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B. A. Abbreviation for **Bachelor of Arts.**

baby act. Conduct in seeking sympathy. A plea of infancy as a defense to an action.

baby sitter. One who cares for a baby, or parents are otherwise engaged.

baccalaureate. The degree of bachelor of arts or science. The address given to a graduation class.

baccarat. A game of chance which is prohibited as gambling, where played for a stake. 24 Am J1st Gaming § 20.

bacheleria. Commonalty or yeomanry.

bachelor. A male unmarried, although old enough to wed; an inferior knight; a squire.

Bachelor of Arts. The first degree given in a liberal arts college; the holder of a bachelor of arts degree.

Bachelor of Civil Law. A degree held by one learned in the civil law of the European continent and of nations which have derived their legal systems from Europe.

Bachelor of Education. The degree awarded on graduation from a teachers' college.

Bachelor of Engineering. The degree awarded upon graduation from some colleges of engineering.

In other such colleges, the degree awarded is bachelor of science.

Bachelor of Finance. A degree given by some universities or colleges to a graduate of the college or school of commerce.

Bachelor of Fine Arts. A degree given upon graduation from a college or school of instruction in the aesthetic arts.

Bachelor of Forestry. The degree given upon graduation from a college of forestry.

Bachelor of Law. A degree given upon graduation from law school.

It has been supplanted to a great extent by the degree doctor of jurisprudence, but may still be given to one who has completed the law school course successfully but does not have an academic of liberal arts degree which is necessary to qualify for the doctor of jurisprudence degree.

Bachelor of Letters. A degree infrequently given to graduates of liberal arts colleges.

Bachelor of Library Science. A degree given in some colleges and universities to graduates of the school of library science.

Bachelor of Pharmacy. The degree granted to a graduate of a college of pharmacy.

Bachelor of Philosophy. The degree granted by some colleges to a graduate with a major in philosophy.

Bachelor of Science. The first degree given in a college of science; the holder of a bachelor of science degree.

Bachelor of Theology. The degree conferred upon graduation from a divinity school.

back. To support; to indorse; to reverse. See **backing**.

backadation. A sum paid by the seller of shares of stock to postpone the date of their delivery.

backbear. To carry away game wrongfully killed.

backberend. The carrying away of goods which he has stolen, on his back, by a thief.

back-bond. An indemnity bond; a Scotch term for a deed which had the force and effect of an English deed of declaration of trust.

back-deed. Same as back-bond.

back dues. Dues owing by a member of a labor union, fraternal order, mutual benefit society, or club for such a length of time as to render the member delinquent in status.

back fill. A term of the construction business for filling an excavation with the same material as that removed in the excavating. *Leo F. Piazza Paving Co. v Montrose*, 141 Cal App 2d 226, 296 P2d 369.

backgammon. A game of chance which is prohibited as gambling, where played for a stake. Anno: 135 ALR 120.

backing. Reversing in direction. The indorsement of a negotiable instrument. The indorsement of an entry or memorandum on the back of a writ, warrant, subpoena, or other process. *Gondas v Gondas*, 99 NJ Eq 473, 477, 134 A 615, 617. The last sheet of a pleading or motion, or of a document prepared by an attorney, usually of heavier paper than the body of the instrument, which, when the instrument is folded, appears on the outside and carries notations, such as the name of the court, the title of the cause, the kind of pleading or motion, if the paper is one connected with an action or proceeding; the kind of instrument and the names of the parties, if it is a private document; and, in any event, the name and address of the attorney who drafted or prepared the paper.

back lines. Lines established on building lots, sometimes by municipal regulation, but more often by restrictive covenants, to mark the limits of construction in the direction of the back or rear line of the lot. 20 Am J2d Cov § 240.

back pay. Unpaid or uncollected salary or wage to which an employee is entitled.

back pay orders. Orders that employees be given their back pay, such being rendered in connection with the reinstatement of the employees. 31 Am J1st Lab § 309.

backside. The buttocks. The backyard of a dwelling house.

back taxes. Those taxes on which the ordinary processes provided by law for collection have been exhausted; taxes in arrears; *Commonwealth v Louisville Water Co.*, 132 Ky 305, 309, 116 SW 712.

backwardation. See **backadation**.

backwards. Moving with the back foremost; moving in the opposite of the previous course followed.
See **forwards and backwards at sea**.

back-water. Water backed up by an obstruction in a stream.

baco. A hog yielding bacon.

bacterial infection. An infection produced by bacteria; a term to be construed in the popular or commonly accepted meaning. Anno: 131 ALR 1063.

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baculus. A divining rod; a rod used in making livery of seisin.

baculus nuntiatorius. The announcing rod or staff, -the white stick or wand which was erected on the defendant's land to give him warning or notice that he had been sued in a real action. See 3 Bl Comm 279.

bad. Immoral; unworthy; unfit; of inferior quality.

Good and bad are both terms of comparison. The same article may be called, not inaccurately, good when compared with one of the same kind of a much inferior quality; and it may, with equal correctness, be characterized as bad when spoken of with reference to the most perfect article of the kind. *Tobias v Harland* (NY) 4 Wend 537, 541.

bad debt. An uncollectible debt. A debt which may be deducted from gross income in determining income subject to tax. Anno: 39 ALR2d 898. A debt which is worthless because, in the exercise of sound business judgment, there is no likelihood of recovery thereon at any time in the future. *O'Bryan Bros., Inc. v Commissioner* (CA6) 127 F2d 645, cert den 317 US 647, 87 L Ed 521, 63 S Ct 41. A business debt which in the opinion of the Treasury is recoverable only in part at best. IRC § 166(a)(2).

A debt which results from an unpaid loan of money is a "bad debt" and therefore deductible in the computation of income taxes only where there was an expectation of repayment. Such advances made with the belief that they would not be repaid are in the nature of gifts, and are not deductible as bad debts. *American Cigar Co. v Commissioner* (CA2) 66 F2d 425.

bad debtor. A person who is not in the habit of paying his honest debts; a person unworthy of credit. *State v Armstrong*, 106 Mo 395.

bad faith. The antithesis of good faith; a state of mind affirmatively operating with a furtive design, with a motive of self interest or ill will, or for an ulterior purpose. 37 Am J2d Fraud § 1.

Though an indefinite term, it differs from and is stronger than the idea of negligence in that it contemplates a state of mind affirmatively operating with a furtive design or with some motive of self interest or ill will, or for an ulterior purpose. *Warfield Natural Gas Co. v Allen*, 248 Ky 646, 59 SW2d 534, 91 ALR 890.

If a man makes a statement in the honest belief of its truth, he does not make it in bad faith, even if honest ignorance of the truth is the result of the grossest carelessness. *Penn. Mut. Life Ins. Co. v Mechanics Sav. Bank & Trust Co.* (CA6 Tenn) 73 F 653.

badge. Something noticeable worn on the person to indicate his connection with some enterprise, person, lodge, club, society, or matter. A sign of authority, such as the star of a policeman or other law-enforcement officer.

badge of fraud. Suspicious circumstances that overhang a transaction, or appear on the face of the appurtenant papers, having evidentiary force unless the suspicion is dispelled by a satisfactory explanation. *Royal Indem. Co. v McLendon*, 64 NM 46, 323 P2d 1090.

There are many badges of fraud; to enumerate a few, insolvency of a grantor, lack of consideration for a conveyance, secrecy or concealment, etc. 37 Am J2d Frd Conv § 10.

badger. Noun: A hawker or huckster. A burrowing animal, the name of which has been given to residents of Wisconsin and the University of Wisconsin athletic teams, Verb: To torment.

badger game. A blackmailing trick; a method of artifice in obtaining money.

bad girl. A naughty girl, if she is of tender years; an immoral or wayward girl, if of an age to distinguish between right and wrong.

The imputation is not necessarily that of unchastity. 33 Am J1st L & S § 39.

bad law. A decision, ruling, or opinion which does not accord with law.

bad moral character. Any and every trait involving moral turpitude; lechery; habitual drunkenness. State v Scott, 332 NM 235, 58 SW2d 275, 90 ALR 860 In days gone by, even profanity coupled with Sabbath -breaking. Wieman v Mabee, 45 Mich 484.

bad weather. Rainy, stormy, or inclement weather. As the term appears in a charter party, not merely weather during which cargo cannot, by any possibility, be loaded, on a ship but such weather as is not reasonably fit and proper for loading; weather in which it is not reasonably safe to attempt loading with the appliances at hand, such as lighters.

The term has also been held to include weather unfit for loading by reason of the state of the sea as well as that of the atmosphere. Anno: 26 ALR 1440.

bag. A piece of luggage; a large purse carried by a woman; a sack or pouch for carrying dry products. A slang term of derision applied to a person, usually a woman.

baga. A bag or purse.

baggage. Articles which one usually carries with him for his personal use, convenience, instruction or amusement, 29 Am J Rev ed Innk § 100. Articles which a passenger Of a carrier usually takes with him for his own personal use, comfort and convenience during the journey, taking into consideration his tastes, habits, and station in life, and having some regard for the object and length Of the journey. 14 Am J2d Car § 1223.

Baggage does not include merchandise or valuables not designed for personal use or personal convenience. 29 Am J Rev ed Innk § 100. Articles carried for the purpose Of business, such as merchandise or samples, constitute baggage only as they are accepted as such by the carrier. The same is true Of articles Of extraordinary value. 14 Am J2d Car § 1223.

baggage car. The car of a passenger train in which baggage checked by passengers is carried.

baggage insurance. See **tourists' policy**

baggage lien. The lien which a carrier of passengers has on the baggage that a passenger carries with him for pleasure of convenience for all unpaid charges for transportation which the passenger incurs during the journey.

This lien does not extend to the clothing or other personal furnishings or conveniences of the passenger in immediate use. Roberts v Koehler (CC Or) 30 F 94, 96, 97.

baggage master. An employee of a carrier in charge of the baggage room.

baggage room. The room devoted by a carrier at its station to the reception and delivery Of the baggage of its customers.

bahadum. A chest or coffer.

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bail. Noun: The means of procuring the release from custody of a person charged with a criminal offense or with debt by assuring his future appearance in court and compelling him to remain within the jurisdiction. Manning v State, 190 Okla 65, 120 P2d 980. The security given for a defendant's appearance in court in cash, bond, or undertaking. Sawyer v Barbour, 142 Cal App 2d 827, 300 P2d 187. The surety on a bail bond. (French.) A lease of real estate. Verb: To deliver from custody on the security of bail. 8 Am J2d Bail § I (French.) To prepare a lease.

See **bail above**; **bail below**.

baila. Bail.

bailable. Admitting of bail, as, a bailable offense; entitled to be released on bail, as, a bailable prisoner.

bailable action. An action in which a defendant must find bail or suffer imprisonment until the plaintiff's demand is satisfied or until discharged by the court.

bailable offense. An offense a defendant charged with which may be released on bail.

bailable person. One under arrest for a bailable offense.

bailable process. Process under which an officer may take bail and release a person arrested from custody.

bail above. Bail on the mesne process of civil arrest, otherwise known as bail to the action, put into the court on the return day of the writ, wherein the undertaking of the surety, in the event of judgment against the principal, was either to pay the judgment debt and costs or surrender the principal into custody. 8 Am J2d Bail § 1.

bail below. Bail on the mesne process of civil arrest, otherwise known as special bail, for the appearance of the principal in court on the return day of the writ. 8 Am J2d Bail § 1.

bail bond. A bond given as security for the purpose of obtaining release of a person in custody.
See **bail**.

bail court. A court auxiliary to the queen's bench having cognizance particularly of matters of procedure.

bail de la seisine. Livery of seisin.

bailee. The person to whom a bailment is made. 8 Am J2d Bailm § 2.

bailee for hire. A person who takes personal property into his care and custody for a compensation. 8 Am J2d Bailm § 7.

bailee's lien. The lien of a bailee entitled to compensation or reimbursement as security for the payment thereof. 8 Am J2d Bailm § 227.

baillie. A Scotch alderman, bailiff, or magistrate.

bailiff. A court attendant; a sheriff's deputy; a keeper; a servant that has the administration and charge of lands, goods and chattels, to make the best benefit for the owner, against whom an action of account lies, for the profits which he has raised or made, or might by his industry or care have raised or made. *Barnum v Landon*, 25 Conn 137, 149.

bailiff errant. A deputy appointed by the sheriff to go about serving writs and process.

bailiffs of franchises. Officers acting as sheriffs within privileged jurisdictions where the king's writ could at that time not be executed by the sheriff.

bailiffs of hundreds. Officers appointed by sheriffs in their respective hundreds to collect fines therein, to summon juries, to attend the judges at assizes and quarter sessions and to execute writs and process. See 1 Bl Comm 345.

bailiffs of manors. Stewards who were appointed by lords of manors.

bail in error. Bail procured by a plaintiff in error as security for his prosecution of his writ of error with effect, that in case of affirmance he will pay the judgment of the lower court and all costs and damages assessed and whatever damages shall be awarded for the delay of execution of the affirmed judgment.

bailing. See **bail**.

bailivia. An old form of **bailiwick**.

bailiwick. The jurisdiction of a sheriff or bailiff; a word introduced by the princes of the Norman line, in imitation of the French, whose territory is divided into bailiwicks, as that of England into counties. See 1 Bl Comm 344.

bailleur. (French.) A lessor.

bailleur de fonds. (French; French Canadian.) An unpaid lender; an unpaid vendor.

bailli. A person to whom judicial authority is delegated.

baillie. A bailiwick.

bailment. The delivery of personal property by one person to another in trust for a specific purpose, with a contract, express or implied, that the trust shall be faithfully executed, and the property returned or duly accounted for when the special purpose is accomplished, or kept until the bailor reclaims it. 8 Am 32d Bailm § 2.

bailment for compensation. See **bailment for hire**.

bailment for hire. A bailment in which the bailee is compensated; a bailment for the benefit of both parties. 8 Am J2d Bailm § 7.

bailment for sale. A consignment contract. 8 Am J2d Bailm § 34.

bailment-lease. A form of contract calling for instalment payments, but without a debtor-creditor relationship expressly created. Re Robinson (DC Pa) 40 F Supp 320.

bail money. A deposit of money in lieu of a bail bond or undertaking. Sawyer v Barbour, 142 Cal App 2d 827, 300 P2d 187.

bailor. One who makes a bailment of property. Watson v State, 70 Ala 13.

He need not have in himself absolute title to the thing bailed, provided he is invested with such possessory interest as will entitle him to hold it against all the world except the rightful owner, 8 Am J2d Bailm § 44.

bailout stock. Preferred stock issued as a nontaxable stock dividend. IRC § 305.

bailpiece. A written memorial that a person has become bail; evidence of authority of the sureties on a bail bond to make an arrest of the principal. Worthen v Prescott, 60 Vt 68, 11 A 690.

bail to the action. Same as **bail above**.

baily. Same as **baillie**.

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Baine's Act. An English statute passed in 1848, placing accessories before the fact and principals on equal footing and providing for separate trials for accessories after the fact.

bair-man (Scotch.) A man who has been stripped bare by his creditors; a bankrupt.

bairns. (Scotch.) Children.

bairns' part. (Scotch.) A third of a decedent's estate, if there was a widow, a half, if there was not, to go to his child or children.

bait. Noun: Something offered to entice. Verb: To harass.

baker. One who follows the occupation of baking bread and pastries in a bakery or a restaurant.

baker's dozen. Thirteen.

bakery. A place where bread and pastries are baked and sold or baked for delivery in commerce.

baking powder. A leavening agent used to raise dough before baking.

balaena. A whale.

See **fish royal**.

balance. A word which had its origin in the field of weights, but has a present meaning of that which remains after the taking away or deduction of a part, such as the balance of an account.

The entry of a "balance" is not an original entry within rule of admissibility of books of account. Anno: 17 ALR2d 235.

The word, when used in a residuary clause of a will, will be regarded as presumptively indicating an intention that lapsed or ineffectual gifts should pass thereunder. When used with reference to some specific fund, it is given a restricted construction and held not to pass a lapsed legacy or devise outside of such fund. 57 Am J1st Wills § 1449.

balance due. The amount owing on a debt after a partial payment or payments.

The "balance due" on a general account by a correspondent is, in mercantile language, the fund found in his hands, *Parsons v Armor* (US) 3 Pet 413, 430, 7 L Ed 724.

balance of convenience. The importance of granting relief by injunction to the plaintiff, measured against the injury, hardship, or inconvenience which the defendant is likely to suffer from such relief. 28 Am J Rev ed Inj § 52.

balance of power. The doctrine that there will be no great wars if the possible belligerents are kept in equal strength by armament and alliances, so that the one side seems to have no advantage over the other and therefore no good reason for starting a war.

balance sheet. As the term is uniformly used by bookkeepers and businessmen, a summation or general balance of all accounts, but not showing the particular items going to make up the several accounts. *Eyre v Harmon*, 92 Cal 580, 28 P 779.

balance sheet test. The test of insolvency under the bankruptcy definition of insolvency. 9 Am J2d Bankr § 1065. Considering the aggregate of liability against the aggregate value of assets; the relation of the aggregate of liabilities to assets. 9 Am J2d Bankr §160.

balcony. The upper section of a conventional theater; a platform extending out from a building and enclosed by a railing.

baldio. (Spanish.) Abandoned public land.

bale. A large package or bundle; sorrow.

baleine. (French.) Whale or whalebone.

baling band. Bands upon bulky bales of cargo, necessary to keep the bales tight and in workable dimensions. 48 Am J1st Ship § 212, Wire or cord bands used in baling hay.

balise. In French maritime law, a buoy or beacon.

balius.. A tutor; a guardian; a teacher.

baliva, or balliva. A bailiwick or county.

balivo amovendo. A writ to oust a bailiff from his office.

ballast. A word somewhat analogous to "dunnage" and applied to matter such as coal, iron, ore or stone, placed in a ship's hold for trimming the ship, and bringing her down to a draft of water proper and safe for sailing. Great Western Ins. Co. v Thwing (US) 13 Wall 674, 20 L Ed 607.

ballastage. A toll imposed upon ships for the privilege of taking on as ballast soil from the bottom of a seaport.

ballistics. The science of projectiles, by the application of which, at the hands of an expert, it is possible to show that a bullet found in the body of a victim of a homicide was fired from a particular pistol or rifle. 26 Am J1st Homi § 440.

balloon. An aircraft which will rise from the earth because it is inflated with a gas which is lighter than air.

balloonist. The pilot of a balloon. 8 Am J2d Avi § 33.

ballot. Deriving from the Greek "ballo". Noun: The implement of voting, whether a paper to be marked by an elector or the face of a voting machine prepared for an election. 26 Am J2d Elect § 202.

See **Australian ballot system.**

ballot box. A box or receptacle for the deposit of ballots cast by electors at an election. The box in which the names of jurors on the panel for the trial term are deposited preparatory to drawing jurors for a case on trial. 31 Am J Rev ed Jury § 76.

ballottement. (French.) Balloting in an election. Tossing. A test of pregnancy by palpitation.

balnearii. (Roman law.) Thieves who stole the clothes of persons who were bathing in the public baths.

balustrade. A railing with supporting Posts.

See **bannister.**

ban. A public edict or proclamation; a sentence of excommunication in an ecclesiastical court. A prohibition.

See **banning; banns of matrimony.**

banality. A platitude. The right by which the lord made his vassals grind at his mill and bake at his oven.

banc. A bench; a meeting of all the judges of the court.

banci narratores. Pleaders at the bench. Sergeants and advocates of the law . See 1 Bl Comm 24, note.

banc le roi. The king's bench.

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banco. See **banc; in banco.**

bancus reginae. The court of queen's bench.

bancus regis. The court of king's bench.

bancus superior. The upper bench, -at one time the name of the court of king's bench.

band. Something that binds. A company of persons; a group of musicians who play together, especially upon wind and percussion instruments. In the Scottish, a call to arms.

See **Indian band.**

band and tribe. See **Indian band.**

bandit. An outlaw.

bane. A malefactor; a slayer; the cause of harm or trouble.

baneret. Same as **banneret.**

bani. Same as **deodand.**

banishment. The removal, expulsion, or deportation of a person from a country by the political authority thereof on the ground of expediency.

The better use of the word appears to exclude its employment in the sense of transportation or exile by way of punishment for crime. *Fong Yoe Ting v United States*, 149 US 698, 709, 37 L Ed 905, 911, 13 S Ct 1016. It has, however, been used in the latter sense by some authority. *Ex parte Scarborough*, 76 Cal App 2d 648, 173 P2d 825.

banister. See **bannister.**

bank. An institution, usually incorporated, the business of which is primarily receiving deposits of money, the collection of commercial paper, discounting commercial paper, lending money, issuing, purchasing, and accepting bills of exchange or drafts, and issuing its own notes and certificates of deposit. *Bank of Augusta v Earle* (US) 13 Pet 519 593, 10 L Ed 274, 310; *Oulton v German Sav. Loan Soc.* (US) 7 Wall 109, 21 L Ed 618.

See **banc; bank of river; commercial bank; savings bank.**

bankable note. A note which will be taken by a bank as cash or subject to a discount. *Pasha v Bobart*, 45 Mont 76, 122 P 284. The condition that a buyer must pay by cash or a "bankable note" was at one time a familiar one in auction sales.

The courts are split as to whether a note is bankable when banks refuse to discount it because of the general stringency of the money market, and not because of the financial irresponsibility of the parties. 46 Am J1st Sales § 179.

bank account. The deposits made by a customer less his withdrawals plus the other charges which the bank is entitled to make.

The difference remains to be withdrawn; if the withdrawals and charges exceed the aggregate of the deposits, the account is in the state of an **overdraft.**

bank a deal. To advance money, usually by way of a loan bearing interest and secured, to one with whom the lender desires to consummate a contract, under such terms that he does not become a partner of the borrower, but a secured creditor. *Cray, McFawn & Co. v Hegarty, Conroy & Co.* (DC NY) 27 F Supp 93.

bank bills. See **bank notes.**

bank board. The directors of the bank acting as a body.

bank book. A book in which a customer of a bank keeps account of his deposits, withdrawals, and balance.

bank cashier. See **cashier.**

bank chairman. The chairman of the board of directors of a bank, who is in some institutions the chief executive officer, but usually exercises no functions except those of presiding at board meetings and acting with the board.

bank check. A check in the ordinary sense of the term, that is, a check drawn on a bank.

See **cashier's check; check.**

bank collections. A long established function of banks, the collection of commercial paper for its patrons. 10 Am J2d Banks § 694.

bank commissioner. A state officer appointed and invested with power to license banks, supervise the conduct of the banking business within the jurisdiction, and liquidate failed banks. 10 Am J2d Banks § 17.

Bank Conservation Act. A federal statute which provides for the appointment by the Comptroller of the Currency of a conservator of a national bank found by the comptroller to be in failing circumstances, not for liquidation of the bank but for conservation of assets, there being prospect that the bank later may be in position to reopen and resume its corporate functions. 12 USC §§ 201-211; *Davis Trust Co. v Hardee*, 66 App DC 168, 85 F2d 571, 107 ALR 1425.

bank conservator. See **Bank Conservation Act.**

bank credit. The rating of a borrower at a particular bank as to the maximum loan to be made to him and the maximum amount of his drawings upon the bank in the aggregate which will be accepted.

bank deposit. A contractual relationship ensuing from the delivery, by one known as the depositor, of money, funds, or even things into the possession of the bank, which receives the same upon the agreement to pay, repay, or return, upon the order or demand of the depositor, the money, funds, or equivalent amount.

This agreement on the part of the bank is usually a tacit one and implied, and it may include an implied promise to pay interest upon the deposit, depending upon the nature of the deposit and the account into which it is placed. 10 Am J2d Banks § 337.

Where the terms of the law provide for the safeguarding of deposits in banks, it extends only to such deposits as are general deposits; money or the equivalent of money must in intention and effect be placed in, or at the command of, the bank so that the relation of debtor and creditor is created. *Re Farmers State Bank*, 67 SD 51, 289 NW 75, 126 ALR 619.

See **safe-deposit box; savings account.**

bank deposits tax. A tax upon the franchise of the bank measured by the amount of deposits. 51 Am J1st Tax § 931. A tax upon a deposit as moneys or credits of the depositor.

bank directors. The members of the board of directors of a banking corporation who, acting as a board, appoint the officers and agents necessary to carry on the business of the bank and who are responsible for proper and prudent management of the bank. 10 Am J2d Banks §§ 77, 178.

banke. See **en banke.**

banker. A dealer in capital, that is, an intermediary between the borrower and the lender, who borrow's from one party and tends to another; every person, firm, or company having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check or order, or where money is advanced, or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, and commercial paper is received for discount or for sale. 10 Am J2d Banks § 2. One who accepts and holds the stake or stakes in a gambling game or wager. 24 Am J1st Gaming, etc. § 26.

bankerout. A bankrupt.

banker's acceptances. In the broad sense, acceptances of bills of exchange by banks; in the technical and peculiar sense of the banking business, extensions of credit by acceptances of bills of exchange. *Atterbury v Bank of Washington Heights*, 241 NY 231, 239.

bankers' blanket bond. A fidelity bond protecting a bank against loss through the fraud or dishonesty of employees. Anno: 74 ALR 284.

bankers' cash notes. Formerly called goldsmiths' notes; promissory notes issued by bankers, payable to bearer on demand and used as money.

banker's lien. The lien that a banker has on all moneys and funds of his depositor or customer in his possession for the balance of the general account; and upon all securities of the customer in his hands unless such securities have been delivered to him under a particular agreement limiting their application, or unless there are other circumstances which would make such a lien inconsistent with the actual or presumed intention of the parties. Anno: 22 ALR2d 478; 10 Am J2d Banks § 660.

banker's note. A bank note issued by a private, unincorporated bank.

bank examiner. A federal or state officer authorized to conduct an investigation of the accounts of a bank and determine the state of solvency of the institution. 10 Am J2d Banks § 18.

In some jurisdictions, examiners act on behalf of the commissioner or superintendent of banks in the liquidation of insolvent banks.

bank failure. See **failed bank.**

bank for co-operatives. See Central Bank; regional banks.

bank guaranty law. A statute which has for its purpose the guaranty of payment of bank deposits in whole or in a stated percentage, subject to limitations upon the amount of the deposit.

See **Deposit Insurance Corporation.**

bank holiday. Known to some as a day, such as Christmas, Memorial Day, or other national or state holiday, when banks are closed; known also to people of an older generation as the trying period in 1933 during which all banks in the United States were closed by the proclamation of newly inaugurated President Franklin D. Roosevelt or the orders of governors of states and banking authorities rendered and declared in keeping with the presidential proclamation.

The purpose of the holiday was to prevent the drain of currency from the banks by withdrawals by frightened depositors and give the people a chance to reassess the situation and recover from their fears of an impending collapse of the entire financial structure of the nation.

banking. Receiving deposits payable on demand; making collections; discounting commercial paper; making loans of money, often on collateral security; accepting, buying, and selling bills of exchange, negotiating loans; and dealing in negotiable securities issued by the government, state, national, or municipal, and other corporations. 10 Am J2d Banks § 3.

The safe-deposit business must be a "banking function" authorized by Congress. The obvious fact, known to all, is that national banks do and for many years have carried on a safe-deposit business. State banks quite usually are given the power to do so. *Colorado Nat. Bank v Bedford*, 310 US 41, 84 L Ed 1067, 60 S Ct 800.

banking business. See **banking**.

banking corporation. Essentially, a corporation engaged in the banking business or in some features of the banking business. For the purposes of an exception from adjudication in bankruptcy, an organization, other than a private bank, banking partnership, or other form of unincorporated association, which is engaged in the banking business or having authority to engage in such business. 9 Am J2d Bankr §§ 129, 130.

banking game. A slang expression for the banking business; gambling games, such as faro or craps, in which one person takes all the bets, and the running of slot machines. 24 Am J1st Gaming, etc. § 26.

Any game of chance is a banking game if it is a game wherein the chances are unequal and in favor of the exhibitor of the table. The advantages or chances in favor of the player or exhibitor of the table are not the same in each case, but in each case the chances are in his favor, and this is the distinctive characteristic of this class of gambling games. *Territory v Jones*, 14 NM 579, 99 P 338.

banking hours. The hours in which banks are open for business.

See **bank night**.

banking institution. See **bank, banking, banking corporation**.

banking powers. The powers of engaging in the ordinary banking business of receiving deposits, making collections, accepting bills of exchange, making loans, etc. and, in addition the powers in carrying on other functions, which may or may not be incidental to the business of banking, but are such as can be exercised advantageously in connection with the banking business. 10 Am J2d Banks § 270.

bank lien. See **banker's lien**.

bank money order. An instrument issued by an authorized officer of a bank and directed to another bank, evidencing the fact that the payee may demand and receive upon indorsement and presentation to the other bank the amount stated on the face of the instrument, liability for ultimate payment resting solely on the issuing bank. 10 Am J2d Banks § 545.

bank night. An evening upon which banks remain open for the convenience of working people; a scheme once fairly common in theaters which led to prosecutions for conducting a lottery.

The scheme usually provides for registration by the individual in a book, provided by the theater

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or other place conducting the scheme, which gives him a registration number. On certain specified nights numbers are drawn from among those registered entitling the one holding such number to a prize. Theoretically, at least, everyone may register free of charge and need not attend the performance, but he must be nearby at the time of the drawing in order to present himself within the short time allotted to claim the prize. Some courts hold that the scheme is not a lottery because no consideration is involved, but others hold that the free registration is only a subterfuge and that there is a consideration involved. Still others hold that whether there is a consideration or not is a question in each case for the jury. 34 Am J1st Lot § 9.

bank notes. Notes or bills issued by banks and passing as money or common currency. 10 Am J2d Banks §320.

See **bank of issue**.

bank of circulation. See **bank of issue**.

bank of discount. See **discount**.

bank of issue. A bank authorized to issue notes intended to circulate as money.

For many years, national banks were authorized and did issue notes which passed as currency. This power has since been withdrawn from national banks. The only banks of issue at the present time are the federal reserve banks.

bank of river. The water-washed and relatively permanent elevation or acclivity at the outer edge of the river bed which separates the bed from the adjacent upland, and serves to confine the waters within the bed and to preserve the course of the river. 56 Am J1st Wat § 448.

bank president. Normally, the chief executive officer of a bank, but in some banks, giving way in this respect to the chairman of the board, and in a few small-town banks, even to the cashier.

bank receiver. A bank acting in the capacity of a receiver. 10 Am J2d Banks § 304. A person designated by statute or appointed to take charge of the assets of an insolvent bank and conserve them for liquidation or reorganization of the bank. 10 Am J2d Banks §§ 763 et seq.

The receiver of an insolvent national bank is an officer of the United States. *Pufahl v Park's Estate*, 299 US 217, 81 L Ed 133, 57 S Ct 151.

bank receivership. See **bank receiver**.

bank reorganization. Broadly, a change in the corporate structure of a bank. In a narrower but usual sense of the term, the rehabilitation of a failing or financially embarrassed bank by freezing the assets through the suspension of payment to depositors and creditors, followed by the adoption of a plan of reorganization affecting the rights of depositors, creditors, and stockholders whereunder the bank reopens for business as a bank. 10 Am J2d Banks 8 821

bank reserve. See **reserve**.

Bank Robbery Act. A federal statute intended to state comprehensively criminal offenses committed against a national or federal bank, or a federal savings and loan association, in entering the institution with intent to commit a felony therein, in the taking of property of the institution with force or violence, in carrying away property of the institution with intent to steal or purloin, and the receiving of property stolen from the institution. 18 USC § 2113; Anno: 59 ALR2d 954.

bankrupt. A person, corporation, partnership, or unincorporated association which has been adjudicated bankrupt by a court of bankruptcy.

The word is derived from the terms "banque" and "rupt," which had reference to the broken bench or table of a failed trader, symbolizing his failure.

bankruptcy. A system of jurisprudence, which, while statutory, is comparable to equity or admiralty. The law whereunder an insolvent debtor may bring all his assets not exempt from execution into court and have them administered and sold for the benefit of his creditors, and be discharged from all of his debts not excepted from discharge; or bring all of his assets into court, not for their liquidation and his discharge from his debts, but for his financial rehabilitation 9 Am J2d Bankr 8 2

Bankruptcy Act. A national bankruptcy act.

There have been four of such acts in the United States, effective respectively in 1800, 1841, 1867, and 1898. The last of these is the present Bankruptcy Act, although some have regarded the Amendatory Act of 1938, known as

the Chandler Act, as a new bankruptcy act because of the very extensive revision which it made of the Act of 1898. There have, of course, been amendments since 1938, but none of them so extensive by any means as the Chandler Act.

bankruptcy proceeding. See **proceeding in bankruptcy.**

bankruptcy trustee. See **trustee in bankruptcy.**

bankrupt's estate. See **estate in bankruptcy.**

bank stock. Stock in a banking corporation.

bank stock lien The lien which a bank has on shares of its stock to secure the payment of indebtedness due the bank from its stockholder.

Such lien exists by force of statute, by charter, by bylaw, or by contract. 10 Am J2d Banks §§ 55 et seq.

bank teller See **teller**

banleuca. The territory without the walls, but within the town or city limits.

banlieu. Same as **banleuca.**

banner. A flag; a cloth carrying the names of candidates for election, or of products for sale, sometimes hung for display to passers-by, sometimes carried on the streets, and sometimes trailed by an airplane.

banneret. A rank of knighthood

See **knights banneret.**

banning. Excluding; outlawing; swearing at or berating a person.

banni nuptiarum. The bans of matrimony

bannister. The railing on stairs or around the well of a stairway.

bannition. Same as **banning**

bannitus. An outlaw; a person who has been banished.

banns of matrimony. Notice given of an intended marriage, usually given by proclamation in church.

bannum. A ban; the boundaries of a manor or a town.

bannus. A proclamation.

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bannus regis. A proclamation of the king forbidding interference at a trial by combat.

banque. A bench or counter of a trader.

baptismal register. A church record of baptisms.

Baptist Church. A protestant church of strength in the United States. *Park v Champlin*, 96 Iowa 55, 64 NW 674.

See **Free Baptists.**

bar. Noun: A rail inclosing the officers of a court; the place in a court occupied by a prisoner on his trial. The court itself, as where one speaks of the case at bar. The attorneys at law taken collectively in a municipality, county, state, or the nation. A defense defeating an action; a kind of answer or plea. A molded chunk or piece of metal, such as a gold bar; a lever or pry of wood or metal. A room or place where alcoholic beverages are sold and drunk, sometimes with, but more commonly without, meals. 30 Am J Rev ed Intox L § 20. A place where coffee, tea, grapejuice, orangejuice, or other nonintoxicating beverage is sold. The counter at which beverages are served. Verb: To prevent; to keep persons or animals out of a building or area.

See **barroom; integrated bar; plea in bar; state bar.**

bar association. An organization of members of the bar of the United States or of a state, county, or municipality, the primary function of which is the improvement of the profession which will result in improvement in the administration of justice.

barat. To quarrel.

barator. An old form of **barrator.**

Baratriam committit qui propter pecuniam justitiam baractat. Barratry in selling justice for money.

barbarous. Strange, rude, and uncivilized.

barber. A tonsorial artisan; one who performs work in cutting hair, shaving, shampooing, massaging, singeing hair, and other functions intended to promote cleanliness and personal attractiveness.

In ancient times, barbers performed some of the services now performed by physicians and surgeons, such as lancing and draining boils, and stopping nosebleed, and hiccups.

barbican. A watchtower.

barbicanage. Financial support for a watchtower.

barbiturate. A drug employed as a sedative. *People v Wittpen*, 190 Misc 565, 75 NYS2d 670.

bare. Mere; unaccompanied; naked; nude; nothing more.

bareboat charter. A charter under which full possession and control of the stripped vessel is delivered to the charterer for a period of time, making him for most purposes the owner or, as he is generally called, owner pro hac vice. *Reed v The Yaka*, 373 US 410, 10 L Ed 2d 448, 83 S Ct 1349.

bare contract. The essential conditions.

bare licensee. One whose presence on premises is not invited, but not resisted, merely tolerated.

See **licensee.**

bare possibility. An expectancy; something that may but is riot likely to happen.

baret. A quarrelsome litigation; a fraud; a deceit.

bare trustee. A trustee whose sole function is to hold the title to the trust property.

See **dry trust; passive trust.**

bare wires. Uninsulated wires. *New England Tel & Tel. Co. v Butler* (CAI Mass) 156 F 321.

bar fee. A sheriff's fee which is due him on the acquittal of a prisoner in his custody.

bargain. An agreement of two or more persons to exchange promises or to exchange a promise for a performance. 17 Am J2d Contr § 1. As the terms upon which persons contract with one another. *Salmon Falls Mfg. Co. v Goddard* (US) 14 How 446, 14 L Ed 493.

bargain and sale. A deed in the form of a contract which became effective to transfer legal title by virtue of the Statute of Uses. 23 Am J2d Deeds § 13. A sale of personal property which vests title in the buyer, 46 Am J1st Sales § 2. A contract within the meaning of statutes taxing transfers by bargain and sale. *Schroeder v Zink*, 4 NJ 1, 71 A2d 321.

bargain and sale deed. See **bargain and sale.**

bargain collectively. See **collective bargaining.**

bargainee. The grantee or vendee in a bargain and sale.

bargaining unit. A labor union or other body participating on behalf of labor in collective bargaining.

bargain money. Money paid to bind a bargain; earnest money.

bargainor. The grantor or vendor in a bargain and sale.

barganizare. To bargain; to agree.

barganizavit et vendidit. He has bargained and sold.

barge. Noun: Watercraft; a ship or boat of state used in the transportation of rulers and dignitaries; a flat bottomed boat used in the loading and unloading of ships which cannot dock; a towed boat on rivers and canals, carrying oil, coal, grain, and various heavy cargoes. Verb: A colloquial expression meaning to enter abruptly and somewhat heavily.

bar integration. See **integration of the bar.**

bark. The covering of the trunk and branches of a tree; superficial appearance, as distinguished from heart or substance.

barley. A food grain; a crop.

barleycorn. A lineal measure equal to a third of an inch.

barmote courts. Courts established in the reign of Edward the Third, and held twice a year in Derbyshire, in which matters connected with mining are considered.

barn. A building, found on farms and in some villages and hamlets, for sheltering livestock and affording a storage place for livestock feed.

barnard. A swindler who acts as a decoy for other swindlers.

Barnard's Inn. One of the inns of the English chancery.

baro. A baron; a knight; a freeman.

baron. A person having the most general and universal title of the English nobility; a judge

or officer of the court of exchequer; a husband; a vassal of the king.

baronage. The rank of a baron; a barony.

baron court. See **court baron.**

baronet. An English title of lower rank than the nobility and which is a dignity of inheritance created by letters patent and usually descendible to male issue. See 1 Bl Comm 403.

baron et feme. Husband and wife.

barons of the cinque ports. The members of parliament from the five English ports nearest France: Hastings, Romney, Hythe, Dover, and Sandwich. At one time, these ports were considered the most important in England.

barons of the exchequer. The judges of the court of exchequer. They are always referred to as barons and not as judges.

barony. The rank of a baron; the lands held by a baron; the tenure by the service of attending the king in his courts as a baron.

barony of land. An old term for an area of land, perhaps fifteen acres.

barra. Same as **bar.**

barrasterius. A barrister.

See **barratry.**

barrator. A person guilty of barratry. 14 Am J2d Champ § 19.

barratrous. Tainted with barratry; fraudulent.

barratry. The offense of frequently exciting or stirring up suits and quarrels between others. 14 Am J2d Champ § 19. A marine term meaning acts or conduct of master or mariners in their character as such, committed for some unlawful or fraudulent purpose, contrary to their duty to the owners of the ship or cargo, whereby the owners sustain injury. 29A Am J Rev ed Ins § 1320; 48 Am J1st Ship § 652.

barre. Same as **bar.**

See **en barre.**

barred. See **bar.**

barrel. A liquid measure of thirty-six gallons. Gardner v Lane, 91 Mass (9 Allen) 492. A container for transportation or storage of liquids, grain, flour whiskey, etc., sometimes of a specific capacity, fo; example a barrel of flour, 192 pounds, the equivalent of four 48 pound bags.

barren money. A debt bearing no interest.

barrenness. Inability to bear children.

The word is in no sense a synonym of "impotency." Anonymous, 89 Ala 291, 7 So 100.

barretor. Same as **barrator.**

barretry. Same as **barratry**.

barricade. A barrier against the onslaught of enemies or rioters; a hastily-constructed fence or wall in the street to prevent travelers from driving or stepping into excavations, in which case, the word imports an obstruction, not merely a warning, but an actual impediment to travel. *American WaterWorks Co. v Dougherty*, 37 Neb 373, 376, 55 NW 1070.

barrier. See **barricade**.

barring. Closing and locking up; keeping people or animals out of a building or area; a technical term in railroading; the shifting of freight cars for short distances by means of crowbars applied to the wheels in order to make the cars more accessible for loading and unloading. *Jarka Corp. v Pennsylvania R. Co.* (DC Md) 42 F Supp 371.

barring the entail. Defeating an estate tail and the onerous effect of the Statute de Donis by common recovery or fine. 19 Am J1st Est § 50.

See **common recovery; fine**.

barrister. A person learned in the law and who is permitted to plead at the bar of the courts in England.

The nearest American term in counterpart is "trial lawyer," the most essential difference being that the barrister's professional work is confined exclusively to the trial of cases, while an American trial lawyer often performs the professional work of ordinary office practice.

barroom. A room or place where intoxicating liquors are sold and drunk, usually without meals. 30 Am J Rev ed Intox § 20.

See **bar**.

bar sinister. Bastardy in the family line.

bartender. A person, usually an employee rather than an owner of a bar, who draws, pours, mixes and dispenses alcoholic beverages.

barter. Noun: The exchange of one commodity or article of property for another. 30 Am J2d Exch P § 1. Verb: To negotiate for the acquisition of a thing. *Homan v Board of Dental Examiners* (Cal App) 254 P 907; *Clark v State*, 167 Ala 101, 52 So 893.

Broadly defined, "barter" includes a sale as well as a trade.

barton. The unrented lands of a manor; the demesne lands of a manor; the manor house itself.

bas. Base; humble; inferior.

bas chevaliers. Minor knights.

base. Noun: A foundation; a starting point. Adjective: Low, vile, corrupt.

base animal. See **animal of a base nature**.

baseball. A game played with a ball and a wooden bat by opposing teams of nine men each; a sport, amateur in origin, which has become professional to a great extent, leading to complex organization as an enterprise in entertaining people.

See **professional baseball**.

base coin. Coin made of base metal altogether, colored by artificial means.

Base is not to be confounded with "adulterated" coin, which is a distinct species. *Gabe v State*, 6 Ark 540, 542.

base court. An inferior English court, not a court of record, as the court baron.

base estate. An estate held by a base tenant.

See **base fee**.

base fee. An estate in real property which has the possibility of enduring forever but which may be determined and put to an end without the aid of a conveyance by some act or event circumscribing its continuance or extent. An estate limited to a person and his heirs, with a qualification annexed to it providing that such estate must determine whenever that qualification is at an end. 28 Am J2d Est § 22.

base infeftment. (Scotch.) A disposition of lands by a vassal, to be held of himself.-Black's Law Dict.

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base line. An east and west line, parallel to the equator, established as a means whereby townships created in the government survey of public lands are described as such by the number of the tier of townships in which it appears north or south of such line, the description, operating with a similar description in terms of a north and south line or principal meridian, to give the location of the township. *Meas v Whitener-London Realty Co.* 119 Ark 301, 178 SW 390.

See **range**.

basement. The lowest story of a building; the story which is wholly or partially lower than the surface of the ground.

base nature. See **animal of a base nature**.

base of operations. A place where activities are centered; one may have more than one base of operations, working out of one in one state and out of another in another state. *Re Mallia*, 299 NY 232, 86 NE2d 577, 9 ALR2d 636.

base property. An older concept of the common law, which has been changed to a great extent, if not entirely, by statute or evolution in the common law, that certain things, such as dogs and cats, were property of an inferior nature, so that they were not subjects of larceny. 32 Am J1st Larc § 79. The inferior nature of the property in such animals did not prevent the maintenance of an action for their conversion. *Columbus Railroad Co. v Woolfolk*, 128 Ga 631, 58 SE 152; *Commonwealth v Flynn*, 285 Mass 136, 188 NE 627, 92 ALR 206.

See **base fee**.

base right. (Scotch.) A subordinate right.

base services. Services annexed to feudal tenure of villeinage; such services were of a base or servile nature.

base tenants. Tenants rendering services of a base or servile nature.

base tenure. Villenage.

basileus. A Greek word meaning king, in use in England prior to the Norman Conquest.

basilica. A rectangular building in use in ancient times as a courtroom or public hall; a church in the architectural form of a basilica.

Basilica. The Byzantine Code adopted from the Code of Justinian and published in the early part of the tenth century.

basin. A part of the sea inclosed in rocks, the area drained by a river; a bowl.

basis. The foundation of a principle; a technical term in the law of income taxes for the cost of property, or the value of investment in property, as of a certain date, upon which depreciation can be computed. Anno: 40 ALR2d 446.

basis of keeping accounts. For income tax purposes, the bookkeeping system followed by the taxpayer, not the items or entries upon his books. United States v American Can Co. 280 US 412, 74 L Ed 518.

basis of tax. The ground or foundation on which the tax is computed; the rate is the percentage fixed by the statute applied to the basis in making the calculation. The result is the amount of the tax to be paid. Pacific Mot Life Ins. Co. v Lowe, 354 111 398, 188 NE 436.

basis patent. A patent in a virgin field; a pioneer patent. A patent following a discovery in a field theretofore unknown to the discoverer, or if once known, had since become unknown, to him, which appears to the scientific world or the industry to which it pertains as a startling, unexpected, unprophesied, and unheralded innovation. Northwest Engineering Corp. v Keystone Driller Co. (CA7 Wis) 70 F2d 13.

basket tenure. Tenure by the service of basket-making.

basse justice. Low justice; the right of a feudal lord to try petty offenders.

basset. An unlawful game.

bastard. A person begotten and born out of wedlock, otherwise known in common parlance as an illegitimate child or natural child. 10 Am J2d Bast § 1.

The word "bastard" shall not be used in any local law, ordinance, or resolution, or in any public or judicial proceeding, or in any process, notice, order, decree, judgment, record, or other public document or paper, but there shall be used in place of such word the term "child born out of wedlock." NY General Construction Law § 59.

See **adulterine bastard; delivery of bastard child; illegitimate child; incestuous bastard.**

bastarda. A female bastard.

bastard eigne. The elder son of parents who were married to each other after his birth as a bastard. 2 Bl Comm 248.

bastardize. To prove a person to be a bastard.

Bastardus non potest habere haeredem nisi de corpore suo legitime procreatum. A bastard cannot have an heir unless he is one lawfully begotten of his own body.

Bastardus nullius est filius; aut filius populi. A bastard is the son of no one, or a son of the people.

bastardy. The state of being a bastard; a man's illicit carnal connection with a woman causing the birth of an illegitimate child. Dinkey v Commonwealth, 17 Pa 126.

bastardy bond. A bond given by the father of a bastard to insure his support and maintenance.

bastardy proceeding. A proceeding, otherwise known as a filiation proceeding, of a civil nature to compel a bastard's father to support him or her. 10 Am J2d Bast §§ 74 et seq.

bastardy process. Same as **bastardy proceeding.**

bastart. Same as **bastard.**

bastinado. The beating of the soles of a man's feet with a club as a punishment for an offense; a cudgel.

baston. A baton; a club; a servant of a warden of the Fleet Prison.

bas-ville. The suburbs of a town or city.

batable. Debatable; Questioned; disputed.

batable ground. Land the title to which is in dispute; land lying between England and Scotland, claimed by each; an area of principle subject to be questioned or disputed.

bataille. Same as **battel**.

batiment. (French.) A building, structure, vessel, or ship.

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batonnier. (French.) The president of an organized bar of attorneys at law.

battel. A duel; a combat which was sanctioned by law in ancient times as a form of trial, under the superstition that the right would triumph. The last trial by battel on record was in 1638. See 3 Bl Comm 337 et seq.

battery. The unlawful touching or striking of the person of another by the aggressor himself, or by any substance put in motion by him, with the intention of bringing about a harmful or offensive contact or apprehension thereof which is not legally consented to by the other and not otherwise privileged. 6 Am J2d Asslt & B § 5.

As defined in the American Law Institute's Restatement of the Law of Torts, a battery is an act which, directly or indirectly, is the legal cause of a harmful contact with another's person; such act makes the actor liable to the other, if the act is done with the intention of bringing about a harmful or offensive contact or an imminent apprehension thereof to the other or a third person, and the contact is not consented to by the other or the other's consent thereto is procured by fraud or duress, and the contact is not otherwise privileged. Restatement, Torts 2d § 13.

See **assault and battery**.

battle. A fight between the armed forces of nations.

See **battel; war**.

batture. An accumulation or deposit of sand, stone, or rock mixed together on the bed of a stream or other body of water and rising toward the surface by the process of accumulation. 56 Am J1st Water § 499. When it ceases to be covered at the time of ordinary high water, it ceases to be batture and becomes the bank of the river. Boyce Cottonseed Oil Mfg. Co. v Board of Comrs. 160 La 727, 734, 107 So 506.

Baume gravity. See **gravity**.

bauxite. Earth that contains aluminum in sufficient quantities to make it worth working for the extraction of aluminum. Carson v Missouri P. R. Co. 212 Ark 963, 209 SW2d 97, 1 ALR2d 784.

bawd. A madam of a house of prostitution; a procuress; a prostitute. Dyer v Morris, 3 Mo 214, 216.

bawdy house. A house of prostitution, most frequently called a whorehouse. 42 Am J1st Prost § 3.

bay. An arm of the sea or of a lake; a body of water around which the land forms a curve; a recess or inlet between capes or headlands. Ocean Industries, Inc. v Superior Court, 200 Cal 235, 252 P 722.

bayley. A bailiff.

bayou. A slow-moving stream, sometimes with an imperceptible current, connecting a swamp or lagoon with a river or with the sea; in the lower Mississippi valley, streams that lead out of a main stream to swamp and marsh.

bay rum. A fragrant spirit obtained by distilling rum with leaves of the bayberry, or by mixing various oils with alcohol. *Jordan v Roche*, 228 US 436, 442, 57 L Ed 908, 910, 33 S Ct 573.

bay window. A window in an alcove or projection from the wall of a house; a slang term for a fat belly.

bazaar. A market or market place.

B.C. Abbreviation for "before Christ"; "bachelor of chemistry"; "bachelor of commerce"; "British Columbia."

B. C. L. An abbreviation of the law degree "bachelor of civil law."

B. E. Abbreviation for **board of education; Bachelor of Engineering; Bachelor of Education; bill of exchange.**

beach. Land on the margin of the sea, lake or river. 56 Am J1st Water § 448; the land lying between the lines of high water and low water, land over which, if a tidal stream or body of water is involved, the tide ebbs and flows. 12 Am J2d Bound § 13.

See **shore.**

beach for driftwood and timber. That line of shore to which seaweed and driftwood are usually carried in ordinary seasons by the highest winter floods, and which in fact is usually marked on the beach by a line of seadrift. *Brown v Lakeman*, 34 Mass (17 Pick) 444.

beaching. The voluntary stranding of a ship to save it from the greater loss from sinking. *Fowler v Rathbone (US)* 12 Wall 102, 20 L Ed 281.

beacon. A sign, signal, light, or other contrivance to guide or warn a traveler or ships; a lighthouse or other fixed marine signal formerly used to warn the inhabitants of the approach of an enemy, but later to indicate dangers to ships.

beaconage. Money paid as expenses to maintain beacons or signal lights.

beadle. A court crier; a parish officer whose duties resembled those of a constable; in addition to which he was required to attend and serve the vestry of the parish church.

beam. Noun: A long and sturdy piece of wood or metal; the width of a ship at its widest; a shaft of light; a radiance. Verb: To shine; to be radiant.

beam and balance. A weighing scales.

beans. Vegetables rather than seeds, for tariff purposes. *Sonn v Magone*, 159 US 417, 40 L Ed 203, 16 S Ct 67.

bear. Noun: A large mammal of the temperate and arctic zones, having a heavy coat of shaggy hair, varying in color, according to species, from black to brown, to gray, to white. Verb: To carry, as to bear arms.

bear arms. See **right to bear arms.**

bearer. One who is carrying some article, particularly a letter, message, of other writing; one who has information to impart orally; a word used in designating the payee of a negotiable instrument; the holder of a negotiable instrument not payable to a named person, for example, one payable to "Cash" to "bills payable;" or just "to bearer." 11 Am J2d B

& N § 124; the holder of an instrument indorsed in blank. 11 Am J2d B & N § 106; the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank. UCC § 1-201(5). A person guilty of the offense of maintenance; an oppressor.

bearer form. A security which runs to bearer according to its terms, not by reason of any indorsement. UCC § 8-102(1).

bearer paper. Commercial paper payable to bearer or the order of bearer; to a specified person or bearer; to cash or the order of cash, or payable according to any other indication which does not purport to designate a specific payee or indorsee. UCC § 3-111 (a)(b); 11 Am J1st B & N § 106.

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bearer security. A security which runs to bearer according to its terms and not by reason of any indorsement. UCC § 8-102(1)(d).

bearing. The posture or demeanor of a person; a support; the part of a machine which lends support to a moving shaft or sliding part; position; relevancy; producing.

bearing arms. See **right to bear arms.**

bearing child. Giving birth.

bearing date. Dated, as an instrument dated March 4, 1966.

bearing interest. Running at interest.

bearing the burden. Should mean lead to reaping the benefits. *Pennington v Todd*, 47 NJ Eq 569, 21 A 297.

beast. Any animal with four feet; a brutish, vile, or lecherous person.

beasts of the chase. Wild animals, especially the fox, wolf, and deer.

beasts of the forest. See **beasts of the chase.**

beasts of the park. An old expression meaning about the same as beasts of the chase.

beasts of the plow. Work animals.

beasts of the warren. Hares, comes and roes.
See **free warren.**

beat. Verb: To strike with hand or weapon, or cudgel of any description; to commit battery upon a person; *Goodrum v State*, 60 Ga 509, 511. To win over another in a contest; to obtain the better deal in a transaction with another person. Noun: The territory which an officer of the law is assigned to cover; a colloquial for a subdivision of a county. *Williams v Pearson*, 38 Ala 299, 308. Adjective: Slang for beaten or exhausted.

beaten. Having suffered blows; having been the victim of an assault and battery.

beat hand. A disease of the hands commonly contracted by steel riveters from the constant shock of the riveting hammer causing chronic soreness. Anno: 20 ALR 13.

beaupleader. A writ which prohibited the taking of a fine for ill-pleading or bad pleading.

beautician. One whose business it is to take care of and beautify a client's hair, hands, or complexion. Anno: 56 ALR2d 883.

beauty parlor. A place for the performance for women of various services in the interest of personal attractiveness, such as cutting, dressing, waving, and setting hair, shampooing, the application of refined cosmetics, etc.

beauty shop. See **beauty parlor.**

because. For the reason or cause that; on account of.

because of employment. As the phrase appears in a provision of a workmen's compensation statute relieving the employer from liability for injuries inflicted upon an employee by the wilful act of a third person directed against an employee "because of his employment," it means, not that the employer is relieved from liability where the employee was injured merely because he was in employment in the general sense of that term, but rather where it was apparent that the injury was inflicted because the assailant of the employee wished to prevent him from serving that particular employer. *Pinkerton Nat. Detective Agency v Walker*, 157 Ga 548, 122 SE 202, 35 ALR 557.

because of vicinage. See **common because of vicinage.**

become a member. To join a fraternal order, a church, or a service organization.

become aware of. The equivalent of actual knowledge. Anno: 23 ALR2d 1076.

become void. A term which comprehends every manner of bringing something to an end and complete nullification. *Sharp v Curds*, 7 Ky (4 Bibb) 547, 548.

be complied with. An expression which calls for performance in the future, having reference to subsequent, not past, performance. *United States v Bank of Metropolis (US)* 15 Pet 377, 10 L Ed 774.

bed. A layer, a stratum, an extended mass of anything, whether upon the earth or within it, as a bed of sulphur, a bed of sand or clay. *State v Willis*, 104 NC 764, 769, 10 SE 764. A foundation; a place of repose.

bed and board. See **divorce a mensa et thorn.**

bedding. A base or foundation; materials of any description which go to make a bed for rest or sleep.

bedel. Same as beadle.

bedelary. The jurisdiction of a beadle.

bederepe. The service binding the tenant to reap the landlord's corn.

bedeweri. Bandits.

bedlam. Great confusion with much noise; a hospital for the mentally ill.

bed of justice. The sitting of the king in the French parliament.

beef. Meat from the carcasses of cattle; an animal fit for use as beef, a steer, a heifer, an ox, or a cow. *Davis v State*, 40 Tex 135.

beer. A fermented beverage made from any malted grain, with hops or other bitter flavoring matter added; an alcoholic and an intoxicating beverage. 30 Am J Rev ed Intox L § 10; any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt and hops, or of any other similar products in drinkable water. Fletcher v Paige, 124 Mont 114,220 P2d 84, 19 ALR2d 1108.

before. A word of time meaning prior to, but subject to construction in connection with the context in which it appears. 32 Am J1st Time § 26.

Generally, where an act is required to be done a specified number of days before an event, the required number of days is to be computed by excluding the day on which the act is done and including the day on which the event is to occur. 52 Am J1st Time § 26.

Some authorities hold that such computation does not apply to a designation of time in terms of so many days before a given day. 52 Am J1st Time § 26.

before due. Before the maturity of a note, mortgage, or other instrument.

See **indorsement before due.**

before the fact. See **accessory before the fact.**

before trial. Literally, before the commencement of the step in an action where the issues of law or fact are determined. For some purposes, before final submission of the issues to court or jury for determination. Anno: 126 ALR 285.

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beg. To ask for something with an appeal to charitable instincts made by words, signs, demeanor, or conduct. Re Haller (NY) 12 Hun 131, 132.

beга. A land measure of about a third of an acre.

beget. To procreate, as a father or sire; to generate; usually applied to the male, but sometimes to both male and female, and infrequently used with reference to the female only. Grainger v Grainger, 147 Ind 95, 46 NE 80.

beggars. Persons who beg or solicit alms.

begging the question. An argument which assumes as proved the very thing in issue.

begin. To start; to institute; to initiate; to commence. Bates Mfg. Co. v United States, 303 US 567, 82 L Ed 1020, 58 S Ct 694.

begin action. See **commencement of action.**

beginning of life. Biologically speaking, the moment of conception in the mother's womb. In law, for the purposes of inheritance or of taking under a will, the biological concept of the beginning of life in the womb. 27 Am J Rev ed Inf § 3.

The beginning of life has been more narrowly defined when the question was of the capacity of an unborn child to acquire a right of action for a personal injury, on which it could sue after birth. The authorities are divided upon the question whether a child or its personal representative may, in the absence of statute, maintain an action in damages for prenatal injury. 27 Am J Rev ed Inf § 3.

begotten. The words "begotten" and "to be begotten," "procreatis" and "procreandis" have always been held to have the same import, unless a contrary intent plainly appears. Wager v Wager (Pa) I Serg & R 374, 378.

See **beget.**

behalf. In the name of; on account of; for the benefit, advantage, interest, profit, or vindication of. *State v Eggerman & Co.* 81 Tex 569, 572.

See **on his behalf.**

behavior. Conduct; manners.

behavior as heir. Acts or conduct indicating one's acceptance of an inheritance.

behetria. (Spanish.) Lands in districts and manors in which the inhabitants could select their own lords. -*Bouvier's Law Dict.*

behoof. Same as **behalf.**

Behring Sea Arbitration. See **Bering Sea Arbitration.**

being. Noun: A person; a living thing. The present participle of the verb "to be;" equivalent in a pleading to the words "which is." *Porter v Ritchie*, 32 Utah 381, 91 P 24, 27.

The word has been held to be sufficient as an averment of an existing fact. *State v Boucher*, 59 Wis 477, 18 NW 335.

See **in being.**

being in control of motor vehicle. Steering the vehicle under way or even while it is being towed or pushed by another vehicle. 7 Am J2d Auto § 256.

being operated. See **operate.**

being understood. See **it being understood.**

belief. The conviction of the mind, founded on evidence that a fact exists, that an act was done, that a statement is true. When one says, I believe that a fact exists, or that an act was done by another, he must be understood to assert that there is present to his mind evidence sufficient to convince him, that the fact does in reality exist, or that the act was done. *Giddens v Mirk*, 4 Ga 364, 369.

See **information and belief; reasonable belief; religion; religious principles.**

believe. To have a belief or an opinion.

bell. See **curfew.**

belladonna. A drug.

See **atropine.**

belligerency. See **belligerent; recognition of belligerency.**

belligerent. A nation, power, or state carrying on war against another nation, power, or state; or a portion of one nation carrying on war against the nation, which has been recognized by other nations as a belligerent. 30 Am J Rev ed Internat L § 11; 56 Am J1st War § 3.

belligerent rights. Those peculiar rights recognized and sanctioned by the laws of war, which are exercised by a nation, power, or state as a means for carrying on a war. These are not unlimited under the law. It is not with the authority of law that a belligerent runs rampant in the world, killing both combatants and noncombatants, old men, women, and children. There are conventions, treaties, and unwritten principles of international law limiting the rights of

belligerents by defining the laws and customs of war on land, sea, and in the air in the interest of humanity. 56 Am J1st War § 12.

bello. Waging war.

Bello parta. Spoils of war.

belium. War.

belong. The primary meaning of the verb to belong is to be the property of. The word is aptly used to express ownership and may properly be so used in a pleading. State v Fox, 80 Iowa 312.

belongings. Personal effects; a word often involved in the ejusdem generis rule of construction. 57 Am J1st Wills § 1130; under a broad construction, including personal property of every nature, even real property. 57 Am J1st Wills § 1343.

belonging to. Being the property of. Ownership under either legal or equitable title. 51 Am J1st Supp Tax § 544.

below. Inferior, as the court below; under; in a position of lower rank; physically lower.

See **bail below.**

belt. See **maritime belt.**

bench. A court; the judges of a court; the seat upon which the judges of a court are accustomed to sit while the court is in session; all the judges and justices of a state or subdivision, as in a reference to "bench and bar."

bencher. One of the senior or governing members of one of the English Inns of Court. As soon as a member has been appointed king's counsel or queen's counsel, it is customary for his fellow members to elect him as a bencher.

bench law. A term of derision for a decision against precedent.

See **bench legislation.**

bench legislation. Also called "judicial legislation," -a term of opprobrium applied to decisions which are criticised as being clearly contrary to law and

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which therefore infringe upon the legislative department of the government. State ex rel. Ragan v Junkin, 85 Neb 1, 122 NW 473.

bench warrant. A warrant issued by a judge for the apprehension of a person on a charge of contempt; a warrant for arrest issued by a judge of a court of general jurisdiction for the apprehension of a person who has been indicted for a criminal offense; a warrant for the arrest of an accused under bail who has failed to appear, the warrant being issued and signed by the judge. 5 Am J2d Arr § 78; the equivalent of a summons in a support proceeding. Commonwealth ex rel. Schaffer v Schaffer, 175 Pa Super 100, 103 A2d 430, 42 AI_R2d 761 (proceeding in case certified to a Pennsylvania court by a Florida court).

bends. Same as **caisson disease.**

bene. Well; properly.

beneath. A designation of a position, physical or graphical, as a stratum of limestone beneath a layer of sandstone, and a corporal beneath a sergeant. Truman v Deere Implement Co. (CC Cal) 80 F 109.

benedicta. Blessed.

bene esse. See **de bene esse.**

benefice. A church living or preferment. In feudal times, an estate held by the Church of Rome in feudal tenure.

benefice de discussion. (French.) A guarantor's right to have his principal's property first applied on the debt which he has guaranteed to see paid.

benefice de division. (French.) A cosurety's right to contribution.

benefice d'inventaire. Same as **benefit of inventory.**

beneficence. Charity; good will; kindness.

See **contract of beneficence.**

beneficia. Estates held by feudal tenure, being originally gratuitous donations, were at one time called beneficia. See 4 Bl Comm 107.

beneficial. Of benefit; profitable; advantageous; enjoying; gaining.

beneficial association. See **benevolent association.**

beneficial devise. A devise which bequeaths a beneficial interest; a devise under which the devisee is intended by the testator to receive a direct interest under the will in the property of the testator. When an interest arises consequentially from a devise, as in the case of a dower right arising out of a devise to the husband, the devise is not a beneficial devise to the person thus incidentally benefited. *Sullivan v Sullivan*, 106 Mass 474.

beneficial enjoyment. The advantages of the ownership of property, sometimes had without possessing the legal title.

beneficial interest. An expression with variable meaning, dependent on the context in which it appears; that which remains of the estate of a decedent after the payment of debts and the expenses of administration. 28 Am 1 Rev ed Inher T § 388; such an interest as a devisee takes solely for his own use or benefit, and not as the mere holder of the title for the use of another. *People v McCormick*, 208 Ill 437, 70 NE 350; the right of one having a power of appointment to appoint himself. 41 Am J1st Pow § 3; the interest in a tract of land, the title to which is in the government, of one who has done everything to entitle him to a patent not yet issued by the government to him. *Montana Catholic Missions v Missoula County*, 200 US 118, 127, 50 L Ed 398, 402, 26 S Ct 197; an interest that will result in an appreciable gain to the holder. *Cox's Appeal*, 126 Me 256, 137 A 771, 53 ALR 208; an interest of value, worth, advantage, or use. *Re Duffy*, 228 Iowa 426, 292 NW 165, 128 ALR 943.

beneficially entitled. Having title legally or having it equitably, so as to reap the benefits of ownership. *People v McCormick*, 208 Ill 437, 70 NE 350.

beneficial ownership. See **beneficial interest; beneficial use.**

beneficial power. A power which has for its object the grantee of the power, and which is executed solely for his benefit. *Tilden v Green*, 130 NY 29, 28 NE 880.

beneficial society. See **benevolent association; mutual benefit society.**

beneficial use. See **beneficial interest; use.**

beneficiary. A person who receives a benefit or advantage. *State v Willett*, 17 Ind 296, 86 NE 68; a person receiving or entitled to receive a gift, a devise, or legacy; a cestui que trust; a person who is entitled to receive or who is receiving profit, benefit, or advantage from a contract or from an estate; one entitled by the terms of a life insurance policy to receive the proceeds of the policy upon the death of the insured. 29A Am J Rev ed Ins § 1631; a person named by statute as entitled to the proceeds, or a share of the proceeds, of a statutory action, such as an action for wrongful death. 22 Am J2d Dth §§ 47-59.

beneficiary heir. A term of significance in Louisiana. One taking according to inventory.
See **beneficium inventari.**

beneficiary privileges. Patent rights; copyrights.

beneficio cedendarum actionum. The right of assigned or transferred actions, -the civil law right which a surety had, even before paying the creditor, to an assignment by the creditor to him of the claims which the creditor held against the principal debtor.

beneficio primo ecclesiastico habendo. A writ emanating from the king directing the chancellor or lord keeper to appoint a certain man to the first vacant benefice.

beneficium. A benefice; an advantage; a profit; a privilege; a right.

beneficium abstinendi. The privilege of abstaining, -the right or privilege of an heir to reject an inheritance.

beneficium cedendarum actionum. A Roman law right of subrogation by the surety to the claims of the creditor against the principal debtor.

beneficium clericale. Benefit of clergy.

beneficium competentiae. The privilege of a competency, -the civil law exemption of enough property to live upon by one making an assignment to his creditors.

beneficium divisionis. The right of division, -the civil law right of

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a surety who had been compelled to pay to exact pro rata contribution from his cosureties.

beneficium inventari. (Civil law.) The benefit of inventory, the limitation of an heir's liability for debts of the estate to the value of his inheritance.

beneficium non datum nisi propter officium. A benefit not conferred unless in recognition of an obligation.

beneficium ordinis. (Civil law.) The privilege of order, -the right of a surety to have all remedies against his principal first exhausted before resorting to the surety.

beneficium separationis. (Civil law.) The right of separation, -a creditor's right to have a decedent's goods separated from those of the heirs.

benefit. A contribution to prosperity; whatever adds value to property; advantage; profit; whatever promotes our prosperity, happiness, or enhances the value of our property rights, or rights as citizens, as contradistinguished from what is injurious. *National Surety Co. v Jarrett*, 95 W Va 420; 121 SE 291; 36 ALR 1171, 1176; the acquisition of a legal or equitable right to which one otherwise would not be entitled. 17 Am J2d Contr § 96; goods, services, the

payment of a debt for another, anything which adds to the advantage or security of another. *Heitfield v Benevolent & Protective Order of Keglers*, 36 Wash 2d 685, 220 P2d 655, 18 ALR2d 983.

See **hope of benefit**.

benefit association. See **benevolent associations; mutual benefit society**.

benefit building society. A building and loan association.

benefit insurance. See **benevolent association; mutual benefit society**.

benefit of bargain rule. The rule of damages that a person who purchases in reliance upon fraudulent representations of the seller is entitled, in an action against the seller for the fraud, to recover as damages the difference between the real and the represented value of the property. Anno: 124 ALR 34.

benefit of cession. (Civil law.) Immunity from imprisonment for debt of a debtor who has assigned all his property to his creditors.

benefit of clergy. The exemption of clergymen from trial or punishment for crime in or at the hands of the secular courts.

benefit of counsel. See **right to counsel**.

benefit of discussion. (Civil law.) The right of a surety to have his principal's property first subjected to the payment of the obligation.

benefit of division. (Civil law.) The right of a surety to enforce contribution from his co-sureties.

benefit of inventory. (Civil law.) The limitation of an heir's liability for the debts of the estate to the value of his inheritance.

benefit of order. See **ordinis beneficium**.

benefit society. See **mutual benefit society**.

benefit theory. The principle that one who wishes to rescind a contract must place the opposite party in statu quo by restoring to him the benefits received from him. 17 Am J2d Contr § 512.

bene placitum. While it well pleases; at pleasure.

benerth. A feudal service rendered by the tenant to his lord with plough and cart.

bene se gesseret. See **dum bene se gesseret**.

benevolence. Acts or gifts prompted by good will or kind feelings; essentially philanthropy. 15 Am J2d Char § 4.

The term is inclusive of charity, but not limited to charity. A gift may be from benevolence, even though the recipient is in no need of charity.

benevolent. Charitable. 51 Am J1st Tax § 601; philanthropic, Anno: 115 ALR 1138; but at times something different from what such terms suggest. A word descriptive of a gift, too broad in scope for the gift to qualify as a charitable trust. 15 Am J2d Char § 9.

Acts dictated by kindness, good will, or a disposition to do good, the objects of which have no relation to the promotion of education, learning, or religion, the relief of the needy, the support of public works, or the relief of public

burdens, and so cannot be deemed "charitable" in the legal sense, may nevertheless be "benevolent." 51 Am J1st Tax § 601.

Benevolent and Protective Order of Elks. A fraternal order.

benevolent associations. Benevolent and beneficial associations are either purely voluntary aggregations of individuals or bodies corporate, formed and organized, not with a view to the accumulation of wealth and the making of profit, but, aside from fraternal objects, solely for the purpose of rendering financial aid or other assistance to their members, or certain designated beneficiaries of the latter, when visited by sickness, death, or other misfortunes specifically agreed upon. 38 Am J2d Frat 0 § 1.

See **mutual benefit society**.

benevolent corporation. A nonprofit corporation; an eleemosynary corporation; a corporation created by charitable rather than for business purposes.

benevolent insurance company. Benevolent associations, formed primarily for social and charitable purposes and for securing efficient mutual aid for their members are sometimes referred to as insurance companies, because they issue death certificates which are, in effect, policies of life insurance. Penn. Mut. L. Ins. Co. v Mechanics' Sav. Bank & T. Co. (CA6 Tenn) 72 F 413.

See **mutual benefit societies**.

Benigne faciendae sunt interpretationes chartarum propter simplicitatem laicorum. The construction of written instruments must be liberal because of the artlessness of laymen. Edgerly v Barker, 66 NH 434, 31 A 900.

Benigne faciendae sunt interpretationes chartarum, ut res magis valeat quam pereat. Liberal construction should be given to an instrument so that it may stand rather than fall.

Benignius leges interpretandae sunt quo voluntas earum conservetur. Laws should be construed more liberally in order that their intent may be preserved.

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benzene. A highly inflammable liquid obtained by distillation of coal tar, used as a solvent in making lacquers, varnishes, and some other products.

bequeath. A legacy, that is, a disposition of personal property by will. Hoellinger v Molzhon 77 ND 108, 41 NW 2d 217, 19 ALR2d 747; often considered to include either a legacy of personalty or a devise of real estate. 57 Am J1st Wills § 1400. To make a bequest.

See **bequest**.

To bequeath has been judicially construed by many of the ablest courts of this country to be synonymous with "to devise," when used with reference to a testamentary gift of real estate. Gannon v Albright, 183 Mo 238, 81 SW 1162; Jacobsen v Farnham, 155 Neb 776, 53 NW2d 751, 33 ALR2d 543.

See **devise; legacy; residuary bequest**.

bequeathment. A bequest.

berbiage. Rental for sheep pasture.

berearia. A sheepfold.

berearius. A shepherd.

bereator. A shepherd. bereft. Deprived; especially, deprived of a loved one.

bereft of reason. mental incompetency; want of capacity to reason.

berenica. A manor; a town.

berewick. Same as **barton.**

berg. A plain; a field; a manor; an iceberg.

bergmote. Same as **barmote.**

beria. A plain; a field.

Bering Sea Arbitration. An arbitration held under a treaty between England and the United States in 1893, the award of which was later confirmed by an act of Congress and finally settled the rights of the United States in the waters of Alaska and of Bering Sea, and all questions concerning the rights of its own citizens and subjects therein, as well as those of the citizens and subjects of other countries. *La Ninfa* (CA9 Alaska) 75 F 513, 517.

berm. The shoulder of a highway or canal.

berme-bank. The side of a canal which has no towpath.

Berne Convention. Copyright Treaty of 1886, not ratified by the United States. 18 Am J2d Copyr § 76.

bernet. The crime of burning a dwelling house, corresponding to the modern crime of arson.

Bernstein test. A blood test devised to assist in the determination of the parentage of children, postulated upon the existence of four types of blood and the inheritability of blood type. 29 Am J2d Ev § 370.

berra. A plain, open heath.

berry. A fruit, such as a raspberry or strawberry; the dried coffee bean. An older meaning is that of a mansion house.

Bertillon System. A system for the identification of criminals by measurement and description, the employment of which in state prisons is prescribed by statute in some states. *Re Molineux*, 177 NY 395, 69 NE 727.

berton. A large farm; the barnyard of a large farm.

berwick. Same as **barton.**

bes. (Latin.) Two thirds of the Roman as or pound weight.

besayl. Derived from the French "bisaieul." A writ by which a great-grandchild secured his right to his ancestor's property; a great-grandfather.

besides. Also; furthermore; in addition to.

besoin. Need; necessity. See **au besoin.**

besot. To stupefy; to make dull or senseless; to make delirious, silly, or insane. *Gates v Meredith*, 7 Ind 440, 441.

besotted. Silly, foolish, confused by alcoholic liquor.

Bessemer. The process of making steel in a blast furnace, the name being that of the inventor of the process, Sir Henry Bessemer.

best. The superlative in quality.

best bid. In an auction, the highest bid; in the letting of a contract for public works, the lowest bid by a responsible bidder. 43 Am J1st Pub Wks § 42.

bestes. Beasts; cattle.

best evidence. The best proof obtainable under existing circumstances; the most superior, as contrasted with any other form of, proof that the party can offer. 29 Am J2d Ev § 448.

best evidence rule. The rule of evidence that the best evidence of which the case in its nature is susceptible and which is within the power of the party to produce, or is capable of being produced, must be adduced in proof of every disputed fact. *Lego v Olson*, 110 Colo 508, 136 P2d 277; *Roddy v State*, 65 Idaho 137, 139 P2d 1055.

bestiales. Beasts; cattle.

bestiality. Sexual intercourse with an animal; a criminal offense. 48 Am J1st Sod § 1.

best of his knowledge and belief. An expression somewhat less than positive statement. 3 Am J2d Affi § 21.

bestow. See **bequeath, gift, grant.**

bet. Verb: To hazard money or property upon an incident by which one or both parties stand to win or lose by chance. 24 Am J1st Gaming § 2. The hazard may be the result of a game or another incident of chance. 24 Am J1st Gaming § 2. Noun: The arrangement by which money or property is placed at the incident of chance. It may involve the putting up of money or property by the parties, called stakes, to be held by a third party pending the occurrence of the event which constitutes the hazard.

See **gaming; gambling.**

Bethlehem. The birthplace of Jesus Christ, now in Jordan, tunder the spelling Bayt Lahm; the name of an ancient lunatic asylum in London; a lunatic asylum; a bedlam.

betrayal. A breach of confidence; disloyalty to friend or country. The disclosure of a professional secret by a physician. *Simonsen v Swenson*, 104 Neb 224, 177 NW 831, 9 ALR 1250, 1252.

betrothal. An engagement to wed.

betrothment. Same as **betrothal.**

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better equity. The superior or prevailing one of two equitable interests.

betterment. An improvement to realty which is more extensive than an ordinary repair, and which increases in some substantial degree the value of the property.

See **occupying claimant acts.**

betterment acts. See **occupying claimant acts.**

betting. See **bet; gambling; gaming.**

betting book. The book wherein a bookmaker registers the wagers which he receives from his customers.
See **bookmaking.**

betting on election. See **election bet.**

between. Intermediate, when used in designating time, implying the exclusion of both first and last terminal days.
Anno: 98 ALR2d 1369.

When predicable of persons, in a strict and correct use of the word it implies that there are but two persons, as where a division is made between A and B, but courts will notice judicially that uneducated persons frequently use the word as referring to more than two persons and as meaning "among," and when thus used, it is so construed. *Rogers v Morrell*, 82 SC 402,404, 64 SE 143. Similarly, while "between" calls for a per stirpes distribution in a strict and correct sense of the word, if it appears to have been used in the sense "among," a per capita distribution will be decreed. Anno: 13 ALR2d 1037; 57 Am J1st Wills § 1296.

between eight and 14 years. A period which ends upon the child's passing the anniversary of the higher age. 27 Am J1st Inf § 3.

between Scylla and Charybdis. In a grave dilemma; facing danger on either side.

beverage. A liquid which is taken by a person to satisfy thirst or for the pleasure of the taste or effect, rather than to have the advantage of medicinal qualities. *Commonwealth v Sookey*, 236 Mass 448, 128 NE 788, 11 ALR 1230; *McLean v People*, 66 Colo 486, 180 P 676. The term is inclusive of, but not confined to, a drink with alcoholic content. Tea and coffee are both beverages.

See **alcoholic beverage.**

beverches. Customary services rendered the lord at his request by inferior tenants.

bevo. A nonalcoholic imitation of malt liquor. *State ex rel. Springer v Bliss*, 199 Okla 198, 185 P2d 220.

beyond a reasonable doubt. The degree of proof required of the state in a criminal prosecution; a fair doubt based upon reason and common sense, growing out of the evidence in the case; not an imaginary, captious, or possible doubt. 20 Am J1st Ev § 1257.

beyond the four seas. Beyond the British Isles.

See **beyond the seas.**

beyond the jurisdiction. Beyond the reach of the process of the court. *New York Cent. R. Co. v Stevens*, 126 Ohio St 395, 185 NE 542, 87 ALR 884.

beyond the seas. Beyond the limits of the United States. For the purposes of a statute of limitation, beyond the limits of the state. 34 Am J1st Lim Ac § 215.

See **beyond the four seas.**

b. f. An abbreviation of "bonum factum," meaning, a good deed; a valid decree; also an abbreviation for the printing term "boldface."

B. F. Abbreviation for the bookkeeping term "brought forward"; also for Bachelor of Finance and Bachelor of Forestry.

B. F. A. An abbreviation for Bachelor of Fine Arts.

bias. Propension; something that turns the mind and sways the judgment, Anno: 16 ALR2d 19. A hostile feeling or spirit of ill will toward one of the litigants, or undue friendship or favoritism toward one; involving a mental attitude toward a litigant, not toward the subject matter of the litigation. 30A Am J Rev ed Judges § 170.

bias of juror. A propensity or prepossession which does not leave the mind indifferent; it may be actual or implied-that is, bias in fact or bias presumed as a matter of law, as where the juror is a close relative of a party. 31 Am J Rev ed Jury § 172.

Among the various matters which, at common law, were held to be principal cause for challenge, -that is, cause from which bias or partiality would be inferred as a legal conclusion, -were these: Consanguinity or affinity of the juror with either of the parties within the ninth degree; that the juror was godfather to the child of either of the parties; that the juror was of the same society or corporation with either party; or was tenant or "within the distress" of either party; or had an action implying malice between him and either party; or was master, servant, counselor, steward, or attorney for either party; or, after he was returned, he ate and drank at the expense of either party, or had been chosen as arbitrator by either party. Most authorities also held it to be ground for principal challenge that the juror had formed and declared his opinion touching the matter in controversy. Coughlin v People, 144 Ill 140, 33 NE 1.

bias of witness. A ground of impeachment; near relationship, sympathy, hostility or prejudice. Bessemer Land & Improv. Co. v Jenkins 111 Ala 135, 18 So 565.

biathanatoi. Persons dying by violence or suicide.

Bible. A book of Divine instruction as to the creation of man, his relation to, dependence on, and accountability to God. People ex rel. Ring v Board of Education, 245 Ill 334, 92 NE 251.

Bible reading. See **sectarian purpose.**

bicameral. Two-chambered, the term having reference to the usual division of a legislature into two houses.

bicycle. A two-wheeled vehicle, self-propelled by pushing pedals, the movement of which actuates a gear; a vehicle within the meaning of regulations concerning the use of highways. 7 Am J2d Auto § 4; a vehicle within the meaning of an accident insurance policy. 29A Arn J Rev ed Ins § 1237; a vehicle but not a wagon within the meaning of an exemption statute. 31 Am J2d Exemp § 64.

bicycle paths. Paths which are set apart and maintained by cities and towns under statutory authority for the exclusive use of bicyclists.

bicyclist's stop. Riding in a circle instead of coming to a full stop as required by stop signals or by law.

bid. Verb: To invite; to make an offer, particularly, at a contract letting, an auction or judicial sale, by the spoken or written word, by a sign, such as a

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lifting of the hand, sometimes only a nod or a wink, anything by which the bidder signifies his willingness and intention to pay a particular price. 7 Am J2d Auct § 25; 30A Am J1st Jud S § 9 1. Noun: An offer, especially an offer made at a contract letting, an auction sale, or a judicial sale.

See **by-bidding; opening the biddings.**

bid bond. A bond required of one who bids in the letting of a contract for the construction of a public improvement, the purpose of the bond being to indemnify the public body against loss resulting from the withdrawal of the bid or the refusal of the bidder, upon the award of the contract to him, to enter into a contract. 43 Am J1st Pub Wks §§ 62, 63.

See **responsible bidder.**

bidder. A person who makes an offer at auction, judicial sale, contract letting; an offeror.

bid in. The act of the owner of property put up at an auction sale in taking the property out of the auction by a protective bid, that is, a bid made to prevent a sacrifice of the property at a sale less than its real value; the act of a mortgagee or lienholder in purchasing the property covered by the mortgage or lien at an auction sale.

bidoff. To purchase by bid at auction or judicial sale.

bid security. The expression is not a phrase of art having a precise meaning in the law of contracts, but its natural meaning in a proposal for public work is that a deposit is required of the bidder in order to assure the government of the seriousness of the bid, the deposit to be forfeited if the bidder should withdraw his bid before the government had accepted it. *United States v Conti* (CA1 Mass) 119 F2d 652.

bielbrief. A particular and detailed description of a ship, furnished by the builder.

bien. Well; lawfully.

bienes gananciales. See **ganancial property; ganancias.**

biennial. The word is derived from the Latin word "bis," twice, and "annus," year, meaning the happening or taking place of anything once in two years. *State v Smith*, 42 Mo 506, 507.

biennium. A period of two years.

biens. A term of the French law covering all kinds of property, real and personal. Biens are divided into biens ineubles, movable property, and biens immeubles, immovable property. *Lindsay v Wilson*, 103 Md 252, 63 A 566.

biens meubles et immeubles. Movable and immovable goods.

bifurcated trial. Separate trial of a particular issue, such as insanity in a criminal case. 21 Am J2d Crim L § 47.

biga. A two-horse chariot.

bigamia. Bigamy.

bigamist. A person who has committed the crime of bigamy; a man who, having contracted a bigamous marriage, and become the husband, at one time, of two wives, continues to maintain that relation and status. *Murphy v Ramsey*, 114 US 16, 29 L Ed 16, 5 S Ct 747.

bigamus. A bigamist.

bigamy. The crime committed by the act of marrying while the spouse of a former marriage is still alive and former marriage is still in force. 10 Am J2d Big § 1. In some jurisdictions, the act of cohabitation with the second spouse is made an offense. See 10 Am J2d Big § 1.

bigotry. Intolerance; an intrusion upon our traditional concept of religious liberty. *United States Nat. Bank v Snodgrass*, 202 Or 530, 275 P2d 860, 50 ALR2d 725.

big with child. Pregnant.

bilagae. Bylaws; ordinances.

bilagines. Bylaws; ordinances.

bilan. A balance sheet. *Dauphin v Soulie* (La) 3 Mart NS 446.

bilanciae. Balances; weighing scales.

bilanciis deferendis. An ancient writ commanding a corporation to carry weights to a given place to weigh wool, the transportation of which had been licensed.

bilateral agreement. See **bilateral contract.**

bilateral contract. A contract under which each party promises or undertakes performance, the promise or the undertaking by the one furnishing the consideration for the promise or undertaking of the other, *Christensen v Pugh*, 84 Utah 440, 36 P2d 100, 95 ALR 608; a transaction in which each party promises performance, each party thereby binding himself to the other and each party reciprocally acquiring a right to what is promised by the other. 17 Am J2d Contr § 1.

bilboes. A contrivance for the discipline and punishment of unruly sailors on shipboard, consisting of a board with holes in it through which the man's feet and arms protruded.

bilge. Bulge; the lower part of a ship, barge, or other watercraft, in which water accumulates; the dirty water that collects at the bottom of a ship; slang for nonsensical talk, wild rumors, or scandal.

bilge ventilator. Required equipment under Motor Boat Act of 1940. 46 USC § 526j.

bilging. As applied to a ship, to constitute "bilging" there must be a breach in the vessel, though the authorities differ as to the particular place which must be fractured. There is no bilging because a plank is almost worn through, if there is no actual breach. Nor will a bad straining which opens seams and lets in water constitute a bilging, although water thus injures the cargo. *Ellery v Merchant's Ins. Co.* 20 Mass (3 Pick) 46, 48.

billine. Collateral relatives.

bilingual. Double-tongued, speaking two languages.

bilinguis. Bilingual.

bill. A complaint in suit in equity; a document in the form of a law, presented to the legislature for enactment; a denomination of paper money; a bank note; a handbill given to pedestrians on the street or passed out door-to-door in residential sections, advertising goods, giving notice of a coming event, or extolling a candidate for office; a listing of things offered to patrons or customers, as at a theater or in a restaurant; the amount owing on an account; the charge for a purchase; an indictment or the charge made against the accused in an indictment; the statement of an account presented to the debtor for payment. Verb: To present an account for payment, usually by mail; to advertise by posters or handbills.

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billā. A bill.

billā cassetur. That the bill may be quashed, made void or abated. See 3 Bl Comm 303.

billā excambii. A bill of exchange.

billā exonerationis. A bill of lading.

bill and note broker. A broker who negotiates the purchase and sale of bills of exchange and promissory notes. Little Rock v Barton, 33 Ark 436, 446.

bill a vera. Same as **true bill**.

billboard. A signboard; a building within the meaning of building line regulations. 13 Am J2d Bldgs § 2.

bill-book. An account book in which bills and notes are entered, showing their dates, due dates and the names of the parties.

bill chamber. A department of the Scotch court of session.

billet. A place of lodging, especially of military personnel.

billeta. A bill or petition exhibited in parliament.

billet de change. (French.) A contract to furnish a bill of exchange; a bill of exchange.

bill for a new trial. A bill in equity to enjoin the enforcement of a judgment of a court of law where such enforcement would be against conscience by reason of facts of which the party seeking relief could not have availed himself in the law court, or could have done so but was prevented by fraud or unavoidable accident, with no fault or negligence on his part. Spokane Co-operative Mining Co. v Pearson, 28 Wash 118, 68 P 165.

bill for appropriation. See **appropriation bill**.

bill for cancellation. A bill in equity for the cancellation of a written instrument.

bill for foreclosure. A bill in equity in a suit to foreclose a lien, a mortgage or a pledge.

bill for raising revenue. See **revenue bill**.

bill for reformation. A bill in equity in a suit for the correction of an error in a deed or other written instrument.

bill for revenue. See **bill for raising revenue**.

bill for specific performance. A bill in equity to compel the actual accomplishment of a contract by the party bound to fulfil it, a means of compelling the party to do precisely what he ought to have done without being coerced by a court. See 49 Am J1st Spec Per §§ 2, 159.

bill-head. A sheet of paper with name and address of a place of business, sometimes ruled, being used in billing a customer.

billiards. A refinement upon the game of pool, being played on a pool table but with only three balls. In broad usage, any game of pool.

bill in chancery. Same as **bill in equity**.

bill in equity. The declaration or complaint of the plaintiff where the relief demanded is such as is granted by a court of equity; a petition for relief addressed to a court of equity which states the facts on which the claim for relief is based. 27 Am J2d Eq § 179.

See **complaint; original bill.**

bill in perpetuam rei memoriam. See **bill to perpetuate testimony.**

bill in the nature of a bill of review. Where a decree is final, the bill of review is not regarded as a part of the cause in which the decree was rendered, but as a new suit, having for its object the correction of the decree in the former suit. But where a decree is only interlocutory, but liable to the same objection, the party injured must seek his redress, not by a bill of review, as such, but by petition or supplemental bill in the nature of a bill of review. Such petition or supplemental bill is regarded as a part of the very cause the decree in which is sought to be corrected, and any order or decree of the court on the petition or bill is only interlocutory. *Zegura v United States* (CA5 La) 104 F2d 34.

bill in the nature of interpleader. A bill seeking affirmative relief independent of the conflicting claims of the several defendants, which a party may often be allowed to file when he asserts a substantial interest in the fund or property in controversy and hence cannot file a bill to compel other claimants to interplead concerning the same. 30 Am J Rev ed Interpl § 16.

bill in trade. A tradesman's bill; an itemized account of goods sold or services rendered, or both.

bill not original. A bill in equity relating to some matter already litigated in the court by the same parties, and depending on the prior suit, that is, supplementing or continuing the former suit, or seeking relief in respect to some matter growing out of that suit and connected with it. 27 Am J2d Eq § 179.

bill obligatory. A bond without a condition; differing from a promissory note in nothing but the seal which is affixed to it. *Farmers' & Mechanics' Bank & Greiner* (Pa) 2 Serg & R 114, 115. Often called a single bill. A written acknowledgment of indebtedness in a certain sum to be paid on a certain day, and having a seal affixed to it. *Osborne & Co. v Hubbard*, 20 Or 318, 25 P 1021.

bill of adventure. A statement signed by a shipper declaring that the goods shipped are those of another person and that they are shipped at the owner's risk.

bill of advocacy. (Scotch.) A petition praying the supreme court to transfer to itself a cause pending in a lower court.

bill of appeal. A writ of appeal; the complaint in an appeal of felony.

bill of attainder. A legislative act which inflicts punishment without a judicial trial. *Inland Steel Co. v NLRB* (CA7) 170 F2d 247, 12 ALR2d 240. Congress is prohibited from passing such an act by Art I § 9, clause 3, of the United States Constitution. The same prohibition applies to the states. Art I § 10, of the Constitution of the United States.

bill of certiorari. A bill in equity for the removal of a suit to a higher court.

bill of conformity. A bill in equity by which an executor or administrator seeks to secure the aid of the court in the administration of an involved estate.

bill of costs. An itemized statement of costs and disbursements to be filed by the party entitled to costs and a copy thereof served upon the adverse party. 20 Am J1st Costs § 91.

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bill of credit. A paper issued by a state, intended to circulate as money or to answer the ordinary purposes of money. 36 Am J1st Money § 17.

bill of debt. An old term including promissory notes and bonds for the payment of money. It was also called a "bill obligatory" and was both sealed and unsealed.

bill of discovery. A bill filed for the sole purpose of compelling the defendant to answer its allegations and interrogatories, and thereby to disclose facts within his own knowledge, information, or belief, or to disclose and produce documents, books and other things within his possession, custody or control, and it is usually employed to enable a party to prosecute or defend an action. *Peyton v Werhane*, 126 Conn 382, 11 A2d 800.

bill of divorcement. Under the Mosaic law, a husband could divorce his wife by giving her a "bill of divorcement" and sending her out of his house.

bill of entry. A written description of imported goods filed with the customs officials.

bill of evidence. A transcript of testimony.

bill of exceptions. The means provided by law for importing into the judgment roll or decision matters dehors the record which are dependent for their authenticity on the signature of the trial court or on a prescribed procedure.

It is intended to complete the record to be filed in the appellate court. Its function is to present to the appellate court exceptions taken during the progress of the trial to rulings and decisions of the trial court in matters which otherwise would remain in Pais, and to provide for the appellate court a succinct and intelligible statement of the errors about which complaint is made on the appeal. 4 Am J2d A & E §§ 417, 418.

bill of exchange. A written order of one party upon another for absolute payment of money to a third or designated person, or to his order or to bearer, upon demand or at a specified or determinable future time. 11 Am J2d B & N § 13. The term is equated with "draft" by the Uniform Commercial Code and is completely synonymous with "draft" even apart from the Code. 11 Am J2d B & N § 13.

See **check**.

bill of goods. A list of articles purchased; a slang expression of one who feels that he has suffered some imposition or been induced to take some action that he regrets, and says accordingly, "he sold me a bill of goods."

See **bill of parcels**; **bill of sale**.

bill of gross adventure. (French.) A written contract of bottomry, respondentia, or other maritime loan.

bill of health. A statement of a proper official certifying the healthful condition of a ship, its cargo and crew; a physician's statement certifying to the good health of a person.

bill of indemnity. A statute relieving officers from their failure to take their official oaths.

bill of indictment. The name properly applied to that paper which contains a criminal charge, before the paper is handed out to the grand jury. After it is found and all the blanks are filled in, it is called an "indictment." When it is thus made perfect, it must be decided to be valid or invalid, according to the requirements of the law. *State v Ray*, 24 SCL (Rice L) 1.

bill of information. An information.

See **information**.

bill of interpleader. See **interpleader**.

bill of lading. A written acknowledgment by a carrier of the receipt of goods described therein and an agreement to transport them to the place specified therein and deliver them there to the person named therein or his order. *Griggs v Stoker Service Co.* 229 NC 572, 50 SE2d 914, 15 ALR2d 798; a written acknowledgment, signed by the master of a

vessel, that he has received the goods therein described, from the shipper, to be transported on the terms therein expressed, to the described place of destination, and there to be delivered to the consignee or parties therein designated. 48 Am J1st Ship § 386.

See **clean bill of lading; order bill of lading; straight bill of lading.**

bill of lading with draft attached. See **document bill.**

bill of Middlesex. An old form of writ by which actions in the king's bench were commenced. The name was adopted because the court out of which it was issued usually sat in Middlesex.

bill of mortality. A copy of a public record of deaths in a given community.

bill of pains and penalties. A form of legislative sentence for crime, in all respects identical with a bill of attainder, except that it prescribes the infliction of a punishment less than capital. *Cummings v Missouri* (US) 4 Wall 277, 18 L Ed 356. It is within the constitutional prohibition of bills of attainder.

See **bill of attainder.**

bill of parcels. An informal memorandum of the items of a sale of goods, given to the buyer by the seller, not purporting to state the terms of the contract of sale, and hence not of sufficient dignity to constitute a written contract which cannot be varied by parol. *Leavitt v Fiberloid Co.* 196 Mass 440, 445, 82 NE 682. But regarded by some courts as a bill of sale. *Anne*: 33 ALR2d 364, 367, 393.

bill of particulars. In civil actions: An amplification or more particular specification of the matter set forth in a pleading, which may be ordered on motion therefor by the adverse party, the purpose of which is to inform the adverse party of the precise nature of the cause of action or defense which the pleader has attempted to set forth and thereby to guide his adversary in his preparations for trial, and reasonably to protect him against surprise at the trial. 41 Am J1st Tr § 268. Criminal prosecutions: A more specific and detailed statement of the offense charged in an indictment or information which is generally good but does not allege the nature and extent of the offense charged so precisely as to enable the defendant properly to prepare his defense. 27 Am J1st Indict § 111.

See **motion for more specific statement.**

bill of peace. A bill filed to procure repose from repeated litigation and one of the earliest instances in which chancery courts entertained jurisdiction on the ground of preventing a multiplicity of suits. 19 Am J1st Eq § 81.

See **quieting title.**

bill of privilege. A special form of action employed at common law when suing an attorney, clerk or other person attending a court of justice. This special form of procedure was deemed necessary because these persons were not liable to arrest by the

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ordinary process of the court. *Greenleaf v People's Bank*, 133 NC 292, 45 SE 638.

bill of proof. A claim asserted by a third party to the subject-matter of a suit.

See **intervention.**

bill of review. A bill in equity for the purpose causing the court to review and reverse or revise its own decree. 19 Am J1st Eq § 423.

See **bill in the nature of a bill of review.**

bill of review for error apparent. A bill in equity which sets up no new facts or newly discovered matter, the sole purpose being to obtain a review and reversal of the decree for some error or defect on the face of the proceedings. 19 Am J1st Eq § 429.

bill of revivor. A special form of bill in equity for reviving a suit where the defect supervening on the proceeding is of such a nature as to cause an abatement, as where a plaintiff or defendant, suing or being sued in his own right, dies pending the suit. 19 Am J1st Eq § 355.

bill of revivor and supplement. A bill in equity to revive an abated suit and to introduce and plead new matters which could not be supplied by amendment. *Westcott v Cady* (NY) 5 Johns Ch 334.

bill of rights. A guaranty of rights by constitution -that portion of the Federal Constitution and the constitution of each state which consists of the guaranties of such rights as are to a large extent declaratory of fundamental principles and the foundation of citizenship, such as those providing against the exaction of excessive fines or the infliction of cruel and unusual punishments. The first ten amendments comprise the bill of rights of the United States Constitution. 16 Am J2d Const L §§ 329, 332.

bill of sale. A written instrument evidencing the transfer of title to personal property described therein from a seller to a purchaser. *State v Blizzard*, 70 Md 385.

See **grand bill of sale; invoice.**

bill of sight. A custom-house entry of goods by an importer who, for want of knowledge of the quality or quantity of the merchandise, must report according to his best information and belief.

bill of store. A custom-house license exempting a ship's stores and supplies from the payment of duties.

bill of sufferance. A license exempting from the payment of duties a merchant trading between English ports.

bill of supply. An appropriation bill to provide for the expenses of the government.

bill original. A bill or complaint in equity which begins an independent suit unconnected with any other previous or pending suit in the same court. 19 Am J1st Eq § 212.

bill penal. A written promise to pay a larger sum than the promisor owes.

bill pro confesso. See **pro confesso.**

bill quia timet. Literally, an application for equitable relief because the plaintiff fears, such relief being intended to prevent the harassment of a plaintiff by repeated suits brought by the defendant concerning a subject matter of such nature that equity can for once and for all determine conclusively and finally the rights of the plaintiff and the defendant thereto.

See **bill of peace; quieting title.**

bill rendered. A statement of account.

bills and notes. Commercial paper; negotiable and nonnegotiable instruments.

See **bill of exchange; drafts; promissory notes.**

bills in a set. A bill of lading drawn in a set of parts, each of which is numbered and expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constituting one bill. 13 Am J2d Car § 268. One bill of exchange, usually a foreign bill, drawn in a set of identical instruments, each one duly executed by the drawer, and numbered, and containing a direction to pay it, with the notation that number 2, number 3, or whatever other numbers are in the set, are unpaid.

The purpose is to prevent delays and inconveniences resulting from the loss of a bill in transmission to the drawee, the separate but identical instruments being transmitted in different mails. 11 Am J2d B & N § 59.

There is nothing in the purpose or effect of such practice which should render it inapplicable, under all circumstances, to checks. 11 Am J2d B & N § 59.

bill single. A written promise to pay, executed under the sea] of the maker. 11 Am J2d B & N § 38.

bills in parts. See **bills in a set.**

Bills of Exchange Act. A Canadian statute passed in 1882 and modified in 1906, which in all essential particulars is an adoption of the negotiable instruments law adopted by most of the states of the Union.

Bills of Lading Act. A federal statute, which became effective on January 1, 1917, following closely the provisions of the Uniform Bills of Lading Act, but with a number of important changes evidently designed to adapt the latter Act to interstate commerce. 49 USC §§ 81-124.

bills payable. An accounting term used in financial statements to indicate the obligations of a business remaining unpaid; a form of designation of payee which renders the instrument a bearer instrument. 11 Am J2d B & N § 124.

An ordinary promissory note is a "bill payable" within a statute prohibiting bank cashiers from issuing "bills payable" without consent of the directors. *W. J. Howey Co. v Cole*, 219 Mo App 34, 269 SW 955.

See **payable to bills payable.**

bills receivable. An accounting term used in financial statements, promissory notes, bills of exchange or other written instruments for the payment of money at a future date. *Miami Coal Co. v Fox*, 203 Ind 99, 176 NE 11, 79 ALR 333; demands generally. *State use of Dittman v Robinson*, 57 Md 486, 501.

See **accounts receivable.**

bill to carry a decree into execution. A bill in equity which a party may maintain in aid of the execution of a decree which has been rendered in his favor. 19 Am J1st Eq § 213.

bill to examine witnesses de bene esse. Same as **bill to take testimony de bene esse.**

bill to marshal assets. See **marshaling assets.**

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bill to perpetuate testimony. A bill in equity. Whenever there is reasonable cause to apprehend future litigation in regard to a particular subject or matter and the person threatened with or exposed to suit is himself unable to bring the issue to an immediate judicial determination, or when he himself proposes or intends to institute an action for the purpose of establishing his rights with respect to a particular matter or subject, but is unable, by reason of some legal impediment, to do so immediately, a court of equity will entertain a bill or petition to perpetuate, by the taking and filing of their depositions, the testimony of witnesses for the plaintiff in the bill or petition, who, because of his peculiar position, cannot avail himself of such testimony in an immediate judicial trial and decision of such controversy. 23 Am J2d Dep § 8.

bill to remove cloud on title. See **cloud on title.**

bill to suspend a decree. A bill in equity in a suit to set aside or suspend a decree.

bill to take testimony de bene esse. A bill in equity which a party may maintain to secure the testimony for use in a pending action of a witness whose testimony cannot be taken in court. 23 Am J2d Dep § 6.

billy. A term used to denote masculine gender, as in billy goat; a club carried by a policeman.

billy-club. See **billy.**

bimetallism. A word made commonplace for the earlier part of the political career of the Honorable William Jennings Bryan, being the doctrine which favored the use of both gold and silver as monetary standards.

bind. To create a definite legal obligation upon one's self or upon another. Such an obligation may be created by contract, by statute, by common law, by a judgment or decree, by the act of an agent, wife, child, etc.

binder. Said to be synonymous with insurance policy. *Red Cab Co. v St. Paul Mercury Indem. Co.* (CA7 Ind) 98 F2d 189; but better defined as a written instrument, sometimes called a binding slip or interim receipt, used when an insurance policy cannot be issued immediately; to evidence that the insurance coverage attaches at a specified time and continues until the policy is issued or the risk is declined and notice thereof given; a written memorandum of the most important terms of a preliminary contract of insurance intended to give temporary protection to the owner pending the investigation by the company or until the issuance of a formal policy. *Sherri v National Surety Co.* 243 NY 266, 270, 153 NE 70.

Life, health, and accident insurance companies have devised and used a form of binder, called a binding receipt or conditional receipt, which actually does not bind the insurance company absolutely to protect the risk pending the issuance of a policy, but is conditioned upon the approval of the application, the issuance and delivery of a policy, or similar condition. 29 Am J Rev ed Ins § 208.

binding instruction. An instruction which the jury are bound to follow by virtue of the rule that it is their duty to take the law from the court and apply it to the facts as they find the facts to be. 53 Am J1st Tr § 845.

binding over. Accepting bail from accused binding him to appear for trial. 21 Am J2d Crim L § 450; or other subsequent proceeding in the case, putting a person under a peace bond, a recognizance conditioned upon the keeping of the peace by the principal. 12 Am J2d Breach P § 41.

See **affidavit to hold to bail.**

binding slip. See **binder.**

bind out. To apprentice,

bingo. A game of chance which is played by each player buying from the keeper at a fixed price one or more checkered cards, 15 of the checkered spaces on each card bearing numbers, the keeper or his agent drawing a number from a bag or other receptacle, which is announced, and each player covering that number on his card if he has it, and the game proceeding until some player first gets all the numbers on a card or in a row of a card, according to the rule adopted, whereupon he calls, "bingo," and, on verification, the stakes of all the players less the keepers percentage go to him as a winner. Anno: 96 L Ed 315.

binocular. Seeing with both eyes at the same time.

binoculars. Field glasses.

bipartisan board. A municipal board composed of an even number of officers selected equally from the two leading political parties. 37 Am J1st Mun Corp § 86. Such boards are not confined to municipalities. Boards or commissions of the state or national government may be created by statutes which provide for equal representation of the two leading political parties in the personnel of the board in order to prevent the evil of partisan politics in the performance of the functions of the board.

bipartite. In two parts; in duplicate.

birretum. The cap or coif of a judge or a sergeant-at-law.

birth. Delivery from the womb; a beginning, as a birth of a nation.

See **abortion; born; Caesarean operation; deadborn; en ventre sa mere; foetus; possibility of issue extinct; still-born; vital statistics.**

birth certificate. A certification of the date and place of a person's birth, with a notation of his parentage, according to the facts as registered in the record of vital statistics kept in the county, municipality, town, or township of birth.

birth control. The prevention of conception by chemical or mechanical means, sometimes called planned parenthood. 12 Am J2d Birth C § 1.

bis. Twice.

bisaile. See **besayl.**

bi-scot. A fine imposed for neglect to keep banks, ditches and causeways in repair.

bis dat qui cito dat. He gives twice who gives quickly.

bishop. The chief ecclesiastical officer of a diocese in the Church of England and the Roman Catholic Church in the United States; a high-ranking clergyman in other American denominations. A sole corporation in his character as the embodiment of the Church in transacting business and holding property. 18 Am J2d Corp § 7.

bishopric. The jurisdiction of a bishop; a bishop's diocese.

bishop's court. An ecclesiastical court in a diocese.

bis petitum. Twice demanded.

bissextile. Containing the extra day-the

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bissextile day, February 29th-added in leap years in the Julian calendar. Anno: 5 ALR2d 1146.

bissextus. February 29th, the day added in leap years in the Julian calendar.

bitch. A female dog; a coarse word of derision or contempt applied to an older girl or woman; not synonymous with "whore." Schurick v Kollman, 50 Ind 336, 337.

Biting rule. The principle that a provision in a *deed* or will to be inoperative where it attempts to cut down, modify, or qualify an apparent fee theretofore granted in the instrument. Hanks v McDanell, 307 Ky 243, 210 SW2d 784, 17 ALR2d 1.

bitters. A preparation of alcohol and other ingredients, principally herbs, sometimes used as medicine, but far more often in mixing alcoholic beverages, especially cocktails. 30 Am J Rev ed Intox L § 16.

bitulithic. See asphalt; bitumen.

bitumen. Asphalt; a residual material obtained in the distillation of crude oil.

bituminous coal. Soft coal; coal which burns readily on account of the content of pitch.

bituminous macadam. See **macadam.**

bk. An abbreviation of "bank," "block," and "book."

bkpt. Abbreviation of bankrupt.

bl. Abbreviation of bale and barrel, for both singular and plural.

B. L. An abbreviation of the law school degree of "bachelor of laws" and of the degree in liberal arts, called Bachelor of Letters; also of bill of lading.

B. L. A. An abbreviation of the degree Bachelor of Liberal Arts.

black. -A negro. *People v Hall*, 4 Cal 397, 400. Adjective: Without light; dark-complexioned.

Blackacre. The name of a suppositious parcel or tract of land, often used in moot cases or in argument.

Black Act. An English statute passed in 1722 to suppress bands known as "the blacks," who were ruffians who went about committing outrages with their faces blackened.

black acts. Scotch statutes enacted in the sixteenth century and written in black-letter.

Black Bass Act. A federal statute making it a criminal offense to deliver black bass or other fish for transportation from a state, if such transportation is contrary to the law of the state. 16 USC § 852.

Black Book of the Admiralty. The title of an ancient English commentary on admiralty law.

Black Book of the Exchequer. A book in the English exchequer containing treaties, conventions, and charters.

black cap. A cap worn by the judge in England when passing a death sentence; a cap or bag pulled down over the head of a convict about to be hanged.

black code. The laws providing for the segregation of the races in public places.

black damp. A noxious gas encountered in coal mines, commonly known as carbonic acid gas, or dead air, with the properties of oxygen exhausted, and causing suffocation by excluding oxygen from the lungs. *Jellico Coal Mining Co. v Walls*, 160 Ky 730, 732, 170 SW 19.

black game. Heath fowl, as distinguished from red game, such as the grouse.

blackjack. A weapon made by covering a piece of lead or other metal with leather and extending the leather covering over a handle that is flexible; used by thugs and sometimes by police officers. *People v Brown*, 253 Mich 537, 235 NW 245, 82 ALR 341. A card game, often played for money.

blackleg. A disease of cattle; a term of opprobrium applied to a dishonest gambler, a strikebreaker, and sometimes to any man who is untrustworthy. *United Mine Workers v Cromer*, 159 Ky 605, 608, 167 SW 891.

black-letter. The name given to the Old English or Gothic letter which was used in the old English manuscripts and in the first printed books; sometimes used by persons not familiar with printing in speaking of boldface.

black liquor. A trade term of the paper pulp industry; the residual liquor coming from the digesters in which wood in the form of chips is cooked under heat and pressure in a solution of chemicals. The organic matter binding the cellulose

fibers in the wood is dissolved out. After the cooking is completed, the wood pulp is removed from the solution and goes to the pulp treating section of the plant. *Babcock & Wilcox v North Carolina Pulp Co.* (DC Del) 35 F Supp 215.

blacklist. A generic term that may be defined as a list of persons marked out for special avoidance on the part of those among whom the list is intended to circulate, but which, as the term is now most generally understood, refers to lists of discharged employees sent by the discharging employer to other employers. 31 Am J Rev ed Lab § 83; and to the listing of names with information transmitted by a union member or agent to others with the intention that the result will be to prevent or terminate the employment of the workmen against whom the information is directed, and to make it impossible for them to obtain other employment within the jurisdiction of the union. Anno: 46 ALR2d 1125.

blacklisting. Putting a person's name upon a blacklist.

See **blacklist**.

blackmail. A criminal offense as a form of extortion; usually, extortion by threat of exposure of a criminal offense by, or of some conduct or act of, the victim which, if made public, will operate to his disadvantage; occasionally applied to extortion by threat of violence to the victim or members of his family. 31 Am J2d Extor § 18.

Another meaning of the term is **black rents**.

Black Maria. A covered vehicle, commonly black, used to transfer prisoners to and from a prison or jail.

blackout. An incident of modern warfare and drilling for civil defense, consisting in an enforced extinguishment at night of all street and highway lights and the obscuring of all lights in business places, offices, and dwelling houses against being seen from outside the building, such precautions being deemed necessary in time of war to prevent bombing of a city by airmen who otherwise would be aided in navigation by city lights; a temporary loss of consciousness.

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black rents. Rents, also called "reditus nigri" and "blackmail," payable in work, grain, or money baser than silver, as distinguished from white rent, which was payable in silver or white money. See 2 Bl Comm 42.

black rod. An official messenger in the English house of lords.

blacksmith. An artisan who shapes iron by heating and pounding it, and shoes horses.

black ward. A feudal subvassal who held ward or the king's vassal.

blada. Corn; grain; crops.

blada a solo separata. Grain severed from the soil.

blada crescentia. Growing corn, grain, or other crop.

blada nondum a solo separata. Grain not yet severed from the soil.

bladarius. A corn dealer; a grain dealer.

blada vel alia catalla. Grain or other chattels.

blade. A sword or knife. See **blada**.

blanc. White; plain; bearing no marks or writing.

blanc bar. Same as **blank bar.**

blanch. To whiten.

blanche. See **carte blanche.**

blanch-farms. White-rents, also called "reditus albi," which were rents payable in silver or white money. See 2 Bl Comm 42.

blanch-holding. An ancient Scotch land tenure.

blanc seing. Same as **blank seing.**

blancus. Same as **blanc.**

blank. Plain; bearing no marks or writing; a space in a document intended to be filled to complete the meaning.
See **acceptance in blank; indorsement in blank.**

blank bar. A plea in an action of trespass quare clausum fregit, the object of which was to compel the plaintiff to name the place of the alleged trespass.

blank bonds. (Scotch.) Securities made payable to any payee who wrote his name in the blank space provided for it. They were declared void by statute in 1696.

blank deed. A blank paper signed, sealed, and delivered, the operative effect of which when finally filled in depends upon authorization by the grantor. 23 Am J2d Deeds § 138.

blanket ballot. A ballot for use at an election on which appear all of the names of the candidates for all the offices to be filled at the election.

blanket patent. Letters patent covering several devices each of which would be patentable separately .

blanket policy. The name given to a contract of insurance because of the manner in which the subject matter, that is the insured property or the risk 'is described, typically illustrated by a policy covering a stock of merchandise, which, because of the changing character of the property insured from day to day as articles are sold and replaced in the course of business, can be described only in general terms describing the nature of the stock and its location.

Another typical illustration is that of a policy covering a warehouse risk, which, of course, varies from day to day as new customers bring in their property and old customers remove their property from the warehouse. 29 Am J Rev ed Ins § 306.

Blanket or float policies are sometimes issued to factors or to warehousemen, intended only to cover margins uninsured by other policies, or to cover nothing more than the limited interest which the factor or warehouseman may have in the property which he has in charge. Home Ins. Co. v Baltimore Warehouse Co. 93 US 527, 541, 23 L Ed 868, 869.

blanket rate. See **blanket territory.**

blanket search warrant. A single warrant which describes two or more separate premises to be searched. Williams v State, 95 Okla Crim 131, 240 P2d 1132, 31 ALR2d 851.

blanket territory. A term employed in rate-making for carriers, so called because a "blanket" rate on logs and lumber is made from all shipping points within the territory to points beyond. That is, the rate is the same regardless of the distance hauled within the territory.

blanket vein. (Mining.) A horizontal vein or deposit of mineral. *Iron Silver Mining Co. v Mike & Starr Gold & Silver Mining Co.* 143 US 394, 400, 36 L Ed 201, 203, 12 S Ct 543.

blank indorsement. An indorsement of a negotiable instrument by the payee or subsequent holder which specifies no indorsee. 11 Am J2d B & N § 360; an indorsement of a security in registered form which specifies no one as indorsee, the effect being an indorsement to bearer. 15 Am J2d Corn C § 32.

blank seing (blank sang). A paper signed at the bottom by him who intends to bind himself, give acquittance, or compromise, at the discretion of the person whom he intrusts with such paper, giving him power to fill it with what he may think proper, according to agreement. *Musson v Bank of United States (La)* 6 Mart 707, 718.

blasarius. An incendiary.

blasphemous libel. A libel of God or Christianity published with intent to insult or subvert religious belief.
See **Paine's Age of Reason.**

blasphemy. A crime in maliciously reviling God or religion, or maliciously reviling the founder of Christianity. 12 Am J2d Bias § 2.

See **blasphemous libel; Paine's Age of Reason; profane; profanity.**

blast furnace. A furnace which takes its name from the feeding of a blast of air to produce intense heat; used to burn out the impurities in ore.

blasting. Tearing apart the layers of earth and rock by the use of high explosives; destroying; blighting.

bleachers. Uncovered seats in a grandstand or stadium.

blees. Grain.

blees scies. Grain which has been cut.

blench holding (blench). Same as **blanch-holding.**

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blended fund. A fund consisting of the proceeds of an executor's sale of all his testator's real and personal estate under the will.

bleta. An old name for peat, a dried earth used for fuel.

blighted area. An unaesthetic and uneconomic section; an area of such kind that razing all the buildings will serve a public purpose, even though a few of them may not be substandard or blighted. *Velishka v Nashua*, 99 NH 161, 106 A2d 571, 44 ALR2d 1406.

blind. See **blindness.**

blind alley. A way from which exit can be made only by retreat to the place of entrance; a dilemma; a position from which no progress can be made.

blind corner. An intersection of streets or roads at which a driver's view of vehicles approaching on the intersecting highway is obscured by natural formations or artificial structures.

blindcraft. Useful and artistic articles produced by blind persons.

blind head. A bed or seam or soft rock which would prevent an upward explosion from blasting operations and would cause the gases to spread laterally. Anno: 20 ALR2d 1396.

blinding lights. Any lights which blind a person beyond the possibility of good vision but applied mostly to the headlights of motor vehicles.

blindness. Without sight in whole or in part.

See **color blindness.**

blind station. A railroad station at which there is no station house, agent, or telegraph operator. *Mobile & Ohio Railroad Co. v Massey*, 52 111 App 556, 557.

blind tiger. A term, of frequent use during the period of national prohibition, meaning a place where intoxicating liquor is sold in violation of law. *State v Tabler*, 34 Ind App 393, 72 NE 1039.

blinks. Broken boughs thrown where deer are likely to pass.

bloc. A group of persons who support a legislative measure as a body, even though they are of different political persuasions, as the "farm bloc" in Congress.

See **en bloc.**

block. A square or rectangular, sometimes an irregular, portion of a city or village which is enclosed by streets. Anno: 6 ALR 1167; the portion of a street, including both sides, measured from one intersecting street to the next intersecting street. *Chamberlain v Roberts*, 81 Colo 23, 253 P 27; a section of a railroad line set up in the installation of automatic signals regulating traffic, the purpose being to prevent the presence of more than one train in one block at one time.

blockade. An interdiction of commerce with a nation or people in that nation. 30 Am J Rev ed Internat L § 53. Blockades are maritime blockades, or blockades by both sea and land; and they may be either military or commercial, or may partake of the nature of both. A blockade of either kind is a sort of circumvallation round a place, by which all foreign connection and correspondence are, so far as human force can effect it, to be entirely cut off. Vattel says: "All commerce is entirely prohibited with a besieged town. If I lay siege to a place, or only form a blockade, I have a right to hinder any one from entering, and to treat as an enemy whoever attempts to enter the place, or carry anything to the besieged, without my leave." 56 Am J1st War § 171.

See **commercial blockade; effective blockade; paper blockade; simple blockade; violation of blockade.**

blockade de facto. See **de facto blockade.**

blockage rule. A recognition of the principle that a large block of corporate stock is not as readily marketable, or marketable as advantageously, as a few shares. *Phipps v Commissioner* (CA10) 127 F2d 214.

block and tackle. Rope and pulley used in lifting weights.

block booking. The booking of moving pictures in a theater by the job lot, without selection of particular pictures by the proprietor of the theater.

blocked frog. A term of railroad parlance which signifies that the space between the rails of a track, at the point where a car or a train is switched from one track to another, is filled with wood or other material, so as to prevent the catching and holding of a person's foot. *Southern Pacific Railroad Co. v Seley*, 152 US 145, 150, 38 L Ed 391, 14 S Ct 530.

block to block rule. A rule which purports to carry out the principle of special assessment according to benefit by assessing against the property in a city block the cost and expenses of the acquisition of land for opening a street which runs through the block.

blodwita. Same as **bloodwit.**

blood. The sustenance of life that flows through the body of a person and of many animals; the relationship between persons derived from having the blood of a common ancestor.

See **consanguinity; corruption of blood; full blood; half blood; heirs by blood; inheritable blood; nearest of blood; whole blood.**

blood brother. A brother by birth.

blood clot. See **pulmonary embolism.**

blood feud. A state of hostility between families, leading to a series of attacks and counterattacks by arms.

blood-frenzy. An irresistible impulse for bloodshed.

blood heirs. See **heirs by blood.**

bloodhound. A dog adaptable by breeding and care to training and successful performance in the tracking of a man.

bloodhound trailing. Evidence in the identification of an accused. 13 Am J2d Burgl § 44.

blood kin. See **relatives by blood.**

blood money. The price paid for causing a person's death.

blood poisoning. A toxic condition of the blood caused either from or through a surface wound or some internal lesion, or from the breaking down of tissue incident to an existent or precedent disease, and thereby producing suppuration; not a primary or idiopathic disease. *Jones v Pennsylvania Casualty Co.* 140 NC 262, 52 SE 578.

blood pressure. See **systolic pressure.**

blood relationship. See **relatives by blood.**

blood relatives. See **relatives by blood.**

blood stains. Evidence of homicide where found on

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the accused and properly identified. *People v Gonzalez*, 35 NY 49, 60.

blood test. A test to determine physical condition. A test of paternity; a test of special value in a case of disputed paternity because, although it cannot indicate with precision that a particular person is the father of the child whose paternity is in issue, in many instances it can establish that an alleged father could not have been the sire. Anno: 46 ALR2d 1003 § I(b).

See **microspectroscopic blood test.**

bloodwit. An amercement for bloodshed; (Scotch.) A bloody riot.

bloody hand. A hand stained with deer's blood, evidence of poaching.

blotter. A police record, kept at the station, of arrests.

See **rough minutes.**

blown upon. A metaphor, with little to recommend its use, meaning doubted or cast in doubt. *Lockett v Delpark*, 270 US 496, 504, 70 L Ed 703, 706, 46 S Ct 397.

blowout. A sudden rupture of the tube of an automobile tire.

B. L. S. Abbreviation for Bachelor of Library Science.

bludgeon. Noun: A weapon; a stick or club that is heavy by nature or loaded with metal. Verb: To strike with a club. *State v Phillips* 104 NC 786, 789.

blue book. A publication listing the value of used automobiles by make, type, and year; a register of the socially prominent; a listing of public officers.

blue chips. A term characterizing first-class investments.

See **first-class investments.**

Blue Cross. A comprehensive plan or system of providing hospital service and care for participants in consideration of regular payments, often called premiums, by the participants. 29 Am J Rev ed Ins § 12.

Blue Cross contract. A contract issued under a Blue Cross plan for providing payment of the expense of hospitalization of members participating in the plan and members of their families. *Michigan Hospital Service v Sharpe*, 339 Mich 357, 63 NW2d 638, 43 ALR2d 1167.

blue discharge. A discharge from military service which is neither honorable nor dishonorable. *Longernecker v Highley*, 97 App DC 144, 229 F2d 27.

blue laws. Strict statutes or ordinances, particularly those which affected observance of the Sabbath.

blue nose. A colloquial expression for one who is illiberal in his views as to activities which most persons regard as joys of living, such as dancing, card-playing, drinking alcoholic beverages, attending theatrical performances, etc.

blue note. A promissory note given for the initial premium on a life insurance policy. A melancholy air in music.

blue ribbon jury. A jury made up of particularly qualified persons; a jury selected by a sifting procedure which reduces the general panel to one of a much lesser number of persons. 31 J Rev ed Am Jur § 72.

Blue Shield. A comprehensive plan or system for providing surgical and medical services for participants in consideration of regular payments, often called premiums, by the participants. 29 Am J Rev ed Ins § 12.

blue sky laws. An appellation for a type of statutes, which apparently originated in the expression concerning the credulous as "dumb enough to buy blue sky, if it is offered to him"; statutes intended, by the requirements which they impose, to prevent fraud in the sale of securities. *Hall v Geiger-Jones Co.* 242 US 538, 61 L Ed 480, 37 S Ct 217.

See **securities acts.**

bluff. A steep bank of considerable height; a bold front assumed for the purpose of misleading another.

blunderbus. An old time firearm good only at short range, since its effectiveness depended upon the scattering of the shot, rather than marksmanship; a derisory term applied to a complaint or petition in many counts, also to an argument of counsel which covers the case too minutely to be effective.

blunt instrument. An instrument which, when used as a weapon, injures by pounding rather than by piercing or slashing; stick, butt of a gun, gas pipe, hammer, or something similar. *People v Lukoszus*, 242 111 101, 89 NE 749.

b.n. Abbreviation of bank note.

B/O. Abbreviation of brought over; used in bookkeeping.

boar. A male hog; a sire.

board. A convenient term in referring to the board of directors of a corporation, the reference being in the individual as well as the collective sense. *State ex rel. Keller v Grimes*, 65 W Va 451, 64 SE 728.

The term implies agency—a committee of managers,—official servants charged with executive duties, and acting for and in the interest of others. See *People v North River Sugar Refining Co.* 121 NY 582, 24 NE 834. An organization, although called a board, may be an association. 6 Am J2d Asso & C § 1.

Meals, usually in the sense of all, or nearly all, the meals for the period, as board by the day or week. While the word is sometimes given a meaning sufficiently broad to include both lodgings and meals, *Heron v Webber*, 103 Me 178, 68 A 744, where it is used in a statute, the context may show that it was intended to apply to meals alone. *Pacific Coal Co. v Silver Bow County*, 79 Mont 323, 256 P 386. Verb: To supply with meals; to take in a boarder or boarders.

boarder. One who takes his meals regularly at a single, definite place, the term sometimes carrying with it the idea of residence. 29 Am J Rev ed Innk § 12. He usually pays by the week, occasionally, by the month.

board foot. A unit of measure in the lumber trade, meaning a board one foot square and one inch thick.

See **board measure.**

boarding. The act of a prospective passenger in getting on a conveyance of the carrier. 14 Am J2d Car § 982; furnishing board; taking board.

boardinghouse. A quasi-public house, where boarders are generally and habitually kept, and which is held out and known as a place of refreshment of that kind. Anno: 19 ALR 538; 29 Am J Rev ed Innk § 11.

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boardinghouse keeper's lien. The statutory lien of the keeper of a boarding house upon the goods of a boarder or lodger brought upon the premises for the former's charges against the latter for services and things furnished for the accommodation, comfort, and entertainment of the boarder or lodger, the lien sometimes being extended by statute to goods of a third person brought upon the premises by the boarder or lodger. 29 Am J Rev ed Innk §§ 145 et seq.

board measure. The number of feet of board which a log will produce when sawed. *Destrehan v Louisiana Cypress Lumber Co.* 45 La Ann 920.

See **board foot.**

boarding school. An educational institution, lower than college rank, wherein the students are boarded and lodged.

board of aldermen. The common council of a city or other municipality.

board of arbitration. A quasi-court, appointed to act in a judicial and impartial manner, under the rules of arbitration, in hearing the parties to a dispute and settling the controversy by an award. Anno: 104 ALR 563.

board of audit. A board authorized to audit or pass upon the accounts of a public officer. 43 Am J1st Pub Of § 324.

board of directors. The directors of a corporation acting as a unit in representing the corporate body and conducting the business of the corporation. 19 Am J2d Corp § 1145.

See **bank directors; directors.**

board of education. A public corporation created by statute for the purposes of public education; the directors or trustees of a municipality or school district, who, acting as a body, administer the law governing the public schools in the municipality or school district. 47 Am J1st Sch § 29.

board of equalization. A board having a function or functions in reference to taxation, such as spreading the tax burden evenly over all the taxable property in a tax district, so that, taking account of difference in values of the assessed properties, one part of the district is neither unduly burdened nor unduly favored; equalizing the burden of taxes as between tax districts or as between the counties or towns of a state; and even the reducing or increasing of assessments on individual properties. 51 Am J1st Tax § 742.

board of examiners. A state board vested with the power to examine an applicant for a license to practice a profession or an occupation in which special learning is required.

board of fire underwriters. A board composed exclusively of fire insurers; that is, of persons engaged in the business of insuring others, on property, against loss by fire.

Prior to any legislation on the subject, associations called boards of underwriters (either fire or marine) existed in various cities. These were voluntary associations, composed exclusively of those engaged in that particular line of business. Their general object was to consult and co-operate in matters affecting their business and they often established salvage corps at their own expense. These associations were the forerunners of incorporated associations or boards formed under statutory authority and clothed with power to exercise these and similar functions. Childs, ex rel. Smith v Firemen's Ins. Co. 66 Minn 393, 69 NW 141.

See **underwriters' association.**

board of health. A public body, municipal or state, in charge of the sanitary and hygienic affairs of a community or the state. An administrative agency created by legislative act, acting as an arm of the state or municipal government, according to the authority vested in it upon its creation or thereafter conferred, for the essential purpose of protecting the public health. 25 Am J1st Hlth § 5.

board of pardons. A state board composed of several persons, of which the governor is usually a member, a majority of whom are generally authorized to grant pardons and to grant clemency to convicted prisoners as a branch of the executive department of the state government. 39 Am J1st Pard § 20.

board of parole. A state board authorized and directed to consider the cases of inmates of state prisons and reformatories in reference to the parole of such prisoners, and to release prisoners on parole under such conditions as may be prescribed by law or, as the board, acting under powers vested in the board, may prescribe.

board of regents. See **regents.**

board of review. A board authorized to hear complaints alleging errors in assessing property for taxation; in a few cities, a board authorized to hear complaints as to brutality or excessive force exercised by police in making an arrest or interrogating a prisoner.

board of supervisors. The county board, sometimes called the county court; the governing body of a county.

board of tax appeals. See **tax court.**

board of trade. A body of men organized for the advancement and protection of business interests, Retailers Credit Asso. v Commissioner, 90 F2d 47, 111 ALR 152. Sometimes business interests in one particular line of commercial activity, even in one particular line in a specific municipality or other geographical location. Retailers Credit Asso. v Commissioner, 90 F2d 47, 111 ALR 152; narrowly defined as any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling grain or receiving the same for sale on consignment. Trusler v Crooks, 269 US 475, 479, 70 L Ed 365, 366, 46 S Ct 165.

board of works. A public body having charge of public works.

boards of underwriters. Organizations of insurance companies or insurance agents which have the purpose of promoting the insurance business and securing uniformity in the business. 29 Am J Rev ed Ins § 109.

See **board of fire underwriters; rating bureaus.**

boardwalk. A sidewalk constructed of boards; the promenade at a seaside resort.

boast. To brag; a brag; a braggart.

boat. Preferably a watercraft, small in size but, as used in common parlance, it is a generic term for watercraft of different sizes, sometimes inclusive, but erroneously, according to mariners, of ships. Sometimes regarded in the more limited sense of watercraft for use upon inland waters. State v Hutchins, 79 NH 132, 105 A 519, 2 ALR 1685, 1691.

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boatable waters. Waters within a state which are of common passage, as highways; that is, waters which can be used in their ordinary condition as highways for commerce conducted in the customary mode of trade and travel on water. New England Trout & Salmon Club v Mather, 68 Vt 338, 35 A 323. But waters which are private property are not boatable, notwithstanding otherwise they are boatable in fact. 56 Am J1st Wat § 3.

See **navigable waters.**

boating. A conveyance of persons or freight by boat and also the use of a boat for amusement. 12 Am J2d Boats § 1.

Boating Act. A federal statute governing the operation of pleasure craft upon navigable waters. 46 USC § 527.

boat livery. A business or enterprise having boats for rent. 12 Am J2d Boats § 81

boatswain. A petty officer in charge of the deck crew on watch, including operations in loading or unloading cargo. Larson v Alaska S. S. Co. 96 Wash 665, 165 P 880.

bobtail. A horse having a docked or shortened tail.

boc. A book; a written instrument; a charter.

boc horde. Same as **book hoard.**

bock hord. Same as **book hoard.**

bock land. Same as **book land.**

hoc land. Same as **book land.**

boddemerey. Bottomry.

bodemerie. Bottomry.

bodily. Pertaining to or concerning the body; of or belonging to the body or to the physical constitution; not mental, but corporeal. *Terre Haute Electric Railway Co. v Lauer*, 21 Ind App 466, 475, 52 NE 703.

bodily harm. Physical injury to the person, especially injury by violent, hostile, and aggressive means. *People v Moore* (NY) 50 Hun 356, 358.

bodily heirs. Heirs of the body. *Watson v WolffGoldman Realty Co.* 95 Ark 18, 128 SW 581; children. 28 Am J Rev ed Est § 42; heirs of the body as distinguished from heirs by adoption. 2 Am J2d Adopt § 98.

See **heirs of the body.**

bodily hurt. Personal injury. *Murray v Allen*, 103 Vt 373, 154 A 678.

See **bodily harm; bodily injuries.**

bodily infirmity. Something of a permanent, established, or settled character, that materially impairs, weakens, or undermines the constitution of a person, tends to reduce his powers of resistance, and thereby enhances the risk of death in case of injury. 29A Am J Rev ed Ins § 1211.

See **physical infirmity.**

bodily injuries. Personal injuries. *Cormier v Hudson*, 284 Mass 231, 187 NE 625, in various degrees of harm, Anno: 37 ALR2d 1087, resulting from an external cause, 29A Am J Rev ed Ins § 1168; but including, according to some authority, distress from a cause other than one involving force for example, injury by seduction or malpractice, 3~Arn J1st Lim Ac § 105, sunstroke; freezing, causing death; ulcerations upon the insured's fingers, caused by exposure to an X-ray used in his business; and contact, resulting in death of a professional nurse, with germs of a communicable disease while attending a patient, 29A Am J Rev ed Ins § 1168, but excluding, according to other authority, anything not resulting from force or violence, such as loss of consortium, 7 Am J2d Auto Ins § 212, or disease. 29A Am J Rev ed Ins § 1168.

See **personal injury.**

bodily issue. Ordinarily words of limitation in a grant or devise, but they may be words of purchase, as where the grantor or testator had children living at the time of the grant and the context shows that the words were not used in a technical sense, but referred especially to children. 28 Am J Rev ed Est § 42.

bodmerie. Bottomry.

body. The corporeal or physical person or being; the trunk, as distinguished from the head and limbs, that part of the human being between the upper part of his thighs or hips and his neck, excluding his arms. *Walker v State*, 34 Fla 167, 173; the substantial part, as the body of a building in distinction to the accessory or auxiliary parts; the hull of vessel. 29 Am J Rev ed Ins § 304; a corporation; an unincorporated association; a board; a code of laws.

body corporate. A corporation.

body execution. An execution against the person; a writ of execution for the satisfaction of a judgment to be served by arresting the judgment debtor. 30 Am J2d Exec § 865.

See **execution against the person.**

body heirs. See **bodily heirs.**

body of a county. The county as a whole.

body of an instrument. The meat or substance of the instrument.

body of ship. The hull. 29 Am J Rev ed Ins § 304.

body of the crime. See **corpus delicti**.

body politic. A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by laws for the common good. *Munn v Illinois*, 94 US 113, 124, 24 L Ed 77, 84.

body politic and corporate. A term often applied to a municipal corporation. A county is such a body. *Waterbury v Board of Comrs.* 10 Mont 515, 26 P 1002.

body snatching. Stealing a corpse. The taking of a corpse from the grave secretly and without authority; a criminal offense, as violation of sepulture. 22 Am J2d Dead B § 50.

body stealing. See **body snatching**.

bog grass. A kind of hay but constituting a part of the freehold, so that it is waste for a life tenant to take it as fodder. *Sarles v Sarles* (NY) 3 Sandf Ch 601.

bogus. Spurious; fictitious; sham. *Williams v Territory*, 13 Ariz 27, 108 P 243.

bogus check. A check given by a person upon a bank in which he has no funds, or funds less than the amount of the check, which he has no reason to suppose will be honored, and which is not honored. *Williams v Territory*, 13 Ariz 27, 108 P 243.

Bohemian oats. A characterization of a contract whereby seed grain of a variety of oats known as Bohemian oats is sold at a very high price under representation that the seller will sell for the purchaser a much larger quantity of the grain at an

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equally exorbitant price. A characterization of similar contracts involving other grains. 46 Am J1sf Sales § 122.

boil. A swelling on the skin, pus-filled and very painful. *Beck v State*, 29 Ala App 410, 197 So 42. Verb: To come to the boiling point, e.g., water at 212 degrees Fahrenheit; a slang expression for becoming angry.

boilary. Salt water taken from a well belonging to a person who does not own the land.

boiler. A metal container in which food, such as potatoes or ears of sweet corn, may be heated and boiled; a large and tight container of heavy metal in which water may be turned into steam for commercial or household use for the purposes of power or heating.

Boiler Inspection Act. A federal statute intended for the protection of railroad employees, perhaps also of passengers and the public at large, from injury due to industrial accident. *Uric v Thompson*, 327 US 163, 93 L Ed 1282, 69 S Ct 1018, 11 ALR2d 252. A statute regulating railroads in respect of the safety of certain equipment. 44 Am J1st RR § 274.

boiler insurance. A type of casualty insurance covering damage to property of the insured or of others for which the insured may be liable, including damage to the boiler itself, as well as loss to the insured for damages on account of the death or personal injury of any person caused by the explosion or collapse of a boiler. 29A Am J Rev ed Ins § 1365.

boiler plate material. A term of the trade for stereotype matter in a newspaper. 39 Am J1st Newsp § 8.

bois. A wood.

boldagium. Same as **bolhagium.**

Bold Buccleugh. See **The Bold Buccleugh.**

bolhagium. A small dwelling house.

boll of land. (Scotch.) About an acre.

boll weevil. A beetle, the larvae of which are destructive to cotton plants; an agricultural pest. 3 Am J2d Agri §§ 38 et seq.

bolter. Bran; a horse that breaks away and runs uncontrolled by rider or driver; a person who leaves his political party, or supports a candidate of another party, usually for a single election.

bolt. A roll of cloth, such as a bolt of silk; a metal rod or pin, usually threaded to permit staying by a nut.
See **bolter; bolting.**

bolting. The holding of moot arguments at the inns of court; sifting ground wheat to remove the chaff from the edible flour.

bomb scare. The criminal offense of conveying or causing to be conveyed, false information that a bomb or other explosive has been or is to be planted in an airplane, bus, other vehicle, building, or the like. *Smith v United States* (CA6 Ohio) 283 F2d 16, 87 ALR2d 394, cert den 365 US 847, 5 L Ed 2d 811, 81 S Ct 908.

bon. Good.

bona. Adjective: Good. Noun; Goods and chattels.

bona confiscata. Property confiscated by, or forfeited to, the crown.

bona dea. The good goddess.

bonae fidei. Of good faith.

bonae fidei emptor. A purchaser in good faith.

bonae fidei possessor. A possessor in good faith, -one who believes his right of possession to be better than that of anyone else.

bona felonum. The goods of felons.

bona fide. Acting in good faith.
See **good faith.**

bona fide debt. A debt incurred without fraud or deceit. *Ware v Jones* (US) 3 Dall 199, 241, 1 L Ed 568, 586.

bona fide holder. See **holder in due course.**

bona fide holder for value without notice. A holder in due course. 11 Am J2d B & N § 397.
See **holder in due course.**

bona fide operation. Real and substantial operation, not something of pretense or sham. 13 Am J2d Car § 95.

bona fide possessor. A person who is in possession of property and is ignorant of all the facts and circumstances relating to his adversary's title. *Henderson v Pickett's Heirs*, 20 Ky (4 T13 Mon) 54, 60; actual rather than potential or simulated service, and substantial as distinguished from incidental, sporadic, or infrequent service. Anno: 4 ALR2d 705. (Civil law.) A possessor who believes that no other person has a better right to the possession than himself. See Mackeldey's Roman Law § 243.

bona fide purchaser. One who purchases a chattel for value, without notice of a defect in the title of the person from whom he purchased or of the right of a seller in the chain of title to avoid or rescind the sale which he made. 46 Am J1st Sales § 465. One who purchases real estate with an honest purpose and for a valuable consideration, without knowledge or notice of outstanding interests or of facts or circumstances from which his knowledge of outstanding interests should be implied. 55 Am J1st V & P § 687.

Possession of realty by one other than the grantor is sufficient to require the purchaser to make inquiry as to the rights of such other person in possession. *Holgerson v Gard*, 257 Ala 579, 60 So 2d 427, 33 ALR2d 1315.

To constitute one a bona fide purchaser entitled to priority over one claiming under a prior equity or conveyance, he must be the purchaser of the legal title, as distinguished from the equitable title, in good faith, for value, without notice, at or before the time of parting with the consideration of such other's equity or conveyance. *Larkins v Howard*, 252 Ala 9, 39 So 2d 224, 7 ALR2d 541.

See **holder in due course**.

bona fide residence. A residence which amounts to a domicil, that is, a place where a person lives or has his home, to which, when absent, he intends to return and from which he has no present purpose to depart permanently. 17 Am J2d Div & S § 247.

bona fides. Good faith.

bona forisfacta. Same as **bona confiscata**.

bona fugitivorum. The goods of fugitives.

bona gestura. Good behavior.

bona gratia. With good grace; freely; with full consent.

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Bona gratia matrimonium dissolvitur. Full consent to the dissolution of a marriage.

bona immobilia. (Civil law.) Immovable property; land; buildings; any corporeal real property.

bona memoria. With good memory.

bona mobilia. Chattels; personal property; articles which move under their own power or are moved by external force applied to them. 42 Am J1st Prop § 24.

bona notabilia. Goods and chattels of some value, of sufficient value to require administration of the estate of a deceased owner.

bonanza. A term originally applied to a rich vein of ore or a highly productive mine, especially a gold or silver mine, and now applied to any business or commercial activity which is very rewarding financially, particularly a new enterprise which produces a big profit quickly.

bona patria. (Scotch.) A jury of countrymen or good neighbors.

bona peritura. Perishable goods.

bona utlagatorum. The goods of outlaws.

bona vacantia. Property without an owner. Personal property which went to the Crown, under the common law, for want of an owner. 27 Am J2d Esch § 1.

bona waviata. Goods stolen, and waived or thrown away by the thief in his flight, for fear of being apprehended.

bond. Noun: The obligation secured by a mortgage or deed of trust; a corporate obligation. 19 Am J2d Corp § 1059; at common law, a sealed instrument or specialty. 34 Am J1st Lim Ac § 82; an obligation in writing which binds a signatory to pay a sum certain upon the happening of an event and carries a seal, except where controlled by a statute which dispenses with the necessity of a seal. 12 Am J2d Bonds § 1. So defined, the term is generic, embracing investment bonds, penal bonds, indemnity, fidelity, and surety bonds. 12 Am J2d Bonds § 1. Less frequently, the term is used for a bail or a surety. Verb: To give a bond as security.

See **undertaking.**

bonda. A boundary.

bondage. Involuntary personal servitude; slavery.

bond and disposition in security. (Scotch.) A mortgage of real property.

bond broker. See **broker; underwriting contract.**

bond-creditor. A creditor who has taken a bond to secure his debt.

bonded debt. An indebtedness secured by a bond issue; written obligations contracted for corporate purposes pursuant to law and to be paid out of taxes to be levied upon all property within the corporate boundaries. Bolton v Wharton, 163 SC 242, 161 SE 454, 86 ALR 1101.

bonded goods. Goods in respect to which a bond has been given to secure the payment of the excise or duty on them.

bonded indebtedness. See **bonded debt.**

bonded liquor. See **bonded goods.**

bonded warehouse. A building or part of a building, usually at a port of entry, designated by the Secretary of the Treasury as a bonded warehouse for the storage of imported merchandise entered for warehousing, for the manufacture of merchandise in bond, or for the repacking, sorting, or cleaning of imported merchandise.

The owner or lessee of such premises is required to give bond in such sum and with such sureties as may be approved by the Secretary of the Treasury, to secure the government against loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. 19 USC § 1555.

See **private bonded warehouse; public bonded warehouse.**

bond for costs. See **security for costs.**

bond for support. A bond conditioned upon furnishing support for a child, furnished in a prosecution for abandonment or nonsupport of the child. 23 Am J2d Desert § 118.

bond for title. See **title bond.**

bondholder. A person who is the holder or owner of a government bond, mortgage bond, debenture, or other investment bond.

bond issue. The entire process of executing and delivering the instruments, known as bonds, and having the effect of obligations of indebtedness of the corporation or public body which issues them, to the purchasers, holders, or owners, *Vans Agnew v Ft. Myers Drainage Dist.* (CA5 Fla) 69 F2d 244; *Turner v Roseberry Irrig Dist.* 33 Idaho 746, 198 P 465; *Joint School Dist. v Dabney*, 127 Okla 234, 260 P 486; the aggregate of bonds issued by a corporation or public body under one authorization.

bondman. A slave; a person bound to serve without pay; a bond-tenant.

bond on appeal. Security furnished in perfecting an appeal for the benefit of other parties to be affected. 4 Am J2d A & E § 323.

bond post obit. Bond after he has died, -a bond given to secure the performance of Some act or acts after a certain person shall have died . A kind of bond whereby the obligor agrees that in consideration of the payment to him of a sum of money by the obligee, he, the obligor, will upon receipt thereof from the estate of a person now living from whom he expects to inherit, pay a larger sum, exceeding the legal rate of interest. *Boynton v Hubbard*, 7 Mass 112, 120.

bond premium. The amount paid for a bond by the holder thereof in excess of the face value of the instrument.

bond single. A bond without a condition; in effect, a promissory note under seal.

bondsman. A surety on a bond, especially a bail.

bond-tenants. Copyhold tenants; customary tenants.
See **bondman**.

bond to keep the peace. A bond or undertaking required by a magistrate to be given by a person who has threatened to commit a breach of the peace. A bond or undertaking given as security against the commission of a breach of peace by the obligor. 12 Am J2d Breach P etc. §§ 41-51.

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bone boiling plant. A place where bones are reduced to constituents by boiling.

bone marrow biopsy. A part of a physical examination to which the plaintiff in a personal injury action may be required to submit. 23 Am J2d Dep § 216.

bones gents. Good men; competent or qualified persons.

boni et legales homines. Good and lawful men; qualified jurors.

bonification of tax. The remission of taxes, particularly taxes on goods to be exported. *United States v Passavant*, 169 US 16, 42 L Ed 644, 18 S Ct 219.

boni homines. Good men.

Boni judicis est ampliari justitiam. The duty of a good judge to make precedents in the amplification of justice. *Koerber v Patek*, 123 Wis 453, 102 NW 40.

boni iudicis est litis dirimere; et interest reipublicae ut sint fines litium. A good judge should end litigation; and it is of interest to the state that litigation should end.

bonis. See **in bonis; in bonis defuncti.**

bonis maternis. See **ex bonis maternis.**

bonis non amovendis. For not removing the goods, -a writ to restrain a judgment debtor from removing his goods pending a writ of error.

bonne. Good.

bonne foy. See **en bonne foy.**

bono et malo. See **de bono et malo.**

bono gestu. See **de bono gestu.**

bonorum. See **cessio bonorum; collatio bonorum.**

bonorum possessio. (Civil law.) The possession of goods.

bonos mores. See **contra bonos mores.**

bonum. Goodness; welfare; advantage; benefit.

bonum vacans. Singular of **bona vacantia.**

bonus. A payment made by a borrower in advance, sometimes called a commission. 55 Am J1st Usury § 41; a sum paid by a mortgagor as a condition of prepayment of the mortgage debt. Anno: 70 ALR2d 1334; a payment of something extra, *Kenicott v Supervisors of Wayne County (US)* 16 Wall 452, 21 L Ed 319; something paid an employee above stipulated wages. Anne: 28 ALR 332; 35 Am J1st M & S § 71; an extra dividend; a payment made for expeditious service; a payment in appreciation of a privilege granted. *Kenicott v Supervisors of Wayne County (US)* 16 Wall 452, 21 L Ed 319; the payment of a share of earnings required of a public utility in consideration of the grant of a charter. *Baltimore & Ohio R. R. Co. v Maryland (US)* 21 Wall 456, 22 L Ed 678; a reward for military services. 40 Am J1st Pens § 3; a drawback of taxes. *United States v Passavant*, 169 US 161, 42 L Ed 644, 18 S Ct 219.

An adjective in the Latin; good; advantageous; profitable.

bonus homo. A good man.

bonus iudex. Good judge.

bonus plan. An established plan, followed by a corporation, for the remuneration of officers and employees, in addition to regular salaries or wages, as an incentive to additional effort and use of skill on behalf of the company. See 19 Am J2d Corp § 1413.

bonus stock. Corporate stock issued without payment made therefor or issued for property or services at an inflated and unrealistic value. 19 Am J2d Corp § 764.

bony. Adjective: Thin; having bones with prominent protrusions; having many bones, as applied to fish in reference to serving them as food. Noun: Refuse, especially refuse from a mine.

boodle. Money given or received as a bribe. 33 Am J1st L & S § 22; money or property gained in an illegal enterprise, theft, or fraudulent scheme. Money fraudulently obtained in public service; especially, money given to or received by officials in bribery, or gained by collusive contracts, appointments, etc.; by extension, gain from public cheating of any kind; often used attributively. *Boehmer v Detroit Free Press*, 94 Mich 7.

book. A generic term inclusive of a bound volume, even a very loosely bound volume, sometimes sheets held together by a ring or loop of wire, of such a variety of content as to embrace a body of blank pages on the one hand or the world's greatest literary masterpiece on the other. Any species of publication which an author selects to embody his literary product and for which he seeks the protection of a copyright. 18 Am J2d Copyr § 38. In the ancient concept, a term including any volume, whether of paper, of parchment, or of some other material.

book account. An account based upon transactions creating a debtor and creditor relation, evidenced by entries made in a book regularly kept and used for that purpose. *Plunkett-Jarrell Grocery Co. v Terry*, 222 Ark 784, 263 SW2d 229, 44 ALR2d 917.

See **book of account**.

book-case. A set of shelves for books.

book cases. Published reports of cases which have been decided.

book debt. A common-law form of action to recover for such items as are the proper subjects of book charge, that is, proper for entry or charge in a book of account. *Newton v Higgins*, 2 Vt 366, 369.

See **book of account**.

booked. See **booking**.

booker. See **bookmaker**; **booking agency**; **motion picture booker**.

book hoard. A place where books or written instruments were kept.

bookie. See **bookmaker**.

booking. Entering an event or a transaction in a book; a police-station term for the entry of an arrest and the charge for which the arrest was made; the engagement of talent for a theater, a night club or other place of entertainment. The system or practice of steamship companies in making specific engagements with shippers for a reservation of space for commodities to be shipped on a particular vessel in advance of its sailing day. Any certain commodity for which space has been thus arranged is referred to as "booked." *Ocean Co. v Savannah Locomotive S.S. Works & Supply Co.* 131 Ga 831, 63 SE 577.

See **freight booking**.

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booking agency. An agency, otherwise known as a theatrical agency, which represents actors, or other entertainers, and lecturers, in obtaining engagements for them.

booking contract. A contract for the employment of an actor or other entertainer. *Hart v B. F. Keith Vaudeville Exchange* (CA2 NY) 12 F2d 341.

bookkeeper. See **bookkeeping**; **bookmaking**.

bookkeeping. Keeping the accounts of an individual or a business, in other words, accounting. 1 Am J2d Accts § 2. The art of recording, in a systematic manner, the transactions of merchants, traders and other persons engaged in

pursuits connected with money; the art of keeping accounts. In the commercial world, bookkeeping is a distinct profession requiring peculiar adaptation and thorough training. *Western Assur. Co. v Altheimer*, 58 Ark 565, 573.

book-land. Land which was held by deed under certain rents and free services, otherwise known as charterland, and which, in effect, did not differ from the free socage-lands. See 2 Bl Comm 90.

bookmaker. A binder of books; a person who is engaged in bookmaking. Anno: 153 ALR 464.

See **bookmaking**.

bookmaking. The receiving from several persons of wagers on the same sporting event, more often than not a horse race, the odds having been calculated beforehand by the bookmaker, and the total sum received by way of the wagers to be given to the winner, subject to a deduction of the bookmaker's commission. Anno: 96 L Ed 317.

Tickets are given the persons who make the wagers in evidence of their selections and of their interest in the total sum or pool received from all persons betting on the particular event, according to whether they win or lose. 24 Am J1st Gaming § 24. Bookmaking is a form of gambling and, as such, illegal under the statutes of most jurisdictions, except as legalized in reference to particular events, such as horse racing and dog racing.

book-oath. An oath made by swearing on the Bible.

book of account. Otherwise known as a shop-book a book of original entry of transactions with customers in a store or shop, which is admissible in evidence in an action by the storekeeper or shopkeeper to recover on the account of a customer, where properly authenticated as to the person or persons who made the entries, the time, the occasion, and accuracy of the entries. 30 Am J2d Ev § 918.

See **book of original entry; journal; shop-book rule; waste-book**.

book of acts. The records of a surrogate court.

book of adjournal. (Scotch.) The book of the records of the court of judiciary.

Book of Fiefs or Feuds. A compilation of the feudal law made in Lombardy in the 12th century.

See **liber feudorum**.

book of original entry. The first permanent record of a transaction made by a shopkeeper or storekeeper, as a creditor of a customer, in the usual course of business and within a reasonably short time after the transaction itself, although the items may have been first entered as a temporary assistance to the memory upon some slate, book, paper, or other substance; it is of no consequence what the latter material was, or the size or shape, so long as the notation thereon was a mere minute, not intended to be preserved as evidence, but to be used in the preparation of a book of account to be preserved. 30 Am J2d Ev § 941.

An original entry within rule admitting in evidence books of account consisting of such entries must have been made in the regular course of business; must, as a rule, have been a part of the series; must be fairly contemporaneous with the items entered; and must be the first permanent record of a transaction recorded. Anno: 17 ALR2d 239.

book of rates. A list of duties and tariffs authorized by the English Parliament.

book of responses. An account book kept by the director of the Scotch exchequer.

Book of The Assizes. The fourth volume of decisions reported in the reign of Edward the Third.

books of account. See **book of account**.

books of exact science. A term in the law of evidence for books admitted in evidence, subject to authentication, as publications containing statements of ascertained scientific facts rather than of opinions, or which, by long use in the

practical affairs of life, have come to be accepted as standard and unvarying authority in determining the acts of persons who use them, eg. mortality tables, almanacs, tables of weights and measures, and similar compilations. 29 Am J2d Ev § 889.

book value. A value, which, in its application to corporate stock, is theoretical only, unless there is stated with it the accounting procedure and formula by which it is determined. Anno: 51 ALR2d 606. By a mere rule of thumb, the book value of corporate stock is the figure obtained upon dividing the amount of the difference between assets and liabilities by the total number of outstanding shares, in other words, the value shown by the balance sheets of the company. *Early v Moor*, 249 Mass 223, 144 NE 108; 33 ALR 362. The term contemplates a theoretical value resulting from depreciation or appreciation as computed upon an originally determined base, which is supplied by some form of stipulation or acquiescence or through acceptance of particular accounting procedures previously applied. 18 Am J2d Corp § 219.

The book value of a partner's interest is the money value of that interest arrived at by taking the total value of the assets of the partnership, as shown on the general ledger and other books of account, and deducting therefrom the total liabilities of the partnership. *Rubel v Rubel*, 221 Miss 848, 75 So 2d 59, 47 ALR2d 1410.

An expression used in the automobile used car market, meaning an established, arbitrary value for every make, model, and year. 8 Am J2d Auto § 1042.

book warranty. A warranty in an insurance policy covering a stock of goods and merchandise against loss by fire, windstorm, burglary, or theft, that the insured shall make and keep inventories and books of account, which shall be kept in a fireproof safe or other secure place, and that the insured shall, upon demand, produce such books and inventories for the inspection of the insurer. 29A Am 3 Rev ed Ins § 939. Such a provision is often referred to as an iron safe clause. Anno: 33 ALR2d 619; 29A Am J Rev ed Ins § 939.

boom. A structure erected in a stream or river for the purpose of catching and collecting logs floating down stream and forming an artificial harbor for

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the logs, of which harbor one side is furnished ordinarily by the natural bank of the stream, and the other is provided by piers and the timber or other obstruction to the passage of logs which connect the piers together. 34 Am J1st Logs § 78.

boomage. A charge imposed by the proprietor of a canal for the use of a terminal as an anchorage. *Watts v Savannah & O. Canal Co.* 64 Ga 88 ; a charge made by a booming company for collecting and distributing logs which have accumulated at its boom. 34 Am J1st Logs § 89.

boom company. A company formed for the purpose of constructing and maintaining booms and for running, driving, booming, and rafting logs. *Watts v Tittabawassee Boom Co.* 52 Mich 203, 206.

boom value. Speculative or fanciful value, as distinguished from reasonable market, salable value. *Blincoe v Choctaw, Oklahoma & Western Railroad Co.* 16 Okla 286, 83 P 903.

boon days. Days appointed for base services of copyhold tenants.

boosted fire. A fire rendered impossible of extinguishment because of inflammables or combustibles stored or kept in the building. *Anderson v Miller*, 96 Tenn 35, 33 SW 615.

boot. A covering for the foot; a patch for an automobile tire. Something paid by one of the parties to a trade or exchange to the other.

bootblacking stand. A place for obtaining a shoeshine, which, according to some but not all authority, is a place of public accommodation. 15 Am J2d Civ R § 20.

booth. A small structure, usually for occupancy by one or two persons, open at one end, except for railing, bar, or counter, in use for the most part in selling admission tickets or soliciting business at exhibitions, fairs, markets, games, etc. Also, a partial enclosure in a lobby of a place of entertainment for the sale of tickets. Also, a house or shed built of boards or other slight materials for temporary occupation. *People v Hagen*, 60 Hun 577, 14 NYS 233.

boothage. Money paid for the privilege of maintaining a market booth or stall.

booting-corn. Rent paid in corn.

bootlegger. One who sells alcoholic beverages in violation of law; one who keeps alcoholic beverages for the purpose of making sales in violation of law. *State v Vanderpool*, 195 Iowa 43, 44, 191 NW 357.

bootleg whisky. Whisky manufactured, sold, or kept for sale, in violation of law. *State v Tillery*, 243 NC 706, 92 SE 2d 65.

bootstrap sale. A tax-saving device whereby the seller in effect converts ordinary income from his business into capital gain from the sale of corporate stock. *Commissioner v Brown*, 380 US 563, 14 L Ed 2d 75, 85 S Ct 1162.

booty. Goods captured in war on land by land forces. Property taken by theft, robbery, or larceny.

See **boodle**.

booze. Verb: To drink heavily of alcoholic beverages. Noun: Alcoholic beverages.

bord. (Saxon.) A dwelling house; a cottage.

bordage. A feudal tenure under the Norman kings by which the tenant held his cot in return for menial service. Such a tenant was called a bordar.

bordagium. Bordage.

bordar. See bordage.

bordaria. A cottage.

bordarii. Tenants in bordage; bordars; cottagers.

bord-brigeh. Same as **borghbrech**.

border-crossing. An identification card given to a Canadian crossing the border into the United States. 8 USC § 1303(a).

bordereau. (French.) A note or memorandum; a list of documents or contracts more or less in detail. An account.

border warrant. (Scotch.) A warrant for the arrest of a debtor on the English side of the border between England and Scotland.

bord-halfpenny. Money paid for the liberty of setting up and maintaining a market stall at fairs and markets.

bord-land. Land held by a tenant in bordage.

bordlode. Rent service rendered by hotdarii.

bord-service. Bordage.

borel. Pertaining to the laity.

borel folk. Laymen, as distinguished from the clergy; country people.

borg. Same as borgh.

borgesmon. (Saxon.) The head of a family.

borgh. A suretyship; a pledge; a surety.

borghbrech. Pledge-breach; the breach of a pledge or suretyship; the violation of the pledge given by every inhabitant of a tithing to keep the peace.

born. Brought forth, delivered, or expelled from the womb; contrasted with adopted within the meaning of provisions in wills intended to confine legacies and devices to relatives by blood. 57 Am J1st Wills § 1174.

See **birth.**

born alive. Completely delivered from the womb, and breathing or attempting to breath, without reference to the fact that the child is dead before the umbilical cord is severed. *Goff v Anderson*, 91 Ky 303, 15 SW 866. Some authority insists that "not to have breathed is not to have lived." *State v Winthrop*, 43 Iowa 519.

born dead. See **dead-born.**

born deaf, dumb and blind. See **deaf, dumb and blind.**

borne. Carried.

born out of wedlock. Born to an unmarried female; born to a married female but begotten during the continuance of the marriage status by one other than her husband. *State v Coliton*, 73 ND 582, 17 NW2d 546, 156 ALR 1403. Anno: 156 ALR 1411.

borough. In the American sense of the term, a unit of a large city, as the borough of Brooklyn in New York City; an incorporated town or township with powers of self-government, sometimes including a village within its limits. In England, there is the additional meaning of a town which sends a member to Parliament. *Atherton v Essex Junction*, 83 Vt 218, 74 A 1118.

See **burgess; rotten boroughs.**

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borough council. The managing board elected by the voters of the borough.

borough courts. Courts of limited jurisdiction held within boroughs by prescription, by charter or by act of parliament. See 3 Bl Comm 81.

borough-English. A custom attached to burgage tenure whereby the youngest and not the eldest son succeeded to the tenement on the death of his father. It was so named in contradistinction to the Norman rule of primogeniture.

borough-head. The head man or chief of an English borough, tithing or frank-pledge.

borough-holder. Same as **boroughhead.**

borough reeve. The governor of a borough.

borough sessions. The sessions of a borough court.

borrow. To obtain upon loan from the owner or other person having the right of disposition; to engage the use of money by contract. State ex rel. Kimball v School Dist. 13 Neb 82, 88.

The renewal of an existing indebtedness is not "borrowing money" or "effecting a loan." State v Love, 170 Miss 666, 150 So 196, 90 ALR 506.

See **loan**.

borrowe. (Scotch.) A pledge.

One who borrows.

See **usury**.

borrowing member. A member of a building and loan association who has borrowed from the association. 13 Am J2d B & L Assoc § 19.

borrowing money. See **borrow; borrower; loan**.

borrowings. A local banking term for overdrafts.

borrow pit. A term familiar in cases pertaining to the construction of highways and railroads, meaning land used for excavation to obtain dirt for making fills. Arkansas Valley & Western Railway Co. v Witt, 19 Okla 262, 91 P 897. Often it is necessary to condemn land in order to obtain a borrow pit.

borsholder. Same as **borough-head**.

boscage. Tree leaves and bushes used as cattle feed.

boscaria. Cattle-sheds.

boscus. Growing wood.

bosom of the country. See **in the bosom of the country**.

bosom of the court. See **breast of the court**.

botable waters. Waters that are of common passage as highways for business or pleasure. 56 Am J1st Wat § 3.

bote. Estovers; compensation; satisfaction.

boteless. Without a remedy; without relief.

botellaria. A wine or liquor cellar.

both. The two of them, whether persons or things; taking two together; as well.

botha. A market stall or booth.

bothagium. Same as **boothage**.

both legal and equitable. A phrase elaborating the sole and unconditional ownership clause of a fire insurance policy, meaning, according to some authorities, a vested legal, as well as an equitable, title, but, according to other authorities, no more than an equitable title with the right to the conveyance of the legal title. 29A Am J Rev ed Ins § 791.

bothna. (Scotch.) A pasture.

both-to-blame. The admiralty doctrine whereby the full burden of losses sustained by both ships in a collision should be shared equally. 2 Am J2d Adm § 187.

See **contributory negligence.**

botiler of the king. A king's officer whose duty it was to select one cask before the mast and one behind it from every ship freighted with wine which was to be sold.

boting corn. Same as **booting corn.**

botless. Same as **boteless.**

bottled gas. Gas for household use, furnished, not in the conventional manner by mains and service pipes but by supplying the product in containers, called bottles, which have outlets for connection with the pipes of the house.

See **liquid gas.**

bottom. The national registry of a vessel.

bottomage. Same as **bottornry.**

bottom land. Land in the flood plain of a river; land which is over flown by a river unless protected by flood control constructions.

bottomry. A contract, usually executed in a foreign port by the master of a vessel, for repayment of advances made to supply the necessities of the ship, together with such interest as may be agreed upon, the performance whereof is secured by a pledge of the keel or bottom of the ship, which, of course, is actually a pledge of the ship itself, but under the characteristic provision that payment of principal and interest are at the risk of the lender during the voyage, so that repayment depends upon its successful termination. 48 Am J1st Ship § 593.

bottomry bond. An instrument which sets forth a contract of bottomry.

See **bottomry bond.**

bottomry lien. The lien upon a vessel created by a bottomry bond. See 48 Am J1st Ship § 605.

bottoms. Keels or the parts of vessels below water; a term of the shipping business, used at times for freighters; for instance, the expression, "50 bottoms available," meaning 50 ships in port and ready to take on cargo; a slang term used by persons who deal in forged notes to denote paper for making the notes. *Rex v Dade* (Eng) 1 Moody CC 307.

botulism. A form of food poisoning which results from imperfect canning or preserving.

bouche. A feudal allowance for food supplies during active military service; mouth.

bouche of court. The king's allowance to his knights and personal servants for food supply during active military service.

bought. Purchased, either for cash or upon terms of credit.

bought and sold notes. Two memoranda of a transaction by a broker, one going to the purchaser and the other to the seller, the former being the bought note and the latter the sold note.

boulder. A rock, as known to geologists, but not necessarily to all persons, so that where the term appears in a contract, it is to be construed with the entire context, perhaps contrary to geology.

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Chicago v Duffy, 117 Ill App 261, affd 218 Ill 242, 75 NE 912.

Boulder Canyon Project Act. The federal statute providing for the construction of the Boulder Dam, otherwise known as the President Hoover Dam, in the canyon of the Colorado River known as Boulder Canyon. 43 USC § 617.

boulevard. A street or highway more elaborate than the ordinary highway or street in respect both of width, style, and manner of construction. 25 Am J Rev ed High § 6. It may be given a park like appearance by reserving spaces at the sides or center for shade trees, flowers, seats, and the like, and be set apart for pleasure driving rather than the general purposes of traffic. Haller Sign Works v Physical Culture Training School, 249 Ill 436, 94 NE 920.

boulter. Same as **bulter**.

bouncer. A man, often an ex-pugilist, employed in a restaurant or other place of public entertainment to maintain order and eject riotous or quarrelsome persons.

bouncing check. See **bogus check**,

bound. Noun: A **boundary**.

In an indorser's waiver of protest of a note, in which he stipulates to be bound as if protest had been made, the word bound has been held to amount to a waiver of both demand and notice, since otherwise the stipulation would be without effect. Union Bank v Hyde (US) 6 Wheat 572, 5 L Ed 333.

Adjective: Tied, fastened securely to something else; deprived of movement by cord or fetters; under contract, obligated.

boundary. The marking or dividing line between two parcels of real estate. 12 Am J2d Bound § 1.

boundary action or suit. An action at law or a suit in equity, sometimes a special statutory proceeding, for the determination of a boundary as between adjoining landowners. 12 Am J2d Bound § 91.

boundary point. The extremity of a boundary line, being indicated by a monument or marker, a course or a distance as it appears on a map or plat, the adjoining land, or by a combination of such things. 12 Am J2d Bound § 1.

boundary trees. Trees, standing on the boundary between adjoining tracts of land in different ownership, so that the boundary line passes through them. The trees are the common property of the proprietors of the adjoining tracts as tenants 'in common. 1 Am J2d Adj L § 22.

See **bounded tree**.

boundary waters. Rivers, lakes, or other bodies of water which delimit a nation, state, or political subdivision.

bound-bailiff. Also known as hound-bailiff, -a deputy sheriff who was under bond for the faithful performance of his duties and was employed only on account of his adroitness and dexterity in hunting. 1 Bl Comm 345.

bounded by a highway. A designation in the description of a boundary that will carry title to the center of the highway, in the absence of other words in the conveyance which indicates a contrary intent. 12 Am J2d Bound § 51.

bounded tree. A tree marking a corner of a tract of land.

See **boundary trees**.

bounden. Same as **bound**.

bounders. Visible marks showing courses and distances in a land survey; rude, ill-mannered, or unprincipled persons.

bounds. Boundaries.

See **metes and bounds**.

bounty. In common parlance, a gift or favor bestowed as an expression of liberality or kindness; in a narrower and more precise legal sense, it is money paid, or a premium offered, to encourage or promote an object, or to procure a particular act or thing to be done. 12 Am J2d Bount § 1; an amount offered for services performed or to be performed. 46 Am J1st Rew § 2; a payment made to induce enlistments in the armed forces or as a reward for industrial activities in the national defense. 12 Am J2d Bount § 2.

bounty lands. Lands donated by the government as a bounty.

Bounty of Queen Anne. A fund provided by statute to aid the smaller church livings.

bourbon. Adjective: Reactionary. Noun: Whisky made from corn.

Bourdon tube. A well-known pressure-responsive device, commonly used in pressure gauges of steam boilers. James P. Marsh Corp. v United States Gauge Co. (DC 111) 42 F Supp 998.

bourg. A fortified town.

bourgeois. An inhabitant of a town; a burgess; one of a middle class, usually having at least some property or value. Adjective: Smug; conservative.

bourgeoisie. Plural of **bourgeois**.

bourse. A stock exchange.

boussole. (French). A compass for use in navigation.

bout. A butt; an end; an end boundary; a contest, such as a boxing bout.

bouter. To put or place.

bouter avant. To place or put before; to exhibit.

bouts et cotes. Butts and bounds; metes and bounds; end and side boundaries.

bouwerie. (Dutch.) A farm.

bouwmeester. (Dutch.) A farmer.

bovarius. An ox-team driver.

bovata terrac. A parcel of land which could be tilled by one ox.

bovettus. A young steer.

bovicula. A heifer.

Bovill's Act. An English statute (1865) whereby one was not liable as a partner simply because he shared in the profits of the business; an English statute regulating procedure in petitions of right.

bovine. Pertaining to the cow or ox; patient, slow, and stupid.

bow-bearer. A kind of forest police with the duty of enforcing the forest laws.

bowery. Same as **bouwerie**.

bowie-knife. A knife with a strong blade from ten to fifteen inches long, double edged near the point; used as a hunting knife and formerly as a weapon in the southwestern part of the United

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States. *Phoenix v State*, 103 Tex Crim 441, 444, 281 SW 567; a deadly weapon. 56 Am J1st Weap § 3.

bowling alley. A lane, having a smooth, wooden floor, used in the game of bowling, pins being set up at one end and the player, called a bowler, throwing a heavy ball, with underhand motion, from the other end, his purpose being to strike down the pins or as many of them as possible; a building having bowling alleys in it. *Williams v Vincent*, 70 Kan 595, 79 P 121.

bow window. See **bay window**.

bowyers. Makers of archery supplies.

box. See **ballot-box**; **jury box**.

box car. A railroad freight car which is inclosed. *State v Green*, 15 Mont 424, 39 P 322.

boxed weight. A mercantile term, of special significance in the meat business, meaning weight after the necessary packaging.

boxing. A sport, often called fighting, in which the participants, wearing so-called boxing gloves, which are padded, seek to deliver blows by the hand, left or right, to the face and the upper part of the torso of his opponent. The sport is both amateur and professional.

boxing match. A boxing contest, a mere exhibition of skill in sparring with gloves, not calculated to do great bodily injury. *State v Olympic Club*, 46 La Ann 935, 15 So 190.

box-step. A step on a railroad passenger car by which a passenger moves from the station platform to the vestibule of the car or vice versa.

box strap. A strip of leather, plastic, or thin metal used to reinforce the ends, sometimes the tops and bottoms, of shipping cases made of wood or card board.

boy. A male under the age of puberty. *Central of Georgia Railroad Co. v Robins*, 209 Ala 6, 95 So 367, 36 ALR 10, 13.

boycott. A species of ostracism, a combination in refusing to have business dealings with another until he removes or ameliorates conditions deemed inimical to the members of the combination, or some of them, or grants concessions

which are deemed to make for the removal or amelioration of such conditions. 31 Am J Rev ed Lab § 461. The word is derived from the name of Captain Boycott who, in 1880, as an Irish land agent gave offense to the populace and was treated to this sort of social interdiction. As applied to labor unions, a boycott is an attempt, by arousing a fear of loss, to coerce others, against their will, to withhold, from one denominated "unfriendly to labor," their beneficial business intercourse. 31 Am J Rev ed Lab § 461.

As defined above, the influence brought is persuasion by causing fear of loss of business; at times, boycotts have been accompanied by intimidation and threats causing fear of bodily injury. *Gray v Building Trades Council*, 91 Minn 171, 97 NW 663.

See **primary boycott; secondary boycott.**

boys. Males under the age of puberty; a wood.

Boy Scouts. A worldwide organization for training in leadership, patriotism, and good citizenship, which qualifies easily as having a charitable purpose. 15 Am J2d Char § 68.

bozero. (Spanish.) An advocate.

bozo. A slang term applied to a man in derision or contempt, especially to a strikebreaker in a labor dispute; occasionally used without rancor in speaking familiarly and humorously to persons on one's own level. *State v Christie*, 97 Vt 461, 123 A 849, 34 ALR 577, 579.

b.p. Abbreviation for **boiling point.**

B. P. Abbreviation for **Bachelor of Philosophy** and for **Bachelor of Pharmacy.**

B/P. Abbreviation for **bills payable.**

B. P. O. E. Abbreviation for the **Benevolent and Protective Order of Elks.**

B.R. Abbreviation for **bills receivable**; an abbreviation of "bancus regis" and also "bancus reginae," -king's bench and queen's bench. K. B. and Q. B. are also used.

brabant. An English coin current in the thirteenth century.

brace de la mer. An arm of the sea.

bracelets. Undersized hounds or beagles.

bracery. The name of an offense created by the statute 32 of Henry the Eighth directed against the evil of buying and selling of titles and pretended rights of persons not being in possession. *Webb v Camp*, 26 Ga 354, 357; *Cain v Monroe*, 23 Ga 82, 94.

See **embracery.**

bracetus. A hound.

brachium maris. An arm of the sea.

bracket. Marks used to set off a parenthetical clause or expression.

See **parenthesis; tax bracket.**

Bradlaugh's Case. A celebrated case involving the form of oath required of members of the English house of commons.

Brahmin. A Hindu priest; an ultra-conservative person; a snob.

brain. The seat of physical control of the body and also of intelligence; a slang term applied by students to a superior student.

See **water on the brain.**

brake. A mechanical device for stopping or slowing a vehicle in motion or a moving part of a machine.

braking distance. The distance traveled by a motor vehicle from the time that brake pressure is applied until the vehicle comes to a full stop.

For a chart of braking distance in terms of percentages of braking efficiency with formulas and separate chart of reaction time distance, see Am J2d Desk Book, Document 175.

branch. A line of descent from a common ancestor; one of the divisions of a legislative body; a creek or small stream tributary to a larger stream or river; a subordinate part.

A will establishing a trust and providing "If, at the time of the termination of said trust, any of the three branches of my family as represented by my three children, should have become extinct, then the branches of my family represented by issue or descendants shall take the said estate in equal proportions" will be interpreted to mean direct branches or surviving issue or descendants of his children, rather than collateral branches not mentioned in the will, where such provision appears to have been inserted merely to amplify and reaffirm such an intention clearly disclosed by prior privi-

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sions. Dennis v Omaha Nat. Bank, 153 Neb 865, 46 NW2d 606, 27 ALR2d 674.

branch bank. A bank established by another bank, known as the principal or main bank, at a location in a city, village, or town other than that in which the main bank is located, for transacting a banking business; sometimes to be regarded as a separate institution, at other times as an agent of the main bank. 10 Am J2d Bks § 326. There is a distinction between a branch bank and an additional office of a bank for the receipt of deposits and the payment of checks. Marvin v Kentucky Title & Trust Co. 218 Ky 135, 291 SW 17, 50 ALR 1337.

branch postoffice. A place established, usually in a store or other place of business, for the transaction of postal business or a part of the functions of a postoffice.

The term includes every place within such a branch office where letters are kept in the regular course of business, for reception, stamping, assorting, or delivery. Goode v United States, 159 US 663, 671, 40 L Ed 297, 301, 16 S Ct 136.

branch railroad. See **lateral.**

brand. Noun: A kind of commodity, usually designated by name given by the producer, as "twenty mule team borax";- an identifying label on merchandise; a mark on the hide of a cow or steer made with a hot iron; a stick on fire at one end, carried for the purpose of setting fire. Verb: To mark with a brand; to bring a person into disgrace by speech or writing.

See **label.**

branding. See **brand.**

branding-helmet. A helmet used for branding on the cheek a person who pleaded benefit of clergy as a defense in a criminal prosecution.

brandy. A spirituous and intoxicating liquor, generally distilled from wine, although the name is sometimes given to distillations from other liquors. 30 Am J Rev ed Intox L § 12.

brank. Buckwheat was so called in Essex.

branks. A bridle which was used as a punishment for a common scold.

brasiator. A brewer.

brasium. Malt.

brass knuckles. A weapon used for offense and defense, worn upon the hand to strike with as if striking with the fist. When first known and used, the weapon was commonly made of brass, but it is now made of steel, platinum or other heavy metal, as well as of brass, but it retains the name of brass knuckles, no matter of what material it is made. *Harris v State*, 22 Tex App 677, 38 SW 477.

brawl. A noisy quarrel.

brawling. The offense of quarreling noisily in or about a church, which was punished under a statute of Edw. VI.

breach. A break; a breaking; a violation; the violation of an obligation, engagement or duty; a hernia.

breach of arrestment. (Scotch.) The unlawful delivery of arrested or seized goods to the debtor.

breach of close. A trespass, that is, wrongful entry on the soil of another.

breach of contract. A failure without legal excuse to perform any promise which forms a whole or a part of a contract, including the refusal of a party to recognize the existence of the contract or the doing of something inconsistent with its existence. *National City Bank v Erskine & Sons*, 158 Ohio St 450, 49 Ohio Ops 395, 110 NE2d 598; a nonperformance of any contractual duty of immediate performance; the breach may be total or partial, and may take place by failure to perform acts promised, by prevention, or hindrance, or by repudiation. Restatement, Contracts § 312.

breach of covenant. The violation of a covenant by an act or omission, depending upon whether the duty prescribed by the covenant is one of action or refraining from an act.

breach of duty. The failure or omission to do that which a person is bound by law to do, or the doing of it in an unlawful manner.

See **breach of contract; breach of covenant; negligence.**

breach of peace. Such a violation of the public order as amounts to a disturbance of the public tranquility, by act or conduct either directly having this effect, or by inciting or tending to incite such a disturbance of the public tranquility. 12 Am J2d Breach P § 4.

breach of pound. The breaking of a pound by the owner of goods or animals placed in the pound under a warrant of distraint and the removal or release by him of such goods or animals from the pound.

breach of prison or jail. See **prison breaking; jail breaking.**

breach of privilege. An excess or abuse of the privilege of a member of the legislature, as determined by the legislature; excess or abuse of the privilege of communication, whereby the privilege is lost and liability for defamation ensues, as by violent and intemperate language. 33 Am J1st L & S § 186.

breach of promise. Literally the failure to perform a promise, but known to the law and also to laymen as breach of promise of marriage. 12 Am J2d Breach P § 1.

breach of trust. A term susceptible of wide application, comprehending **derelictions** by persons in all confidential and fiduciary relationships, but applicable particularly to a violation of duty by a trustee, whether it be willful or fraudulent, occurring by negligence, or arising from mere oversight or forgetfulness. 54 Am J1st Trusts § 300.

breach of warranty. The violation of an express or implied contract of warranty.

See **breach of covenant.**

breachy animal. A colloquial term for a domestic animal in the habit of escaping from the place of confinement, particularly by breaking through or jumping over a fence.

bread. The staff of life, baked from flour, usually wheat flour, but may be flour from almost any food grain.

bread and cheese. Food which is not to be abhorred by any means, but which has little significance in the law beyond its use in the earlier period of English history as a morsel of execration.

bread and water. A diet constituting a special condition of imprisonment for crime. 21 Am J2d Crim L § 615.

break. To separate; to divide; to violate; a breach; a breaking.

As applied to machinery, in a limited sense, the

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word signifies a separation into parts or fragments as a result of stress or force. In a broader sense, it indicates a weakness, impairment, or destruction of parts, however caused. *American Locomotive Co. v National Wholesale Grocery Co.* 226 Mass 314, 115 NE 404.

breakage. An item of loss or damages, as breakage in transit; an inevitable loss over a period of time in some lines of business, such as hotels, restaurants, electric companies, etc. As the word is used in a bill of lading exempting the carrier for loss by breaking, it refers to the breakage of goods, wares, and merchandise, other than living animals, and does not include the breaking of a horse's leg. *Coupland v Housatonic Railroad Co.* 61 Conn 531, 23 A 870.

As the term is used in connection with pari-mutuel betting, it means the odd cents of all redistributions exceeding a sum equal to the next lowest multiple of five. *Wise v Delaware Steeplechase & Race Asso.* 28 Del Ch 532, 45 A2d 547, 165 ALR 830.

See **broken.**

breakdown. A cogent analysis; a deterioration in the health of a person amounting to a collapse; a machine out of condition so as to be inoperable.

See **breakdown clause**

breakdown clause. A clause in a charter party, providing for a deduction from the hire of the vessel for delay and expense caused by accidents or eventualities named in such clause; such as deficiency of men or stores, fire, breaking down of hull, machinery, detention by accidents to cargo, etc., *Dampskibs Aktieselskabet Jeannette Skinner v Munson Steamship Line* (CA2 NY) 20 F2d 345; a term for a condition in the substituted automobile provision of an automobile liability policy, whereunder, in order for the provision to apply, it must appear that the vehicle described in the policy had been withdrawn from normal use because of its "breakdown". Anno: 34 ALR2d 949.

breakdown service. The maintenance of a hook-tip between a public utility furnishing electricity and a manufacturing plant for service only in the emergency which results when the power plant of the manufacturing plant fails.

breakers. Machinery employed in breaking chunks of coal to small pieces; the waves of lake or sea as they conic upon rock or shore with such force as to be broken in part into foam.

breaking. A breakage; the removal of any protection against intrusion for the purpose of effecting an unlawful entry; a substantial and forcible act within the meaning of the offense of burglary, 13 Am J2d Burgl § 8, although pushing open a door entirely closed will suffice. Anno: 23 ALR 112. What would be a breaking in burglary, it has been held, is equally a breaking by the sheriff to serve process and the right even to lift a door latch has been denied. Other cases hold that the door may be opened in the ordinary or usual manner, as by lifting the latch, turning the knob or turning a key left in the lock. See 42 Am J1st Proc § 44.

See **constructive breaking; forcibly; housebreaking; jail breaking; prison breaking.**

breaking a case. The informal expressions of opinion between judges prior to their formal decision of the case before them; detectives, police, and other law enforcement officers coming to the point of solving the question of who committed a particular crime.

breaking a close. A trespass upon real estate.

breaking and entry. Elements of the offense of burglary. 13 Am J2d Burgl §§ 8 et seq. Some courts take the view that the use of the conjunctive "or" in a statute eliminates the necessity for both a breaking and an entering. Others, however, take the view that the word "or" must be read as the equivalent of "and", thus requiring both a breaking and an entering to constitute burglary. Anno: 23 ALR 288, 290.

See **breaking; entry.**

breaking a will. Rendering a judgment against the validity of a will upon a contest thereof.

breaking bulk. The division or separation of the contents of a package or container. Lord Coke says, "if a bale or pack of merchandise be delivered to carry to one at a certain place, and he goeth away with the whole pack, this is no felony; but if he open the pack and take anything out aninio furandi, this is larceny." State v Fairclough, 29 Conn 47. The reasons given in the cases for this settled doctrine of the common law are not satisfactory nor in accord and Kelyng at page 83 of his reports observes, possibly with sly humor: "But I marvel at the case put, 13 Edw. IV, 9 (1473): That if a carrier have a tun of wine delivered to him to carry to such a place, and he never carry it, but sell it all, this is no felony, but if he draw part of it out above the value of twelvecence, this is felony. I do not see why the disposing of the whole should not be felony also." Such refinements in the offense of larceny disappear with the enactment or statutes which pro vide that conversion of the bailed property by the bailee is larceny. 32 Am J1st Larc § 32.

breaking ground. The beginning of a voyage by a vessel. See 48 Am J1st Ship § 425; the commencement of work upon a building or other structure; the act of taking a shovelful of dirt from the ground, symbolizing the commencement of work upon a building, in the construction of which, the public is interested, such as a church, a postoffice, a memorial building, a courthouse, etc.

breaking land. Plowing virgin soil. Not an improvement for the purposes of a mechanic's lien. Brown v Wyman, 56 Iowa 452, 9 NW 344.

breaking of arrestment. Same as **breach of arrestment.**

breaking of breakable goods and machines. See **breakage; breakdown; breakdown clause.**

breaking out. A rash on the skin; criminal offense in breaking out of a building after entry with intent to commit a felony. 13 Am J2d Burgl. § 14.

See **prison breaking; jail breaking.**

breaking point. Colloquially, an emotional state; technically, the Mississippi River which marks a material line in the establishment of joint rates for carriers. *Beaumont, S. L. & W. R. Co. v United States*, 282 US 74, 75 L Ed 221, 51 S Ct 1.

breaking prison or jail. See **prison breaking; jail breaking.**

break or enter.

See **breaking and entering.**

breast of the court. The judgment or mind of the court. A decision in a case that has been tried and submitted to the court is in the breast or bosom of the court until it is handed down.

breathing test. Part of a physical examination sometimes sought to be required of a plaintiff in a personal injury action. 23 Am J2d Dep § 216.

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breath test. A test of the alcoholic content of the breath, employed in determining intoxication or degree of intoxication of a motor vehicle driver. 7 Am J2d Auto § 259.

brebis. Sheep; flock of sheep.

bredwite. (Saxon.) An amercement, fine, or penalty.

brehon. (Irish.) A judge.

brehon law. An old system of Irish law.

brenagium. Same as brennage.

brennage. A kind of land tenure by the service of furnishing bran for the lord's hounds.

brephotrophi. (Roman law.) Caretakers of foundling asylums.

brethren. An older word for brothers, used presently in speaking of fellow members of a religious society or fraternal order.

brethwalda. An Anglo-Saxon king.

Bretts and Scotts. See **Laws of the Bretts and Scotts.**

breva. Same as breve.

breve. A writ; a brief.

See **brief; writ.**

breve de recto. A writ of right.

breve domini regis non currit. The king's writ does not run.

breve innominatum. A writ reciting the cause of action in general terms.

Breve ita dicitur, quia rem de qua agitur, et intentionem petentis, paucis verbis breviter enarrat. A writ is so called, because it states the controversy and the purpose of the plaintiff briefly in a few words.

Breve judiciale debet sequi suum originale, et ac essorium suum principale. A judicial writ ought to follow its original, and an accessory its principal.

Breve judiciale non cadit pro defectu formae. A judicial writ does not fall by reason of a defect of form.

breve nominatum. A writ which recites the cause of action of the plaintiff with particularity.

breve originale. An original writ,

breve perquirere. To purchase a writ,-to purchase a writ of license of trial in the king's court by the plaintiff.

brevet. Letters patent; a term of the military meaning higher rank without higher pay, sometimes without a higher command. *United States v Hunt* (US) 14 Wall 550, 20 L Ed 739.

breve testatum. See the plural **brevia testata.**

brevia. Writs, plural of **breve.**

brevia adversaria. Adversary writs to recover land.

brevia amicabilia. Writs obtained by the consent of the opposing party in the action.

brevia anticipantia. Writs of prevention.

brevia de cursu. Writs of course, -writs issued as a matter of right without showing cause.

brevia formata. Writs of established form.

brevia judicialia. Judicial writs.

brevia magistralia. Writs drawn by masters in chancery.

Breviarium Alaricianum. The abridgment or breviary of Alaric,-a code of Roman law compiled under Alaric II, king of the Visigoths, published in 506 A. D.

brevia selecta. Selected writs.

Brevia, tam originalia quam judicialia, patiuntur Anglica nomina. Some original, as well as judicial writs, bear English names.

breviate. An abstract or synopsis.

brevia testata. Written memorandums or attestations introduced in feudal times to perpetuate the tenor of the conveyance and investiture, when grants by parol became subjects of dispute and uncertainty. The witnesses did not sign their names, but after they had heard it read, the clerk or scribe inserted their names as witnesses to its execution in the memorandum which was registered in the deed. See 2 Bl Comm 307.

brevis et rotulis liberandis. A writ ordering a sheriff to turn over all the paraphernalia of his office to his successor.

brew. See **ale; beer; small brew.**

brewer. One who follows the occupation of brewing ale or beer.

bribe. Noun: To influence official action by bribery. Verb: The payment or gift made or promised in accomplishing bribery. *Randall v Evening News Asso.*, 97 Mich 136, 143, 56 NW 361.

See **boodle**; **bribery**.

bribery. A crime; the voluntary giving or receiving of anything of value in corrupt payment for an official act done or to be done or with the corrupt intent to influence the action of a public official or of any other person professionally concerned with the administration of public affairs, whether that public official or other person be in the legislative, executive, or judicial department of government. 12 Am J2d Brib § 2. For comparable definition by federal statute, see 18 USC § 201. The offense has been extended by state statute beyond corrupt influence upon public officials to include the corrupting of candidates for office, jurors, witnesses, voters, labor representatives, agents, even participants in sport. *Glickfield v State*, 203 Md 400, 101 A2d 229.

See **commercial bribery**; **receiving a bribe**; **soliciting a bribe**.

bribery at election. The purchase of a vote by corrupting the voter in paying him money or giving him goods or merchandise, often alcoholic beverages, to obtain his vote for a certain candidate or candidates. 26 Am J2d Elect § 377.

bribour. A thief; a robber.

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brick. Building material, made from clay and shale, molded and baked in a kiln in oblong blocks, 4 inches wide, 8 inches long, and 2-1/2 inches high.

brick kiln. A plant for the manufacture of brick and tile. *Windfall Mg. Co. v Patterson*, 148 Ind 414, 47 NE 2.

brick mason. See **mason**.

bridewell. A house of correction.

bridge. A structure, formerly constructed of wood, iron, brick, or stone, but, in modern times, usually built of concrete and steel, which carries pedestrians, vehicles, or both, over a river, creek, or smaller stream of water, a bay, a lake, arm of the sea, a valley, a railroad, even a highway; false work made by a dentist and anchored to sound teeth; a connection, as in the words of the late President Franklin D. Roosevelt, "a bridge of ships between the United States and the United Kingdom."

bridge-masters. Officers in charge of public bridges.

bridle. An instrument of punishment for common scolds; the harness placed on the head of a horse for guiding and controlling him while he is being driven or ridden.

bridle road. A road used by riders on horseback, but not necessarily confined to that kind of traffic.

brief. A concise and brief statement of authorities in various forms suitable to the purpose of counsel or the court, but, in a case on appeal, a more formal and conventional, but nevertheless concise presentation, in printing, typewriting, or writing, as the rules of the court require or permit, of the points and questions involved, as they appear from the pleadings, brief abstracts of which are included, and the record of the case, together with the authorities relied upon, all for the assistance of the court, and the edification of opposing counsel, in arriving at a just and proper decision in the case. 5 Am J2d A & E § 684. The form of briefs on appeal is by no means uniform throughout the United States. In some jurisdictions there is appended to the brief proper an argument of counsel expounding on the legal issues and the authorities cited by him as well as those cited by the opposing counsel.

briefe de recto claus. 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.

brief of title. Same as **abstract of title**.

brief on appeal. See **brief**.

briefe. (Scotch.) A writ.

briefe of richt. (Scotch.) A writ of right.

briga. Strife; contention; litigation.

brigbote. (Saxon.) A contribution for the repair of a bridge.

brine. A solution of salt; the sea.

bring about. To accomplish.

See **commit**.

bringing action. See **action brought; commencement of an action**.

bringing action to trial. Serving note of issue or taking any other step necessary and proper for the purpose of placing the case on the trial calendar and having it tried before court or jury, as the case may be.

bringing money into court. See **payment into court**.

bringing up. Rearing a child; referring to something by way of starting a discussion.

bris. A wreck; wreckage.

Bristol bargain. A contract by which A lends B \equiv '1000, on good security, and it is agreed that \equiv '500, together with interest, shall be paid at a time stated, and, as to the other \equiv '500, that B, in consideration thereof, shall pay to A \equiv '100 per annum for seven years.-Wharton.

British. The people of the United Kingdom, or, as the term is sometimes used, the people of the British Commonwealth of Nations; pertaining to the United Kingdom or the British Commonwealth of Nations.

British Commonwealth. See **Commonwealth**.

British Constitution. See **British Theory of Constitutional Law**.

British Commonwealth of Nations. Often called shortly, the British Commonwealth; a political aggregate comprising the United Kingdom, that is, Great Britain and Northern Ireland; the Dominions beyond the seas; and such colonies, protectorates, dependencies, or independent nations, as remain attached by political ties to Great Britain.

British Ruling Cases. A set of annotated reports of cases from the United Kingdom and countries of the British Empire.

British sovereigns. See **regnal years of British sovereigns**.

British Theory of Constitutional Law. The existence of an absolute power in the British Parliament, which is at once a legislative and a constitutional convention, with power so transcended that it is not to be confined within any bounds either for causes or persons. 16 Am J2d Const L § 9.

British Thermal Unit. The heat required to raise the temperature of one pound of water from 62 degrees Fahrenheit to 63 degrees Fahrenheit.

Brit. Rul. Cas. An abbreviation of "**British Ruling Cases.** "

bro. Abbreviation for **brother.**

broach. To tap a keg or barrel.

broad. Spacious; liberal, tolerant; a vulgar term for woman or girl.

broadcasting. The dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations. 47 USC § 153; a kind of wireless telephony, in the operation of which the microphone is the transmitter and the "radio set" the receiver. *Dunbar v Spratt-Snyder Co.* 208 Iowa 490, 226 NW 22, 63 ALR 1016; a public performance of a musical composition, even though there is no audience at the place where the music is made audible, so that it can be picked up and broadcast. 18 Am J2d Copyr § III.

Broadcasting is distinct from televising. *Norman v Century Athletic Club*, 193 Md 584, 69 A2d 466, 15 ALR2d 777. The communications are by sound only, but available to bring music and speech to persons who have appropriate receivers.

broad construction. An interpretation which, brushing aside minor objections and trivial technicalities, effectuates the intent of the statute or other writing involved. *Re Senate Resolution No. 2*, 94 Colo 101, 31 P2d 325.

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See **liberal construction.**

broad evidence rule. A term peculiar to the law of insurance, under which the trier of facts may consider any evidence logically tending to the formation of a correct estimate of the value of the insured property at the time of loss. 29A Am J Rev ed Ins § 1545.

broad-halfpenny. Same as **bord-halfpenny.**

broadside objection. An objection to evidence on the general grounds of incompetency, immateriality, and irrelevancy, without specifying the grounds particularly. 23 Am J2d Dep § 136.

brocage. Brokerage.

brocard. A legal maxim.

brocarius. A broker.

brocator. A broker.

brocella. A copse; a thicket.

brode-halfpenny. Same as **bord-halfpenny.**

broken. Separated forcibly into parts; fractured; shattered; ruptured; as broken reeds; a broken limb; broken skin; broken waves.

See **breakage**.

broken financially. See **bankrupt**.

broken stowage. Room on shipboard for more cargo; space for cargo other than the hold.

broker. A person whose business is to bring buyer and seller together. *Moore v Turner*, 137 W Va 299 71 SE2d 342, 32 ALR2d 713. More precisely defined as an agent who, for a commission or brokerage fee, bargains or carries on negotiations in behalf of his principal as an intermediary between the latter and third persons in transacting business relative to the acquisition of contractual rights, or to the sale or purchase of any form of property, real or personal, the custody of which is not entrusted to him for the purpose of discharging his agency. 12 Am J2d Brok § 1. Other definitions differentiate between real estate broker and stockbroker.

See **bill and note broker; exchange broker; grain broker; insurance broker; investment broker; marriage brokerage; pawnbroker; ship broker; stockbroker**.

brokerage. The business of a broker; the compensation or commission of a broker. *Little Rock v Barton*, 33 Ark 436, 447. The very essence of a brokerage commission is its dependence upon success, and its independence of the amount of work done by the broker. It is earned if the broker, without devoting much or any time to finding a customer, succeeds in procuring one. No commission is earned if a broker is not successful, and he is not entitled to any compensation, no matter how much time he has spent in finding a customer, if no customer is found. *Cadigan v Crabtree*, 179 Mass 474, 61 NE 37.

brokerage contract. A contract of agency whereby the broker is employed to make contracts of the kind agreed upon in the name and on behalf of his principal and for which he is paid an agreed commission. *Nolen's Adm. v Robinson*, 213 Ky 752, 755, 281 SW 1034.

brokers' blanket bond. A fidelity bond protecting a broker against loss through the fraud or dishonesty of employees. Anno: 74 ALR 284.

broker's lien. The lien of a broker upon the proceeds of a sale made by him, or upon property purchased by him, for a customer, for his commissions or for an advance made by him to complete the purchase. 12 Am J2d Brok § 241.

See **custom broker's lien; insurance broker's lien; real estate broker's lien**.

bronchitis. As the word appears in an application for life insurance, it means chronic disease which will not readily yield to treatment, not an acute attack followed quickly by complete recovery. 29 Am J Rev ed Ins § 747.

bronze. An alloy of copper and tin.

Bros. Abbreviation for **brothers**. Anno: 42 ALR2d 564.

brossus. Wounded or bruised,

brothel. A bawdyhouse; a house of prostitution; a house of ill fame, kept for the resort and convenience of lewd people of both sexes.

brothel house. Same as **brothel**.

brother. A male related collaterally to one by common parentage, that is, a person having the same parent or parents as another; one who may take as heir or next of kin, where a direct heir is wanting. 23 Am J2d Desc & D § 58.

brother-in-law. The brother of one's spouse or the husband of one's sister; sometimes, the husband of a wife's sister or the husband of a husband's sister, but this is not common usage throughout the United States.

brothers and sisters. In most, although not all, statutes of descent "brothers and sisters" include brothers and sisters of the half, as well as the full, blood. 23 Am J2d Dese & D § 58. In a number of cases, the courts, in construing the will to arrive at the testator's intention, have held that a gift to brothers and sisters, in the absence of any indication of intent to the contrary, included brothers and sisters of the half blood. Anno: 49 ALR2d 1373.

See **brothers; sisters.**

Brougham's Act. See **Lord Brougham's Act.**

brought. Fetched; carried; produced.

See **action brought.**

bruarium. A place where heath grows.

brudhote. Same as **brigbote.**

brugbote. Same as **brigbote.**

bruillus. A thicket or copse.

bruise. An injury on the surface with effect confined to discoloration of the skin and pain no deeper or little deeper than the skin; an injury, which, in contrast with a wound, includes no breaking or cutting of the skin. *Montgomery v Lansing City Electric Co.* 103 Mich 46, 61 NW 543.

brukbarn. (Swedish.) A legitimized child conceived in rape.

brush. Noun: A thicket. Verb: To smooth; to clear the dust from an article, especially an article of clothing.

brush discharge. A charge of electricity, also called a "disruptive discharge" which is sometimes thrown off by uninsulated wires in sufficient force to cause the death of a person in close proximity thereto, without his actual contact with the wire. The fact is well known to electricians and those familiar with this generally unknown, powerful,

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and destructive agency. *Hoppe v Winona*, 113 Minn 252, 129 NW 577.

brutum fulmen. Empty or harmless thunder.

"That the national will, thus declared, may not be a mere *brutum fulmen*, the last section of the amendment (the Fourteenth) invests Congress with power to enforce it by appropriate legislation." See *Civil Rights Cases*, 109 US 3, 11, 27 L Ed 835, 839, 3 S Ct 18.

b. s. Abbreviation for **balance sheet**, also for **bill of sale, bags, and bales.**

B. S. Abbreviation for the degree **Bachelor of Science**; a basic substance known by these initials, consisting of the impurities in crude oil, which accumulates in the bottom of storage tanks and which it becomes necessary at times to remove. *Crude Oil Contracting Co. v Insurance Co. of North America* (CA 10 Okla) 118 F2d 476.

B. S. Ed. Abbreviation for **Bachelor of Science in Education.**

Bs/L. Abbreviation for **bills of lading.**

B. Th. Abbreviation for **Bachelor of Theology**.

B. T. U. Abbreviation for **British Thermal Unit**.

bubble. A dishonest investment or speculation scheme projected by dishonest persons to defraud the investors.

Bubble Act. An English statute passed to prevent corporate frauds such as the South Sea Bubble.

See **South Sea Bubble**.

An early English statute which provided that any company formed without authority of Parliament and asserting powers and privileges not possessed by individuals or partnerships should be deemed a public nuisance. 6 Geo I Ch 18.

bubonic plague. A disease, accompanied by intermittent chills and fever, which easily becomes of epidemic proportions and in fear of which sanitary regulations are imposed. 13 Am J2d Bldgs § 29.

Buck Act. A statute which relieves an instrumentality of the United States from taxation by a state. *Maynard & Child v Shearer* (Ky) 290 SW2d 790.

bucketing. Running a bucket shop.

See **bucket shop**.

bucket shop. An establishment conducted ostensibly for conducting, as brokers, transactions in securities listed on a stock, produce, or grain exchange, but really for the registration of bets or wagers, usually for small amounts, on the rise or fall of the prices of stocks, grain, oil, etc.; there being no transfer or delivery of the stocks or commodities nominally dealt in. *Western Union Tel. Co. v State*, 165 Ind 492, 76 NE 100.

Buck's extension. A surgical term meaning some uniform continuous force or pull applied to the leg or foot below the break to overcome the natural contraction of the muscles of the thigh, which have a strong tendency to pull the broken ends together and cause them to slip by each other and overlap, especially when the break is oblique in its course across the bone. *Sweet v Douge*, 145 Wash 142, 259 P 25.

buckstall. A net used to trap deer.

buddy. A term employed by coal miners to designate a miner who is working with a fellow miner. *Continental Coal Corp. v York's Adm.* 159 Ky 334, 335 The term is also applied by a railroad section hand to the one who works with him, and by a soldier to a comrade with whom he is particularly friendly and closely associated.

budge of court. Same as **bouche of court**.

budget. A plan officially laid out showing how much money will be required to meet the various departments of the national government, a state, county, city or other government for the year ensuing.

Budget Bureau. A bureau, headed by a Director, to assist the President in planning the budget to be submitted to Congress.

budget planning. The preparation of a budget for the national government, a state, a county, a town, a city, or other municipality; a part of the functions of personal debt adjusting. 15 Am Jur 2d Collect § 2.

Buenos Aires Convention. A copyright treaty to which the United States became a party. 18 Am J2d Copyr § 76.

buffer. A polisher of metal or wood; a stiff brush for polishing metal or wood; shock absorbers, called dead woods, in use at one time on railroad freight cars to take up and arrest the force of the blow resulting from the coupling of cars,

but eliminated apparently as a safety measure, since they rendered the job of coupling dangerous, resulting in many injuries to the hands and fingers of brakemen. *Louisville & Nashville Railroad Co. v Boland*, 96 Ala 626, It So 667.

buffet. Verb: To belabor with blows. Noun: Blows, sometimes figuratively, as the buffets of fate.

buffet. Refreshment or even a meal at which the guests, whether social or business, serve themselves from a table or counter.

bug. An insect that crawls; a slang term for a defect in a machine, also for a sending device in telegraphy which makes use of a movable, horizontal bar instead of the conventional Morse key. Verb: A slang term for torment, irritate, or worry.

buggery. Another term for the criminal offense of sodomy, also including the offense of bestiality. *Ausman v Veal*, 10 Ind 355.

See **bestiality; sodomy.**

buggy. A one-seated, light, four-wheeled vehicle, drawn by one or two horses, now, a relic of past generations; a small carriage for a baby, usually one to be pushed rather than pulled.

build. To construct something, literally, as erecting an office building, or, symbolically, as building a fortune or building respect.

builder. The party to a building and construction contract who undertakes to perform the work required by the contract; one who builds, or whose occupation is that of building; specifically, one who controls or directs the work of construction in any capacity. In the practice of civil architecture, the builder comes between the architect who designs the work and the artisans who execute it. *Wortman v Kleinschmidt*, 12 Mont 316, 345, 30 P 280, 290.

builder's risk insurance. A policy of fire or other property insurance covering the interest of a contractor, as such, in a building under construction by him; a liability policy insuring a contractor against liability for damages or injuries occurring in connection with the performance of his contracts. 29A Am J Rev ed Ins § 1349.

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building. A structure designed and suitable for habitation or sheltering human beings and animals, sheltering or storing property, or for use and occupation for private and public business, trade, or manufacture. 13 Am J2d Bldgs § 1; 13 Am J2d Burgl § 6; in the broad sense, any structure erected and fixed upon or in the soil, composed of different pieces connected together and designed for permanent use in the position in which it is so fixed, provided the purpose of use is that of habitation, trade, manufacture, religion, education, entertainment, or ornament. 20 Am J2d Cov § 194 . Still more broadly defined as any structure with walls and a roof. 29 Am J Rev ed Ins § 293.

In contracts, the term "building" is variable, depending for interpretation upon the purpose and context of the contract. So, an incomplete structure is a "building" within the meaning of an insurance contract. 29 Am J Rev ed Ins § 293; and a foundation without more is a building within the meaning of a mechanic's lien law, where the failure to complete the building was due to the owner of the premises. 36 Am J1st Mech L § 42. A wall, or even a fence, is sometimes deemed a building for the purposes of a restrictive covenant. Anno: 23 ALR2d 946.

Of course, the foundation is a part of a building. *Davison v Walla Walla*, 52 Wash 453, 100 P 981.

building and loan association. An organization of people entitled to equal privileges, Cooperating by established periodic and equal payments per share in the creation of a common fund which may be loaned to any member for the purpose of building on property purchased therewith or on other property on which the association obtains a lien, and sharing the profits and losses of the association according to their respective interest. 13 Am J2d B & L Assoc § 1.

Building and loan associations are not commercial banks, and, in most jurisdictions, they are not classed as either savings banks or savings institutions. In a few states, they are permitted to perform functions in the nature of banking. 13 Am J2d B & L Assoc § 3.

See **savings and loan association**.

building association. Same as **building and loan association**.

building contract. See **construction contract**.

building inspector. A municipal officer charged with the duty of inspecting buildings as to construction and maintenance in reference to safety and sanitation.

building is covered. A phrase in a binder or contract of temporary insurance which means that the building is covered pending the issuance of a complete policy of insurance, or the rejection of the application for insurance, as it would be by an insurance policy in the standard form. 29 Am J Rev ed Ins § 205.

building lease. A lease of land wherein the lessee undertakes to erect buildings on the land.

building lien. See **mechanic's lien**.

building lines. Otherwise known as setback lines or front lines; lines established by statute or ordinance in the interest of public health, public safety, and aesthetics, and sometimes designated by restrictive covenants, which, for the purpose of providing an open space between the buildings on a street and the street, prohibit the building of any structure between the line as established or designated and the street. 13 Am J2d Bldgs § 14; 20 Am J2d Cov § 237; 58 Am J1st Zon § 51.

See **back lines; side lines**.

building loan agreement. An agreement for a loan to be used in making payments to a contractor engaged in the construction of a building or other structure for the borrower, or to materialmen who furnish supplies for the construction of a building or other structure for the borrower, the arrangement normally providing for the security of the lender, in the form of a mortgage on the property under improvement, which covers both present advances and advances to be made in the future during the course of the work and its completion by the contractor.

building loan mortgage. A mortgage on premises under improvement or to be improved, covering advances made or to be made to or on behalf of the borrower for payment of contractor or materialmen rendering services or furnishing materials in the construction of a building or other structure for the borrower.

building material. Material used in the construction of a building or other structure. In order to be lienable under the mechanics' lien law, the material must be such, both as to quantity and quality, and of a kind, that would induce a careful, prudent, and skilful man, acquainted with the building or other structure, to believe that it could be used in its erection, unless the material is furnished upon the order of the owner of the property under improvement, since he, of course, may pledge his own property for any kind of material. 36 Am J1st Mech L § 60.

building permit. A permit for the construction of a building granted by a municipal officer or board, which is required by statute or municipal ordinance of any person who proposes to erect a building within the limits of a municipality. 13 Am J2d Bldgs § 8.

building regulation. A restriction or regulation upon the manner in which a property owner may use his property in respect of constructing a building or other structure thereon. 13 Am 32d Bldgs § 2. Such a regulation or restriction is created by statute or municipal regulation under the police power and also by contractual stipulations in the form of restrictive covenants.

See **planning; restrictive covenants; zoning**.

building site. A lot or tract of land suitable for the erection of a dwelling house or other building; the term, at least in reference to a lot in a city, means the whole of the lot, not just the part upon which the structure is to rest.

building society. Synonymous with **building and loan association** and used principally in England.

building standard. A standard prescribed by law as one to be followed in the construction of a building, particularly in reference to features involving health and safety.

building-type restriction. See **type restriction.**

built-up district. A zoning term which refers to an area having few, if any, vacant lots. 58 Am J1st Zon § 36.

bulk. The main mass of the body; the largest or principal portion; the majority, as the bulk of a debt. When we speak of the bulk of anything, the other two words are an appositional genitive of the word bulk and mean the same thing. For example,

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"the bulk of the goods sold," means the goods themselves. F. A. D. Andrea, Inc. v Dodge (CA3 Pa) 15 F2d 1003.

See **breaking bulk; laden in bulk; open bulk.**

bulkhead. A partition in the hold of a ship, airplane, or freight car, separating the cargo space, and in some instances, cargo space from passenger space.

bulk mortgage. Literally, a chattel mortgage on property in bulk, that is, articles, goods, or merchandise in a job lot, not counted, measured, or listed by specific articles, but described merely in the terms of the building or container which holds the property; in legal significance, a chattel mortgage on stock of goods or merchandise in a store, shop, or other place of business. 15 Am J2d Chat Mtg § 76. In many jurisdictions, a chattel mortgage on a stock of goods is void where the mortgagor retains possession with the power to sell the property. 15 Am J2d Chat Mtg § 130.

bulk sale. Literally, any sale of articles, goods, or merchandise in a job lot, without count or measure, but, in legal significance, the sale of all or any portion of a stock of merchandise other than in the ordinary course of trade. 37 Am J2d Fed Conv § 238.

Bulk Sales Acts. Statutes intended for the protection of creditors of merchants, providing that the sale of all or any portion of a stock of merchandise otherwise than in the ordinary course of trade shall be fraudulent and void against creditors of the seller, unless the seller delivers to the purchaser a list of his creditors and the purchaser in turn notifies such creditors of the proposed sale a stipulated time in advance. Under some statutes, the seller is required to furnish the purchaser with an inventory of the goods in the stock. 37 Am J2d Fed Conv § 238.

bulk sales station. A place wherein gasoline and oil is stored pending distribution to retail dealers. Louisiana Oil Co. v Renno, 173 Miss 609, 157 So 705, 98 ALR 1296.

bulky property. Personal property of such a bulky or cumbersome nature that seizure and removal thereof under a levy of an attachment will be attended with great expense OF difficulty. 6 Am J2d Attach § 298.

bull. A male bovine, also the male of certain other large animals, such as elephants, walrus, and whale; a papal edict; a sealed proclamation or mandate of either the pope or the bishop of Rome.

bullae. Seals used by the Roman emperors.

bulldozer. A self-propelled heavy vehicle with blade used for pushing dirt or debris; for some purposes, a motor vehicle. Anno: 77 ALR2d 946.

bullet. The shot or lethal part of the discharge of a pistol, rifle, or even heavier arm; the shot and the propellant of powder encased in a cartridge.

bulletin. A published official report of a matter or fact of public interest; sometimes a short statement from a private source concerning an occurrence of public interest.

bulletin des lois. (French.) The official notice of a law or decree.

bullheaded. Very stubborn, not inclined to listen to argument or reason.

bullion. Uncoined gold or silver.

bullio salis. A salt measure of twelve gallons.

bull pen. A name given at some of the state penitentiaries to that part of the prison where prisoners are kept in close confinement. *State v Kelley*, 118 Or 397, 247 P 146. The name is also given facetiously to the common room in a men's dormitory, the student room in a law school, and other various places where men gather socially.

bulter. Bran.

bum-bailiff. A bailiff's deputy.

Bumboat Act. An English statute passed in 1761 for the suppression of harbor thieves.

bummaree bond. Same as bottomry bond.

bunching. An accumulation of freight cars due to the carrier's fault and operating to relieve a shipper from liability for demurrage. 13 Am J2d Car § 487.

bunco. A swindle or fraud.

bunda. A boundary.

bundae et metae et rationabiles divisae. Metes and bounds and rational limits.

bundle. Noun: A pack of articles, usually tied with string or cord. Verb: To make a pack of articles. The word has another meaning in the peculiar sense of a courting couple being in bed together without undressing, thus accomplishing rest, sleep, or no more than pleasant companionship, without a blemish upon virtue, especially where the mother of the female has guarded virtue by good, solid stitches in her clothing. This is doubtless the practice referred to in *Sengar v Slingerland* (NY) 2 Cames 219, where the court says: "We lay out of view the custom which it is agreed prevails in that part of the country, for young people, who are courting, to sleep together."

bungalow. A residential structure, usually consisting of not more than one and a half stores.

bungalow court. A motel.

bunk car. A railroad car, often an old passenger or Pullman car, placed on a siding, and used by railroad employees who work in gangs for lodging and sometimes for boarding. 35 Am J1st M & S § 440.

buoy. A navigation marker which floats, indicating the channel to be followed and warning of shoals or rocks; a float which is an aid to one learning to swim and also a life preserver for one who is not a swimmer for want of learning to swim or from temporary disablement.

bur. A dental instrument. Anno: 83 ALR2d 163; a pest among plants, the cocklebur.

burden. A weight to be carried literally; or figuratively, as a burden of sorrow or sin.

burdened vessel. Of two vessels approaching each other the "burdened vessel" is the one which is required by the rules of navigation to keep out of the way of the other vessel. The Knoxville City (CA 9 Cal) 112 F2d 223.

burden of evidence. The duty of a party to proceed with evidence at the beginning, or at any subsequent stage, of the trial, in order to make or meet a prima facie case. 29 Am J2d Ev § 123.

This duty, otherwise, and perhaps more appropriately, called the burden of producing evidence, may arise at different stages of the trial, even be

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borne successfully once, only to arise again at a later stage, thereby being distinguished from the "burden of proof, which is one to be carried during the entire trial, that is, ultimately.

The term "burden of evidence" has been defined as meaning the burden of "getting by" the judge to the jury, by making a prima facie showing as to each factual ingredient necessary to establish a prima facie case. Having done this, a plaintiff has discharged his burden of evidence, and the burden shifts to the defendant to produce, if he desires, competent controverting evidence, which, if believed, will offset the plaintiff's prima facie case. If the defendant has thus met the burden of evidence and made a prima facie defense the burden thereupon swings back to the plaintiff to bring forward evidence in rebuttal, and so on. McCloskey v Kopljar, 329 Mo 527, 46 SW2d 557, 92 ALR 641.

See **burden of proof.**

burden of going forward with evidence. See **burden of evidence.**

burden of persuasion. The burden of convincing the jury or the court as the trier of the issue or issues of fact; the ultimate burden of proof.

See **burden of proof.**

burden of producing evidence. See **burden of evidence.**

burden of proof. The duty of establishing ultimately in the trial the truth of a given proposition or issue by such a quantum of evidence as the law demands in the case in which the issue arises. 29 Am J2d Ev § 123.

See **burden of evidence.**

burden on interstate commerce. Interference with interstate commerce.

See **interstate commerce.**

bureau. A department of a municipal or state government; in the federal government, usually a department within a department, a subdivision of a department.

Note that many particular bureaus are to be found herein under the specific designating term, such as Census Bureau; Internal Revenue Bureau etc.

bureaucracy. A government by bureaus or departments.

Bureau of Investigation. The Federal Bureau of Investigation, popularly known as the FBI, the investigative arm of the Department of Justice, elaborately organized for the detection of crimes, particularly federal offenses; maintaining an identification division and a clearinghouse for identification data, particularly fingerprints; collaborating with state and local law-enforcement agencies; and carrying out the duty delegated to it of protecting the internal security of the United States.

burg. In origin, a fortified place on a hilltop; a borough; a slang term for municipality.

burgage-holding. A Scotch tenure under which land was held of the crown by the service of watch and ward

burgage-tenement. A tenement held by burgage tenure.

burgage tenure. A form of socage tenure wherein the king or other person was lord of an ancient borough in which the tenements were held by a rent certain. See 2 Bl Comm 82.

burgator. A burglar.

burgbote. Contributions for the maintenance of town walls and their defenses.

burgenses. Inhabitants of a borough; burgesses.

burgess. An inhabitant of a borough or town; a borough magistrate; a representative of a town, borough, or university in the Parliament of Great Britain; A member of the colonial Virginia House of Burgesses, the lower house of the colonial legislature which, after the Revolution was called the House of Delegates.

burgh. A borough; slang for a municipality; the Saxon word for house.
See **burg.**

burgh-brech. The offense of violating the pledge given by every inhabitant of a tithing to keep the peace.

burgh-English. Same as **borough-English.**

burgh-Engloys. Same as **borough-English.**

burgh-halfpenny. Same as **bord-halfpenny.**

burglar. One guilty of the offense of burglary.
See **burglary.**

burglar alarm. See **alarm system.**

burglariously. With intent to commit burglary. 13 Am J2d Burgl § 69.

burglarized. The condition of premises upon which the offense of burglary has been committed. Having committed burglary upon certain premises. State v Mares, 61 NM 46, 294 P2d 287.

burglars' tools. Tools or implements of such design and construction as to be adaptable for use in cutting through, or breaking open any building, room, vault safe or other depository. 13 Am J2d Burgl § 74.
See **possession of burglars' tools.**

burglary. A compound of the Saxon word "burgh, a house, and "laron," theft, meaning, at common law, the breaking and entering, in the nighttime, of the dwelling of another with intent to commit a felony therein. Clum v New Amsterdam Casualty Co. 281 Pa 464, 126 A 810; 36 ALR 1122.

The offense of burglary has been materially broadened by statute to include the acts of breaking and entering structures other than a dwelling. 13 Am J2d Burgl §§ 3 et seq. retaining, however the element of intent to commit a felony.

See **second degree burglary.**

burgle. An ancient word meaning to burglarize; to commit burglary. *Wulward of Wadebridge was burgled. Rex v Hay, Selden Soc Select Pleas of the Crown Vol 1 p 5.*

burgmote. A court of a borough.

burgomaster. The chief magistrate of a German or Dutch town.

burgwharl. A burgess; a citizen.

burh. Same as **burgh**.

burial. Disposition of dead body by interment.
See **interference with burial; right of burial**.

burial at sea. Interment at sea under exigency or at direction of person having right of burial. 22 Am J2d Dead B § 13.

burial expenses. See **funeral expenses**.

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burial ground. See **cemetery**.

burial insurance. A contract for the payment of burial or funeral expenses at the death of the holder, usually an older person of limited, financial means. 29 Am J Rev ed Ins § 8. In its ordinary form, it is a contract issued by an association whose declared object is to secure, or make certain, by a system of mutual contribution, to each member of the association, at death, the specific benefit of a specified sum of money for application to his burial service. *State v Willett, 171 Ind 296, 303, 86 NE 68.*

burial lot. A place of burial. A lot in a cemetery, the purchaser of which acquires a right of burial therein. 14 Am J2d Cem § 25.

burial place. See **burial; burial lot; cemetery**.

buried in price. Absorbed in the purchase price, for example a sales tax included in the general purchase price. 46 Am J1st Sales § 184.

burke. To murder by smothering; to murder for the purpose of selling the corpse for purposes of dissection.

burkism. The crime of committing murder by smothering the victim; the crime of killing a person for the purpose of selling his corpse for dissection.

burlaw. An old Scotch system of the appointment of judges by neighbors.

burlaw courts. Scotch courts in which the judges were appointed by neighbors.

burlaw-men. The judges in burlaw courts.

burlesque. Descriptive of two very different kinds of shows:-(1) a series of unrelated episodes and dances making up a show that is completely sex-centered; and (2) a type of show characterized by broad humor and slapstick comedy and consisting of songs, ballet dancing, and caricatures of well known actors and plays. *Adams Theater Co. v Keenan, 12 NJ 267, 96 A2d 519.* A parody of a literary or dramatic work, usually presented as a comedy. 18 Am J2d Copyr § 105.

burn. Verb: To consume something by fire. For the purposes of the law of arson, it is usually deemed synonymous with "set fire to," both expressions meaning that there must be some actual consumption by fire. 5 Am J2d Arson § 8. Noun: A mark made by burning or branding; a little stream; slang for death by electrocution.

burned and unburned clause. See **adjustment clause.**

burned out of sight. Completely destroyed or reduced to ashes.

Burnel. See **Acton Burnel.**

burning. See **burn.**

burning fluid. A highly combustible liquid used in cigarette lighters and in igniting charcoal or other fuel in outdoor cookers.

burning in the hand. The practice of burning with a hot iron in the brawn of the left thumb all laymen admitted to the benefit of clergy to guard against their admission thereto a second time. The statute directed that no person once admitted should be entitled to be admitted to benefit of clergy a second time, unless he produced his credentials as a clergyman. See 4 Bl Comm 267.

burning to defraud insurer. The criminal offense of burning with intent to injure or defraud an insurer. An offense related to arson but distinct in the fact that the property destroyed is that of the accused. 5 Am J2d Arson § 2.

burro. A donkey; a game of chance popular among Filipinos. Anno: 135 ALR 126.

burrochium. A dam or a fish-trap weir.

Burr's Case. The prosecution of Aaron Burr for treason against the United States.

bursa A purse or bag.

bursar. A purser; the treasurer of a college.

bursarum scissores. Cutpurses, thieves who made a practice of cutting purses to steal the contents.

bursary. The treasury of a college.

burse. A bourse; a purse.

bury. Noun: A borough; a castle; a manor house. Verb: To cover; to place in the ground and cover with dirt; to inter a dead body.

burying alive. An ancient punishment for sodomy and also for dealing with Jews.

burying-ground. See **cemetery.**

bus. A self-propelled vehicle for carrying passengers in number exceeding the capacity of an ordinary automobile, most often in use as the vehicle of a common carrier transporting passengers on prescribed routes, but also in use in carrying employees, pupils of public and parochial schools, servicemen, etc. A bus is usually a motor vehicle. Northern Indiana Transit, Inc. v Burk, 228 Ind 162, 89 NE2d 905, 17 ALR2d 572. At times, called trolley busses, they are electrically propelled, receiving power through overhead electric lines.

bushel. A unit of dry measure, consisting of 4 pecks or 32 quarts and having volume of 2150.42 cubic inches.

bushelman. A tailor.

bushwhacker. A term applied to a class of persons who are not a part of any regular army, and are not answerable to any military discipline, but who are mere lawless banditti, engaged in plundering, robbery, murder, and all conceivable crimes while a war is being waged. *Curry v Collins*, 37 Mo 324, 329.

business. The work in which one is regularly or usually engaged, the activity in which he spends the major portion of his time, and from which he makes a living. *La Belle v Hennepin County Bar Asso.* 206 Minn 290, 288 NW 788, 125 ALR 1023; a commercial enterprise, conducted for monetary reward, as distinguished from a religious or charitable enterprise. Anno: 42 ALR2d 538. As used in the immigration laws, intercourse of a commercial character, not including temporary visits for the purpose of performing labor for hire. *Karnuth v United States*, 279 US 231, 73 L Ed 677, 49 S Ct 274. That which occupies one's time and engages his efforts in fulfilling his responsibilities; commerce and trade; an establishment where trade or commerce is conducted; commercial policy; activities in a dramatic production which round out the representation by supplementing the reading of the lines by the actors.

The term "business" means "busyness"; it implies that one is kept more or less busy, that the activity is an occupation. Generally, carrying on a business implies an occupational undertaking to

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which one habitually devotes time, attention, and effort, with substantial regularity. Anno: 46 ALR2d 656.

The practice of law is included within a statute granting cities authority to raise revenue by levying a license fee or tax "on any business" within the limits of the city, notwithstanding previous construction of the statute not to include the practice of law because of another statute enumerating the businesses subject to municipal license, tax, and regulation and not including in its enumeration the practice of law, and because of the repeal of another statute permitting cities to license and tax lawyers, where a subsequent amendment provides that no enumeration of municipal power shall be deemed to limit or restrict the general grant of authority. *Davis v Ogden City*, 117 Utah 315, 215 P2d 616, 223 P2d 412, 16 ALR2d 1208.

A restrictive covenant against the use of property for any "business purpose" is not violated by the erection of a church building. *Wiggins v Young*, 206 Ga 440, 57 SE2d 486, 13 ALR2d 1237.

business affected with a public interest. A phrase difficult, if not incapable, of exact definition, but most broadly defined by Mr. Justice Roberts of the United States Supreme Court, in reference to the constitutionality of statutes regulating a business, as an industry which, for adequate reason, is subject to public control. *Nebbia v New York*, 291 US 502, 78 L Ed 940, 54 S Ct 505, 89 ALR 1469. Otherwise defined, of the public demands that it be reasonably regulated to conserve the rights of the public. 16 Am J2d Const L § 317. As a business, which may be regulated by statute, because it has reached such proportions that the interest of the public demands that it be reasonably regulated to conserve the rights of the public; a business which, in operation, affects the health, safety, and welfare of the people, so that reasonable regulation is permissible. 16 Am J2d Const L § 317. *Tyson & Bro. -United Theatre Ticket Offices v Banton* 273 US 418, 71 L Ed 718, 47 S Ct 426, 58 ALR 1236.

See **corporation affected with a public interest.**

business agent. A representative of a labor union; an agent managing the business of his principal. *Denver & R.G.R. Co. v Roller* (CA9 Cal) 100 F 738.

business and closely built-up. See **business section.**

Business and Defense Services Administration. A federal administrative agency in the Department of Commerce.

business broker. One engaged in selling going concerns for clients, where not only the physical property, including the real estate, is sold, but personal property, such as machinery, stock in trade, and sometimes the good will of the business. 12 Am J2d Brok § 15.

business capacity. A city or other municipal corporation is said to act in its business capacity, as distinguished from its governmental capacity when it engages in the operation of a business which is distinct from the government of the city or other municipal corporation. The operation of a municipally owned gas plant is an instance. *Baily v Philadelphia*, 184 Pa 594, 39 A 494.

business club. See **commercial club; social club.**

business compulsion. Duress, clothed in modern dress, arising from business necessity or economic compulsion, as where the owner of a business to an unlawful demand out of fear of a serious loss of trade, unless he complies. 25 Am J2d Dur §§ 6, 7 .

One cannot be said to be intimidated or coerced, in the sense of unlawful compulsion, by being induced to forego business relations with A, rather than lose the benefit of more profitable relations with B. *Ex parte Lyons*, 27 Cal App 2d 293, 81 P2d 190.

business contract. A contract made between businessmen in the regular course of business. 17 Am J2d Contr § 287.

business corporation. The ordinary corporation, a commercial corporation; a corporation organized to engage in some business for profit; as the term is used in the Bankruptcy Act, a corporation the sole motive of which is pecuniary gain and the chief purpose of which is to carry on trade or commerce in an established field and to do this primarily for the financial benefit of those who have joined in its organization and in the conduct of its affairs. *Wisconsin Coop. Milk Pool* (CA7 Wis) 119 F2d 999.

When a corporation is doing the very things it was organized to do, and it is not a charitable, benevolent, or social corporation, it is a business corporation within the meaning of the state and Federal franchise tax statutes. *Union Oil Associates v Johnson*, 2 Cal 2d 727, 43 P2d 291, 98 ALR 1499.

Business Corporation Model Act. A statute, prepared as a model act by the National Conference of Commissioners of Uniform State Laws, which has been adopted in Alaska, Idaho, Kentucky, Louisiana, Tennessee, and Washington. Am J2d Desk Book, Document 129.

business day. A day other than Sunday. A day for the transaction of business generally. *State v Duncan*, 118 La 702, 43 So 283.

business district. See **business section.**

business enterprise. Adaptability, skill, and zeal in engaging in business; a commercial enterprise, as distinguished from a charitable enterprise.

Although an employee uses his automobile for the purpose of returning two of his employer's trailers to their station by attaching one to his automobile and loading the second trailer onto the first one, he is not engaged in a "business enterprise" within the meaning of a clause in an automobile liability insurance policy exempting from coverage the towing of a trailer used to transport goods or materials "in any business enterprise," where the employee engages in the undertaking on a trip made on his day off solely for his own pleasure and he acts of his own volition without authorization by the employer, neither expecting nor receiving any compensation therefor. *Lintern v Zentz*, 327 Mich 595, 42 NW2d 753, 18 ALR2d 713.

business entries. See **book of original entry; shop book rule.**

business entry statute. A federal statute governing the admissibility of business entries in evidence. 28 USC § 1732.
See **Business Records Act.**

business expense. As a deduction in income tax return, any of the various expenses incurred in carrying on a trade or business, provided it is both ordinary and necessary in relation to the trade or business. IRC § 162(a).

business guest. Same as **business visitor**.

business hours. That period or portion of the day during which the business of the community gener-

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ally is ordinarily transacted. *Casalduc v Diaz* (CA 1 Puerto Rico) 117 172d 915.

See **banking hours; usual business hours**.

business indemnity insurance. See **business interruption insurance**.

business insurance. Life insurance through which a corporation or firm protects itself from the loss of human assets by taking out policies on the lives of the officers and key men in management and production.

business interruption insurance. Insurance protecting against loss from the interruption of business as a whole, as distinguished from coverage upon the merchandise or other property owned, held, or used in the business. 29A Am J Rev ed Ins § 1366.

business invitee. See **business visitor**.

business league. An association or club of businessmen; a commercial club organized for purposes similar to those of a chamber of commerce. *Northwestern Municipal Assn. v United States* (CA8 Minn) 99 F2d 460.

business month. A month of thirty days, as distinguished from the calendar month.

business name. The name under which a business is operated. In the case of an individual, it may be his real name or an assumed or fictitious name. In the case of a partnership, the business name may be a combination of the names of the partners or an assumed or business name. In the case of a business corporation, the name is provided by the articles of incorporation.

See **trade name. business of banking, See banking**.

business or closely built-up sections. See **business section**.

business or commercial corporation. See **business corporation**.

business purpose. See **business**.

business records. See **back of original entry; business entry statute; Business Records Act; shop-book rule**.

Business Records Act. A federal statute creating an exception to the hearsay rule in respect of business records. 28 USC § 1732; *Matthews v United States* (CA5 Ga) 217 F2d 409, 50 ALR2d 1187; a statute, drafted by the National Conference of Commissioners on Uniform State Laws, which has been adopted in 26 states. Am J2d Desk Book, Document 129.

business requirements. See **requirements of the business**.

business section. That part of a city which is occupied by places of retail business, shops, and offices, to the exclusion generally of residences and factories.

The phrase "business and closely built-up" sections has been held to apply only to sections which are both "business" and "closely built-up"; whereas the phrase "business or closely built-up" has been held to apply to closely built-up sections which are not necessarily "business". Anno: 50 ALR2d 348.

business situs. A term of application in the law of taxation of intangibles, meaning a situs in a place other than the domicil of the owner, where such owner, through an agent, manager, or the like, is conducting a business out of which credits or open accounts grow and are used as a part of the business of the agency. 51 Am J1st Tax § 469.

business time. See **loss of business time.**

business trust. Otherwise known as a Massachusetts trust or common-law trust. A form of business organization consisting essentially of an arrangement whereby property is conveyed to trustees, in accordance with the terms of an instrument of trust, to be held and managed for the benefit of such persons as may from time to time be the holders of transferable certificates issued by the trustees showing the shares into which the beneficial interest in the property is divided. *Hecht v Malley*, 265 US 144, 68 L Ed 949, 44 S Ct 462; an unincorporated business organization created by an instrument, by which property is to be held and managed by trustees for the benefit and profit of such persons as may be or may become the holders of transferable certificates evidencing the beneficial interests in the trust estate. 13 Am J2d Bus Tr § 1; a convenient method by which persons become associated for dealings in real estate, the development of tracts of land, the construction of improvements and the purchase, management and sale of properties. *Morrissey v Commissioner*, 296 US 344, 80 L Ed 263, 56 S Ct 289.

An organization within the meaning of the Uniform Commercial Code; an association, for the purpose of taxation under the Internal Revenue Code, where created for the transaction of business. 13 Am J2d Bus Tr § 89.

business use. The use of real property for the purpose of obtaining profit or additional income therefrom. Anno: 14 ALR2d 1428,

See **business.**

business visitor. One who comes upon premises for the purpose of trade, commerce, or a business or commercial transaction, with one who keeps open upon the premises a store, shop, or office for the transaction of business with the public generally. 38 Am J1st Negl § 98; a person who is invited or permitted to enter or remain on land in the possession of another for a purpose directly or indirectly connected with business dealings between them. *Yeager v Chapman*, 233 Minn 1, 45 NW2d 776, 22 ALR2d 1260; a person who comes upon premises; not as an invited or uninvited guest, a volunteer, licensee, or employee of the occupant, or as anyone so connected with the occupant, that he must be deemed to accept the premises, dangers and all, as he finds them, but as one who has business to transact with the occupant, and upon the invitation of the occupant, express or implied. *Indermaur v Dames* (Eng) LR I CP 274. The status of an invitee on business premises may arise from a visit by one not on the premises for the purpose of the proprietor's business, but for the convenience of others on the premises for such purpose. *Murphy v Kelly*, 15 NJ 608, 105 A2d 841, 44 ALR2d 1316.

bussa. (Old English.) A ship of large size and clumsy construction.-*Spelman*.

bus station. See **bus terminal.**

bus terminal. The end of a bus line; a bus depot; a place on the line of a motor carrier where passengers may board or leave the busses and where some goods may be accepted for shipment or delivered to consignees.

but. A word, originally a conjunction, which has developed into additional use as a preposition and

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an adverb: yet, still, however, except, provided, merely.

butane. A gaseous hydrocarbon, which, in the liquid form, is adaptable for, and is used in, the engines of motor vehicles, as fuel, particularly truck engines.

butcher. A person who kills or slaughters animals to procure their meat. A person who buys the carcasses of animals that have been slaughtered (by a butcher) for meat, and cuts them up and retails them, without more, is neither a butcher nor engaged in the butcher business. *Henback v State*, 53 Ala 523; more broadly defined, in accord with modern usage, one who keeps a shop for the sale of meat, but hardly a mere clerk in the meat department of a supermarket.

butcher knife. A knife with a long blade for cutting meat; a domestic and household instrument but nevertheless a deadly weapon. 56 Am J1st Weap § 3.

butcher shop. A place for the sale of meat at retail.

but-for rule. A name which has sometimes been applied to the generally discarded rule for determining the proximate cause of an accident as being that act or omission "but for" which the accident would not have occurred. So many elements, however, may enter into the determination of what is the efficient cause, and so long a train of antecedents may come under consideration, "but for" the happening of any one of which the result complained of would not have occurred, that we may still be involved in the difficulties of selecting from the train of antecedents the one to which should attach the legal liability sought to be imposed. Causes of injury which are mere incidents of the operating cause, while in a sense factors, are so insignificant that the law cannot fasten responsibility upon one who may have set them in motion. 38 Am J1st Negli § 54.

butler. The head of the servants in a household; the man in charge of the pantry and wine cellar.

See **botiler of the king.**

butt. A ridge left in ploughing; an archery target; a liquid measure of one hundred and ten gallons; a barrel; the thicker end, as the butt of a log.

buttals. End boundary lines.

butte. A term used in the western part of the United States for a hill, usually a hill which is prominent because it is surrounded by a plain.

butted and bounded. Abutting and bounded; bounded.

butter. A dairy product used in cooking and as a spread for bread.

See **adulterated butter.**

butterfat. The fat in milk from which butter is made and by the amount of which milk is graded.

butts. See **butt.**

butts and bounds. Boundaries.

butty. A coal mining contractor.

buy. Verb: To purchase; to acquire a right or title to property by paying money or some other consideration for it. Noun: A purchase.

buy and sell. A constitutional right under the guaranty of life, liberty, and property. 16 Am J2d Const L § 357.

buyer. One who makes a purchase.

See **able buyer; ready, able, and willing buyer; purchaser; vendee.**

buyer's option. Literally, any option which a purchaser may be entitled to under the contract of purchase; technically, the right of the buyer of securities on margin to pay or tender the amount owing to the broker and receive the securities. 12 Am J2d Brok § 133.

buyer's risk. In sales, the risk follows the title and if the title to the goods vests in the buyer at the moment of the sale or upon delivery to the carrier, then the risk of loss or damage to the goods during transportation is upon the buyer. 46 Am J1st Sales § 279.

See **caveat emptor; resale at purchaser's risk.**

buy in. To become a partner in a firm by purchasing an interest.

See **bid in.**

buying and selling dormant titles. A particular form of maintenance which was prohibited by an English statute in 1541. In some jurisdictions such transactions are prohibited by the common law. In others, statutes forbid the transfer to a stranger of the title to land in adverse possession of another. 14 Am J2d Champ § 11.

buying long. A stock market term for one who is a purchaser rather than a seller of stocks. The term is redundant, since every buyer becomes long, at least for the moment.

See **long.**

buying of pleas. An inept term for purchase of a chose in action, a form of maintenance at common law. 14 Am J2d Champ § 10.

buying titles. See **buying and selling dormant titles; bracer.**

by. At or near a designated place; at the hand of; through the means, act, or instrumentality of. Thus, "an injury by accident" is synonymous with "an injury caused by accident." Carroll v Industrial Com. 69 Colo 473, 195 P 1097; 19 ALR 107, 109. Executing a bill, note, or contract in the name of the principal, followed by that of the agent, separated by the word "by," is a method of executing an agency so as to impose liability upon the principal and, conversely, no personal liability upon the agent. 3 Am J2d Agency § 190; 11 Am J2d B & N § 559.

In designating a terminal point of time, the word is variously construed as meaning "as soon as," "as early as" "before," "on or before," or "not later than," but in some cases as exclusive of the day named. 52 Am J1st Time § 29.

by a moiety and not by all. A phrase descriptive of the nature of possession of tenant in common. 20 Am J2d Coten § 26.

by-bidder. See **by-bidding.**

by-bidding. The making of sham or fictitious bids at an auction sale for the purpose of inflating the ultimate and highest bid. Osborn v Apperson Lodge, 213 Ky 533, 281 SW 500, 46 ALR 117, 121.

See **puffing.**

by bill. By original bill. Some suits were commenced by original bill, others by original writ.

by bill without writ. Same as **by bill.**

by color of office. See **colore officii.**

by due course of law. An open court and an available remedy under the law for all injuries or wrongs. 16 Am J2d Const L § 384.

by due process of law. According to the settled course of judicial proceedings or in accordance with natural, inherent, and fundamental principles of justice, enforceable in the usual modes established in the administration of government with respect to kindred matters. 16 Am J2d Const L § 546.

See **due process of law.**

bye. See **by the bye.**

by estimation. An expression used in conveyancing, signifying "more or less."

by God and my country. The most formal answer of a defendant upon arraignment in reply to a question as to how he will be tried.

by her own labor. The avails of manual labor and the proceeds of a business conducted through agents. 27 Am J1st H & W § 466.

by inch of candle. See **auction by inch of candle; sale by the candle.**

by law. In accord with law, whether the common law, a constitution, or a statute or ordinance which is constitutional.

by-laws. Rules and regulations adopted for their government by corporations, unincorporated associations, business trusts, fraternal orders and benefit societies, and benevolent associations, clubs, and societies, which, if not in violation of statute or the charter of the body, must be applied within the body in determining the manner of conduct of the business and the rights and liabilities of members.

See **municipal by-law.**

by my estate. A common phrase in a direction for the payment of estate tax, having reference to the general estate or residuary estate. 28 Am J Rev ed Inher T § 515.

by operation of law. See **operation of law.**

by-pass. Noun: A way that misses or avoids something in or along a highway, applied most frequently at the present to alternate ways which miss the congested part of cities. Verb: To detour; to avoid.

by-product. A secondary or additional product of value; something produced in the course of an industry in addition to the principal product. It is well known that packing houses, oil refineries, and some other kinds of manufactories, make byproducts amounting in value to a material part of their gross income. The right so to do is a private property right which should be encouraged rather than prohibited. Bishop v Tulsa, 21 Okla Crim 457, 209 P 228, 27 ALR 1008, 1012.

by-product material. Radioactive material, with the exception of special nuclear material, yielded in or made radioactive by exposure to radiation incident to the process or producing or utilizing special nuclear material. 42 USC § 2014(e).

by reason of. By virtue of. See United States v William Cramp & Sons Ship & E. Bldg. Co. 206 US 118, 511, Ed 983, 27 S Ct 676.

See **proximate cause.**

byrlaw. Same as **burlaw.**

by-road. A public road, but not heavily traveled; a road out of the main stream of traffic. Wood v Hurd, 34 NJ L 87 89.

bystander. A person who stands near; a person who has no concern with the business which is being transacted. *State v Jones*, 102 Mo 305, 307. A person present in court but not participating in or connected with the proceedings. A witness, being a participant in the proceedings, is not a bystander. *McConnell v McCord*, 170 Ark 839, 840, 281 SW 384, A person close by when an accident occurs.

See **talesmen**.

by the acre. See **sale by the acre**.

by the bye. Declaring against a defendant without the issuance of process to secure his appearance. This was permitted when the defendant was already before the court as defendant in some other action.

by the candle. See **sale by the candle**.

by the law of the land. By due process of law; by a law that gives a man an opportunity to be heard, before depriving him of his life, liberty, or property; by a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial.

See **by due course of law; by due process of law**.

by the moiety or half and by the whole. A phrase descriptive of the nature of possession of joint tenant. 20 Am J2d Coten § 7.

by the shore. A phrase in the description of a boundary, meaning to low-water mark. *Stevens v King*, 76 Me 197.

by various courses. The expression is sometimes employed in descriptions of land bounded by a stream or river, as "extending down Potomack river by various courses 3152 po.," and implies that the grant described follows the line of the stream. Such meaning is held not to be changed by the words "including several small creeks or inlets." *Marine Railway & Coal Co. v United States*, 257 US 47, 63, 66 L Ed 124, 130, 42 S Ct 32.

by virtue of. The term means literally by force of, or by authority of; but it is not too great a stretch to make it equivalent to "by reason of." The two expressions were regarded as equivalents in a certain connection in *United States v Wm. Cramp & Sons Co.* 206 US 118, 51 L Ed 983, 27 S Ct 676. *Phillips v Houston Nat. Bank* (CA5 Tex) 108 F2d 934.

by warrant of law. See **warrant of law**.

Byzantine Code. See **Basilica**.