

BALLEN'TINE'S LAW DICTIONARY

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WITH PRONUNCIATIONS

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THIRD EDITION
Edited by William S. Anderson

LAWYERS CO-OPERATIVE & BANGHOFF WHOLESALE

tabbles
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6 PAGES

austringer (âs'trin-jér). A falconer who kept goshawks.

austurcus (âs-ter'kus). A goshawk used by falconers in hunting fowl; the modern chicken hawk.

aut (ât). Either; or.

autarchy (â'târ-ki). Same as autocracy.

au temps (ô tôn). At the time.

aut eo circiter (aut e'ô sir'si-ter). Or thereabouts.

auter (ô'tér). See autre.

auterfoits (ô'tér-fo' or -foi'). Same as autrefois.

auterment (ô'tér-môn). Otherwise.

authentic (â-then'tik). Properly attested; executed according to law; genuine.

authenticate. To render authentic; to give authority to by proof, attestation, or formalities required by law; to prove authenticity.

See acknowledge; attest.

authentication. Such official attestation of a written instrument as will render it legally admissible in evidence. *Mayfield v Sears*, 133 Ind 86, 88, 32 NE 816. The act or mode of giving legal authority to a statute, record or other written instrument, or a certified copy thereof, so as to render it legally admissible in evidence.

See authenticate; certificate of authentication.

authenticus. A collection of the novels, or new laws, of Justinian.

authenticum (â-then'ti-kum). (Civil law.) An original document, as distinguished from a copy.

author. One to whom anything owes its origin; an originator; a maker; one who completes a work of science or literature. 18 Am J2d Copyr § 37.

One may be an author without producing any original matter, provided he does something beyond a mere copying, such as compiling or editing. 18 Am J2d Copyr § 37.

See authorship.

authority. Judicial or legislative precedent; power; warrant; a duly constituted administrative agency, such as a port authority.

See civil authority; color of authority; public authority; scope of authority.

authority by estoppel. Essentially, authority under doctrine of apparent authority. 3 Am J2d Agency § 76.

See agency by estoppel.

authority of agent. Power of the agent in relation to the legal relations between the principal and the third party.

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surrounding circumstances indicated a legislative purpose of enacting a law mandatory in its character. 121 Kan 109, 245 P 1019; 50 Am J1st Stat § 28.

The phrase as used in the Bankruptcy Act making it a condition of confirmation of a plan of composition of the indebtedness of a governmental unit on the petition of such unit that it must appear that the petitioner is "authorized by law to take all action necessary to be taken by it to carry out the plan" manifestly refers to state law. *United States v Behins*, 304 US 27, 82 L Ed 1137, 58 S Ct 811.

authorized. A word of permission. 17 Am J2d Contr § 281.

See authorize.

authorized by appointment to receive service of process. An actual appointment of an agent for the purpose of receiving service. Anno: 11 L Ed 2d 1038.

authorized by law. See authorized.

authorized capital stock. The maximum amount of stock which a corporation is authorized to issue under its charter or articles of incorporation. *McLaren v Wold*, 168 Minn 234, 237, 210 NW 29, 30; 18 Am J2d Corp § 208.

Authorized Version. Same as King James Bible.

authorship. A putting into production of something meritorious from the author's own mind, something which embodies thought of the author, perhaps the thought of others, and that would not have found existence in the form presented except for the distinctive individuality of mind from which it sprang. 18 Am J2d Copyr § 37.

au tiel forme (ô tîl for-m). In such manner.

autocracy (â'tok'râ-si). Self-government; self-rule; a government whose monarch's power is unlimited.

auto da fe (ou'tô dâ fâ). Same as auto de fe.

auto de fe (ou'tô dâ fâ). The publication of sentences of persons tried by the courts of the Spanish Inquisition; the execution of the sentence.

autograph (â'tô-grâf). A document written wholly in one's own handwriting; a person's signature.

auto livery. Taxicab service.

automatic continuance. An adjournment of a case by operation of law, as where it is not disposed of at the end of the term and necessarily carries over to the next term. 17 Am J2d Proc § 281.

ADDED COMMENTARY

BALLENTINES LAW DICTIONARY, PAGE 112:

THE WORD "AUTOCLAVING" IS NOT LISTED -- LAZOR HAD NO MEANS IN PRISON TO LEARN WHAT THIS OBSCURE, TECHNICAL WORD MEANT, UNTIL IT BECAME HEADLINES DUE TO "AIDS" IN 1995. (AND LIKEWISE THE 1983 JURY)

... death of the ... trust of a savings deposit ... to the death of the depositor. Anno: 38 ... of | ALR2d 1246.

automatism. Action un-

automobile. A vehicle of standing erect when trying persons or property upon fixed rails or tracks "car" to millions of though not absolutely; carriage, cart, or wagon ordinary sense of the from a farm tractor. "effect" within the con right of the people to against unreasonable s. State, 230 Ind 626, 105

In the ordinary sense is to be understood whi bile liability policy, au tor vehicle and is inclu 7 Am J2d Auto Ins §

Although the gene broad enough to inclu vehicles, the word is case from its associati sidering the purpose of is used. Modern usage tomobile" the restricte vehicle suitable and inte sons. Washington Nat SW2d 709, 38 ALR2d

As to what is an "au coverage of accident p 867.

automobile accessories. ties placed in the me automobile for use in either as a matter of pleasure, and comfort.

automobile accident. Se-

automobile association. which provides towing map and touring serv and often engages in ac driver training and the ordinances in the int. Anno: 89 ALR 930.

automobile club. See au-

automobile collision insur-

ance. automobile comprehens insurance which, in add fire, theft, collision, and from practically every tion of nature, and eve tomobile, such as v malicious mischief, var or commotion, etc. 7

Automobile Dealers' D. term for Federal Au: Act which is intende power as between man automobile industry by vantages of the larger those of the dealers. 7

automobile fire insuranc given by the ordinary

See automobile insur-

automobile guest. One or by implication, to owner or operator of

Webster's New World Dictionary

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austerity

avant-garde

aus-ter-i-ty (ô ster'ə tē) n., pl. -ties 1 sternness 2 an austere practice 3 tightened economy

Aus-tin (ôs'tan) capital of Tex., in the central part: pop. 345,000

aus-tral (ôs'trāl) adj. [< L *auster*, the south] southern

Aus-tral-ia (ô strāl'yə) 1 island continent between the S Pacific and Indian oceans 2 country comprising this continent & Tasmania: 2,967,907 sq. mi.; pop. 15,793,000 —Aus-tral'i-an adj., n.

Aus-tri-a (ôs'trē ə) country in central Europe: 32,369 sq. mi.; pop. 7,546,000 —Aus-tri-an adj., n.

au-then-tic (ô then'tik) adj. [< Gr *authēntikos*, genuine] 1 credible, reliable, etc., as a report 2 genuine; real —au-then'ti-cal-ly adv. —au-then-tic-i-ty (ô than tis'ə tē) n.

au-then'ti-cate ('ti kât') vt. -cat'ed, -cat'ing 1 to make valid 2 to verify 3 to prove to be genuine —au-then'ti-ca'tion n.

au-thor (ô'thər) n. [< L *augere*, to increase] 1 one who makes or creates something 2 a writer of books, etc. —vt. to be the author of —au'thor-ship' n.

au-thor-i-tar-i-an (ə thōr'ə ter'ē ən) adj. believing in or characterized by absolute obedience to authority —n. an advocate/enforcer of such authority

au-thor-i-tar-i-an-ism' n. authority; official authority; reliable

au-thor-i-ta-tive (ə thōr'ə tē-tiv) adv. authority; reliable

au-thor-i-ty (tē) n., pl. -ties 1 the power or right 2 [pl.] officials with authority 3 resulting from authority

Authorized Version the revised English translation of the Bible published in England in 1611 with the authorization of King James I

au-tism (ô'tiz'əm) n. [AUTISM] + ISM] Psychol. a mental state marked by disregard of external reality —au-tis'tic (-tis'tik) adj.

au-to (ô'tô) n., pl. -tos an automobile

au-to- < Gr *autos*, self] combining form 1 self 2 by oneself or itself

au-to-bi-og-ra-phy (ô'tə bl'ə grə fē) n., pl. -phies the story of one's own life written by oneself —au'to-bi'o-graph'i-cal (-bl'ə graf'i kəl) adj.

au-toc-ra-cy (ô tāk'rə sē) n., pl. -cies [see fol.] government in which one person has absolute power

au-to-crat (ô'tə krat') n. [< Gr *autos*, self + *kratos*, power] 1 a ruler with absolute power 2 any domineering person —au'to-crat'ic adj. —au'to-crat'i-cal-ly adv.

au-to-di-dact (ô'tô dī'dakt') n. [see AUTO- & DIDACTIC] a person who is self-taught

au-to-graph (ô'tə graf') n. [< Gr *autos*, self

+ *graphein*, write] a person's own signature or handwriting —vt. to write one's signature on or in

au'to-mate' (-māt') vt. -mat'ed, -mat'ing [< AUTOMATION] to convert to or use automation

au'to-mat'ic (-māt'ik) adj. [Gr *automatos*, self-moving] 1 done unthinkingly, as from habit or by reflex 2 working by itself 3 using automatic equipment 4 capable of firing continuously until the trigger is released —n. 1 an automatic firearm 2 a motor vehicle with a transmission that shifts gears automatically —au'to-mat'i-cal-ly adv.

automatic pilot a gyroscopic instrument that automatically keeps an aircraft, missile, etc. to a predetermined course and position

au'to-ma'tion (-mā'shən) n. [AUTOMATIC] + -TION] a manufacturing system in which many or all of the processes are automatically performed or controlled, as by electronic devices

au-tom-a-tism (ô tām'ə tiz'əm) n. automatic quality, condition, or action —au-tom'a-tize' (-tiz') vt.

au-tom'a-ton' (-tān', -tan) n., pl. -tons' or -ta (-tə) [see AUTOMATIC] 1 any automatic device, esp. a robot 2 a person acting like a robot

au-to-mo-bile (ô'tə mō bēl') n. [Fr: see AUTO- & MOBILE] a four-wheeled passenger car with a built-in engine

au'to-mo'tive (-mō'tiv) n. a self-propelled vehicle

ADDED COMMENTARY

THE WORD "AUTOCLAVING" WAS ALSO NOT LISTED IN THIS LAYMAN'S DICTIONARY

au-tum (ô'təm) n. [< L *autumnus*] the season between summer and winter, fall —au-tum-nal (ô tum'nəl) adj.

aux-il-i-a-ry (ôg zil'yə rē, ə rē) adj. [< L *augere*, to increase] 1 helping 2 subsidiary 3 supplementary —n., pl. -ries an auxiliary person or thing

auxiliary verb Gram. a verb that helps form tenses, moods, voices, etc. of other verbs, as *have* or *be*

aux-in (ôk'sin) n. [< Gr *auxein*, to increase] a plant hormone that promotes and controls growth

a-vail (ə vāl') vt., vi. [< L *ad*, to + *valere*, be strong] to be of use, help, or worth (to) —n. use or help; advantage /to no avail/ —avail oneself of to take advantage of; utilize

a-vail-a-ble (ə vāl'ə bəl) adj. 1 that can be used 2 that can be got or had; handy —a-vail'a-bil'i-ty n.

av-a-lanche (av'ə lanch') n. [Fr] 1 a large mass of loosened snow, earth, etc. sliding down a mountain 2 an overwhelming amount

a-vant-garde (ə vānt'gärd', ä') n. [Fr] the leaders in new movements, esp. in the arts —adj. of such movements

av-a-ri-ce (av'ə rist) n. [< L *avere*, to care for money] —av-a-ri-cious (av'ə rē-shi-əs) adj. —av'a-ri'cious-ly adv.

a-vast (ə vast') interj. [< Du *nouwe*] bold fast [Naut. stop! cease!]

av-a-tar (av'ə tär') n. [Sans *avatara*] 1 *Hinduism* a god's coming to earth in bodily form 2 an embodiment of a quality in a person

a-vaunt (ə vōnt') interj. [< L *ab*, before] [Archaic] go away!

avdp. avoirdupois "Hail, Mary," the first words of a prayer

a-venge (ə venj') vt., vi. a-venge'd, a-ven'ging [< L *ad*, to + *vindicare*, to claim] get revenge for (an injury, etc.) 2 vengeance on behalf of —a-ven'ger n.

av-e-nue (av'ə nü, -nyöö') n. [< L *venire*, come] 1 a street, drive, etc. when broad 2 a way of approach

a-ver (ə ver') vt. a-verred', a-ver'ring [< L *ad*, to + *verus*, true] to declare to be true; affirm; assert

av-er-age (av'er ij, av'rij) n. [< OFr.] damage to ship or goods; hence, shared losses] 1 the result of dividing sum of two or more quantities by the number of quantities 2 the usual kind, etc. —adj. 1 constituting an average

vt. -aged, -ag-ing 2 to do, to average six sales a month —average 3 to reach eventually —adj. amount, rate, etc. [see AVERT]

av-er-sive (ə ver'siv) n. 1 an intention of avoiding this [< L *aversus*, from + *versus*, against] 2 the eyes, etc.) averted

av-er-sive-ly adv. 1 to prevent

avg. average a-vi-an (ə've ən) adj. [< L *avis*, bird] of or having to do with birds

a-vi-ar-y (ə've er'ē) n., pl. -aries [< L *avis*, bird] a large cage or building for many birds

a-vi-a-tion (ə've ə'shən) n. [see AVIATION] the science of flying airplanes 2 the aircraft design, construction, etc.

a-vi-a-tor n. [Fr *aviateur*] an airplane pilot —a-vi-a'trix (-triks) n. fem.

av-id (ə vid') adj. [< L *avere*, to desire] eager or greedy —a-vid-i-ty (ə vid'itē) n. —a-vid'ly adv.

a-vi-on-ics (ə've ən'iks) n. pl. [AVIATION] (ELECTRONICS) [with sing. v.] electronic devices applied in aviation and astronautics

a-vi-ta-min-o-sis (ə'vit'ə mi nō'sis) n. [< L *avita*, from + *vitamin* + -osis] any disease caused by vitamin deficiency

av-o-ca-do (av'ə kă'dō, ə'və) n., pl. -dos [< Sp.] 1 a thick-skinned, pear-shaped tropical fruit with yellow, buttery flesh 2 the tree it grows on

av-o-ca-tion (ə'və kă'shən) n. [< L *vocare*, to call] something done in addition to one's regular work; hobby; avocation —av-o-ca'tion-al adj.

a-void (ə void') vt. [ME < OFr *evoyer*, to keep away from; evade;]

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SIXTH EDITION

BY

THE PUBLISHER'S EDITORIAL STAFF

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ST. PAUL, MINN.
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AUTHORIZE

legal or rightful power, the synonym of which is "competency." *Doherty v. Kansas City Star Co.*, 143 Kan. 802, 57 P.2d 43, 45.

Authorized capital. See Authorized stock issue.

Authorized stock issue. Total number of shares of capital stock which charter or articles of incorporation permits corporation to sell. The shares of all classes a domestic or foreign corporation is authorized to issue. Rev. Model Bus. Corp. Act, § 1.40.

Autocracy /'otokrasiy/. The name of an unlimited monarchical government. A government at the will of one man (called an "autocrat"), unchecked by constitutional restrictions or limitations.

Autograph. One's handwriting; written with one's own hand.

Automatic stay. Immediately upon the filing of a voluntary petition under the Bankruptcy Code a stay arises which generally bars all debt collection efforts against the debtor or property of his bankruptcy estate although the collection of postpetition debts against the debtor is not stayed. Code § 362(a). The court need not sign any order to give rise to the stay; the mere filing of the petition, with supporting documentation, with the clerk is sufficient. *In re Artishon*, Bkrcty.Minn., 39 B.R. 890, 893; *Jones v. Wood (In re Wood)*, Bkrcty.Idaho, 33 B.R. 320, 321.

Automatism /'otomatizam/. Behavior performed in a state of mental unconsciousness.

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See e.g.

renal Code, § 2.01.

Automobile guest. See Family automobile doctrine; Family purpose doctrine; Guest; Guest statute.

Automobile insurance. A comprehensive term which embraces insurance coverage for all risks involved in owning and operating an automobile, such as personal injury protection, property damage to another and to the insured, fire, theft and vandalism. See insurance.

Autonomy. The political independence of a nation; the right (and condition) of power of self-government. The negation of a state of political influence from without or from foreign powers. *Green v. Obergfell*, 73 App.D.C. 298, 121 F.2d 46, 57.

Autopsy /'otopsiy/. The dissection of a dead body for the purpose of inquiring into the cause of death. A post mortem examination to determine the cause, seat, or

nature of a disease. Such is normally required by statute for deaths by violent, unexplained, or unusual means. See also Inquest.

Autoptic evidence. An exhibit of a thing offered in jury as evidence to be seen through jury's own eyes. *Johnson v. State*, 139 Tex.Cr.R. 279, 139 S.W.2d 581. See Autoptic profference; Demonstrative evidence.

Autoptic profference. Proffering or presenting in court of articles for observation or inspection by a tribunal. See Autoptic evidence; Demonstrative evidence.

Auto theft. A form of larceny, the subject matter of which is a motor vehicle. The taking and carrying away of a motor vehicle from the owner or possessor with intent to deprive him permanently of it. The law distinguishes larceny from a lesser offense of use without authority. See also Joyriding.

Autre /'owtra/. (Fr.) Another.

Autre action pendant /'owtra aksiyown pondan/. Common law pleading, another action pending. A species of plea in abatement.

Autre droit /'owtra dr'wo/. In right of another. trustee holds trust property in right of his cestui que trust. A prochein amy sues in right of an infant. Bl.Comm. 176

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another.

Autrefois convict /'owtra'fwo konvikt/. Fr. Formerly convicted. A plea by a criminal in bar to an indictment that he has been formerly convicted of the same or a Bl.Comm. 336.

Autre vie /'owtra v'iy/. Another's life. A person holds an estate for or during the life of another is called a tenant "pur autre vie," or "pur terme d'autre vie." Estate pur autre vie.

Auxiliary /'ogzil'iyariy/. Aiding; attendant on: a bill (q.v.); as, an auxiliary bill in equity, an auxiliary receiver. Synonymous with "subsidiary." *Baker v. Fenley*, 233 Mo.App. 998, 128 S.W.2d 295, 298.

Auxiliator /'ogzil'iyeytar/. Lat. Helper or assistant. The word is closely related to the English word auxiliary.

Auxilium /'ogzil'iyom/. In feudal and old English law, aid; compulsory aid, hence a tax or tribute; a kind of tribute paid by the vassal to his lord, being one of the incidents of the tenure by knight's service.

ADDED COMMENTARY

BLACK'S LAW DICTIONARY, PAGE 134:

THE WORD "AUTOCLAVING" IS ALSO NOT LISTED IN THIS WELL-KNOWN LAW DICTIONARY, AVAILABLE IN MOST PRISON LAW LIBRARIES