吴玲娣/编译

新编

# 法律英语术语

NEW GLOSSARY OF ENGLISH LEGAL TERMS



法律出版社 LAW PRESS·CHINA

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### 前言

《新编法律英语术语》(New Glossary of English Legal Terms) 编译之目的在于给出英美法律术语较精确的汉译,为学习研究法 律英语、强化法律词汇提供参考工具书。

本书收词慎重,共计约两千余条。除英美法外,包括国际公法、经济法、专利法、继承法等所属各类法律术语,还包括法律上常用的拉丁语以及部分法语。本书从法学教材、辞书典籍以及法学新著、互联网中采集多家精华筛选而得,着重突出英美法律常用术语,注重词条的活用性和实用性,尽量运用通俗易懂的语言对所收法律术语作深人浅出的解释,并配有简单明了的汉语。

成书过程中,美国 The Segue Group Inc. 公司的 Present Summer S. Xia 先生给予多方面指导和帮助。本书得到了宁波大学外语学院、法学院的几位领导和外籍教师 Margare ta Skov 的大力协助,在此深表谢意。

最后,希望本书能对我国法律英语的学习、英美法学的研究以 及我国民主法制的建设起到积极的作用。由于水平有限,加之时 间仓促和缺乏词典编写的经验,难免有错误及遗漏之处,恳请广大 读者批评指正。



#### A

A.B.A. American Bar Association 美国律师协会

abandoned child (spouse) one who has not been in contact with or received support from the parent or spouse 遗弃孩子(配偶)

abandonment the intentional giving up of rights or property with no future intention to regain title or possession 放弃; 自愿放弃财产或权利

abatable nuisance a nuisance that can be suppressed extinguished or rendered harmless, and whose continued existence is not authorized under law 可减轻损害:可除去妨碍

abatement a lessening or reducing; either a termination or a temporary suspension of a lawsuit 减轻、减免(全部或部 分);减免税款;撤销全部或部 分索赔

abduction the criminal or wrongful act of forcibly taking away another person through fraud, persuasion or violence 劫持; 诱拐;诱拐犯;拐带罪

abet aid and abet, to encourage or urge on or help another in wrong doing or in the attempted commission of a crime 教唆、煽动犯罪;协助和怂恿他人犯罪的违法行为

abeyance an undetermined or incomplete state of affairs, the condition of not being in force or in use at or for a certain time; a freehold or estate in fee when there is no existing person in whom the estate vests 土地所有权未定,所有人不存在,不实施,搁置,中止



ability to stand trial properly or legally qualified, capable of understanding or of acting reasonably 受审讯:受审能力

ab initio [拉丁] from the beginning, used in referring to the time when an action or instrument or interest in property becomes legally valid 从头开始,自始

abnormally dangerous activity an uncommon or ultra-hazardous activity, giving rise to strict liability, that involves risk of serious harm to the person, land or chattels of others 特大危险性活动

abolish to repeal, remove or revoke, to cancel and to do away with completely; to eliminate entirely 废除;取消;撤回;撤销销

aboriginal title [美] Indian law known as Indian Title, inherent right of Native American tribes to occupy certain territory by virtue of their original occupancy of such territory and to the exclusion of the other Native American tribes 原始所

有权(指印第安人排他性的继 续占用)

abortion the premature termination of a pregnancy may be either spontaneous (miscarriage) or induced 堕胎;流产

abridge to shorten, condense, lessen and diminish 减少;使 缩小、使缩短

abrogate to annul, repeal, to put an end to, to make a law void by legislative repeal 撤销;取 消;废止;废除(法令、条约、习 惯等)

abscond to travel secretly out of the jurisdiction of the courts or to run away and hide in order to avoid a legal process such as a lawsuit or arrest 为躲避诉 讼、债务等而潜逃;失踪;逃 亡:隐藏

absentia [拉丁] in absence 不在场;缺席

absolute liability strict liability, liability without a showing of fault, or the need to show fault 绝对责任;绝对赔偿责任; 无过失责任

absque hoc [拉丁] without this, a phrase used to introduce a de-

nial in a pleading 没有
abstention (doctrine) the policy
that a federal district court may
decline to exercise its jurisdiction and may allow a state court
to decide a federal constitutional question or questions of state
law; the act of keeping oneself
from doing something especially
voting and refraining from doing something 弃权;克制;
回游(原则): 护宙

abstract of record a condensed history of a case taken from the trial court records and prepared for use by the appellate court 诉状摘要;公判录摘要;案 情摘要

abstract of title a short history of title to land noting all conveyances transfers, grants, wills and judicial proceedings, and summary of the detail of all encumbrances and liens together with evidence of satisfaction and other facts affecting title 所有权证书摘要;产权说明书 abuse of discretion improper use in exercising one's discretion; the characterization of a lower

court or administrative agency decision or ruling as arbitrary and unreasonable to overturn the decision 处理权的滥用;自由斟酌的滥用

abuse of process improper use of a legal process; suing someone in bad faith or without proper justification or for-malicious reasons 滥用诉讼程序;滥诉

abutter to adjoin and to touch boundaries and border on 邻近的住户;相邻业主

acceleration the hastening of the time for enjoyment of a remainder interest due to the premature termination of a preceding estate. An entire debt is to be regarded as due upon the borrower's failure to pay a single installment or to fulfill some other duty. 缩短期待权的期待期间;较预期早到的财产权益

acceleration clause a provision upon the happening of a certain event, a person's expected interest in the property would become vested sooner than expected 在信托、典当、期票、





债券、地契或其他信用协议的 条款中规定贷款人可根据契 约到期拆款

acceptance receiving something or of agreeing to certain terms.

Acceptance is consent to the terms of an offer, creating a binding contract 承诺,同意:接受;承兑

access the opportunity to approach, communicate, or pass to and from without obstruction as with an easement; the right of the owner to obtain or reach something 通路权;使用权; 会见权

accession something added; a right derived from the civil law to all that one's property produces, and to that which is united to it either naturally or artificially 财产的添附;权利的取得;财产的继承;条约的加人;领土的添附;就职

accessory a person aids or contributes to a crime as a subordinate. An accessory performs acts that aid others in committing a crime or in avoiding apprehension. 同谋;从犯;帮

凶:附属物

accessory after the fact a person who assists a criminal knowing that he or she has committed a felony or is sought in connection with a crime 事后从犯

accessory before the fact a person who cites, counsels or orders another to commit a crime before the crime is committed 事前从犯

accident an unforeseen and unexpected event, an occurrence by chance and not by design. The term includes any event that occurs unintentionally, even if due to negligence rather than to forces beyond anyone's control.

事故;偶然事故;意外事故 accommodation endorsement signature on the back of an instrument with or without other words, the effect of which is to transfer the instrument and to create a new, independent contract by with the endorser becomes a party to the instrument and liable for its payment 通 融背书;在保单上加注条件 accommodation party one who as a favor to other signs a note as acceptor, maker or endorser, without receiving compensation or other benefit and who guarantees the debt of the other person 签署通融票据的当事者

accomplice one voluntarily joins another in committing a crime.

An accomplice has the same degree of liability as the one who commits the crime. 同谋;同案犯;共犯

accord an agreement whereby one party takes something other than what he or she considers himself or herself entitled to 和解;调停;协议

ment of money or other valuable consideration (usually less than the amount owed) in exchange for extinguish of a debt

代物清偿;和解和清偿;合意解决

account a detailed statement of the nature of debt and credit between parties arising out of the contracts or some fiduciary relationship 清册;账目;财务

#### 的详细记录

account payable the amount owed by a business to its suppliers and other regular trading partners 应付账

account receivable amounts owing on open account and running accounts that are usually disclosed in the creditor's account books 应收账

accounting method the method used by a business in keeping its books and records for purpose of computing income and deductions and determining taxable income. 计算法

accretion enlargement of a piece of land by natural causes, the act of adding something to property, the increasing the shares of the other heirs or legatees 逐渐增加,添附;财产的自然增加

accrue to accumulate, to increase and be due for payment, as interest added to principal 增 值:增加:附加

accusation act of saying that someone has committed a crime. It refers to a charge of





wrongdoing against a person or corporation in the form of an indictment, presentment and information etc.. 告发;告诉

accusatory instrument refers to the initial pleading or other paper that forms the procedural basis for a criminal charge in the form of an indictment, information or accusation 刑事起诉文书

accuse to institute legal proceedings charging someone with a crime 告发;告诉

accused the person charged with a crime, the defendant 刑事被告 acknowledgment affirmation, admission or declaration recognizing ownership, indicating authenticity, accepting responsibility, or undertaking an obligation to do something such as pay a debt 承认;债务承认书

A.C.L.U. American Civil Liberties Union 美国民权协会

acquire to gain by any means, to obtain by any endeavor, to become the owner of property, to make something own 取得

(领土、国籍、财产等)

acquit to set free from an accusation of guilt by a verdict of not guilty, to release from a debt or other obligation 宣告……无罪;开释;清偿(债务);无罪释放

acquittal a legal finding that an individual charged with a crime is not guilty and is therefore set free; act of acquitting of a crime 宣告无罪;开释;免诉 actio [拉丁] action, used to refer to legal proceedings, lawsuits, process, action, and permission for a suit 诉讼;诉讼权;诉讼

action a court proceeding wherein one party prosecutes another party for a wrong done, or for protection of a right or prevention of a wrong 民事诉讼:诉讼行为

actionable forms the legal basis for a civil action such as wrongful conduct 可起诉的,可提起诉讼的

actionable tort or action in tort the existence of facts sufficient for legal filing requirements for a legitimate lawsuit by one injured 侵权诉讼

action for accounting an action to secure a formal statement of account from one partner to another in order to obtain a judicial determination of the rights of the parties in a shared asset 为确保债务而提起的诉讼

action for possession a lawsuit brought for the purpose of obtaining or maintaining possession of real property 保全占 有诉讼

actio non no action. A Latin term refers to a nonfeasance or a non-suit. 被告主张原告不应起诉

actions in personam [拉丁] into or against the person. An action against a person or persons founded on personal liability and requiring jurisdiction by the court over the person sought to be held liable. 对人诉讼(一种诉讼案,在此案中一方当事人请求另一方当事人应履行某种行为或支付损失赔偿金) actions in rem [拉丁] into or against the thing. Signifies

actions against the thing rather than against the person. Actions in rem seek not to impose personal liability but rather to affect the interests of persons in a specific thing. 对物诉讼(一种诉讼案,在此案中一方当事人要求获得被另一方当事人所占有的财产或货物)

act of God a violent and catastrophic event caused by forces of nature which could not have been prevented or avoided by foresight or prudence 天灾; 不可抗力和无法避免的自然灾害

actuary one who calculates insurance and property costs, the cost of life insurance risks and insurance premiums 保险统 计员:保险计算师

actual malice to win a defamation suit, public officials or prominent people, such as political candidates or movie stars, must prove that the offender made a false statement with actual malice. This means the statement was made with knowledge that it was false or





with serious doubts about whether it was true. 实际上的恶意

actus reus [拉丁] the criminal or guilty act; the physical act that had been declared a crime 有罪行为;不正当行为;犯罪行为

ad damnum [拉丁] to the damage. The amount of damages demanded in a civil suit. 就损害而言

addendum something added, a supplemental section of a document containing material added after the document was prepared 补遗;增编

ademption [拉丁] the extinction or withdrawal of a devise or bequest by some act of the decedent clearly indicating an intention to revoke it 取消遗产

adhesion contract a contract so heavily restrictive of one party, while nonrestrictive of another, that doubles arise as to whether it is a voluntary agreement 附议合同;附加契约

ad hoc [拉丁] for this, for this particular purpose. An ad hoc

committee is one commissioned for a special purpose, an ad hoc attorney is one designated for a particular client in a special situation 特别;特定;特设委员会;特种律师

adjective law the rules of legal practice and procedure that make substantive law effective. Adjective law determines the methods of enforcing the legal rights created and defined by substantive law. 程序法

adjourn to stop a meeting for a period; to put off a legal hearing to a later date; postpone or to delay briefly a court proceeding through recess 延缓开庭期;终止;休会;休庭

adjournment in contemplation of dismissal see pre-trial diversion 附条件驳回

adjudication the determination of a controversy and pronouncement of judgment; act of giving a judgment or of deciding a legal problem 判决、裁决、宣 判

adjuster one determines the amount of an insurance claim and calculates losses for an insurance company and makes an agreement with the insured as to a settlement 理算人;损失理算人

ad litem [拉丁] for the suit, for the purpose of the lawsuit being prosecuted 参考某一法律案例

administrative law refers to law created by administrative agencies by way of rules, regulations, orders and decisions 行政法

administrative law-judge the presiding officer at an administrative hearing whose power is essentially one of recommendation 行政法长官

administrator someone appointed to handle the affairs of a person who has died intestate without leaving a will. If the decedent left a will, an executor performs the same function. 遗产管理人;行政管理人员

admiralty and maritime jurisdiction refers to jurisdiction over all actions related to events occurring at sea including transactions relating to commerce and navigation, to damages and injuries upon the sea and to all maritime contracts and torts 海事管辖权

admiralty courts tribunals that hear cases involving maritime law and court decides in the disputes arising on or in relation to seagoing ships 海事法院

admissible evidence the evidence introduced in court to aid the trial of fact, the judge or jury in dealing the merits of a case. Each jurisdiction has established rules of evidence to determine what evidence is admissible. 可接受证据:证据的可接受性

admission the voluntary acknowledgement that certain facts are true, a statement by the accused or by an adverse party that tends to support the charge or claim against him or her but is not necessarily sufficient to establish guilt or liability 承认;招认;供认;自白

admit a judicial determination to admit some evidence and to ex-





clude other evidence is a function of the perceived usefulness such evidence will have on the outcome of the case 证据采 纳;承认;允许;确认

admit to bail to permit an accused person to be released from custody until trial upon posting of sufficient surety 准许保释

adopt to agree to, appropriate, borrow, make use of the formal process terminating legal rights between a child and his or her natural parents and creating new rights between the child and the adopting parents 收养;同意:通过:采纳

adoption the legal process by which the parent/child relationship is created between persons not so related by blood. The adopted child becomes the heir and is entitled to all other privilege belonging to a natural child of his adoptive parent. 收养:认定:通过:采纳:收券

收养;认定;通过;采纳;收养 孩子可成为继承人并享受继 承权

ad testificandum [拉丁] for testifying. A person sought ad tes-

tificandum is sought to appear as a witness. 根据证据;提供证据的人就作为证人

adult a person has reached the age of majority 成年人

adultery refers to voluntary sexual intercourse between a married person and someone other than his or her spouse. Adultery is grounds for divorce; it is also a criminal offense. 通奸;通奸是离婚的事由,也是犯罪

advance moneys paid before payment is legally due, such as to an author for a novel yet to be written 预付款

advance directive see living will 有效遗嘱

advancement a gift given by a parent to his or her child that is intended to represent all or part of the child's share of the estate in the event the parent dies intestate 预付款项;预先遗赠 adversary refers to opponent or litigant in a controversy or litigation 对手;敌手 adversary party the opposing par-

adversary party the opposing party in a lawsuit 诉讼对方
adversary proceeding a hearing

involving a controversy between two opposing parties, the outcome of which is expected to be favorable to only one of the parties 两齿诉讼

adverse possession a method of acquiring legal title to land through actual, continuous and open occupancy of the property for a prescribed period of time under claim of right and in opposition to the rights of the true owner 对抗占有;非法占有;事实上占有

adverse witness hostile witness, a witness whose evidence to the opposing party is so contrary that his or her testimony may be prejudiced against that party 敬对证人

advisory opinion a formal opinion by a judge, court or law officer upon a question of law submitted by a legislative body or government official but not presented in an actual court case 咨询意见;顾问性的意见

advocacy the active taking up of a legal cause, the art of persuasion. A legal advocate is a lawyer. 辩护;拥护;提倡;法律辩护者就是律师

affidavit maker a person makes and signs a written statement under oath 宣誓陈述人

affidavit a written statement made under oath before an officer of the court, a notary public or other person legally authorized to certify the statement 宣誓陈述书

affinity attraction existing between persons, a term used to describe a relationship created by marriage 姻亲;姻亲关系

affirmation a person's indication that one affirms the truth of one's statement. An affirmation serves the same purpose as an oath, in which a person swears the truth of the statement made. 无宣誓作证;确认;追认;无宣誓作证如同宣誓作证 affirmative action a positive step taken to correct conditions resulting from past discrimination or from violations of a law 积极行动;积极行为;确认行动

affirmative defense one that serves as a basis for proving





some new fact, whereby defendant does not simply deny a chare but offers new evidence to avoid judgement against him or her 积极抗辩;积极辩护 affirmative easement a right created by as express or implied agreement to make lawful and beneficial use of the land of another. An easement is a privilege connected with the land and is therefore not a possession interest or fee. 积极地

affirmative relief the relief granted a defendant in which the defendant might maintain an action entirely independent of plaintiff's claim and which claim defendant might proceed to establish and recover even if plaintiff abandoned his or her cause of action or failed to establish it 积极救济;对被告的救济或补偿

affix to fix, fasten or stick and to attach something permanently to the land 粘上;贴上;签署;附添

aforethought the distinguishing

state of mind that may render an unlawful homicide murder at a common law 故意的,预谋 的

a fortion [拉丁] with or for a

stronger reason. An inference that because a certain conclusion or fact is true, the same reasoning makes it even more certain that a second conclusion 因更强有力的理由 is true. after-acquired property refers to property acquired by a debtor after he has entered into an agreement in which other property is put up as security for a 破产决定后获得的财产 agent one is authorized by another person to act in that person's behalf. The acts of an agent are binding on his principal. 代理商:代理人

agency a relationship in which one person acts on behalf of another with the authority of the latter 经办:代理:代理处

age of consent age set by statute at which persons may marry without parental consent 结 婚年龄;承诺年龄 age of majority the age when a person acquires all the rights and is considered legally responsible for all his or her activities and becomes entitled to the legal rights held by citizens generally 成年年龄;法定年龄

aggravated assault refers to assault where serious bodily injury is inflicted on the person assaulted, an assault with a dangerous or deadly weapon 加重暴行

aggravating circumstance special circumstances tending to increase the severity of the crime charged or the severity of punishment 加重处罚情节

aggregate a total of all the parts, the whole or the complete amount to combine as to aggregate several causes of action in a single suit 聚集的;合计;人或物的集团;总数

**aggrieved party** one has been injured or has suffered a loss. A person is aggrieved by a judgment, order or decree whenever it operates prejudicially and

direct upon his or her property. 受害一方;受害方

agreement mutual assent between two or more legally competent persons ordinarily leading to a contract. It is a broader term than contract, bargain or promise, since it includes executed sales, gifts and other transfers of property, as well as promises without legal obligation. 协约、协定、契约合意书

aid and abet to encourage or help another in the commission or attempted commission of a crime 帮助犯罪:教唆:帮凶

air piracy hijacking. The commandeering or seize of a mode of transportation such as an airplane, truck or train by force or threat of force for illegal purposes. 空中强盗行为;空中劫持

air rights the legal ownership of land includes the ownership of the airspace above the land. A tree that has branches extending over a neighbor's property may therefore interfere with