. 1 Bl Comm 65.

Liber Judiciarum. Same as **Liber Judicialis**.

libero maritagio. Same as **liberum maritagium**.

libero passagio. See **de libero passagio**.

libertas. Liberty; freedom; a license; a privilege; an immunity; a franchise.

libertas ecclesiastica. Ecclesiastical liberty or immunity.

Libertas est naturalis facultas ejus, quod cuique facere libet, nisi quod de jure aut vi prohibetur. Liberty is a person's natural power of doing as it may please him, unless that is prohibited by law or by force.

Libertas inestimabilis res est. Liberty is a thing of inestimable value.

Libertas non recipit aestimationem. Liberty does not admit of valuation.

Libertas omnibus rebus favorabilior est. Liberty is more favored than all other things.

libertate probanda. See **de libertate probanda**.

Libertates regales ad coronam spectantes ex concessione regum a corona exierunt. Royal privileges relating to the crown have issued from the crown by royal grant.

libertatibus allocandis. See **de libertatibus allocandis**.

liberti. (Roman law.) Persons who were freed from slavery; freedmen.

liberticide. A destroyer of liberty or freedom.

liberties. Privileged communities or districts. The fundamental rights and privileges of the people guaranteed by the Constitution of the United States and the state constitutions.

See **liberty**.

liberties of the jail. Graphically, an extension of the walls of a jail. *Peters v Henry* (NY) 6 Johns 121. The area, within limits prescribed by statute, wherein a prisoner for debt may live or sojourn upon giving bond or other security for such accommodation. *Dole v Moulton* (NY) 2 Johns Cas 205, 206.

See **liberty of the rules.**

libertine. One who lacks moral restraint. A licentious person.

libertini. Same as **liberti.**

Libertinum ingratum leges civiles in pristinam servitutem redigunt; sed leges Angliae semel manumissum semper liberum judicant. The civil laws reduce an ungrateful freedman to his former servitude, but the laws of England adjudge a person who has been once manumitted or freed to be always free.

libertinus. Same as **libertus**, the singular of **liberti.**

libertus. Singular of **liberti.**

liberty. Absence of servitude and restraint. A most broad and extensive concept, embracing every form and phase of individual right that is not necessarily taken away by some valid law for the common good. *Wright v Hart*, 12 NY 330, 75 NE 404. The right to do such acts as one may judge best for his interest, not inconsistent with the rights of others. *Ex parte Drexel*, 147 Cal 763, 82 P 429. The right to protection from violation of any of the fundamental conceptions of justice which lie at the base of our civil and political institutions. 16 Am J2d Const L § 358.

As the word is used in the United States Constitution, it means not only freedom of the citizen from servitude and restraint, but is deemed to embrace the right of every man to be free in the use of his powers and faculties, and to adopt and pursue such avocation or calling as he may choose, subject only to the restraints necessary to secure the common welfare. There can be no liberty, protected by government, that is not regulated by such laws as will preserve the right of each citizen to pursue his own advancement and happiness in his own way, subject only to the restraints necessary to secure the same right to others. The fundamental principle upon which liberty is based, in free and enlightened government, is equality under the law of the land. *Braceville Coal Co. v People*, 147 111 66, 35 NE 62.

See **life, liberty, and property; life, liberty, and pursuit of happiness.** See also "freedom" and phrases beginning "freedom."

liberty guaranty. See **guaranty of liberty.**

liberty of contract. The right to make a contract and the right to terminate a contract subject only to civil liability for unwarranted termination, both of

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which rights are protected by the United States Constitution. 16 Am J2d Const L § 373. The right to acquire and possess property and to contract concerning it. *Lawrence v Rutland Railroad Co.* 80 Vt 370, 67 A 1091. Not an absolute guaranty of freedom to contract without reference to the nature of the contract as perverse, contrary to good morals, or in contravention of sound public policy, but a guaranty against arbitrary or unreasonable restraint upon the right to contract. *Lochner v State*, 198 US 45, 49 L Ed 937, 25 S Ct 539; *Moore v Grillis*, 205 Miss 865, 39 So 2d 505, 10 ALR2d 1425; *State ex rel. Davis-Smith Co. v Clausen*, 65 Wash 156, 117 P 1101. The right granted by a statute to vary the operation of the statute in particular respects by agreement. UCC § 1-102(3)4).

liberty of port. A phrase in a marine insurance policy which permits use to be made by the insured vessel of a specified port.

The words, "with liberty" of a certain port, do not necessarily give notice to the insurer that the object of the privilege is to trade at that port, and procuring such words to be inserted is not an unequivocal intimation of the nature of the cargo insured; nor is it an intimation to the underwriters that the insured looks to such port, under any circumstances in the contemplation of the parties, as that at which the voyage is designed to terminate. 29A Am J Rev ed Ins § 992.

liberty of speech. See **freedom of speech and of the press.**

liberty of the globe. As used in a policy of marine insurance, an expression employed to signify that the vessel shall have the liberty to go to any part of the world. *Eyre v Marine Insurance Co.* (Pa) 6 Whart 247, 254.

liberty of the press. See **freedom of speech and of the press.**

liberty of the rules. A privilege, which was sometimes allowed an imprisoned debtor, of living outside the prison, but within prescribed limits.

The territory or district, which is also called "bounds," surrounding the walls of a jail or prison, where a prisoner who has been accorded the "liberty of the prison rules" may go. Ever since the establishment of the prison rules in England, the courts there have held the rules as being in effect an extension of the walls of the jail. The jailer is not bound to allow a prisoner the liberty of the prison rules, unless he shall give bond and security not to depart therefrom. *Steinman v Tabb*, 6 Ky (3 Bibb) 202.

liberty pole. A flagpole, usually one erected in exhibiting a patriotic spirit during wartime. A pole raised by rioters as a symbol of dissatisfaction with the government. *Commonwealth v Morrison* (Pa) 1 Addison 274, 275.

See **pole-raising.**

liberty to contract. See **liberty of contract.**

liberty to hold pleas. The privilege of holding a court, which was allowed certain manors.

Liberum corpus aestimationem non recipit. The body of a freeman does not admit of valuation.

Liberum est cuique apud se explorare an expediat sibi consilium. Each one is free to determine for himself whether he requires counsel or advice.

liberum et commune socagium. Free and common socage. See 2 Bl Comm 82.

liberum maritagium. Frankmarriage.

An estate in liberum maritagium or frankmarriage was a kind of entailed estate where a tenement was given by one man to another, together with a wife, who was the daughter or cousin of the donor, to hold in frankmarriage; that is, the donees were to have the tenement to them, and the heirs of their two bodies begotten and they were tenants in special tail. See 2 Bl Comm 115.

liberum servitium. Free service.

Free services, under the feudal system, were such as were not unbecoming the character of a soldier or a freeman to perform; as to serve under the lord in his wars, to pay a sum of money, and the like. See 2 Bl Comm 60.

liberum socagium. Free socage.

liberum tenementum. A freehold estate. A plea in an action of trespass quare clausum brought by a person in actual possession of the land, asserting title to the property in the defendant, and the right to immediate possession, but admitting possession in the plaintiff and a color of right thereto. 52 Am J1st Tresp § 69.

liblac. (Saxon:) Witchcraft.

liblacum. Same as **liblac.**

libra. A pound; a pound in English money.

libra arsa. A burned pound; that is, a pound tested by melting and assaying.

libra numerata. A numbered or counted pound, a pound in English money, ascertained by counting the coins.

libra pensa. A weighed pound, a pound in English money, ascertained by weighing the coins.

librarian. A person in charge of a library, often with special training in library work, having the status of a public officer where the library is a public library maintained by state, county, or city. Anno: 140 ALR 1085.

Librarian of Congress. A federal officer in general charge of the Congressional Library.

librarius. (Roman law.) A transcriber of books; a copyist; an amanuensis.

library. A public or private place wherein books are kept for reference and use, often for lending to patrons of the city, village, or vicinity.

See **public library.**

library fee. The fee paid by a college student for use of the library. 15 Am J2d Colleges § 19.

Admission into the Kansas State University is made free by statute, and the Board of Regents has no power to collect a fee for the use of the library or to exclude students from the use of the library for the nonpayment of such fee. State ex rel. Little v University of Kansas, 55 Kan 389, 40 P 656.

Library of Congress. A library established by Congress in 1800 for its use, the services of which have been extended for benefit of governmental agencies, other libraries, students, and the public, such institution occupying buildings opposite the Capitol at Washington D.C.

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librata. A pound-land; a piece of land yielding an annual rent of one pound.

libripens. (Roman law.) A scale holder; a weigher.

Librorum appellatione continentur omnia volumina, sive in charta, sive in membrana sint, sive in quavis alia materia. Within the meaning of the term "books" is included all volumes, whether of paper, of parchment, or of some other material.

Libson Shops. A leading case wherein the United States Supreme Court ruled that a net operating loss carry over could be used in reduction of taxable income only against income from the very same business which incurred the loss. Libson Shops, Inc. v Koehler, 353 US 382, 1 L Ed 2d 924.

licenciado. (Spanish.) An attorney; a lawyer.

license. Unrestrained conduct. A special privilege, not a right common to all. The privilege conferred by a public body on a person for the doing of something which otherwise he would not have the right to do. 33 Am J1st Lic § 2. Permission to exercise a right or privilege which has been subjected to regulation. *Madden v Queens County Jockey Club*, 296 NY 249, 72 NE2d 697, 1 ALR2d 1160. A requirement imposed by way of regulation of an occupation or business such as the business of selling intoxicating liquors. 30 Am J Rev ed Intox L § 116.

A transfer by the owner of a patent right of an interest therein less than that passing by an assignment, being the granting to the licensee of the right to make, use or vend the patented article. 40 Am J1st Pat § 146. Permission to make use of a copyrighted work exclusive of others or to use the work in a particular manner or for particular purposes. *Black v Henry G. Allen Co.* (CC NY) 42 F 618.

See **certificate; implied license; irrevocable license; leave and license; parol license.**

license coupled with an interest. A license in real property which confers the right, not the mere permission, to perform an act or acts upon the property, thereby being irrevocable and constituting an interest in the land itself. 33 Am J1st Lic § 101.

licensed material. Source material, special nuclear material, or by-product material received, possessed, used, or transferred under a general or specific license issued by the Atomic Energy Commission pursuant to the regulations of such Commission. 10 CFR Cum Supp § 20.3(a) (8).

licensed vessel. A vessel licensed by the United States for use in the coasting trade and fisheries. 48 Am J1st Ship § 48.

See **registry of vessel.**

licensee. A person who enters upon the property of another for his own convenience, pleasure, or benefit, his presence being tolerated, not invited, by the person in possession. *Greenfield v Miller*, 173 Wis 184, 180 NW 834, 12 ALR 982. A person possessing a license, such as a license to practice a particular profession.

license fee. The charge made for the issuance of a license, such being a tax where imposed for revenue, not merely to defray the expense of issuing the license. An imposition or exaction on the right to use or dispose of property, to pursue a business, occupation, or calling, or to exercise a privilege. 33 Am J1st Lic § 2.

license in real property. A personal, unassignable, and ordinarily revocable, privilege conferred either by writing or parol for the doing of one or more acts on land without possessing any estate therein, thereby rendering legal an act or acts which otherwise would be trespasses. 33 Am J1st Lic § 91.

See **license coupled with an interest.**

license plate. A metal or plastic plate upon which the license or registration number of an automobile or motor truck appears, the requirement being that such plate shall be attached to the automobile in such manner and at such a place that the number be clearly visible.

license tax. Same as **license fee.**

license to mine. See **mining license.**

licensing driver. See **operator's license.**

licensing motor vehicle. A statutory requirement, the purpose of which is to facilitate the supervision of such vehicles, their movement and control, and to establish their identity in relation to the public and to any resultant damage or injury they may cause. 7 Am J2d Auto § 50.

licensor. The grantor of a license.

licentia concordandi. Leave to agree the suit.

In levying a fine to effect a conveyance of land, as soon as the action was brought, the defendant, knowing himself to be in the wrong, was supposed to make overtures of peace to the plaintiff, whereupon the plaintiff asked the court's leave to agree to a settlement or concord. See 2 Bl Comm 350.

licentia loquendi. The liberty of speaking; that is, time for the defendant to talk to the plaintiff for the purpose of ending the controversy without further litigation. See 3 Bl Comm 299.

licentia regis. See **ex licentia regis.**

licentia surgendi. The privilege of rising,—the duration of the time allowed upon an *essoin de malo lecti*, that is, upon an excuse for nonappearance at court by reason of illness in bed.

licentiate. The holder of a license permitting him to practice a profession or calling.

licentia transfretandi. A writ to cause a port warden to honor a royal license permitting the holder to pass out of the port.

licentiously. In a licentious manner; freely; loosely; dissolutely. *State v Lawrence*, 19 Neb 307, 314.

licentiousness. Lack of moral restraint. The acts of a libertine. In an older sense, ruthless disregard of the rights of others.

licere. To be allowed or permitted by law; to be lawful.

licet. It is allowed or permitted by law; it is lawful. Adverb: Although; notwithstanding.

Licet cepit non asportavit. Although he took, he did not carry away.

Licet dispositio de interesse futuro sit inutilis, tamen potest fieri declaratio praecedens quae sortiatur effectum interveniente novo actu.

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Although the disposition of a future interest is ineffectual, yet a declaration precedent can be made which will take effect upon the intervention of a new act.

licet saepe requisitus. Although often requested or demanded.

licet saepius requisitus. Although he was often requested,—a general averment in formal words, which strictest rules of pleading required the plaintiff to insert in a common law declaration for breach of contract. *Lent v Padelford*, 10 Mass (10 Tyng) 230, 239.

Licita bene miscentur, formula nisi juris obstet. Things which are allowed by law may well be mingled, unless a form of law forbid.

licitare. (Roman law.) To bid; to bid at a public sale or auction; to outbid at an auction sale.

licitation. (Civil law.) Also called "cant," –a mode of dividing property held in common by two or more persons. *Hayes v Cuny* (La) 9 Mart 87, 89. (Roman law.) The bidding at an auction sale.

licitator. (Roman law.) A bidder at an auction or sale.

Lidford law. Same as **Jedwood justice.**

lie. Verb: To be appropriate as a remedy. To tell a falsehood knowingly. Noun: A prevarication; an untruth told knowingly.

lie detector. An instrument, sometimes called a pathometer, whose advocates claim for it that when attached to a witness, it will indicate whether he is testifying truthfully or not. *People v Forte*, 279 NY 204, 18 NE2d 31, 119 ALR 1198. An instrumentality used with some success to determine whether a person is telling the truth, being adapted to the registering of the blood pressure of a person being interrogated as he responds with answers to the questions propounded to him, the principle being that the blood pressure of a person changes upon the exertion of a conscious effort to tell an untruth. Anno: 34 ALR 147, s. 86 ALR 616. An instrumentality comparable to the blood pressure test but applied to the respiration, its operation being based upon the hypothesis that a person's breathing varies according to whether or not he is telling the truth. 29 Am J2d Ev § 831.

See **truth serum.**

lie detector test. A test made by lie detector.

See **lie detector.**

liege. The state of a person who is bound in fealty to a superior.

liege fee. See **feudum ligium.**

liege homage. Such homage or allegiance as was due the king alone, irrespective of tenure. See 1 Bl Comm 367.

liege lord. A superior lord; a sovereign lord; the king.

liegeman. A person from whom allegiance was due to a superior.

liege poustie. The condition of a person's health prerequisite to his freedom in alienating his property either by deed or by will.

lie in franchise. Descriptive of the status of property open to be taken without resort to an action.

lie in grant. Descriptive of a status of property. Property lies in grant when it can be transferred from one person to another by grant alone; as in the case of incorporeal hereditaments such as advowsons, commons, rents, and reversions, which pass by deed alone, since delivery of them cannot be made. See 2 Bl Comm 317.

lie in livery. Descriptive of a status of property. Property lies in livery when livery of seisin is essential to its transfer from one person to another; as in the case of all corporeal hereditaments, such as lands and houses. See 2 Bl Comm 317.

lie in prender. See **in prender.**

lie in render. See **in prender.**

lie in wait. See **lying in wait.**

lien. A charge upon property for the payment or discharge of a debt or duty. The right which the law gives to have a debt satisfied out of a particular thing; a proprietary interest which, in a given case, may be exercised over the property of another. 33 Am J1st Liens § 2. In the aspect of a common-law lien, the mere right in one person to retain that which is in his possession belonging to another until certain demands of the person in possession are satisfied. *Agnew v American Ice Co.* 2 NJ 291, 66 A2d 330, 10 ALR2d 232.

The word "lien" is of the same origin as the word "liable," and the right of lien expresses the liability of certain property for a certain legal duty, or a right to resort to it in order to enforce that duty. *Wood's Appeal*, 30 Pa 274, 277.

There are a great variety of liens, such as banker's lien; factor's lien; mechanic's lien, etc.

lien by judicial proceeding. An expression, of particular significance in the law of bankruptcy, for a lien obtained by attachment, judgment, levy, or other legal or equitable process or proceeding. 9 Am J2d Bankr § 1022.

See **attachment lien; judgment lien.**

lien by legal proceeding. See **lien by judicial proceeding.**

lien creditor. A creditor who holds a lien for the debt owed to him.

lienee. The owner of property subject to a lien.

lienholder. The holder or owner of a lien.

lienor. The holder or owner of alien upon the real or personal property of another.

lieu. See **in lieu of.**

lieu conus. A well-known place.

lieu lands. Lands of the public domain open to settlement by persons holding unperfected but bona fide claims to public lands, in lieu of the lands covered by such claims. 42 Am J1st Pub L § 15.

lieu taxes. Taxes on transportation or communication companies measured by the amount of their gross receipts, imposed in lieu of all other taxes upon the property of such concern or in lieu of taxes on certain classes of their property, such as that necessary to the carrying on of the business for which they were organized. Anno: 80 ALR 261, 277-279.

lieutenant. A deputy; a substitute; an agent. An officer of the United States Army, either a first lieutenant or a second lieutenant, the latter being the lowest in rank of the commissioned officers, the former being intermediate in rank between second lieutenant and captain. An officer of the United

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States Navy, ranking immediately below lieutenant commander and immediately above lieutenant junior grade.

lieutenant colonel. An officer of the United States Army, also of the Air Force, in rank immediately above major and immediately below colonel.

lieutenant commander. An officer of the United States Navy, in rank immediately below commander and immediately above lieutenant.

lieutenant general. A high ranking officer of the United States Army, ranking immediately below a general and immediately above a major general.

lieutenant governor. A state officer, usually the presiding officer of the senate or higher body of the state legislature, and usually the officer succeeding to the duties of the governor in the event of the tatter's death, resignation, removal, incapacity, or other event rendering him incapable of performing the duties of the office. 24 Am J1st Gov § 8.

lieutenant junior grade. An officer of the United States Navy, ranking immediately above an ensign and immediately below a lieutenant.

life. Existence as an animate being.

See **beginning of life; expectation of life; full life; lives in being; natural life.**

life annuity. An obligation to pay to a specified person a specified sum each year during the remainder of lifetime.

See **annuity.**

life assurance. Same as **life insurance.**

lifeboat. A boat carried by a ship for use in event of a forced abandonment of the ship. 48 Am J1st Ship § 361. A boat used by the Coast Guard in rescuing shipwrecked crew or passengers of vessels or other persons in danger of perishing in the sea.

life estate. An estate to be held by grantee or devisee for the term of his own life, or for that of another person, or for more lives than one. 28 Am J2d Est § 56; 33 Am J1st Life Est § 2. An estate of freehold, not of inheritance. 28 Am J2d Est § 56.

A life estate in land is real estate. Croasdale v Butell, 177 Kan 487, 280 P2d 593, 49 ALR2d 1112.

Under the modern law, a life estate and future interest, usually by way of remainder, may be created in personal property. 33 Am J1st Life Est § 5.

life estate by operation of law. A life estate which comes into existence without any act of the parties, such as that which springs from curtesy or dower. 33 Am J1st Life Est § 2.

life expectancy. See **expectation of life.**

life expectancy table. See **mortality table.**

lifeguard. A person employed at a beach, swimming pool, or on a ship or boat to effect a rescue of persons in danger of drowning or to prevent swimmers from getting into dangerous waters.

life imprisonment. Imprisonment as punishment for a criminal offense for the lifetime of the offender. State v Evans, 73 Idaho 50, 245 P2d 788.

life insurance. A contract, known as a policy, by which the insurer in consideration of the payment to it by the insured of a certain sum, or certain sums, of money known as a premium or premiums, measured and proportioned in amount according to factors affecting the risk of death, such as the age, health, and occupation of the insured, assumes the risk of insured's death by agreeing to pay a fixed amount to the estate of the insured or a beneficiary designated by the insured; or, in the case of an endowment policy, agrees to pay the insured the amount of the policy in one sum, or in an annuity, upon the expiration of the

endowment period during the life of the insured. *Tyler v Treasurer*, 226 Mass 306, 115 NE 300; *Fox v Swartz*, 235 Minn 337, 51 NW2d 80, 30 ALR2d 739; *St. John v American Mut. Life Ins. Co.* 13 NY 31. Not a contract of indemnity. 29 Am J Rev ed Ins § 4.

life insurance company. A corporation engaged in the business of issuing policies or contracts of life insurance.

See **mutual insurance company**; **reserve**; **stock company**.

life insurance contract. See **life insurance**.

life insurance policy. See **life insurance**.

life interest. An interest in property which is to terminate upon the death of the holder of the interest, or upon the death of some other designated person.

See **life estate**.

life, liberty, and property. A phrase encompassing every right to which a member of the body politic is entitled under the law. *Gillespie v People*, 188 Ill 176, 58 NE 1007. The rights of self-defense, freedom of speech, religious and political freedom, exemption from arbitrary arrest, the right freely to buy and sell as others may, the right to labor, to follow an occupation, to contract, to terminate contracts, to acquire property, and the right to all liberties, personal, civil, and political—in short, all that makes life worth living. 16 Am J2d Const L § 357.

The term within the meaning of constitutional guaranties of life, liberty, and property does not consist simply of the right to freedom from arbitrary physical restraints or servitude, but includes the right to be free in the use of one's faculties in all lawful ways, to earn one's livelihood where and how he will, subject to such restraints as are necessary for the common welfare. *State v Ballance*, 229 NC 764, 51 SE2d 731, 7 ALR2d 407.

life, liberty, and pursuit of happiness. Inalienable, fundamental and inherent rights. 16 Am J2d Const L § 346. Substantially the same rights comprehended by the phrase life, liberty, and property. *Ruhstrat v People*, 185 Ill 133, 57 NE 41; *Wyeth v State*, 200 Mass 474, 86 NE 925. Inclusive of the enjoyment of all the comforts and pleasures which man's physical, intellectual, and moral nature is capable of acquiring and enjoying by the application and exercise of the various faculties with which he is endowed, and of all that the world can afford him. *Lawrence E. Tierney Coal Co. v Smith*, 180 Ky 815, 203 SW 731, 4 ALR 1540.

life or limb. See **injury to life or limb**.

life peerage. The dignity or rank of a baron conferred upon a man by letters patens of the king, to endure for the lifetime of the man and no longer.

That is, the dignity of a life peerage does not descend to the heir. See 1 Bl Comm 401.

life policy. A written contract of life insurance.

See **life insurance**.

life preserver. A garment or other device worn in water for the purpose of keeping the body afloat, thereby saving the person from drowning. A weapon carried for self-defense.

life-rent. Same as **life estate**.

life-renter. The holder of a life-rent.

lifesaving station. A building at the seashore for the housing of men and boats to be used as necessary for the saving of the lives of persons imperiled by shipwreck or other marine disaster, or otherwise placed in peril of drowning.

life sentence. See **sentence**.

life tables. See **mortality tables**.

life tenancy. See **life estate**; **life tenant**.

life tenant. A person who has a life estate, such interest giving him the status of a freeholder. 28 Am J2d Est § 56.
See **life estate**.

lifetime transfer. Same as **inter vivos transfer**.

life trustee. A trustee of a business trust holding the office for life. Anno: 156 ALR 138.

LIFO. Abbreviation of last in, first out.

lift. A lifting jack. An elevator in England.
See **lifting jack**.

lifting corporate veil. Disregarding the corporate entity where to recognize it as something distinct from the incorporators or stockholders results in a violation of public policy. 18 Am J2d Corp § 14.

lifting hand. A formality in the taking of an oath. 39 Am J1st Oath § 13.

lifting jack. A device for raising heavy objects, particularly motor vehicles, for convenience in accomplishing repair work or servicing upon the vehicle. 24 Am J1st Gas Sta § 23. An elevator in England.

liga. A league; an association.

ligan. Goods cast into the sea by shipwreck or in order to save a ship, tied to a buoy. 48 Am J1st Ship § 647. A subject of salvage. 47 Am J1st Salv § 3.

ligare. To bind together; to unite; to join a league.

ligealty. Allegiance.

The fundamental principle of the common law with regard to English nationality was birth within the allegiance, also called "ligealty," "obedience," "faith," or "power," of the king. The principle embraced all persons born within the king's allegiance, and subject to his protection. *United States v Wong Kim Ark*, 169 US 649, 655, 42 L Ed 890, 893, 18 S Ct 456.

ligeance. Allegiance.
See **ligealty**.

ligeantia. Ligeance; allegiance.
See **ligealty**.

ligeantiae actoris. See **forum ligeantiae actoris.**

ligentiae rei. See **forum ligeantiae rei.**

Ligeantia est quasi legis essentia; est vinculum fidei. Allegiance is, as it were, the essence of the law; it is the bond of faith.

Ligeantia naturalis nullis claustris coercetur, nullis metis refraenatur, nullis finibus premitur. Natural allegiance is restrained by no bars, held by no boundaries, compressed by no limits.

light. See **ancient lights; easements of light, air, and view.**

light, air, and view. Neither appurtenances nor hereditaments in the absence of an easement. 1 Am J2d Adj L § 89.
See **easements of light, air, and view.**

light and air. See **easements of light, air, and view.**

light company. See **electric company; gas company.**

light easement. See **easements of light, air, and view.**

lighter. A vessel of shallow draft used in transporting cargo to and from a ship anchored in deep water, shallow water preventing the docking of the ship at the wharf. *The Mamie* (DC Mich) 5 F 813, 820. A vessel for the purpose of admiralty jurisdiction. *The Mackinaw* (DC Or) 165 F 351.

lighterage. The transportation of goods by lighter or barge; the charge for transportation by lighter. *Western Transportation Co. v Hawley* (NY) 1 Daly 327, 332.

lighterman. The proprietor of a lighter.

light fixture. An instrumentality affixed to the ceiling or wall of a building, through which insulated wires carrying electricity are run and to which bulbs for illumination are fastened.

The authorities are conflicting as to whether gas and electric light fixtures retain their quality of personal property when put into place in buildings. Some of the authorities consider that such attachments are fixtures in the true sense of the term, but the greater number of authorities hold that they should not so be considered. 35 Am J2d Fixt § 127.

lighthouse. A comparatively tall structure erected at or near the shore of the ocean or body of water, wherein a light is displayed for the purpose of warning ships during hours of darkness of dangers in shoals or rock.

lighting regulations. Building regulations promulgated primarily for purposes of health. *Daniels v Portland*, 124 Or 677, 265 P 790, 59 ALR 512.

lighting way. Illuminating a highway or street by artificial lights. 25 Am J1st High § 70.

light manufacturing district. A zoning law classification intended to keep out heavy industries such as cement works, steel mills, paper mills, etc. 58 Am J1st Zon § 33.

light money. A duty, additional to tonnage duties, paid upon all vessels not of United States registry which enter the ports of this country. 48 Am J1st Ship § 650.

lightning. A sudden discharge of electricity from a cloud to the earth, or from the earth to a cloud, or from one cloud to another, that is, from a body positively charged to one negatively charged, producing a vivid flash of light, and usually a loud report called thunder. *Spensley v Lancashire Ins. Co.* 54 Wis 433, 441. One of the elements of nature. 32 Am J1st L & T § 811. An act of God in its origin, but not necessarily in its consequences. *Short v Kerr*, 104 Ind App 118, 9 NE2d 114.

lightning clause. A clause in, or attached as a rider to, a fire insurance policy, relative to the risk of loss by lightning. *Russell v German Fire Ins. Co.* 100 Minn 528, 111 NW 400.

lightning insurance. Insurance against loss or damage by lightning, provided by an independent policy or by a clause in an ordinary fire insurance policy. Anno: 15 ALR2d 1017.

lights. See **ancient lights; headlights; load lights;**

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side lights; tail light; also words and phrases beginning "light."

ligium. See **feudum ligium.**

ligius. Same as **liege.**

Ligna et lapides sub "armorum" appellatione non continentur. Sticks and stones are not included in the term "arms."

lignagium. The right to gather fuel in a wood.

lignum. Wood; firewood; cut wood as distinguished from that which is growing.

like effect. Like result. *Fine v Soifer*, 288 Pa 164, 135 A 742.

likelihood. See **in all likelihood.**

likely. Adjective: Credible, although often employed in sarcasm, as a "likely" story. Adverb: Probable, but not more than "probable" and sometimes less than "probable" depending upon the context. Not the equivalent of reasonably certain. 22 Am J2d Damg § 352.

In the law of proximate cause, when it is said that an injury is the "likely," and not the improbable result of the wrongful act, the word "likely" is used in the sense of something more than possible, and less than probable. *Conchin v El Paso & Southwestern Railroad Co.* 13 Ariz 259, 108 P 260.

likeness. A picture; a resemblance.

like result. Like effect. *Fine v Soifer*, 288 Pa 164, 135 A 742.

limb for a limb. A sentence of one convicted of mayhem, on the principle of retaliation, that he should lose the member of his own body corresponding to the member of which he had deprived the victim of the offense.

By the ancient law of England a person convicted of mayhem was sentenced to lose that member of his own body corresponding to the member of which he had deprived his victim. This method of punishment became obsolete partly because of its inadequacy and partly because it could not be repeated in the case of a repetition of precisely the same act. See 4 Bl Comm 206.

lime kiln. An oven wherein limestone is heated for the purpose of obtaining lime. 32 Am J1st L & T § 493.

limestone. A mineral. Anno: 86 ALR 985; 36 Am J1st Min & M § 5. The raw material from which lime is obtained by the application of heat. Also a building stone.

limine. See **in limine.**

limit. A boundary, a border, the outer line of a thing. A restraining line, often figurative, as "debt limit." Casler v Connecticut Mut. Life Ins. Co. 22 NY 429, 431.

limitatio. A limitation.

limitation. In the broad sense a limit. In a technical sense, a clause or provision in deed, grant, or will which states a condition of the grant or devise, especially a condition which terminates an estate without act performed by the taker of the next estate or interest or a condition which determines the quality of the estate granted or devised. A provision in a lease whereby the lease terminates upon the happening or not happening of a certain event or upon the performance or nonperformance of a condition. 32 Am J1st L & T § 825. The period of time subsequent to the event giving rise to a cause of action or cause for criminal prosecution during which the action or prosecution must be commenced. 34 Am J1st Lim Ac § 3. The period of time during which adverse possession of property must be maintained in order to ripen into title. 3 Am J2d Adv P §§ 9 et seq.

See **conditional limitation; estate upon condition; executory limitation; words of limitation.**

limitation of action. The policy of the state as expressed in a statute of limitations prescribing the period of time within which an action or proceeding in law or in equity must be brought. 34 Am J1st Lim Ac § 3. The policy of the state as expressed in a statute of limitations prescribing the period of time within which a criminal prosecution must be commenced. 21 Am J2d Crim L § 154. The policy of the parties to a contract as expressed by a provision of the contract limiting the period of time within which an action or proceeding may be brought upon the contract. 34 Am J1st Lim Ac § 67.

limitation of estate. See **limitation.**

limitation of indebtedness. A provision in a state constitution as found in a number of states, that the state will not, through its legislature, create any debt or liability, except for certain purposes, in excess of a prescribed amount, or a provision that the legislature shall not create an indebtedness to exceed a certain per cent on the assessed value of the taxable value property of the state. 49 Am J1st States § 66. A provision of the state constitution, statute, or charter which places a limit upon the amount of indebtedness which a municipal corporation can lawfully incur. 38 Am J1st Mun Corp § 408. The limit on the amount of indebtedness of the United States as fixed and modified from time to time by Congress.

limitation of liability. A limitation upon a liability otherwise contracted or assumed by entering into a particular relationship, the most common of which is found in contracts of bailment, limiting the liability of the bailee, 8 Am J2d Bailm § 132, such as a carrier, 14 Am J2d Car § 537, the keeper of a hotel or inn, 29 Am J Rev ed Innk § 86, or a warehouseman, Lancaster Mills v Merchants' Cotton-Press & Storage Co. 89 Tenn 1, 14 SW 317, especially in reference to those bailments in which, in the absence of a limitation, the bailee is under an absolute or insurer's liability.

A contractual, statutory, or customary limitation of a shipowner's liability for loss of or injury to goods or merchandise carried on board the vessel. 48 Am J1st Ship §§ 445 et seq. A limitation appearing in a policy of insurance upon the amount of loss for which the insurer is liable. 7 Am J2d Auto Ins § 189; 29 Am J Rev ed Ins § 227. A contractual limitation of a telegraph company's liability for negligence in the transmission of a message. 52 Am J1st Teleg & T § 143. A stipulation in a contract between a credit-reporting agency and a customer which provides that the agency shall not be liable for the negligence of its agents, and that it does not guarantee the verity or accuracy of the information given. Corrigan v Dun & Bradstreet, Inc. (DC

RI) 91 F Supp 424. A provision in the indenture of a business trust which states expressly that the shareholders shall not be individually liable for debts or liabilities incurred by the trustees on behalf of the trust, or that persons dealing with the trustees shall look for satisfaction of their demands

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only to the property and assets of the trust. 13 Am J2d Bus Tr § 37. A clause in the indenture of a business trust which provides that the trustees shall not be personally liable on contracts made by them on behalf of the trust. Anno: 156 ALR 165. The condition of a sale at auction that all complaints must be made at a specified time after the sale. 7 Am J2d Auct § 54.

A contract against liability for negligence is in contravention of public policy. Anno: 175 ALR 39.

See **limited liability acts**.

limitation of time. A rule prescribed by statute, order of court, or the common law, whereby a certain action must be taken within a specified time under pain of inability to take such action at a later time.

See **limitation of action**.

limitation on jurisdiction. See **limited jurisdiction**.

limitation over. The disposition made by deed or will of an estate or interest following the termination of a prior estate, the stock example of which is a remainder limited after a life estate. Ewing v Shropshire, 80 Ga 374, 377, 7 SE 554.

limitation period. See **limitation; limitation of action**.

limited. Narrow, restricted, circumscribed, inclosed within a certain limit; hemmed in; confined; bounded. Cheney v Smith, 3 Ariz 143, 23 P 680, 685. Abbreviated ltd. A word used to indicate the corporate status, especially in England and Canada, the connotation being that the liability of a shareholder is limited to his investment in shares. A word used to signify a partnership other than a general partnership.

See **limited partnership**.

limited-access highway. A superior highway so constructed with feeder lines as to eliminate the intersection of traffic at right angles, the construction permitting an entering vehicle to approach the lane desired in the same general direction as the movement of traffic in the lane and to come into such lane with the least disturbance of the movement of traffic.

limited adoption. The selective adoption of principles of the common law, that is, the adoption by the state of only such common-law principles as are deemed salutary in the light of the conditions existing in the state. Cahoon v Pelton, 9 Utah 2d 224, 342 P2d 94.

limited company. See **limited; limited partnership**.

limited constitution. A constitution which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like.

Limitations of this kind can be preserved in practice no other way than through the medium of the courts of justice. Per Alexander Hamilton in The Federalist, No. 78.

limited covenant of warranty. See **special warranty**.

limited divorce. Otherwise known as a divorce from bed and board or divorce a mensa et thoro. Kelley v Kelley, 183 Or 169, 191 P2d 656. A divorce which varies in its consequences from state to state, but may be defined generally as a judicial

decree which terminates the obligation and right of cohabitation but does not affect the status of the parties as married persons or dissolve the marriage. 24 Am J2d Div & S § 1.

limited emancipation. The act of a parent in releasing his child from care, custody, or control for only a part of the period of minority or from only a part of the rights of the parent. Porter v Powell, 79 Iowa 151, 44 NW 295.

limited estate. Any estate less than a fee.

limited fee. See **conditional fee; determinable fee; qualified fee.**

limited guaranty. A contract of guaranty which is restricted in its operation with respect to obligee, transactions covered, locality, items for which credit may be extended, amount of credit, etc. 24 Am J1st Guar § 72.

limited endorsement. See **conditional endorsement; qualified endorsement.**

limited interest. An interest which is qualified or which falls short of being an absolute interest. Griffith v Charlotte, Columbia & Augusta Railroad Co. 23 SC 25.

See **limited estate.**

limited jurisdiction. A phrase having reference to inferior courts. Jurisdiction which does not extend to the general administration of justice. Den ex dem. Obert v Hammel, 18 NJL 73, 79

See **court of limited jurisdiction.**

limited legal investments. A term of significance to trustees.

This term as used in the New Jersey Prudent Man Investment Statute, does not make such investments any less legal than the fiduciary investments authorized by other statutes and labeled "legal investments"; the limitation relates solely to the percentage of the trust which the trustee may invest therein. Fidelity Union Trust Co. v Price, 11 NJ 90, 93 A2d 321, 35 ALR2d 980.

limited legitimation. The legitimation of a child born out of wedlock for some purposes but not to the extent of equalizing its status with that of a legitimate child. 10 Am J2d Bast § 57.

limited liability acts. Statutes which restrict liability to a less amount than the common law would allow. Federal statutes limiting the liability of a shipowner for loss, damage, or injury, enacted for the purpose of encouraging the investment of capital in the building and navigation of ships, by enabling the owners of American ships to compete upon equal terms of liability with foreign shipowners. 48 Am J1st Ship § 567.

limited liability of shipowner. See **limited liability acts.**

limited owner. An owner whose interest in the property is not absolute, but qualified. Griffith v Charlotte, Columbia & Augusta Railroad Co. 23 SC 25.

See **limited estate.**

limited partnership. A partnership in which the liability of some, but not all, members is limited, being formed under laws permitting an individual to contribute a specified sum to the capital of the firm and then limit his liability for losses to that amount, provided compliance is had with certain established requirements. 40 Am J1st Partn §§ 504 et seq.

As to the effect of writing "limited" or "ltd" after the signatures of the members of a limited partnership appended to a contract, see Bernard & Less Mfg. Co. v Packard & Calvin (CA3 Pa) 64 F 309, 310.

See **partnership association**.

limited power of appointment. A power of appointment which is exercisable only in favor of persons or a class of persons designated or described in the

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instrument creating the power. *Marx v Rice*, 1 NJ 574, 65 A2d 48, 9 ALR2d 584.

In Pennsylvania, a general power of appointment is not converted into a special power by reason of spendthrift provisions protecting the income during the lifetime of the donee. *Legg's Estate v Commissioner* (CA4) 114 F2d 760.

limited power of disposal. A qualified power of disposition, a power dependent on a contingency or definitely qualified. 33 Am J1st Life Est § 25.

limited predestination. A doctrine of the Primitive Baptist Church that God predestinated things which may come to pass with reference to the salvation of souls only, repudiating the idea that God predestinated the happening of things in this material world. *Bennett v Morgan*, 112 Kan 512, 520, 66 SW 289.

limited publication. A publication which communicates the contents of a manuscript or other intellectual production to a definitely selected group and for a limited purpose, and without the right of diffusion, reproduction, distribution, or sale, or under conditions which expressly or impliedly preclude its dedication to the public. 18 Am J2d Copyr § 79.

Prior to publication an author may, without forfeiture of the right of a general publication, make copies of his production and enjoy the benefit of limited or restricted publication, such as performance of a dramatic or musical composition before a select audience, or private circulation of a manuscript. *Stanley v Columbia Broadcasting System*, 35 Cal 2d 653, 221 P2d 73, 23 ALR2d 216.

limited ticket. A railroad ticket which entitles the holder to ride only certain trains. 14 Am J2d Car § 754.

limited train. A through train, that is, one stopping at only a few stations; a train carrying only first class or extra-fare passengers.

limited voting. Same as **restrictive voting**.

limits of the jail. See **liberties of the jail**.

limits on speed. See **speed limits**.

limousine service. A service, sometimes operating under an exclusive franchise, for the transportation of people to and from a public airport, passengers boarding and leaving the limousines at hotels and other places in the downtown area. 8 Am J2d Avi § 56.

Lindbergh Law. See **Kidnapping Act**.

line. A wire for the transmission of telegraph messages or the transmission of sound by telephone. A wire through which electricity is conducted for the use of customers. The pipes of a gas company. A course of descent or succession. *McIntyre v Ramsey*, 23 Pa 317, 320.

See **boundary; route**.

linea. Same as **line**.

lineage. Race; progeny; descendants in a line from a common progenitor. *Lockett v Lockett*, 94 Ky 289, 291.

lineal. In a direct line.

lineal ascendants. The parents, grandparents, great-grandparents, etc. of a person. 23 Am J2d Desc & D § 42.

lineal consanguinity. The blood relationship which subsists between persons of whom one is descended in a direct line from the other; as between the son, the father and the grandfather, in the ascending line, and between the father, son, and grandson, and so on downward, in the descending line.

lineal descendants. Blood relatives in the direct line of descent. *Re Smith's Estate*, 343 Mich 291, 72 NW2d 287, 51 ALR2d 287. The children, grandchildren, great-grandchildren, etc. of a person. 23 Am J2d Desc & D § 42.

lineal descent. A descent in the direct line of an intestate, as, for example, from father or grandfather to son or grandson, or from son or grandson to father or grandfather. 23 Am J2d Desc & D § 42.

lineal heirs. Persons entitled to the property of an intestate as heirs by lineal descent.

See **lineal descent**.

lineal inheritance tax. A succession tax imposed upon the passing of property of a decedent to persons connected with him by lineal descent. *Estate of Macky*, 46 Colo 79, 102 P 1075.

See **lineal descent**.

lineal measure. The measurement of distance, employing units such as the foot, yard, rod, etc.

lineal warranty. A warranty which existed where the heir derived, or might by possibility have derived, his title to the land warranted, either from or through the ancestor who made the warranty; where a father, or an elder son in the lifetime of the father, released to the disseisor of either themselves or the grandfather, with warranty, this was lineal to the younger son. See 1 Bl Comm 301.

linea recta. A straight line; a line of direct descent.

Linea recta est index sui et obliqui; lex est linea recti. A straight line is its own index or criterion and is also that of an oblique or indirect line; law is the line of rectitude.

Linea recta semper praefertur transversali. A direct line of descent is always preferred to a collateral line.

lines transversalis. A collateral line.

line haul. The transportation of goods by railroad from an initial point to a terminal point on the same road or on a connecting road.

Switching service is not a line haul but is an incident to a line haul. *Cummings Sand & Gravel Co. v Minneapolis & St. Louis Railroad Co.* 182 Iowa 955, 166 NW 354.

line-haul charge. A charge made by a carrier for transportation, inclusive of accessorial or incidental service in receiving or delivering freight in carload lots on private or industrial sidings or spur tracks. 13 Am J2d Car § 467.

lineman. An employee of an electric company, telephone company or telegraph company whose duties are concerned with the erection and maintenance of the power or communication lines. A railroad worker, sometimes known as a section hand, employed in the maintenance of roadbed and track.

linen-supply service. A service for supplying tablecloths, bedsheets, pillow cases, towels, etc., week by week, in cleaned and laundered form, for rent, the customers being hotels, restaurants, industrial, and business concerns. *Lonas v National Linen Service Corp.* (CA6 Tenn) 136 F2d 433, 150 ALR 697, cert den 320 US 785, 88 L Ed 472, 64 S Ct

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157; *Harper v Alderson*, 126 W Va 707, 30 SE2d 521, 153 ALR 819.

line of causation. The test of proximate cause. 38 Am J1st Negl § 56.

line of credit. A margin of credit maintained by a customer with a firm through keeping the amount of his account within a certain amount by payments on account from time to time. *Schneider-Davis Co. v Hart*, 23 Tex Civ App 529, 57 SW 903.

line of descent. See **collateral descent**; **lineal descent**.

line of duty. The course of duty whether in the military or in civilian employment.

line of high water. See **ordinary high-water mark**.

line tree. A tree marking a boundary line or corner.

lineup. A practice by the police in which prisoners held pending preliminary hearing are brought into view for inspection and identification. *Owens v Commonwealth*, 186 Va 689, 43 SE2d 895.

link-in-chain. The rule which applies the privilege against self-incrimination to protect an individual not only against requiring answers by him that are in themselves directly incriminating, but also against requiring answers that may provide a link in the chain of evidence against him. *Estes v Potter* (CA5 Tex) 183 F2d 865, cert den 340 US 920, 95 L Ed 664, 71 S Ct 356.

lion's share. The whole of the profits going to one partner.

liquere. To be fluid; to be clear; to be evident; to be apparent.

liquet. It appears; it is evident; it is clear.

liquet satis. It is clear enough; it is sufficiently evident; it appears clearly enough.

liqueur. An aromatic, alcoholic cordial, including creme de menthe and absinthe. *Erhardt v Steinhardt*, 153 US 177, 38 L Ed 678, 14 S Ct 775.

liquidate. To pay a debt. *Flecker v Bank of United States* (US) 8 Wheat 338, 5 L Ed 631; *Austin v Tecumseh Nat. Bank*, 49 Neb 412, 68 NW 628. To obtain by agreement or by action the ascertainment of the amount of a debt. To settle the affairs of a business by selling assets, making collections of accounts receivable, applying the proceeds thus obtained to the payment of the debts of the business, and, if there be a surplus after such debts are paid, dividing it among the owners of the business.

liquidated. Paid. Wound up, as in reference to the affairs of a business. Determined as to amount, as in reference to a debt.

liquidated account. An account the amount of which is agreed upon by the parties, or is fixed by operation of law. *State v Staub*, 61 Conn 553, 568.

liquidated damages. A sum stipulated and agreed upon by the parties, at the time of entering into a contract, as being payable as compensation for loss suffered in the event of a breach. 22 Am J2d Damg § 212.

As to the distinction between penalties and liquidated damages, see 22 Am J2d Damg § 213.

liquidated debt. A debt which has been paid. A debt, the amount of which has been determined by agreement between the parties or by legal proceedings.

A debt is liquidated when it is certain what is due and how much is due; *cum certum est an et quantum debeatur*. For although it may appear that something is due, if it does not also appear how much is due, the debt is not liquidated. *Roberts v Prior*, 20 Ga 561, 562.

liquidated demand. A demand ascertained in reference to the amount. A demand which is undisputed as to amount.

See **liquidated debt**.

liquidating partner. A partner who accomplishes or participates in the liquidation of the firm. *Garretson v Brown*, 185 Pa 447, 452, 40 A 293.

Under the provisions of the Uniform Partnership Act, unless otherwise agreed, the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs, provided, however, that any partner, his legal representative or his assignee, upon cause shown may obtain winding up by the court. Uniform Partnership Act § 37.

liquidating trust. A trust, the purpose of which is liquidation as soon as the circumstances will permit, albeit it may be carrying on a business, where the engagement in business is incidental and necessary to the preservation of assets. *Helvering v Washburn* (CA Minn) 99 F2d 478.

An incidental intention to liquidate in case of unsuccessful business operations is not sufficient to make a liquidating trust out of what would otherwise be a taxable association under the income tax statute. *Jackson v United States* (CA9 Cal) 110 F2d 574.

liquidation. The extinguishment of a debt by payment. *Flecker v Bank of United States (US)* 8 Wheat 338, 5 L Ed 631. The ascertainment of the amount of a debt or demand by agreement or by legal proceedings. In a more common sense of the term, the winding up of a corporation, partnership, or other business enterprise upon dissolution by converting the assets to money, collecting accounts receivable, paying debts, and distributing the net proceeds, if any, among the shareholders, partners, or owners of the business. *Garrett Co. v Morton*, 35 Misc 10, 71 NYS 17. The winding up of the affairs of a corporation by reducing its assets, paying its debts, and apportioning the surplus, if there be a surplus. *Young v Blandin*, 215 Minn 111, 9 NW2d 313.

See **partial liquidation**.

liquidation dividend. Same as **dividend in liquidation**.

liquidation of corporation. See **liquidation**.

liquidation of duties. The ascertainment and settlement of the amount of custom duties to be paid upon imported merchandise. 21 Am J2d Cust D § 80.

liquidation of partnership. See **liquidation**.

liquidator. In the broad sense, one who liquidates. In a technical sense, especially in England and Canada, one who liquidates a corporation in receivership for dissolution; in other words, a receiver. 45 Am J1st Rec § 3.

liquid gas. A product captured and compressed at oil and gas wells, for shipment in containers to individual customers. 26 Am J2d Electr § 5.

liquid measure. The measurement of liquids, the units being pint, quart, gallon, etc.

liquor. Any sort of liquid or fluid substance, but in common parlance a beverage with an intoxicating quality. 30 Am J Rev ed Intox L § 8. A beverage of high potency produced by distillation. 30 Am J Rev ed Intox L § 8. Broadly, an alcoholic or spiritu-

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ous liquor, either distilled or fermented. Luther v State, 83 Neb 455, 120 NW 125.

See

Liquor Control Act. The title given in several jurisdictions to the statute regulating the traffic in alcoholic beverages.

intoxicating liquor.

liquor dealer. See **dealer in liquor.**

liquor dispensary. See **dispensaries.**

Liquor Enforcement Act. A federal statute enacted following the termination of National Prohibition which is concerned with the interstate transportation of liquor, defining several offenses in connection therewith. 18 USC §§ 1262-1265.

liquor license. A license to manufacture, sell, serve, store, or traffic in any respect in intoxicating beverages.

liquor nuisance. A place of business selling intoxicating liquors as declared a nuisance by statute or ordinance or so conducted as to constitute a material annoyance, inconvenience, discomfort, or hurt to an individual or the public. The selling and delivering of intoxicating liquor on the streets of a municipality in violation of law, repeatedly and persistently. 30 Am J Rev ed Intox L § 415.

liquor traffic. Trade or commerce in intoxicating liquors.

A foreign corporation is a "trafficker" in intoxicating liquors, within the meaning of a statute imposing a tax on the business, where it maintains a storehouse in the state, at which it sells and delivers beer and collects payment. Reyman Brewing Co. v Brister, 179 US 445, 45 L Ed 269, 21 S Ct 201.

lis. (Latin.) A suit; action; controversy, or dispute. State ex rel. Hamilton v Guinotte, 156 Mo 513, 57 SW 281.

lis alibi pendens. An action pending in another place; a plea of an action pending elsewhere.

lis mota. The commencement of a controversy; the commencement of a suit or action.

lis pendens. Literally, a pending suit; in law, the jurisdiction, power, or control that a court has, during the pendency of an action, over the property involved therein. 34 Am J1st Lis P § 1.

See **notice of lis pendens.**

list. Verb: To make an orderly memorandum of things, persons, or events. To register or enroll real property with a real estate broker or agent, authorizing him to conduct negotiations with prospective purchasers for the sale of the property. *E. A. Strout Co. v Gay*, 105 Me 108, 72 A 881. To enroll the stock or other security issued by a corporation or a commodity, such as wheat, soybeans, etc. on a stock of commodity exchange for the purpose of the handling of purchases and sales by the exchange. Noun: An orderly memorandum of things, persons, or events, such as a list of customers of a business, 19 Am J2d Corp § 1282, or of the stockholders of a corporation. 18 Am J2d Corp § 188.

See **blacklist; cause list; civil list; eligible list; grand list; inventory; jury list; Lloyd's Lists; tax list; unfair list.**

listed price. The price at which a landowner lists his property for sale with a real estate broker. 12 Am J2d Brok § 111.

listen. See **look and listen.**

lister. A person who lists persons and property and who values the latter for purposes of assessment or taxation; an appraiser; an assessor.

listing. See **list.**

listing contract. A so-called contract whereby an owner of real property employs a broker to procure a purchaser without giving the broker an exclusive right to sell. Under such an agreement, it is generally held that the employment may be terminated by the owner at will, and that a sale of the property by the owner terminates the employment. Such an agreement is not in fact a contract, but is a mere offer, which, if not sooner revoked, ripens into a contract if the broker produces a purchaser while the owner still holds the property. *Harris v McPherson*, 97 Conn 164, 115 A 723, 24 ALR 1530, 1534.

See **list.**

list of creditors. A list of the creditors of the seller of a stock of merchandise, required by bulk sales statutes. 24 Am J1st Frd Conv § 237. A schedule of the debts of a bankrupt, including the names and addresses of creditors and a description of the debts with details respecting amount, consideration, and security, to be provided by a bankrupt. 9 Am J2d Bankr §§ 367 et seq.

list of property. A schedule of property required of a bankrupt. 9 Am J2d Bankr § 378.

See **inventory.**

list of proved claims. A requirement made by a General Order in Bankruptcy of the person with whom proofs of claim or of interest are filed. 9 Am J2d Bankr § 497.

list of referred cases. A statement required of a referee in bankruptcy, showing a list of the proceedings referred to him which have remained open for more than 18 months, giving the reasons in each instance why they have not been closed, the same to be in duplicate and verified, and filed in the office of the clerk of court.

One copy shall be transmitted by the clerk, forthwith upon its receipt, to the Administrative Office of the United States Courts. Order 26, General Orders in Bankruptcy.

list system. A system of voting for public officers. 26 Am J2d Elect § 273.

Under this system, the names of candidates are put on the ballot in lists or blocks, so that those of similar views are grouped together. The elector has but one vote to cast and he casts it for one candidate on one of the lists. This vote counts one in determining how many candidates the adherents of that list are to elect and it also counts one toward the election of a single candidate on that list. The proportion of the total vote which is cast for a single list determines the number of representatives which are chosen from that list; and when that number has been determined, the highest candidates on the list are chosen. Thus

an elector may vote for a candidate who is defeated, yet at the same time further the election of another candidate from the same list of the party. 26 Am J2d Elect § 273.

litem. Of or pertaining to litigation.
See **in litem; litis.**

litem motam. See **ante litem motem.**

litem suam facere. (Roman law.) To make the action his own. A judge who exhibited partiality was said to do this.

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lite pendente. See **pendente lite.**

liter. A unit of measure, equivalent to 1.057 liquid quarts and 0.908 dry quart.

litera. A letter. Singular of **literae.**

litera acquietantiae. A letter of discharge or acquittance.

literacy. Ability to read and write.

literacy qualification. A qualification for jury duty, sometimes imposed directly as a certain minimum or fair education, sometimes imposed indirectly by requiring literacy as a prerequisite to registering as a voter, and then requiring jurors to be selected from the list of registered voters. 31 Am J Rev ed Jury § 168.

literacy test. A test to determine the qualification of a voter according to his ability to read and write or ability to read and understand any section of the State or Federal Constitution. 25 Am J2d Elect § 89.

literae. Letters; written instruments; words; the words.

literae clausae. Close letters, letters or grants from the king, sealed with his great seal, but directed to particular persons, and for particular purposes, and which, not being proper for public inspection, were closed up and sealed on the outside. See 2 Bl Comm 346.

literae mortuae. Dead letters,—superfluous words.

literae patentes. Open letters; letters patent.

Literae patentes regis non erunt vacuae. The letters patent of the king shall not be void.

literae procuratoriae. Letters procuratory; letters of procuracy; letters of attorney; a power of attorney.

literae recognitionis. A bill of lading.

Literae scriptae manent. Written words endure.

literae sigillatae. Sealed letters.

litera excambii. A bill of exchange.

literal. Adhering strictly to the letter; closely following the precise words.

literal construction. A construction, usually narrow, according to the letter or the word rather than according to the intention of the parties as gathered from the entire context. *Bear v Millikin Trust Co.* 336 Ill 366, 168 NE 349, 73 ALR 173; 16 Am J2d Const L § 71. A construction of a statute which adheres to the mere letter, the literal or strict meaning of the words of the statute. 50 Am J1st Stat § 240. A technical construction of a word or term of a contract which may or may not convey the real meaning of the parties. *Lemons v Knox*, 72 Ariz 177, 232 P2d 383.

literal contract. (Roman law.) A contract which was wholly in writing, and which was binding on him who signed it, although without consideration.

literal proof. (Civil law.) Proof made by writings received in evidence.

literary journal. A publication devoted to the special interests of literature; a publication of articles selected because of literary merit. 39 Am J1st Newsp § 9.

literary property. An intellectual conception embodied in a form whereby it may be disseminated by the production of multiple copies. 18 Am J2d Copyr § 2. The interest of an author, or of those who claim under him, in his works, whether before or after publication or before or after a copyright has been secured, being in essence, a right to exclude others, to a greater or lesser extent, from making some or all use of the express thoughts of the author. *Records Inc. v Mercury Records Corp.* (CA2 NY) 221 F2d 657.

literary proprietor. One who owns literary property. An author or his assigns. *Keene v Wheatley* (CC Pa) F Cas No 7644.
See **literary property**.

Litera scripta manet. The written word or letter endures.

literatura. Education.

literature. See **literary property**.

litteris obligation. (Roman law.) An obligation arising out of entries made in certain books of account.

lithograph. The reproduction of a picture or of printed matter by the process known as lithography. *Arthur v Moller*, 97 US 365, 24 L Ed 1046.

litigant. A person engaged in a litigation; a party to a suit or action.

litigare. To litigate; to go to law; to maintain or defend an action as a party thereto.

litigate. To go to law; to maintain or defend an action as a party thereto; to sue or to be sued.

litigated. Subjected to litigation.

Facts, matters, or questions are said to have been litigated when they have formed the subject matter of litigation. Only those facts are said to have been "litigated" in an action which were necessarily within the issue presented and without proof of which the judgment rendered in the action could not have been rendered. *Eastman v Symonds*, 108 Mass 567, 569.

litigation. An action or suit; a series or group of related suits or actions.

litigation expenses. A reasonable attorney's fee incurred in any necessary litigation and all other necessary expenses incurred by the personal representative of a decedent or other fiduciary in litigation for the benefit of the estate. 21 Am J2d Ex & Ad § 545.

See **allowance; attorney's fee; costs; suit money.**

litigiosity. The pendency of a suit or action.

litigious. Contested in a suit or action; eager to enter into a litigation, suit or action.

litigious right. A right contested in a suit. The right ceases to be litigious when judgment has been rendered. See *Cucullu v Hernandez* (US) 13 Otto 105, 26 L Ed 322.

litis. (Civil law.) Of a litigation suit, or action.

litis aestimatio. (Civil Law.) The measure of damages.

litis contestatio. (Civil and canon law.) The contest of an action or suit; an issue; joinder of issue; a general denial in an ecclesiastical suit.

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litis dominium. (Civil law.) The control or direction of an action or litigation.

litis dominus. (Roman law.) A person who controls or directs an action or litigation.

litis magister. (Roman law.) Same as **litis dominus.**

litis motae. See **forum litis motae.**

Litis nomen actionem significat, sive in rem, sive in personam sit. The word "lis" signifies an action, whether an action in rem or an action in personam.

litispence. The pendency of a suit or action.

litre. Same as **liter.**

little cape. A writ of old vintage, summoning a tenant to answer for default in payment of rent.

little more than. A comparative. About the same. *Pierce v Lefort*, 197 La 1, 200 So 801.

Littleton. Sir Thomas Littleton, a famous English jurist; the author of a treatise on land tenures which he wrote about 1470, and which formed the basis of Lord Coke's Commentaries.

littoral. Bordering on the shore; pertaining to the shore of the sea.

littoral owner. Same as **littoral proprietor.**

littoral proprietor. The owner of premises on the shores of the sea" or a lake. 56 Am J1st Wat § 273.

If an owner's lands abut upon a river he is deemed a riparian owner. Peck v Alfred Olsen Constr. Co. 216 Iowa 519, 238 NW 416, 89 ALR 1132.

littoral rights. The rights of a littoral owner.

littoral waters. Coastal waters, whether of the sea or a lake.

litura. (Civil law.) An erasure, correction, or blot on a written instrument.

Litus est quousque maximus fluctus a mari pervenit. (Civil law.) The shore is as far as the greatest wave has come up from the sea.

litus maris. The shore of the sea.

live. See **alive.**

live. To be animate. To reside or abide in a place. For some purposes merely to sojourn in a place.

For the purpose of taking a deposition, a witness "lives" where he can be found, and is sojourning, residing, or abiding for any lawful purpose. Mut. Ben. Life Ins. Co. v Robison (CA8 Iowa) 58 F 723.

See **living.**

live birth. The birth of a child which breathes after delivery from the womb.

live issue. Issue by a live birth. For the purposes of an estate by curtesy, one delivered or expelled from the body of the mother and living by respiration independent of the mother. 25 Am J2d Dower § 34.

live rail. Same as **third rail.**

livery. The keeping of horses and vehicles ready for hire. Keen v Ross, 186 Ky 256, 216 SW 605. A private carrier, not a common carrier. Stanley v Steele, 77 Conn 688, 60 A 640.

Delivery. When a male heir arrived at the age of twenty-one, or a female heir at sixteen, they could "sue out their livery" or ousterlemain; that is the delivery of their lands out of their guardian's hands; and for this they paid a fine equal to half a year's profits of the land. See 2 Bl Comm 68.

See **livery of seisin.**

livery conveyance. A motor vehicle or, as in the old days, a horse-drawn vehicle used to convey passengers for hire.

See **public conveyance.**

livery in law. The transfer of the possession of land while the parties are in sight of it, but without making an actual physical entry upon it.

liveryman. A person who keeps a livery stable. Elliott v Hodgson, 133 Ga 209, 65 SE 405.

livery of seisin. A ceremonial delivery of possession of real estate, long since obsolete, made in the presence of witnesses in the transfer of title to lands by feoffment. 23 Am J2d Deeds § 11.

livery stable. A building in which either horses or vehicles are kept or let for hire. *Elliott v Hodgson*, 133 Ga 209, 65 SE 405. A place where horses are kept or boarded for compensation.

See **livery**.

livery stable lien. Similar to an **agister's lien**.

lives. Being in a state of animation.

lives. The plural of life.

See **joint lives; lives in being**.

lives in being. Within the meaning of the rule against perpetuities any lives in being at the time the interest is created, selected expressly or by plain implication for a limitation of the estate. 41 Am J1st Perp § 14.

"Lives in being" within the meaning of the rule against perpetuities, has reference to those in being at the date of the testator's death, not at the time of the execution of the will. *Story v First Nat. Bank & Trust Co.* 115 Fla 436, 156 So 101.

Within the meaning of the rule against perpetuities which allows the postponement of the vesting of an estate or interest for the period of lives in being and twenty-one years and the period of gestation, there is generally no restriction on the number of lives in being which may be selected as the measure of the period of time permitted by the rule; the only limitation being that the lives in being must not be so numerous that there is not some reasonable way of proving the decease of the survivor of them. 41 Am J1st Perp § 14.

livestock. Domestic animals, particularly cattle, hogs, sheep, and horses.

Livestock includes fur bearing animals domesticated, and raised in captivity. The breeding, raising, and pelting of foxes is agricultural labor as that term is used in the Federal Social Security Act. *Fromm Bros. v United States* (DC Wis) 35 F 145.

livestock car. A railroad car constructed especially for the transportation of livestock.

livestock feed. See **feed**.

livestock insurance. A contract of insurance by which the insurer agrees to indemnify the insured against such loss as he may sustain by reason of injury to or death of livestock by the happening of specified risks or causes. *Abraham v Ins. Co. of North America*, 117 Vt 75, 84 A2d 670, 29 ALR2d 783.

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livestock market. A place where livestock is taken for sale and at which prospective purchasers assemble for the purpose of buying livestock, often operating as an auction sale.

livestock producer. A person who produces livestock by feeding and caring for cattle, hogs, sheep, etc., a "farmer" as such term is defined in the Bankruptcy Act. 11 USC 1 (17).

livestock register. A record of purebred livestock showing the sire and dam of an animal entitled to registration as purebred.
See **purebred livestock**.

live storage. The safe-keeping of goods in a warehouse or other depository, to be moved or replaced with other goods at the will of the patron. *Tipp v District of Columbia*, 69 App DC 400, 102 F2d 264. The storage of a motor vehicle in running condition and equipped for operation, the battery being in operating position and connected with the ignition system.

live together. See **living together**.

live trust. An active trust. Also, a trust inter vivos.

live wire. A wire charged with an electric current, especially where the current is deadly or potent with danger to the person. *Phelan v Louisville Electrical Co.* 122 Ky 476, 91 SW 703. A colloquial term for an active and energetic person.

living. Being in a state of animation. The state of a person from birth to death and, for some purposes in civil cases, the existence of the animate foetus in the womb. *Hall v Hancock*, 32 Mass (15 Pick) 255.

See **born alive; church living.**

living apart. Separation of husband and wife, ignoring the marital relationship and with design or agreement to be separated. 26 Am J1st Husband and Wife § 7. Living in the same house or place of residence but not in an actual marital relationship. 26 Am J1st H & W § 7.

living in adultery. Living together openly as if married and indulging in acts of intercourse. 2 Am J2d Adult §§ 10-12.

living in disorderly house. Being an inmate or resident of a house of ill fame.

living in fornication. Openly living together as if the legal relationship of husband and wife existed and indulging in acts of sexual intercourse. 2 Am J2d Adult §§ 10 et seq.

living persons. See **live; living.**

living pledge. An estate which arises when a person borrows a specific sum and grants property to the lender to hold until the rents and profits shall repay the sum so borrowed, whereupon the property reverts to the borrower. *Spect v Spect*, 88 Cal 437, 26 F 203.

living proof. Proof by living witness or witnesses.

Livingston v Jefferson. The litigation between Edward Livingston and Thomas Jefferson wherein it was decided that a suit for wrongful entry on land in Louisiana could not be maintained in a court in Virginia. (CC Va) 1 Brock 203, 4 Hughes 606, F Cas No 8411.

living then. See **then living.**

living together. See **cohabit; family, household; living together as husband and wife.**

living together as husband and wife. Living as husband and wife, with voluntary recognition of the relationship and in the absence of design or agreement to live apart free from reciprocal marital rights and duties, irrespective of whether or not there is a common place of living. 26 Am J1st H & W § 7.

See **cohabit; living in adultery.**

living trust. An active trust. Also, a trust inter vivos.

livre. A book; a pound weight.

L. J. An abbreviation of "law judge."

LL.B. An abbreviation of Legum Baccalaureus, Bachelor of Laws.

LL.D. An abbreviation of Legum Doctor, Doctor of Laws.

Lloyd's. Often referred to as Lloyd's of London, an association of individual insurers or underwriters, which takes its name from the coffee house in London at which insurers, then engaged in marine insurance only, formerly met for the transaction of business. Not an insurance company in the American sense of the term.

Although the Lloyd's insurers originally engaged in marine insurance only, so-called Lloyd's policies are now issued upon risks of almost every conceivable nature.

Lloyd's association. Sometimes known as an American Lloyd's. An unincorporated association engaged in the insurance business. 29 Am J Rev ed Ins § 51.

Lloyd's bond. An instrument in writing under seal issued by a corporation, acknowledging value received, and promising to pay a certain sum of money.

Lloyd's lists. Published statements of the arrival and departure of vessels and of marine losses and accidents.

Lloyd's of London. See **Lloyd's**.

loaded cane. A walking stick or cane in which metal has been inserted to make it a deadly weapon. Anno: 30 ALR 816.

loaded dice. Dice which are weighted or carved so that, when thrown, one side will come up much more frequently than would be the case without such tampering therewith.

See **cogging**.

loaded gun. A firearm charged with powder and ball, that is, with a bullet.

loading. The placing of goods on a ship, railroad car, or truck. Adding to the weight of something. The addition by an insurer, in calculating a premium rate, of a charge for operating expenses or for the contingency of increases in the risk or in the expense of doing business which cannot be foreseen in advance. Fox v Mutual Ben. Life Ins. Co. (CA8 Mo) 107 F2d 715; United States Life Ins. Co. v Spinks, 126 Ky 405, 96 SW 889. The inclusion in calculating a rate or charge for any service of items which have no material bearing upon what is a reasonable and proper charge.

See **loading and unloading**.

loading and unloading. The transfer of cargo from wharf or landing to ship and from ship to wharf or landing. 48 Am J1st Ship § 381. A comparable operation in the transportation of goods, merchandise, or other articles by land carrier. 13 Am J2d Car § 319. The business of a wharfinger. 56 Am J1st Whar § 19.

As a general rule, the carrier has the primary

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duty to load and unload goods or inanimate freight shipped in less than carload lots, and is liable for damages resulting from its failure to perform that duty in a proper manner. The shipper or consignee, however, has the duty to load and unload freight shipped in carload lots, or where for the shipper's convenience the cars to be loaded or unloaded are placed at his warehouse or on public tracks. 13 Am J2d Car § 319.

See **complete operation doctrine; loading and unloading clause**.

loading and unloading clause. A familiar clause in liability insurance policies covering trucks and commercial vehicles, providing in substance that the use of the insured vehicle for the purposes stated in the policy includes the loading and unloading of the vehicle, or, to the contrary, that such operation is excluded from the risk insured. 7 Am J2d Auto Ins § 87.

As a general principle, in construing a policy insuring a truck owner against liability for damage arising out of the use of his trucks, including loading and unloading, the mission or transaction being performed by the insured's employees at the time of the accident is the controlling element in determining whether the situation from which the accident occurred is included in loading and unloading. Pacific Auto Ins. Co. v Commercial Casualty Ins. Co. 108 Utah 500, 161 P2d 423, 160 ALR 1251.

loading charge. See **loading.**

loading tipple. See **tipple.**

load lights. Lights displayed at the end of load which projects from the side or rear of a vehicle. Anno: 21 ALR2d 85 § 27; 8 Am J2d Auto § 713.

load line. See **Plimsoll Line.**

loadman. One who directs the course of a ship, not from the vessel itself, but from a small boat propelled in advance of the vessel.

loadmanage. The piloting of a vessel by a loadman.
See **loadman.**

loafing. Idling; avoiding work; loitering.
See **vagrancy.**

loan. Verb: To deliver or transfer personal property or money to a borrower, that is, one who receives it and promises to return it or its equivalent, often with compensation for the use thereof by him, as where he promises to pay interest upon a loan of money. Nichols v Fearson (US) 7 Pet 103, 109, 8 L Ed 623, 625; Kent v Quicksilver Mining Co. 78 NY 159 177; First Nat. Bank v Tjosevig (Wash) 254 P 951. Sometimes, as where it appears in a will, a word of grant. 57 Am J1st Wills § 1334. Noun: The act of making a loan. An asset of the lender, upon completion and before payment.

loan association. See **building and loan association; savings and loan association.**

loan broker. See **personal-property loan broker.**

loan company. A company engaged in the making of loans, usually secured loans.

loaned employee. Same as **loaned servant.**

loaned servant. A general employee of one person performing service for another. 58 Am J1st Workm Comp § 343. One having the status of an employee who is lent or hired out by his employer to another person for some special service so as to become, as to that service, the employee of such third person, the test being whether, in the particular service which he is engaged to perform, he continues to be under the direction and control of his regular employer or becomes subject to that of the person to whom he has been lent or hired. 35 Am J1st M & S § 18.

loaned servant doctrine. The test by which the status of a person as a loaned servant is determined.
See **loaned servant.**

loan for consumption. A lending of goods to be consumed and to be returned in kind.

loan for exchange. A contract by which one deliver personal property to another, and the latter agrees to return to the lender a similar thing at a future time, without reward for its use. Section 1902, California Civil Code.

loan for use. A contract by which one gives to another the temporary possession and use of personal property, and the latter agrees to return the same thing to him at a future time, without reward for its use. Section 1884, California Civil Code.

loan of money. See **loan.**

loan of shares. See **loan ticket.**

loan on life insurance policy. By insurer: not a "loan" in the ordinary sense of the term, being merely an advance by the insurer of a sum which the insurer ultimately must pay the borrower, that is, the insured. 29 Am J Rev ed Ins § 615. A loan by a bank or other financial institution in which the policy is assigned to the bank or other institution by way of security.

loan society. An association of individuals formed for the purpose of lending money to its members or to others.

See **building and loan association.**

loan ticket. A ticket or instrument evidencing a transaction commonly known in the stock-brokerage business as a "loan" of shares of stock.

The loan of stock is usually, though not necessarily, incidental to a "short sale," that is, a contract for the sale of shares which the seller does not own, or the certificates for which are not within his control to be available for delivery at the time when delivery must be made. *Provost v United States*, 269 US 443, 449, 450, 46 S Ct 152.

loathsome disease. A disease shocking to the senses of other persons. Anno: 5 ALR 1022, s. 8 ALR 1540.

lobby. See **lobbying.**

lobbying. Services in attempting to obtain the passage of favored legislation. The practice of addressing or soliciting members of a legislative body, in the lobby off the chamber or elsewhere, for the purpose of influencing their votes. *Chippewa Valley & Superior Railway Co. v Chicago, St. Paul, Minneapolis & Omaha Railway Co.* 75 Wis 224, 44 NW 17.

Lobbying Act. A federal statute regulating lobbying in reference to the Congress of the United States. Anno: 98 L Ed 1006-1007.

lobbying contract. Any agreement which tends to introduce personal influence and solicitation as elements in procuring and influencing legislative action. *Houlton v Nichol*, 93 Wis 393, 67 NW 715. A contract in which one of the parties undertakes to perform lobbying services.

See **lobbying.**

lobby member. A person who frequents the lobby of a house of legislation for the purpose of influenc-

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ing measures therein pending. *Chippewa Valley & Superior Ry. Co. v Chicago, St. Paul, Minneapolis & Omaha Ry. Co.* 75 Wis 224, 44 NW 17.

lobbying services. See **lobbying.**

L'obligation sans cause, on sur une fausse cause, on sur cause illicite, ne peut avoir aucun effet. An obligation without any consideration, or with a false one, or with an unlawful one, cannot have any effect.

local. Pertaining to a particular place, or to a fixed or limited portion of space, as local circumstances; limited or confined to a spot, place, or definite district, as a local custom. *Graves v Alsap*, 1 Ariz 274, 293.

local acceptance. An acceptance of a bill of exchange or draft whereby the drawee agrees to pay only at a particular place. Uniform Negotiable Instruments Law §141; 11 Am J2d B & N § 517.

local action. At common law, an action which can be brought only where the cause of action arose, since the cause is one that in its nature can arise in one place only. 56 Am J1st Ven § 3. The antithesis of a transitory action.

In most jurisdictions, the venue of actions is now wholly regulated by statute, and frequently the character of an action as local or transitory is important in reference to venue only when a foreign cause of action is involved. 56 Am J1st Ven § 3.

local affection. See **local disease.**

local agent. An agent of a corporation representing it at a given place or within a definite district. Anno: 113 ALR 84, 85. In the insurance business, a term characterizing an agent of an insurance company in reference to the territory in which his services are to be employed on behalf of the company, not in reference to his authority respecting a particular transaction. 29 Am J Rev ed Ins § 152.

As used in statutes authorizing the service of process on the local agent of a foreign corporation, a local agent who represents the corporation in the promotion of the business for which it was incorporated has been held to be an agent at a given place or within a definite district, but every person who may be employed in any capacity by it is not a local agent. An agent with authority to borrow money and execute notes and deeds of trust in the name of the corporation, a resident sales agent, and a bookkeeper having charge of the finances of the corporation have each been held to be a local agent under such statutes. 36 Am J2d For Corp § 563.

local allegiance. The allegiance which a foreigner owes to the king during his residence in England. See 1 Bl Comm 370.

local assessment. Same as **special assessment.**

local assessment lien. See **special assessment lien.**

local benefit. The benefit of a public improvement limited to the inhabitants of a small locality. 26 Am J2d Em D § 31.

local board. The administrative board of the selective draft for the armed forces.

local bounty. A bounty provided by a municipality or other political subdivision of the state. 12 Am J2d Bount § 6.

local cause of action. An action which could have arisen in only one place. 56 Am J1st Ven § 3.

local chattel. A fixture,—something so attached to the realty as to become, for the time being, a part of the freehold.

local civil service. Municipal civil service. 15 Am J2d Civ S § 7.

local court. A court the jurisdiction and process of which are confined to a certain locality. *Geraty v Reid*, 78 NY 64, 67. A city court, municipal court, police court, or court of a justice of the peace. 20 Am J2d Cts § 30.

local custom. A custom which prevails in some county, city, town, parish, district, or place, the existence of which is to be determined as a matter of fact upon proof. 21 Am J2d Cust & U § 6.

local disease. An affection sufficiently developed to have some bearing on the general health. *Cady v Fidelity & Casualty Co.* 134 Wis 322, 113 NW 967.

locale. The neighborhood.

local election. An election of local officers.

See **municipal election**.

local freight. Freight shipped from either terminus of a railroad to a way station, or vice versa, or from one way station to another, that is, over a part of the one railroad only. *Mobile & Montgomery Railway Co. v Steiner, McGehee & Co.* 61 Ala 559, 579.

local freight train. See **local train**.

local government. Municipal as distinguished from the state or national government. The government of a county, city, town, or district.

local history. The history of a municipality, a county, a township, or other political subdivision or definite area.

local improvement. A building or other work of construction, the cost and expense of which is chargeable upon private property by way of a special assessment.

An improvement chargeable upon private property and possessing at least two essential elements: (1) It must be of a public nature, that is, it must be such an improvement as the municipality would be justified in constructing and maintaining by general taxation; and (2) it must confer a special benefit on the property sought to be specially charged with its creation and maintenance, over and above that conferred generally upon property within the municipality. Some courts have added a third element, that of permanency, denying the power of local assessment for an improvement of an evanescent type or nature. 48 Am J1st Spec A §§ 21 et seq.

local improvement bond. See **improvement bond**.

local improvement district. See **improvement district**.

local improvement lien. See **special assessment lien**.

local improvement tax. Same as **special assessment**.

local influence. That influence which might operate in the minds of the people to prevent a citizen of one state sued in the state court of another state from obtaining justice in such state. *Games v Fuentes*, 92 US 10, 23 L Ed 524. A ground at one time for removal of a cause from a state to a federal court, no longer of moment. 28 USC § 1441, reviser's notes.

See **local prejudice**.

locality. A place. The vicinity or neighborhood. An area relative in size to the circumstances involved, sometimes measurable in rods, at other times, in

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miles. *Connally v General Constr. Co.* 269 US 385, 394, 70 L Ed 322, 330, 46 S Ct 126.

localization doctrine. The doctrine that a foreign loan association voluntarily subjects itself to the local laws by doing business for a length of time in a state and cannot thereafter abrogate those laws by contractual stipulations to the effect that its local contract shall be governed by the usury laws of the state of its domicil. *National Mut. Building & Loan Asso. v Brahan*, 193 US 635, 48 L Ed 823, 24 S Ct 532.

local law. The law of the jurisdiction in which the action or proceeding is pending. The state, as distinguished from the federal law. A law enacted by a municipal council or other law-making body of a political subdivision. A statute which in fact, if not in form, is directed only to a specific part of the state, being confined in its operation to the property or persons of a limited portion of the state, touching only a portion of the territory and people of the state. 50 Am J1st Stat §§ 8-10.

As applied to statutes, the term is of modern origin, and is used to designate an act which operates only within a single city, county, or other particular division or place, and not throughout the entire legislative jurisdiction, in this sense, the term "local" is the antithesis of the word "general." *State ex rel. Anderson v Tillamook*, 62 Or 332, 124 P 637.

See **ordinance**.

local legislation. The enactment of local laws.

See **local law**.

local mine. A term of uncertain origin that has not been widely accepted.

For convenience, a mine served by one carrier is called a "local mine," and a mine served by two or more carriers is called a "joint mine." *United States v New River Co.* 265 US 533, 534, 68 L Ed 1165, 1169, 44 S Ct 610.

local mining rules. See **miners' rules and customs**.

local nature. See **action of a local nature**.

local necessity. Geographic and local considerations determining the validity of a statute made applicable only to a segregated area or district. *Des Moines v Manhattan Oil Co.* 193 Iowa 1096, 184 NW 823, 188 NW 921, 23 ALR 1322.

local officers. Public officers of a county, township, or municipality, sometimes charged with duties to be performed on behalf of the state government as well as duties on behalf of their own bailiwick. 42 Am J1st Pub Of § 21.

local operation. A maritime operation which is so local in nature as to permit the application of state workmen's compensation laws. *Southern Pacific Co. v Jensen*, 244 US 205, 61 L Ed 1086, 37 S Ct 524.

local option. The right given a township, county, or other political subdivision to determine for itself by an election whether or not a certain law shall take effect in such area or district. *People v Stimer*, 248 Mich 272, 226 NW 899, 67 ALR 552. Laws which provide for leaving to the decision of the electors of a county, municipality, or other prescribed territory the matter of the expediency of permitting or forbidding the sale of intoxicating liquors, or the issuance of licenses for such sale, in any part of the territory in which the vote is had. 30 Am J Rev ed Intox L § 81. Primarily concerned with laws respecting the traffic in intoxicating liquors.

local option election. An election in a county, township, or other political subdivision through which the right of local option is exercised. 30 Am J Rev ed Intox L § 89.

See **local option**.

local passenger train. See **local train**.

local prejudice. Prejudice arising out of peculiar local conditions, such as social or economic conditions, racial constituencies, and religious beliefs. 39 Am J1st New Tr § 57. Feeling or excitement in the county rendering it impossible for an accused or a party to a civil action to obtain a fair trial in the county. 56 Am J1st Ven § 56. A strong current of public opinion as to the guilt of an accused such as to render an impartial trial in the locality impossible. *Oborn v State*, 143 Wis 259, 125 NW 737. A ground at one time for removal of a cause from a state to a federal court, no longer of moment. 28 USC § 1441, reviser's notes.

See **local influence**.

local rules. Court rules applicable in a single district.

local self-government. The right of self-government as to local affairs; the right of a city, borough, or town to elect local officers from their own citizens and to manage purely local affairs. 37 Am J1st Mun Corp § 77.

See **home rule**.

local statute. See **local law**.

local sun time. The time of day in a given place as shown by a sun dial at that place. Anno: 35 LRA NS 611.

local tax. A tax imposed in and for the benefit of a municipality, county, town, or district as distinguished from a state tax or tax of general application throughout the state. *People ex rel. Pratt Institute v Assessors of Brooklyn*, 141 NY 476, 477, 36 NE 508.

See **special assessment**.

local train. A freight train which stops at any siding or station along the line where there is freight to load and unload, be the quantity what it may, as distinguished from a freight train which takes and leaves freight only at certain definite stops, and which is generally called a through train.

Passenger trains are similarly classified. *Arizona Eastern Railroad Co. v State*, 29 Ariz 446, 242 P 870.

local venue. Venue or jurisdiction which is confined to a single county.

local union. A voluntary association of laborers in a particular locality, subordinate to its national union, but a separate and distinct body, owing its creation and continued existence to the will of its own members. 31 Am J Rev ed Lab § 42.

local usage. See **local custom**.

local words. Words having a meaning determined by a peculiar local usage. *Collender v Dinsmore*, 55 NY 200.

locare. To let out to hire; to bestow in marriage.

locarium. Compensation for hire; rent.

locataire. (French.) A lessee; a tenant.

locatarius. A despositary,—a person who receives a deposit; a depositee.

locate. To place; to set in a particular spot or position; to select, survey, and settle the boundaries of a particular tract of land; or to designate a particu-

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lar portion of land by limits; to designate and determine a place for something. *Murdock v Memphis*, 47 Tenn (7 Coldw) 483, 501. To discover where something is by a search therefor.

locatio. (Civil law.) A letting out to hire; a leasing; a contract of letting and hiring; a lease.

locatio conductio. (Civil law.) A bailment of goods for reward or hire.

locatio custodiae. The hiring of care or services to be performed or bestowed on the thing delivered under a bailment. 8 Am J2d Bailm § 5.

locatio et conductio. A bailment where goods are left with a bailee for some use or service by him, such bailment always being for some reward. 8 Am J2d Bailm § 5.

location. The act of locating, that is, designating a place for something or, in the case of land, designating the boundaries or otherwise describing it so that another may know where it lies and its extent. A statement in a description to real estate of the town, county, or state in which the land is situated; a description of real property by house number in a city. 23 Am J2d Deeds § 223. The selection of a homestead upon the public domain for entry. 42 Am J1st Pub L §§ 19 et seq. A series of acts by which the locator appropriates a portion of the public mineral lands and establishes his right to exploit it to the exclusion of all others. *Creede & C. C. Mining & Milling Co. v Uinta Tunnel Mining & Transp. Co.* 196 US 337, 49 L Ed 501, 25 S Ct 266. Another word for mining claim. 36 Am J1st Min & M § 69.

location of claim. See **location.**

location of railroad. The designation and adoption of a route, at least where such is followed by construction of the line. 44 Am J1st RR § 204.

The location of the route is, in its nature, a proceeding preliminary to the acquisition of land therefor by appraisal and condemnation; and the statute regulation must be complied with before the route can be located. The filing of the profile and map required by that section is not the location of the route, but the proposal of one, which may or may not become the actual route, as shall be determined by the subsequent proceedings. *Re Niagara Falls Railway Co.* (NY) 46 Hun 94, 97.

location of way. The determination of the course of a highway, made as a part of the establishment of the highway. 25 Am J1st High §§ 9 et seq.

location restrictions. Regulations and restrictions respecting the part of a lot or tract upon which buildings and other structures may be erected. 58 Am J1st Zon § 50.

locatio operis. A contract to repair a thing and to supply the materials.

The obligations imposed by the *locatio operis* and capable of enforcement by an action on the contract are: (a) To do the work which is the subject of the undertaking; (b) to do it within the time agreed on, or within what may be, in view of all the circumstances, a proper time; (c) to do it in a proper manner; (d) to surrender the property on which the labor has been expended on payment for the work done. *Zell v Dunkle*, 156 Pa 353, 357, 27 A 38.

locatio operis faciendi. The hiring of work or labor to be performed upon a thing. 8 Am J2d Bailm § 5.

locatio operis mercium vehendarum. The hiring of the carriage of goods, when they are bailed, either to a public carrier, or to a private person, for the purpose of being carried from place to place. 8 Am J2d Bailm § 5.

locatio rei. The hire of a thing, whereby the hirer gains the temporary use thereof. 8 Am J2d Bailm § 5.

locative calls. Landmarks, monuments, and other physical objects marking the surveyed line of a boundary, as distinguished from courses and distances which are descriptive calls. *Holmes v Trout (US)* 7 Pet 171, 194, 8 L Ed 646, 655.

locato. See **ex locato.**

locator. The bailor in a "locatio" or bailment for hire. One who locates a claim, such as a mining claim, or a homestead claim, to public lands.

See **location.**

locatum. The same as **locatio et conductio.**

loc. cit. Abbreviation of **loco citato**,—in the place cited.

loci. Plural of **locus.**

lock. A basin in a canal, of sufficient size to hold vessels of the size using the waterway, having gates which may be opened or closed to permit the entry or discharge of water, thereby changing the level of the water as required to permit vessels to advance from a lower to a higher level of the canal, or vice versa. *Dawson v Western M. R. Co.* 107 Md 70, 68 A 301. A mechanical device for holding fast the door of a building, room, chest, box, or vehicle against opening except by key or known combination.

See **ignition.**

locked car. A private car on a railroad. 14 Am J2d Car § 860.

locked ignition. The effect of removing the key from the instrumentality of ignition on a motor vehicle. 7 Am J2d Auto § 234.

locked wheel. A disablement of a motor vehicle. Anno: 15 ALR2d 917 § 7.

locker plant. A place where individual lockers for cold storage of food are furnished to customers at a monthly or weekly rental, sometimes furnishing services in cutting meat and otherwise preparing meat and other food for storage.

locker system. An arrangement in a social club whereby a member purchases his own liquor and places it in his own locker, in the club building, to which only he has a key. 30 Am J Rev ed Intox L § 229.

lockjaw. See **tetanus.**

lockout. An employer's discharge of his employees because of a labor dispute or because of his dislike of his employees' activities as a union. Anno: 173 ALR 675. The temporary closing of the place of employment by the employer without formally discharging the employees, the object being to discourage union activities or to gain acceptance of his views or a compromise which is more favorable to him than the demands made by the employees. 31 Am J Rev ed Lab § 487.

lockup. A place for the temporary and compulsory confinement and detention of persons under arrest. 41 Am J1st Pris & P § 2.

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locmen. (French.) Local mariners engaged as pilots of vessels coming in or departing from a harbor or traversing a river. *Martin v Farnsworth* 33 NY Super Ct (1 Jones 48) 246, 261.

loco citato. In the place cited; abbreviated, "loc. cit."

locomotive. The instrumentality which supplies the motive power for the movement of a train, usually placed at the head of the train. A railroad car for the purposes of the application of Safety Appliance Acts. *Baltimore & Ohio R. Co. v Jackson*, 353 US 325, 1 L Ed 2d 862, 77 S Ct 842.

locomotive engineer. The person in charge of the operation of a railroad locomotive.

loco parentis. See **person in loco parentis**.

locum. See **locus**.

locum tenens. Holding the place.

A person whose term of office was expired, is said to be merely locum tenens until he shall be superseded by some person authorized by law to be inducted into the office. *State ex rel. Everding v Simon*, 20 Or 365, 26 P 170, 174.

locuples. (Civil law.) Wealthy; financially responsible; able to respond to a judgment.

locus. A place; a location; a piece of ground; a neighborhood.

See **eo loci**.

locus contractus. The place of the contract,—the place where the contract is entered into.

Locus contractus regit actum. The place of the contract governs the act. A principle having reference to the act of solemnization. *Scudder v Union Nat. Bank*, 91 US 406, 410, 23 L Ed 245, 248.

Locus criminis. The place of the crime,—the place where the crime was committed.

locus delicti. The place of wrongdoing,—the place where the crime or the tort was committed.

locus in quo. The place in which; the premises described in the writ. *Moor v Campbell*, 15 NH 208, 211.

locus paenitentiae. A place for repentance. The opportunity which a man engaged in the commission of a crime may have to withdraw before its consummation, without incurring criminality. *Hyde v United States*, 225 US 347, 356, 56 L Ed 1114, 1122, 32 S Ct 793.

Locus pro solutione redditus aut pecuniae secundum conditionem dimissionis aut obligationis est stricte observandus. The place for the payment of rent or money is to be strictly adhered to according to the provision of the demise or obligation.

locus publicus. A public place.

Locus regit actum. The place governs the act.

The meaning of the maxim is that the place where a contract is entered into governs the manner in which it shall be formally solemnized. *Pritchard v Norton*, 106 US 124, 27 L Ed 106, 1 S Ct 102.

locus rei sitae. The place where the thing or the property is situated.

locus sigilli. The place of the seal. Abbreviated "L. S."

As to the effect of the letters "L. S." appearing on an instrument, as a seal, see 47 Am J1st Seals § 4.

locus standi. A place to stand; a standing.

"He was in the position of an alien enemy, and hence could have no locus standi in that forum." *Daniels v Homer*, 139 NC 219, 51 SE 992.

lode. A term of mining law, brought to this country by miners from Cornwall as an alteration of the word "lead." A vein or two or more veins constituting a seam or fissure in the crust of the earth filled with quartz or other rock containing gold, silver, or other valuable mineral. 36 Am J1st Min & M § 69.

lode claim. A mining claim that embraces one or more continuous veins, lodes, or ledges of mineral lying within well-defined seams or fissures in the surrounding rock, often deep within the bowels of the earth. 36 Am J1st Min & M § 70.

lode location. A mining claim where the appropriation purports to be a claim to a lode.

In the location of mining claims there are two kinds of locations, lode and placer, which differ somewhat. A discovery within the limits of the claim is equally essential to both. But to sustain a lode location the discovery must be of a vein or lode of rock in place, bearing valuable mineral; and to sustain a placer location it must be of some other form of valuable mineral deposit, one such being scattered particles of gold found in the softer covering of the earth. A placer discovery will not sustain a lode location, nor a lode discovery a placer location. *Cole v Ralph*, 252 US 286, 295, 64 L Ed 567, 577, 40 S Ct 321.

lodeman. Same as **loadman**.

lodemanage. Same as **loadmanage**.

lodge. A small house. A fraternal order; a secret society. *State ex rel. Bradford v National Asso. of Farmers' etc.* 35 Kan 51, 57.

See **fraternal order or society**.

lodger. One who resides in a lodging house or rooming house. 29 Am J Rev ed Innk § 6. A person who, for the time being, has his home at his lodging place. 29 Am J Rev ed Innk § 12.

lodging house. A house where bedrooms as such are supplied to guests for compensation usually known as room rent. 29 Am J Rev ed Innk § 6. Characterized by at least some degree of permanency of residence by the guests. Anno: 64 ALR2d 1167.

lodging house keeper. The proprietor or keeper of a lodging house.

lodging house keeper's lien. The statutory lien of the keeper of a lodging house upon goods of a lodger brought upon the premises for the former's charges against the latter for the lodging and services appertaining to the lodging, the lien sometimes being extended by statute to goods of a third person brought upon the premises by the lodger. 29 Am J Rev ed Innk §§ 145 et seq.

lods et ventes. A fine which was formerly imposed for the alienation of land.

log. The section of a tree which has been cut or sawed from the trunk after the latter has been sev-

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ered from the stump. *Craddock Mfg. Co. v Faison*, 138 Va 665, 123 SE 535, 39 ALR 1309. The record of an airplane flight kept by the pilot. *Ogden v Transcontinental Airport of Toledo*, 390 Ohio App 301, 177 NE 536; *Liberty Mut. Ins. Co. v Boggs* (Tex Civ App) 66 SW2d 787. The rather minute record of the voyage of a ship kept by the master or other officer, containing entries respecting the course and nature of the voyage, the weather encountered, and daily events, especially those pertaining to the operation of the vessel and the administration of discipline upon the vessel. A record required of certain vessels by federal statute. 48 Am J1st Ship § 220.

logbook. The book or journal in which a log is kept.

See **log**.

log boom. See **boom**.

log brand. See **log mark**.

log-driving company. A corporation supplying facilities to the general public for floating logs and carrying on a large-scale business of driving and rafting logs for other persons. 34 Am J1st Logs § 85.

logger's lien. A lien upon the product of the work for work performed in connection with the cutting of timber, the hauling and rafting of logs, and the sawing of timber into marketable lumber products. 34 Am J1st Logs § 101.

logging. The operation of cutting and taking logs out of standing timber. 34 Am J1st Logs §§ 52 et seq. Felling trees, cutting them into logs, and transporting them to mill or market. *Fox Park Timber Co. v Baker*, 53 Wyo 467, 84 P2d 736, 120 ALR 1020 (involving workmen's compensation.)

logging license. A license to enter upon land and to cut and remove timber. 34 Am J1st Logs §§ 43 et seq.

logging railroad. A railroad operated by a logging company for the purpose of transporting its own products or materials to be used in logging operations. 13 Am J2d Car § 12.

logia. A lodge.

logical end of instrument. The place where the draftsman stopped writing in the consecutive order of composition, as revealed by a reading of the instrument naturally and consecutively without deviating from the order of the instrument to have the sense continuous. The end of the disposition of property, wherever that may appear in the instrument. 57 Am J1st Wills § 268. The termination of the sequence which the testator intended to give to the writing as revealed upon the face of the instrument. *Stinson's Estate*, 228 Pa 475, 77 A 807.

logical relevancy. See **relevancy**.

log jam. A pile of logs lodged in a river or other stream of water so firmly and extensively as to block the use of the river or stream for the purpose of transportation. *Elder v Delcour*, 364 Mo 835, 269 SW2d 17, 47 ALR2d 370.

log laborer. One who labors on timber or logs in respect of the production and transportation of logs or timber, with his physical powers, in the service and under the direction of another, for fixed wages. *Rogers v Dexter & P. R. Co.* 85 Me 372, 27 A 257.

log mark. A mark or brand upon logs transported by floatage. 34 Am J1st Logs § 112.

log measure. The measurement of a log for the purpose of ascertaining the number of feet of lumber which may be obtained from the log. *Craddock Mfg. Co. v Faison*, 138 Va 665, 123 SE 535, 39 ALR 1309.

See **board foot; wood measure.**

logrolling. A term applied to the submission of a constitutional amendment to the voters in such form that a voter is required to vote for something which he disapproves in order to register approval of other propositions. *Fugina v Donovan*, 259 Minn 35, 104 NW2d 911. A term applied to a similar practice in drafting and submitting a bill to the legislature for adoption and enactment into law, especially as an expedient in obtaining the passage of special and local legislation. 50 Am J1st Stat § 49. A political term applied to the practice in legislative bodies whereby one member votes for the bill of another member in order to obtain the latter's support and vote for a measure of the former or in which the former is interested.

log timber. Trees such as can be cut into logs convenient in size for sawing into lumber. *Ladnier v Ingram Day Lumber Co.* 135 Miss 632, 100 So 369.

log wagon. A horse-drawn vehicle, sturdy in construction, formerly in use for the hauling of logs and other heavy material.

loiter. See **loitering.**

loitering. Being dilatory; standing around or spending one's time idly. *State v Badda*, 97 W Va 417, 125 SE 159. Idling or lounging upon a street or other public way, especially in such manner or to such an extent as to interfere with or annoy travelers. 25 Am J1st High § 189. Wandering on the streets or in public places. 55 Am J1st Vag § 7.

In reference to a statute rendering it a criminal offense on the part of the proprietor of a place for the sale of intoxicating liquors in permitting a minor to "loiter" in a saloon, some authorities take the position that a minor is "loitering" in such a place if he stays for an appreciable period of time, say 10 or 15 minutes. 30 Am J Rev ed Intox L § 260.

See **vagrancy.**

lollardy. The offense of being a member of a religious sect known as the Lollards which sprang up in the reign of Henry IV, made indictable by 2 Hen. V, c. 7.

lond. land.

London custom. See **custom of London.**

London Prize Ring Rules. Rules applied in prize fights. *States v Olympic Club*, 46 La Ann 935, 15 So 190.

Londres. (French.) The city of London.

long. Extended; not short.

In the language of stockholders, a transaction is "long" where an order is given to a broker to buy, or where the broker receives an order to credit the account with certain stocks. *Baldwin v Flagg*, 36 NJ Eq 48, 56. A trader is said to be long on the market when he takes the full price risk, whereby he gains if the market price goes up and loses in the event of a decline in the market. *Valley Waste Mills v Page* (CA5 Ga) 115 F2d 466.

long-and-short haul. See **long haul rate.**

Longa patientia trahitur ad consensum. Long sufferance is interpreted as consent.

Longa possessio est pacis jus. Long-continued possession is the law of peace.

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Longa possessio jus parit. Long-continued possession ripens into right.

Longa possessio parit jus possidendi, et tollit actionem vero domino. Long possession ripens into the right to possession, and deprives the true owner of his right of action. *Campbell v Holt*, 115 US 620, 623, 29 L Ed 483, 484, 6 S Ct 209.

long arm statute. A statute providing for constructive or substituted service of process on a nonresident motorist in case such motorist becomes involved in an accident while using the highways in the jurisdiction in which such statute has been enacted, and leaves the jurisdiction before any legal action against him growing out of the accident can be commenced. 8 Am J2d Auto § 849.

longevity pay. An allowance and payment made to certain officers of the armed forces, in addition to regular pay, of a specified per cent of their current yearly pay for each period of a specified number of years of service. 36 Am J1st Mil § 64.

long haul rate. The rate of a carrier which, considered in proportion to the charge made for a shorter distance, is more favorable to the shipper than the ordinary rate. 13 Am J2d Car § 205.

Long Island Sound. The body of water between Long Island and the mainland to the north, not inclusive of the independent bays connected therewith. *Tiffany v Oyster Bay*, 209 NY 1, 102 NE 585 (Colonial Long Island Charters, bounding grants by the Sound); *Re Site for Hunts Point Sewage Treatment Works*, 281 App Div 315, 119 NYS2d 391.

long on the market. See **long.**

long parliament. The English parliament under Charles the First in 1640, reduced in numbers in 1648, dissolved by Cromwell in 1653, and restored in 1659, and finally dissolved in 1660.

long quinto. Literally, long fifth. A name given to the Year Book containing a long and separate set of reports for the 5th year of the reign of Edward IV. This set of reports is distinct from the reports of the same year which are found in their proper chronological order in the Year Books 1-22 Edward IV. The fact that the separate reports were so great in number as to make an entire volume achieved for them the name "Long Quinto."

See **Year Books.**

longshoremen. See **stevedores.**

Longshoremen and Harbor Workers Compensation Act. A federal statute which provides, with certain exceptions, for compensation, for injuries occurring in maritime employment, in cases where recovery for the resulting disability or death through workmen's compensation proceedings may not validly be provided by state law. 33 USC §§ 901 et seq; 58 Am J1st Workm Comp § 124.

long-staple wool. See **worsted.**

long ton. A measure of avoirdupois weight; the equivalent of 2,240 pounds.

Longum tempus, et longus usus, qui excedit memoria hominum, sufficit pro jure. Long time and long use, which go beyond the memory of man, take the place of right.

long vacation. The vacation of the English courts which was from August tenth to October twenty-fourth in the law courts, and to October twenty-eighth in chancery, but is now from August thirteenth to October twenty-third for both.

looking and listening. The duty of a person upon approaching a railroad track with the purpose of crossing it. The duty of using the senses in a way that an ordinarily prudent person would do under similar circumstances in order to determine whether it is safe to cross at that time and place. 44 Am J1st RR § 546.

lookout. Exercising the sense of sight with concentration, particularly for the purpose of avoiding injury to one's self or another. Constant vigilance on the part of a locomotive engineer to discover persons and things upon the track. 44 Am J1st RR § 386. Vigilance on the part of a motorist in anticipating and discovering the presence of other persons upon the highway. 7 Am J2d Auto § 355. A vigilant watch ahead required of the operator of a bus in order to prevent injury to other users of the street, whether such users are in vehicles or on foot. Alabama Power Co. v Bass, 218 Ala 586, 119 So 625, 63 ALR 1. A person other than the master, pilot, helmsman, or other officer or member of the crew of a vessel, whose sole business when on duty shall be to look for and report vessels and dangers ahead. 48 Am J1st Ship § 268. One who participates in the execution of a criminal offense by watching at the proper distance to prevent surprise of confederates at the scene of the crime. 26 Am J1st Homi § 65.

This word, as used in connection with the operation of a motor vehicle, has no technical legal significance; its meaning depends on the context. Devore v Schaffer, 245 Iowa 1017, 65 NW2d 553, 51 ALR2d 1041.

loom. A machine for weaving cloth. Hopewell Mills v Taunton Sav. Bank, 150 Mass 519, 23 NE 327.

loom beam. A fixture as an essential part of the loom in a cotton mill. Hopewell Mills v Taunton Sav. Bank, 150 Mass 519, 23 NE 327.

loose character. See **loose woman.**

loose-leaf account book. An account book in a form other than a bound volume, the book being so devised that sheets containing the accounts of individuals may be inserted or withdrawn at will.

loose wire. A wire, particularly a wire carrying an electric current, which has become detached from the pole or other device to which it is normally secured.

loose woman. A woman of loose character. An unchaste woman; a woman who is sexually impure. Foster v Hanchett, 68 Vt 319, 35 A 316.

loquela. A discourse; a conversation; a talk; a speech; language.

Loquendum ut vulgus; sentiendum ut docti. A person should speak as the masses speak, and think as the learned think.

lord. A member of the British peerage; a feudal proprietor; an official title.

lord advocate. The principal crown counsel in civil causes and the chief public prosecutor in criminal prosecutions.

Lord Brougham's Act. An English statute removing the disqualification of a party as a witness. 14 & 15 Vict c 99.

Lord Cairn's Act. An English statute conferring jurisdiction upon the court of chancery which permits it to award damages in lieu of an injunction. 28 Am J Rev ed Inj § 292.

Lord Campbell's Act. An English statute passed in 1846, allowing an action for death caused by the wrongful act, neglect, or default of another. 9 & 10 Vict c 93; 22 Am J2d Dth § 2.

lord chancellor. See **Lord High Chancellor.**

Lord Chesterfield's Act. An English Statute passed in 1751, adopting the Gregorian calendar.

lord chief baron. An English judicial officer who was formerly the chief judge of the court of exchequer.

lord chief justice. The chief judge of the English court of king's (or queen's) bench.

Lord Coke. See **Coke.**

Lord Cranworth's Act. An English statute passed in 1860 facilitating the functions of trustees and mortgagees by giving them the powers which they usually have by contract or appointment.

Lord Denman's Act. An English statute removing the disqualification of interest in reference to the competency of a witness. 6 & 7 Vict c 85.

Lord Eldon. One of the greatest and most conservative English chancellors. *Edgerton v Edgerton*, 12 Mont 122, 29 P 966.

lord high admiral. The highest officer of the British navy, and formerly the chief officer of the British courts of admiralty.

Lord High Chancellor. The presiding officer of the House of Lords in Great Britain.

Historically, the highest judicial officer in the kingdom, in rank superior to every temporal lord, created by the mere delivery to his custody of the king's great seal, a privy counsellor and prolocutor of the house of lords by prescription. He had the appointment of all justices of the peace, was keeper of the king's conscience, visitor in the king's right of all hospitals and colleges, the general guardian of all infants, idiots, and lunatics, and supreme judge of the court of chancery. See 3 Bl Comm 47.

lord high constable. See **constable of England.**

lord high steward. A member of the English house of lords appointed to preside therein in cases of felony and impeachment.

lord high treasurer. An officer who was formerly the chief treasurer of England.

lord in gross. A feudal lord whose lordship was not attached to any manor.

lord justice clerk. The second highest judicial officer in Scotland.

lord keeper. An English officer who was the keeper of the great seal of the kingdom.

Lord Lyndhurst' s Act. An English statute rendering void marriages of persons within certain degrees of relationship.

lord mayor's court. An English court of limited jurisdiction in both law and equity cases, held in London.

lord of a manor. The proprietor or owner of a manor.

lord paramount. The king of England.

Lord's day. The Sabbath day; Sunday.

lordship. The jurisdiction of the lord of a manor; a manor. The title by which a lord is addressed, usually preceded by "your" or "his."

lords marchers. The lords of the marches of Wales and Scotland.

lords of articles. A parliamentary committee which prepared bills for enactment and which was designed to increase the power of the crown, long since abolished by statute.

lords of parliament. The members of the English house of lords, the upper house of parliament.

lords spiritual. Those bishops and archbishops who are members of the English house of lords.

lords temporal. The lay lords,—those members of the English house of lords who are not lords spiritual,—who were neither bishops nor archbishops.

Lord Tenterden's Act. An English statute (9 Geo. IV, ch. 14) providing that no new promise should take a case out of the statute of limitations unless in writing, and signed by the party to be charged. 34 Am J1st Lim Ac § 289. Also extending the statute of frauds to cover a representation or assurance made or given, concerning or relating to the conduct, credit, ability, trade or dealings, of any other person, to the intent or purpose that such other person may obtain credit, money or goods thereon. 49 Am J1st Stat of F § 8.

lose. To fail of winning or of accomplishing a tie. To drop or otherwise handle something inadvertently so that one is unable to find it later.

To lose is not to place or put anything carefully and voluntarily in the place one intends and then to forget it; it is casually and involuntarily to part from the possession; and the thing is then usually found in a place or under circumstances to prove to the finder that the owner's will was not employed in placing it there. To place a pocketbook, therefore, upon a table, and to omit or forget to take it away, is not to lose it in the sense in which it is referred to as lost property. *Foulke v New York Consol. Railroad Co.* 228 NY 269, 127 NE 237, 9 ALR 1384, 1387.

loser. One who has lost something. One who has failed of winning or of accomplishing a tie.

As the word is used in a statute authorizing the "loser" in any game of chance to sue for and recover the amount he has lost, the term refers only to the person in whose name the bet or wager has been made, whether he be a principal or only an agent. *Haywood v Sheldon* (NY) 13 Johns 88, 90.

loss. A deprivation. Damage; also the act of losing and the thing lost. 22 Am J2d Damg § 1.

The word is not one of limited, hard and fast meaning. There are many kinds of loss, besides money out of pocket. No man would doubt that he might rightly call a "loss" that event which changed his status from solvency to insolvency. In the strictest sense of the word a man against whom a tort judgment has become final has suffered a loss. *Schamps v Fidelity & Casualty Co.* (CAS La) 250 F 6, 6 ALR 1231, 1233.

Even though a showing of losses may be necessary to constitute the particular transaction a joint adventure, the term "loss" does not necessarily mean actual monetary loss. There is a loss if one's

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time has been for nought. *Summers v Hoffman*, 341 Mich 686, 69 NW2d 198, 48 ALR2d 1033.

See **actual total loss; constructive total loss; direct loss; fire loss; indemnity insurance; liability insurance; proof of loss; risk and causes of loss; total loss.**

loss and loss expense reserve. Terminology of insurers; the estimated amount payable for losses reported but not yet settled, plus a reserve for losses incurred but not yet recorded, including the estimated expenses of adjustment.

loss by breaking. See **breaking.**

loss by fire. See **fire loss.**

loss by theft. As a deduction in computing income tax:—a loss in the sense that the taxpayer is worse off financially as a result of the crime. Anno: 62 ALR2d 590.

See **theft insurance.**

loss claims reserve. See **loss and loss expense reserve; reserve.**

losses and loss expenses incurred. A phrase common to insurers; representing the total claims and losses paid during the year for which the insurer is reporting, plus the outstanding reserves for unpaid losses and claims at the end of the year, less the reserves for outstanding losses and claims as of the end of the previous year; also including the expense of adjusting and processing all losses and claims paid during the year plus the outstanding reserves for loss and claim expense at the end of the current year, less the reserve for loss and claim expense at the end of the previous year.

loss from liability. The loss which arises immediately upon one becoming liable to another and not the loss which arises upon the payment or extinguishment thereof. Anno: 37 ALR 646.

See **liability insurance.**

loss of arm. See **loss of member.**

loss of business time. An insurance term, meaning disability from working at one's specific occupation, irrespective of ability to perform other work. Anno: 31 ALR2d 1222.

loss of capital. See **capital loss.**

loss of consortium. The loss of a wife's society, companionship, and services. 27 Am J1st H & W § 505. The loss of society and sexual intercourse. 27 Am J1st H & W § 525.

loss of domicil. A matter of change of domicil, involving an abandonment of one domicil with an intent not to return to it as a domicil, and the acquisition of a new domicil by actual residence in such place with an intention of making it a permanent home. 25 Am J2d Dom § 16.

loss of earning capacity. An element of future damages resulting from a personal injury where the effect of the injury extends beyond the time of trial of the action for the injury in a decrease in earning capacity. 22 Am J2d Damg § 89.

loss of earnings. See **loss of earning capacity; loss of time.**

loss of eye. The actual deprivation of an eye or the deprivation of use of an eye for any practical purpose. Order of United Commercial Travelers v Knorr (CA10 Kan) 112 F2d 679.

loss of foot. A complete loss of the member by severance or an entire destruction of use of the member; as by paralysis. Fuller v Locomotive Engineers Mut. Life & Acci. Ins. Asso. 122 Mich 548, 81 NW 326; Sheanon v Pacific Mut. Life Ins. Co. 77 Wis 618, 46 NW 799.

loss of jurisdiction. The cessation of the right to adjudicate concerning the subject matter in a given case, either by the termination of the power of the court or the destruction or removal of the subject matter. 20 Am J2d Cts §§ 149, 150.

loss of leg. See **loss of member.**

loss of limb. See **loss of member.**

loss of member. Loss of arm or leg. 29A Am J Rev ed Ins § 1510. Sometimes meaning an actual severance, at other times including loss of use. 58 Am J1st Workm Comp § 287.

See **loss of foot.**

loss of profits. See **lost profit.**

loss of sight. The deprivation of the use of one's eyes for any practical purpose.

It has been held that an accident resulting in a ninety per cent loss of sight of both eyes was not a loss of sight where the loss could be reduced to fifty per cent by the use of proper glasses. Cline v Studebaker Corp. 189 Mich 514, 155 NW 519.

See **loss of eye; total loss of sight.**

loss of time. An element of damages for personal injury confined to time prior to trial of the action therefor, being inability of the plaintiff to follow his ordinary pursuits regardless of whether he was being compensated therefor at the time of the accident. 22 Am J2d Damg § 89.

Loss of working time. 29A Am J Rev ed Ins § 1514.

See **loss of business time.**

loss of use. An element of damages as an interference with the plaintiff's right to use the property involved, usually measured by rental value or the reasonable cost of hiring a replacement. 22 Am J2d Damg § 152.

See **loss of member.**

loss of wife's society. See **loss of consortium.**

loss payable clause. A provision in a policy of insurance on property taken out by the owner that the loss, if any, shall be paid to a mortgagee, or other person having an interest in the property, as his interest may appear. 29 Am J Rev ed Ins §§ 728 et seq.

loss ratio. Terminology of insurers; a ratio arrived at by measuring losses incurred, plus loss adjustment expenses, incurred against premiums earned.

See **premium earned.**

lost corner. A point of a survey of land, the position of which cannot be determined beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony bearing on the original position, and the location of which can be restored only by reference to one or more independent corners. *Reid v Dunn*, 201 Cal App 2d 612, 20 Cal Rptr 273.

lost deed. See **lost instrument**.

lost grant. The fiction whereunder it is presumed from long possession and exercise of a right in real estate with acquiescence of the owner that there must have been originally a grant by the owner which has become lost. 25 Am J2d Eas § 39. The presumption that one, who has for a long time been in interrupted possession of real property and committing acts thereon ostensibly of a proprietary nature, maintained such possession and committed

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such acts under an ancient or lost grant of title. 3 Am J2d Adv P § 3.

lost instrument. A written instrument, such as contract, deed, mortgage, etc., which cannot be found after careful and thorough search, sometimes including an instrument which has been stolen, burned, or otherwise destroyed. 34 Am J1st Lost Papers § 2.

lost log. A log which in the course of floating upon a stream by way of transportation to a sawmill, has been washed ashore and stranded. 34 Am J1st Logs § 76.

lost monument. A monument mentioned in a description of real estate as marking a boundary, which has been destroyed or misplaced. 12 Am J2d Bound §§ 70, 71.

lost or not lost. A clause in a marine insurance policy whereby the coverage extends to a loss occurring prior to the date of the policy. 29 Am J Rev ed Ins § 327. A stipulation against past as well as future losses and the law upholds it. *Hooper v Robinson* (US) 8 Otto 528, 25 L Ed 219.

lost profits. In contract actions, the profit which the nondefaulting promisee expected to make from the breached contract or the profit which he expected to make from the collateral transactions based upon the promised performance. In tort actions, the expected gains from transactions which the injured party expected to complete had it not been for the tort. 22 Am J2d Damg § 171.

lost property. Personal property from which the owner has involuntarily parted through neglect, carelessness, or inadvertence. *Danielson v Roberts*, 44 Or 108, 74 P 913. Property casually and unknowingly dropped by the owner. *Flood v City Nat. Bank*, 218 Iowa 898, 253 NW 509, 95 ALR 1168.

lost record. A public record which cannot be found after careful and thorough search. 34 Am J1st Lost Papers § 3.

lost time. See **loss of time**.

lot. A small area of land; a building lot. as in a municipality. A wood lot, house lot, or store lot. A tract of land smaller than a field. *Kaufman v Stein*, 138 Ind 49, 37 NE 333. In a technical sense, a tract in a township duly laid out as a lot by the original proprietors. *White v Gay*, 9 NH 126. A tract of land indicated as a lot in the plan or map of a land development. As the word is used in a mechanic's lien statute:—the entire separate tract upon which the improvement or building, for which the lien is claimed, is asserted. Anno: 84 ALR 124.

In a distinct sense, a determination by chance; an object for determining by chance, be it nothing more than a bundle of long straws and short straws. *Lynch v Rosenthal*, 144 Ind 86, 42 NE 1103. That which one receives in a determination by chance.

See **cemetery lot; street water lots.**

lot and scot. See **scot and lot.**

lot book. A plat book.

lotion. A soothing or healing liquid applied to the skin, much used by barbers. 10 Am J2d Barbers § 19.

lot number. A designation referring to a number ascribed to a lot in the original plat, or an addition thereto, of a city or town. *White v Gay*, 9 NH 126. The number given a lot laid out by a survey, its purpose being to afford a means of description of the premises. 12 Am J2d Bound § 7.

lottery. A scheme for the distribution of a prize by lot or by chance. A scheme for the distribution of a prize or prizes by chance through selling tickets with numbers corresponding to numbers on tickets in a wheel or box from which the lucky number or numbers are drawn at a time previously announced. 34 Am J1st Lot § 2. A generic term, including any device whereby anything of value is, for a consideration, allotted by chance, *State ex rel. Home Planners Depository v Hughes*, 299 Mo 529, 253 SW 229, 28 ALR 1305, including policy playing, gift exhibition, prize contest, raffle, and other forms of gambling. 34 Am J1st Lot § 2.

lottery ticket. See **having lottery tickets in possession; lottery.**

lotto. A game of chance a gambling device where played for money. 24 Am J1st Gaming § 36.

See **bingo.**

loud and raucous. The characterization of a sound interfering with the peace and quiet of a person. *Haggerty v Associated Farmers of California, Inc.* 44 Cal 2d 60, 279 P2d 734.

Louisiana law. The law of the State of Louisiana which has its background in the civil or continental law rather than the common law.

L'ou le ley done chose, la ceo done remedie a vener a ceo. Wherever the law gives a right, it gives a remedy to recover.

lounging. See **loitering.**

love and affection. A good but not a valuable consideration necessary to support a bill or note. 11 Am J2d B & N § 222. A good consideration for a deed where extended toward one to whom a natural duty exists, such as near relatives by either consanguinity or affinity, or based upon a strong moral obligation supported either by some antecedent legal obligation, unenforceable at the time, or by some present equitable duty. 23 Am J2d Deeds § 64.

lovely claim. A donation made by the general government, of two quarter sections of the public lands, according to the legal subdivisions of the public surveys, to a particular class of persons, who are embraced by the act of Congress of the twenty-fourth of May, 1828, and who have complied with the conditions therein imposed, and also with the stipulations of the treaty ratified between the United States and the Cherokee nation of Indians on the twenty-eighth of May, 1828. *Logan v Moulder*, 1 Ark 313.

love-making. One of the arts of seduction. 47 Am J2d Seduc § 68.

low. Lacking in dignity, refinement, or principle; vulgar; groveling; abject; mean, base; in a mean condition, as a low-born fellow. *Arkansas v Kansas & T. Coal Co.* (CC Ark) 96 F 353, 362.

low bote. Compensation for the killing of a person in a riot or tumult.

lowboy. A chest of drawers standing on short legs. A trailer used in the trucking and draying business to transport heavy objects. *Utica Carting, Storage & Contracting Co. v World Fire & Marine Ins. Co.* 277 App Div 483, 100 NYS2d 941, 36 ALR2d 500, reh and leave to app den 278 App Div 629, 102 NYS2d 637.

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low-cost housing. Housing for people of small means or persons on welfare.

lower court. An expression of dual meaning: (1) a trial court as distinguished from the court to which an appeal from its judgment is taken; (2) an inferior court.

lower house. The less important of the two houses of a legislative body; as the house of representatives of the Congress of the United States.

lowering grade. An alteration of a highway by cutting away a hill or incline.

lower offense. See **included offense.**

lower owner. A riparian owner whose land is downstream in reference to the land of another such owner.

lowers. Derived from the French "loner;" a seaman's wages.

lowest balance doctrine. The modern rule that in order to trace a trust fund, deposited as such in a bank, into the hands of a receiver of the bank, it is only necessary to show that the lowest level of cash in the vaults of the bank never fell below the amount of the fund. *Ferguson v Reed* (DC Pa) 44 F 387.

lowest reasonable rate. A rate which is not confiscatory in the constitutional sense. *Federal Power Com. v Natural Gas Pipeline Co.* 315 US 575, 86 L Ed 1037, 62 S Ct 736.

lowest responsible bidder. A bidder on a public contract to be selected by the officers with the exercise of sound discretion, not necessarily the lowest bidder in dollars, but just as clearly not the highest bidder. *McIntosh Road Materials Co. v Woolworth*, 365 Pa 190, 74 A2d 384.

A municipality may exercise a reasonable discretion in determining the lowest responsible bidder on items of equipment not capable of precise specifications and, in so doing, may consider, in addition to the bid price, substantial differences in quality, suitability, and adaptability of the equipment for the intended use. *Otter Tail Power Co. v Elbow Lake*, 234 Minn 419, 49 NW2d 197, 27 ALR2d 906.

See **responsible bidder.**

low flying. An unwarranted interference with a surface proprietor's rights. 8 Am J2d Avi § 4.

low-pressure gas line. A line of pipe through which gas for household use is conveyed at a pressure which renders it safe for household appliances. *McKenna v Bridgewater Gas Co.* 193 Pa 633, 45 A 52.

low temperature accelerators. See **cold vulcanization.**

low tide. The lowest point reached by the ebbing tide.

See **mean low tide**.

low-water channel. The channel of a river when, because of dry weather a minimum of water is in the channel. Cole v Missouri, Kansas & Oklahoma Railroad Co. 20 Okla 227, 94 P 540.

low water line. The line in the bed of a stream to which the water falls in the season of ordinary low water.

low-watermark. The lowest line made by the receding tide, not the lowest line which a stream of fresh water emptying into the sea, or a cove, or tidal river makes with the land. 12 Am J2d Bound § 13.

See **ordinary low-watermark**.

loyal. Faithful; lawful or legal in the sense of following constituted authority.

loyalty. Adherence to the government, a person, or a principle. Faithfulness or devotion to the government or to law, or to an employer, master, or superior.

loyalty check. A test of one's attitude toward the government and the possibility of his being involved in subversive activities by a course of detection respecting the character of meeting which he attends, the persons with whom he associates, and his past political record, also any criminal record which he may have.

loyalty oath. An oath, required of a public officer or employee, as a condition of employment or continued employment, by which the affiant not only pledges himself in the customary form to support the Constitution of the United States and of his particular state, but also affirms that he is not a member of certain designated organizations, such as the Communist Party, or of any organization believing in or advocating the doctrine of the overthrow of the Government of the United States by force or any unlawful means, and that he does not believe in or advocate such doctrine. 15 Am J2d Colleges § 12. An oath once required as a prerequisite, in certain instances, to maintaining or defending a civil action, the statute so requiring later being held unconstitutional. Pierce v Carskadon (US) 16 Wall 234, 24 L Ed 676.

L. R. Abbreviation of **Lloyd's Register**.

L.R.A. An abbreviation of **Lawyers' Reports Annotated**.

L.R.A. (NS.) An abbreviation of **Lawyers' Reports Annotated (New Series)**.

Ls. Abbreviation of **locus sigilli**, the place of the seal.

As to the effect of the letters "**L.S.**" appearing on an instrument, as a seal, see 47 Am J1st Seals § 4.

l.t. Abbreviation of **long ton**.

ltd. Abbreviation of **limited**.

Lubricum linguae non facile trahendum est in poenam. A slip of the tongue ought not to be readily subjected to punishment.

lucid interval. A period of sanity intervening periods of insanity.

The term means more than a mere remission of the manifestations of a person's insanity. It must be such a full return of his mind to sanity as places him in possession of the powers of his mind, enabling him to understand and transact his affairs as usual. *Ekin v McCracken* (Pa) 11 Phila, 534, 539.

lucrative bailee. The bailee of a lucrative bailment; a bailee for hire.

lucrative bailment. A bailment for hire. A bailment in which the parties contemplate some price or compensation in return for benefits flowing from the fact of bailment. 8 Am J2d Bailm § 9.

lucrative office. Same as **office of profit**.

lucrative succession. The gift by an ancestor to his heir of all or a portion of the property which the heir would inherit, rendering him liable for the debts of his ancestor.

lucrative title. A term having an origin in the Spanish law. A title derived by donation, inheritance, or

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devise without onerous conditions attached. *Fuller v Ferguson*, 26 Cal 546.

lucris causa. For the sake of gain. Anno: 12 ALR 804.

lucris gratia. For the sake of gain. *Mann v State*, 47 Ohio St 556, 26 NE 226.

lucro captando. See **de lucro captando**.

Lucrum facere ex pupilli tutela tutor non debet. (Roman law.) A guardian ought not to make gain out of the guardianship of his ward. *Manning v Manning* (NY) 1 Johns Ch 527, 535.

luctuosa haereditas. (Civil law.) A sorrowful or mournful inheritance,—an inheritance in the ascending line, as by parents from children. 4 Kent Comm 397.

luctus. See **annus luctus**.

luctus tempus. See **intra luctus tempos**.

luggage. See **baggage**.

lumber. The product manufactured from logs. Building material. *Craddock Mfg. Co. v Faison*, 138 Va 665, 123 SE 535, 39 ALR 1309.

lumbering. The operation of taking logs from timber and sawing them into lumber. 34 Am J1st Logs §§ 52 et seq.

lumber measure. The actual number of board feet which have been obtained from the sawing of a log. *Craddock Mfg. Co. v Faison*, 138 Va 665, 123 SE 535, 39 ALR 1309.

See **board foot; log measure**.

lumberyard. A place where lumber is kept in large quantities for sale at retail.

lumen. (Civil law.) Light; light in a house; a window; the right to receive light.

luminal. Another term for **phenobarbital**.

Lumley v Gye. An historical and famous case which enunciated the doctrine of liability for interference with a contract relationship. 2 El & Bl 216, 118 Eng Reprint 749, 1 ERC 706.

lumber. See **lumping**.

lumping. Making a sale for one sum in the aggregate without pricing by unit of measure, such as so much per pound, per bushel, per yard, etc. Vernacular in the field of labor law:—employing a so-called "contractor," who actually is a mere figurehead or "lumper" from the contractual standpoint, furnishing the labor and acting as superintendent of construction, the owner purchasing the material and assuming the responsibility in connection with the contract. *People v Weinseimer*, 117 App Div 603, 102 NYS 579.

lump-sale. See **sale en masse**.

lump sum. One sum covering all amounts to be paid.

lump-sum alimony. An award of alimony in gross, that is, an award of one definite sum in the aggregate, whether or not it is to be paid in instalments or in one sum. 24 Am J2d Div & S § 614.

lump-sum payment. A payment in one sum, as distinguished from payment in instalments or at intervals.

lump-sum price. See **lumping**.

lump-sum settlement. The commutation of periodical payments into one lump sum to be accepted as in full payment and satisfaction. 58 Am J1st Workm Comp § 548.

lump-sum verdict. A verdict in one sum without specification of the amounts allowed for separate items of damages or as interest. 53 Am J1st Trial §§ 1053, 1054.

lunacy. A misguided or erroneously directed condition of the mind. An impairment of one or more of the mental faculties sufficient to cause instability of mental powers and want of full capacity to reason. 29 Am J Rev ed Ins Per § 3.

See **lunatic**.

lunacy proceeding. A proceeding to determine the mental competency of a person, the purpose being to commit the person to an institution if found to be mentally deranged so that he should be confined, or to obtain the appointment of a guardian or committee for him if found mentally incompetent to manage his own affairs.

lunar month. A month of 28 days. 52 Am J1st Time § 11.

lunatic. An insane person. *People v Wells*, 33 Cal 2d 330, 202 P2d 53, cert den 338 US 836, 94 L Ed 510, 70 S Ct 43. One incapable from unsoundness of mind to control himself or his affairs. 29 Am J Rev ed Ins Per § 3.

lunatico inquirendo. See **de lunatico inquirendo**.

Lunaticus, qui gaudet in lucidis intervallis. He is a lunatic who enjoys lucid intervals.

lunation. Same as **lunar month.**

lunch hour. The time taken off from employment or occupation for eating lunch; a variable time but normally one hour.

lunch vendor. A person who goes through a train selling lunches and sometimes other small articles of merchandise to passengers. 14 Am J2d Car § 913.

lung disease. A phrase usually associated with tuberculosis, although inclusive of any affliction of the lungs.

lung examination. An examination of the lungs for the detection of any diseased condition. A physical examination made by way of discovery. 23 Am J2d Dep § 220.

lupanatrix. A she-wolf; a prostitute.

lupinum caput. A wolf head, a person whom anyone might kill and receive a reward for his head,—an outlaw.

lupinum caput gerere. To have one's head regarded as a wolf's, with a bounty for its capture,—to be outlawed.

lupus. A wolf.

lurch. A sudden and unexpected movement of an aircraft due to turbulent atmospheric conditions or other manifestation of nature. 8 Am J2d Avi § 96. A roll, pitch, or sway of a vehicle, in rounding a corner or otherwise changing direction abruptly.

lure to improvidence. The giving of a premium by a dealer to a purchaser of goods or a particular article. 52 Am J1st Trad St § 11.

luring. See **entice.**

lust. A strong desire for sexual relations. Anno: 19 ALR 1526.

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lustful. Having lust.
See **lust.**

Lydford law. An allusion to violent acts in the nature of lynching, recorded in literature by Sir Walter Scott in the introduction to his *Border Minstrelsy*. *Daniels v Homer*, 139 NC 239, 51 SE 992.

"I oft have heard of Lydford law, How in the morn they hang and draw And sit in judgment after." *State v Lewis*, 142 NC 626, 55 SE 600.

lyef geld. (Saxon.) A fine which was exacted for leave to till the soil and raise crops.

lying. See **lie.**

lying at anchor. A vessel floating on the water, but held by her cable and anchor. *Reid v Lancaster Fire Ins. Co.* 19 Hun 284, 285.

lying-in expenses. Medical, nursing, and hospital expenses in childbirth.

lying in grant. See **lie in grant.**

lying in livery. See **lie in livery.**

lying in wait. Ambushing or concealing oneself for the purpose of taking a victim unawares. 26 Am J1st Homi § 16. Concealing oneself in a position to wait and watch for a victim with the intention of inflicting bodily injury upon such person or of killing him. *People v Thomas*, 41 Cal 2d 470, 261 P2d 1.

lying on. Bounding.

As the words are used in any instrument in the description of metes and bounds and location of land as in the expression "lying on the north side of the mill road," they import in law, as well as in fact, that it extends to and borders upon the boundary designated in the description. *Carson v Doe d. Hickman*, 9 Del (4 Houst) 328, 337.

lying up. A vessel at berth. *Dows v Howard Ins. Co.* 28 NY Super Ct (5 Robt) 473, 475.

lynching. Putting a person to death, usually by hanging, ostensibly for the commission of a crime, but without authority of law.

lynch law. Something done without the warrant or sanction of law. *State v Aler*, 39 W Va 549, 559.

For discussion of derivation of the term, see *State v Aler*, 39 W Va 549, 558, 20 SE 585.

See also dissenting opinion of Brown, J., in *State v Lewis*, 142 NC 626, 55 SE 600.