

Merriam-
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Dictionary of Law

韦氏
法律词典

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编辑说明

Webster 这个单词本身在美语中就是编排者的意思，而 Noah Webster（诺亚·韦伯斯特）则是美国著名的词典编纂家和课本编写者，被誉为“美国学术和教育之父”。在美国，他的名字在口语中等同于“词典”，尤其是首版于 1828 年的现代《韦氏词典》。其后，词典的版权转让给梅里亚姆—韦伯斯特公司（Merriam-Webster），它是美国权威的辞书出版机构，它出版的书籍——尤其是词典，在中文里往往被称作“韦氏词典”。梅里亚姆—韦伯斯特公司可以被认为是诺亚·韦伯斯特的词典编撰事业的继承者，而提到词典时常常使用的“韦氏”也就是出自诺亚·韦伯斯特的姓氏。

如果您想购买一本词典或者是好的参考书的话，那么选择“韦氏”肯定不会错。它承载了一个从 1831 年起就从事出版业的公司的声誉，是对您选择书籍的品质和权威的最好保证。

本书是韦氏词典系列产品中的法律词典，全书的内容除了法律词典之外，还附有美国的司法体系介绍，美国历史上重要的法律判例、法律及美国重要的政府机构的介绍，最后是美国宪法的全文。编纂本词典的目的旨在为我们理解法律的专业语言提供便利，因此，它的词条解释都是用最简单的英语词汇和短语来解释复杂的法律术语，可以为我们快速掌握法律英语专业词汇及法律语言打开方便之门。词典包含了 10,000 个以上的法律词汇和短语，它们都是从近 15,000,000 个相关的法律引用及主流的法律在线数据库中挑选出来的使用频率最高的词汇及短语。特别对于律师而言，在签订合同时、起草遗嘱时、参与诉讼时、证明引用和举例论证时都是每日必会用到的词汇。

词典的体例如下：

词目

主词目——由单个单词或者包含连字符、括号、斜线或者空格的字母和数字组成。

主词目的排列顺序——按照字母顺序排列，而不管中间的空格和连

字符。对于出现的包含阿拉伯数字的词目，按照数字的发音排序。

组词目——有些名词是经常出现的法律专业短语的一部分，因此，经过选择的成组的短语作为副词目紧跟在这些单词后。

同形异义词——对于拼写相同而意义不同的单词，在单词的左上角上标注了数字序号以示区分。

引导词——为了读者查找单词方便，在奇数页页眉的上方列出了当页的最后一个单词，偶数页页眉的上方列出了当页的第一个单词作为引导词，以方便读者了解两页间的单词的范围。

每行结尾单词的移行——移行处要用连字符号“-”，放在该行的最后。移行时一般按照音节进行，只在两音节之间分开，不能把一个完整的音节分写在上下两行。如果复合词原来就有连字符号，则就在原连字符号处分行。如两个不同的辅音字母在一起时，移行时前后各一个。

同义异体词——当一个主词条后面紧跟单词“or”和另外一种拼法时，这两种拼法是一样的，两种都是标准用法，使用其中的任何一种可以依据个人的偏好。

补充信息说明——在一些词条或副词条下，紧跟定义和前后参照会有一些补充信息说明，它们会用菱形符号“◆”标注。

连续接排的词目——一个主词目后面可能会跟着一个或更多的派生词或者是不同词性的同形异义词，这些是连续接排的词目，之间会以一个细体的破折号“—”隔开，并附有词性标注。主词目后面也可能会跟着一个或更多的含有主词目单词以及它的变形词的短语，这些词目也会连续接排，同样以破折号隔开，但没有词性标注。

单词发音

主词目之后在一对斜线号中间的内容即为单词的发音，音标符号的使用将在本词典 19a 页处说明。在词典词汇表的每个奇数页第二栏的右下角处会有一个音标使用的缩略表。

音标中连字符的使用是为了显示音节的划分。这些音标中的连字符有时候是与主词目中的居中点相一致的，以标示单词移行的划分。另外，音标中还有重音与次重音的符号，分别显示为上置的符号和下置的符号。

当一个主词目或者副词目是一个复合词的时候，就没有完整的音标

显示，或者没有音标显示，没出现的音标会在这个复合词的各个组成单词的条目中显示。

当出现一系列的组词目的时候，如果它们的发音都是相同的，只有第一个词目会注明音标。

功能标记

斜体字的标注通常是显示词性或者一些其他的功能性的分类，通常在主词目或者音标的后面。

屈折形式

大部分的屈折形式都被主词目的基础形式明确地或者暗含地包括在内了。这些屈折形式有名词的复数形式，动词的主要形式（一般过去时，与一般过去时不同的过去分词，现在分词），形容词和副词的比较级和最高级形式。

通常，如果这些屈折形式是按照英语中的一般规则产生的话，就不显示这些屈折形式了。但是如果这些屈折形式是以不规则的形式产生的，或者词典的使用者可能会对其产生疑问（即使它是规则变化的），单词的屈折形式也会以黑体字显示。

大写

本词典中大部分的词目都是以小写字母起始的。它们中的一些附有斜体字的标注：“*often cap*”，这表示该单词很可能是大写的，它以大写字母起始和以小写字母起始都可被接受。

一些词目以大写字母起始或者全部都由大写字母构成，这表示该单词通常就与显示的一样是大写的。如果没有起始大写或者只是有“*often cap*”的标注，则表示该单词通常并不是大写的。

名词定语

在功能标记“*n*”后的斜体标注“*often attrib*”表示这个名词经常被用于另一个名词前与形容词相同的定语位置。

词源

本词典的词源都以黑体的方括号标示，在单词的词性标记之后，定义之前。词源的目的是为最具特征的法律和法庭语言提供一个简明的历史框架。除了基本的法律术语外，从外语中舶来的短语——大部分是拉丁语和英国法语——以及现在日常用语中罕见的单词，是否专门在法律

意义上使用，都给予了词源说明。

惯用法

惯用法标签——本词典中使用了状态标签以表示一个单词或一个短语在法律中有特殊的用法。所有美国州的法律主要都源于英国法并在这个国家得到进一步的发展。路易斯安那州的法律，却是基于大陆法系的拿破仑法典。

仅限于路易斯安那州的大陆法中使用的单词或短语会有 “*in the civil law of Louisiana*” 的标注。

仅限于英国法中使用的单词或短语会有 “*chiefly Brit*” 的标注。

一个主题标签或者引导短语有时候是为了表示这个单词或短语的特殊用法。

用法举例——在单词的定义后面有时候会跟有这个单词的用法举例以说明这个单词在上下文中的典型用法。这些举例用尖括号标注，单词本身通常以细体的代字号 “~” 表示，并且可能跟有一个斜体字的后缀。

用法说明——单词定义后面有时会跟有一个简短的用法说明以提供补充信息。用法说明以一个细体的破折号 “—” 引入。

义项划分

本词典中使用黑体的冒号 “:” 来引入词条的定义，它还用于区分一个单一意义的词条两个或两个以上的定义。

黑体的阿拉伯数字用于区分一个词条不止一个的意义。

黑体的小写字母用于区分一个词条的分意义。

细体的冒号跟在词条的定义后，紧接着两个或更多的分意义，这表示这些分意义都包括在前面的定义之内。

前后参照

本词典中使用了不同种类的前后参照：指向性的、同义的、同词源的和屈折变化的。在每种情况中，前后参照都很容易识别，均以细体字的小号大写印刷。

最后，希望本词典的引进出版能够为广大的法律英语学习者、爱好者以及实践者提供权威、有效、实用的帮助，成为一本大家案头常备的工具书与参考书。

Preface / 前言

The law touches the lives of all Americans. Even such commonplace activities as driving a car, depositing money in a bank, and entering a retail store have legal ramifications, although we are not ordinarily conscious of them. At other times—as when a relative dies or when we marry or divorce, file our income taxes, are injured in an accident, or sell or purchase a home—we may be acutely aware of the law's presence. At such times we feel the need to know the law and to understand the often unfamiliar terms that make up its language.

MERRIAM-WEBSTER'S DICTIONARY OF LAW is designed to meet these needs by offering convenient and comprehensive access to the language of law. It provides concise coverage of more than 10,000 legal words and phrases, based on a thorough examination of the legally relevant citations drawn from the more than 15,000,000 citations in the Merriam-Webster offices and supplemented by a review of material available through various online legal databases. To make the dictionary easier to use, the information provided here is presented in a style that will be familiar to all users of standard desk dictionaries. Entries include definitions, pronunciations, variant spellings, grammatical information, etymologies for many words, and other conventional dictionary features. None of this information is intended to substitute for the expertise of a lawyer, but it will help to make encounters with law and lawyers less mysterious.

Because the language of law can often seem to be a foreign tongue, the definitions in this dictionary are written in a style that as far as possible expresses unfamiliar legal concepts in ordinary English, without introducing inaccuracies caused by oversimplification. If an unfamiliar legal term occurs in a definition, the user can find it entered and defined at its own place in the dictionary. Further, any word that occurs in Merriam-Webster's Dictionary of Law is entered either in this book or, if it is not a legal term, in a current edition of any of Merriam-Webster's hardback or paperback adult dictionaries.

As a further aid in clarifying obscure terminology, extensive use is made throughout the book of verbal illustrations—often direct quotations from legal sources—demonstrating how words are actually used. Many entries also include notes, sometimes quite extensive, providing supplementary information that is helpful in understanding a term or a point of law.

To make it easier for the user to compare closely related terms, such terms are grouped together when appropriate at the main entries through which they are related, so that, for example, various kinds of trusts are defined together under *trust*. For entries that are not grouped together, exten-

sive cross-references lead the user to related or comparable terms. Status labels provide an indication of where or when a term is used; for example, many entries include the label *in the civil law of Louisiana*, which indicates that the labeled word or sense is limited in use to the only state in the United States whose law system is based on civil law rather than common law.

In this dictionary, those entries known to be trademarks or service marks are so labeled and are treated in accordance with a formula approved by the United States Trademark Association. No entry in this dictionary, however, should be regarded as affecting the validity of any trademark or service mark.

Merriam-Webster's Dictionary of Law is the product of a collective effort by members of the Merriam-Webster editorial staff. Initial editorial guidance was provided by Frederick C. Mish, Editor in Chief, John M. Morse, Executive Editor, and E. Ward Gilman, Director of Defining. The editor was assisted in preparing definitions by Thomas F. Pitoniak and Amy West. Peter D. Haraty provided assistance in handling financial terminology. Joanne M. Despres and James L. Rader researched and wrote the etymologies. Brian M. Sietsema provided the pronunciations. Jennifer N. Cislo verified the accuracy of quotations. The many cross-references were handled by Maria A. Sansalone, with the assistance of Donna L. Rickerby. The manuscript was copyedited by Stephen J. Perrault. Back-matter sections were researched and written by Michael Shally-Jensen, with contributions from Amy West. Proofreading was handled by Cynthia S. Ashby, Jill J. Cooney, Thomas F. Pitoniak, James L. Rader, and Maria A. Sansalone. The manuscript was deciphered and typed by Mary M. Dunn, Florence A. Fowler, Joan E. Matteson, and Deborah A. Merkmán, all under the supervision of Veronica P. McLymont, and by Georgette B. Boucher. Indispensable clerical assistance was provided by Carol A. Fugiel, Ruth W. Gaines, and Patricia M. Jensen. Robert D. Copeland prepared the electronic text for release to the compositor, with the assistance of Jill J. Cooney; he also directed the book through its typesetting stages. Madeline L. Novak handled project coordination and scheduling.

Linda Picard Wood, J.D.
Editor

Explanatory Notes / 凡例

Entries / 词目

MAIN ENTRIES / 主词目

A boldface letter or a combination of such letters, including punctuation marks and diacritics where needed, that is set flush with the left-hand margin of each column of type is a main entry or entry word. The main entry may consist of letters and/or numbers set solid or separated by hyphens, periods, parentheses, diagonals, or spaces:

ex-clu-sive *adj*

attorney-at-law *n*

C.N. *abbr*

401(k) plan . . . *n*

d/b/a *abbr*

wash sale *n*

The material in lightface type that follows each main entry on the same line and on succeeding indented lines explains and justifies its inclusion in the dictionary.

Variation in the styling of compound words in English is frequent and widespread. It is often completely acceptable to choose freely among open, hyphenated, and closed alternatives (as *quasicontract*, *quasi-contract*, or *quasi contract*). However, to show all the stylings that are found for English compounds would require space that can be better used for other information. So this dictionary limits itself to a single styling for a compound:

fact-find-er

straight-line

quasi easement

When a compound is widely used and one styling predominates, that styling is shown. When a compound is uncommon or when the evidence indicates that two or three stylings are approximately equal in fre-

quency, the styling shown is based on the analogy of parallel compounds.

ORDER OF MAIN ENTRIES / 主词目的顺序

The main entries follow one another in alphabetical order letter by letter without regard to intervening spaces or hyphens: *equal opportunity* follows *equality* and *lease-up* follows *leasehold mortgage*. Those containing an Arabic numeral are alphabetized as if the numeral were spelled out, according to their pronunciation: *401(k) plan*, in which *0* is pronounced like the letter *o*, comes between *four month rule* and *fourth degree*.

Solid compounds come first and are followed by hyphenated compounds and then open compounds. Lowercase entries come before entries that begin with a capital letter or are composed of capital letters. Full words come before parts of words made up of the same letters:

break-in . . . *n*

break in *vi*

co *abbr*

CO *abbr*

co- *prefix*

re . . . *prep*

re- *prefix*

GROUP ENTRIES / 组词目

Some nouns that are part of legal terminology regularly appear in fixed open compounds with two or more different modifiers (for example, *contract* in compounds like *express contract*, *gratuitous contract*, and *implied contract*). A selected group of such nouns are entered with the open compounds in which they appear following immediately as subentries. Entries arranged in this way are called group entries. A list

of the nouns receiving group entry treatment appears on page 20a.

At a group entry, the main entry and any appropriate elements, such as functional labels, status labels, definitions, and cross-references, are followed by two or more subentries, entered in alphabetical order. A subentry is an open compound (e.g., *express contract*) whose major element is the noun (*contract*) at whose alphabetical place the subentry is entered. It is printed in boldface italics, with end-of-line division, pronunciation, and status label where appropriate. It is followed by a definition that may be divided into senses, and may include a called also note, usage note, directional cross-reference, or a supplemental information note. Subentries are always open compounds. A closed compound whose major element is the group entry noun will nevertheless be placed at its own alphabetical place in the vocabulary rather than as a subentry. Therefore, while *hostile witness* appears as a subentry at *witness*, *eyewitness* appears at its own alphabetical location in *E*.

A number of the group entries have subentries at more than one sense. Sense 2c of *declaration* is followed by the subentries *declaration against interest*, *dying declaration*, *self-serving declaration*, and *spontaneous declaration*. Sense 4 of *declaration* is followed by the subentries *declaration of condominium*, *declaration of homestead*, and *declaration of trust*.

If there is only one open compound that would fall under a sense at a group entry, it is entered at its own alphabetical location rather than following the group entry sense. For example, at the group entry *deposit*, where there are subentries at senses 2a and 3a, the open compound *security deposit* relates instead to sense 2b. Because it is the only compound that falls under that sense, *security deposit* is defined at its own alphabetical place in *S* rather than at *deposit*. A *see also* cross-reference appears at the group entry indicating where such an open compound can be found.

Additionally, each subentry can be found at its own alphabetical place with a

see cross-reference indicating the group entry at which the subentry can be found. See the Cross-Reference section of these Explanatory Notes for more information.

HOMOGRAPHY / 同形异义词

When one main entry has exactly the same written form as another, the two are distinguished by superscript numerals preceding each word:

¹*ball* . . . *n*

²*ball* *vt*

¹*in-vest* . . . *vt*

²*invest* *vb*

Usually, as in the example *ball* above, the two homographs are different parts of speech and one has been derived from the other by functional shift. Sometimes, however, the two homographs will be words that are historically unrelated beyond the accident of spelling, or only indirectly related to each other, as are the two verb entries for *invest*.

GUIDE WORDS / 引导词

To help in finding a particular word, the alphabetically first boldface entry on each left-hand page is printed at the top of that page. Likewise, the alphabetically last boldface entry is printed at the top of each right-hand page. These two guide words indicate the alphabetical range of entries on the two pages:

162 **engrossed bill**

EPA 163

The entry used for a guide word need not be a main entry. Another boldface word—a variant, an inflected form, or a defined or undefined run-on—may be selected as a guide word, although inflected forms that appear cut back and italic boldface subentries are disregarded.

When a page consists entirely of italic boldface subentries, as is the case on page 253, the group entry word (*interest* for this example) will be used as the guide word.

8a Explanatory Notes

All guide words must themselves be in alphabetical order from page to page throughout the dictionary; thus, the alphabetically last boldface word on a page is not used if it follows alphabetically the first guide word on the next page:

34 **assault**

assignment 35

On the pages where these guide words are found, *assignor*, a boldface inflected form at the entry *assign*, is the last entry alphabetically, but it is not used as the guide word for the right page because it follows alphabetically the entry *assign*, which is the first guide word on the next page. To use *assignor* would violate the alphabetical order of guide words from page to page, and so the boldface entry word *assignment* is used instead.

END-OF-LINE DIVISION / 每行结尾单词的移行

The centered dots within entry words indicate division points at which a hyphen may be put at the end of a line of print or writing. Thus the noun *ar·bi·trar·i·ness* may be ended on one line with:

ar-

arbi-

arbitrar-

arbitrari-

and continued on the next with:

bitrariness

trariness

iness

ness

Centered dots are not shown after a single initial letter or before a single terminal letter because printers seldom cut off a single letter:

erase *vt*

1guilty *adj*

idem . . . *pron*

Nor are they shown at second and suc-

ceeding homographs unless these differ among themselves:

1es-crow . . . *n*

1record . . . *vt*

2escrow *vt*

2rec-ord . . . *n*

There are acceptable alternative end-of-line divisions just as there are acceptable variant spellings and pronunciations. No more than one division, however, is shown for an entry in this dictionary.

A double hyphen at the end of a line in this dictionary (as in the entry *generation-skipping transfer*) stands for a hyphen that belongs at that point in a hyphenated word and that is retained when the word is written as a unit on one line.

VARIANTS / 同义异形词

When a main entry is followed by the word *or* and another spelling, the two spellings are equal variants. Both are standard, and either one may be used according to personal inclination:

bus-ing or bus-sing

If two variants joined by *or* are out of alphabetical order, they remain equal variants. The one printed first is, however, slightly more common than the second:

en-roll or en-rol

When another spelling is joined to the main entry by the word *also*, the spelling after *also* is a secondary variant and occurs less frequently than the first:

en banc also in banc

Secondary variants belong to standard usage and may be used according to personal inclination.

Variants whose spelling places them alphabetically more than one entry away from the main entry are entered at their own alphabetical places (and also appear at the main entry):

indorse, indorsee . . . *var of* **ENDORSE**, **ENDORSEE**

Variants having a usage label appear only at their own alphabetical places:

gaol, gaoler *chiefly Brit var of JAIL, JAILER*

SUPPLEMENTAL INFORMATION NOTES

/ 补充信息说明

At some entries or subentries, a note consisting of one or more sentences may follow the definition and cross-references. These notes give additional information about the entry word. They are indicated by the symbol ♦:

labor union *n* ... ♦ Labor unions and employers are subject to the provisions of the National Labor Relations Act [which] authorized the establishment of the National Labor Relations Board ...

idem ... *pron* ... ♦ *Idem* is usu. used in the form of its abbreviation *id*.

RUN-ON ENTRIES / 连续接排的词条

A main entry may be followed by one or more derivatives or by a homograph with a different functional label. These are run-on entries. Each is introduced by a light-face dash and each has a functional label. They are not defined, however, since their meanings are readily derivable from the meaning of the root word:

use ... *vt* ... — **user** *n*

ju-di-cial ... *adj* ... — **ju-di-cial-ly** *adv*

il-le-git-i-mate ... *adj* ... — **illegitimate** *n*

A main entry may be followed by one or more phrases containing the entry word or an inflected form of it. These are also run-on entries. Each is introduced by a light-face dash but there is no functional label. They are, however, defined since their meanings are more than the sum of the meanings of their elements:

tri-al *n* ... — **at trial** : ...

es-sence ... *n* ... — **of the essence** : ...

en-dorse ... *vt* ... — **endorse in blank** : ...

Defined phrases of this sort are run on at the entry constituting the first major element in the phrase, which is ordinarily a verb or a noun:

is-sue ... *n* ... — **at issue** *also in issue* ...

A run-on entry is an independent entry with respect to function and status. Labels at the main entry do not apply unless they are repeated.

Pronunciation / 单词发音

The matter between a pair of reversed virgules // following the entry word indicates the pronunciation. The symbols used are explained in the chart on page 19a. An abbreviated list appears at the bottom of the second column of each right-hand page of the vocabulary. Pronunciation respellings are provided for every word that is not familiar in some meaning to most sixth-graders, according to *The Living Word Vocabulary: A National Vocabulary Inventory* by Edgar Dale and Joseph O'Rourke (Chicago: World Book-Childcraft International, Inc., 1981). The pronunciations for these familiar "core vocabulary" items may be found in *Merriam-Webster's Collegiate Dictionary, Eleventh Edition*.

A hyphen is used in the pronunciation to show syllabic division. These hyphens sometimes coincide with the centered dots in the entry word that indicate end-of-line division:

ju-di-cial \jü-'di-shəl\

Sometimes they do not:

fab-ri-cate \fa-brə-'kāt\

A high-set mark ' indicates major (primary) stress or accent; a low-set mark , indicates minor (secondary) stress or accent:

jail-house \jäl-,häüs\

The stress mark stands at the beginning of the syllable that receives the stress.

A syllable with neither a high-set mark nor a low-set mark is unstressed:

gov-ern \gə-'vərn\

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The presence of variant pronunciations indicates that not all educated speakers pronounce words the same way. A second-place variant is not to be regarded as less acceptable than the pronunciation that is given first. It may, in fact, be used by as many educated speakers as the first variant, but the requirements of the printed page are such that one must precede the other:

ca-su-al-ty \ 'ka-zhəl-tē, 'ka-zhə-wəl-\

nu-ga-to-ry \ 'nū-gə-tōr-ē, 'nyū-\

Entry words which are direct borrowings from French or Latin are often given two pronunciations, with the anglicized variants first and thereafter a rendering of the French or classical Latin pronunciation.

ha-be-as \ 'hā-bē-əs, 'hā-bā-ās\

When a main entry or a subentry is a compound word and has less than a full pronunciation, the missing part is to be supplied from a pronunciation in another entry elsewhere in this dictionary which gives the pronunciation for one or more elements of the compound word. For example, at the entry *idem sonans* a pronunciation is shown only for *sonans*. The pronunciation of *idem* is shown at the separate entry for that word.

In general, no pronunciation is indicated for open compounds consisting of two or more English words that either have own-place entry or are considered "core vocabulary" according to the criteria listed in the first paragraph of this section:

inheritance tax *n*

Only the first entry in a sequence of numbered homographs is given a pronunciation if their pronunciations are the same:

¹**gross** \ 'grōs\ *adj*

²**gross** *n*

Functional Labels / 功能标记

An italic label indicating a part of speech or some other functional classification follows the pronunciation or, if no pronunciation is given, the main entry.

sub-stan-tial . . . *adj*

du-ty *n*

eq-ui-ta-bly *adv*

²**aliunde** *prep*

steal . . . *vt*

If a verb is both transitive and intransitive, the labels *vt* and *vi* introduce the subdivisions:

take . . . *vb* . . . *vt* . . . ~ *vi*

A boldface swung dash ~ is used to stand for the main entry and separate the subdivisions of the verb. If there is no subdivision, *vt* or *vi* takes the place of *vb*:

bring . . . *vt*

ap-pear *vi*

Labeling a verb as transitive, however, does not preclude occasional intransitive use (as in absolute constructions).

Other italicized labels used to indicate functional classifications are:

id. *abbr*

Breath-a-ly-zer . . . *trademark*

co- . . . *prefix*

oyez . . . *vb imper*

Re-al-tor . . . *collective mark*

Two functional labels are sometimes combined:

en banc . . . *adv or adj*

Inflected Forms / 屈折形式

Most inflected forms are covered explicitly or by implication at the main entry for the base form. These are the plurals of nouns, the principal parts of verbs (the past tense, the past participle when it differs from the past tense, and the present participle), and the comparative and superlative forms of adjectives and adverbs. In general, it may be said that when these inflected forms are created in a manner considered regular in English (as by adding *-s* or *-es* to nouns, *-ed* and *-ing* to verbs, and *-er* and *-est* to adjectives and adverbs) and when it seems that there is nothing about the formation

likely to give the dictionary user doubts, the inflected form is not shown:

²grant *n*
gar-nish . . . *vt*
ef-fec-tive *adj*
spe-cial *adj*

On the other hand, if the inflected form is created in an irregular way or if the dictionary user is likely to have doubts about it (even though it is formed regularly), the inflected form is shown in boldface, either in full or cut back to a convenient and easily recognizable point.

The inflected forms of nouns, verbs, adjectives, and adverbs are shown in this dictionary when suffixation brings about a change in final *y* to *i*, when the word ends in *-ey*, when there are variant inflected forms, when the plural of a noun is identical to its base form, and when the dictionary user might have doubts about the spelling of the inflected form:

¹guilty *adj* **guilt-i-er**; **-est**
at-tor-ney . . . *n*, *pl* **-neys**
bur-glary . . . *n*, *pl* **-glar-ies**
nex-us . . . *n*, *pl* **nex-us-es** or **nexus**

The inflected form is shown for any entry consisting of two or more words when the form is unusual or likely to raise doubts:

Judge Advocate General *n*, *pl* **Judge Advocates General**
attorney general *n*, *pl* **attorneys general** or **attorney generals**

Nouns that are plural in form and that regularly occur in plural construction are labeled *n pl*. Nouns that are plural in form but are not always construed as plural are appropriately labeled:

proceeds . . . *n pl*
ir-rec-on-cil-able dif-fer-enc-es . . . *n pl*
but sing or pl in constr

The inflected forms of verbs, adjectives, and adverbs are also shown whenever suffixation brings about a doubling of a final

consonant, elision of a final *e*, or a radical change in the base word itself:

en-trap . . . *vt* **en-trapped**; **en-trap-ping**
as-sume *vt* **as-sumed**; **as-sum-ing**
break . . . *vb* **broke** . . . **bro-ken** . . .
break-ing

¹good *adj* **bet-ter**; **best**
jus . . . *n*, *pl* **ju-ra**

Capitalization / 大写

Most entries in this dictionary begin with a lowercase letter. A few of these have an italicized label *often cap*, which indicates that the word is as likely to be capitalized as not, that it is as acceptable with an uppercase initial as it is with one in lowercase. Some entries begin with an uppercase letter or are composed entirely of uppercase letters, which indicates that the word is usually capitalized as shown. The absence of an initial capital or of an *often cap* label indicates that the word is not ordinarily capitalized:

habeas cor-pus . . . *n*
board *n*, *often cap*
Breath-a-ly-zer . . . *trademark*
FAA *abbr*

The capitalization of entries that are open or hyphenated compounds is similarly indicated by the form of the entry or by an italicized label:

HUD-1 settlement statement . . . *n*
free ex-er-cise clause *n*, *often cap*
F&E&C
United States marshal *n*
Jane Roe . . . *n*

A word that is capitalized in some senses and lowercase in others shows variations from the form of the main entry by the use of italicized labels at the appropriate senses:

bill of rights . . . *often cap* **B&R** . . . ; *esp*, *cap* **B&R** : . . .

12a Explanatory Notes

Appropriate capitalization is also given for subentered open compounds:

**bank . . . *n* . . . *Federal Re-serve*
bank . . .**

hear-ing *n* . . . *Mapp hearing* . . .

Attributive Nouns / 名词定语

The italicized label *often attrib* placed after the functional label *n* indicates that the noun is often used as an adjective equivalent in attributive position before another noun:

equal opportunity *n, often attrib*

land-mark *n, often attrib*

Examples of the attributive use of these nouns are *equal opportunity employment* and *landmark decision*.

Etymology / 词源

Etymologies in this dictionary are in bold-face square brackets following the part-of-speech label and preceding the definition. The purpose of the etymologies is to provide a concise historical framework for the language most characteristic of law and the courtroom. In addition to basic legal terminology, phrases borrowed from foreign languages—most often Latin and Anglo-French—and words now uncommon in everyday English, whether exclusively legal in sense or not, have also been given etymologies.

Usually only one word of a set of related words—either the most basic word or the historically oldest—is given an etymology. For example, of the three words *defeasance*, *defeasible*, and *indefeasible*, only *defeasance* has an etymology. If a word or phrase that would otherwise deserve an etymology occurs within an open compound and is not given an etymology at that entry, the reader should take it as an indication that the word or phrase has its own entry and etymology. Hence, *vicinage* in the entry *jury of the vicinage* does not have an etymology at *jury of the vicinage* but rather at its own entry *vicinage*. Similarly,

the phrase *inter vivos* at the subentry *gift inter vivos* under *gift* is not explained by an etymology in the subentry because *inter vivos* is an independent entry in the dictionary with its own etymology.

Words whose primary field of reference is not legal, as well as common words whose legal senses have developed from more general meanings, have not been given etymologies; the reader seeking the origin of such words can find them in *Merriam-Webster's Collegiate Dictionary, Eleventh Edition*. Subentries have also not usually been given etymologies unless they contain a foreign phrase not found elsewhere in the dictionary.

In general, the kind of philological detail appropriate to an unabridged dictionary or a dictionary of etymology has been excluded in order to give the user information most pertinent to the origin of legal words. The form of a word in Middle English is not generally shown unless it is in some respect crucial to the word's history. The Germanic and Indo-European prehistory of words such as *right* and *witness* descended directly from Old English has also not been shown. In cases where English may have borrowed a Latin word through the mediation of French, in which the word also occurs as a learned borrowing, French is not shown as an intermediary language unless the word has undergone significant modification in form or sense. The Latin sources of French words inherited from the spoken Latin of Roman Gaul are normally shown, though the passage from one language to another may be bridged by the phrase "ultimately from," to indicate that intermediate linguistic forms unattested in writing have been omitted from the etymology.

Earlier historical periods of languages cited in the etymologies include the following:

Old English: from the earliest documents to about 1100

Middle English: from about 1100 to about 1500

(English words not otherwise qualified are to be understood as Modern English, i.e., the English in use after 1500)

Latin: from the earliest extant literature to about A.D. 200

Late Latin: from about 200 to 600

Medieval Latin: from about 600 to 1500

New Latin: after about 1500

Old French: from the earliest documents to about 1300

Middle French: from about 1300 to 1600

French: after about 1600, i.e., Modern French

The term *Anglo-French* in this dictionary refers broadly to French as used in England after the Norman Conquest; it includes what is often called “law French,” an ossified form of medieval French that those involved with the law in England used for reports and notes as late as the seventeenth century. (Prior to the seventeenth century most legal proceedings in the British Isles were recorded in either Anglo-French or Latin, not English.) Strictly speaking, Anglo-French—at least in its earlier stages, when it was still a living tongue—was simply one of several dialectal variants of medieval French; its sound system and grammar were strongly influenced by western and northern dialects, especially the speech of Normandy (sometimes called “Old North French”). By convention, however, the etymologies treat Anglo-French words as if they were descended or borrowed from forms characteristic of the medieval French of the Paris region—the dialect on which Modern French is based.

Usage / 惯用法

USAGE LABELS / 惯用法标签

Status labels are used in this dictionary to signal that a word or a sense of a word has particular application in the law. The law of all of the states of the United States is based chiefly on the common law that originated in England and was further developed in this country. The law of Louisiana, however, is based on the civil law as set out in the Code Civil (or the Napoleonic Code).

A word or sense limited in use to Louisiana civil law has a label indicating such use:

in-nom-i-nate . . . *adj.* *in the civil law of Louisiana*

Words current in all states have no label. A word or sense limited in use to England has an appropriate label:

as-sur-ance *n* . . . **3** *chiefly Brit*

A subject label or guide phrase is sometimes used to indicate the specific application of a word or sense:

ef-fec-tive *adj* . . . **4** *of a rate of interest*

in-ven-to-ry . . . *n* . . . **2** . . . **a** *under the Bankruptcy Code*

In general, however, subject orientation is given in the definition:

dis-clo-sure . . . *n* . . . **a** : a lender's revelation of information to a consumer under the Truth in Lending Act that enables the consumer to make an intelligent decision about the loan

equitable distribution *n* : the distribution of marital assets by a court in a divorce action in accordance with statutory guidelines that are designed to produce a fair but not necessarily equal division of the property

ILLUSTRATIONS OF USAGE / 用法举例

Definitions are sometimes followed by verbal illustrations that show a typical use of the word in context. These illustrations are enclosed in angle brackets, and the word being illustrated is usually replaced by a lightface swung dash. The swung dash stands for the boldface entry word, and it may be followed by an italicized suffix:

board *n* . . . **2 a** : . . . <a ~ of selectmen>

fed-er-al *adj* . . . **1** . . . <a ~ government>

ad-min-is-ter . . . *vt* . . . **3 a** . . . <~ an oath>

de-tain *vt* . . . **2** . . . <~ed the driver and asked to see his license>