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W. Abbreviation of west.

Wū. Abbreviation of West One-half, used frequently in describing land according to the government survey.

WAAC. Abbreviation of Women's Auxiliary Army Corps, which was replaced by the Women's Army Corps.

WAC. Abbreviation of Women's Army Corps.

wadia. Same as **guadia**.

WAF. Abbreviation of Women in the Air Force.

wage. Verb: To conduct or carry on. Noun: A return for services.

See **wages**.

Wage and Hour Law. The federal statute regulating the hours and wages of employees engaged in interstate commerce or in the production of goods for interstate commerce. 29 USC §§ 201 et seq.

wage continuation plan. See **sick pay**.

wage-earner. Literally, one who earns wages. For the purpose of the exception from involuntary adjudication in bankruptcy, an individual who works for wages, salary, or hire at a rate of compensation not exceeding \$1,500 per year. Bankruptcy Act § 1(32); 11 USC § 1(32). For the purposes of eligibility to relief under the Bankruptcy Act by a wage-earner's plan, an individual whose principal income is derived from wages, salary, or commissions, without reference to the amount. Bankruptcy Act § 606(8); 11 USC § 1006(8); 9 Am J2d Bankr § 1387.

wage-earner's plan. A proceeding provided by Chapter XIII of the Bankruptcy Act, the function of which is to assist the financial rehabilitation of a debtor who qualifies as a wage-earner, without adjudicating him a bankrupt. 9 Am J2d BanKr §§ 1382 et seq.

wage his law. See **trial by wager of law**.

wager. An agreement or stipulation to the effect that the parties shall gain or lose upon the happening of an uncertain event, in which event they have no interest except that arising from the possibility of such gain or loss. 24 Am J1st Gaming § 2. In common terms, a bet or gamble.

As the synonymous words "wager" and "bet" are used in criminal statutes, they do not import the kind of agreement contemplated by the law of contracts under which there must be an actual meeting of the minds of the contracting parties in order to form an agreement. So to hold would allow the defendants to escape punishment in all cases in which feigned accomplices were employed to detect them and in which there is no evidence against the defendants except the testimony of feigned accomplices. *People v Ghio*, 82 Cal App 28, 255 P 205.

wagering contract. An insurance policy not supported by an insurable interest on the part of the insured. 29 Am J Rev ed Ins §§ 432 et seq. An ordinary gambling contract.

See **gambling contract**.

wagering gain. A gain in winning a wager. *Jennings v Commissioner* (CA5 Tex) 110 F2d 945.

wager insurance policy. Same as **wager policy**.

wager of battel. See **trial by wager of battel**.

wager of law. See **trial by wager of law**.

wager of law of nonsummons. A form of a plea in a real action.

wager policy. A contract Purporting to be one of insurance but which does not qualify as such for want of a sufficient insurable interest. 29 Am J Rev ed Ins § 434. A gambling policy; for example, a policy of life insurance wherein the person for whose use the policy was issued has no pecuniary interest in the life of the insured. *Gambis v Covenant Mut. Life Ins. Co.* 50 Mo 44, 47.

Under the doctrine of wager life insurance policies, it is widely held to be against public policy to permit speculation in human life by allowing one having no insurable interest in the life of another to secure for himself as beneficiary a policy of insurance on such life. *Butterworth v Mississippi Valley Trust Co.* 362 Mo 133, 240 SW2d 676, 30 ALR2d 1298.

wages. Compensation for manual labor, skilled or unskilled, paid at stated times, and measured by the day, week, month, or season. Sums paid as hire or reward to domestic or menial servants, artisans, mechanics, laborers, and other employees of like class, as distinguished from the compensation of clerks, officers of corporations, and public officers. 35 Am J1st M & S § 63. Compensation paid one for personal services of some kind. 22 Am J1st Exemp § 65. Anything constituting a reward for a workman's labor, whether the pay is by the hour, the day, the week, the month, or by the job or piece. 9 Am J2d Bankr § 537. (Pertaining to priority of wage claim.) Inclusive of board, lodging, or "other facilities" customarily furnished by an employer to his employees. 29 USC § 203(m). (Definition of Fair Labor Standards Act.) All remuneration payable for personal services, including commissions, bonuses, and gratuities customarily incident to the course of employment, whether received in cash or other medium. *Fuller Brush Co. v Industrial Com.* 99 Utah 97, 104 P2d 201, 129 ALR 511. All remuneration for employment, including the cash value of all remuneration paid in any medium other than cash. *Social Secur. Board v Nierotko*, 327 US 358, 90 L Ed 718, 66 S Ct 637, 162 ALR 1445.

Labor is remunerated by wages and by "salaries;" wages being the remuneration of subordinates, and "salaries" of officials. *Springfield Coal Mining Co. v State Industrial Com.* 291 111408, 126 NE 133, 22 ALR 859, 862.

Sums set apart by an employer under a pension scheme declared to be for the purpose of giving the employees a share of the earnings of the business over and above their wages are not wages within the meaning of a statute giving a preference to wages in the distribution of assets by a receiver. *Dolge v Dolge*, 70 App Div 517, 75 NYS 386.

"Wages," defined in an Unemployment Compensation Act as "all remuneration for employment," do not include a pension paid by the employer to a retired employee. *Kneeland v Administrator, Unemployment Compensation Act*, 138 Conn 630, 88 A2d 376, 32 ALR2d 896.

As to what constitutes "wages" within pension law basing benefits thereon, see Anno: 14 ALR2d 634.

As to what constitutes wages for purpose of so-

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cial security benefits and unemployment compensation, see 48 Am J1st Soc Sec § 14.

As to what constitutes "wages" within priority provision of Bankruptcy Act, see 9 Am J2d Bankr § 537.

As to "wages" within priority provision in statutes relative to distribution of the assets of an insolvent, see 29 Am J Rev ed Insolv § 49.

See **prevailing rate of wages; salary**.

wage-worker. One who works for wages. A wage-earner.

Wagner Act. The first National Labor Relations Act, which became law in 1935, enacted to give greater protection to the right of employees to organize and bargain collectively, and designating certain actions by employers as unfair labor practices. 31 Am J Rev ed Lab § 180.

wagon. A four-wheeled vehicle, drawn by horses or oxen, almost unknown in the age of motor vehicles, for the transportation of goods, wares, merchandise, and personal property of all descriptions, as well as of persons. Quigley v Gorham, 5 Cal 418.

wagon train. A line of vehicles moving together, common in the period of settlement of the West when travelers moving in wagons joined for protection and the comfort of companions.

waifs. Abandoned children. Homeless persons, especially persons unable to care for themselves. Goods stolen, and waived or abandoned by a thief in his flight, in fear of apprehension.

Such goods became the property of the king, by way of punishing the owner for his failure to pursue the thief and retake his goods. See 1 Bl Comm 296.

wainable. Capable of cultivation; tillable.

wainag. Carts, wagons and tools of husbandry.

wain-bote. Timber to be used for the repair of wagons and carts.

wainscoting. Panels of wood on the wall of a room, especially on the lower part of the wall.

waiting period. Same as **waiting time**.

waiting room. A room provided by a carrier for the comfort and convenience of prospective passengers and those who accompany them or who are waiting for them. 44 Am J1st RR § 260.

waiting time. A period of time immediately after an injury, for which, as provided by the statute, workmen's compensation is not payable. 58 Am J1st Workm Comp § 319. A certain period of time following the effective date of health, hospital, or medical insurance during which the coverage is not applicable or during which coverage for certain specified diseases or disabilities is not applicable.

See **cooling time**.

waive. Noun: An obsolete term for a woman who by her conduct has deprived herself of the protection of the law to which she would ordinarily be entitled. Verb: To throw away; to relinquish voluntarily that right which one might have enforced by choice. See Anglo-Nevada Assur, Corp. v Nadeau, 90 Cal 393, 27 13 302. To make or effect a waiver.

See **waiver**.

waiver. The intentional relinquishment of a known right, claim, or privilege. Phillips v Lagaly (CAIO Okla) 214 F2d 527, 50 ALR2d 626; Smith v Smith, 235 Minn 412, 51 NW2d 276, 32 ALR2d 1135. A voluntary and intentional relinquishment of a known and existing right, or such conduct as warrants an inference of the relinquishment of such right. An election to dispense with something of value or to forego some advantage which one might, at his option, have demanded. 29A Am J Rev ed Ins § 1009. The intentional surrender of a known right or privilege, such surrender modifying other existing rights or privileges, or varying the terms of a contract. Lenoir Memorial Hospital, Inc. v Stared, 263 NC 630, 139 SE2d 901.

The term implies the intentional relinquishment of a known right after knowledge of the facts. It implies the intentional forbearance to enforce a right, and necessarily, therefore, assumes the existence of an opportunity for choice between the relinquishment and the enforcement of the right. Anno: 53 ALR 528.

Waiver presupposes a full knowledge of a right existing, and an intentional surrender of relinquishment of that right. It contemplates something done designedly or knowingly, which modifies or changes existing rights, or varies or changes the terms and provisions of a contract. It is the voluntary surrender of a right. *Sovereign Camp, W.W. v Newsom*, 142 Ark 132, 219 SW 759, 14 ALR 903.

To establish a waiver, there must be shown an act or omission on the part of the one charged with the waiver fairly evidencing an intention permanently to surrender the right alleged to have been waived. *Dunbar v Farnum*, 109 Vt 313, 196 A 237, 114 ALR 996.

A waiver as to insurance presupposes a right to declare a forfeiture and such subsequent conduct by the insurer as to justify a conclusion that the insurer did not intend to assert its rights in that respect. *Seavey v Erickson*, 244 Minn 232, 69 NW2d 889, 52 ALR2d 1144.

waiver by election. A defense which arises when a plaintiff who has sought two remedies which are inconsistent with each other, waives one of them by a decisive act of affirmance or disaffirmance, with knowledge of the facts. *Robb v Vos*, 155 US 13, 43, 39 L Ed 52, 63, 15 S Ct 4.

waiver of appeal. See **waiver of right to appeal.**

waiver of contract. A voluntary and intentional relinquishment or renunciation of a contract right by some positive act or omission inconsistent with the existence of such right. *Long v Clark*, 90 Kan 535, 135 P 673.

waiver of exemption. The voluntary relinquishment by a debtor of his right to assert the exemption of his property, or a part of his property, from the claims of creditors to which he is otherwise entitled by statute. *Wyman v Gay*, 90 Me 36, 38, 37 A 325.

waiver of homestead. See **declaration of abandonment of homestead.**

waiver of immunity. A means authorized by statute by which a witness in advance of giving testimony or producing evidence, may renounce the fundamental right and privilege guaranteed to him by the Constitution, that no person shall be compelled in any criminal case to be a witness against himself. *Re Grae*, 282 NY 428, 26 NE2d 963, 127 ALR 1276.

waiver of notice of dishonor. An oral or written, express or implied relinquishment by an indorser of a negotiable instrument, either before or after the time for giving notice has arrived, of his right to be notified of the dishonor of the instrument. 11 Am J2d B & N §§ 831 et seq.

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waiver of presentment. An oral or written, express or implied relinquishment by a party to a negotiable instrument of the right to have the instrument presented for payment. 11 Am J2d B & N §§ 831 et seq.

waiver of proof of loss. A voluntary relinquishment by an insurer having knowledge of all the facts of its right to a written proof of loss to which it is otherwise entitled by the contract of insurance or statute. 29A Am J Rev ed Ins § 1424.

waiver of protest. An oral or written, express or implied relinquishment by a party to a negotiable instrument of his right to have the instrument protested upon dishonor. 11 Am J2d B & N §§ 831 et seq.

waiver of right to appeal. The relinquishment of the right to appeal from a judgment by express agreement or by the party's voluntary act or conduct. 4 Am J2d A & E § 235. Any act evidencing an intent to enjoy a benefit from, or base some interest upon, the judgment. *Oatman v Hampton*, 43 Idaho 675, 256 P 529.

waiver of tort. The relinquishment by a plaintiff of his right to sue in tort by electing to sue in contract in a case where the plaintiff is entitled to such an election.

wake. A gathering of persons maintaining a vigil over the remains of a departed friend or relative, sometimes having a festive nature in keeping with a custom of the land.

walk. Noun: A sidewalk. Verb: To move on one's feet from one place to another.

Walking in the open air for exercise, is held not to be within a Sunday law prohibiting unnecessary walking on that day. *Sullivan v Maine Central R. Co.* 82 Me 196, 19 A 169.

walker. See **nightwalker; pedestrian; walk.**

walking. See **walk.**

walkout. A concerted withdrawal by employees from the place of employment as a result of a labor dispute. See **division wall; party wall.**

wall. An upright structure of wood, stone, brick, or other hard and durable material, serving as the side of a building or as a partition inside a building, sometimes as a support holding land in place, sometimes as a fortification protecting against attack by a military or other hostile force.

wallia. A wall; a sea-wall.

wall in common. Same as **party wall.**

wampum. The bead money of the North American Indians. In common, if not approved usage, money of any kind.

Wantage. Same as **ullage.**

want of consideration. Absence of consideration; failure of consideration; insufficiency of consideration. See **failure of consideration; sufficient consideration.**

want of issue. The failure of issue; the condition or state of being childless. See **definite failure of issue; indefinite failure of issue.**

want of jurisdiction. The want of authority to take cognizance of and decide the case; the want of power to hear and determine a cause. 20 Am J2d Cts § 88.

want of ordinary care. The failure to exercise ordinary care. See **ordinary care.**

want of probable cause. The absence of probable cause. See **probable cause.**

want of precedent. Characterizing the novelty of an action. *Rozell v Rozell*, 281 NY 106, 22 NE2d 254, 123 ALR 1015.

want of prosecution. A ground of involuntary dismissal or nonsuit, consisting in the plaintiff's failure to appear and prosecute his case or his failure to prosecute his case diligently. 24 Am J2d Dism § 59.

want of repair of way. A defective condition relating to inert objects or structural imperfections; not inclusive of the negligent or unlawful use of a way by a moving object, or the negligent operation of a stationary instrumentality. 25 Am J1st High § 360.

wanton. Undisciplined. Lewd and immoral. Unchaste. In reckless indifference or disregard of the rights of others and the likelihood of injury to another. *Conchin v El Paso & Southwestern Railroad Co.* 13 Ariz 259, 108 P 260.

wanton act. An act performed with knowledge that injury to another is likely to result from the act and with reckless indifference to such consequence. *Wunderlich v Franklin (CA5 Ala)* 100 F2d 164; *Southern Railway Co. v Bennefield*, 172 Ala 588, 55 So 252.

wanton conduct. See **wanton act; wanton omission.**

wanton injury. See **wanton act; wanton omission.**

wantonly. Willfully, in reckless disregard of the rights of others and of the likelihood of injury to another. *Commonwealth v Byard*, 200 Mass 175, 86 NE 285. Heartlessly; evincing a wicked or mischievous intent. *Jennings v Cooper (Mo App)* 230 SW 325.

wanton misconduct. See **wanton act; wanton omission.**

wanton negligence. A paradoxical expression, since the term "wanton" infers premeditation, knowledge, or consciousness, while "negligence" implies inadvertence; apparently signifying an act done or omitted to be done in such reckless disregard of the security and safety of another as to imply bad faith. 3 8 Am J1st Negl § 48; 52 Am J1st Torts § 23. An act or omission in complete absence of care for the safety of others, exhibiting indifference to consequences, but not necessarily ill will. *Higbee Co. v Jackson*, 10 1 Ohio St 7 5, 128 NE 61, 14 ALR 13 1, 20 NCCA 144. In the criminal law, culpable negligence; negligence amounting to a disregard of consequences or indifference to the rights or safety of others. 21 Am J2d Crim L § 84.

Wanton negligence involves the creation of an unreasonable risk of bodily harm to another, together with a high degree of probability that substantial harm will result. *Bryan v Southern Pacific R. Co.* 79 Ariz 253, 286 P2d 761, 50 ALR2d 1.

Inherent in wanton negligence is the idea of moral fault arising from the doing or failing to do an act with consciousness that the act or omission would probably cause serious injury, and with reckless indifference to consequences. *Alabama Great Southern R. Co. v Louisville & N. R. Co. (CA5 Ala)* 224 F2d 1, 50 ALR2d 1302.

wantonness. See **wanton act; wanton omission.**

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wanton omission. The omission to perform an act, with knowledge that such omission is likely to result in injury to another. 52 Am J1st Torts § 23.

wants. See **needs; needs of business.**

wapentakes, The hundreds in certain of the more northern counties of England. See 1 Bl Comm 115
See **hundred.**

war. A state of activity in which a nation prosecutes its rights or its claims by force of arms. 56 Am J1st War § 12. An armed struggle or contest by force carried on for any purpose between two or more nations or states exercising at least de facto authority over persons within a given territory and commanding an army prepared to observe the laws of war. 56 Am J1st War § 2. The exercise of force by bodies politic against each other and under the authority of their respective governments with a

purpose of coercion. *Carce v State*, 83 Tex Crim 292, 202 SW 951. An armed conflict between sovereign powers, characterized by declared and open hostilities. *West v Palmetto State Life Ins. Co.* 202 SC 422, 25 SE2d 475, 145 ALR 1461. A conflict between nations, commencing with a formal declaration of war. *West v Palmetto State Life Ins. Co.* 202 SC 422, 25 SE2d 475, 145 ALR 1461.

Although Congress has, in certain enactments, recognized the operation of United States military forces in Korea and has appropriated funds for their support, the conflict is not a "war" in the constitutional or legal sense in the absence of a declaration of war by Congress. *Beley v Pennsylvania Mut. Life Ins. Co.* 373 Pa 231, 95 A2d 202, 36 ALR2d 996.

As to what constitutes a "war" within the meaning of the term as it appears in the provisions of a life or accident insurance policy, see *Anne*: 36 ALR2d 1037.

As to what constitutes a "war" within the meaning of the term in reference to an excuse for nonperformance of a contract, see *Anno*: 137 ALR 1249.

See **duration of war; law of war; perfect war.**

warantia. Another spelling of **warrantia.**

warantus. Another spelling of **warrantus.**

war bond. A bond issued by the United States government in time of war for the purpose of obtaining funds for the conduct of the war. 43 Am J1st Pub See § 15.

ward. A subdivision of a municipal corporation. 36 Am J1st Mun Corp § 45. One under guardianship because incapable of managing his own affairs. *Harrison v Harrison*, 21 NM 372, 155 P 356. An infant under guardianship. One under special protection, as ward of the state or ward of the court.

warda. A ward; a guard.

ward and watch. See **watch and ward.**

warden. A caretaker; a keeper; a guard; a guardian; the superintendent of a prison.

See **church wardens; game warden.**

War Department. Formerly one of the primary departments of the Federal Government, headed by the Secretary of War.

See **Defense Department.**

ward heeler. A term of contempt for one who solicits votes and works for the leader of his party in a ward, particularly one whose activities are questionable from the standpoint of legality or good taste.

ward-holding. Tenure by military service.

ward-mote. A London ward court.

ward of chancery. An infant under the special protection of a court of equity. 27 Am J1st Inf § 101.

ward of court. An infant under the special protection of the court to which he is entitled. 27 Am J1st Inf §§ 101 et seq.

After submitting themselves to the jurisdiction of the court, the parents cannot by their agreement deprive it of power to control the custody and maintenance of the child. Such a child is in a very real sense the ward of the court. It has power to change the custody of the child; to enforce the parental obligation to provide maintenance, and, if necessary, to remove the child from the custody of both parents. *Emrich v McNeil*, 75 App DC 309, 126 F2d 841, 146 ALR 1146.

wards and liveries. See **court of wards and liveries.**

ward school. See **district school.**

wardship. The right of the lord, as “guardian in chivalry,” under feudal tenure, to receive and retain, as guardian of the person and estate, the profits of the lands of an infant male heir his tenant, until the heir, if a male, was twenty-one and if a female, until she was sixteen. See 2 Bl Comm 67.

In socage tenure, the guardian was the heir's nearest relative to whom the inheritance could not descend. He was accountable for profits and ceased to be guardian when the ward was fourteen. See 2 Bl Comm 87.

In copyhold tenure, wardship was an incident of tenure, and the lord was the legal guardian of his infant tenant. See 2 Bl Comm 97.

wardship in chivalry. See **wardship.**

wardship in copyhold. See **wardship.**

wardship in socage. See **wardship.**

ward-wit. An exemption OF immunity from the service of watch and ward. See **watch and ward.**

warectare. To plow up land with the intention of allowing it to lie fallow.

warehouse. A structure, usually one of considerable size, used for the storage of goods of the owner or tenant or the goods of others. 29A Am J Rev ed Ins § 898.

See **bonded warehouse; field warehousing.**

warehouseman. A person engaged in a business of storing goods for hire. UCC § 7-102(l) (h). One who receives and stores goods of others as a business. *National Union Bank v Shearer*, 225 Pa 470, 74 A 351. A person lawfully engaged in the business of storing goods for profit. 56 Am J1st Wareh § 2.

warehouseman's lien. The right of a warehouseman to retain possession of the goods of another, stored with him, until the satisfaction of his charge or charges for the storage, interest, and advances made by him for insurance, labor, and other expenses in reference to the stored goods. 56 Am J1st Wareh §§ 105 et seq.

warehouseman's risk. A policy of insurance covering the contents of a warehouse, sometimes limited to the interest which the warehouseman has in the stored property, at other times covering only margins uninsured by other policies on the stored prop-

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erty. *Home Ins Co. v Baltimore Warehouse Co.* 93 US 527, 23 L Ed 868.

warehouse purposes. Characterizing the use of premises for no use other than the storing and safeguarding of goods and effects. 29A Am J Rev ed Ins § 898.

warehouse receipt. In the most simple sense, an instrument importing that the goods of a named person are in the hands of a named warehouseman. *Union Trust Co. v Wilson*, 198 US 530, 49 L Ed 1154, 25 S Ct 766. A receipt issued by a person engaged in the business of storing goods for hire. UCC § 1-201(45). A written contract between the owner of goods and a warehouseman under which the latter agrees to store the goods and the former to pay for the storage. *Sinsheimer v Whitely*,

111 Cal 378, 43 P 1109. In a more formal and elaborate character, a symbolic representation of the stored property itself; a document of title to goods. Uniform Sales Act § 76; 56 Am J1st Wareh § 29.

Warehouse Receipts Act. One of the uniform laws, specifically repealed by the Commercial Code. 15 Am J2d Com C § 6.

warena. A warren.

See **warren**.

warentare. To warrant; to guarantee.

wares. Goods or things kept for sale in a mercantile establishment. 37 Am J2d Frd Conv § 252. Merchandise. The Conqueror, 166 US 110, 41 L Ed 937, 17 S Ct 5 10. Articles of merchandise, goods, or commodities. *Ellis v Commonwealth*, 186 Ky 494, 217 SW 368, 11 ALR 1030, 1031.

warlike operations. Warfare; operations in waging war. Anno: 95 L Ed 91.

war-making power. See **war power**.

war memorial. A structure, usually a building available for public meetings and public games or amusements, erected to the memory of deceased veterans of the armed services, a part of the structure being a chapel wherein proper respect may be paid to the departed heroes. Anno: 12 ALR2d 891, § 7.

warning. An advising of danger. Recommending caution. A notice of town meetings. 52 Am J1st Towns § 13.

A railroad crossing is, itself, a place of danger, and is an effectual warning of danger, a warning which must always be heeded. *Koch v Southern California Railway Co.* 148 Cal 677, 84 P 176.

war power. The power of the government of the United States to wage war to the point of success, that is the overcoming of the enemy. *Hirabayashi v United States*, 320 US 81, 87 L Ed 1774, 63 S Ct 1375.

The national defense is an absolute necessity of our existence. The people of the United States have prepared themselves for such a situation by confiding to Congress the power to declare war and to support and maintain armies for the national defense. This is necessarily a master power, to be exercised without the hampering interference of anyone. The call of men to the colors is within and necessarily within, the exercise of this power; To whom the call goes out, and who is to make an answering response are matters germane to, and indeed necessarily involved in, the exercise of the war-making power. Questions which necessarily arise, or may be expected to arise, must be determined in some way and by some tribunal. The warmaking power may therefore provide the required system and constitute the needed tribunals. *Local Draft Board No. 1 v Connors* (CA9 Mont) 124 F2d 388.

war prisoner. See **prisoner of war**.

warrandice. A warranty.

See **absolute warrandice**.

warrant. Noun: A form of process, such as a warrant for the arrest of a Person. 42 Am J1st Proc § 2. An order authorizing a payment of money by another person to a third person. An order or draft on the treasury of a public body, payable on presentation when funds are available, or at a fixed date with interest, if authorized by statute. *Marshall v State*, 1 88 Fla 329, 102 So 650. A notice of a town meeting. 52 Am J1st Towns § 13. Justification or sanction for some act or course of conduct. Verb: To enter into an obligation of warranty; to become a warrantor. To give authorization or sanction for some act or course of conduct.

See **scrip**.

warrantee. A person to whom a warranty is made. warrant for search. See search warrant

warrantia. A warranty; a guaranty.

warrantia chartae. A writ for the enforcement of a warranty contained in a deed.

warrantia custodiae. An old writ under which the plaintiff contested the right of the lord of the manor to guardianship in chivalry of the lands of the heir where the land had been warranted to be free thereof.

warrantia diei. See **de warrantia diei**.

warrant in bankruptcy. An order issued by the court in a bankruptcy proceeding directing the marshal to take possession of the property of the bankrupt.

warrant in deed. A warrant under seal. State v Shaw, 73 Vt 149, 168, 50 A 863.

See **warranty deed**.

warrant in law. A rational and reasonable basis in the law. 2 Am J2d Admin L § 619. Force of law; authority of law. State v Shaw, 73 Vt 149, 168, 50 A 863.

warrantizo. A technical word used in ancient deeds, meaning "I warrant," which was employed to bind the grantor to warrant and defend the title and possession of the grantee, when deeds first came to be used for the purpose of authenticating the transfer of title to lands.

warrant of arrest. A legal process issued by competent authority, directing the arrest of a person or persons upon grounds stated therein, usually directed to a regular officer of the law, but occasionally issued to a private person named in it. 5 Am J2d Arr § 7.

warrant of attachment. Same as **writ of attachment**.

warrant of attorney. Same as **power of attorney**.

warrant of attorney to confess judgment. Same as power of attorney to confess judgment.

warrant of commitment. See **commitment**.

warrant of distress. See **distress warrant**.

warrant of extradition. See **extradition warrant**.

warrant officer. An officer of the armed forces whose office is held under a warrant rather than a commission. 36 Am J1st Mil § 51. Ranking above a non-

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commissioned officer and below a commissioned officer.

warrant of possession. A warrant evicting the defendant and placing a purchaser at execution sale in possession. *Hill v Kitchens*, 39 Ga App 789, 148 SE 754.

warrantor. The maker or obligor in a warranty.

warrant to sue and defend. A warrant from the English crown specially authorizing a person to appoint an attorney to sue and defend actions in his behalf.

warrantus. A warrantor.

warranty. An agreement to be responsible for all damages that arise from the falsity of a statement or assurance of a fact. *Holcomb & H. Mfg. Co. v Auto Inter-Urban Co.* 140 Wash 581, 250 P 34, 51 ALR 39. An express or implied statement of something undertaken as part of a contract of sale of personal property, but collateral to its object. 46 Am J1st Sales §299. A promise of indemnity against defects in an article sold. *State ex rel. Duffy v Western Auto Supply Co.* 134 Ohio St 163, 16 NE2d 256, 119 ALR 1236. A covenant against failure of an article for a certain specified purpose, or for a certain specific reason. *Barton v Dowis*, 315 Mo 226, 285 SW 988, 51 ALR 494. An absolute undertaking by a seller, in praesenti as well as in futuro, for the quality, condition, or quantity of the thing sold. 46 Am J1st Sales § 299. One of the title covenants in a deed. 20 Am J2d Cov C § 50. The obligation undertaken in contracting to defend another person in an action which may be instituted against him. *Flanders v Seelye*, 105 US 718, 726, 26 L Ed 1217, 1220. In the law of insurance: -a statement, description, or undertaking on the part of the insured, appearing in the policy of insurance or in another instrument properly incorporated in the policy, relating contractually to the risk insured, and which, in the absence of statute, must be literally true or fulfilled. 29 Am J Rev ed Ins §§ 708, 710.

A warranty promises indemnity against defects in an article sold, while insurance indemnities against loss or damage resulting from perils outside of and unrelated to defects in the article itself. *State ex rel. Duffy v Western Auto Supply Co.* 134 Ohio St 163, 16 NE2d 256, 119 ALR 1236.

The term "warranty" in an insurance contract ordinarily imports an assurance on the part of the policyholder that a certain situation exists or will continue, which diminishes the likelihood that the event insured against will occur; and hence "warranty" and "condition precedent" are often used interchangeably. *Fidelity-Phenix Fire Ins. Co. v Pilot Freight Carriers, Inc.* (CA4 NC) 193 F2d 812, 31 ALR2d 839.

See **covenant of warranty**.

warranty deed. A deed conveying land and containing the usual covenants of title. *Bowen v Thrall*, 28 Vt 382, 385.

See **title covenants**.

warranty in sale by sample. A warranty that the article delivered or the bulk of the commodity will correspond with the sample in kind and quality. 46 Am J1st Sales §§ 362, 364.

warranty of fitness. An implied warranty by the seller of a chattel sold for a particular use that the chattel is fit for such purpose, provided the buyer is relying upon the skill, judgment, or experience of the seller. 46 Am J1st Sales § 346.

warranty of soundness. A warranty by the seller of an animal, particularly a horse, that it is free of defect or infirmity rendering it unfit for convenient use. 46 Am J1st Sales § 396.

warranty of soundness from sound price. The rule of the civil law, in opposition to that of the common law, that a warranty of soundness against hidden or latent defects will be implied where a full or sound price is paid.

This warranty will include all faults known or unknown to the seller, though it is not considered as including defects patent and known to the buyer. 46 Am J1st Sales § 340.

warranty of title. An implied warranty on the part of the seller in a sale or contract to sell personal property that he has, or will have at the time when property is to pass, the right to sell the goods; that the buyer shall enjoy quiet possession as against any lawful claims existing at the time of the sale; and that the goods at the time of the sale shall be free from charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made. 46 Am J1st Sales § 403.

For warranty of title to real estate, see **covenant of warranty**.

warren. A game preserve; private grounds for the keeping of game and wild fowl. See **beasts of the warren; fowls of warren; free warren**.

war risk insurance. Term insurance, covering death and total permanent disability, issued to servicemen of World War 1, ultimately converted by many of them to United States Government Life Insurance. 29A Am J Rev ed Ins § 1974.

Warsaw Convention. A multilateral treaty concluded at Warsaw, Poland, in 1929, to which the United States is a party, providing for the unification of certain rules relating to international transportation by air. 8 Am J2d Avi § 16.

warship. A naval vessel, whether of the United States or a foreign country.

war veteran. See **veteran**.

wash. Erosion by water. A gravel deposit made by an overflowing stream. Another term for **wort**.

wash bank. An unstable bank of a river. *Kerr v Bougber*, 16 Ohio App 434.

washed land. Submerged land. 56 Am J1st War § 448.

washing rack. A rack upon which Motor vehicles are placed for cleaning with steam. 24 Am J1st Gas Sta § 23.

washout. A hole in a highway caused by the washing away by stream or surface water of a part of the embankment. 25 Am J1st High § 615. A loss of part of the embankment of a railroad by flood or surface water. A slang term for one who has failed in a particular endeavor or for an enterprise or undertaking which has ended in failure.

washout signal. A signal for a quick stop.

wash sale. A sale of securities or commodities involving no actual change in the beneficial ownership, the seller not expecting to make or the buyer to receive delivery, being a method of manipulating prices. 50 Am J1st Stock Ex § 26. A stock-exchange

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term for a so-called sale which is merely a bet upon the market. *United States v New York Coffee & Sugar Exchange*, 263 US 611, 616, 68 L Ed 475, 476, 44 S Ct 225.

Wasserman test. A test for syphilis which has been known to the medical world since about the year 1906, being a standard and well-recognized test, operating with efficiency when made by a physician familiar with its use. *Peterson v Widule*, 157 Wis 641, 147 NW 966.

waste. In the popular sense, the failure to conserve. Loss of assets in the estate of a decedent through mismanagement by the executor or administrator. 31 Am J2d Ex & Ad § 265. In the technical sense, the destruction, misuse, alteration, or neglect of premises by one lawfully in possession thereof, to the prejudice of the estate or interest therein of another. 56 Am J1st Waste §

2. The destruction or material alteration of any part of a tenement by a tenant for life or years, to the injury of the person entitled to the inheritance. An unlawful act or omission of duty on the part of a tenant which results in permanent injury to the inheritance. Anno: 3 ALR 674; 56 Am J1st Waste § 2. An unreasonable or improper use, abuse, mismanagement, or omission of duty touching real estate by one rightfully in possession which results in substantial injury to the freehold. *Gade v National Creamery Co.* 324 Mass 515, 87 NE2d 180, 10 ALR2d 1006. Refuse discarded in the process of converting raw material into a manufactured article. *Patton v United States*, 159 US 500, 40 L Ed 233, 16 S Ct 89.

The primary distinction between waste and trespass is that in the former case the wrong is done by one rightfully in possession. *Camden Trust Co. v Handle*, 132 NJ Eq 97, 26 A2d 865, 154 ALR 602.

See **impeachable for waste; meliorating waste; permissive waste; unimpeachable for waste.**

waste-book. A book of original entry of accounts in which all transactions are entered; a blotter.

waste gate. Same as spill.

waste land. Land unfit for cultivation. *Malone v McLaurin*, 40 Miss 161.

waste water. See **surplus water.**

wasting assets corporation. A corporation engaged in mining or cutting timber or some such business, so that dividends are in fact paid out of capital, the assets being consumed in the regular course of operations. *Hayes v St. Louis Union Trust Co.* 317 Mo 1028, 298 SW 91, 56 ALR 1276.

wasting his estate. Squandering one's funds or property or impairing one's own health, and ability to labor and have earnings, by drunkenness and riotous living. 24 Am J2d Div & S § 94.

wasting property. Property, such as an oil well, quarry, or mine, the substance of which is consumed in exploitation.

See **wasting assets corporation.**

wastors. Thieves.

watch. A timepiece carried on the person. A force of guards or watchmen on duty at one time. That part of the officers and crew of a vessel on duty at one time.

R. H. Dana, in his Dictionary of Sea Terms defines the word as "a certain portion of a ship's company, appointed to stand a given length of time. In the merchant service all hands are divided into two watches, larboard and starboard, with a mate to command each." The men are divided as equally as possible with reference to their qualities as able seamen. The customary watch is of four hours' duration, alternating between the starboard and the larboard or port watches. *O'Hara v Luckenbach S.S. Co.* 269 US 364, 371, 70 L Ed 313, 316, 46 S Ct 157.

See **anchor watch; constant watch; lookout; sea watch.**

watch and chain. A timepiece with chain attached for convenience in carrying upon the person. An article of gold and silver manufacture. 29 Am J Rev ed Innk § 91.

watch and ward. The duty of constables.

Ward, guard, or custodia, as it was variously called, was a duty performed mainly in the daytime and looked chiefly to the apprehension of rioters and highway robbers. Watch was a duty which the constables performed only at night, beginning where ward left off and ending when ward began. It was kept in every borough and town, especially in summer, to apprehend all rogues, vagabonds and nightwalkers and make them give an account of themselves. See 1 Bl Comm 356.

watcher. A person appointed by a political party to be present at the polling place on election day and observe the conduct of the election and the counting of the votes. 26 Am J2d Elect § 233. One who observes the commission of a crime. 26 Am J1st Homi § 65.

watchmaker's materials. A stock of articles required in the trade of watchmaking or watch repair. Maril v Connecticut F. Ins. Co. 95 Ga 604, 23 SE 463.

watchman. One employed to keep a lookout for fire, flood, burglars, thieves, or vandals by way of protection of person or property. As employed by a municipality, a policeman, within the meaning of the common-law rule as to power to arrest without a warrant. Porter v State, 124 Ga 297, 52 SE 283. As employed on a vessel at sea, a seaman and member of the crew. The Herdis (DC Md) 22 F2d 304, 305.

The word is in its very nature loose and indefinite in meaning, and the law cannot supply this defect by giving a definition, because it is not a technical term of the law, and because the nature of a watchman's functions vary in different places and according to the dangers to which the property is exposed, and even according to the nature and value of the property. Anno: 87 ALR 1114.

water. The liquid substance formed by the combination of hydrogen and oxygen represented by the symbol H₂O. While water is to be defined as a mineral, the rules of law as to its use must logically vary from those applicable to coal, ore, and the like. It is a fluid, and mobile, "a fugitive," while coal and ores have a permanent place. The analogy to natural gas and oil is more apt. Their natural use, however, is as merchandise. Water, although in a large measure a commodity of commerce, is essential to the natural use of land for agriculture and other purposes, and to the support of human life itself. See Erickson v Crookston Waterworks Power & Light Co. 100 Minn 481, 111 NW 39 1.

See **H₂O**.

water-bailiff. An English port officer whose duty it was to search ships.

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water boundary. A watercourse or body of water constituting a boundary of a tract of land described by reference thereto. 12 Am J2d Bound §§ 12 et seq.

See **thalweg**.

water carrier. A carrier operating vessels.

Water Carrier Act. A federal statute regulating water carriers engaged in interstate or foreign commerce. 49 USC §§ 901 et seq.

water charge. A charge, rental, or toll for water furnished by a waterworks company or a municipal water plant. Zubieta v Turner, 76 Nev 243, 351 P2d 982. A charge imposed for the use of water for irrigation. 30 Am J Rev ed Irrig §§ 54, 67.

water closet. A toilet kept sanitary by flushing it with water. Commonwealth v Roberts, 155 Mass 281, 29 NE 522, 16 LRA 400.

water company. A company which maintains and operates a waterworks. A public service corporation whose main purpose is to supply water to the inhabitants of a municipality, with the right to use the streets and highways for its mains and pipes. 56 Am J1st Watwk § 2.

watercourse. A stream of water flowing in a definite direction or course in a bed with banks. A natural channel, having a well-defined existence, with running water supplied from a definite source. Snyder v Platte Valley Pub. Power & Irrig. Dist. 144

Neb 308, 13 NW2d 160, 160 ALR 1154; Re Johnson Creek, 159 Wash 629, 294 P 566. A physical condition created by a stream having a well-defined and substantial existence. Chicago Rock Island & Pacific R. Co. v Groves, 20 Okla 101, 93 F 755. For some purposes, any well-defined channel or arroyo in which surface waters flow in times of heavy rains. Croeger v Twin Buttes R. Co. 13 Ariz 348, 114 P 553 (application of statute prohibiting obstruction of watercourses).

See **artificial watercourse**.

watercraft. In the broad sense, a ship or boat. Any sort of boat or vessel capable of being used as a means of transportation on water. Bartlett v Steam Dredge, 107 Mich 74. A small vessel, usually engaged in coastwise or domestic navigation. The Saxon (DC SC) 269 F 639.

water damage insurance. Insurance on property against loss or damage by rain, flood, or other accumulation of water from natural causes. 29A Am J Rev ed Ins § 1332.

water district. A quasi corporation having and exercising certain limited powers for the carrying out of the public purpose of providing a water supply. 37 Am J1st Mun Corp § 6.

See **irrigation district**.

watered stock. Shares issued by a corporation without an increment of capital corresponding to the number issued. Shares of stock issued by a corporation as fully paid, but which have in fact been issued without any consideration or at a discount, as in exchange for over valued property or services. 18 Am J2d Corp § 266.

water fixtures. See **plumbing**.

water front. The land at the edge of a river or other body of water. The area of a city with a port, which is immediately adjacent to the harbor. Not inclusive of the harbor itself. Long Beach v Lisenby, 175 Cal 575, 166 P 333.

water-front commission. An administrative body in charge of port or harbor facilities. Application of Waterfront Com. of New York Harbor, 26 Misc 2d 767, 206 NYS2d 123, affd 13 App Div 2d 725, 217 NYS2d 487.

water gas. See **wet gas**.

water license. A license to use the waters of a stream, as for power. 56 Am J1st Water § 258.

See **water privilege**.

water-logged. Render unmanageable or sluggish because of excessive amount of water in the hold.

water lots. Land lots bounded by a river or other body of water. Land lots near enough to a river or other body of water as to have an increased value. Morris v United States, 174 US 196, 262, 43 L Ed 946, 970, 19 S Ct 649.

watermark. A mark in paper produced by pressure in the process of manufacturing, observable when held against the light. 52 Am J1st Tradem § 6.

See **high-water mark; low-water mark**.

water meter. See **meter**.

water nuisance. A wrongful interference with waters or water rights. The wrongful ponding or casting of water upon the premises of another, or an unsanitary, disagreeable, harmful, or dangerous condition caused by an accumulation of water, or by the pollution thereof. 56 Am J1st Water § 432.

water on the brain. A disease in which there is an effusion of water into, and pressing upon, the brain.

"An affliction than which no other is more eminently calculated to produce mental imbecility or incapacity for the serious and deliberate concerns of this life." *Griffin v Griffin*, R. M. Charlton's Rep (Ga) 217, 222.

water ordeal. See **trial by water**.

water-packed. Characterizing a bale of cotton sprinkled with water to such extent as to increase the weight materially. *Wallace v Crosthwait*, 196 Ala 356, 71 So 666.

water pollution. The infection and contamination of a public water supply by dirt, bacteria, and coli, or any other infectious and contaminating material which renders the water unfit for domestic use and unsafe and dangerous to individuals. 56 Am J1st Watwk § 75. The deterioration in the quality of water in a natural watercourse or other body of water caused by industrial operations, the production of oil or gas, mining operations, or the disposal of waste, refuse, or sewage. 56 Am J1st Water § 415. Any defilement or corruption of the water of a watercourse which prevents its use for any of its reasonable or proper purposes. 56 Am J1st Water § 405. The defilement, contamination, or corruption of the waters of a well or percolating waters. 56 Am J1st Water §§ 136, 143. The pollution of a well or water on neighboring property by the escape of gas or noxious substance from a gasworks. 26 Am J2d Electr § 265.

waterpower. The power existing in water by virtue of the fall of a stream, either in the natural state or the stream or as induced by a dam which impounds the water, applied to the use of man in turning the wheels of machines or in the generation of electricity. *Rhodes v Whitehead*, 27 Tex 304.

water privilege. An incorporeal hereditament of an independent nature, not constituting a servitude upon some other thing. *Union Falls Power Co. v*

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Marinette County, 238 Wis 134, 298 NW 598, 134 ALR 958.

See **water license; water right**.

waterproof. Resistant to water under ordinary circumstances.

The term is a relative one, but as applied to the walls and floor of a basement, it imports that they are so constructed as to keep out moisture and dampness under such circumstances and weather conditions as may reasonably be foreseen and anticipated. *Ozark Grocer Co. v Crandall*, 131 Ark 481, 199 SW 551.

water rate. Same as **water charge**.

water rental. Same as **water charge**.

water right. In the general sense, the legal right to use water. An easement, either in gross or appurtenant to other property, in the use of water. 56 Am J1st Water §§ 242, 243. A usufructuary right or interest in a stream or other body of water, or the right to the use of another's premises for the conveyance of water. 56 Am J1st Water § 242.

See **water license; water privilege**.

water runs and ought to run as it is by nature accustomed to run. A maxim of the common law taken from the civil law. *Wholey v Caldwell*, 108 Cal 95, 41 P 31; *San Gabriel Valley Country Club v Los Angeles County*, 182 Cal 392, 188 P 554, 9 ALR 1200.

waterscape. An aqueduct.

watershed. The area drained by a river or other natural stream of water. The area drained by a river system.

water skiing. A comparatively modern sport in which the participant, being on skis, is pulled across the water by a motorboat.

waters of the United States. See **inland waters.**

water supply district. See **irrigation district; water district.**

water table. The underground level to which percolating water rises. *Bauman v New York*, 227 NY 25, 124 NE 141, 8 ALR 595.

water tax. A charge for water furnished by a municipal water plant; not a "tax" in the true sense of the term. 51 Am J1st Tax § 16.

See **water charge.**

waterway. A water course. A natural way for the drainage of surface water. 56 Am J1st Water § 76 In a broader sense, inclusive of a canal or other artificial channel, even a ditch. water well. See **well.**

waterworks. The system employed by a water company or municipality in furnishing water for residences, places of business, factories, or industrial plants. 56 Am J1st Watwk § 2.

The word has been construed to mean and include a water supply system in its entirety, or any integral part thereof, including mains, hydrants, standpipes, impounding reservoirs, purification plants and other enumerated items. *Simpson v Highwood*, 372 111 212, 23 NE2d 62, 124 ALR 1459.

See **water company; water charge.**

waterworks license. A municipal license issued to a water company, authorizing it to engage in the business of supplying water to the public. 56 Am J1st Watwk § 3.

watt. An electrical unit representing power, equal to the product of the volts times the amperes. *Peoria Water Works Co. v Peoria R. Co.* (CC 111) 181 F 990.

wave. See **displacement waves.**

waveson. Goods from a wreck which float upon the sea.

waviata. See **bona waviata.**

way. A means of passage for a vessel in leaving the wharf and proceeding to sea. 48 Am J1st Ship § 263. The course which workmen will under ordinary circumstances take in order to go from one part of the employer's premises to another as their duties require. Anno: 23 ALR 718; 35 Am J1st M & S § 425. A road, sidewalk, or path. *Kister v Reeser*, 98 Pa 1. In a more technical sense, a right of way, that is, the right of one person, or several persons, or of the community at large to pass over the land of another. 25 Am J1st High § 3.

The words "way" and "road" are frequently used interchangeably, but properly, "way" is more generic, and includes many things, besides roads. *Kister v Reeser*, 98 Pa 1.

See **areaway; airway; highway; private way; right of way.**

way appurtenant. See **appurtenant way.**

waybill. A paper containing a list of the goods in a shipment by carrier and instructions respecting the shipment, in possession of the carrier's employees on the means of transportation which carries the shipment.

way by dedication. See **dedication.**

way by necessity. Same as **way of necessity.**

way by prescription. A highway established by prescription, that is, by the use of the land by the public as a highway for the prescriptive period. 25 Am J1st High § 11.

See **prescription.**

way ex vi termini. A definite way in public use, standing without substantial change or variation. 25 Am J2d Ease § 63.

wayfarer. A traveler; a transient. 29 Am J Rev ed Junk § 12.

way-going crop. Same as the doctrine of emblements or away-going crops. 21 Am J2d Crops § 25.

See **away-going crops.**

way in gross. An easement of way in gross. 25 Am J2d Ease § 12.

See **easement in gross.**

wayleave. A private way, particularly the way reserved over the surface for the purpose of mining and removing minerals. 36 Am J1st Min & M § 33.

wayleave rent. Rental charged for the use of a right of way which serves a mine or quarry. See *Speck v Cottonwood Coal Co.* (CA9 Mont) 116 F2d 489.

waynagium. Same as **wainage.**

way of necessity. A way acquired by an owner of land so situated that it is physically inaccessible to a public highway. *Tomten v Thomas*, 125 Mont 159, 232 P2d 723, 26 ALR2d 1285. An easement founded on an implied grant or implied reservation, arising where there is a conveyance of a part of a tract of land of such nature and extent that either the part conveyed or the part retained is shut off from access to a road to the outer world by the land from which it is severed or by this land and the land

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of strangers, there being in such a situation an implied grant of a way across the grantor's remaining land to the part conveyed, or conversely, an implied reservation of a way to the grantor's remaining land across the portion of the land conveyed, 25 Am J2d Ease § 34.

What are "ways of necessity" within the meaning of constitutional or statutory provisions for condemnation of land to provide a way of necessity is a question that can be answered satisfactorily only by reference to the authorities in the particular jurisdiction, Some courts adhere to the view of absolute necessity; others are more liberal in construction of the term. 26 Am J2d Em D § 47.

way reserved. See **reserved way.**

ways and means committee. A legislative committee the primary duty or which is the consideration of ways and means for raising revenue for the support of the government and the expenses incurred in the performance of its duties.

waywardens. The supervisors of a public road or highway.

WCTU. Abbreviation of Women's Christian Temperance Union.

we. The personal pronoun in the plural of the nominative case. Sufficiently connected with the persons executing the instrument where it appears in the body of the deed, that they are bound, although their names do not appear in the instrument above their signatures. 23 Am J2d Deeds § 49.

weakness of mind. See **feeble minded.**

weal. Welfare.

weald. A wood.

wealreaf. Larceny from a buried corpse.

wealth. In the popular sense, riches. In economics, anything having a monetary value; anything capable of being bought or sold.

weapon. Anything used or designed to be used in destroying, defeating, or injuring an enemy; an instrument of offensive or defensive combat. 56 Am J1st Weap § 2, Something with which to fight. Harris v Cameron, 81 Wis 239, 51 NW 437.

See **dangerous weapon; deadly weapon.**

wear. Clothing. Impairment or deterioration from use. Another term for weir.

wear and tear. The gradual deterioration of premises resulting from use, lapse of time, and the elements. 32 Am J1st L & T § 811.

wearing apparel. Dress or clothing of all kinds. Stewart v McClung, 12 Or 431, 8 P 447.

Wearing apparel, purchased and worn by the husband alone, constitutes a family expense within the meaning of a statute making the expenses of the family chargeable upon the property of the wife. Gilman v Matthews, 20 Colo App 170, 76 P 366.

See **necessary wearing apparel.**

wearing away of premiums. The gradual diminution of the premiums at which government and other bonds and securities are sold in the market, toward their par value, as the time of the maturity of the securities approaches.

weather. Noun: The manifestation of nature in warmth or coldness of the atmosphere, rain, snow, sunshine, or cloudiness. Verb: To wear away or disintegrate through exposure to the atmosphere.

See **bad weather.**

weather working days. A term of art used in provisions of charter parties relative to the number of days permitted for loading the ship, signifying days upon which the weather is such as to permit loading operations. Pederson v Eugster & Co. (DC La) 14 F 422.

Webb-Keynon Act. A federal statute, enacted prior to National Prohibition, the purpose of which was to subject interstate traffic in intoxicating liquor to the law of the place to which it is consigned. 30 Am J Rev ed Intox L § 47.

wedlock. The state of being married; matrimony.

weed. A useless plant, often crowding out cultivated plants.

The word has a common, everyday meaning to the mind of every man. It may also have a technical meaning to the botanist or the chemist. It is a nuisance to the farmer, the gardener, or the owner of a well-kept lawn, although it may possess valuable medicinal properties. But courts will notice judicially that a high, rank growth of weeds in a populous community has a strong tendency to produce sickness and impair health. *St. Louis v Galt*, 179 Mo 8, 13.

week. A period of seven days. 30A Am J Rev ed Jud S § 55. A period of seven days, usually reckoned from one Sunday to the next, that is, inclusive of Sunday at the beginning and Saturday at the end. *Re Tyson*, 13 Colo 482, 22 P 8 10. A period of seven calendar days' duration, without reference to the particular day on which the period commences to run, unless such a day is fixed by the agreement of the parties or the subject matter of the transaction. *Hollister v Vanderlin*, 165 Pa 248, 30 A 1002.

weekday. Any day of the week other than Sunday. In common usage of the present, any day of the week other than Saturday or Sunday.

weekend custody. Part-time custody of a minor child of divorced parents awarded to one of the parents, particularly custody over the weekend. 24 Am J2d Div & S § 800.

weekly newspaper. A newspaper which, according to its usual custom, is published once a week. 39 Am J1st Newsp § 4.
A Sunday edition of a daily paper has been held not to be a weekly newspaper. 39 Am J1st Newsp § 4.

week to week tenancy. See tenancy from week to week.

weevil. A beetle, the larvae of which are often destructive of stored property, particularly grain in an elevator. 56 Am J1st Wareh § 137. A pest destructive to alfalfa. *Oregon-WashingtOD R. & Nav. Co. v Washington*, 270 US 87, 70 L Ed 482, 46 S Ct 279.

See **boll weevil**.

wehading. Another term for **trial by wager of battel**.

weighage. A duty or toll imposed by the English law to be paid for weighing merchandise, as of or weighing wool at the king's beam, or for weighing other avoirdupois goods. *Hoffman v Jersey City*, 34 NJL 172, 176.

weigher. See **weighmaster**.

weighmaster. A public officer appointed for the weighing of grain at a public elevator. 56 Am J1st Wareh § 18.

weighmaster's certificate. A certificate given by a weighmaster showing the weight of a quantity of

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grain or other goods as determined by the weighmaster. *Vega S. S. Co. v Consolidated Elevator Co.* 75 Minn 308, 77 NW 973.

weight. The heaviness of a person or a thing expressed in standard units, such as pounds and ounces.

See **false weights; gross weight; net weight**.

weighted average. A seldom-used method of assessing a stock of merchandise for taxation. Anno: 66 ALR2d 836.

weighted voting. A plan of representation in a legislative body whereunder the members, in voting upon measures, cast, not merely one vote per member, but a number of votes, such number varying between members according to the number of constituents represented by them.

weight of evidence. The effect of evidence as proof; the probative force of evidence. 30 Am J2d Ev § 1080.

weights of auncel. See **aucel weight**.

weigh with gold scales. To weigh, measure, determine, or decide with the utmost precision. State v Pugh, 101 NC 737,

weir. A dam or obstruction in a watercourse which backs up or diverts the stream. Merrifield v Canal Comrs. 212 111456, 72 NE 405, 587. A structure built in a stream for penning fish. A contrivance placed in a flume for the purpose of regulating the amount of water passing from the feeder through the flume, and sometimes used to prevent a consumer from receiving more water than the amount to which he is entitled. Merrifield v Canal Comrs. 212 111 456, 72 NE 405.

welfare. In the broadest sense, the good of the people. The well-being of an individual. In a more limited sense familiar in modern usage, public relief for the poor, as provided under relief or welfare acts. 41 Am J1st Poor L §§ 13 et seq.

The whole is no greater than the sum of all the parts. The state still retains an interest in the individual's welfare, however reckless he may be, for when the individual health, safety, and welfare are sacrificed or neglected, the state must suffer. Allgeyer v Louisiana, 165 US 578, 41 L Ed 832, 17 S Ct 427,

See **general welfare; public welfare**.

welfare board. An administrative board of county, town, or township administering poor relief.

welfare laws. Statutes providing for the support, care, and housing of persons unable to support or care for themselves. Laws for the public relief of the poor. 41 Am J1st Poor L §§ 13 et seq.

welfare statutes. Same as **welfare laws**.

well. The shaft of an elevator. An excavation or hole dug, bored, or drilled into the earth for the purpose of obtaining water from subterranean sources. Anno: 55 ALR 1536, s. 109 ALR 419.

The term ordinarily includes, as appurtenant thereto, so much of the land upon which it is located as is necessary for its use and operation, and the fixtures and appliances used in connection therewith. The term may also include the water in the excavation. Davis v Spaulding, 157 Mass 431, 32 NE 650.

See **gas well; salt well**.

well and truly. Words of obligation.

In a bond conditioned that the principal shall well and truly perform the duties of the office, the words are not merely a stipulation for the officer's honesty, but import as well that he shall perform them with reasonable skill and diligence. Minor v Mechanics' Bank of Alexandria (US) 1 Pet 46, 69, 7 L Ed 47, 57.

well-defined channel. A channel clearly in existence, with bed of stream bordered by banks. An essential feature of a watercourse. 56 Am J1st Water § 6.

As to what constitutes a well-defined channel for natural drainage of surface water, see Anno: 81 ALR 262.

well knowing. A term of possible use as precatory.

An absolute devise by a lawyer to his wife. followed by the precatory words "well knowing that she will bequeath the property to the children," creates a trust, considering the knowledge of the testator as a lawyer and the intent manifested by the words. Doe's Will, 192 Wis 333, 212 NW 781.

well informed in the law. See **learned in the law.**

welsker. A person who fails to pay when he loses a bet. A person who makes bets or receives money to bet and absconds without paying his losses or returning the money entrusted to him. People v Monroe, 349 111270, 182 NE 439, 85 ALR 605.

Welsh mortgage. A conveyance of land by way of giving security, similar to the *vivum vadium*. 36 Am J1st Mtg § 12.

See **vivum vadium.**

wera. Same as **weregild.**

were. Same as **weregild.**

weregild. A fine or price paid, under the ancient law of the Saxons, for killing a man.

A part of the sum so paid went to the king and the rest to the near relatives of the deceased. See 4 Bl Comm 188, 313, 413.

It is generally accepted that the infliction of death did not create a civil liability at common law or under the Roman civil law. 22 Am J2d Dth § 1.

wergild. Same as **weregild.**

west. A word indicating a compass point, being due west unless qualified or controlled by other words. 23 Am J2d Deeds § 248.

westerly. Toward the west, as in "traveling westerly." From the west, as in "westerly wind."

west half. See **west one-half.**

Westminster. A municipality in itself, constituting a part of greater London.

See **Statute of Westminster.**

west one-half. Ordinarily a fraction of a section of land according to the government survey. The half of any tract of land, lying to the west, parol evidence being admissible for identification. 23 Am J2d Deeds § 254.

See **fraction of section.**

West-Saxon Lage. The laws of the West Saxons.

These laws were in force at the beginning of the eleventh century in the counties to the south and west of what is now England, from Kent to Devonshire. See 1 Bl Comm 65.

wet. Adjective: Moist or saturated with water. Noun: One opposed to prohibition or strict limitation of the sale of alcoholic beverages. State v Shumaker, 200 Ind 623, 157 NE 769, 162 NE 441, 163 NE 272 58 ALR 954.

wetback. An alien who has gained an illegal entry

into the United States by wading or swimming a stream on the border.

wet gas. Gasoline rendered impure by the addition of water. Manufactured gas in the process of being "Washed" or "scrubbed" for the removal of some elements. Water gas produced by the application of steam to incandescent carbon. Gas produced by an oil well in the form in which it issues from the well. *Standard Oil Co. v United States* (CA9 Cal) 107 F2d 402.

wether. A male sheep which has been castrated.

whale. A mammal of the sea; a subject of property upon capture or taking. 35 Am J2d Fish § 4.

whaler. A whaling ship.

whaling. The taking of whale. The enterprise or expedition in sailing the oceans and taking whale.
See **mating**.

wharf. A structure in aid of navigation, constituting access for a vessel in loading or unloading. *Prior v Swartz*, 62 Conn 132, 25 A 398. A bank or structure erected on the shore of a harbor, river, or canal for convenience in loading and unloading vessels; a space artificially prepared for the reception of merchandise from a ship or vessel, so as to render convenient the loading and unloading of such vessel. 56 Am J1st Whar § 2.

See **dock; harbor**.

wharfage. Same as dockage.

wharfage lien. A maritime lien for wharfage or dockage, arising where the contract was made by a person having authority to pledge the vessel for performance of the contract and the course of dealing or circumstances of the transaction are not inconsistent with the creation of a lien. 56 Am J1st Whar § 38.

wharfinger. One who keeps a wharf for the purpose of receiving goods thereon for hire. 56 Am J1st Whar § 2.

wharfinger's receipt. An instrument having legal effect the same as that of a warehouse receipt. *Hale v Milwaukee Dock Co.* 29 Wis 482.

See **warehouse receipt**.

wharf lines. See harbor lines.

wharf master. Same as **harbor master**.

whatever is placed upon the land belongs to the land. A maxim subject to exceptions, as in the case of something affixed by a tenant. *King v Morris*, 74 NIL 810, 68 A 162.

what remains. Residue. That which is unexpended or unconsumed.

A life tenant under a will providing for a remainder over of what remains, so much as may remain unexpended, or some synonymous term, is entitled to the possession, control, and use of the entire devised property to be disposed of as he see fit, though he may make no testamentary disposition of the property or fraudulently dispose of the same for the purpose of defeating the estate in remainder. There is quite a divergence of opinion upon the question of the right to make gifts inter vivos. Anno: 69 ALR 831.

wheat. A grain produced by cultivation and used for making flour and other foods for man.

wheel. An instrumentality upon which loads may be rolled or power transmitted to machinery, without which approach to civilization is difficult, if not impossible. An ancient instrument of punishment for crime upon which the culprit was put to death by tearing his limbs apart. wheelchair. A chair for a sick or disabled person.

wheelwright. A person who makes or repairs wheels.

A person who conducts a garage in which he repairs automobiles has been held to be a wheelwright within the meaning of a statute providing for a mechanic's lien for blacksmiths and "wheel-wrights" who perform work or labor on wagons, carriages, farm implements, and other articles repaired by them. *Weber Implement & Auto Co. v Pearson*, 131 Ark 101, 200 SW 273.

wheelwright's lien. A lien for services of a wheelwright, the lien attaching to the wheel and the vehicle. Anno: 62 ALR 1495.

when. At what time. Sometimes indicating a condition. *Jones v Palace Realty Co.* 226 NC 303, 37 SE2d 906. Prima facie a word of contingency in a legacy or device. 57 Am J1st Wills § 1222. In a limitation of a remainder, ordinarily relating to the time of enjoyment rather than the time of vesting. Anno: 103 ALR 599.

when able. A qualification of a promise to pay, referring to the financial means of the obligor. 11 Am J2d B & N § 174.
when able to pay. When one has the financial means to pay. 34 Am J1st Lim Ac § 140.

when and as. A phrase importing contingency, not readily yielding to inferences of a contrary intention in the context of the will. 57 Am J1st Wills § 1222.

when, as, and if issued. An elaboration of the familiar term **when issued**.

when cause of action accrues. See **accrual of cause of action**.

when convenient. A qualification of a promise to pay, meaning when the promisor is able to pay or has the means of doing so. 34 Am J1st Lim Ac § 140.

when cut. An expression found in contracts for the sale of standing timber, having significance in reference to the size of the trees covered by the contract, making it clear that trees which reach the size specified in the contract at the time of the actual cutting thereof are included. 34 Am J1st Logs § 22.

whenever. At whatever time. A colloquialism for when.

when issued. A familiar term in transactions in stock and bonds on stock exchanges, involving securities contemplated for issuance but unissued at the time. 50 Am J1st Stock Ex § 25.

when issued stock. See **when issued**.

where. In or at a certain place. In the event of.

whereas. A term favored in the drafting of resolutions, meaning when if fact.

whereby. By means of which.

Where a complaint alleged that the defendant made his note "whereby he promised and agreed to pay," it was held that the effect of the pleading was the same as if it had alleged that the defendant had made his note and, by it, promised and agreed to pay. *Acme Food Co. v Older*, 64 W Va 255, 61 SE 235.

Where one of two innocent parties must suffer, he through whose agency the loss has occurred must bear it. A maxim and equitable principle. 27 Am J2d Equity § 146.

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Where there is a right there is a remedy. A maxim of equity. 27 Am J2d Equity § 120.

whether sane or insane. A clause in a life insurance policy which extends the scope of an exception of suicide. 29A Am 3 Rev ed Ins § 1146,

whether valid or not. A familiar term in insurance policies, relative to other insurance on the same risk. 29A Am J Rev ed Ins § 966.

Whig. A political party of strength prior to the near approach of the War between the States, giving way to the Republican party.

while. During a relevant period of time. 29 Am J Rev ed Ins § 592.

The word "while" in an insurance policy is one of time or circumstance and not of causation. *Washington Nat. Ins. Co. v Burke* (Ky) 258 SW2d 709, 38 ALR2d 961.

while intoxicated. See **driving while intoxicated.**

while operating, driving, riding in or on. A clause defining the risk covered by an accident insurance policy in terms of causation. *Provident Life & Acci. Ins. Co. v Nitsch* (CA5 Tex) 123 F2d 600, 139 ALR 399. For construction of the clause generally, see Anno: 138 ALR 405.

whiplash. The characterization of a personal injury involving the neck, common in automobile accidents, the typical case occurring when the car in which the victim is riding is struck in the rear by another car or truck, the impact serving to throw his head back with violence. *Yellow Cab Co. v McCullers*, 98 Ga App 601, 106 SE2d 535. A telltale employed to warn a trainman on top of a car of a train of a structure over the tracks. 35 Am J1st M & S § 224.

See **telltale.**

whipping. A form of corporal punishment. *State v Chambers*, 22 W Va 779,

whipping-post. A post to which offenders were first tied and then were whipped.

whipping strap. Same as **telltale.**

whipping wife. A right, privilege, or indoor sport of a husband under the early common law, long since denied him by statute or judicial decision. 26 Am J1st H & W § 12.

whip to force payment. A graphic expression for the use of criminal process to enforce collection of a debt. 1 Am J2d Abuse P § 15.

whirlwind. See **cyclone.**

whiskey. Another spelling of whisky.

whisky. A distilled, spirituous, and intoxicating liquor, ordinarily distilled from grain, but sometime, produced from other commodities, even by diluting alcohol with water and mixing it with other ingredients. 30 Am J Rev ed Intox L § 12. Regarded as a drug under some circumstances. 25 Am J2d Drugs § 1.

Whisky Rebellion. An uprising by settlers in western Pennsylvania, to 1794, against the imposition of a tax on whisky.

Whisky Ring. A conspiracy formed in 1872 between certain distillers and revenue officers of the United States to defraud the government of internal revenue.

The government lost more than a million and a half dollars revenue and two hundred and thirtyeight persons were indicted.

Whiteacre. The name of a supposititious parcel of land often used in moot cases or in argument.

white bonnet. A sham bidder or puffer at an auction sale. *McMillan v Harris*, 110 Ga 72, 35 SE 334.

white damp. A noxious gas encountered in coal mines, commonly known as carbon monoxide, and having the effect of destroying the hemoglobin of the red corpuscles, or the oxygen-carrying property of the blood, thus producing a weakening of the physical and mental powers and often resulting in death. *Jellico Coal Mining Co. v Walls*, 160 Ky 730, 732, 170 SW 19.

white-heart test. The test of good faith according to honest performance, without reference to negligence. *Appel v Morford*, 62 Cal App 2d 36, 144 P2d 95; *New Jersey Mortg. & Invest. Corp. v Calvetti*, 68 NJ Super 181, 71 A2d 321.

whitelist. A list of names of employees and domestic servants of the various embassies and legations from foreign countries, prepared by the Protocol Division of the State Department. *Trost v Tompkins* (Mun Ct App Dist Col) 44 A2d 226.

white meats. Milk, butter, cheese, and eggs.

white mule. Another term for moonshine.

white person. One of the Caucasian or white race, as distinguished from a person of the yellow, brown, black, or red race. *Ozawa v United States*, 260 US 178, 67 L Ed 199, 43 S Ct 65. By a very literal construction, one who is white of skin, so that even a dark-skinned Causasian is not within the classification. *United States v Bhagat Singh Phind*, 261 US 204, 67 L Ed 616, 43 S Ct 338; *Wadia v United States* (CA2 NY) 101 F2d 7.

white race. One of the races of men, often called the Caucasian race.

See **white person**.

white rent. Rent which was payable in silver money, as distinguished from grain rent payable in baser money.

white slave act. A name freely applied to statutes creating and defining offenses relative to inducing or enticing women or girls, into prostitution.

white slavery. Holding women or girls in prostitution.

White Slave Traffic Act. A federal statute, often called the Mann Act, which prohibits and penalizes as a felony the act of any person who transports, causes to be transported, or aids or assists in transporting any woman or girl in interstate or foreign commerce for the purpose of prostitution or debauchery or any other immoral purpose, or who knowingly procures or obtains, causes to be procured or obtained, or aids or assists in procuring or obtaining any ticket or tickets or any form of transportation

to be used by any woman or girl in interstate or foreign commerce for the purpose of prostitution or debauchery or for any other immoral purpose. 18 USC § 398; 42 Am J1st Prost § 11.

Who is to watch the guards? Sometimes a fair question. *Briscoe v Bank of Kentucky* (US) 11 Pet 257, 9 L Ed 709, 745,

whole. Hale; hearty; sound; not diseased or injured. Undivided; constituting the entire extent or amount.

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whole blood. The blood or relationship of children who have both of their parents in common.

whole chest. A term of the tea trade for an amount of tea, variable in amount from 100 to 150 pounds, or even more, but, in any event, the whole of the container.

wholesale. Characterizing a sale by a manufacturer or wholesaler to a retail merchant, jobber, dealer, or other wholesaler, for resale; not inclusive of a sale by a wholesaler to a user or consumer. *Herbertson v Cruse*, 115 Colo 274, 170 P2d 1312, 172 ALR 1312. Characterizing a sale in large quantities to dealers rather than to consuming customers. 30 Am J Rev ed Intox L § 216. Implying the selling of goods in unbroken pieces or parcels, as by the barrel, pipe, cask, etc., or in a number of such pieces or parcels. *Gorsuth v Butterfield*, 2 Wis 237, 243.

wholesale dealer. Same as **wholesaler**.

wholesaler. A middle man; one who buys from the manufacturer and sells to the retailer.

As a rule, wholesaler dealers are those who sell only to merchants who buy to sell to the consumer, whereas retail dealers sell direct to the consumer, and not to other retail merchants. *Re Metz Bros. Brewing Co.* 88 Neb 164, 129 NW 443.

wholesale price. The price paid by the retailer, often known as the cost price. *Sylvester v Ammons*, 126 Iowa 140, 101 NW 782.

The term has a fixed, certain, and well-defined meaning in the mercantile world, and signifies the price fixed on merchandise by one who buys it in large quantities of the producer or manufacturer, and sells the same to jobbers, or to retail dealers therein. *Fawkner v Smith Wall Paper Co.* 88 Iowa 169, 172.

As to the use of parol evidence in explanation of the term "wholesale factory price," see *Anne*: 89 ALR 1248.

wholesome. Sound in body and mind. Healthful; invigorating. Improving, rather than depraving.

wholly dependent. Characterizing a person in complete dependence upon another, having no other source or means of maintenance of any consequence. Anno: 39 ALR 314.

wholly dependent on. Dependent for support and maintenance upon no one else than the person designated. *London Guarantee & Acci. Co. v Industrial Com. of Colorado*, 78 Colo 478, 242 P 680.

wholly destroyed. See **total loss**.

wholly disabled. See **total disability**.

wholly retired. See **retired**.

whom it may concern. See **for whom it may concern; on account of whom it may concern**.

whore. A woman who practices unlawful commerce with men, particularly one who does so for hire; a harlot; a concubine; a prostitute.

A woman may acquire the character of a whore without being generally accessible to men. She may be the mistress of one and chaste toward all others. But in common parlance a vast difference is recognized between such a person and her who yields only to the solicitations of her affianced. Such a person may not justly be called a whore. *Sheehy v Cokley*, 43 Iowa 183.

whorehouse. A bawdyhouse; a house of ill fame; a house kept for common prostitution. *Wright v Page* (NY) 36 Barb 438, 440.

See **house of ill fame; house of prostitution.**

whoremaster. A pimp; a procurer.

wick. A town; a village; a castle.

widen. To make wider, as in the alteration of a highway. 25 Am J1st High § 107.

widow. A woman of single status because of the death of her husband. A woman who survives the man to whom she was married at the time of his death. *Meeker v Draffen*, 201 NY 205, 94 NE 626. A woman whose husband has died and who has not married again. *Re McArthur*, 210 Cal 439, 292 P 469, 72 ALR 1318.

The word means a woman who has lost her husband by death, and has no application to a divorced woman. *O'Malley v O'Malley*, 46 Mont 549, 129 P 501.

There is authority which holds that the term, as used in some statutes, may be applied to a woman in respect of her deceased husband, although she has remarried since his death. *Re McArthur*, 210 Cal 439, 292 P 469, 72 ALR 1318.

The right of action for wrongful death given by statute for the benefit of a widow for the death of her husband is not divested by her subsequent marriage. 22 Am J2d Dth § 67.

The right of the widow of an insured to the balance due under a national service life insurance policy after the death of the named insured, under a statutory provision giving the "widow" a preference over brothers and sisters of the insured, is not barred by her remarriage. *Riley v United States* (CA4 W Va) 212 F2d 692. 44 ALR2d 1182.

As to meaning of term under the Federal Longshoremen's and Harbor Workers' Compensation Act, see *Anne*: 98 L Ed 740.

widow-bench. The share to which a widow is entitled in the estate of her deceased husband, exclusive of any jointure.

widower. A man of single status because of the death of his wife.

As it is used in the statutes of descent, the word has been held to mean one who has been reduced to single status by the ordinary and usual vicissitudes of life, and not one who, by felonious act, has himself created that condition. *Perry v Strawbridge*, 209 Mo 621, 108 SW 641.

widow's allowance. An allowance made the widow of a decedent, under the laws of some states, for her maintenance and support.

It is neither an interest in the estate nor something which goes to her by descent, but is a preferred claim against the estate and is a part of the expense of administration. *Grover v Clover*, 69 Colo 72, 169 P 578.

widow's chamber. A widow's apparel and the furniture of her bedchamber, which were given to her by the custom of London. See 4 Bl Comm 518.

widow's quarantine. See **quarantine.**

widow's terce. The widow's third, a widow's right of dower.

See **dower**.

widow's third. A widow's right of dower.

See **dower**.

width of highway. The extent of a highway laterally as fixed by statute, by prescription, or by the proceeding in which it, the highway, was established. 25 Am J1st High § 35.

wifa. A notice which indicates that the land upon which it is posted is in the exclusive possession of the occupant.

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wife. A married woman. The spouse of a man. A woman who has a husband living. Names v State, 20 Ind App 168, 50 NE 401. i

As the word is used in designating a beneficiary in a will, it is descriptive of the person of a particular individual, and unless there is something in the will indicating the contrary, a gift to the wife of a designated married man is a gift to the person who was his wife at the time when the will was made and not to a wife whom he has subsequently married. See 57 Am J1st Wills § 1385.

As a designation of the beneficiary of life insurance:- descriptio personae, so that the fact that one who otherwise answers the description does not, or did not at the inception of the insurance, have the legal status of wife of the insured does not prevent her from taking as beneficiary, if it is other wise clear that she is the person intended, assuming that she is eligible to designation as beneficiary and that the misdescription of her as "wife" does not amount to a breach of warranty of misrepresentation avoiding the insurance. 29A Am J Rev ed Ins § 1660.

wife and children. Sometimes a designation of beneficiaries of a life insurance policy.

While some courts hold that a policy payable to the wife of the insured and "their children" includes children by another wife, the prevailing view is that the beneficiaries are limited to children common to both. 29A Am J Rev ed Ins § 1658.

wife-beating. See **whipping wife**.

wife's equity to a settlement. See **equity for a settlement**.

wife's right of survivorship. The title of a surviving wife at common law, arising upon the death of her husband, to choses in action which belonged to tier at the time of the marriage or came to her during coverture, and were not reduced to possession by the husband. 26 Am J1st H & W § 59.

wife's separate equitable estate. See **separate estate of wife**.

wife's separate estate. See **separate estate of wife**.

wife's society. See **society of wife**.

Wigglesworth Mortality Table. A life expectancy table once recognized as standard. 29 Am J2d Ev § 895.

wild animal. An animal ferae naturae~ an animal wild by nature. 4 Am J2d Am § 2. An animal such as a deer in the forest, a quail in the air, or a fish in public waters. Fleet v Hegeman (NY) 14 Wend 42, 45.

wild beast test. The test of insanity, as a defense in a criminal case, according to whether or not the defendant was wholly deprived of understanding and memory. Anno: 44 ALR 584.

wildcat engine. A railroad locomotive running "wild"; that is, without an engineer or other attendant. *Mars v Delaware & Hudson Canal Co.* (Sup) 8 NYS 104, 105.

wildcat leases. Oil and gas leases secured on lands situated in undeveloped territory in the hope that oil or gas will be found there. *Germer v Donaldson* (CA3 Pa) 18 F2d 697.

wildcat strike. A strike of laborers not authorized by the union which represents them.

wild fowl. Birds wild by nature, especially game birds such as ducks, geese, or pheasants. 4 Am J2d Am § 2.

wild grass. A grass plant growing without cultivation, valuable in use for forage.

wild land. Land in a state of nature, never having been cultivated. *Conner v Shepherd*, 15 Mass 164.

Wild's Case. See first resolution in *Wild's Case*; second resolution in *Wild's Case*.

wild train. A railroad train which is run as an extra train or without any reference to the regular schedule time. *Larson v St. Paul, Minneapolis & Manitoba Railway Co.* 43 Minn 423, 424, 45 NW 722 ,

See **wildcat engine**.

wild well. An oil or gas well that is producing oil or gas but which has not been brought under control so that the product can be captured for use.

wilful. A word of several meanings, the meaning in the particular case often being influenced by the context. *Spies v United States*, 317 US 492, 87 L Ed 418, 63 S Ct 364. Voluntary, as distinguished from accidental. 21 Am J2d Crim L § 87. Intentional or deliberate, yet not necessarily with an evil purpose in mind. *Fulton v Wilmington Star Mining Co.* (CA7 111) 133 F 193; *Kite v Hamblen*, 192 Tenn 643, 241 SW2d 601. Stubborn, obstinate, perverse. *United States v Murdock*, 290 US 389, 78 1, Ed 381, 54 S Ct 223. Inflexible. Refractory. *Wick v Gunn*, 66 Okla 316, 169 P 1087, 4 ALR 107. Intentional and with a bad purpose. *State v Clifton*, 152 NC 800, 67 SE 751. Having a bad purpose, evil intent, or legal malice. *Caldwell v State*, 55 Tex Crim 164, 115 SW 597.

The word wilful as used in a statute which denies compensation to an employee for an injury sustained when due to a wilful failure or refusal to perform a duty required by statute imports, not only the mere exercise of the will in failing to comply with the statute, but also an intention to do an act that he knows, or ought to know, is wrongful or forbidden by law, and involves the idea of premeditation and determination to do such act. 58 Am J1st Workm Comp § 203.

It has been said that "wilfulness", as used in the Federal internal revenue statutes imposing criminal penalties, includes some element of evil motive and want of justification in view of the financial circumstances of the taxpayer, and as used in statutes imposing civil penalties it may, while often connoting a bad purpose, be used to characterize an act which is intentional, or knowing, or voluntary, as distinguished from accidental. *Paddock v Siemonet*, 147 Tex 571, 218 SW2d 428, 7 ALR2d 1062.

wilful act. An act done intentionally, or on purpose, and not accidentally. *Leicester v Hoadley*, 66 Kan 172, 71 P 318.

See **wilful**.

wilful and malicious act. See **malicious act**; **wilful act**.

wilful and malicious injury. An injury to property inflicted intentionally and in disregard of duty. *Re Dixon* (DC NY) 21 172d 565. Within the meaning of the exception of certain liabilities from discharge in bankruptcy: injury to person or property inflicted intentionally and deliberately without cause or excuse and with no regard for the legal rights of the injured one. An injury inflicted by an act against good morals and wrongful in itself, committed with indifference to the safety of the injured person, and without just cause or excuse. Anno: 13 ALR2d 170; 9 Am .12d Bankr § 786.

A misappropriation of partnership funds by a

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former partner to his own use after dissolution of the partnership is a "wilful and malicious injury" to the property of another within the provision of the Bankruptcy Act excepting such a debt from a discharge in bankruptcy. *Fooshe v Sunshine*, 96 Cal App 2d 336, 215 P2d 66, 16 ALR2d 1142.

wilful and wanton act. An act premeditated or performed with knowledge that injury is likely to result therefrom. 38 Am J1st Negl § 48.

wilful and wanton misconduct. A deliberate and intentional wrong. *Antonen v Swanson*, 74 SD 1, 48 NW2d 161, 28 ALR2d I (phrase in statute respecting liability of motorist for injury to guest).

Under a statute which imposes liability on the driver of a car for injury to a guest-passenger only where occasioned by the driver's "wilful or wanton misconduct", such a disposition or mental state is shown by a person when, notwithstanding his conscious and timely knowledge of an approach to an unusual danger and of common probability of injury to others, he proceeds into the presence of danger with indifference to consequences and with absence of all care. *Rodney v Staman*, 37 1 Pa 1, 89 A2d 313, 32 ALR2d 976.

See **wanton act**.

wilful and wanton negligence. A paradoxical expression, since the adjectives imply premeditation or consciousness of danger to another, while negligence implied inadvertence, but described as a reckless disregard of the safety of the person or property of another by failing, after discovering the peril, to exercise ordinary care to prevent the impending injury. *Hinkle v Minneapolis, A. & C. R. Co.* 162 Minn 112, 202 NW 340, 41 ALR 1377.

wilful burning. An element of the offense of arson. A conscious and intentional act of setting a fire. 5 Am J2d Arson § 11.

wilful default. A conscious abstention by an obligor from doing that which reasonably and under the terms of the obligation he should have done. Anno: 75 ALR 352. An intentional, although not necessarily malicious, wanton, or evil, failure to comply with a statute which prescribes the performance of an act intended for preservation of the safety of others. 35 Am J1st M & S § 213.

wilful desertion of spouse. A desertion of one's spouse with evil intent and malice; a desertion in disregard of the duty to one's spouse. 27 Am J1st H & W § 437. As a ground for divorce:--abandonment of one's spouse with an intent to terminate the marriage relation or an intent not to return. 24 Am J2d Div & S § 98.

For definition of term as it pertains to the refusal of sexual intercourse as grounds for divorce. Anno: 175 ALR 711.

wilful disobedience. Intentional disobedience by a free agent who knows what he is doing, although not necessarily acting with malice or evil intent. *May v New York Motion Picture Co.* 45 Cal App 396, 187 P 785.

wilful failure. See **wilful default**.

wilful injury. An injury produced by an act intended to have such effect. *Parker v Pennsylvania Co.* 134 Ind 673, 34 NE 504. An injury inflicted designedly and intentionally. *Wunderlich v Frankl*61 (CA5 Ala) 100 F2d 164. An injury accompanied by a

design, purpose and intent to do wrong and to inflict the injury, or an injury inflicted by means of an act or omission with knowledge on the part of the wrongdoer that the injury would be the natural and probable result of such act or omission. *Louisville & Nashville Railroad Co. v Anchors*, 114 Ala 492, 499, 22 So 279.

See **wilful and malicious injury**.

wilfully. With a purpose or willingness to commit an act or to omit the performance of an act, irrespective of intent to violate the law or to injure another. *Howe v Martin*, 23 Okla 561, 102 P 128. Deliberately and with a specific purpose. *Hartzel v United States*, 322 US 680, 88 L Ed 1534, 64 S Ct 1233. Knowingly, obstinately, and persistently, but not necessarily maliciously. 34 Am J1st Mal § 2. A technical word in an indictment or information. 27 Am J1st Indict § 67. Implying a certain state of mind for the performance of an act proscribed by statute. *Screws v United States*, 325 US 91, 89 L Ed 1495, 65 S Ct 1031, 162 ALR 1330. Intentionally, deliberately, with a bad or evil purpose, contrary to known duty. *State ex rel. Fletcher v Naumann*, 213 Iowa 418, 239 NW 93, 81 ALR 483.

This word when used in a criminal statute generally means an act done with a bad purpose, or without justifiable excuse, or stubbornly, obstinately, perversely, and is also employed to characterize a thing done without ground for believing it is lawful, or conduct marked by careless disregard whether or not one has the right so to act. *United States v Murdock*, 290 US 389, 78 L Ed 381, 54 S Ct 223.

wilfully and knowingly. A term characterizing the offense of obstruction of highway.

Some courts hold that a person may be guilty of "wilfully and knowingly" obstructing a public road where he actively participates in the doing of the act which results in the obstruction, even though he does not know that the place obstructed is legally a public road, while others take the view that one cannot be deemed guilty of "wilfully" obstructing such a road where he acts under the bona fide belief that no public road exists at the place where the obstruction is placed. 25 Am J1st High § 326.

wilfully and maliciously. A technical word in an indictment or information. 27 Am J1st Indict § 67.

See **maliciously; wilfully**.

wilfully and unlawfully. A technical word in an indictment or information. 27 Am J1st Indict § 67.

See **unlawfully; wilfully**.

wilfully false. Fraudulent. Made with actual intent to mislead. 29 Am J Rev ed Ins § 721.

See **wilful misstatement**.

wilfully misapply. Not the equivalent of embezzle.

As the expression is used in an embezzlement statute making it an offense wilfully to misapply funds, the words have no settled technical meaning, such as the word "embezzle" has in the statutes or the words "steal, take, and carry away" have at common law, and they do not of themselves describe any offense. *Batchelor v United States*, 156 US 426, 429, 39 L Ed 478, 479, 15 S Ct 446.

wilful misconduct. Deliberate disobedience of the law, inclusive of acts of omission as well as acts of commission. The intentional doing, or omitting to do something, either with the knowledge that such act or omission is likely to result in harm or with a wanton and reckless disregard of the consequences. *Gulf, M. & O. R. Co. v Freund* (CA8 Mo) 183 172d 1005, 21 ALR2d 729. Such conduct as manifests a disposition to perversity, and under such surrounding circumstances and existing con-

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ditions that the party doing the act or failing to act must be conscious from his knowledge of such circumstances and conditions that his conduct will in all common probability result in injury. *Universal Concrete Pipe Co. v Bassett*, 130 Ohio St 567, 200 NE 843, 119 ALR 646.

The expression means something different from and more than negligence, however gross. There must be actual knowledge, or that which in the law is esteemed to be the equivalent of actual knowledge, of the peril to be apprehended from the failure to act, coupled with the conscious failure to act to the end of averting injury. *Helme v Great Western Milling Co.* 13 Cal App 416, 185 P 510.

Wilful misconduct depends upon facts of the particular case and necessarily involves deliberate, intentional, or wanton conduct in doing or omitting to perform acts, with knowledge or appreciation of the fact on the part of the culpable person that danger is likely to result therefrom. *Cowgill v Bones*, 189 Or 282, 218 P2d 445, 19 ALR2d 405.

As to what constitutes wilful misconduct in reference to the application of statute respecting liability of motorist for injury to guest, see Anno: 136 ALR 1271.

See **serious and wilful misconduct**.

wilful misstatement. A material false statement voluntarily made, with knowledge of its falsity, although not necessarily with intent to deceive. Anno: 4 ALR 559.

See **wilfully false**.

wilful neglect of child. An act of omission by a parent in reference to the care and support of a child which is deliberate and intentional, not by accident or inadvertence. 39 Am J1st P & C § 107.

See **neglect of child**.

wilful negligence. A paradoxical expression, since "negligence" conveys the idea of inadvertence, but apparently signifying an act done or omitted in such reckless disregard of the security and safety of another as to imply bad faith. 52 Am J1st Torts § 23.

wilfulness. See **wilful**.

wilful refusal. A refusal that is both intentional and unreasonable. *Vermilye v Postal Telegraph-Cable Co.* 205 Mass 598, 91 NE 904.

A wife's continued and persistent refusal to have sexual intercourse with her husband unless he wore a contraceptive sheath does not entitle the husband to a decree of nullity on the ground of "wilful refusal to consummate the marriage," authorized by statute. *Baxter v Baxter* [19481 AC 274 [1947] 2 All Eng 886, 4 ALR2d 216.

wilful trespasser. One who trespasses with knowledge that he is a trespasser.

One who knowingly and wilfully encroaches or enters upon the land of another and takes his minerals without color or claim of right, or who dishonestly or in bad faith mines minerals of another and converts them to his own use, is a wilful trespasser; one who does so under color of right or in good faith by mistake is an innocent trespasser. *Hughett v Caldwell County*, 313 Ky 85, 230 SW2d 92, 21 ALR2c1 373.

wilful violation. A deliberate and purposeful failure to comply with a statute. Anno: 97 L Ed 270.

See **wilful default**.

wilful voting. An expression which savors of illegality.

To vote wilfully when the voter knows that he is not qualified to vote, means to vote designedly or purposely, and a person votes thus only when he has no right to vote and knows that he has no right. *State v Savre*, 129 Iowa 122, 105 NW 387.

will. Volition, purpose; desire. An instrument by which a person makes a disposition of his property, to take effect after his decease. *Barney v Hayes*, 11 Mont 571, 29 P 282. An instrument executed by a competent person, in the manner prescribed by statute, whereby he makes a disposition of his property to take effect on and after his death, such disposition remaining

ambulatory and revocable during his lifetime. A legal declaration of a man's intention, which he wills to be performed after his death; the just sentence of the testator's wishes concerning what he would have done after his death. 57 Am J1st Wills § 2.

The term includes every kind of testamentary act taking effect from the mind of the testator and manifested by an instrument in writing executed and attested in conformity to the statute. In fact, in some jurisdictions, there is a recognized privilege of nuncupation under which, subject to certain conditions and restrictions, a will may be made without the execution of a written instrument by the testator. 57 Am J1st Wills § 2.

See **bequest; devise; holographic will; joint will; legacy; mutual will; nuncupative will; oral will; reciprocal wills; seaman's will; soldier's will.**

will and wish. A precatory term creative of a trust in a proper case. Temple v Russel, 251 Mass 231, 140 NE 679, 49 ALR 1.

will contest. See **contest.**

willful. Another spelling of **wilful.**

William I. William the First, king of England from October 14th, 1066, until September 9th, 1087.

William II. William the Second, king of England from, September 26th, 1087, until August 2nd, 1100.

William III. William the Third, king of England from February 13th. 1689, until March 8th, 1702.

William of Normandy. Same as **William I.**

Williams Case. A divorce case which established the rule that a decree of divorce entitled to full faith and credit, so far as it is a termination of the marriage, may be obtained upon constructive or substituted service of process upon a defendant who is not a resident of the state. Williams v North Carolina, 317 US 287, 87 L Ed 279, 63 S Ct 207, 14 ALR 273.

William the Conqueror. The king of England from 1066 to 1087.

Same as **William I.**

willing customer. See **ready, able and willing buyer.**

willingly. Of one's own volition. See voluntarily.

Wills Act. See **Statute of Wills.**

will see you paid. Usually a collateral rather than an original promise. Anno: 99 ALR 85.

Wilson Act. A federal statute relating to the liquor traffic, better known as the Original Packages Act. 30 Am J Rev ed Intox L § 45. An act of Congress providing that intoxicating liquors coming into a state should be as completely under the control of the state as if the liquor had been manufactured therein. Delarnater v South Dakota, 205 US 93, 51 L Ed 724, 27 S Ct 447. A federal statute of August

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27, 1894, supplementing the Sherman Anti-Trust Act, being directed against monopolies. 36Am J1st Monop etc § 141.

Winchester bushel. A measure of volume established in England in 1701, containing 2,150.42 cubic inches, the same as the present standard bushel in the United States.

winding up. The dissolution of a corporation or partnership.

See **dissolution; liquidation.**

windmill. A device whereby force of the wind is captured and placed to use.

window envelope. A common form of envelope used in the transmission of letters by mail, a rectangular bit of the front being of transparent material, so that the address typed on the letter enclosed shows through, serving thereby as an address for the envelope.

window peeking. See Peeking Torn.

windows. See ancient windows; light, air, and view.

window tax. An English tax levied on the windows of buildings in 1696.

windshakes. Fallen apples. Separations appearing between the rings shown in log or timber, probably caused by the stress of violent winds during growth of the tree

windshield. Any means of protection against the wind. A transparent screen, usually of glass, in the front of an automobile or other motor vehicle, protecting the driver and occupants of the vehicle against the force of the wind, also against dust, dirt, rain, snow, etc. blown by the wind.

windstorm. A violent storm characterized by the vehemence of the wind and its sudden changes.

In order to amount to a windstorm, a movement of air need not have either the cyclonic or the whirling features which usually accompany tornadoes or cyclones, but it must assume the aspect of a storm --that is, an outburst of tumultuous force. Anno: 126 ALR 708. s. 166 ALR 381; 29A Am J Rev ed Ins § 1329.

windstorm insurance. Insurance covering property against loss or damage by hurricane, tornado, cyclone, or wind of tumultuous force or unusual violence. 29A Am J Rev ed Ins § 1329. Protection under extended coverage provisions of an automobile insurance policy. 7 Am J2d Auto Ins § 77.

windy shots. A technical term for blasts of explosive which send rocks and debris flying through the air. 31 Am J2d Explos § 36.

wine. A vinous alcoholic beverage. 30 Am J Rev ed Intox L § 13. A drinkable vinous beverage containing more than one per cent, by volume, of alcohol People v Muellet, 168 Cal 526, 528, 143 11 750.

wine gallon. At least one proof gallon. Cust D § 86.

See **proof gallon.**

wing fence. A railroad fence so placed in reference to the cattle guard at a railroad crossing as to prevent cattle or other livestock from straying onto the right of way. McKee v Chicago R.I. & P. R. Co. 83 Iowa 616, 50 NW 209.

winterize. To prepare an automobile or other motor vehicle for use during the cold season, paying special attention to the type of oil or grease most suitable for operation in severely cold weather.

winze. A shaft in a mine, leading from one level to another.

wire. Noun: Metal drawn and shaped in a manufacturing process into a long string having a thickness variable with the use to be made of the product. A telegram. Verb: To install wires, particularly electric wires. To send a telegram.

See **electric line; live wire.**

wireless. Communication by radio. Fisher's Blend Station v State Tax Com. 297 US 650, 80 L Ed 956, 56 S Ct 608; Marconi Wireless Tel. Co. v Com. 218 Mass 558, 106 NE 310, revd in part on other grounds 246 US 147, 62 L Ed 632, 38 S Ct 295.

wiretapping. Intercepting a telephone conversation or a telegraph message by tapping the line of communication, that is, connecting a receiving instrument to the line. 29 Am J2d Ev §§ 428 et seq.; 41 Am J1st Priv § 29; 52 Am J1st Teleg & T § 65.

wish. To desire. In some instances, to order or command. Warner v Burlington Fed. Sav. & L. Asso. 168 ALR 1265, 1272, 114 Vt 463, 49 A2d 93.

For discussion of the effect of the word in creating a precatory trust, see Anno: 49 ALR 84.

wish and desire. A precatory term creative of a trust in a proper case. Anno: 49 ALR 91.

wista. The one-half of a hide of land.

See **hide.**

wit. Noun: In a broad sense, mental faculty. In the usual sense, the ability to make clever remarks in speech or written discourse. An abbreviation of the word "witness," sometimes used in the attestation of a deed. Richbourg v Rose, 53 Fla 173, 44 So 69. Verb: To know; to learn by taking notice of something.

See **to wit.**

witan. The king's council.

witchcraft. A supernatural phenomenon. Henderson v Jackson, 138 Iowa 326, 111 NW 821. Sorcery. An offense which at one time carried the penalty of being burnt at the stake.

In such a prosecution in 1665, Sir Matthew Hale charged the jury that he made no doubt at all there were such creatures as witches, first, because "the Scriptures had affirmed as Much; secondly, the wisdom of all nations had provided laws against such persons." 6 How St Tr 700.

The most notable prosecutions for witchcraft in America were those at Salem, in what was then the Colony of Massachusetts, in 1692.

wite. (Anglo-Saxon.) A penalty or punishment for a criminal offense.

witenagemote. Sometimes written "wittena-gemote," and also known as "michelsyinoth," and "michelgemote, ---the meeting of wise men, the great council, the great meeting.

It was the ancient assembly of the Saxon witans, great and wise men, to aid and advise the king. It was the forerunner of the English parliament. See 1 Bl Comm 147, et seq.

with. Close or near to. In the company of. In addition to.

with all faults. A clause in a contract of sale indicating that the article is taken by the purchaser as it stands. 37 Am J2d Fraud § 388.

with all ways. An expression in a deed from which an easement or, casements of way may be implied. Anno: 34 ALR 240.

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with child. Pregnant. Anno: 46 ALR2d 1401, § 7[a].

with consent. Having the consent of, as in respect of the "power" by and with the consent of the Senate to make treaties US Const Art 2 § 2 cl 2.

with customary dispatch. Within the period normally required for accomplishment of a specific undertaking. Pedersen v Eugster & Co. (DC La) 14 F 422.

withdrawal fee. A fee imposed against a borrowing member of a building and loan association upon his termination of membership. Georgia State Bldg. & Loan Asso. v Grant, 82 Miss 424, 34 So 84.

withdrawal of appearance. The voluntary vacation of an appearance, usually to be had only by leave of court, sometimes only for good cause shown. 5 Am J2d Appear § 36.

withdrawal of bid. The recalling of a bid made in the course of the letting of a public contract. 43 Am J1st Pub Wks § 62.

withdrawal of case from jury. See **taking case from jury.**

withdrawal of charges. See **nolle prosequi.**

withdrawal of deposit. Closing a bank account by taking the fund on deposit.

withdrawal of juror. A means of obtaining a continuance or postponement of a trial after the jury are impaneled and sworn, where some necessity therefor in the furtherance of justice exists. The remedy for a mistrial. 53 Am J1st Trial § 966.

withdrawal of membership. The termination of a membership in a building and loan association before the stock or the member has matured, accompanied by the apportionment to the member of his share of the assets of the association as of the time of withdrawal. 13 Am J2d B & L Assoc § 30.

See **withdrawal fee.**

withdrawal of pleading. The recalling by a party of statements made by him in his pleading or of the entire pleading as the exigencies of the case require, usually done by way of correcting mistakes. 41 Am J1st PI § 318.

withdrawal of public land. The act of Congress or the President, as authorized by Congress, in declaring certain public land not open to settlement, location, sale, or entry. 42 Am J1st Pub L § 12.

withdrawal of stipulation. The recall of a stipulation filed in an action by the party who filed it, with the consent of the adverse party or by leave of court upon cause shown. 50 Am J1st Stip § 11.

withdrawal of subscription. The revocation of a subscription to corporate stock, made by notice to the person in charge of the organization of the corporation, prior to incorporation. Anno: 101 ALR 232.

withdrawal value. The amount to which a member of a building and loan association is entitled upon his withdrawal from the association before his shares have reached maturity value. 13 Am 32d B & L Assoc § 30.

withernam. See **in withernam.**

with exchange. See **stipulation for exchange.**

with force and arms. Technical words used in indictments for offenses amounting to an actual disturbance of the peace. 27 Am J1st Indict § 67.

withhold. To keep something from another. To retain in one's possession that which belongs to or is claimed by another. *Ballew v United States*, 160 US 187, 194, 40 L Ed 388, 392, 16 S Ct 263.

Withhold implies rather a temporary suspension, than a total and final denial or rejection; as to withhold compensation. *United States v Dumas*, 149 US 278, 284, 37 L Ed 734, 736, 13 S Ct 872.

withholding pension money. A criminal offense by an agent or attorney for a pensioner who has received pension money to which the latter is immediately entitled. 40 Am J1st Pens § 48.

withholding tax. A method of implementing the pay-as-you-go system of paying income tax on wages and salaries, employers being required to withhold a portion of each salary or wage payment due an employee and turn it over to the government, the employee taking credit for the various amounts withheld in his tax return. The retention by the person making distribution of a decedent's estate of the death duties payable on the specific shares. *Peoplde, v Union Trust Co.* 255 111 168, 99 NE 377, error dismd 234 US 748, 58 L Ed 1575, 34 S Ct 673; *Re Walker*, 184 Minn 164, 238 NW 58, 76 ALR 1450.

within. Inclusive of territory. Not going beyond or exceeding the limits prescribed. Anno: 30 ALR If 35. Inclusive of a period of time.

See **from and after; within a year.**

within a motor vehicle. Inside the vehicle in a place ordinarily occupied by one driving or riding. Anno: 39 ALR2d 961.

within a year. A period of 365 days, not a calendar year from January to January. *Paetz v State*, 129 Wis 174, 107 NW 1090 (phrase in statute providing for increased punishment where defendant has two convictions).

See **infra annum clause.**

within house. See **house confinement clause.**

with interest. Bearing interest,

Where any written instrument provides for the payment of money "with interest," without specifying the rate, the term implies that the amount to be paid will draw interest at the statutory rate. See *O'Brien v Young*, 95 NY 428.

with interest annually. The equivalent of a promise to pay the interest annually. Anno: 10 ALR 1004.

within the premises. On the premises. At any point on the premises.

For the meaning of the phrase as it pertains to representations, warranties, or conditions in reference to a watchman on premises covered by an insurance policy, see Anno: 87 ALR 1117.

within the radius. Including all territory failing within the measured circle. *Sacks v Legg*, 219 Ill App 144.

with liberty. See **liberty of port.**

with malice aforethought. A technical word in an indictment, indicating premeditated design. 27 Am J1st Indict § 67.

Essentially, as an element of murder, the same as malice, a wicked and corrupt disregard of the life and safety of another. 26 Am J1st Homi § 40.

In the term "malice aforethought," the word aforethought describes, not the intent to take life, but the malice. State v Fiske, 63 Conn 388, 391, 28 A 572.

without. On the outside. Beyond. Lacking.

without compensation. See taking for public use.

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without day. Without designation of day, as in an adjournment sine die.

without deduction. A provision against impairment of gift by deduction which might otherwise be made.

As to definition of phrase in reference to relief of bequest of the burden of tax, see Anno: 51 ALR 466.

without defalcation. An expression, sometimes written "without offset," in an instrument for the payment of money, intended to preclude a setoff against the amount payable under the terms of the instrument. Anno: 79 ALR 126; 98 ALR 606; 20 Am J2d Countel § 29. A phrase formerly used in promissory notes to confer or emphasize negotiability and to cut off defenses between the original parties as against holders in due course. 11 Am J2d B & N § 198.

without due process of law. See **due process of law.**

without grace. See **days of grace.**

without her consent. See **rape.**

without impeachment of waste. A phrase employed in an instrument creating a tenancy for the purpose of relieving the tenant from acts or conduct otherwise constituting waste, provided such acts or conduct are not unjust, unconscientious, malicious or wanton. 56 Am J1st Waste §§ 7, 8.

without issue. See **die without issue.**

without justification. See **without legal cause.**

without legal cause. The equivalent of without justification.

The use of the phrase in a pleading has been held not objectionable as constituting a mere conclusion of law. It was also held that the pleader was not required to elaborate the phrase. Freeman v Macon Gas Light & Water Co. 126 Ga 843, 56 SE 61.

without liability for waste. See **without impeachment of waste.**

without living heirs of the body. A phrase in a will employed to import a definite failure of issue. Glover v Condell, 163 111 566, 45 NE 173.

See **heirs of the body.**

without notice. See bona fide holder for value without notice; bona fide purchaser.

without offset. Same as **without defalcation.**

without prejudice. A judicial act without effect as a final determination or res judicata. United States ex rel. Almeida v Baldi (CA3 Pa) 195 F2d 815, 33 ALR_2d 1407; Ogens v Northern Industrial Chemical Co. 304 Mass 401, 24 NE2d 1, 126 ALR 280.

The term imports that no right or remedy of the parties is affected. The use of the phrase simply shows that there has been no decision of the case upon the merits, and prevents the defendant from setting up the defense of res adjudicata. Olson v Coalfield School Dist. 54 ND 657, 661, 210 NW 180, 181.

See **dismissal without prejudice.**

without protest. See **waiver of protest.**

without receiving value. A phrase having reference to accommodation paper, meaning : " without receiving value for the instrument," not without receiving consideration for lending one's name." 11 Am J2d B & N § 121.

without recourse. A form of qualified indorsement, exonerating the indorser from liability as such. Bank of St. Albans v Gilliland (NY) 23 Wend 311. Words used or directly implied by an assignor to negative any guaranty of the assigned obligation. 6 Am J2d Assign § 107.

without recourse to me. Same as **without recourse.**

without reserve. A term characterizing an auction sale conducted without right on the part of the owner of the property to withdraw goods from the sale or to bid them in by himself or through another. Anno: 37 ALR.2d 1054; 7 Am J2d Auct § 18.

without stint. Without limit or restriction on number or amount.

without the state. Indicating absence from the state or residence outside the state, dependent upon the context of the entire statute or instrument.

A debtor is not "without the state," within the meaning of a statute of limitations, where, being a citizen of, domiciled, and resident within the state, with his family, he temporarily for business purposes, goes to another state and remains there for several months at a time on different occasions. Sage v Hawley, 16 Conn 106.

without this, that. Words employed in an answer by way of a special traverse.

See **absque hoc; special traverse.**

without waiver or prejudice. A phrase negating admission of liability.

The expression has among both lawyers and business men a well-understood value, and imports into any writing in which it appears that the parties have agreed that, as between themselves the receipt of the money by one, and its payment by the other, shall not, because of the facts of the receipt and payment, have any legal effect upon the rights of the parties in the premises; that such rights will be as open to settlement by negotiation or legal controversy as if the money had not been turned over by the one to the other. Genet v President etc. of Delaware & Hudson Canal Co. 170 NY 278, 63 NE 350

with prejudice. The effect of a final adjudication as res judicata.

See **dismissal with prejudice.**

with quick child. See **quick with child.**

with strong hand. With force or violence. Characterizing a violent entry upon real property, an entry with weapons or with menace of life or limb. 35 Am J2d Fore E & D § 4.

with the appurtenances. Including the appurtenances; a phrase often used in deeds where unnecessary. See *Morgan v Mason*, 20 Ohio 401.

with the mainour. With the goods in hand.

A thief was said to be taken with the mainour when taken with the stolen goods upon him, in manu, in his hand. When so taken, the thief could be arraigned and tried without being first indicted. This practice was discontinued under Edward the Third, in England, but in Scotland it was followed in Blackstone's time. See 4 Bl Comm 307.

with the will annexed. See administrator with the will annexed.

witness. Verb: To see or observe. To act as an observer for the purpose of attesting. Noun: One who has observed so as to be able to give an account of something. An individual who has knowledge of a fact or occurrence sufficient to testify in respect to it. Re *Losee*, 13 Misc 299, 34 NYS 1120. In the

In usual application of the word in law, one who tes-

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tifies in a cause or gives evidence before a judicial tribunal. A person summoned by subpoena or otherwise to testify in a case. Also, a person called to be present at some transaction so as to be able to attest to its having taken place 58 Am J1st Witn § 2.

A person who files an income tax return under oath, disclosing the commission of a crime, is a witness within the meaning of the Fifth Amendment to the Federal Constitution providing that no one shall in any criminal case be compelled to be a witness against himself. See *Sullivan v United States* (CA4 SC) 15 F2d 809, 812.

witness against himself. See **self-incrimination**.

witness fees. Fees paid witnesses for their attendance at court. Commonly included as taxable costs. 20 Am J2d Costs § 53.

witnessing part. See **attestation clause**.

witness my hand. A formal clause, indicating a signature. *Salazar v Taylor*, 18 Colo 538.

witness my hand and seal. A formal clause indicating a signature and the seal of the person thus signing. *Salazar v Taylor*, 18 Colo 538.

witness to instrument. See **attesting witness**.

witness whereof. See **in witness whereof**.

witten-gemote. Same as **witenagemote**.

wittingly. By design or forethought, not by accident.

W.O. Abbreviation of warrant officer.

wolf. A wild- animal; a carnivorous mammal, most closely resembling the dog. A slang term for a man who seeks to prey upon women.

wolf's head. An outlaw. woman. An adult female human being. God's gift.

woman chaser. A slang term for a man who is overly interested in women, especially for sexual relations.

Women in the Air Force. An integral part of the Air Force military personnel.

Women's Army Corps. A component of the Army, organized and maintained for the purpose of making available to the service women volunteers, trained in noncombat occupational skills.

Women's Christian Temperance Union. An organization active in the cause of temperance and the strict control, if not outright prohibition, of traffic in intoxicating liquors.

women's suffrage. The right of women to vote. The political and civil right granted by law to women, permitting them to participate in the government, to take part in the choice of officers, or in the decision of public questions, and to vote at elections held for those purposes. *Gougar v Timberlake*, 148 Ind 38, 40, 46 NE 339.

women's suffrage amendment. The Nineteenth Amendment to the Constitution of the United States, declaring that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

wood alcohol. Same as **methyl alcohol**.

wood-corn. Grain which was paid for the liberty of picking up wood.

wood-geld. A payment which was made for the privilege of taking wood from a forest.

wood is to be intended of that which is cut down. An ancient maxim. *Dexter v Taber* (NY) 12 Johns 239.

wood leave. A license to go upon premises, cut down standing trees, and remove them from the premises.

wood measure. The measurement of standing timber, that is ascertaining the circumference, without including the bark. *Craddock Mfg. Co. v Faison*, 138 Va 665, 123 SE 535, 39 ALR 1309.

See **cord**; **log measure**; **lumber measure**.

wood pulp. The product of grinding and wetting wood of certain trees, used in the manufacture of certain kinds of paper, also in the production of methyl alcohol.

woods. A forest.

woods rider. One whose vocation or avocation includes riding through the woods or forest.

Wood-street Compter. The name which was given to an ancient London prison.

woodwork. Articles made of wood. The trim in a house around doors and windows, and wainscotting.

wool-sack. A name given to the seat of the lord chancellor in the house of lords.

wool-sorter's disease. A disease named for its onetime prevalence among people handling wool and hides. Anno: 20 ALR 7.

The disease is usually caused by contact with diseased or putrid animal matter. A blister-like swelling develops into a pustule. Great swelling and pustular infection of glands follow. Prostration ensues and the patient usually dies within from five to eight days. *Stedman v United States Mot. Acci. Asso.* 123 NY 304, 25 NE 399.

word. Letters in combination, having meaning as written or in sound, and conveying thought as a unit of language. "A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used." Holmes, J., in *Towne v Eisner*, 245 US 418, 425, 62 L Ed 372, 38 S Ct 158.

words actionable per quod. See **libelous per quod; slanderous per quod.**

words actionable per se. See **libelous per se; slanderous per se.**

words of art. Technical words; terms inexpressive to others which have a meaning to members of a particular profession, line of work, or study.

words of censure. See **censure.**

words of condition. See **condition;**

words of limitation. words of covenant. See **covenant.**

words of demise. Words in a lease or agreement whereby the lessor undertakes to transfer and vest the possession in the lessee forthwith.

The fact that the actual term of the lease is to begin at a later date does not prevent the words from being words of demise, for there may be a present demise to commence in future. See *Shaw v Farnsworth*, 108 Mass 357, 360.

words of inheritance. Words of limitation indicating the character of an estate granted or devised. Words in the habendum of a deed which set forth the estate to be held and enjoyed by the grantee. 23 Am J2d Deeds § 38. Words necessary in the grant of an easement in order to make it a perpetual interest.

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Chappell v New York, New Haven & Hartford R. Co. 62 Conn 195, 24 A 997.

See **estate of inheritance.**

words of limitation. Words appearing in a grant or devise which indicate the character of the estate created. Words which describe the extent or quality of the estate conveyed to the first taker. 28 Am J2d Est § 102. Words used in an instrument or devise creating an estate in real property which circumscribe the continuance of the estate. *Summit v Yount*, 109 Ind 506, 9 NE 582.

words of negotiability. Words in an instrument for the payment of money, such as "to order," "to bearer," or the equivalent in meaning, which render the instrument negotiable or have the effect, at least, of signs of negotiability. 11 Am J2d B & N § 105.

words of obloquy. See **obloquy.**

words of procreation. Words essential to the creation of an estate-tail; as, an estate to A "and the heirs of his body."

words of purchase. Such words, used in a will or conveyance of real property, as give an estate originally, to the heirs, and not through the medium of, or by descent from, the ancestor. *Ball v Payne*, 27 Va (6 Rand) 73, 75. Words which describe any

means of acquiring an estate other than by descent, so that persons who are to take an estate by that means are themselves to become the root of a new inheritance or the stock of a new descent. 28 Am J2d Est § 102.

words of purchase or of limitation. The distinction between marking out the bounds of an estate conveyed and describing the means of acquiring an estate. 28 Am J2d Est § 102.

words of qualification. See **qualification.**

words of reproach. See **reproach.**

work. Noun: Employment. Any form of physical or mental exertion, or both combined, for the attainment of some object other than recreation or amusement. 31 Am J Rev ed Lab § 1. Physical or mental exertion, whether burdensome or not, controlled or required by an employer and pursued necessarily and primarily for his benefit and the benefit of his business. 31 Am J Rev ed Lab § 626. Effort directed to an end. Commonwealth v Griffith, 204 Mass 18, 90 NE 394 (holding the services of an actor to be work). Verb: To labor. To perform services. To persuade, particularly in the sense of persuasion for the purpose of perpetrating a fraud. Palmerlee v Nottage, 119 Minn 351, 138 NW 312.

See **availability for work; commencement of work; inability to work; labor; stoppage of work.**

work and labor. See **implied contract.**

work animal. An animal, such as a horse, mule, or ox, kept for pulling the plow or pulling loads, carriages or loaded vehicles on the highway, especially an animal by which one earns a living or which is used in a business. 31 Am J2d Exemp § 61.

See **work horse.**

workaway. One carried on a train or ship in return for his services, that is, a person working his way.

work beast. Same as **work animal.**

workday. A day for work, as distinguished from a Sunday or holiday. A day's work.

See **day's work; hours of labor; working days.**

worker. One who works whether at physical labor or labor which requires mental as well as physical effort. 31 Am J Rev ed Lab § 1.

work float. A raft used in the performance of work on water, such as raising sunken logs or boats.

work horse. A horse employed to perform work, as distinguished from one kept solely for pleasure. Tishomingo Sav. Institute v Young, 87 Miss 473, 40 So 9. A horse used in farming, in pulling a carriage, or in hauling heavy loads. A horse which performs the common work required of it on the owner's premises or in the owner's business or trade. Not inclusive of a horse kept for racing or one bought as a speculation. 31 Am J2d Exemp § 70. Slang for a person who works long hours or at heavy labor.

workhouse. A municipal prison. Farmer v St. Paul, 65 Minn 176, 67 NW 990. A place of imprisonment under sentence for crime. People v Stavarakas, 335 111 570, 167 NE 852. A place or prison where persons convicted of minor offenses and misdemeanors may be confined and kept at labor. 41 Am J1st Pris & P §2.

working capital. A fund kept on hand by a corporation for the purpose of paying current obligations and keeping its credit good, without awaiting the collecting of its revenues. 43 Am J1st Pub Util § 125. In a broader and less technical sense, capital actually employed in a business.

working claim. Performing acts for the purpose of making a mining claim productive, such as developing or extracting an ore body after it has been discovered. *Cole v Ralph*, 252 US 286, 307, 64 L Ed 567, 582, 40 S Ct 321.

working conditions. The condition of the premises and facilities for the labor force at a place of employment.

working days. The days as they succeed each other, exclusive of Sundays and holidays. For the purposes of loading a ship, all days except Sundays and holidays. *Pedersen v. Eugster & Co.* (DC La) 14 F 422, 423.

See **day's work; hours of labor.**

working face. That place in a mine at which the coal or ore is extracted from the Stratum in which it is found.

working hours. See **day's work; hours of labor; Hours of Service Act.**

working interest. The production of an oil well upon which royalty payable under a lease is computed. 24 Am J1st Gas & O § 87.

working lay days. An expression found in a provision of charter parties relative to the period of time during which the charterer may detain the vessel for loading or unloading, making it clear that Sundays and holidays are to be excluded in the computation. *Brooks v Minturn*, 1 Cal 481, 483.

working place. The place wherein the operations of an employer are carried on. 35 Am J1st M & S § 424.

See **working conditions.**

working place of miners. A room or other place in a coal mine in which the work of excavation is being carried on and which is immediately affected by such operation. 35 Am J1st M & S § 215.

working time. The potential of earnings in employment. Time spent at physical or mental exertion on behalf of the employer: for some purposes, dependent upon the nature of the employment, even wait-

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ing time, sleeping time, travel time, lunch time, etc. 31 Am J Rev ed Lab §§ 626 et seq.

See **day's work; hours of labor; working days.**

workman. A working man. A man employed for wages in labor, whether in tilling the soil or manufacturing, whether an artificer or common laborer. Anno: 129 ALR 990. Any person who occupies the status of servant under the law of master and servant. One engaged under a contract of employment between him and an alleged employer. 58 Am J1st Workm Comp § 132. A term not intended to embrace every person of whatever rank in the service of an employer, but used in a restrictive sense, intended to establish a classification of those in service on the basis of the character of work ordinarily connoted by the term. 58 Am J1st Workm Comp § 91.

This term as used in constitutional and charter provisions has generally been construed as not including a public officer. Anno: 5 ALR2d 416.

In general parlance, the word workman perhaps connotes a grade inferior to that of an "employee," but no such distinction appears in the workmen's compensation statutes. A superintendent has been held to be included in the comprehensive sense of such a statute, and likewise a professional football player. 58 Am J1st Workm Comp § 133.

workmanlike manner. The customary way of doing the work in the vicinity of the place where the work is to be done. *Shores Lumber Co. v Stitt*, 102 Wis 450, 456, 78 NW 562. A manner of work adequate for the performance undertaken. 17 Am J2d Contr § 371.

workmanlike performance. The performance of a contract with the use of the degree of diligence, attention, and skill adequate for the performance of the particular undertaking. 17 Am J2d Contr § 371.

workmanship. The character of work as demonstrated by the completed article or job. Anno: 34 ALR 544.

workmen's compensation. A general and comprehensive term applied to and embracing those laws providing for compensation for loss resulting from the injury, disablement, or death of workmen through industrial accident, casualty, or disease' such laws possessing the common feature or characteristic of providing such compensation otherwise than on the basis of tort liability and in accordance with a definite schedule based generally upon the loss or impairment of the workmen's wage-earning power. *Lewis & Clark County v Industrial Acci. Board*, 52 Mont 6, 155 P 268. The payment made under such a law to a disabled workman or the spouse, children, or representatives of a deceased workman.

workmen's compensation acts. Statutes which provide for the payment of compensation to an employee injured in his employment or, in case of his death, to his dependents, eliminating common-law defenses such as assumption of risk, contributory negligence, and negligence of fellow servant and provide a system for the determination of the amount of compensation to be paid. 58 Am J1st Workm Comp § 2.

workmen's compensation commission. A special agency established by statute for the administration of the provisions of a workmen's compensation act. 58 Am J1st Workm Comp § 370.

work of art. See **art**.

work of necessity. Work coming within an exception to a Sunday observance law as required under an emergency which will not reasonably admit of delay or in satisfaction of a need so pressing in its nature as to rescue the act performed from the imputation of a wilful desecration of a day made sacred for certain purposes in morals as well as in law. Work needful and desirable, even though not physically and absolutely necessary. 50 Am J1st Sun & H § 16.

work-product doctrine. The principle that material collected and prepared for a case by counsel is not subject to disclosure by way of discovery at the instance of the party adverse to counsel's client. 23 Am J2d Dep § 195.

work relief. Relieving the needs of the poor by providing jobs for them or for the heads of families. 41 Am J1st Poor L § 4.

works. An establishment for manufacturing, or for performing industrial labor of any sort. *Elliott v Payne*, 293 Mo 581, 239 SW 851, 23 ALR 706, 712. An industrial plant. A factory. The parts of a machine.

See **working place**.

worksheet. A sheet whereon there appears the calculations and rough notes from which an account is prepared or an income tax return made out for filing. 1 Am J2d Accts § 12. A plan for the performance of a particular job or undertaking.

workshop. A small factory. A repair shop. Anno: 83 ALR 1045. Any place where goods or products are manufactured or repaired, cleaned or sorted, in whole or in part, for sale or for wages. *Ritchie v People*, 155 11198, 40 NE 454 (statutory definition).

workshop of fraud. A graphic expression for the background of a fraudulent enterprise. *The Friendship* (US) 3 Wheat 12, 4 L Ed 322.

workshop of justice. The judicial system. A court.

See **officina justitiae**.

workshop of nations. Any project typified by international co-operation.

works of charity. Acts of a charitable nature. *Bucher v Cheshire R. Co.* 125 US 555, 31 L Ed 795, 8 S Ct 974. Covering everything morally fit and proper to be done on Sunday, under the particular circumstances of the case. 50 Am J1st Sun & H § 19.

works of internal improvement. Those enterprises which ordinarily might in human experience be expected to be undertaken for profit or benefit to the property interests of private promoters, as distinguished from those things which primarily and preponderantly merely facilitate the essential functions of government. *State v Froehlich*, 115 Wis 32, 91 NW 115.

The term, as used in a constitutional provision forbidding the state to engage in such works, is not to be construed as limited only to channels of trade and commerce, such as canals, turnpikes, railroads, and the like, although, in order to come within this provision, the improvement must be of a more or less fixed and permanent character. *State ex rel. Wilkinson v Murphy*, 237 Ala 332, 186 So 487, 121 ALR 283.

See **internal improvement**.

works of necessity. See **work of necessity**.

Works Progress Administration. A federal agency of the period of the Great Depression, the primary purpose of which was to give employment to needy

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persons upon work designated by the agency. 41 Am J1st Poor L § 33.

work stoppage. See **stoppage of work**.

work time. See **working time**.

work week. See **hours of labor**.

World Bank. A bank, otherwise known as the International Bank for Reconstruction and Development, having an official existence since Dec. 27, 1945, the primary purpose of which is to assist the economic development of member countries by facilitating investment of capital for productive purposes, and thereby promote growth of international trade and improvement of standards of living.

worldly. Concerned with the enjoyments of this present existence; secular, not religious, spiritual, or holy. *Commonwealth ex rel. Woodruff v American Baseball Club*, 290 Pa 136, 138 A 497, 53 ALR 1027. Of or pertaining to the world or the present state of existence; temporal; earthly. Devoted to, interested in, or connected with this present life, and its cares, advantages, or pleasures, to the exclusion of those of a future life. *Anderson v Gibson*, 116 Ohio St 684, 157 NE 377, 54 ALR 92,

worldly goods. Goods to be enjoyed by one in his present state of existence. That property which one must leave behind when he departs this life. Subject to construction as including both real and personal property of a testator. 57 Am J1st Wills § 1343.

World Peace Foundation. An organization having the purpose of promoting and maintaining world peace. *Parkhurst v Treasurer*, 228 Mass 196, 117 NE 39.

World War Veteran. See **veteran**.

worm fence. Another term for rail fence.

worry. See **mental anguish**.

worrying animals. The act of a dog in chasing, running after, and barking at animals. *Burin v Shaw*, 3 NJ 195, 69 A2d 576, 15 ALR2d 574.

worship. Intense admiration. An expression of reverence or devotion for a deity. The act of paying honors to the Supreme Being; religious reverence and homage; adoration paid to God, or a Being viewed as God. *Hamsher v Hamsher*, 132 Ill 273, 23 NE 1123.

"We know of no technical definition of the word by any court. It includes prayer, praise, thanksgiving. In the ordinary church meeting the congregation is regarded as engaged in religious worship while listening to the sermon, reading the Holy Scriptures or hearing them read, or engaged in the singing. Devotional religious exercises constitute worship. Prayer is a chief part of the worship. Prayer is always worship. Reading the Bible and singing may be worship." *People ex rel. Ring v Board of Education*, 245 Ill 334, 92 NE 251.

See **public worship; religious worship**.

worsted. A specific kind of wool. Longstaple wool. *Seeberger v Cahn*, 137 US 95, 34 L Ed 599, 11 S Ct 28. Cloth made from long-staple wool.

wort. The mixture of malt, hops, and water from which beer is produced.

worth. Monetary value. Importance. Merit.

"Few philologists get on juries. We believe that only a philologist would appreciate the difference between the word compensation and the word price or worth as used in instructions to be considered by juries in assessing damages." *Herb v Hallowell*, 304 Pa 128, 154 A 582, 85 ALR 1004.

worthier title rule. The early rule of the common law that an heir may not take by devise where he may take the same title by descent, title by descent being regarded as the worthier and better title. 23 Am J2d Desc & D § 3. A rule sometimes advanced as the rationale of the common-law rule against remainders to the heirs of the grantor. 28 Am J2d Est § 175-

The inter vivos branch of the doctrine of worthier title, adopted in nearly all American jurisdictions which have had occasion to consider it, favors a reversion in the grantor rather than a remainder to his heirs. *McKenna v Seattle First Nat. Bank*, 35 Wash 2d 662, 214 P2d 664, 16 ALR2d 679.

worthiest of blood. The theory of the rule of primogeniture.

See **primogeniture**.

worthless. Deprived of worth; of no value or use. *Spring City Foundry Co. v Commissioner*, 292 US 182, 78 L Ed 1200, 54 S Ct 644.

worthless check. A check payment of which has been refused for want of funds on deposit to the credit of the drawer.

worthless draft. A dishonored draft.

worthless stock. Stock in a corporation, the assets of which, properly valued, are less than its liabilities. *Foster v Commissioner* (CA1) 112 F2d 109.

worthy. Having worth or merit. Deserving of honor or respect.

See **law worthy; oathworthy.**

worthy cause or institution. A cause or institution of a charitable character. *Re Funk*, 353 Pa 321, 45 A2d 67, 163 ALR 780.

wound. A severance or breakage of the skin. Anno: 16 ALR 958, s. 58 ALR 1320. Any abrasion, breach or rupture of the skin or mucous membrane of the body, whereby animal venom or virus, or some impute, poisonous, or irritating matter, may gain entrance to the underlying tissues and contaminate the blood. *Fidelity and Casualty Co. v Thompson* (CA8 Colo) 154 F 484, 487. An injury to the body of a person or animal, especially one caused by violence, by which the continuity of the covering, as skin, mucous membrane, or conjunctivea, is broken. Anno: 117 ALR 767. A lesion of the body. A hurt, loss, or injury, or any morbid change in the structure of organs or parts of the body. 29A Am J Rev ed Ins § 1173. As the term appears in an application for life insurance: -an injury to the body causing an impairment of health or strength, or rendering the person more liable to contract disease, or less able to resist its effects. *Bancroft v Home Beneficial Asso.* 120 NY 14, 23 NE 997.

The Supreme Court of Illinois defines the word as meaning a lesion of the body and defines lesion as a hurt, loss, or injury. Hence, that court's definition excludes the necessity of a breaking or cutting of the skin and is broad enough to include an injury to the subcutaneous tissue and to the skin, which has resulted from carbon monoxide poisoning and is revealed by scarlet blotches. *Warbende v Prudential Ins. Co.* (CA7 111) 97 172d 749.

Ordinarily, whether or not a particular injury constitutes a wound, within the meaning of statutes relating to wounding with intent to maim, seems to depend upon whether there is a complete sever-

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ance or breakage of the skin. From an early date, the word wound in such a statute has been construed to mean that there must be a breaking of the skin. This breaking must consist in the separation of the whole skin; a separation of the cuticle or upper skin only, or the fact that one's skin is bruised where struck by a stick, is not sufficient. Similarly, a scratch does not constitute a wound within the provisions of a maiming statute. A disruption or breaking of the internal skin or membrane, however, as that within the mouth or the membrane lining the urethra, will suffice. 36 Am J1st May § 5.

wounded feelings. Distress from insults, indignity, or humiliation. 22 Am J2d Damg § 237.

wounding. Inflicting a wound. See **wound.**

W.P.A. Abbreviation of Works Progress Administration.

wreck. Verb: To tear down. To drive a vehicle or handle an object in such manner as to destroy or damage it greatly. To disorganize or cause serious injury to anything. *Mochel v Iowa State Traveling Men's Asso.* 203 Iowa 623, 213 NW 259, 51 ALR 1327. Noun: A ship which, in consequence of injuries received, is rendered unnavigable, or unable to pursue her voyage, without repairs exceeding the half of her value. 48 Am J1st Ship § 647 - Such goods as after a shipwreck are cast upon land by the sea, and left there. 48 Am J1st Ship § 647. A person in very poor physical condition. A dowdy woman.

Under the Federal income tax law, allowing deduction for loss caused by shipwreck, in computing net income, the word does not mean complete loss; damage to the ship suffices. Nor need such damage be caused by storm or natural causes. A wreck through collision is within the act, whether due to the negligence of the other vessel or of employees of the wrecked ship. See *Shearer v Anderson* (CA2 NY) 16 F2d 995, 51 ALR 534.

For definition of term "wrecking," as it appears in a provision of an accident insurance policy relative to accidents in connection with automobiles or other motor vehicles, see Anno: 138 ALR 414.

See **train wreck**.

wreckage. See **wreck**; **wreck of the sea**.

wrecker. A motor vehicle employed in dragging wrecked vehicles off the highway. A work train on a railroad used primarily in clearing the track of wrecks. One engaged in the work of tearing down buildings. 27 Am J1st Ind Contr § 44.

wrecking. See **wreck**.

wrecking or disablement. See **wreck**.

wreck of the sea. Such goods as after a shipwreck are cast upon land by the sea and left there. 1 Am J2d Aband § 24; 48 Am J1st Ship § 647.

wrench. Verb: To twist with violence. Noun: A common tool used to turn nuts on bolts. A sprain caused by the twisting of a joint, such as in the ankle.

wrestling. A sport, by amateur and professional, in which two participants engage, the purpose of each being to pin the shoulders of the other to the mat on which they struggle.

wrist drop. A paralysis evidenced by inability of the subject to extend his hand directly outward from the wrist.

writ. A process. 42 Am J1st Proc § 2. A process authorizing or commanding the arrest of a person or the seizure of property, sometimes the seizure of property specifically described in the writ, at other times the seizure of any property of the defendant, not exempt from seizure, sufficient to satisfy the amount of a judgment against the defendant. Caples v State, 3 Okla Crim 72, 104 P 493.

See **alias writ**; **prerogative writ**; **supervisory writ**; **teste**.

writ ad faciendum et recipiendum. See **ad faciendum et recipiendum**.

writ de annua pensione. See **annua pensione**.

writ de apostata capiendo. See **de apostata capiendo**.

writ de excommunicato capiendo. See **de excommunicato capiendo**; **de ex communicato recapiendo**.

writ de lunatico inquirendo. See **de lunatico inquirendo**.

writ de ventre inspiciendo. See **de ventre inspiciendo**.

write-in. A name written or inserted on a ballot at a place provided on the ballot, indicating the choice of a voter for a particular office, such person's name not being on the official ballot. 26 Am J2d Elect § 268.

Under an election law providing that the voter might "Insert" the name of a person whose name did not appear on the ballot, the use of a sticker, instead of writing the name has been upheld. Fletcher v Wall, 172 Ill 426, 50 NE 230.

write-in candidate. A candidate for election whose name is not on the ballot as such is prepared for the voters but who campaigns to have people vote for him by writing or inserting his name on the ballot.

See **write-in**.

writer to the signet. A Scottish term for solicitor at law.

writing. An instrument. Anything which is written. Legible characters in pen or pencil. Handwriting, typewriting, or printing. 11 Am J2d B & N § 57. The expression of ideas by visible letters.

It may be on paper, wood, stone, or other material. The ten commandments were written with the finger of God on tables of stone: Exodus xxxi, 18. The general rule undoubtedly is that whenever a statute or usage requires a writing, it must be made on paper or parchment; but it is not necessary that it be in ink. It may be in pencil. Numerous authorities sustain this view, as applied to contracts and promissory notes. A prudent man will not write his will in pencil, but it is valid if he does so. *Myers v Vanderbilt*, 84 Pa 510.

A Missouri statute defines the term "written instrument" as including every instrument, partly printed and partly written, or wholly printed with a written signature thereto. *State v Carragin*, 210 Mo 351, 109 SW 553.

writing obligatory. A bond; a promise under seal.

writings of an author. The literary and scientific productions of an author. *United States v Chase*, 135 US 255, 258, 34 L Ed 117, 119, 10 S Ct 756. Copyrightable material. *Drop Dead Co. v S. C. Johnson & Sons, Inc.* (CA9 Cal) 326 F2d 87.

As used in section 8, of the first article of the Federal Constitution conferring upon Congress the power to secure to authors the exclusive right to their respective "writings," the word means the literary productions of those authors, and Congress

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has declared these to include all forms of writing, printing, engraving, etching, etc., by which the ideas in the mind of the author are given visible expression. 18 Am J2d Copyr § 35.

writ of amoveas manus. See **amoveas manus**.

writ of annuity. A common-law process available to the grantee of a rent charge for the enforcement of his right. 4 Am J2d Annu § 2.

writ of arrest. An intermediate remedy or process to secure the presence of the party until final judgment. *Mattoon v Eder*, 6 Cal 57, 01.

See **warrant of arrest**.

writ of assistance. Process, sometimes called a writ of possession, issued by a court of equity to secure the possession of land after the title or right of possession has been finally determined: 6 Am J2d Assist § 1. A process for enforcing the right of a purchaser at a judicial sale to possession. 30A Am J Rev ed Jud S § 197. A writ under which the purchaser at an execution sale may obtain possession of the property. 6 Am J2d Assist § 6, A writ issued by an American colonial court authorizing officers of the king to call for aid and to search any premises.

The writ of assistance is a summary proceeding resorted to under the rules of chancery practice to give effect to the decree, and presupposes that the rights of the parties are only such as follow upon the decree and any sale had pursuant thereto. *San Jose v Fulton*, 45 Cal 316, 318.

writ of assize. A remedy which the law has provided for a freehold rent, when it is unjustly taken away.

The writ also lay to try the mere possessory title to an estate. *Farley v Craig*, 11 NJL 262, 272.

writ of association. A writ issued under the authority of statutes of Edward I and II whereby certain persons (usually the clerk of assize and his subordinate officers) were directed to associate themselves with the justices and serjeants so that a sufficient supply of commissioners for the assizes might always be had. See 3 Bl Comm 59.

writ of attachment. A writ, otherwise known as a warrant or order of attachment, issued at or near the beginning of a suit, the object of which is to seize and hold property of the defendant subject to the claim upon which suit is brought for the ultimate purpose of satisfying the claim out of the seized property after an adjudication in the action in favor of the plaintiff upon such claim. 6 Am J2d Attach § 276.

See **alias writ; pluries writs.**

writ of attain. See **attaint.**

writ of audita querela. See **audita querela.**

writ of certiorari. See **certiorari.**

writ of conspiracy. A writ which only lay at common law where the conspiracy was to indict the plaintiff either of treason or Felony, by which his life was in danger, and he had been acquitted of the indictment by verdict.

All the other cases of conspiracy in the books were but actions on the case. *Hutchins v Hutchins* (NY) 7 Hill 104, 107.

writ of consultation. A writ by which a cause which had been removed from the ecclesiastical court to the king's court was sent back again to the ecclesiastical court.

writ of coram nobis. See **coram nobis.**

writ of coram vobis. See **coram vobis.**

writ of covenant. A writ to recover damages for the breach of a covenant.

writ of debt. The common-law writ in an action of debt. *Lacaze v State* (Pa) I Addison 58, 86.

See **debet et detinct.**

writ of deceit. A writ which lay against a person who had acted in the name of another and had deceived and injured him.

writ of delivery. A writ to enforce the delivery of chattels under a judgment.

writ of detinue. The writ in an action of detinue.

See **detinue.**

writ of distress. See **distress.**

writ of dower. The common-law process in obtaining an assignment of dower under the judgment of the court. 25 Am J2d Dow § 180.

writ of ejectment. The writ in an action of ejectment.

writ of elegit. See **elegit.**

writ of entry. The common-law writ in an action which is merely possessory, serving only to regain that possession whereof the demandant or plaintiff or his ancestors have been unjustly deprived by the tenant or possessor of the freehold, or those under whom he claims. See 3 Bl Comm 180.

writ of entry ad terminum qui praeteriit. A writ of entry for the term which has passed.

A common-law writ which lay for an owner who deemed it more expedient to admit that his tenant at sufferance had gained a tortious freehold, than to oust him by actual entry, as he had a lawful right to do. See 3 Bl Comm 175.

writ of error. A commission by which the judges of one court are authorized to examine a record on which a judgment was given in another court, and to affirm or reverse that judgment according to law. *Cohen v Virginia (US) 6 Wheat 264, 5 1, Ed 257.* The authorization of a proceeding whereby the record of a case is transferred from one court to a higher court whose function it is to review the record for ascertainment and correction of errors at law. *People v Barber, 348 111 40, 180 NE 633, 92 ALR 1131.*

writ of error coram nobis. See **coram nobis.**

writ of error coram vobis. See **coram vobis.**

writ of estrepement. A writ invoking an ancient remedy for the prevention of waste. 56 Am J1st Waste § 30. A writ of ancient origin, the purpose of which was originally to prevent waste, after judgment obtained in any action real and before possession delivered.

Its scope was enlarged by the Statute of Gloucester (6 Edward 1, ch. 13) to include cases of waste pending suit and to extend the writ to cases in which no recovery of land was sought. It was not only a preventive remedy, but was remedial and corrective, because the holder of land might not only be prevented from doing waste, but if he should do any, notwithstanding the prohibition, the plaintiff might recover damages for such waste, even up to the time when possession should be delivered to him. See 56 Am J1st Waste § 30.

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writ of execution. A direct command of the court to the sheriff to carry out the mandate of the writ which normally is the enforcement of a judgment. 30 Am J2d Exec § 28.

See **alias writ of execution; pluries writs.**

writ of exigent. See **exigent.**

writ of extendi facias. See **extendi facias.**

writ of extent. See **extendi facias; extent; extent in chief.**

writ of false judgment. See **false judgment.**

writ of formedon. See **formedon.**

writ of garnishment. See **garnishment.**

writ of habeas corpus. See **habeas corpus.**

writ of habeas corpus cum causa. Same as **ad faciendum et recipiendum.**

writ of habere facias possessionem. See **habere facias possessionem.**

writ of injunction. The writ of process issued in a suit for an injunction pursuant to an order or decree therein for the relief demanded. 28 Am J Rev ed Inj § 2.

writ of inquest. See **writ of inquiry.**

writ of inquiry. A writ for the assessment of damages by the sheriff and a jury.

Our courts possess the same power to assess damages as a jury in England upon a writ of inquiry, issued to the sheriff for that purpose. There, in these cases, the court must issue a writ to the sheriff, commanding him by twelve men to inquire into the damages and make return to the court; which process is called a writ of inquiry. The sheriff sits as judge, and there is a regular trial by twelve jurors to assess the damages. *Lennon v Rawitzer*, 57 Conn 583, 584, 19 A 334.

writ of mainprise. A writ directed to the sheriff, commanding him to take sureties for a prisoner's appearance, and to set him at large. See 3 Bl Comm 128.

writ of mandamus. The process or writ which issues in a proceeding in mandamus where the plaintiff or petitioner is granted relief by way of mandamus. 35 Am J1st Mand § 380.

See **alternative writ of mandamus; peremptory writ of mandamus.**

writ of mandate. Same as **writ of mandamus.**

writ of mesne. A writ which lay for a tenant paravail against a mesne lord for permitting a distress to be levied by the lord paramount by reason of the default of the mesne lord, the damage of the plaintiff, the tenant paravail.

writ of monstraverunt. A writ which lay for a tenant who was distrained for his default in the performance of duties or the rendition of services which were not incumbent upon him.

writ of ne exeat. See **ne exeat.**

writ of partition. A common-law writ for the partition of land between covenants which has given way both in this country and in England to the remedy in equity or under statute. 40 Am J1st Partit §§ 58, 59.

writ of pone. A writ issued after the return of the original writ and the nonappearance of the defendant, ordering the sheriff to attach or take sureties for his appearance. See 3 Bl Comm 280.

writ of possession. A process for the enforcement of a judgment determining the title to real estate. 3 Am J2d Adv P § 9 1. The process whereby a judgment in favor of a plaintiff in ejectment or an action substituted by statute for ejectment is executed. 25 Am J2d Eject § 133. A term sometimes used for writ of assistance.

See **habere facias possessionem; writ of restitution.**

writ of praecipe. See **praecipe.**

writ of prevention. A writ to prohibit the bringing of an action or suit.

writ of privilege. A writ for the release of a member of parliament who had been arrested on civil process.

writ of procedendo. See **procedendo; procedendo ad iudicium; procedendo de loquela.**

writ of proclamation. A writ directed to the sheriff of the county of the defendant's residence, commanding the sheriff to make three proclamations of the pendency of outlawry proceedings against the defendant. This was a statutory requirement, the purpose of which was to prevent secret outlawries. See 3 Bl Comm 283.

writ of prohibio de vasto. See **prohibio de vasto, directa parti.**

writ of prohibition. A writ which commands the person or tribunal to whom it is directed not to do something which, by the suggestion of the relator, the court is informed he is about to do. Better defined as a writ to prevent a tribunal possessing judicial or quasi-judicial powers from exercising jurisdiction over matters not within its cognizance, or exceeding its jurisdiction in matters of which it has cognizance. 42 Am J1st Prohib § 2.

writ of prohibition of waste. A common-law writ, which anciently lay for the owner of the inheritance against the commission of waste by a tenant in dower, or by the curtesy, or a guardian in chivalry, which issued out of chancery, was directed to the sheriff and commanded him to prevent waste from being committed, and in the execution of which the sheriff might, if necessary, call to his aid the posse comitatus.

Subsequently the scope of the writ was so enlarged as to make it available for the purpose of preventing waste by a tenant for life or for years. See 56 Am J1st Waste § 30.

writ of pro retorno habendo. A writ issued in an action of replevin upon the entry of a judgment for the defendant, commanding the return to the defendant of property taken from him under the writ of replevin.

writ of protection. A writ protecting a witness threatened with civil arrest. 5 Am J2d Arr § 100. A writ for the release of a person in the king's service who had been arrested on civil process.

writ of quare impedit. See **quare impedit.**

writ of quod permittat prosternere. See **quod permittat prosternere.**

writ of quo warranto. See **quo warranto.**

writ of recaption. See **recaption.**

writ of replevin. Process issued in an action of replevin authorizing an officer to seize the property involved in the action. 46 Am J1st Replev § 79.

See **replevin.**

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writ of restitution. The process for the enforcement of a judgment for the plaintiff in forcible entry and detainer. 35 Am J2d Fore E & D § 53. The final process in action or proceeding by a landlord to obtain possession from the tenant. 32 Am J1st L & T § 1028. A common-law writ for the restoration to a successful appellant of the amount which he had been compelled to pay under the judgment or decree reversed, a remedy which has given way in modern practice to more summary relief. 5 Am J2d A & E § 1001.

writ of review. A writ which is substantially the common-law writ of certiorari and is denominated in the codes a "special proceeding."

The return to the writ brings up the record of the inferior court, officer, or tribunal, not for the purpose of ascertaining an issue of fact, but to determine whether or not the functions of the court, officer, or tribunal have been exercised erroneously, or

that the jurisdiction employed has been exceeded. The only inquiry to be considered upon the return to the writ is a question of law, in the examination of which the parties are not entitled to a jury trial, thus taking the proceedings out of the reason usually assigned of excluding equitable jurisdiction. *Hall v Dunn*, 52 Or 475, 97 P 811.

writ of right. An ancient writ for the recovery of real property wrongfully withheld from the owner.

The term was also applied to that class of writs which the sovereign was bound by Magna Charta to issue, and which are distinguishable from prerogative writs.

writ of right close. A writ which lay for the king's tenants in ancient demesne, and others of a similar nature, to try the right of their lands and tenements in the court of the lord exclusively. See 3 Bl Comm 195.

writ of scire facias. See **scire facias**.

writ of second deliverance. See **second deliverance**.

writ of second surcharge. See **second surcharge**.

writ of sequestration. See **sequestration**.

writ of subpoena. See **subpoena**.

writ of summons. See **summons**.

writ of supersedeas. See **supersedeas**.

writ of supervisory control. See **supervisory writ**.

writ of supplicavit. A mandatory writ which issued out of the court of king's bench or chancery to compel a justice, in case of his refusal, to take a recognizance to keep the peace. See 4 Bl Comm 253. A writ for the enforcement of the right of consortium. 26 Am J1st H & W § 17. A process of the chancery court which protected the wife against the husband's violence, and in cases where it was found unsafe for her to abide with him, as incident to such proceedings, compelled the husband to provide maintenance for her while she was separate and apart from him, by reason of his violent conduct toward her. *Edgerton v Edgerton*, 12 Mont 122, 29 P 966.

writ of tolt. See **tolt**.

writ of venire facias. See **venire facias**.

writ of waste. A writ invoking an ancient remedy to recover damages for waste committed and the estate itself in the same action. 56 Am J1st Waste § 30.

written. See **writing**.

written constitution. The typical constitution as known in the United States. 16 Am J2d Const L § 1.

The usual form of constitution in the United States.

See **constitution**.

written contract. A contract in writing, as distinguished from an oral contract.

See **specialty**.

written evidence. See **documentary evidence**; **X-ray photograph**.

written instrument. See **writing**.

written law. The law which is written in statutes, ordinances, bylaws, treaties and written constitutions as distinguished from the unwritten or common law. See 1 Bl Comm 62.

written notice. See **notice in writing**.

written signature. See **signature**.

written slander. A poorly conceived term for libel. 33 Am J1st L & S § 3.

wrong. The infringement of a legal right belonging to a definite specific person. *Kamm v Flink*, 113 NJL 582, 175 A 62, 99 ALR 1. In common usage, an act in violation of a moral principle.

The word, as the word "injury," in law imports the invasion of a legal right, and to say that a person has committed a wrong, is to say that he has subjected himself to a cause of action. See *Eller v Carolina & N. W. R. Co.* 140 NC 140, 52 SE 305.

Sometimes that may be right in law which is otherwise from a moral standpoint, since there is no wrong in legal contemplation as to that upon which the law's instrumentalities have set the seal of right. *Laun v Kipp*, 155 Wis 347, 145 NW 183, 5 ALR 655.

As the word was used by the fathers of the common law in their saying that for every "wrong" there should be a remedy, they meant a violation of the municipal law, the law of civil conduct, not a transgression of the divine law, as such, nor a breach of etiquette. *Western Union Tel. Co. v Ferguson*, 157 Ind 64, 60 NE 674.

Under a statutory test to the effect that a person is not excused from liability as an idiot, imbecile, lunatic, or insane person, except upon proof that at the time of committing the alleged criminal act, he was laboring under such a defect of reason as not to know the nature and quality of the act he was doing, or not to know that the act was wrong, the word "wrong" does not always and necessarily mean legal wrong, although it sometimes includes such a wrong. *People v Schmidt*, 216 NY 324, 110 NE 945.

wrongdoer. One who commits a wrong against another. A tortfeasor.

wrongful. Unlawful, inequitable, contrary to natural justice, or in violation of the principles of good morals. *Board of Comrs. v Armstrong*, 91 Ind 528, 536.

wrongful abstraction. An unauthorized and illegal taking or withholding of funds or securities from the possession and control of one's employer and the appropriation of such funds or securities to the benefit of the taker or to the benefit of another. 50 Am J1st Suret § 336.

wrongful act. Any act which in the ordinary course will infringe upon the rights of another to his dam-

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age, unless it is done in the exercise of an equal or superior right. *Brennan v United Hatters of North America*, 73 NJL 729, 65 A 165; *Louis Kamm, Inc. v Flink*, 113 NJL 582, 175 A 62, 99 ALR I.

The words are comprehensive enough to include negligent acts, but they are intended primarily to cover cases where the act was wanton or was intentionally committed, or where one may have counseled or procured another to do it, when, in

contemplation of law, the act of counseling or advising makes the wrongful act his own. See *Foreman v Taylor Coal Co.* 112 Ky 845, 66 SW 1044.

wrongful attachment. Wrongfully obtaining or tortiously employing an order for, or writ, of attachment, as where no ground for attachment exists, where property of the defendant not liable to attachment is seized, or where property of a third person is seized as that of the defendant. A wrong for which a remedy exists in a suit on the attachment bond, an action for malicious attachment, an action for abuse of process, or a suit for malicious prosecution. 6 Am J2d Attach § 596.

See **wrongful levy.**

wrongful commitment. Commitment of a person to an institution for the insane upon proceedings in contravention of the constitutional rights of the persons affected. 29 Am J Rev ed Ins Per § 38.

See **false imprisonment.**

wrongful conduct. See **wrongful act.**

wrongful death. An action provided by constitution or statute to recover from one whose wrongful act, neglect or default has resulted in the death of another person. 22 Am J2d Dth § 2.

wrongful delivery. An unauthorized delivery by the depository of an escrow. 28 Am J2d Escr § 23.

wrongful distress. A distress which is unlawful and actionable, as where there was no rent in arrears, or where acts rendering the landlord a trespasser ab initio are committed in making the levy, or where a second distress is barred by a prior distress, or where the distress is excessive and a sale is made under it. See 32 Am J1st L & T § 645.

wrongful execution. An actionable wrong predicated upon irregular procedure, irregularity in the judgment upon which the writ was obtained, the doing of an act outside the authority conferred by the writ, an improper seizure of property, a wrongful sale, or the enforcement of an execution in violation of an injunction. 30 Am J2d Exec §§ 755 et seq.

See **wrongful levy.**

wrongful garnishment. Improperly obtaining or tortiously employing the remedy of garnishment. A wrong akin to wrongful attachment. 6 Am J2d Attach § 596.

See **wrongful attachment.**

wrongful injunction. An injunction sued out maliciously without just cause. 28 Am J Rev ed Inj § 334.

wrongful levy. A levy made by the sheriff or other officer upon exempt property; a levy which is excessive in reference to the amount of property seized; a levy upon the property of a person other than one named in the writ; or any levy constituting an improper and illegal exercise of authority as a cover for illegal conduct on the part of the officer. 47 Am J1st Sher § 48.

See **wrongful attachment; wrongful execution.**

wrongfully. Unlawfully, unjustly, or in a manner contrary to sound moral principles. *Board of Comrs. v Armstrong*, 91 Ind 528, 536.

wrongful removal. Exceeding jurisdiction in removing a public officer without following the method provided by statute. 43 Am J1st Pub Of § 240.

wrongful search. See **unreasonable search.**

wrongful search and seizure. See **unreasonable search and seizure.**

wrongful seizure. See **unreasonable seizure.**

wrong name. See **misnomer.**

wrongous imprisonment. The term used in the Scots law for "false imprisonment." *Evans v MLoughlan* (Eng) 15 ERC 173.

Wunderlich Act. A federal statute the principle effect of which is broadening of the criteria for judicial review of administrative decisions pursuant to the disputes clauses" of Government contracts so as to render administrative conclusions of law not binding on a reviewing court and an administrative finding of facts not binding on a reviewing court if fraudulent, capricious, so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. Anno: 10 L Ed 2d 1217.

wye. See **y.**

wyte. An immunity or exemption from amercement.
See **amercement.**