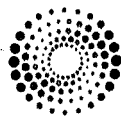
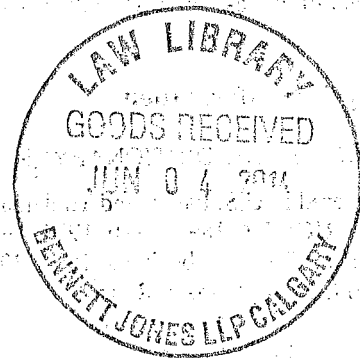


# Black's Law Dictionary®

## Tenth Edition

**Bryan A. Garner**  
Editor in Chief



**THOMSON REUTERS™**

Mat # 41372510  
Mat # 41513461—deluxe

### **Disclaimer**

Although this publication was created to provide you with accurate and authoritative information about legal terminology, it was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice, and this publication is not a substitute for an attorney's advice. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

### **Copyright Clearance Center**

For authorization to photocopy, please contact the Copyright Clearance Center at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400; fax (978) 646-8600 or West's Copyright Services at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute, and the purpose or format of the use.

### **Copyright information**

"BLACK'S LAW DICTIONARY" is a registered trademark of Thomson Reuters.

Registered in U.S. Patent and Trademark Office

COPYRIGHT © 1891, 1910, 1933, 1951, 1957, 1968, 1979, 1990 West Publishing Co.

© West, a Thomson business, 1999, 2004

© 2009, 2014 Thomson Reuters

610 Opperman Drive

St. Paul, MN 55123

1-800-313-9378

Printed in the United States of America

ISBN: 978-0-314-61300-4

ISBN: 978-0-314-62130-6 (deluxe)

esp., the pronouncement of a magistrate of the principles by which he proposed to act in office. See *edictum annuum*; FORMULA (1). Pl. *edicta*.

▶ *edictum aedilicium* (ee-dik-təm ee-də-lish-ee-əm).

A curule aedile's edict regarding sales in the public market; esp., an edict giving remedies for sales of defective goods, animals, or slaves. • An aedile could, for instance, declare that sellers would be strictly liable for latent defects in goods, and dictate how dogs and wild animals for sale should be confined to protect the public. — Also written *aedilitium edictum*. Pl. *edicta aedilicia*.

▶ *edictum annuum* (an-yoo-əm): An edict issued by a praetor at the beginning of the one-year term of office. Pl. *edicta annua*.

▶ *edictum perpetuum* (pər-pech-oo-əm). (17c) The urban praetor's edict in its permanent form, edited by Julian in A.D. 131 and given legislative force. • This term originally had the narrower sense of the praetors' general edicts as opposed to edicts issued in specific cases. — Also termed *perpetual edict*; *lex annua*. Pl. *edicta perpetua*.

▶ *edictum praetoris* (pri-tor-əs): (17c) The proclamation issued by a praetor at the start of the year's term, explaining the grounds on which a formula would be granted. — Also termed *praetorian edict*. See *edictum annuum*; FORMULA (1).

▶ *edictum provinciale* (prə-vin-shee-ay-lee). An edict or system of rules for the administration of justice, modeled on *edictum praetoris*, issued by the provincial governors in the Roman Empire. Pl. *edicta provincialia*.

▶ *edictum repentinum* (rep-ən-ti-nəm). [Latin] Roman law. A supplementary edict issued to deal with some emergency. • This term was contrasted with *edictum perpetuum*. Pl. *edicta repentina*.

▶ *Edictum Theodorici* (thee-ə-də-rī-sī). A collection of laws applicable to both Romans and Goths, issued by Theodoric, king of the Ostrogoths, at Rome about A.D. 500, or perhaps by Theodoric III, king of the Visigoths in Gaul about A.D. 460.

▶ *edictum tralatitium* (tral-ə-tish-ee-əm). A praetor's edict that retained all or a principal part of the predecessor's edict, with only such additions as appeared necessary to adapt it to changing social conditions or juristic ideas. • This had become standard practice by the end of the Republic. — Also spelled *edictum tralaticium* (tral-ək-tish-ee-əm). Pl. *edicta tralatitia*.

**edile** (ee-dil). See AEDILE.

**editorial privilege**. See *journalist's privilege* (2) under PRIVILEGE (3).

**editus** (ed-ə-təs), *adj. Hist.* 1. (Of a statute or rule) enacted; promulgated. 2. (Of a child) born; brought forth.

**e-document**. See *electronic document* under DOCUMENT (2).

**educational expense**. See EXPENSE.

**educational institution**. (1842) 1. A school, seminary, college, university, or other educational facility, though not necessarily a chartered institution. 2. As used in a zoning ordinance, all buildings and grounds necessary

to accomplish the full scope of educational instruction including those things essential to mental, moral, and physical development.

**educational neglect**. See NEGLECT.

**educational trust**. See TRUST (3).

**education individual retirement account**. See INDIVIDUAL RETIREMENT ACCOUNT.

**education voucher**. See *tuition voucher* under VOUCHER.  
**EEC**, *abbr.* (1958) European Economic Community. See EUROPEAN UNION.

**EEOC**, *abbr.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

**EEZ**, *abbr.* EXCLUSIVE ECONOMIC ZONE.

**effect**, *n.* (14c) 1. Something produced by an agent or cause; a result, outcome, or consequence. 2. The result that an instrument between parties will produce on their relative rights, or that a statute will produce on existing law as discovered from the language used, the forms employed or other materials for construing it.

**effect**, *vb.* (16c) To bring about; to make happen <the improper notice did not effect a timely appeal>.

**effective**, *adj.* (14c) 1. (Of a statute, order, contract, etc.) in operation at a given time <effective June 1>. • A statute, order, or contract is often said to be effective beginning (and perhaps ending) at a designated time. 2. Performing within the range of normal and expected standards <effective counsel>. 3. Productive; achieving a result <effective cause>.

**effective assignment**. See ASSIGNMENT (2).

**effective assistance of counsel**. See ASSISTANCE OF COUNSEL.

**effective cause**. See *immediate cause* under CAUSE (1).

**effective control**. See CONTROL.

**effective date**. See DATE.

**effective filing date**. See DATE.

**effective marginal tax rate**. See TAX RATE.

**effective possession**. See *constructive possession* under POSSESSION.

**effective rate**. See INTEREST RATE.

**effective tax rate**. See *average tax rate* under TAX RATE.

**effective vote**. See VOTE (1).

**effects**, *n. pl.* (17c) Movable property; goods <personal effects>.

▶ **household effects**. See *household goods* under GOODS.

▶ **personal effects**. (1818) Items of a personal character, esp., personal property owned by a decedent at the time of death.

**effects doctrine**. See AFFECTS DOCTRINE.

**effeirs** (ē-feerz), *adv. Scots law*. As appropriate; correctly. • The term ordinarily appears in the phrase *as effeirs*.

**effets** (e-fe or e-fets), *n. pl.* [French] 1. Bills of exchange. 2. Goods; movables; chattels.

▶ **effets mobiliers** (moh-beel-yay or moh-bā-leerz). Funds; stocks.

**efficacy**. The power to make an intended result occur, the capacity to produce effects. — **efficacious**, *adj.* — **efficaciousness**, *n.*

manufacture, often to distinguish the product's appearance. • A design patent may be issued to protect the product's characteristic appearance.

**industrial-development bond.** See BOND (3).

**industrial disease.** See OCCUPATIONAL DISEASE.

**industrial dispute.** See LABOR DISPUTE.

**industrial espionage.** See ESPIONAGE.

**Industrial Espionage Act.** See ECONOMIC ESPIONAGE ACT.

**industrial estate.** See INDUSTRIAL PARK.

**industrial goods.** See *capital goods* under GOODS.

**industrial insurance.** See *industrial life insurance* under LIFE INSURANCE.

**industrial law.** See LABOR LAW.

**industrial life insurance.** See LIFE INSURANCE.

**industrial organization.** See UNION.

**industrial park.** (1955) A piece of land, often in a suburb or at the edge of a city, where factories or businesses are located. — Also termed *industrial estate*.

**industrial property.** (1884) *Intellectual property.* Patented goods, industrial designs, trademarks, and copyrights that a business owns and may exclude others from using. • Employed in the Paris Convention, the term was not defined, but the treaty states that it is to be construed broadly.

**industrial relations.** (1904) *Labor law.* All dealings and relationships between an employer and its employees, including collective bargaining about issues such as safety and benefits. See LABOR RELATIONS.

**industrial-revenue bond.** See *industrial-development bond* under BOND (3).

**industrial tribunal.** (1891) *Labor law.* A court that adjudicates disagreements between workers and their employers.

**industrial union.** See UNION.

**industry.** (15c) 1. Diligence in the performance of a task. 2. Systematic labor for some useful purpose; esp., work in manufacturing or production. 3. A particular form or branch of productive labor; an aggregate of enterprises employing similar production and marketing facilities to produce items having markedly similar characteristics.

**industry-wide liability.** See *enterprise liability* (1-3) under LIABILITY.

**indutiae** (in-d[y]oo-shee-ee), *n.* [Latin] 1. Roman & int'l law. A truce or cessation of hostilities; an armistice. 2. Roman & civil law. A delay allowed for performing an obligation or other legal business. 3. Maritime law. A period of 20 days in which a bottomry-bond debtor may unload the ship's cargo and pay the bond. — Also spelled *induciae*.

**in eadem causa** (in ee-ay-dəm kaw-zə), *adv.* [Latin] In the same cause; in the same state or condition.

**inebriate** (in-ee-bree-ət), *n.* (18c) *Archaic.* An intoxicated person; esp., a habitual drunkard.

**inebriate act.** (1911) *Hist. English law.* A statute, esp. one of a series enacted in England from 1879 to 1900, dealing with the confinement of habitual drunkards, embracing both criminal inebriates and voluntary alcoholics, on the principle that drunkards are not classified as lunatics but

can nevertheless be dangerous to themselves and others. Cf. HABITUAL DRUNKARDS' ACT.

**inebriated** (in-ee-bree-ay-tid), *adj.* (15c) Drunk; intoxicated.

**ineffective assistance of counsel.** See ASSISTANCE OF COUNSEL.

**ineffective revocation.** See DEPENDENT RELATIVE REVOCATION.

**Ineligibility Clause.** *Constitutional law.* The clause of the U.S. Constitution that prohibits a member of Congress from accepting an appointment to an executive office that was created, or the compensation for which was increased, during the member's service in Congress. U.S. Const. art. I, § 6.

**ineligible,** *adj.* (18c) (Of a person) legally disqualified to serve in office. — **ineligibility,** *n.*

**in emulationem vicini** (in em-yə-lay-shee-oh-nəm vi-si-ni), *adj.* [Latin "in envy or hatred of a neighbor"] (Of a legal claim) brought for an act done solely to hurt or distress another, such as raising a high fence.

**in eodem negotio** (in ee-oh-dəm ni-goh-shee-oh). [Latin] Arising out of the same transaction.

**inequitable** (in-ek-wi-tə-bəl), *adj.* (17c) Not fair; opposed to principles of equity <an inequitable ruling>.

**inequitable conduct.** See *defense of inequitable conduct* under DEFENSE (1).

**in equity.** (15c) In a chancery court rather than a court of law; before a court exercising equitable jurisdiction.

**inequity** (in-ek-wi-tee), *n.* (16c) 1. Unfairness; a lack of equity. 2. An instance of injustice.

**inertia selling.** (1969) *English law.* The unlawful practice of sending unsolicited goods to individuals and then billing them for any unreturned goods.

**inescapable peril.** See PERIL (1).

**in esse** (in es-ee also es-ay). [Latin "in being"] (16c) In actual existence; IN BEING <the court was concerned only with the rights of the children *in esse*>. Cf. IN POSSE.

**in essentialibus** (in e-sen-shee-al-ə-bəs). [Law Latin] Scots law. In the essential parts. • An error in an essential term of an instrument (such as a deed) was usu. fatal.

**inessential mistake.** See *unessential mistake* under MISTAKE.

**in est de jure** (in est dee joor-ee). [Latin] It is implied as of right or by law.

**in evidence.** Having been admitted into evidence <the photograph was already in evidence when the defense first raised an objection to it>.

**inevitability doctrine.** See INEVITABLE-DISCLOSURE DOCTRINE (2).

**inevitable accident.** See *unavoidable accident* under ACCIDENT.

**inevitable-accident doctrine.** See UNAVOIDABLE-ACCIDENT DOCTRINE.

**inevitable-disclosure doctrine.** 1. INEVITABLE-DISCOVERY RULE. 2. *Trade secrets.* The legal theory that a key employee, once hired by a competitor, cannot avoid misappropriating the former employer's trade secrets. • To justify an injunction, the plaintiff must prove that the