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G. A slang term for one thousand dollars. Standing for four hundred, as a Roman numeral.

g. a. Abbreviation of general average, also of general agent.

G. A. Abbreviation of General Assembly.

gabel. Same as **gavel**.

See **land-gabel**.

gabella. Same as **gavel**.

gablum. Same as **gavel**.

gabulus denariorum. Rent paid in money.

Gadsden Purchase. See **Gadsden Treaty**.

Gadsden Treaty. A treaty made December 30, 1853, between the United States and Mexico, whereby, under the so-called "Gadsden Purchase," the United States added a strip along the southern boundary of the Territory of New Mexico. *Ainsa v United States*, 161 US 208, 220, 40 L Ed 673, 677, 16 S Ct 544.

gafol. Same as **gavel**.

gafolgild. The payment of taxes, tribute or rent.

gafol-land. Land which was liable to the payment of gafolgild.

gag. Something forced into a person's mouth to prevent outcry.

gage. Noun: A pledge; a challenge; a wager. Verb: To pledge; to wage; to challenge.

gager. Verb: To pledge; to wage; to challenge. Noun: A government revenue officer charged with the duty of measuring the contents of liquor casks.

gager de deliverance. To give security; to give pledge for the delivery of goods by the person who had distrained them, after an action had been brought against him for their recovery.

gager del ley. Wager of law.

gain. That which is acquired or comes as a benefit; profit. *Thorn v de Breteuil*, 86 App Div 405, 416, 83 NYS 849.

gainage. The gain or profit accruing to a farmer from his crops; animals and implements employed in the raising of crops.

gain derived from capital. Not a growth or increment of value in the investment; but a gain, a profit, something of exchangeable value proceeding from the property, severed from the capital, however invested or employed, and coming in,

being derived, that is, received or drawn in by the recipient for his separate use, benefit, and disposal. *Eisner v Macomber*, 252 US 189, 64 L Ed 521, 40 S Ct 189, 9 ALR 1570, 1577.

See **capital gain**.

gainery. Same as **gainage**.

Gaius. See **Institutes of Gaius**.

gale. A strong or violent wind; technically, a wind of the velocity of from 35 or 40 to 75 or 80 miles per hour. *Missouri Pacific Railroad Co. v Columbia*, 65 Kan 390, 69 P 338. An older term for a license in real estate and the rent paid for such license.

Gales. Wales, now a part of Great Britain, but at one time a separate kingdom.

gallery. The section of a theater in which the least expensive seats are located. A walk having a roof supported by pillars. A collection of works of art. The place of business of a professional photographer.

See **rogues' gallery**.

gallows. A framework made of two upright posts and a bar across on which criminals convicted of capital offenses are put to death by hanging. Anciently it was sometimes made with but one upright post or by a bar across the fork of a tree.

gallows-tree. Same as **gallows**.

galravage. Same as **gilravage**.

gamacta. An assault; a battery; a stroke; a blow.

gamalis. A legitimate child; a child born of parents who are married to each other; a child born of parents who are engaged to marry each other, but who are not yet married.

gamble. To play at any game for any sum of money or other property of any value. *State v Book*, 41 Iowa 550. To take a monetary risk on the chance of receiving a monetary gain, 24 Am J12st Gaming § 2; in short, to stake money or property on a chance. 24 Am J1st Gaming § 2.

To play any game for cigars or drinks, or under an agreement that the loser shall treat to cigars, drinks or other refreshments, is a form of gambling. *Zotalis v Cannellos*, 138 Minn 179, 164 NW 807.

gambler. One who gambles; a person who follows or practices games of chance or skill, with the expectation and purpose of thereby winning money or other property. See *Buckley v O'Niel*, 113 Mass 193.

See **common gambler**; **gamble**; **professional gambler**.

gambling. See **gamble**.

gambling contract. A contract in which the parties, in effect, stipulate that they shall gain or lose on the happening of an event which is uncertain of occurrence and in which they have no interest except that arising from the possibility of such gain or loss. 24 Am J1st Gaming § 62. A contract wherein the parties stake their property or money on an event which in its nature may or may not happen, and whereby one of them is to lose and the other is to win. *State v Stripling*, 113 Ala 120, 21 So 409.

gambling den. Another term for "gambling house." *Buckley v O'Niel*, 113 Mass 193.

gambling device. The tangible means, instrument, contrivance or thing with or by which money may be lost or won, as distinguished from the game itself. 24 Am J1st Gaming § 31. *Gilley v Commonwealth*, 312 Ky 584, 229 SW2d 60, 19 ALR2d 1224. An instrument or device used for the purpose of gambling, although capable of use for another purpose. 24 Am J 1st Gaming § 31. Any machine which is so contrived that the player is attracted by the chance that he will either immediately or ultimately receive something for nothing. *Marvin v Sloan*, 77 Mont 174, 250 P 443.

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gambling house. A house kept for the purpose of permitting persons to resort to it for gambling. 24 Am J2d Disord H § 3. A place to which persons are permitted to resort for gambling. *Buckley v O'Niel*, 113 Mass 193. A place whose use is intended to facilitate gambling and where sporting characters are invited to congregate for purposes of illegal amusement and gain, and to stake money or other thing of value upon trials of chance, skill, or endurance. *St. Louis Fair Asso. v Carmody*, 151 Mo 566, 52 SW 365.

See **common gaming house; house money; keeper of common gaming house.**

gambling machine. See **gambling device.**

gambling partnership. A partnership organized for the purpose of gambling. 40 Am J1st Partn § 29.

gambling policy. A wager policy; that is, a policy of life insurance wherein the person for whose use it was issued has no pecuniary interest in the life of the insured. *Gambs v Covenant Mut. Life Ins. Co.* 50 Mo 44, 47. An insurance policy in which the insured has no insurable interest in the subject of the insurance. 29 Am J Rev ed Ins §§ 432 et seq.

gambling room. A room to which persons are permitted to resort for gambling. Any room with books, apparatus, or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools. *People v Weithoff*, 93 Mich 631.

See **gambling house.**

gambling table. A table adapted, devised, and designed for the playing of a game or games of chance for money or property. Any table kept and used for gambling, being characterized, not by structure or appliances attached, but by the use to which it is put. 24 Am J1st Gaming § 32.

gambling verdict. A verdict reached by chance, for example, by tossing a coin or drawing lots. Anno: 73 ALR 94; 53 Am J1st Trials § 1029.

game. A contest for success or superiority in a trial of chance, skill or endurance; in its connection with gambling, a means of playing for money or other things of value, so that the result depends more on chance than skill. *James v State*, 4 Okla Crim 587, 112 P 944.

Birds and beasts of a wild nature obtained by hunting and trapping. 35 Am J2d Fish §§ 1, 2. All animals of both land and sea which are hunted for sport:—fish, deer, pheasants, partridges, and even wild bees. *State v Higgins*, 51 SC 51, 28 SE 15. Sometimes construed to include animals and birds which are by nature wild although bred in captivity and confined, being thereby to a certain extent domesticated. 35 Am J2d Fish §§ 1, 2.

A contest for success or superiority in a trial of chance, skill or endurance; a sporting event, such as a game of football or baseball. 24 Am J1st Gaming § 13. In the narrower sense of a connection with gambling, an activity employed as a means of playing for money or other thing of value; as a means of determining who wins a bet. 24 Am J1st Gaming § 13.

gamecock. See **cock fight.**

gamekeeper. A person employed to guard wild game in a park or game preserve and to prevent poaching.

game laws. See **fish and game laws.**

game of chance. Such a game as is determined entirely or in part by lot or mere luck, and in which judgment, practice, skill, and adroitness play no part at all or are thwarted by chance. 24 Am J1st Gaming § 18.

game preserve. A private park or tract, stocked with wild game for hunting.

A tract of publicly owned land closed to hunting or in which hunting is limited according to season or kind of game, the tract being maintained in the interest of conservation.

game warden. Same as **gamekeeper.**

gaming. To play at any game for money or property; in short to stake money or property on a chance. 24 Am J1st Gaming § 2. Essentially the same as gambling.

See **gamble.**

gaming contract. Same as **gambling contract.**

gaming device. See **gambling device.**

gaming house. See **gambling house.**

gaming table. See **gambling table.**

ganancial property. (Spanish.) That property which husband and wife, living together, acquire during matrimony, by a common title, lucrative or onerous; or that which husband and wife, or either, acquire by purchase, or by their labor and industry, as also the fruits of the separate property which each brings to the matrimony or acquires by lucrative title during the continuance of the partnership. Cartwright v Cartwright, 18 Tex 626, 634.

ganancias. (Spanish.) The income derived from the community property of a husband and his wife.

gang. A number of persons associated together for work or sport. A group of employees directed by a foreman. A body of persons organized and directed for criminal purposes. An old term for currency or current money.

gang-days. Same as **gang-week.**

gangiatori. Ancient officers whose duty it was to inspect weights and measures.

gangplank. A movable platform or stairway for boarding or leaving a ship.

gangster. One of a gang organized for and directed in the commission of crime; one of a gang of roughs or hirelings. State v Gaynor, 119 NJL 582, 197 A 360.

gangway. Passageway.

gang-week. Rogation week; that is, the week in each year when the boundaries of parishes and manors were surveyed.

gantlet. Same as **gauntlet.**

gantlope. Same as **gauntlet**.

gaol. Same as **jail**.

gaol delivery. Same as **jail delivery**.

gaoler. Same as **jailer**.

gaol liberties. See **liberties of the jail**.

gaol limits. See **liberties of the jail**.

garage. A word appropriated from the French, meaning a place where a motor vehicle is housed or housed and kept in condition. 24 Am J1st Garag § 2. A "workshop" within the meaning of a workmen's compensation statute, as a place where repairs are made on the vehicles of customers. 58 Am J1st Workm Comp § 110.

See **private garage**; **public garage**.

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garage liability insurance. A liability insurance policy specifically designed to protect garage-keepers, operators of service and repair stations, rental agencies, or automobile dealers, against loss by reason of the inflicting of injury to the person or property of others in the pursuit of business operations. 7 Am J2d Auto Ins § 96.

garageman's lien. The lien of the keeper of a garage for service upon, or storage of, a motor vehicle. 24 Am J1st Garag § 48.

garandia. A warranty.

garathinx. A gift.

garaunt. A warranty.

garaunter. To warrant.

garauntor. A warrantor.

garba. A bundle or sheaf of unthreshed grain.

garbage. The accumulation as refuse of animal, fruit, or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables; any worthless or offensive matter. 37 Am J1st Mun Corp § 298.

garbage disposal plant. See **disposal plants**.

garbales decimae. Tithes of grain.

garble. To mix up a story; to distort the facts in relating an occurrence or event. In very rare usage, to sort the good from the bad in a quantity of a commodity.

garbling coins. In rare usage, the practice of dealers in money of taking the good coins out of circulation for melting and keeping the worn ones in circulation.

gard. A guard; a guardianship; care; custody; wardship.

garde. Same as **gard.**

gardein. A guardian; a keeper; a warden.

garden. A tract, usually of a limited area, for the growing of vegetables or flowers. A part of the curtilage of the dwelling house. 5 Am J2d Arson § 1.

garden apartment. An apartment in an apartment house, the occupants of which are entitled to join with the occupants of other apartments in the use and enjoyment of open areas around the apartment building. Shapiro v Baltimore, 230 Md 199, 186 A2d 605, 99 ALR2d 861.

gardianus. A guardian; a keeper; a warden.

gardinum. A garden.

garene. A warren or private game preserve where wild game and wild fowl were kept for hunting.

garner. To warn, being the word from which the term "garnishment" derives. Lynch v Johnson, 196 Va 516, 84 SE2d 419. To garnish; to garnishee.

See **garnishment.**

garnetted wool. Wool shorn from the animal which bore it, cleaned, and partially processed. Interstate Commerce Com. v Wagner (DC Tenn) 112 F Supp 109.

garnir. Another spelling of **garner.** Lynch v Johnson, 196 Va 516, 84 SE2d 419.

garnish. To warn; to notify; to cause a garnishment to be levied on a garnishee; to garnishee.

garnishee. Noun: The person upon whom a garnishment is served, usually a person indebted to, or in possession of property of, the defendant in the main action. Verb: To commence a garnishment proceeding; to serve a notice of garnishment; to effect a garnishment of a debtor of the defendant in the main action. Burlington & Missouri River Railroad Co. v Thompson, 31 Kan 180, 1 P 622.

See **garnishment.**

garnishee execution. The employment of the remedy of garnishment under an execution issued upon a judgment. Sarver v Towne, 285 NY 264, 34 NE2d 313, 138 ALR 1344.

garnishee process. Same as **garnishment.**

garnishing process. Same as **garnishment.**

garnishment. A proceeding by a creditor to obtain satisfaction of the indebtedness out of property or credits of the debtor in the possession of, or owing by, a third person; the person instituting the proceeding being generally referred to as the creditor or

plaintiff, the person indebted to the creditor being called the debtor or defendant, and the person holding the property of, or who is indebted to, the defendant being called the garnishee. In effect, an action by the defendant against the garnishee for the use of the plaintiff, or a suit by the defendant in which the plaintiff is subrogated to the rights of the defendant; sometimes called a compulsory novation. 6 Am J2d Attach § 2. Known in some states as factoring process or trustee process. 6 Am J2d Attach § 2. Distinguished from attachment in the respect that it reaches funds, effects, or credits belonging to the defendant which are in the hands of third persons and that property reached by the proceeding is left in the hands of the garnishee pending the outcome of the principal action. 6 Am J2d Attach § 3.

garnishment bonds. A bond required in obtaining a garnishment as a provisional remedy, the condition of which is that the plaintiff shall pay the costs and damages which the defendant may sustain if the writ has been sued out wrongfully. 6 Am J2d Attach § 518. A bond, otherwise known as a "forthcoming" or "delivery" bond, given by the defendant to obtain a release of property reached by a garnishment, the condition of which is that the property will be forthcoming in the event judgment is rendered against the defendant in the main action. 6 Am J2d Attach § 523. A bond furnished in obtaining a dissolution of the garnishment, the condition of which is that the defendant will perform and satisfy whatever judgment is obtained against him in the main action. 6 Am J2d Attach § 523.

garote. Same as **garrote.**

garrant. A warrant; authority.

garrantie. A warranty.

garrena. A warren; a game preserve.

garrote. A form of capital punishment, adopted by some countries; strangulation or the severance of the spinal cord by an iron collar tightened by a screw.

garsumne. A fine; an amercement.

garter. The badge of the order of the garter, which was also called the order of St. George, and

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was the highest order of British knighthood. The members of this order ranked next after the nobility. See 1 Bl Comm 403.

garth. A yard; a small enclosure; a fish-weir.

gas. A substance of such nature that it can expand indefinitely, thereby completely filling its container; a form neither liquid nor solid, in other words, a vapor. An inflammable used for lighting and heating. A colloquial term for gasoline. As the word appears in an insurance policy provision excluding the risk of death or injury from "gas:" -any substance in an aeriform state, having noxious or poisonous qualities. Anno: 92 ALR 167.

See **carbon monoxide; casing head gas; natural gas; wet gas.**

gas company. A company engaged in the business of supplying artificial or natural gas to ultimate consumers for lighting, power, or heating purposes. See 26 Am J2d Electr §§ 6-9. A public utility rendering service to industrial plants, business buildings, mercantile establishments, residences, etc.

See **natural gas company.**

gas franchise. The right to use the streets of a city or village or public highways outside a city or village for laying pipes, mains, etc. through which gas may be conveyed and furnished for public or private use. See 26 Am J2d Electr § 18.

gas jet. A flame of burning gas. The burner on a gas fixture.

gas lease. See **oil and gas lease.**

gas meter. See **meter.**

gasoline. A volatile and inflammable liquid produced from crude oil by successive distillations; used as fuel in engines, particularly the engines in motor vehicles, and for other domestic and industrial purposes. *United States v Gulf Refining Co.* 268 US 542, 69 L Ed 1082, 45 S Ct 597.

gasoline clause. A clause in a fire insurance policy whereby the policy is rendered void if gasoline is kept or used on the insured premises without the written consent of the insurer. *German American Ins. Co. v Hyman*, 42 Colo 156, 94 P 27.

gasoline filling station. A place of business, located on premises abutting on a street or highway, supplying motorists with gasoline, lubricating oil, and some automobile accessories, and furnishing services connected with motor vehicles, such as tire repair, lubrication, washing, and even repairs upon the vehicle itself.

gasoline license. A municipal license required for the storage or keeping of gasoline. 24 Am J1st Gas & O§154.

gasoline permit. See **gasoline license.**

gasoline premium. Something given a purchaser of gasoline in addition to the product itself, usually trading stamps. 52 Am J1st Trad St § 11.

gas station. See **gasoline filling station.**

gast. Waste; whatever is done to land to impair the value of the inheritance.

gastaldus. A bailiff; a steward.

gaster. To commit waste.

gastine. Waste land; uncultivated land.

gastric analysis. The removal of food contents from the stomach by pump, followed by an analysis of such contents to determine the chemicals present, the chemical action, even the presence of radioactive material. *Cardinal v University of Rochester*, 188 Misc 823, 71 NYS2d 614, affd 271 App Div 1048, 69 NYS2d 352.

gastric lavage. The withdrawal of the contents of the stomach to prevent disastrous effects of poison therein or for the purpose of making an analysis of the contents.

gastritis. A disease of the stomach, particularly an inflammation of the lining, but not necessarily a serious disease within the meaning of a life insurance policy. Anno: 153 ALR 723 et seq.

gas well. A well which produces gas in such quantities and under such pressure that it can be operated commercially or at least that the gas produced can be used profitably on the premises. Prichard v Freeland Oil Co. 75 W Va 450, 84 SE 945. Not a mine. 36 Am J1st Min & M § 2.

gas works. A plant for the manufacture of artificial gas.

gate. A barrier which can be swung or raised to permit passage; an opening in a fence or wall, sometimes with, sometimes without, a movable barrier. Bars at a railroad crossing which may be raised or lowered to permit or restrain traffic on the highway. In a peculiar sense of the term, a servitude or easement for the pasturage or passage of cattle.

See **toll gate**.

gatemmen. Railroad employees at railroad crossings, whose primary duty is to raise and lower the gates according to the movement of trains and traffic upon the highway.

gathered crop. A mature and harvested crop. 21 Am J2d Crops § 1.

gauge. A measure; an instrument for taking a measure. The width of a railroad track, meaning the distance between the rails.

gauging. An operation for determining the physical, chemical, or other properties or characteristics of an article for the purpose of the application of customs duties. 21 Am J2d Cust D § 62.

gaugeator. Same as **gager**.

gauger. Same as **gager**.

gaugetum. The measure of the capacity of a barrel, cask or other like container.

gauntlet. A former type of military punishment in which the offender was required to pass between two files of soldiers who struck him with sticks or whips as he passed. A punishment sometimes imposed by a "kangaroo court."

gavel. A tax; an excise; a duty; rent. A mallet used by a presiding officer or judge holding court to obtain order and decorum by rapping it on the table or bench.

gavelbred. Rent paid in bread or provisions.

gaveled. Held by gavelkind tenure.

gavelet and cessavit. A common-law process, long since in disuse, by which a landlord could seize the land itself for rent in arrear and hold it until payment was made. 32 Am J1st L & T § 613.

gavelgeld. Yearly profit, toll, or tribute; the subject of such profit, toll, or tribute.

gavelherte. A service of ploughing rendered by customary tenants.

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gaveling men. Tenants who paid rent and who rendered customary services.

gavelkind. A form of socage tenure which originated in Kent and of which the principal characteristics were: (1) That the tenant could dispose of his estate by feoffment at the age of fifteen. (2) That the estate did not escheat in case of attainder and execution of the tenant for felony, under the maxim "The father to the bough, the son to the plough." (3) In most places, the tenant could pass his lands by devise, even before statute permitted it. (4) The lands descended to all the sons together, and not to any one of them. See 2 Bl Comm 84.

See **Irish gavelkind; tenure in gavelkind.**

gaveller. An officer appointed by the king, who had charge of coal mining in certain districts of England.

gavelman. A tenant who held his land under gavelkind tenure.

gavelmed. The customary service, rendered by tenants, of mowing meadows.

gavelrep. The service of reaping at the command of the lord of the manor.

gavelwerk. Customary services of tenants rendered by manual labor or with carts.

gazette. Noun: A magazine or other periodical. Verb: To publish in an official publication, especially in the British Gazette.

See **Gazette.**

Gazette. A British official newspaper announcing declarations of bankruptcy, official promotions and public events.

gebocced. Conveyed, the term being derived by a flagrant corruption of Latin.

gebocian. To convey; to convey by a writing.

See **gebocced.**

gebur. A person who owned an allotment of land.

geburscript. A neighborhood; a village.

Geiger counter. An instrument which detects radiation, one of the important uses of which is the discovery of radioactive minerals. Anno: 66 ALR2d 560.

geld. Noun: A sum of money; a fine; a tribute; a tax. A castrated horse. Verb: To castrate a horse.

geldabilis. Same as **geldable.**

geldable. Taxable; liable to pay a tax or tribute.

gelded. See **gelt.**

gelding. See **gelt.**

gelt. See **geld.**

gem. A precious stone fit for cutting and polishing as a jewel.

A singular distinction appears in old authority a jewel is a stone which is valuable but kept as a curiosity; a jewel is a valuable stone prepared and mounted for wear. *Cavendish v Cavendish* (Eng) 1 Bro Ch 409.

gemma. A gem; a jewel; a precious stone.

gemot. A meeting; an assembly.

gemote. Same as **gemot**.

genealogy. Family history. The tracing of a person's descent from his ancestors. The science of tracing the history of a family in respect of lineage.

genearch. The head or chief of a family or tribe.

geneath. A villein; a vassal.

gener. A son-in-law.

general. Common to many, or the greatest number; widely spread; prevalent; extensive though not universal; having a relation to all; common to the whole. *Koen v State*, 35 Neb 676, 53 NW 595, quoting Webster.

general acceptance. An acceptance of a bill of exchange by the drawee whereby he engages to pay according to the tenor of the bill, without qualification. *Uniform Negotiable Instruments L § 139*. *Cox v National Bank*, 100 US 704, 25 L Ed 739.

general accident policy. A contract insuring against accidents happening to the person of the insured, without limitation as to the means of or the occasion, that is, not limited to accidents involving motor vehicles, airplanes, etc. *Employers' Liability Assur. Corp. v Merrill*, 155 Mass 404, 29 NE 529, 530.

general act. Same as **general statute**.

General Accounting Office. The accounting and auditing office of the United States, headed by the Comptroller General, and the Assistant Comptroller General, of the United States, having a European Branch and a Far East Branch, and various Divisions for distinct parts of the work, such as Defense Accounting and Auditing Division, Civil Accounting and Auditing Division, and Field Operations Division.

general administrative law. Administrative law which is common to all or to many different types of administrative agencies. 1 Am J2d Admin L § 7.

general administrator. An administrator who administers the whole of the estate of a decedent. *Clemens v Walker & Brickell*, 40 Ala 189, 198.

General Advisory Committee. A committee established by the Atomic Energy Act to advise the Atomic Energy Commission on scientific and technical matters. 42 USC § 2036.

general agent. An agent authorized to perform all acts connected with the business or employment in which he is engaged; one authorized to conduct on behalf of a principal a series of transactions involving a continuity of service; one authorized to bind his principal by an act within the scope of his authority, notwithstanding it may be contrary to his special instructions. 3 Am J2d Agency § 6. An agent of a corporation with responsibility, but not necessarily an officer. 19 Am J2d Corp § 1080.

See **general agent of foreign corporation; general agent of insurance company.**

general agent of foreign corporation. One who is authorized to transact all the business of the principal at a particular place or of a particular kind generally. Anno: 113 ALR 83.

general agent of insurance company. An agent authorized to transact all the business of the company of a particular kind or in a particular place, and whose powers are prima facie coextensive with the business entrusted to his care. Southern States Fire Ins. Co. v Kronenberg, 199 Ala 164, 74 So 63.

general and notorious recognition. As a means of legitimation of a child born out of wedlock: -open and extensive recognition; not necessarily universal recognition; such conduct and bearing of the father toward the child that a substantial portion of the

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community believes that the child is his. 10 Am J2d Bast § 52.

general appearance. An appearance whereby the person appearing submits himself to the jurisdiction of the court, regardless of whether process has been served upon him, and renders himself before the court for all further proceedings in the cause or incidental to the original suit. 5 Am J2d Appear § 1. An appearance by invoking the judgment of the court in any manner on any question other than that of the jurisdiction of the court over his person, thereby waiving any defects in the jurisdiction of the court for want of valid summons or a proper service thereof. Re Blalock, 233 NC 493, 64 SE2d 848, 25 ALR2d 818.

General Assembly. The official title of the legislature in nineteen of the states. The body highest in the government of the United Presbyterian Church in the United States of America.

general assignment. As an act of bankruptcy:-any conveyance at common law or by statute by which one intends to make an absolute and unconditional appropriation of all his property to pay his creditors, share and share alike. Anno: 57 ALR 859.

See **general assignment for benefit of creditors; general assignment of error.**

general assignment for benefit of creditors. A conveyance by a debtor without consideration from the grantee of substantially all his property to a party in trust to collect the amount owing to him, to sell and convey the property, to distribute the proceeds of all the property among his creditors, and to return the surplus, if any, to the debtor. 6 Am J2d Assign for Crs § 1.

general assignment of error. An assignment of error on appeal which does not clearly indicate the particular rulings of which complaint is made by appellant. 5 Am J2d A & E § 670.

general assize. An old name for the British parliament.

general assumpsit. Assumpsit in the common courts: indebitatus assumpsit, quantum meruit, quantum valebant, money had and received, money lent, money paid, and insimul computassent or count on account stated. 1 Am J2d Actions § 13.

general average. A contribution by all the parties in a sea adventure to make good the loss sustained by one of their number on account of sacrifices voluntary made of part of the ship or cargo to save the residue and the lives of those on board from an impending peril, or for extraordinary expenses necessarily incurred by one or more of the parties for the general benefit of all the interests embarked in the enterprise. An obligation resting upon the vessel, the cargo, and the freight, in proportion to their respective values, and upon the owners of each, in proportion to the value of their property at risk, and enforceable by resorting

to a lien upon the property saved from the common peril, or by actions against the persons bound to contribute. 48 Am J1st Ship § 621.

While general average is not, *eo nomine*, insured against in marine policies, where it is payable in consequence of a peril insured against, the insurer is liable therefor. *Peters v Warren Ins. Co.* (US) 14 Pet 99, 10 L Ed 371.

In case of a general average loss, the insurer is directly liable for the whole of the insured value of the property sacrificed for the general benefit, and upon payment is subrogated to the rights of the insured for contribution. *Dickenson v Jardine* (Eng) LR 3 CP 639, 14 ERC 431.

See **free from average unless general**.

general average bond. A kind of bond, also called an "average bond," which it is customary and lawful for the master of a ship to exact as a condition precedent to the delivery of the cargo in case a dispute has arisen as to liability for general average, or where investigation is necessary before claims can be adjusted; which bond is conditioned upon the payment of such average, if any, as may be found due upon proper adjustment conformably to law and the usage of the port.

The legal operation and effect of such a bond is to fix the measure of the obligor's liability, and to secure the payment of the amount, unless it shall afterward appear that it was not a case of general average. 48 Am J1st Ship § 645.

general average contribution. See **general average**.

general average lien. See **general average**.

general average loss. See **general average**.

general ballot. A ballot which contains the names of all candidates for both local and state offices to be voted upon at an election. *Re Ballot Act*, 16 RI 766, 19 A 656.

general benefits. For the purposes of the rule that "general benefits" are not to be deducted from compensation or damages in eminent domain:—those benefits from the improvement which are enjoyed, not only by the property of the condemnee concerned in the litigation, but also by other property. 27 Am J2d Em D § 367.

general bequest. See **general legacy**.

general building scheme. A scheme or plan under which the owner of a large tract of land divides it into building lots, to be sold to different persons for separate occupancy, and to be conveyed to them by deeds which contain uniform covenants restricting the use which the several grantees may make of their premises. *Besch v Hyman*, 221 App Div 445, 223 NYS 231.

general cancellation. A sweeping and general termination by one act and at one time of all the outstanding policies issued by an insurance company. *State Mut. Fire Underwriters v Glen Cove Mut. Ins. Co.* (CA8 SD) 124 F2d 681.

general character. The estimation of a person by the members of the community in which he resides. *Douglas v Tousey* (NY) 2 Wend 352, 354. The reputation of a person.

See **reputation**.

general charge. See **general instruction**.

general circulation. See **newspaper of general circulation**.

general claim. See **general creditor**.

general construction business. The business of constructing houses, buildings in industrial plants, office buildings, and other structures. A term broad enough to include the making of boxes, crates, and parts for prefabricated houses. *Gilman Paint & Varnish Co. v Legum*, 197 Md 665, 80 A2d 906, 29 ALR2d 286.

general constructive possession. That possession which the law attaches to the title to real property where there is no actual possession in the owner of the title, and no one in adverse possession of the property; to be distinguished from that construc-

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tive possession known as "effective possession" or "virtual possession." *Wheeler v Clark*, 114 Tenn 117, 85 SW 258.

General Court. The official title of the legislature in Massachusetts and New Hampshire.

general court-martial. The highest in rank of the three kinds of courts-martial, conducted before a body of at least five persons who shall be commissioned officers, except as one of them must be an enlisted man where the accused, an enlisted man, so demands, and usually convened for the trial of capital cases.

general covenant of warranty. A warranty of title to real estate unrestricted as to claims or claimants, that is, a warranty against the lawful claims of all persons whomsoever. *Burton v Price*, 105 Fla 544, 141 So 728.

general credit. The general reputation of a witness for veracity.

general creditor. A creditor whose claim is unsecured by mortgage, judgment lien, or other lien, and is not entitled to priority. *Stepp v McAdams* (CA9 Cal) 97 F2d 874; *Dempsey v Pforzheimer*, 86 Mich 652, 49 NW 465; *Wolcott v Ashenfelter*, 5 NM 442, 23 P 780.

general criminal intent. A matter of conscious wrongdoing from which a prohibited result follows, without a subjective desire for the accomplishment of that result. *State v Daniels*, 236 La 998, 109 So 2d 896.

general custom. A custom which prevails throughout a country or a large portion of a country and becomes its law, its existence being determined by the court. 21 Am J2d Cust & U § 6.

A custom observed generally in a particular trade or locality. *United States v Stanolind Crude Oil Purchasing Co.* (CA10 Okla). 113 F2d 194.

general damages. Those damages which are the natural and necessary result of the wrongful act or omission asserted as the foundation of liability. *Parker v Harris Pine Mills*, 206 Or 187, 291 P2d 709, 56 ALR2d 382. Those damages which are traceable to, and are the probable and necessary result of, the injury complained of, or which are presumed by, or implied in, law to have resulted therefrom. 22 Am J2d Damg § 15.

general damages in defamation. Such damages as will compensate for the natural and probable consequences of the publication. *Turner v Hearst*, 115 Cal 394, 47 P 129.

general damages in eminent domain. Properly, those damages which result from the taking of the property, including compensation for the property taken and injury to adjacent land of the condemnee. 26 Am J2d Em D § 159. In a very special sense of the term, damages common to the entire community through which or in which the project of condemnation is established. *Lewisburg & Northern Railroad Co. v Hinds*, 134 Tenn 293, 183 SW 985.

general damages in sales. For breach by seller: -the difference between what the buyer agreed to pay, and the sum for which he could have supplied himself with goods of the same character at the place of delivery, or if not obtainable there, then at the

nearest available market, plus any additional freight resulting from the breach. *Lawrence v Porter* (CA6 Mich) 63 F 62. For breach by buyer: -the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept. 46 Am J1st Sales § 616.

general demurrer. A demurrer directed to a matter of substance and attacking a pleading on the ground that the averments are insufficient in substance to state a cause of action or defense. 41 Am J1st PI § 204.

In equity, where the practice is not controlled by rules of practice, a general demurrer challenges, in general terms, the right of the plaintiff to have any relief, or discovery and relief, on the facts stated in the bill. Its usual form is that of the general demurrer for want of equity on the face of the bill. *Marsh v Marsh*, 16 NJ Eq 391.

general denial. A pleading in modern practice which bears a close analogy to the general issue in common law pleading; a pleading, in response to what purports to be an affirmative allegation of a cause of action, which operates as a denial of every material allegation of such complaint or other pleading as fully as if it had been specifically and separately denied. 41 Am J1st PI §§ 148, 149. A pleading by a defendant which goes to destroy the plaintiff's cause of action but presents no defense grounded on new matter or matter in avoidance. 41 Am J1st PI § 149.

general deposit. A delivery of money or funds into the possession of a bank, whose property the deposit becomes, in return for which the depositor receives a credit of the amount represented by the deposit, against which credit the depositor may draw in the usual course of the bank's business. 10 Am J2d Banks § 360.

general deputy sheriff. An under sheriff,-a deputy sheriff who, by virtue of his appointment, has authority to execute all the ordinary duties of the office of sheriff. *Allen v Smith*, 12 NJL 159, 162.

general devise. A devise which does not refer to real estate by a specific designation or description of the property but instead is inclusive of perhaps several distinct properties, as where the devise is of "all" or the "remainder" of the testator's real property. 57 Am J1st Wills § 1404. In much less common usage, a devise without words of limitation, that is, without any words which limit the quantity of the estate devised. *Doe, d. Hitch v Patten*, 13 Del (8 Houst) 334, 16 A 558.

Generale dictum generaliter est interpretandum. A general statement should be interpreted generally.

general disability clause. A disability provision of a health or accident insurance policy, which provides for benefits for total disability preventing the insured from performing any work or following any occupation for compensation or profit, or which indicates in some other way that the insured's disability, in order to be total, is not limited merely to inability to perform the duties of his own particular occupation or profession. 29A Am J Rev ed Ins § 1516.

general educational institution. A common school; a public school. So defined by some authority as to be more mythical than real: -a school with kindergarten, primary, preparatory, and collegiate departments, with courses of instruction in all the elementary and advanced sciences, and ancient and modern languages, and with courses of instruction, in the advanced departments, usual in the colleges

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of the state. *Parsons Business College v Kalamazoo*, 166 Mich 305, 131 NW 553.

general election. An election recurring at stated intervals as fixed by law, without any superinducing cause other than the passage of time. 25 Am J2d Elect § 3. An election held for the purpose of selecting an officer to succeed to the office on the expiration of the full term of the incumbent. *People ex rel. Elder v Quilici*, 309111 App 466, 33 NE2d 492; *Grant v Payne*, 60 Nev 250, 107 P2d 307, 132 ALR 568.

general emancipation. The release of a child from custody and control by the parent upon the child's reaching the age of majority. A complete severance by the parent of the filial tie in releasing his minor child permanently from custody and control and authorizing the child to make its own contract of service and to collect and spend its wages and other earnings. 39 Am J1st P & C § 64.

Generale nihil certum implicat. A general expression implies nothing certain.

general estate. The entire estate both real and personal of a person, but particularly the entire property left by a decedent. In a more narrow sense, that part of the estate of a decedent, a bankrupt, a debtor in receivership, or an assignor under an assignment for the benefit of creditors, which is available for the payment of claims of general creditors. In a more technical sense, the residuary estate, the property of the decedent not specifically devised or bequeathed. 28 Am J Rev ed Inher T § 515.

Generale tantum valet in generalibus, quantum singulare in singulis. That which is general prevails in general matters, as that which is particular prevails in particular matters.

general execution. The ordinary execution issued upon a judgment; a writ which directs the sheriff to levy upon property of the defendant which is not exempt in such amount as to satisfy the judgment, as distinguished from a special execution, as in a mortgage foreclosure, where the writ directs levy upon the property covered by the mortgage.

general executor. An executor who has been appointed to administer the whole of the estate of a decedent.

general exemption from taxation. An exemption applicable to all persons of a certain class or of all property of a certain kind; a prerogative of the legislature except as controlled by constitutional provision. *Eyers Woolen Co. v Gilsum*, 84 NH 1, 146 A 511, 64 ALR 1196.

general finding. A finding of fact by the trial court, in a trial to the court, in terms such as "all the issues of fact presented under the pleadings are determined in favor of the plaintiff," such finding usually being sufficient to support a judgment in the absence of a statute or rule of practice to the contrary, since it imports a finding of every subsidiary fact. 53 Am J1st Trial § 1141. A finding of the ultimate facts and all the special facts necessary to sustain the finding. 2 Am J2d Admin L § 456.

general franchises. The primary corporate franchise which grants special privileges to incorporators, enabling them to act for certain designated purposes as a single individual and usually exempts them from individual liability; and the secondary corporate franchise consisting in the powers granted to a corporation and specified in its charter. 18 Am J2d Corp § 66.

The right to be a corporation, or the corporate right of life, is inseparable from the corporation itself. It is a part of it, and cannot be sold or assigned. That franchise is general and dies with the corporation, for it cannot survive dissolution or repeal. *Lord v Equitable Life Assur. Soc.* 194 NY 212, 87 NE 443.

general freight agent. A carrier's agent authorized to make contracts for transportation, even for through transportation to a point beyond the line of the carrier. 14 Am J2d Car § 690.

general guaranty. A guaranty which is addressed to persons generally and may be acted upon and enforced by anyone to whom it is presented, the requisite meeting of minds occurring when advantage is taken of the general guaranty by the creation of a debt thereunder. *Burckhardt v Bank of America Nat. Trust & Sav. Asso.* 127 Colo 251, 256 P2d 234, 41 ALR2d 1207.

general guardian. A guardian of the person of the ward, or of all of the property of the ward situated within the jurisdiction of the court which appointed him, or of both the person and of such property. To be distinguished from a guardian ad litem or special guardian.

general heir. See **heir general.**

general hypothecation. The hypothecation by a debtor of all of his property for the benefit of his creditors.

Generalia praecedunt; specialia sequuntur. General matters precede; special matters follow.

Generalia specialibus non derogant. General terms do not control special ones. *Burnett v Maloney*, 97 Tenn 697, 37 SW 689.

Generalia sunt praeponenda singularibus. General matters should be placed before particular matters.

Generalia verba sunt generaliter intelligenda. General words are to be understood generally.

Generalibus specialia derogant. Special words derogate or take away from the meaning of general ones.

general income tax. An income tax, which taxes income from all sources, with certain definite exceptions. *United States v Safety Car Heating & Lighting Co.* 297 US 88, 80 L Ed 500, 56 S Ct 353, reh den 297 US 727, 80 L Ed 1010, 56 S Ct 495.

general indefinite failure of issue. See **indefinite failure of issue.**

general indorsement. An indorsement of a bill or note made without qualification. *Uniform Negotiable Instruments L* § 66; 11 Am J2d B & N § 359. An indorsement in which no indorsee is named. *Santa Marina Co. v Canadian Bank of Commerce* (CA9 Cal) 254 F 391.

general insanity. An expression sometimes used in distinguishing partial insanity and illusion from insanity generally. *Reeves v State*, 196 Ga 604, 27 SE2d 375. Madness on all subjects. *National Life & Acci. Ins. Co. v Hannon*, 214 Ala 663, 666, 108 So 575.

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general instruction. An instruction by the court to the jury of such a nature that it is required, or at least proper, in all cases, for example, the charge that the jury shall consider only the evidence and the instructions given them by the court in arriving at a verdict. A charge to the jury in the form of an affirmative statement with a hypothesis, such being proper in some jurisdictions where there is no conflict in the evidence and where the facts testified to, if proved, entitle one party, plaintiff or defendant, to a verdict, the charge, in effect, stating that the jury shall find for such party if they believe the evidence or if they are satisfied that the facts are as testified. 53 Am J1st Trial § 550.

A general charge in a criminal case is an instruction that the jury shall find the defendant guilty if they believe the evidence produced by the state, or, more properly, if they are satisfied beyond a reasonable doubt that the facts are as testified; such a verdict is never proper unless the evidence justifies a conviction and any other verdict would be inconsistent with the evidence as a whole. 53 Am J1st Trial § 551.

general intent. See **general criminal intent.**

general interrogatories. Interrogatories contained or referred to in a bill in equity, constituting a definite part of such a bill under traditional equity practice. 27 Am J2d Equity § 181.

generalis clausula non porrigitur ad ea quae antea specialiter sunt comprehensa. A general clause is not extended to include those things which have been previously specially included.

generalis regula generaliter est intelligenda. A general rule should be generally understood.

general issue. A common law pleading, abolished as such in most states using a reformed system of pleading, consisting of a denial in short form of all that is material in the complaint or declaration. Somewhat analogous to the general denial of modern code and rules procedure. 41 Am J1st Pl § 140.

See **general denial.**

generality of custom. A requisite of a binding custom; the element of universality from which knowledge of the custom may well be presumed; in the case of a custom becoming a part of a contract, such general practice that it is a fair inference that both parties had knowledge of the custom and contracted with reference thereto. 21 Am J2d Cust & U § 5.

general judgment. A judgment in personam. *Smith v Colloty*, 69 NJL 365, 55 A 805.

See **judgment in personam.**

general jurisdiction. The jurisdiction of a trial court which is generally, although not absolutely, without limitation. 20 Am J2d Cts § 103.

See **court of general jurisdiction.**

general jurisdiction clause. A clause of a bill in equity consisting of an allegation in general terms to the effect that the acts complained of are contrary to equity and tend to the injury of the plaintiff, and that the plaintiff has no remedy, or no adequate remedy, without assistance from the court of equity.

The clause will not confer jurisdiction where the case otherwise made in the bill is not one of equitable cognizance. 27 Am J2d Equity § 181.

General Land Office. That agency of the government which was established to supervise the various proceedings whereby a conveyance of the title from the United States to portions of the public domain is obtained, and to see that the requirements of different acts of Congress are fully complied with. *Steel v St. Louis Smelting & Refining Co.* 106 US 447, 450, 27 L Ed 226, 228. An agency of the past, its functions having been transferred to the Bureau of Land Management in the Department of the Interior. 43 USC § 1, note.

general law. A statute having a uniform operation, that is a statute operating equally or alike upon all persons, entities, or subjects within the relations, conditions, and circumstances prescribed by the law, or affected by the conditions to be remedied. 50 Am J1st Stat § 6.

See **general public law.**

general legacy. A legacy designated primarily by quantity or amount, such as a gift of a stated amount of money, and which may be satisfied out of the general assets of the testator, without the necessity of delivering any particular chattel or fund to the legatee. *Spinney v Eaton*, 111 Me 1, 87 A 378; *Re Goggin's Estate*, 43 Misc 233, 88 NYS 557; *Crabtree v Kelly*, 65 ND 501, 260 NW 262.

general legislation. See **general law.**

general letter of credit. A letter of credit addressed to any and every person, and therefore giving to any person to whom it may be shown authority to make loans and advances upon it, the effect of the letter and the making of a loan or advance in response thereto being to bind as guarantor the person who issued the letter. 24 Am J1st Guar § 22.

general lien. The right to retain particular chattels as a security, not merely for the sum due in respect of those chattels, but for the entire amount owing on a general balance of account in respect of business done, but not in respect of loans or other transactions outside the regular course of trade. 33 Am J1st Liens § 5. The retaining lien of an attorney at law.

See **retaining lien**.

generally appear. Entering a general appearance or taking or agreeing to take some step or proceeding in the cause other than one to contest jurisdiction. 5 Am J2d Appear § 14.

general malice. Malice toward a group of persons rather than specifically toward one's victim in a homicide. 26 Am J1st Homi § 40. Wickedness; a disposition to do wrong; a black and diabolical heart, regardless of social duty and fatally bent on mischief. State v Long, 117 NC 791, 799, 23 SE 431.

general manager. A formal term for an executive in charge of a business; the status of a business officer under another title who is actually in the general management of the business. The person to whom the general business of a corporation is entrusted; the principal officer of a corporation, having general charge of the business matters for the carrying on of which the company was incorporated, and having the implied or ostensible authority for the performance of any act which is usual or necessary in the ordinary transaction of the company's business. 19 Am J2d Corp § 1174. One of the trustees of the business trust designated by the trustees to manage the operations of the trust, with power and authority to execute notes. Martin v Security Nat. Bank (Tex Civ App) 257 SW 645.

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general notoriety. See **fact of general notoriety**.

general objection. An objection which does not point out the specific ground; an objection to evidence as incompetent, irrelevant, and immaterial, not coupled with any statement of the specific grounds or reasons why the evidence is not admissible. Hicks v Demer, 187 Ill 164, 58 NE 252.

general obligation bond. A bond issued by a public body as the obligation of the body payable from its general resources raised by taxation, as distinguished from a bond issued by such a body but payable from a special fund only. 43 Am J1st Publ Sec § 282.

general occupant. A person who took and retained possession of land, as anyone might do, after the death of a tenant for the life of another, and while the person for whose life the estate had been granted still lived. See 2 Bl Comm 258. He was also called "common occupant."

general orders. Standing orders of the court, issued, not in a particular suit or proceeding, but for application in any action or proceeding to which the substance is pertinent, the best illustration of which is found in the General Orders in Bankruptcy. 37 Am J1st Motions § 25.

General Orders in Bankruptcy. Orders formulated and prescribed by the Supreme Court of the United States for the purpose of carrying the Bankruptcy Act into force and effect. 9 Am J2d Bankr § 108.

general or retaining lien. See **retaining lien**.

general owner. One having unqualified dominion over a thing. Farmers' & Merchants' Nat. Bank v Logan, 74 NY 568, 581. The person in ultimate ownership, as distinguished from a person interested as a bailee, lessee, mortgagee, or lienor.

See **larceny by general**.

general ownership. See **general owner.**

general partner. A partner in an ordinary partnership, as distinguished from the special or limited partner in a limited partnership. 40 Am J1st Partn § 510. The member of a limited partnership who has rights and powers analogous to those possessed by the members of an ordinary general partnership. Uniform Limited Partnership Act § 9.

general partnership. The ordinary partnership, as distinguished from a limited partnership or partnership association.
See **partnership.**

general power of appointment. A power of appointment exercisable without limitation as to the person appointed, except as to the rule of some jurisdictions which limit exercise to exercise by will, in which event the donee cannot appoint himself, although he can appoint his estate. *Lyon v Alexander*, 304 Pa 288, 156 A 84, 76 ALR 1427. For the purpose of the federal estate tax:-a power which is exercisable in favor of the decedent, his creditors, or the creditors of his estate except certain powers limited by an ascertainable standard and certain powers exercisable by the decedent only in conjunction with another person. 26 USC § 2041(b)(1).

general power of attorney. See **power of attorney.**

general prayer. A prayer of a bill in equity whereby the plaintiff seeks generally such relief as he is entitled to under the allegations of the bill. Usually, a prayer, joined with a prayer for special relief, for such other and further relief as plaintiff may be entitled to in the premises. 27 Am J2d Equity § 182.

general proxy. A proxy for representation of a corporate stockholder at a corporate meeting which empowers the proxy to do all that the principal might do if present at the meeting. 19 Am J2d Corp § 673.

general publication. An expression familiar in the law of copyright and literary property; such a disclosure, communication, circulation, exhibition, or distribution of the subject matter of a literary work, tendered or given to one or more members of the general public, as implies dedication to the public. 18 Am J2d Copyr § 79.

See **newspaper of general circulation.**

general public law. That body of law under which due process of law is accorded; the law which is binding upon-all members of the community under all circumstances, including no private or special acts affecting only the rights of certain individuals or certain classes of individuals especially favored. *Eden v People*, 161 111 296, 43 NE 1108.

general receivership. A receivership under which the receiver takes custody of all the property of a corporation or of an individual for some general purpose, such as the administration of such property for the benefit of creditors. 45 Am J1st Rec § 3.

general recognition. As a means of legitimation of a child born out of wedlock:-extensive recognition; not necessarily universal recognition. *Van Horn v Van Horn*, 107 Iowa 247, 77 NW 846; *Record v Ellis*, 97 Kan 754, 156 P 712.

See **general and notorious recognition.**

general relief. Relief sought by a bill, complaint, or petition in equity in terms of a prayer for such relief as is equitable in the premises. 27 Am J2d Equity § 182.

general replication. A pleading which raises an issue on affirmative matter pleaded in the answer by controverting it in general terms, such pleading being unnecessary under reformed practice in some jurisdictions, such practice dispensing with a replication by deeming affirmative matter in the answer denied as a matter of course. 41 Am J1st Pl § 175.

general reply. See **general replication.**

general reputation. The evidence to which proof of the good or bad character of a party to a civil action or the defendant in a criminal prosecution is confined. 29 Am J2d Ev §§ 339, 344-346.

The determining factor in measuring the worth and weight of evidence of a man's good character is whether the community in which he has lived his life is sufficiently large for the persons to become acquainted with his character and to form a general opinion of it. This we call general reputation. *People v Colantone*, 243 NY 134, 139, 152 NE 700.

general reputation in the family. Evidence of kinship, pedigree, births, deaths, and other matters of family history; tradition handed down by the declarations of deceased members of the family made ante life motam. *Re Estate of Hurlburt*, 68 Vt 366, 35 A 77.

general repute. See **general reputation; general reputation in the family.**

general restraint of marriage. See **restraint of marriage.**

general restraint of trade. A restraint which constitutes a monopoly or unlawful restraint of trade. Not necessarily a complete monopoly. Any con-

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tract or combination to the end of a complete monopoly and to the deprivation of the public of the advantages which flow from free competition. 36 Am J1st Monop etc § 13.

A contract is said to be in general restraint of trade when it contains an agreement not to carry on a certain business or occupation anywhere. *Kellogg v Larkin* (Wis) 3 Pinney 123, 3 Chandler 133.

general retainer. The engaging of the professional services of an attorney at law by a client for a specified period of time, often a year, such services to be rendered only upon the request of the client, but the attorney being bound not to accept any retainer in opposition to the client for the period and accordingly entitled to be paid for the retainer in any event. *Rhode Island Exchange Bank v Hawkins*, 6 RI 198, 206.

See **retaining fee.**

general revival acts and rules. Statutes and rules of practice which make the common-law rule that all pending personal actions abate on the death of a sole plaintiff or defendant of historical interest only by setting up a procedure to prevent such an arbitrary cessation of an action, in cases where the cause of action survives, and providing for the substitution of the personal representative or other proper party and the continuation of the matter in his name. I Am J2d Abat & R § 47.

general sales tax. A tax applicable to goods or commodities in general. 47 Am J1st Sales T § 1.

general sessions. See **clerks of the general sessions of the peace; Court of General Sessions.**

general saving provision. A provision of constitution or statute intended to prevent the retrospective operation of the repeal of a statute by providing that the repeal of a statute shall not affect any right, liability, or penalty accrued or arising prior to the effective date of the repealing statute. 50 Am J1st Stat §§ 573, 574.

general ship. A vessel in which the master or the owners engage separately with a number of persons unconnected with each other, to convey their respective goods to the place of the vessel's destination.

While a general ship is abroad, the master has power to make contracts in relation to freight which will be binding upon the owners. *Ward v Green* (NY) 6 Cow 173.

general statute. See **general law.**

general strike. A strike against all the employers in an industry or a territory. 31 Am J Rev ed Lab § 369.

general superintendency. The scope of supervisory jurisdiction exercised by some appellate courts over the lower courts. 20 Am J2d Cts § 115.

general survival acts. Numerous statutes in the various states providing for survivorship of many causes of action that did not survive at common law, some of them providing in sweeping terms that all causes of action survive the death of either the person in whom the cause is vested or the person liable thereon, while others provide for general survival of personal tort actions, except for those matters that are secondary to the principal cause of action and are purely personal to the person injured. 1 Am J2d Abat & R § 52.

general tax. The customary annual tax imposed upon all taxable property within the taxing district to provide revenue for the usual and ordinary day-to-day expenses of the government, being imposed without reference to return by the government of special benefit to any property, only securing to the taxpayer the general benefit which results from protection to his person and property and the promotion of various enterprises and schemes which have for their object the welfare of all residents of the district. 51 Am J1st Tax § 27.

general tenancy. Such a tenancy as was not fixed and made certain in point of duration by the agreement of the parties. *Brown's Admrs. v Bragg*, 22 Ind 122, 123.

See **tenancy at will.**

general ticket. See **general ballot.**

general usage. See **general custom.**

general verdict. The final declaration by the jury as to the truth of the matter submitted to their determination and at issue between the parties. 53 Am J1st Trial § 1005. The response to and decision upon the issues between the parties upon the evidence adduced, rendered with such certainty and in such form that judgment can be entered thereon. *Stafford v King*, 30 Tex 257.

A general verdict for the plaintiff imports a finding of all issues in the plaintiff's favor and, in a case where the evidence was susceptible to different inferences, that the jury drew inferences favorable to the plaintiff. *Railway Express Agency v Little* (CA3 Pa) 50 F2d 59, 75 ALR 963.

general welfare. A generic term often employed in connection with protection of the peace, safety, health, and good morals of the people. *Allinder v Homewood*, 254 Ala 525, 49 So 2d 108, 22 ALR2d 763. The safety, prosperity, health and happiness of the people. 16 Am J2d Const L § 6.

See **public welfare.**

generation. Production, particularly electricity. Bringing into being, particularly by birth, as the increase of animals. 15 Am J2d Chat Mtg § 28.

One level in the succession of living beings. In this connection, the word has no technical meaning and hence it must be considered as used in the sense of succession, its ordinary import, rather than as meaning a degree of removal, in computing descents. *McMillan v School Committee of Croatan Dist.* 107 NC 609, 12 SE 330.

generator. Electrical term meaning a machine for converting mechanical into electrical energy by moving a coil in a magnetic field, so as to embrace a varying flux, thereby inducing an electromotive force.

generic. Applicable or referring to a kind, class, or group; inclusive.

generis. Kind.

See **ejusdem generis.**

generosi filius. The son of a gentleman.

generosus. A gentleman.

Geneva Award. See **Alabama Claims.**

Geneva Copyright Convention. See **Universal Copyright Convention.**

genitals. The reproductive or sex organs.

genito-urinary ailment. Affliction centering in the genitals or the urinary tract. Anno: 53 ALR2d 702.

gens. A Roman tribe composed of families of the same name, all of whom were descended from

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a common ancestor. In French, people, folk, men, servants, attendants.

gentes. Plural of gene.

gentile. One who is not a Jew. Among Mormons, one not a Morman.

gentiles. Members of the same gene.

See **gene.**

gentleman. In a former period, any man who ranked above a yeoman; a man who had the right to use a crest or coat-of-arms. In the modern sense, a courteous man, a well-behaved man.

gentlewoman. A woman of the same rank or status as that of a gentleman. In a more modern sense, a refined woman.

gents. People; persons.

genuine. Real or original, as opposed to adulterated, false, fictitious, simulated, spurious, or counterfeit. Baldwin v Van Deusen, 37 NY 487, 492. Free of forgery or counterfeiting. UCC § 1-201(18).

genuineness of the instrument. The validity of an instrument in respect of it being what it purports to be. Warranted by an indorsement of a negotiable instrument. 11 Am J2d B & N § 611.

genus. A class embracing two or more species. Smythe v State, 17 Tex App 244, 251.

See **species.**

geodectic survey. See **coast and geodetic survey.**

geographical mile. See **mile.**

geology. The science and course of study which deals with the structure of the earth, particularly the crust.
See **aereal geology.**

George the First. The king of England from August 1st, 1714, to June 11th, 1727.

George the Second. The king of England from June 11th, 1727, to October 25th, 1760.

George the Third. The king of England from October 25th, 1760, to January 29th, 1820. To Americans, the despicable character who ruled England during the Revolution.

George the Fourth. The king of England from January 29th, 1820, to June 26th, 1830.

George the Fifth. King of the United Kingdom of Great Britain and Northern Ireland from May 7th, 1910 to Jan. 20th, 1936.

George the Sixth. King of the United Kingdom of Great Britain and Northern Ireland from Dec. 11th, 1936 to March 24th, 1953. Honored in England and respected in the United States as a courageous ruler during the perilous period of the Second World War.

gerefa. A reeve; a shire-reeve; a sheriff.

gerens. Bearing; carrying on; engaging in.

gerens datum. Bearing date.

gerere. To act; to behave; to carry on; to engage in.

gerere pro haerede. To act as heir.

germain. Same as **germane.**

german. Germane; fully related, as brothers of the same parents.

german cousin. A first cousin.

germane. Closely allied; relevant. *Roark v People*, 79 Colo 181, 244 P 909.

germane to the title. An essential of a statute; a statute, the subject matter of which is fairly and reasonably expressed, embraced, or indicated by the title. *Roark v People*, 79 Colo 181, 244 P 909.

germanus. Of the same parents; of the same stock.

gerrymandering. A word derived from the name of Hon. Elbridge Gerry, a former governor of Massachusetts. So contriving in fixing the boundary lines of legislative districts as to give an unfair advantage to one political party. Anno: 2 ALR 1337; 25

Am J2d Elect § 18. An unfair method adopted by a political party in control of the legislature, whereby the boundaries of election districts are altered and arranged as to prevent a majority vote in such districts in favor of the opposing political party, which, under a fair and normal apportionment, would represent a majority vote in those districts. *State ex rel. Morris v Wrightson*, 56 NJL 126, 28 A 56. Fixing school attendance zones in such manner as to segregate the races in the schools. 15 Am J2d Civ R § 39.

gersome. Same as **gersume**.

gersume. A reward; a recompense; a fine imposed for an offense; an exaction from a tenant for permitting him to transfer his tenancy to another; a bonus paid for a rebate in rent on a lease.

gent. (Saxon.) A guest; a stranger who stayed at a house a second night.

gesta. Plural of **gestum**.

gestation. The development of the foetus in the body of the mother from conception to birth.

gestation period. See **period of gestation**.

geste. Same as **gest**.

gestio. An act; behavior; conduct; a performance; a transaction.

gestio pro haerede. Behavior or conduct as an heir; such conduct as renders the heir liable for the debts of his ancestor.

gestor. (Civil law.) A person who transacts business for another; an agent.

gest-taker. Same as **agister**.

gestu et fama. See **de gestu et fama**.

gestum. (Roman law.) Something done; a deed; an act; a transaction; business.

gestura. Behavior.

gewitnessa. (Saxon.) Testifying as a witness.

gewrite. (Saxon.) Written instruments, such as deeds and charters.

gibbet. An upright post with a projecting arm from which capital offenders were hanged.

See **double gibbet**.

gift. A voluntary transfer of property by one to another without any consideration or compensation therefor; anything given or bestowed, or any piece of property voluntarily transferred by one person to another. 24 Am J1st Gifts § 2. As the word is used in liquor legislation:-a transfer without price or reward; a gratuitous transfer without any equivalent. *Parkinson v State*, 14 Md 184.

See **sham gift**; **substitutional gift**.

gift causa mortis. A gift of personal property made in expectation of the donor's death and upon condition that the property shall belong fully to the donee in case the donor dies as anticipated, leaving the donee surviving him, and the gift is not in the meantime revoked. 24 Am J1st Gifts § 4.

All gifts are necessarily inter vivos, for a living donor and donee are indispensable to a valid donation; but when the gift is prompted by the belief of the donor that his death is impending, and is made as a provision for the donee, if death ensues, it is distinguished from the ordinary gift inter vivos, and is called donatio causa mortis. But by whatever name called, the elements necessary to a complete gift are not changed. Walsh's Appeal, 122 Pa 177, 15 A 470.

gift enterprise. A scheme for the division or distribution of certain articles of property, to be determined by chance, among those who have taken shares in the scheme. A sporting artifice by which a merchant or tradesman sells his wares for their market value, but by way of inducement gives to each purchaser a ticket which entitles him to a chance to win certain prizes, to be determined after the manner of a lottery. 34 Am J1st Lot § 10.

gift exhibition. See **lottery**.

gift in contemplation of death. A gift impelled by the thought of death, as distinguished from a purpose associated with life. United States v Wells, 283 US 102, 75 L Ed 867, 51 S Ct 446.

See **in contemplation of death**.

gift of contemplation of marriage. A transaction which is something less than a real gift, since in such case the donor may recover back the property if the "donee" breaks the engagement to marry. Williamson v Johnson, 62 Vt 378.

gift inter vivos. A real gift. A gift between living persons; a voluntary transfer of property by one living person to another living person, without any valuable consideration, which becomes absolute and irrevocable during the lifetime of the parties. 24 Am J1st Gifts § 4.

gift in trust. A gift which withholds the legal title from the donee.

Legal title may be transmitted to a third person, or it may be retained by the donor, but in either case the equitable title has gone from him, and unless the declaration of trust contains the power of revocation, or the wide discretion of chancery attaches, it leaves him powerless to extinguish the trust. Bath Sav. Institution v Hathorn, 88 Me 122, 33 A 836.

gift nominatim. A gift to individuals described by name. 57 Am J1st Wills § 1261.

gift note. A donor's promissory note payable to the donee. 24 Am J1st Gifts § 93.

gift of bastardy. The gift by the crown of the property of a bastard who died intestate and without heirs.

gift of public money. Any appropriation of public money for the benefit of one who has no claim to be compensated which is enforceable at law or in equity, irrespective of what the moral obligation may be under the circumstances. Conlin v San Francisco Board of Supervisors, 99 Cal 17, 33 P 753.

gift over. A limitation of an estate to follow the termination of a prior estate.

gift tax. An excise tax on the transfer by a living person of money or other property by gift. A tax imposed on the transfer of property by gift inter vivos without relation to the death of the donor, being distinguished from succession or estate taxes imposed on certain inter vivos transfers, such as gifts made in contemplation of death or intended to take effect in possession or enjoyment at or after death.

The tax is imposed on the transfer, not on the property transferred, since it applies even though the property transferred may be exempt from income or other taxes. IRC § 2501(a).

gift to a class. A gift of an aggregate sum to a body of persons uncertain in number at the time of the gift, to be ascertained at a future time, who are all to take in equal or some other definite proportions, the share of each being dependent for its amount upon the ultimate number. 57 Am J1st Wills § 1256.

gild. Verb: To apply a substance to metal or stone so as to give luster such as that of gold. Noun: A guild; an English mutual benefit society. A term sometimes used for "geld" in the sense of a sum of money, tribute, or tax. A surface or covering which makes a substance appear more valuable than it really is. In one sense, same as **guild**.

See **ceapgild**; **cenegild**.

gildable. Same as **geldable**.

gilds mercatoria. A mercantile company or corporation; a mercantile meeting or assembly. See 1 Bl Comm 473.

gildam mercatorium. A grant by the king to a body of men establishing them as a mercantile corporation. See 1 Bl Comm 473.

gild hall. The meeting place of a gild.

gildo. A member of a gild.

gill net. A fish net so constructed that the fish is caught by its gills when it attempts to escape from the meshes of the net.

Such nets are regulated as to their use in some jurisdictions and forbidden in others. *State v Lewis*, 134 Ind 250, 33 NE 1024; *Barker v State Fish Com.* 88 Wash 73, 152 P 73.

gillravage. Same as **gilravage**.

gilour. A beguiler; a betrayer; a cheat; a deceiver.

gilravage. To ravage; to plunder; to pillage.

gilt-edged bonds. Securities reputed to be most safe for investment.

gin. An intoxicating alcoholic liquor. *Skaggs v State (Okla Crim)* 276 P2d 267 49 ALR2d 760. A liquor distilled from grain and flavored with the juice of juniper berries. A machine used to remove the seed from the fiber of the cotton plant.

gin men. Laborers in a mine without special employment but performing tasks of a general nature as ordered and directed. *Smith v North Jellico Coal Co.* 131 Ky 196, 114 SW 785.

ginning. The process of separating the fiber of cotton from the seeds.

Girl Scouts. A world-wide organization for training girls in citizenship and leadership and promoting patriotism, which qualifies as having a charitable purpose. 15 Am J2d Char § 68.

girth. A linear measure equivalent to a yard or thirty-six inches. The circumference of an object or of the waist of a person. A band placed around the body of a horse to hold a saddle or pack upon the back of the animal.

gisant. Resting; lying; reclining.

gisel. A pledge.

gisement. Same as **agistment**.

giser. To lie; to rest; to recline.

gisetaker. Same as **agister**.

gist. The main point of a question or of a discussion. The pith of a matter. *Hoffman v Knight*, 127 Ala 149, 156, 28 So 593.

See **gravamen**.

gist of an action. The cause for which an action will lie; the ground or foundation of a suit, without which it would not be maintainable; the essential ground or object of a suit, and without which there is not a cause of action. *First Nat. Bank v Burkett*, 101 Ill 391, 394.

give. To make a gift; to convey; to transfer to grant. A word of grant in a conveyance. 23 Am J2d Deeds § 35.

give and grant. Apt words in creating a covenant to stand seized. 28 Am J2d Est § 348. Words of conveyance sufficient in themselves in a deed to indicate the intent to effect an immediate transfer of title. *Smith v Furbish*, 68 NH 123, 44 A 398.

See **devise and grant; give, grant, sell, and convey**.

giveaway program. A radio or television program calling for the distribution of prizes to listeners, selected wholly or in part on the basis of chance, as an award for correctly solving a given problem or answering a question.

Such a program is not a lottery or gift enterprise. *Federal Communications Com. v American Broadcasting Co.* 347 US 284, 98 L Ed 699, 74 S Ct 593.

give, grant, bargain, etc. Words in a deed appropriate to indicate an intent to effect an immediate transfer of title. 23 Am J2d Deeds § 35.

See **give, grant, sell, and convey**.

give, grant, sell, and convey. Words in a deed appropriate to indicate an intent to effect an immediate transfer of title. 23 Am J2d Deeds § 35. Words of transfer or conveyance usually considered appropriate to convey an estate in fee. 28 Am J2d Est § 17. Not in themselves implying a covenant of warranty. 20 Am J2d Cov § 13.

given as collateral security with agreement. A means of referring in a bill of exchange or promissory note to an extrinsic contract, thereby depriving the bill or note of negotiability. *Toledo Scale Co. v Gogo*, 186 Mich 442, 152 NW 1046.

given for a patent right. A required recital in a promissory note, under statutes of some jurisdictions, where the consideration is a patent right. 11 Am J2d B & N § 189.

given for life insurance. A required recital in a promissory note, under the statutes of some jurisdictions, where the consideration is the initial premium for a policy of life insurance.

given name. See **Christian name.**

give precedence. To accord a priority. To recognize superior importance. *Kansas City Terminal Railway Co. v Central Union Trust Co.* 271 US 445, 455, 70 L Ed 1028, 1033, 46 S Ct 549.

giver. One who gives. The maker of a gift.

giving aid and comfort to enemy. As an element of the offense of treason:-overt acts committed which, in their natural consequence, if successful, would encourage and advance the interests of the enemy. *Young v United States*, 97 US 39, 24 L Ed 992.

glanders. A dangerous and highly contagious and infectious disease of horses and mules affecting the glands beneath the lower jaw. *Pearson v Zehr*, 138 111 48, 29 NE 854.

glare. See **blinding lights.**

gleaning. The gathering together of crops which have been reaped. Going over a harvested field and collecting grain not taken by the harvesters. Obtaining information in bits.

gleba. Same as **glebe.**

glebae. See **adscriptus glebae.**

glebae ascriptitii. Villeins in socage tenure who were regarded as fixtures while they performed services due.

glebe. A parcel of tillable land attached to a parish church. *Pawlet v Clark (US)* 9 Cranch 292, 326, 3 L Ed 735, 747.

glebe-land. Same as **glebe.**

glider. An aircraft without motive power. Anno: 54 ALR2d 413.

gloss. A translation; an explanation; an interpretation. Superficiality. Luster.

glossa. Same as **gloss.**

glossary. An alphabetical list of terms taken from a book, appearing in the back of the volume, with explanations intended to be of assistance to the reader.

glossator. A translator; a commentator; an annotator.

Glossa viperina est quae corrodit viscera textus. It is a viperous gloss or interpretation which eats out the vitals of the text.

Gloucester. See **Statute of Gloucester.**

glove contest. A boxing match, a mere exhibition of skill in sparring with gloves, not calculated to do great bodily injury. See *State v Olympic Club*, 46 La Ann 935, 15 So 190.

glove-money. Money to buy gloves,-money given by the sheriff to certain officers of the court when there were no offenders left for execution.

glove-silver. Same as **glove-money.**

glyn. A glen; a ravine.

go. To move along, physically as in walking or running or figuratively as in the transmission or devolution of a title from one person to another.

See **shall go.**

goat. A cud-chewing domestic animal. 4 Am J2d Ani § 2. A slang expression for scapegoat.

gobnaciones. A Spanish term applied to the former provinces of Spain in the New World and the governments of such provinces. Footnote in *Strother v Lucas* (US) 12 Pet 410, 441, 9 L Ed 1137, 1149.

go-between. An intermediary. An agent who acts for both of the parties in a transaction.

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God and my country. See **by God and my country.**

godbote. A fine imposed for an ecclesiastical offense.

go-devil. A crude conveyance consisting of two poles attached one to each side of a horse with the ends dragging behind, somewhat like a sled, on which goods are carried. *Hamp v Pend Oreille County*, 102 Wash 184, 172 P 869.

God's acre. A cemetery. A place for the burial and repose of the dead. *Hertle v Riddell*, 127 Ky 623, 106 SW 282.

God's penny. Earnest money paid to bind a bargain.

goggles. A disease of sheep, constituting a breach of warranty of soundness. 46 Am J1st Sales § 399. Large eyeglasses worn to protect the eyes against dust and small particles carried by the wind or blown in the air by industrial processes.

goging stole. Same as **cucking-stool.**

go hence acquitted. Formal words in a judgment of acquittal. *State v Buchanan* (Md) 5 Harr & J 317.

go hence without day. To leave the court without the necessity of returning; to be discharged or exonerated. *Hiatt v Kinkaid*, 40 Neb 178, 185, 58 NW 700.

go in evidence. To be considered as in evidence.

A stipulation that documents are "to go in evidence" means that the documents are to be considered in evidence; that is, as having been received and admitted as a part of the evidence before the court, and the expression does not mean that they may be read or offered and received as evidence. *Protection Life Ins. Co. v Palmer*, 81 Ill 88, 91.

going and coming rule. The rule which determines the right of an employee to workmen's compensation benefits for injuries sustained by him while going to or returning from work. 58 Am J1st Workm Comp § 217.

going business. See **going concern.**

going concern. A business in operation for the purpose for which it is organized, unhampered by insolvency or legal prohibitions.

A corporation is a going business or establishment when it is still in good faith prosecuting its line of business, with the prospect and expectation of continuing to do so, even though its assets are insufficient to discharge its liabilities in full. *Corey v Wadsworth*, 99 Ala 68, 11 So 350.

going-concern value. The amount by which the assets of a business as a whole, assembled for the conduct of the business, exceeds the aggregate of the value of the separate items of property in the business. *Pacific State Sav. & Loan Co. v Hise*, 25 Cal 2d 822, 155 P2d 809, 158 ALR 955. The aggregate value of items of property in a place of business, not as isolated articles separated from the whole, but as parts of the whole business and as useful in the business. *Re Nathanson Bros. Co.* (CA6 Ohio) 64 F2d 912. The value of the plant of an established business as distinguished from the plant of a concern whose business is not yet established. 43 Am J1st Pub Util § 139. A term in common use in the fixing of rates for the service of public utility companies, meaning the value of the plant as a whole upon which the company is entitled to a fair return, as distinguished from its bare physical value. *Pioneer Tel. & Tel. Co. v State*, 64 Okla 304, 167 P 995.

Used as a test of determining solvency or insolvency, the term may have two distinct meanings: it may denote (1) the value which could be realized by a sale of an enterprise as an operating unit as opposed to piecemeal liquidation; or (2) the value of the enterprise to its owners. Anno: 158 ALR 968.

going forward with the evidence. The burden of proof in the sense of the duty of producing evidence to meet the evidence produced or the prima facie case made by one's adversary. 29 Am J2d Ev § 124.

going, going, gone. The chant of an auctioneer, given immediately before the closing of the bidding. 7 Am J2d Auct § 31.

going to the country. Arriving at an issue of fact by the pleadings in an action preparatory to the submission of such an issue to the jury. The submission of a case to a jury.

going value. Same as **going concern value.**

going witness. A person whose testimony is sought in an action and who is about to depart from the jurisdiction of the court.

gold. A mineral. 36 Am J1st Min & M § 5. A precious metal so highly regarded as to have served for a period reaching into the remote past as a medium of exchange and the substance of coinage.

The act of Congress of 1792 established a mint for the purpose of a national coinage. It was the result of very careful and thorough investigation of the whole subject, in which Jefferson and Hamilton took the greatest parts. It provided that the gold of coinage should consist of eleven parts fine and one part alloy, which alloy was to be of silver and copper in convenient proportions, not exceeding one half silver; and that the silver of coinage should consist of fourteen hundred and eighty-five parts fine, and one hundred and seventy-nine parts of an alloy wholly of copper. *Bronson v Rodes* (US) 7 Wall 229, 247, 19 L Ed 141, 145.

The coinage of gold has been discontinued and gold coins withdrawn from circulation. 36 Am J1st Money § 16.

See **bullion; queen-gold.**

gold certificates. A form of currency circulating in the United States prior to the withdrawal thereof from circulation by act of Congress in 1933, such certificates being backed by, and redeemable in, gold. 36 Am J1st Money § 16.

gold clause. The provision of a contract, bond, or mortgage requiring payment in gold, all such clauses having been nullified by an Act of Congress in 1933. *Norman v Baltimore & Ohio R. Co.* 294 US 240, 79 L Ed 885, 55 S Ct 407, 95 ALR 1352.

gold coinage. See **gold.**

golden rule. A guide for jurors in their deliberations, sometimes suggested in arguments of counsel, that the jurors place themselves in the position of a litigant. *Norton Bros. v Nadebok*, 92 Ill App 541, affd 190 111695, 60 NE2d 843. An erroneous principle that in assessing damages the jurors should put themselves in the injured person's place and render such a verdict as they would wish to receive were they in his position. 22 Am J2d Damg §§ 342, 346.

gold or its equivalent. A clause which purports to establish the medium of payment of an obligation, meaning payment in gold or any kind of money which is legal tender. 40 Am J1st Paym § 58.

gold reserve. The gold of the United States set aside as a backing for the currency.

gold scales. See **weigh with gold scales.**

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goldsmiths' notes. Notes issued by English banks or bankers, called goldsmiths' notes because all of the bankers were at one time goldsmiths.

gold standard. A monetary system in which the basic unit of currency is redeemable in a specified quantity of gold, the United States having withdrawn from such standard in 1933 by legislation calling in all gold coin from circulation. 36 Am J1st Money § 16.

Gold Star Mothers. A membership corporation composed of numerous chapters throughout the United States, organized for patriotic and charitable purposes, every member being a mother of one killed in the service of his country in the armed forces in wartime. *American Gold Star Mothers, Inc. v National Gold Star Mothers, Inc.* 89 App DC 269, 191 F2d 488, 27 ALR2d 948.

golf course. An area for the playing of the game of golf, consisting of either 9 or 18 holes, each of which is surrounded by a putting green of close cropped grass; fairways, such being open spaces between the greens, kept mowed fairly short; and spaces adjacent to the fairways known as "the rough" wherein the grass is usually long and the surface somewhat rough.

gong. A bell used as a warning, particularly at railroad crossings.

gonorrhoea. A venereal disease, not so serious as syphilis. 29 Am J Rev ed Ins § 745.

See **gram stain test.**

good. Beneficial rather than harmful; effective rather than ineffective; genuine rather than forged or counterfeited. As applied to commercial paper, genuine rather than certain of collection. *Commonwealth v Stone*, 45 Mass (4 Met) 43, 48. As applied to articles offered for sale, of a merchantable quality. *Northern Supply Co. v Wangard*, 123 Wis 1, 100 N W 1066.

As used in a representation by a restaurant owner that he would serve a customer a "good" sandwich, the term signifies no more than agreeable to the taste, and is too indefinite to be the basis of an express warranty of the quality of the food. *Albrecht v Rubinstein*, 135 Conn 243, 63 A2d 158, 7 ALR2d 1022.

See **certified check.**

good abearing. Good behavior, lawful conduct. See 4 Bl Comm 256.

good accounts. Accounts of a merchant which are worth their face value, and which are collectable in the ordinary course of business and by usual business methods, resort to suit or execution not being necessary. *Stillman v Lynch*, 56 Utah 540, 192 P 272, 12 ALR 552, 559.

good and indefeasible title. A title which enables the owner to exercise absolute and exclusive control as against all others. *Adams v Henderson*, 168 US 573, 42 L Ed 584, 18 S Ct 179.

good and lawful men. As the expression appears in the caption of an indictment:-freeholders. 27 Am J1st Indict § 36. As applied to the members of a grand jury:-including every statutory, as well as every common-law, qualification required of them. *Jerry v State (Ind)* 1 Blackf 395, 396.

good and sufficient deed. A condition to be performed by the vendor in a land contract by the delivery of a deed sufficient in form and conveying a good and sufficient title in compliance with the terms of the contract. 55 Am J1st V & P § 162.

good behavior. Conduct of a prisoner warranting a deduction in time to be served. 41 Am J1st Pris & P §§ 41 et seq. The condition of a bond given as security to keep the peace. 12 Am J2d Breach P § 44. For the purpose of an order suspending sentence during good behavior:-no higher standard than conduct conformable to law. *Ex parte Hamm*, 24 NM 33, 172 P 190. In reference to the removal of the incumbent of a public office for breach of "good behavior":-behavior from the standpoint of official action, without regard to conduct outside the office, however immoral it may be. *Commonwealth v Williams*, 79 Ky 42.

good cause. Substantial reason, a legal excuse. *Pines v District Court in Woodbury County*, 233 Iowa 1284, 10 NW2d 574. Legal cause, in reference to the right of the state to dissolve a corporation and recall the franchise granted to it. *Wheeler v Pullman Iron & Steel Co.* 143 Ill 197, 820, 32 NE 420. As a ground for the revocation of a certificate of convenience and necessity, the failure to comply with a condition precedent to the issuance of the certificate. *Midwestern Motor Transit, Inc. v Public Utilities Com.* 126 Ohio St 317, 185 NE 194. As ground for a continuance, something which deprives the applicant of a fair trial if forced to proceed at the appointed time. *Ex Parte Venable*, 86 Cal App 585, 261 P 731; *People v O'Connor*, 88 Cal App 568, 263 P 866; *People v Clayton*, 89 Cal App 405, 264 P 1105. As an excuse for failure to file a claim for workmen's compensation within the period provided by statute:-a mistake on the part of claimant or other reasonable cause. 58 Am J1st Workm Comp § 414. A vague and unintelligible term, as it appears in a clause of a contract providing for termination of the contract by either party for "good cause." *Cummer v Butts*, 40 Mich 322.

As used in unemployment compensation statutes that an employee shall be ineligible for compensation if he has voluntarily left work without "good cause", it has been held that removal from the area of employment because of marital obligation is such cause as to entitle the claimant to the statutory benefits. Such holdings have, however, been criticized as opening the door to fraud. Anno: 13 ALR2d 875, 876.

good character. See **good moral character.**

good commercial title. Such a title as an attorney for a purchaser should advise his client to accept. *Ward v James*, 83 Or 695, 164 P 370.

good condition. A relative term; an expression to be construed according to the context in which it appears.

As used in a lessee's covenant to keep and yield up the leased premises in good condition, the words do not have a fixed or technical meaning which is always the same regardless of the character and use of the building to which they refer. A building adapted for use as a tannery might be in good condition for that purpose and absolutely untenable as a watch factory. *Codman v Hvgrade Food Products Corp.* 295 Mass _195, ,3 NE2d 759, 106 ALR 1354.

good condition and repair. As a phrase stating the obligation of a tenant in reference to the state of the premises upon his surrender thereof:-a reasonable state of repair, allowing for the age and condition of the premises at the inception of the tenancy. 32 Am J1st L & T §§ 803 et seq.

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good conduct. See **good behavior.**

good consideration. A consideration founded either on love and affection toward one to whom a natural duty exists, such as a near relative by either consanguinity or affinity, or on a strong moral obligation supported either by some antecedent legal obligation, although unenforceable at the time, or by some present equitable duty. 23 Am J2d Deeds § 64. The consideration, sometimes called a meritorious consideration, of blood, of natural love and affection, or of love and affection based on kindred by blood or marriage. Williston on Contracts (3d ed) § 110.

good custom. See **custom.**

good faith. Fairness and equity. The antithesis of fraud and deceit. Acting in the absence of circumstances placing a man of ordinary prudence on inquiry. Pennington County Bank v First State Bank, 110 Minn 263, 125 NW 119 (accepting a forged check.) Acting with a sincere belief that the accomplishment intended is not unlawful or harmful to another. Smith v State, 214 Ind 169, 13 NE2d 562 (a physician prescribing a narcotic drug.) Acting in the belief that a prudent and sensible man would hold in the ordinary conduct of his own business affairs. Kelly v Fourth of July Mining Co. 21 Mont 291, 53 P 959 (issuance of stock.) Absence of improper motive and of a negligent disregard of the rights of others. Allen v Pioneer Press Co. 40 Minn 117, 41 NW 936 (rebutting malice in utterance or publication alleged to be defamatory.) Acting without culpable negligence or a wilful disregard of the rights of others and in the honest and reasonable belief that the act is rightful. Anno: 21 ALR2d 393 (a trespasser upon land taking property therefrom.)

good faith declarant. An alien who may, and who intends to, become a citizen of the United States, and who in good faith has made the declaration required by the naturalization laws.

good faith holder. See **holder in due course.**

good faith in adverse possession. For practical purposes in most jurisdictions, actual, open, notorious, exclusive and hostile possession; in other jurisdictions, by force of statute, occupancy under a bona fide belief in one's title as a valid title. 3 Am J2d Adv P § 98.

good faith in collective bargaining. An honest and sincere intent and purpose to explore all possibilities of settlement of the matters in dispute, until the exhaustion of all reasonable efforts and the arrival at a point where a definite decision is reached, presupposing freedom from any fixed purpose to employ the machinery of negotiation as a cloak for other designs, or to disregard either the objects or methods of negotiation prescribed by the statute. 31 Am J Rev ed Lab § 268.

good faith in filing petition for reorganization. Something more than honesty of purpose and good intention; a filing with reasonable belief that reorganization is attainable. 9 Am J2d Bankr § 1527.

good faith in possession. See **possession in good faith.**

good faith of occupant making improvement. A reasonable and honest belief of the occupant in his right or title, such state of mind not being negated by any showing that diligence would have revealed the absence of any title held by him. 27 Am J1st Improv § 14.

good faith operation. See **bona fide operation.**

good faith purchaser. See **bona fide purchaser.**

good faith residence. See **bona fide residence.**

good firms. See **terms good firms.**

good for this day only. A provision in a passenger's ticket, usually held ineffective to preclude a stopover privilege as against a ticket agent's representation of the existence of such privilege. 14 Am J2d Car § 840.

Good Friday. A day observed in remembrance of the crucifixion of Christ; a legal holiday in some states. 50 Am J1st Sun & H § 77.

good health. Sound health; the absence of any grave, important, or serious disease, or ailment seriously affecting the general soundness or healthfulness of the system. 29 Am J Rev ed Ins § 746.

good moral character. A quality which varies according to the particular circumstances, and from one generation to another; conduct which comports with a good character; a character which measures up as good among the people of the community, that is, up to the standard of the average citizen. Anno: 22 ALR2d 250, § 3. Character evidenced by conduct which conforms to the generally accepted moral conventions current at the time. Anno: 22 ALR2d 250, § 3.

An habitual violator of the law, "especially the laws regulating the conduct of the liquor traffic," is not a person of good moral character, no matter how honest he may be in business or clean in his private life. *Whissen v Furth*, 73 Ark 366, 84 SW 500.

Even a single lapse from marital fidelity by an applicant for naturalization is not, in the absence of extenuating circumstances, consistent with the requirement of five years of unbroken "good moral character," and the burden of proof of the extenuating circumstance rests upon the applicant. *Johnson v United States (CA2 NY)* 186 F2d 588, 22 ALR2d 240.

good mortgage. A mortgage which is legal and constitutes sufficient security for the obligation. *DuFlon v Powers (NY)* 14 Abb Pr NS 391.

good note. A collectible note. *Hammond v Chamberlin*, 26 Vt 406, 413.

good order. A term often used in describing goods in a contract of sale which is somewhat flexible in meaning and varies according to the understanding of the particular trade or business, but not necessarily requiring absolute soundness or perfection. 46 Am J1st Sales § 150.

As applied to streets, the term is not synonymous with "good repair." A portion of a street might be in good repair as a dirt road, or as cobblestone pavement, and yet might be in bad order, plight, or condition to bear the increased burdens and accommodate the travel of a modern city. *Danville v Danville Railway & Electric Co.* 114 Va 382, 76 SE 913.

The term as it appears in a naturalization statute which provides that no person shall be naturalized unless he is well disposed to the "good order" of the United States, is a term of vague content, which of necessity must be construed with the purpose of the statute in mind, that is to admit to citizenship only persons who are in accord generally with the basic principles of the community. 3 Am J2d Aliens § 138.

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good order and condition. A recital in a bill of lading respecting the condition of the subject of the bill. 13 Am J2d Car § 285.

Good Parliament. The reform parliament of 1376 in England.

good potatoes. Merchantable potatoes. Northern Supply Co. v Wangard, 123 Wis 1, 100 NW 1066.

good repair. Reasonable or proper repair. 32 Am J1st L & T § 789 (condition in lease respecting obligation of tenant.)

See **good order; habitable repair.**

good repute. Good reputation. State v Wheeler, 108 Mo 658, 665, 18 SW 924. Good character. Commonwealth v Davis, 3 Pa Dist 271 (pertaining to prose cutrix in prosecution for rape.)

good right to convey. See **covenant of good right to convey.**

goods. A term of variable meaning, sometimes having the significance of personal property. Tisdale v Harris, 37 Mass (20 Pick) 9. Sometimes inclusive of corporate stock. Spencer v McGuffin, 190 Ind 308, 130 NE 407, 14 ALR 385.

In other connections, limited to merchandise kept for sale. McPartin v Clarkson, 240 Mich 390, 215 NW 338, 54 ALR 1535. Sometimes having reference to chattels or merchandise in storage or about to be placed in storage. 56 Am J1st Wareh § 3 (Uniform Warehouse Receipts Act.) Constituting articles, wares, or merchandise for the purpose of a revenue law imposing customs duties. 21 Am J2d Cust D § 1.

See **confusion of goods; dry goods; fungible goods; green goods; lawful goods; mislaid goods; shipwrecked goods; worldly goods.**

goods administered. Goods, chattels, or credits of the decedent which have been changed, altered, or converted by the executor or administrator before the appointment of an administrator de bonis non. Chamberlin's Appeal, 70 Conn 363, 39 A 734.

good safety. See **in good safety; mooring in good safety.**

goods and chattels. Subjects of personal property which are perceptible to the senses and deliverable in specie. 42 Am J1st Prop § 24. Sometimes exclusive of commercial paper and money. 57 Am J1st Wills § 1343.

goods and effects. In common parlance, chattels or movables, but in some connections including real as well as personal property. 52 Am J1st Treat § 41; 57 Am J1st Wills § 1343.

goods and merchandise. Usually having reference to goods kept for sale or purchased with the intent of placing them in a stock of merchandise.

goods and movables. See **goods.**

goods bargained and sold. The subject of an action; an action of general assumpsit. 1 Am J2d Actions § 15.

goods, effects, and credits. A very comprehensive term, covering tangibles and intangibles, but not inclusive of a claim for unliquidated damages not in judgment. Wilde v Mahaney, 183 Mass 455, 67 NE 337.

goods not administered. Goods, chattels, and credits which had been the property of the decedent and remained in specie, unchanged and unconverted, when an administrator de bonis non was appointed. Chamberlin's Appeal, 70 Conn 363, 39 A 734.

goods of another. For the purpose of a definition of larceny:-property owned by another or in the possession of another so as to be presumptively his property. People v Davis, 97 Cal 194, 31 P 1109.

goods sold and delivered. The subject of an action; an action of general assumpsit. 1 Am J2d Actions § 15.

good standing. The status of a member of a fraternal order or mutual benefit association or society whose dues and obligations to the order or society have been paid or are not delinquent and whose conduct has not been such as to bring him in bad repute as a member and to subject him to expulsion or suspension. *Overton v Woodmen of the World*, 206 Ala 584, 91 So 485, 23 ALR 337, 340.

goods to arrive. A term in a contract for the sale of personal property which ordinarily renders the obligation of the seller to perform the contract by an actual transfer of the property contingent upon the arrival of the goods. 46 Am J1st Sales § 201.

goods, wares, and merchandise. Goods or things which are kept for sale and which are constantly sold or replaced by other merchandise. 37 Am J2d Frd Conv § 252. Imported articles within the meaning of the revenue laws imposing customs duties. 21 Am J2d Cust & D § 1.

good time. That length of time, fixed by statute, by which the prison term of a convict is shortened by reason of his good behavior while in prison. *Re Canfield*, 98 Mich 644, 645, 57 NW 808.

good title. A valid title and a marketable title. 55 Am J1st V & P § 166. Not merely a title which is valid in fact, but a marketable title which can again be sold to a reasonable purchaser, or mortgaged to a person of reasonable prudence as security for the loan of money. *Moore v Williams*, 115 NY 586, 22 NE 233. A title free from litigation, palpable defects, and grave doubts, and fairly deducible of record. *Reynolds v Borel*, 86 Cal 538, 25 P 67.

good watch. See **constant watch**.

good will. The expectation of continued public patronage. *Stott v Johnston*, 36 Cal 2d 864, 229 P2d 348, 28 ALR2d 580. The probability that old customers will resort to the old place. Every positive advantage acquired, arising out of the business of the old firm, whether connected with the premises where it was carried on, with the name of the old firm, or with any other matter carrying with it the benefit of the business of the old firm. The advantage or benefit which is acquired by an establishment beyond the mere value of the capital stock, funds, or property employed therein, in consequence of the general public patronage and encouragement which it receives from constant or habitual customers on account of its local position, or common celebrity, or reputation for skill, or affluence, or punctuality, or from other accidental circumstances or necessities, or even from ancient partialities or prejudices. 24 Am J1st Good W § 2. A species of property of an intangible nature so connected with a going concern or business as to be disposable only in connection with a disposition of such concern or business. 24 Am J1st Good W § 4.

go quit. To be dismissed by the court's order; to be exonerated.

gorge. A defile between hills or mountains; that is, a narrow throat or outlet. *Gibbs v Williams*, 25 Kan 214, 217. A natural drainway of surface water in a hilly or mountainous area. Anno: 81 ALR 271.

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goring. A specific kind of India rubber fabric. *Robertson v Salomon*, 144 US 603, 36 L Ed 560, 12 S Ct 752.

goshawk. A hawk used by falconers in hunting; the modern chicken hawk.

gossip. Veritable hearsay, inadmissible in any court. *Re Mantell*, 157 Neb 900, 62 NW2d 308, 43 ALR2d 1122.

gote. A gutter; a drain.

go to protest. A negotiable instrument being protested for nonacceptance or nonpayment.

See **protest.**

gouge. Noun: A blade for making grooves or holes. Verb: To make a hole or a groove with a gouge. Also, to cheat in a bold or brutal manner; to overreach in a bargain; to deceive and defraud; to impose upon; to trick; to mislead. *Shubert v Variety, Inc.* 128 Misc 428, 429, 219 NYS 233.

govern. To direct and control; to regulate; to influence; to restrain; to manage. *State v Ream*, 16 Neb 681, 683.

governing law. See **conflict of laws.**

government. Management; administration; control; power or authority to check or restrain. See *St. Louis v Howard*, 119 Mo 41, 24 SW 770.

The ligament that holds the political society together; the public political authority which guides and directs the body politic, or society of men called the "state," united together to promote their safety and advantage by means of their union. *Thomas v Taylor*, 42 Miss 651. The political agency through which the state acts. *Texas v White (US)* 7 Wall 700, 19 L Ed 227. A term usually applied to the government of the United States, but equally applicable to the government of any of the states.

governmental act. An act done in pursuance of some duty imposed by the state on a person, individual or corporate, which duty is one pertaining to the administration of government, and is imposed as an absolute obligation on a person who receives no profit or advantage peculiar to himself from its execution. *Markwardt v Guthrie*, 18 Okla 32, 90 P 26. More broadly, an act of the government.

See **governmental functions.**

governmental agencies. See **administrative agencies.**

governmental duties. See **governmental functions.**

governmental functions. The performance of duties imposed upon a municipal corporation by the state as a part of the sovereignty of the state to be exercised by the municipality for the benefit of the whole public living both within and without the corporate limits. *Pass Christian v Fernandez*, 100 Miss 76, 56 So 329. The functions of a municipal corporation which are to be exercised, not only in the interest of the inhabitants, but also in advancing the public good or welfare as affecting the public generally, including the promotion of public peace, health, safety, and morals. 37 Am J1st Mun Corp § 114. Acts performed by a municipality for the common good of all, not for the special benefit or profit of the corporate entity. 38 Am J1st Mun Corp § 574.

governmental immunity. See **immunity.**

governmental lien. A lien to repayment of public money expended for the benefit of individuals engaged in agriculture. 3 Am J2d Agri § 15.

See **tax lien.**

governmental power. The power exercised by the government as a sovereign, being distinguished from power exercised by the government in a proprietary or business capacity. *Omaha Water Co. v Omaha*, 147 F 1.

See **governmental functions.**

governmental purposes. Imposing punishment for crime, prevention of wrong, the enforcement of a private right, or in some manner preventing wrong from being inflicted upon the public, or upon an individual, or redressing some grievance, or in some way enforcing a legal right, or redressing or preventing a public or individual injury. *Owensboro v Commonwealth ex rel. Stone*, 105 Ky 344, 49 SW 320.

See **governmental functions; municipal purpose.**

governmental subdivision. A public body, such as a county, town, township, city, village, or other municipal corporation, even a public corporation such as an irrigation district, created and vested with powers by the state. *Platt Valley P. P. & I. Dist. v Lincoln County*, 144 Neb 584, 14 NW2d 202, 155 ALR 412.

governmental survey. The survey of the public domain, sometimes known as the Congressional Survey, by which the land is laid out in townships, sections, quarter sections, and quarters of quarter sections, the section being one mile square and containing 640 acres.

government bond. A United States bond. A contract which imports a loan of money by an individual to the government at a stipulated rate of interest, payable at a designated time and place. *New York Life Ins. & Trust Co. v Baker*, 165 NY 484, 59 NE 257.

government contracts. Contracts with the United States; public contracts.

government corporation. A corporation created by statute through which a function or functions of the government are exercised. *Federal Housing Administration v Burr*, 309 US 242, 84 L Ed 724, 60 S Ct 488.

See **Home Owners' Loan Corporation; public corporation.**

government de facto. See **de facto government.**

government grant. A deed of public lands by the federal or state government.

government lands. See **public lands.**

government of paramount force. A de facto government. 30 Am J1st Internat L § 12.

government survey. See **governmental survey.**

government traffic. Vehicular traffic of the army and navy and of governmental agencies. *Golden Gate & Highway District v United States* (CA9 Cal) 125 F2d 872 (involving free use of Golden Gate bridge at San Francisco, Cal.)

governor. The chief executive of a state in the restricted or local meaning of the word "state"—that is, one of the United States. *Texas v White* (US) 7 Wall 700, 19 L Ed 227, overruled on other grounds *Morgan v United States* 113 US 476, 28 L Ed 1044, 5 S Ct 588. The chief executive officer of a state or territory of the United States. *Whitsett v Forehand*, 79 NC 230, 233.

governors of the Federal Reserve System, see **Reserve Board.**

go without day. To go out of the court without any

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day appointed for returning; hence, to be dismissed by order of the court.

See **go hence without day**.

grab. A seizure or acquisition by violent or unscrupulous means. *Smith v Pure Oil Co.* 278 Ky 430, 128 SW2d 931.

grab irons. Handholds on railroad cars, required by law for the safety of employees. 45 USC §§ 4, 11.

grace. Indulgence, favor, mercy, and clemency.

See **act of grace; days of grace**.

grace period. See **days of grace**.

gracias. (Spanish.) Thanks. Thank you.

See **gratia**.

gradatim. Step by step; by degrees; gradually.

grade. Noun: An inclination, as in a highway. The lay of the land in reference to the elevation of adjoining lands. The amount of difference between the "grade line" and a level or horizontal line. *Davies v East Saginaw*, 66 Mich 37, 39. A degree or rank, in order or dignity. *People v Rawson (NY)* 61 Barb 619, 631. The rank of a class in school. The rank of a thing or product in order of merit or excellence, as grade A eggs. Verb: To bring the surface of a street to the grade line, whether by excavation or fill. *Davies v East Saginaw*, 66 Mich 37. To determine an order of excellence or merit, for example, rating the quality of grain in a granary. To classify positions in the civil service. 15 Am J2d Civ S § 16.

grade crossing. The intersection formed by a railroad and a highway at a common grade. *Cowles v New York, New Haven & Hartford Railroad Co.* 80 Conn 48, 66 A 1020.

grade crossing elimination. The elimination of a grade crossing by relocation of the railroad line or the highway or by the construction of an underpass or overpass. 44 Am J1st RR §§ 300 et seq.

graded income tax. See **progressive tax**.

graded probate fee. See **progressive tax**.

graded tax. See **graded income tax; progressive tax**.

grade line. The line which determines the grade of a highway or street where such highway or street is constructed otherwise than as a level or horizontal way.

The grade of a street is the amount of difference between the "grade line" and a level or horizontal line. To grade a street means to bring the surface of the street to the grade line. The term includes excavation and filling, so as to make the surface conform to the grade line. See *Davies v East Saginaw*, 66 Mich 37, 39.

grade of street. See **street grade; grade line**.

grader. See **road grader**.

grade school. See **elementary school**.

grades of crime. Classification according to felony, misdemeanor, or a mere offense or violation. Classification according to the measure of punishment meted out on conviction and the consequences to the person convicted, the severity of the punishment varying according to the heinousness of the crime and the injury inflicted thereby upon society. *People ex rel. Stezer v Rawson* (NY) 61 Barb 619, 631.

grading. See **grade**; **street grade**.

gradual decrease. Not necessarily an equal or uniform reduction per year. *Moss v Aetna L. Ins. Co.* (CA6 Tenn) 73 F2d 339.

The term, appearing in a clause of a life insurance policy relative to surrender charges, does not require equal or uniform reductions, particularly not, if the policy shows the net sums available at the close of each year of the policy. Anno: 111 ALR 974.

graduate. Noun: A person who has honorably passed through that prescribed course of study and received a certificate or diploma to that effect. *Sweitzer v Fisher*, 172 Iowa 266, 154 NW 465. Of a college:-one who has received a degree upon the completion of a prescribed course or curriculum. *People ex rel. Johnson v Eichelroth*, 78 Cal 141, 20 P 364; *People ex rel. Johnson v Fichelroth*, 78 Cal 141, 20 P 364. Verb: To receive a degree, diploma, or certificate, upon the completion of a prescribed course of study in a school, college, or university.

graduated license fee. A fee varying according to the weight, power, or value, of the instrumentality licensed, especially a motor vehicle. 7 Am J2d Auto § 63.

graduated tax. A term sometimes applied to a progressive tax. Precisely, an inheritance or succession tax under rates which change according to the degree of relationship between the decedent and the heir or successor. *State ex rel. Foot v Bazille*, 97 Minn 11, 106 NW 93.

See **progressive tax**.

graduate nurse. A person who has graduated from an accredited training school for nurses. *Moore v Fidelity & C. Co.* 203 Cal 465, 265 P 207, 56 ALR 860.

graduate work. Postgraduate study, usually for a higher degree in a college or university.

graduation. The act of graduating from a school, college, or university. The satisfactory completion of the courses of study required for a degree or diploma, as determined by the faculty. 15 Am J2d Colleges § 28. A successive raising or lowering of a figure in proportion to some external control, for example, changes in freight rates corresponding to differences in value of the goods shipped. 13 Am J2d Car § 107.

gradus. A step; a grade; a degree; a status; a degree of relationship.

gradus parentelae. A genealogy; a family tree.

graf. A magistrate; a chief.

graffarius. Same as **graffer**.

graffer. A notary; a scrivener; a copyist.

graft. Gain by taking advantage of one's position, particularly a position in public office. A dishonest transaction in relation to public or official acts. *Quinn v Review Publishing Co.* 55 Wash 69, 104 P 181. The fraudulent obtaining of public money unlawfully by the corruption of public officers. 33 Am J1st Lib & Sl § 27.

grafter. One who grafts; a swindler or dishonest person. One who takes or makes graft, or dishonest private gain, especially in positions of trust, and in ways peculiarly corrupt. *State v Sheridan*, 14 Idaho 222, 93 P 656.

grain. Wheat, corn, oats, barley, rye, flax, and sorghum. *Trusler v Crooks*, 269 US 475, 479, 70 L Ed 365, 366, 46 S Ct 165. (Federal Futures Trading Act.) More broadly, the seed of any cereal plant.

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grainage. A duty of the twentieth part collected by the mayor of London on all salt imported by aliens.

grain broker. A person who, for commission or other compensation, is engaged in selling or negotiating the sale of grain belonging to others. *Braun v Chicago*, 110 Ill 188, 191.

grain company. A corporation, sometimes a co-operative association, which handles grain by buying from producers and shipping it to mills or other markets, and often deals in grain futures.

grain doors. Inside doors for freight cars, required in shipping loose products, such as grain. 13 Am J2d Car § 470.

grain elevator. A building for the storage of grain. A warehouse for grain, equipped with elevators, hoppers, spouts, motors, etc. to facilitate the rapid handling of the product in receiving and storing it, and in moving it to railroad cars and trucks for transfer to mill or market.

grain in stacks. Unthreshed grain in bundles erected into stacks, but not unthreshed grain in mow in a barn. 29 Am J Rev ed Ins § 299.

grain rent. See **crop rent**.

grain rust. A plant disease caused by fungi, especially prevalent in growing crops of grain, indicated by red or dark brown spots on stalks and leaves. 29A Am J Rev ed Ins § 1330.

Grammatica falsa non vitiat chartam. Faulty grammar does not vitiate a deed.

grammatical construction. The construction of a contract, deed, or other instrument according to the rules of grammar, such construction giving way to a contrary intent apparent from the context. 17 Am J2d Contr § 278; 23 Am J2d Deeds § 210.

gram stain test. A laboratory test for symptoms of gonorrhoea, universally used, and considered to be practically conclusive, certainly so when the objective symptoms are present. *Peterson v Widule*, 157 Wis 641, 147 NW 966. granage (gran'aj). Same as **grainage**.

granary. A structure or room or bin within a structure devoted particularly to the storage of grain. Anno: 10 ALR2d 226; 29 Am J Rev ed Ins § 299.

See **grain elevator**.

granatarius. The manager of a granary.

grand assize. The great jury, instituted by Henry II,—a jury composed of sixteen knights, before whom a tenant or defendant in a writ of right might have a trial, if he chose this course in preference to a trial by battle. See 3 Bl Comm 351.

grand bill of sale. An English term for a bill of sale conveying the title to a vessel. *Thuret v Jenkins* (La) 7 Mart 318, 355.

grand cape. Same as **cape magnum**.

grandchild. A child of one's child. A child of one's legally adopted child. *Batchelder v Walworth*, 85 Vt 322, 82 A 7. Including an illegitimate child of one's own child only where the context in which it appears indicates a clear intent to include an illegitimate child. 10 Am J2d Bast §§ 138, 142. Included in a designation of "child" or "children" only where the context of the instrument or the surrounding facts and circumstances clearly indicate that such construction is required to accord with the intent of the grantor or maker. *Bennett v Humphreys*, 159 Kan 416, 155 P2d 413. A "child" for the purpose of the doctrine of advancements. 3 Am J2d Advancem § 25. A "child" within the meaning of the designation of dependents in a workmen's compensation statute. 58 Am J1st Workm Comp § 174. Ordinarily not a "child" within the meaning of such term appearing in a deed or will. 23 Am J2d Deeds § 216; Anno: 14 ALR2d 1242 23 Am J2d Deeds § 216; 53 Am J1st Wills §§ 1364, 1366. Not a "child" within the meaning of a designation of beneficiaries of a life insurance policy. 29A Am J Rev ed Ins § 1658.

The word "children" in a statute relating to descent and distribution to brothers and sisters of the decedent and to "children" of any deceased brother and sister by right of representation does not include grandchildren. *Dennis v Omaha Nat. Bank*, 153 Neb 865, 46 NW2d 606, 27 ALR2d 674.

grand days. English court holidays which are celebrated by elaborate banquets at the inns of court.

grand distress. A writ issued in an action of *quare impedit*, after the defendant has defaulted, to distrain all of his property situated in the county for the purpose of forcing him to appear.

grandfather. See **grandparent**.

grandfather clause. A clause in a licensing statute which exempts persons already engaged in the regulated business or occupation. Application of *Richardson*, 199 Okla 406, 24 P2d 642. A provision in a statute requiring a certificate of public convenience and necessity which excepts carriers currently operating. 13 Am J2d Car §§ 85, 86. The popular designation of a provision found in the constitutions of southern states exempting from property and literacy restrictions on suffrage descendants of persons voting before 1867, or descendants of persons who were in military service of the United States or the Confederate states in time of war. Anno: 4 ALR2d 670.

grand juror. A person serving upon a grand jury.

grand jury. A body composed of a number, which varies from state to state, sometimes six, sometimes twelve, and occasionally more than twelve, to which is committed the duty of inquiring into crimes committed in the county from which the members are drawn, the determination of the probability of guilt, and the finding of indictments against supposed offenders. 24 Am J1st Grand J § 2.

See **foreman of grand jury; indictment; minutes; presentment; special grand jury; true bill**.

grand jury report. See **report by grand jury**.

grand larceny. At common law, larceny wherein the value of the property stolen exceeded twelve pence. Under modern statutes, the offense of the larcenous taking of property above a specified value, also such a taking of property of a specified kind, from a specified place, or from the person of another, irrespective of the value of the property taken. 32 Am J1st Larc § 3.

grand list. A schedule of the polls and ratable estate of the inhabitants upon which taxes are to be assessed. *Wilson v Wheeler*, 55 Vt 446, 452.

grandmother. See **grandparent**.

grandnephew. The son of one's nephew or niece.

Ordinarily not a "nephew" within the meaning of

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such term as it appears in a will. 57 Am J1st Wills § 1390. Ordinarily not inclusive of a male child adopted by a nephew or niece. 57 Am J1st Wills § 1390.

grandniece. The daughter of a nephew or niece. Ordinarily not included in a bequest to a "niece." 57 Am J1st Wills § 1390. Ordinarily not inclusive of a female child adopted by a nephew or niece. 57 Am J1st Wills § 1390.

grandparent. The parent of one's father or mother. A relative in the second degree according to the civil-law method of computing degrees of kinship which prevails in most American jurisdictions. 23 Am J2d Desc & D § 48.

grand serjeanty. A tenure in capite like knight service, but which did not include either personal attendance on the king or escuage. See 2 Bl Comm 73.

grand serjeanty, per magnum servitium. Grand serjeanty by distinguished service,—whereby the tenant was bound, instead of serving the king generally in his wars, to do some special honorary service to the king in person; as to carry his banner, his sword, or the like; or to be his butler, champion, or other officer, at his coronation. See 2 Bl Comm 73.

grand stand. Adjective: A colloquial term characterizing an act or performance intended primarily to win applause. Noun: The covered structure occupied by the spectators at a sporting event, such as a baseball game.

grand theft. Another term for grand larceny.

grange. A farm, with all of its barns, sheds, stables, and other buildings. An organization of farmers intended for the promotion of their welfare and service in the national interest.

grangiarius. The steward or keeper of a grange.

grant. Noun: A conveyance or transfer of real property, especially of public lands. The conferring of something by one person upon another. *Nicholas & Co. v United States*, 249 US 34, 39, 63 L Ed 461, 465, 39 S Ct 218. As the term appears in a treaty: —any concession, warrant, order, or permission to survey, possess, or settle, whether evidenced by writing or parol, or presumed from possession. *Strother v Lucas (US)* 12 Pet 410, 9 L Ed 1137. Verb: A word of conveyance or transfer. An apt word of conveyance, effective to create a covenant to stand seised. 28 Am J2d Est §§ 255-257.

The word is not a technical word like the word "enfeoff," and although, if used broadly, without limitation or restriction, it would carry an estate or interest in the thing granted, still it may be used in a more restricted sense, and be so limited that the grantee will take but a mere naked trust or power to dispose of the thing granted, and to apply the proceeds arising out of it to the use and benefit of the grantor. *Rice v Minnesota & Northwestern Railroad Co. (US)* 1 Black 358, 17 L Ed 147, 153.

See **capitation grant; congressional grant; devise and grant; glue; give, grant, bargain, etc.; grant, bargain and sell; grantor; grant to uses; hereby granted; inclusive grant; lie in grant; lost grant; office grant; presumed grant; railroad grant; recession; regrant; reservation; right of way by grant; royal grant.**

grant and demise. A term in a lease for years creating an implied warranty of title and a covenant for quiet enjoyment. *Stott v Rutherford* (US) 2 Otto 107, 23 L Ed 486.

grant, bargain, and sell. Words of conveyance with contractual significance, operating under statute in some jurisdictions as a warranty against incumbrances made or suffered by the grantor. *Mullanphy Sav. Bank v Schott*, 135 Ill 655.

grantee. A person to whom a grant is made. The party in a deed to whom the conveyance is made. 23 Am J2d Deeds § 41.

granting clause. Apt words of grant which manifest the grantor's intent to make a present conveyance of the land by his deed, as distinguished from an intention to convey it at some future time. *De Bergere v Chaves*, 14 NM 352, 93 P 762, Affd 231 US 482, 58 L Ed 325, 34 S Ct 144; *New Home Bldg. Supply Co. v Nations*, 259 NC 681, 131 SE2d 425.

grant of patent. A transfer in writing of an entire patent for an invention, of an undivided part thereof, or of an exclusive right for a limited or unlimited territory to make and use or vend the thing patented. *Moore v Marsh* (US) 7 Wall 515, 19 L Ed 37, 39.

grantor. A person who makes a grant. The party to a deed who makes the conveyance. 23 Am J2d Deeds § 41.

grant to uses. A grant of land made to one person for the use or benefit of another person called the cestui que use.

grantz. Grandees; noblemen.

granum crescens. Growing grain.

graph. A writing. A representation by means of a line imposed upon a series of bars of changes appearing in a variable quantity or amount, such as stock market quotations, populations, temperatures, etc,

grass. A perennial plant for pasturage or the beautification of a lawn or public grounds. *Superior Oil Co. v Griffin* (Okla) 357 P2d 987, 87 ALR2d 224.

grass colt. A colt having an unknown sire. A slang expression for an illegitimate child.

grasshearth. A customary service of a single day's work for the lord of the manor.

grassum. Same as **gersome**.

grass widow. A term of little, if any, legal significance, for a woman who has been divorced from or is living separate and apart from her husband.

gratia. (Latin.) Favor; indulgence. Thanks.

See a **gratia; bona gratia; de gratia; Dei gratia; exempt gratia; ex gratia; ex speciali gratia; lucri gratia.**

Gratian. See **Decretum Gratiani**.

gratification. Pleasure or satisfaction. A gratuity bestowed voluntarily upon a person for services rendered or benefits received.

gratis. As a favor; for nothing; gratuitously; without consideration.

gratis appearance. An appearance in an action by a defendant without waiting for or requiring service of process.

gratis dictum. A gratuitous statement; a statement made for no particular purpose a statement made without any intention that it

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should be relied or acted upon. *Medbury v Watson*, 47 Mass (6 Met) 246, 260.

gratuities received in the usual course of business. Tips received by an employee in work, such as that of a waiter in a restaurant, a bell hop, or porter, at a place where it is customary for customers or guests to give gratuities and for the employee to keep them as part of his compensation. 58 Am J1st Workm Comp § 314.

gratuitous. By way of gift; without consideration.

gratuitous agent. An agent acting as such without compensation.

gratuitous bailee. See **gratuitous bailment.**

gratuitous bailment. A bailment without compensation; according to some authority a bailment intended for the sole benefit of the bailor or a bailment intended for the sole benefit of the bailee. 8 Am J2d Bailm § 7.

In view of the fact that some courts regard a gratuitous bailment as on only for the sole benefit of the bailor, it is perhaps better to avoid altogether a classification of bailments as "gratuitous", and to adopt instead the three-fold general classification of (1) those for the sole benefit of the bailor; (2) those for the sole benefit of the bailee; and (3) those for the mutual benefit of both parties. 8 Am J2d Bailm § 7.

gratuitous contract. An anomaly in the field of contracts; a contract the purpose of which is to benefit the promisee, but without any consideration given or promised from the promisee. *Georgia Penitentiary Co. v Nelms*, 65 Ga 499.

gratuitous conveyance. A conveyance made without consideration.

gratuitous pension. See **pension.**

gratuitous guest. A person served or entertained without charge, particularly a person transported in an automobile without charge.

gratuitous licensee. A person using a common passageway in a building occupied by several tenants, at the invitation of an employee of a tenant; such guest is a gratuitous licensee of the employer and accordingly an invitee of the landlord. *Snyder v Jay Realty Co.* 30 NJ 303, 153 A2d 1, 78 ALR2d 95.

gratuitous rider. See **guest.**

gratuitous services. Work or labor rendered without charge. A matter for disciplinary proceedings against an attorney at law where offered by advertisement. 7 Am J2d Attys § 43. Services rendered by a public utility for a municipality, without charge, under contract with the municipality. 56 Am J1st Watwk § 54. The carrying of a passenger on a pass. 14 Am J2d Car § 946.

Such services attached to feudal tenure as were becoming a freeman or a soldier, such as were not base. The service was free, but uncertain under tenure by knight-service, and it was free and certain under free socage tenure. See 2 Bl Comm 62.

See **liberum servitium.**

gratuity. A present; a recompense; a gift; a reward; a tip. *Georgia Penitentiary Co. v Nelms*, 65 Ga 499.

gratulence. A bribe.

gravamen. Gist; essence; substance; sting.

gravatio. A charge; an accusation. **grave.** A place of burial.

gravel. A mixture of sand and small rocks. A species of stone which is a mineral. *Wright v Carrollton Gravel & Sand Co.* (Ky) 242 SW2d 751, 26 ALR2d 1449. Disintegrated rock.

gravel pit. A digging upon land where gravel in saleable quantities is obtainable. *Williamson v Jones*, 43 W Va 562, 27 SE 411.

gravel road. A road, the surface of which is gravel applied, by a spreader, for the purpose of making the way passable in wet weather.

graveyard. See **cemetery**.

graying dock. A dock which is put to use somewhat as a floating dock but is permanently attached to the land. 2 Am J2d Adm § 35. Except for details of construction, the same as a dry dock. *Maryland Casualty Co. v Lawson* (CAS Fla) 101 F2d 732.

gravi querela. See **ex gravi querela**.

gravis. Grave; grievous; important; serious.

gravity. A term familiar in oil price quotations, referring to what is called "Baume" gravity, under which the lighter the oil the higher the gravity. *Ohio Oil Co. v Conway*, 281 US 146, 74 L Ed 775, 50 S Ct 310.

gravity switch. A switching of railroad cars from one track to another by allowing them to run detached from a locomotive down grade over the switch. 44 Am J1st RR § 454.

gravius. Same as **graf**.

Gravius est divinam quam temporalem laedere majestatem. It is more serious to offend divine majesty than temporal.

Gray's Inn. One of the inns of court at London.

grazing right. The right to graze animals on the land of another; a profit a prendre. 25 Am J2d Eas § 4.

great. Important; extraordinary; paramount; grave; serious.

great aunt. The aunt of one's father or mother. A relative in the fourth degree of kinship according to the civil law method of computing kinship which prevails in most American jurisdictions. 23 Am J2d Desc & D § 48.

great bodily harm. See **great bodily injury**.

great bodily injury. A phrase so self-expressive as to be difficult of definition. An injury great in degree as contrasted with a trifling hurt. *Lawlor v People*, 74 Ill 228, 231.

What constitutes such an injury, and whether the circumstances were such as to justify one in believing that such an injury is about to be committed upon him, is a matter which, to a great extent, must be left to the jury. *Rogers v State*, 60 Ark 76, 29 SW 894.

Great Body of Laws. A code of statutes adopted in the Province of Pennsylvania in 1682. *James v Commonwealth (Pa)* 12 Serg & R 220, 232.

Great Britain. England, Scotland, and Wales; a division of the United Kingdom and the Commonwealth.

great calamity. See **calamity**.

great cape. See **cape magnum**.

great care. Extraordinary diligence; that degree of care or diligence which a very prudent person takes of his own concerns, or which a person of ordinary

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prudence usually exercises about his own affairs of great importance. 8 Am J2d Bailm § 206.

great cattle. Cattle which have reached their full growth.

Great Charter. See **Magna Charta**.

great emergency. See **great necessity or emergency**.

Great Depression. The extremely unfavorable economic condition of the United States which began in 1929 and continued in various degrees of intensity for ten years, the period being marked by business failures, much unemployment, and low prices for agricultural products. 3 Am J2d Agri § 26.

great diligence. See **great care**.

greater rate. As the term appears in the provision of a statute on taxation that national bank shares shall not be taxed at a "greater rate" than the tax on other moneyed capital, it means that neither the rate of assessment nor the valuation shall be higher than on other moneyed capital. *New York v Weaver*, 100 US 539, 25 L Ed 705.

greatest convenience to the parties in interest. A phrase relative to the venue of a bankruptcy proceeding, without absolute meaning, to be applied according to the circumstances of each case-proximity to the court of bankrupt, creditors, and witnesses, the location of assets, and the economic and efficient administration of the estate. 9 Am J2d Bankr § 35.

great fee. A fee held directly of the king.

great-grandchild. The son or daughter of one's grandchild. Ordinarily not a "grandchild" within the meaning of such term as it appears in a will by way of designation of a beneficiary, although such construction will be adopted where necessary to carry out the intention of the testator as such appears from the entire context. Anno: 104 ALR 309. A relative in the third degree of kinship according to the civil law method of computing degrees of kinship which prevails in most American jurisdictions. 23 Am J2d Desc & D § 48.

great grandparent. The father or mother of one's grandmother or grandfather. A relative in the third degree of kinship according to the civil law method of computing degrees of kinship which prevails in most American jurisdictions. 48 Am J2d Desc & D § 48.

great-great-grandparent. The father or mother of one's great-grandparent. A relative in the fourth degree of kinship according to the civil law method of computing degrees of kinship which prevails in most American jurisdictions. 23 Am J2d Desc & D § 48.

great jury. Same as **grand assize**. See **grand jury**.

Great Lakes. Inland seas; open seas except for the characteristic freshness of water and the absence of observable tides. Illinois C. R. Co. v Illinois, 146 US 387, 36 L Ed 1018, 13 S Ct 110. Sometimes included within the classification of high seas. United States v Rodgers, 150 US 249, 37 L Ed 1071, 14 S Ct 109.

Great Law. Same as **Great Body of Laws**.

great necessity or emergency. As the word is applied to a necessity or emergency authorizing an extra tax levy:—of grave character and serious moment. San Christina Investment Co. v San Francisco, 167 Cal 762, 141 P 384.

great ponds. A term familiar in the New England states; ponds covering over 10 acres. 56 Am J1st Wat § 53.

great prejudice. Material pecuniary loss, not mere temporary inconvenience, or temporary impairment of income, slight in comparison with the value of the property for the uses for which it is suitable. Williamson Invest. Co. v Williamson, 96 Wash 529, 165 P 385 (the term appearing in a statute authorizing a sale of the property in an action for partition where an actual partition cannot be made "without great prejudice" to the owners.)

great seal. A seal of state; the seal of the United States; the seal of a state; the seal of Great Britain, of which the lord high chancellor is the custodian.

See **seal of the United States**.

great tithes. Tithes of corn, hay, wood or grain.

great uncle. The uncle of one's father or mother. A relative in the fourth degree of relationship according to the civil law method of determining kinship which prevails in most American jurisdiction. 23 Am J2d Desc & D § 48.

great writ of liberty. The writ of habeas corpus.

greave. An old and obsolete form of "grove."

greaves. A substance which remains in solid form when fat is melted; a crackling.

gree. An agreement; a satisfaction for an injury; a consent; to effect a compromise.

See **de son gree**.

Greek bearing a gift. See **onerous gift**.

Greek letter fraternities. College fraternities, sometimes high school fraternities, having names composed of Greek letters.

See **fraternities**.

green. See **Gretna Green**.

greenback. Paper money, the term deriving from the green color of the back of the bill or note. *Levy v State*, 79 Ala 259, 261. A derogatory term applied to paper money not supported by a deposit or reserve of gold or silver.

green cloth. An English court which was held in the royal household.

green goods. An American slang expression signifying counterfeit paper money.

greengrocer. A retail dealer in fresh fruits and vegetables.

greenhouse. A building constructed principally of glass, usually provided with artificial heat for protection against the ravages of the weather, wherein plants, flowers, and sometimes vegetables are raised for purposes of sale. *Hultin v Klein*, 301 11194, 133 NE 660, 20 ALR 230; *Needham v Winslow Nurseries, Inc.* 330 Mass 95, 111 NE2d 453, 40 ALR2d 1450.

greenhouse business. The cultivation of plants, flowers and vegetables in a greenhouse for disposal to purchasers. *Needham v Winslow Nurseries, Inc.* 330 Mass 95, 111 NE2d 453, 40 ALR2d 1450.

Green River ordinance. A type of ordinance forbidding uninvited entry by peddlers, solicitors, and the like. Anno: 77 ALR2d 1225.

green silver. A feudal customary annual rent.

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greeve. Same as **gerefa**.

Gregorian Calendar. The calendar so named after Pope Gregory who corrected the errors of several centuries in the calculation of time and put in force a new style by which the error is reduced to one day in thirty centuries.

Christian nations have generally adopted the Gregorian Calendar, authorized by Pope Gregory in 1582, numbering the years from the birth of Christ, and when a year is mentioned in legislative or judicial proceedings, and no mention is made of any other system of reckoning, the Gregorian or Christian Calendar is understood. 52 Am J1st Time § 9.

Gregorian Code. A compilation of Roman laws made by the jurist Gregorianus in the fourth century.

Gregorian epoch. The period of time beginning in 1582, when the Gregorian Calendar was adopted, and continuing to the present.

Gregorianus. See **Gregorian Code**.

Gregory, Pope. See **Gregorian Calendar**.

gremio legis. See **in gremio legis**.

gremium. Lap; bosom; breast.

gressame. Same as **gersome**.

gressum. Same as **gersome**.

gressume. Same as **gersome**.

Gretna Green. A place in Scotland very near the Scotch border where English runaway couples went to marry and thus escape publication of the banns and other formalities required by English law. A term applied in the United States to any city or village, to which many couples resort for marriage, for the purpose of escaping requirements imposed in other locations, of preserving secrecy respecting the marriage, or of having the ceremony performed in pleasant surroundings.

Gretna Green marriage. A marriage which was valid in Scotland and required only the mutual declarations of the parties made in the presence of witnesses. A marriage performed in a literal or figurative Gretna Green.

See **Gretna Green**.

grievance. A cause for complaint or protest. The crux of an industrial or labor dispute. Anno: 158 ALR 1176; 31 Am J Rev ed Lab § 369.

grievance day. The day on which the complaint of a taxpayer concerning the assessment of his property is to be made. 51 Am J1st Tax §§ 728 et seq.

grieved. Aggrieved.

griff. A term familiar in Louisiana; the child of a Negro and a mulatto; a person too black to be a mulatto and too light in color to be a Negro. State v Treadway, 126 La 300, 52 So 500.

grippe. A disease caused by a virus, similar to a severe cold. 29 Am J Rev ed Ins § 745.

gripping efficiency. The efficiency of brakes on a motor vehicle.

See **braking distance**.

grist. A quantity of grain, particularly an amount taken by a farmer to a mill to be ground into flour and collateral products for the farmer. A term sometimes applied to the amount of flour retained by the miller for his services in grinding the grain.

grith. (Saxon.) Peace; the public peace.

grithbrech. (Saxon.) A breach of the peace.

grithstole. (Saxon.) A seat or place of peace; a sanctuary.

grocer. A dealer in groceries. An engrosser.

grocery store. A building or structure in which groceries are kept for sale. Goldstine v State, 230 Ind 343, 103 NE2d 438.

gros. Large; great.

gross. Noun: Twelve dozen. Adjective: Without deduction. As a whole or in an entirety; total. Large; lacking refinement. Braun's Appeal, 105 Pa 414, 415.

See **in gross**.

gross abuse of discretion. An arbitrary, unreasonable, individualistic, unjust, and unconscionable act or decision. 5 Am J2d A & E § 774.

gross adventure. Bottomry; a maritime loan.
See **bill of gross adventure.**

gross allowance. A lump-sum award of alimony. 24 Am J2d Div & S § 614.

gross average. Same as **general average.**

Grosscup Rule. A rule applied in determining the rights and liabilities of a borrowing member of a building and loan association in the event of the insolvency or dissolution of the association. 13 Am J2d B & L Assoc § 121.

grosse avanture. Same as **gross adventure.**

grosse bois. Great wood; timber.

grossement. Greatly.

gross estate of decedent. The value of all property left by a decedent, determined as of the date of death. For federal tax: the value of all property to the extent of the decedent's interest therein at the time of his death; virtually all property transferred either by the will of the decedent or under the local intestacy laws. Estate of Kinney v Commissioner (CA9) 80 F2d 568. For the purposes of the statute which provides for an estate tax lien:-the estate or property on which the tax chargeable to the decedent's estate is computed, including property which does not pass as part of the estate but by right of survivorship. Detroit Bank v United States, 317 US 329, 87 L Ed 304, 63 S Ct 297.

gross immorality. Wilful, flagrant, or shameful immorality, showing a moral indifference to the opinions of the good and respectable members of the community and to the just obligations of the position held by the delinquent. Moore v Strickling, 46 W Va 515, 33 SE 274 (involving ground for removal from public office.)

gross inadequacy of consideration. Inadequacy of consideration which is shocking to the conscience; which implies fraud, oppression, or the taking of advantage of a relationship of trust or dependence. 17 Am J2d Contr § 102. Inadequacy of value received so great as to evidence fraud or imposition. 11 Am J2d B & N § 217.

gross income. The whole or entire profit arising from a business or pursuit. Braun's Appeal, 105 Pa 414, 415. For income tax purposes: the total income of the taxpayer; the income from all sources without deductions or allowance for exemptions; the total of gains and profits of the taxpayer, irrespective of immorality or viciousness in the method of acquisition. Steinberg v United States (CC NY) 14 F2d 564.

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That portion of the gross profits arising out of the sale of capital assets which represents gain or increase acquired must be regarded as "gross income" within the meaning of the Federal Corporation Excise Tax Act. Doyle v Mitchell Bros. Co. 247 US 179, 62 L Ed 1054, 38 S Ct 467.

gross income from the property. For the purpose of a percentage depletion for income tax computation involving income from oil or gas well: the amount for which the taxpayer sells oil or gas in the immediate vicinity of the well. If the oil or gas is not sold on the premises but is, before sale, manufactured or converted into a refined product of transported from the premises: the

equivalent of the representative market or field price, at the well head on the date of sale, before conversion or transportation. If sold in place and extracted by the buyer: it does not include the buyer's cost of extraction. 34 Am J2d Fed Tax ¶ 7684.

gross incompetency or recklessness. Act or conduct which is grossly incompetent or reckless according to the common judgment, that is, in the judgment of the people. *Klafter v State Board of Examiners*, 259 Ill 15, 102 NE 193 (ground for revocation of a professional license).

See **gross negligence**.

gross lewdness in an open place. Not to be confounded with "open and gross lewdness." The former has reference to the place where the act is committed, while the latter has not, but simply means lewdness which is not secret. *Burroughs v Eastman*, 88 Wis 180, 59 NW 580.

See **open and gross lewdness**.

gross misdemeanor. A misdemeanor of a more serious nature than the ordinary misdemeanor. 21 Am J2d Crim L § 21. A term invented to permit a distinction between petty offenses and those of a more serious nature. *State v Kelly*, 218 Minn 247, 15 NW2d 554, 162 ALR 477.

gross misdemeanor of public school pupil. Gross misbehavior but not necessarily criminal conduct; persistent disobedience of the proper and reasonable rules and regulations of the school. *Holman v Trustees of School Dist.* 77 Mich 605, 43 NW 996.

gross national product. The market value of all the goods and services our economy produces in a given period.

gross neglect of duty. As a ground for divorce:—neglect attended with circumstances of indignity or aggravation; such a glaring, shameful neglect of marital duties as to be obvious from common understanding and inexcusable under all the relevant facts of the case. *Morris v Morris*, 132 Okla 291, 270 P 833. By a public officer:—a dereliction which, from the gravity of the situation or the frequency of instances, becomes so serious as to endanger or threaten the public welfare; not necessarily inclusive of every instance of wilful neglect or intentional official wrongdoing. *Attorney-General, ex rel. Rich v Jochim*, 99 Mich 358, 58 NW 611. Clearly beyond mere inadvertence. *Clemens v State*, 176 Wis 289, 185 NW 209, 21 ALR 1490. Acting with such an utter disregard of consequences as to suggest something of an intent to cause injury. *Astin v Chicago, M. & St. P. R. Co.* 143 Wis 477, 128 NW 265.

gross negligence. A classification as difficult as any classification according to degrees of negligence. 38 Am J1st Negl § 43. Negligence characterized by the want of even slight care. Acting, or omitting to act in a situation where there is a duty to act, not inadvertently but wilfully and intentionally with a conscious indifference to consequences so far as other persons may be affected. 38 Am J1st Negl § 47.

gross negligence in homicide. Aggravated or culpable negligence; conduct constituting such a departure from the conduct of an ordinarily prudent or careful man under the same circumstances as to be incompatible with a proper regard for human life; conduct amounting to a disregard of human life or an indifference to consequences to human life. 26 Am J1st Homi § 210.

gross negligence of bailee. An expression without a precise or definite meaning; a concept to be considered in the light of all the circumstances surrounding the bailment. Broadly, the failure to exercise reasonable care, skill and diligence, or the failure to exercise that care which the property in its particular situation demands. 8 Am J2d Bailm § 212.

gross negligence of carrier. In respect of limitation of liability to passenger riding on a pass:—a term not susceptible of precise definition; a question to be resolved ultimately in the factual situation of the case. 14 Am J2d Car § 951.

gross negligence toward guest in automobile. A term not susceptible of precise definition; a question to be resolved according to the circumstances of the particular case, Broadly, an entire failure to exercise care, or the exercise of so slight a degree of care as to justify the belief that there was an indifference to the things and welfare of others; that want of care which raises a presumption of conscious indifference to consequences; indifference to present legal duty and utter forgetfulness of legal obligations. 8 Am J2d Auto § 487.

gross proceeds. The entire proceeds. The proceeds of a sale or of a collection without deduction for cost, commissions, or any other expenses whatsoever. *Ross Jewelers, Inc. v State*, 260 Ala 682, 72 So 2d 402, 43 ALR2d 851; *Duhamé v State Tax Commission*, 65 Ariz 268, 179 P2d 252, 171 ALR 684.

gross receipts. The entire earnings of a business without deduction; the total as opposed to the net. *Greene County Bldg. & Loan Assn. v Milner Hotels, Inc.* 240 Mo App 1048, 227 SW2d 111. For the purpose of a sales tax:—the proceeds of sales of personal property without deduction on account of cost of the property or any other expense whatsoever. *Ross Jewelers, Inc. v State*, 260 Ala 682, 72 So 2d 402, 43 ALR2d 851.

Receipts from employees' purchases at wholesale cost, voluntarily allowed, constitute "gross receipts" derived from trades, businesses or commerce, taxable under a gross income tax law. *Walgreen Co. v Gross Income Tax Div.* 225 Ind 418, 75 NE2d 784, 1 ALR2d 1014.

gross sales. The entire amount of the entire sales of a business for a specific period of time.

As used in a tax statute imposing a privilege tax on the "gross sales" of wholesale dealers, the term means the gross prices paid for the products named. *Pure Oil Co. v State*, 244 Ala 258, 12 So 2d 861, 148 ALR 260.

grossome. Same as **gersome**.

gross premium. The net premium, which is the cost of the insurance, that is, the amount required on an actuarial basis to carry the risk, plus loading for expenses and contingencies. *Fox v Mutual Ben. Life Ins. Co.* (CA8 Mo) 107 F2d 715.

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gross production tax. A state tax upon the gross production of certain industries which is substituted for and takes the place of an ad valorem tax imposed under general tax laws; a tax in lieu of all other taxes on the leases and minerals or the equipment used in producing or in the operation of oil wells or mines. *New England Oil & Pipe Line Co. v State Board of Equalization*, 121 Okla 277, 249 P 914.

gross ton. A measure of avoirdupois weight. The equivalent of 2,240 pounds.

gross weight. The weight of a thing or commodity without any allowance or deduction.

Grotius. One of the earlier outstanding authorities on international law.

ground. The earth or soil. An electrical term, meaning an object of metal buried in the earth whereby an electrical connection is made with the earth. A point a reason; support for a cause of action. The basis for taking a step in an action for example, a ground of attachment. 6 Am J2d Attach § 218.

groundage. A fee charged by port authorities for allowing a ship to remain in a port.

ground annual. An annual rent.

ground collision. A collision between aircraft on take-off or landing.

ground crew. A detail of men necessary for the landing and handling of an airship on the ground. Preferred Acci. Ins. Co. v Rhodenbaugh (CA6 Ohio) 160 F2d 832, 834; Miner v Western Casualty & Surety Co. 241 Iowa 530, 41 NW2d 557, 14 ALR2d 1358.

ground vessel. A stranded vessel.

ground for disbarment or discipline. Misconduct of an attorney at law, either within or outside his professional activities, which shows that he is unfit to discharge the duties of his profession or unworthy of confidence. 7 Am J2d Attys § 25.

ground for divorce. A legal cause for divorce. 24 Am J2d Div & S § 20. Misconduct of a spouse which, as provided by statute, entitles the other spouse to a divorce. 24 Am J2d Div & S § 20.

ground landlord. A landlord to whom a tenant pays ground rent.

See **ground rent.**

ground of action. Essentially, the cause of action. Johnston v Sikes, 56 Conn 589, 594. The basis of an action as determined under the law and upon the facts pleaded.

ground rent. A rent reserved to himself and his heirs by a grantor of land, out of the land itself, constituting real estate and having the usual characteristics of an estate in fee simple. 32 Am J1st L & T § 1039.

ground rent lease. An expression familiar in Maryland but anomalous in some other jurisdictions.

The chief characteristics of the Maryland ground rent leases are (1) the owner of the land in fee leases it to the named lessee for the period of ninety-nine years, (2) with covenant for renewal from time to time forever, upon payment of a small renewal fine (3) upon the condition, however, of the payment of a certain sum of money (usually payable semi-annually) and (4) upon the further condition that if the payment of the rent is in default for a stipulated time the lessor may reenter and avoid the lease. The grantee also covenants to pay all taxes upon the whole property; and under the present (1941) taxing system the taxes are assessed to the lessee. Jones v Magruder (DC Md) 42 F Supp 193.

The typical Pennsylvania ground rent is not created by a lease but results from a conveyance by the absolute owner of the land to the grantee in fee, subject to the payment of rent. The difference between the Maryland and Pennsylvania ground rent systems is said to be attributable to the somewhat different provisions of the respective royal charters to Cecelius Calvert and William Penn for the proprietary provinces of Maryland and Pennsylvania, with respect to the application of the Statute of Quia Emptores. Jones v Magruder (DC Md) 42 F Supp 193.

ground risk. The risk of any direct loss or damage to an aircraft while not in flight. Acme Flying Service v Royal Ins. Co. (Sup) 83 NYS2d 740, affd without op 275 App Div 766, 88 NYS2d 904.

ground writ. An English writ running to a county outside of the county in which it was issued and upon the authority of which a writ of execution is issued in the outside county.

group. A number of persons or things existing or brought together with or without interrelation, orderly form, or arrangement. Hope v Flentage, 140 Mo 390, 41 SW 1002.

group annuity. A contract providing annuities for the members of a defined group of persons, usually the employees of a business or industry, or of such part of them as desire to participate and are eligible under the arrangement or plan provided, the conditions of the contract being stated in a master policy and the participation by an individual being noted in a certificate of insurance issued to him.

grouping of contracts. A theory of conflict of laws otherwise known as the "center of gravity theory." 16 Am J2d Confl L § 42.

See **center of gravity theory**.

group insurance. A contract providing life, accident or health insurance for the members of a defined group of persons, usually the employees of a business or industry, or of such part of them as desire to participate and are eligible under the arrangement or plan provided, the conditions of the contract being stated in a master policy and the participation by an individual being noted in a certificate issued to him.

group medicine. Arrangement by contract, certificate, or policy, having the purpose of providing medical treatment for special groups or classes of people, especially those of limited means. 41 Am J1st Phys & S § 25.

growing concern value. The value which inheres in a public utility plant having an established business, as distinguished from a plant which has yet to establish its business; a property right which should be considered in determining the value of the property upon which a public utility company has a right to a fair return. 43 Am J1st Pub Util § 139.

growing crop. Literally, a crop in the process of growth, an unmaturing crop. But a disputed term in legal parlance.

Some authorities hold that a growing crop may be either above or below the surface of the soil, while other authorities hold that a crop is not a growing crop unless it shows above ground, and that underground sprouts do not constitute such a

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crop. Again, some authorities hold that a crop is growing from the time the seed is planted until the harvest, while other authorities hold that a matured, ungathered crop is not growing. 21 Am J2d Crops § 2. Whether grass in a pasture is a growing crop is also a controverted question. Anno: 87 ALR2d 238.

growing timber. Trees in the process of growth; live trees. Exclusive of felled or dead trees. Anno: 72 ALR2d 740.

See **growth of timber**.

growing value. The value which inheres in a public utility plant having an established business, as distinguished from a plant which has yet to establish its business; a property right which should be considered in determining the value of the property upon which a public utility company has a right to a fair return. 43 Am J1st Pub Util § 139.

growth corporation. A corporation characterized, not by growth in earnings but by growth in plant, capabilities for the future, and in expansion of sales outlets.

growth half-penny. A tax which was imposed on oxen and other non-producing cattle.

growth of timber. Literally, timber growing on premises but sometimes meaning future growth. Baker v Kenney, 145 Iowa 638, 124 NW 901.

growth theory. The rule that rights in respect of pure or technical trademarks are the result of growth, that is, of increasing amount of use over a period of time. 52 Am J1st Tradem § 22.

gruarii. The chief officers of a forest.

grubbing contract. A contract to take out the roots, stumps, and obstacles imbedded in the surface of the ground along the right of way of a railroad, except where not required on account of cuts or fills. *Cervien v Erickson Constr. Co.* 94 Wash 500, 162 P 567.

grubstake. An advance made to a person about to engage in a venture for living expenses. A vernacular term coined by miners, used loosely in legal opinions for various kinds of joint ventures in prospecting. Anno: 70 ALR2d 907.

grubstake contract. A contract between one person known as an outfitter and another person known as the miner, wherein the former agrees to supply the latter in a mining adventure which the latter agrees to follow for a prescribed period. 36 Am J1st Min & M §§ 171, 172. An arrangement by which one of the parties undertakes to supply finances, supplies or equipment which the other party is to use in discovering and locating mineral claims on the public domain the parties to share in any claims located. Anno: 70 ALR2d 907. Sometimes spoken of as a prospecting partnership, but to be distinguished from a mining partnership. Anno: 70 ALR2d 907.

Guadalupe Hidalgo Treaty. The treaty, perhaps better called the Treaty of Queretaro, of Feb. 2, 1848, which ended the War between the United States and the Republic of Mexico. 9 Stat 923.

guadia.. A pledge.

guarantee. The creditor under a contract of guaranty, being the person to whom the principal debtor is primarily liable and to whom the guarantor is secondarily liable. 24 Am J1st Guar § 2. In another sense, a guaranty.

See **guaranty.**

guaranteed annual wage. An undertaking by an employer that he will pay a specified total amount in wages during the year to an employee employed by the hour or the day.

guaranteed dividends. An expression which is somewhat anomalous so far as it relates to corporate dividends, since dividends are payable only from net profits or surplus earnings, and is ordinarily construed to mean only that dividends are guaranteed in the event there are net profits from which they may properly be dispersed. 19 Am J2d Corp § 872. A "guaranty of dividend" by a corporation is nothing more than a pledge of the funds, legally applicable to the purposes of a dividend. *Taft v Hartford P. & F. R. Co.* 8 RI 310.

guaranteed insurability rider. A rider attached to a life insurance policy at time of issuance, permitting the insured to obtain, without medical examination, policies of life insurance, subject to limitation upon amount contained in the rider. Otherwise known as purchase option rider.

guaranteed sales. See **sales guaranteed.**

guaranteed stock. See **preferred stock.**

guaranteed title. A title to real estate such as designated title insurance company will approve and insure.

See **title insurance.**

guarantor. The person bound, by a contract of guaranty. 24 Am J1st Guar § 2. One who undertakes to answer for the debt, default, or miscarriage of another.

guaranty. An undertaking or promise, on the part of one person called the guarantor, which is collateral to a primary or principal obligation on the part of another, and which binds the guarantor to performance in the event of nonperformance by

such other person, the latter being primarily bound to perform. 24 Am J1st Guar § 3. Concisely, a promise to answer for the debt, default, or miscarriage of another person, provided such person does not respond by payment or performance. Hickory Novelty Co. v Andrews, 188 NC 59, 123 SE 314.

The fundamental difference between a contract of guaranty and one of suretyship is that the guarantor's contract is collateral to and independent of the contract the performance of which he guarantees while that of a surety is an original obligation. 24 Am J1st Guar § 11.

See **absolute guaranty; collateral guaranty; conditional guaranty; continuing guaranty; general guaranty; guaranty insurance; letter of credit; limited guaranty; merger of guaranty; offer to guarantee; prior indorsements guaranteed; special guaranty; suretyship; warranty.**

guaranty fund. See **depositors' guaranty fund; reserve.**

guaranty insurance. A guaranty or insurance against loss in case a person named shall make a designated default, or be guilty of specified conduct. People ex rel. Kasson v Rose, 174 Ill 310, 51 NE 246.

See **credit insurance; fidelity guaranty insurance; title insurance.**

guaranty of collection. A guaranty which is not absolute but implies that the creditor will make diligent effort to enforce the collection of the obligation from the principal debtor. To be distinguished from a guaranty of payment. 24 Am J1st Guar § 17.

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guaranty of dividend. See **guaranteed dividend.**

guaranty of liberty. The guaranty under the Fourteenth Amendment to the United States Constitution that no state shall deprive any person of life, liberty, or property without due process of law.

guaranty of payment. A guaranty which binds the guarantor to pay the debt of another, known as the principal debtor, at maturity, in the event the money has not been paid by the principal debtor, the obligation of the guarantor becoming fixed upon the default of the latter. 24 Am J1st Guar § 17.

guaranty of prior indorsements. See **prior endorsements guaranteed.**

guaranty policy. An insurance policy whereby the insurer undertakes to pay the insured creditor in the event of nonpayment by his debtor.

See **credit insurance; guaranty insurance; solvency policy.**

guard. Noun: A person whose duty it is to protect the person or property of another. A watchman. A railing around a shaft in a building, open hole in a highway or street, or other place of danger to pedestrians or drivers. Verb: To keep watch against danger; to protect the person or property of another. To control or restrain.

See **castleguard; cattleguard; custodia; safeguards.**

guardage. Wardship.

guardia. The ward of a guardian.

guardian. A person to whom the law has intrusted the custody and control of the person, or estate, or both, of an infant, lunatic or incompetent person. A person in a trust relation of the most sacred character, known as a guardianship, in which he acts for another person called the "ward," whom the law regards as incapable of managing his own affairs. Harrison v Harrison, 21 NM 372, 155 P 356. Sometimes in the relationship of in loco parentis with the ward. 25 Am J1st G & W § 62.

The guardian, at common law, performs the office of tutor or curator of the Roman civil law, the former of whom had charge of the maintenance and education of the minor, the latter the care of his fortune. *Mercer v Watson* (Pa) 1 Watts 330, 348.

See **committee; conservator; general guardian; joint guardian; protutor; special guardian; testamentary guardian.**

guardian ad litem. A person appointed by the court during the course of litigation, in which an infant or a person mentally incompetent is a party, to represent and protect the interests of the infant or incompetent.

guardian by custom. A person who, by the custom of the place, had the right to act as guardian.

guardian by election. A person selected by an infant as his guardian and appointed by the court to act in such capacity. 25 Am J1st G & W § 5.

guardian by infant's election. See **guardian by election.**

guardian by judicial appointment. The most common kind of guardian, being a person appointed by the court as the guardian of the person, of the property, or of both person and property, of an infant or mental incompetent.

guardian by nature. The father of an infant, 25 Am J1st G & W § 6; the mother of an infant upon the death of the father, upon his removal as guardian, or upon his abandonment of wife and children. 25 Am J1st G & W § 7. In some jurisdictions, although not in others, the next of kin of an infant where the parents are both deceased. 25 Am J1st G & W § 7. One having a right to the custody of the person of the ward, but no right of custody or control over his estate, except as such right is conferred by statute or other law. 25 Am J1st G & W § 10.

At common law guardianship by nature was a guardianship of the person only, was limited to the eldest son, and continued until the ward became twenty-one. 25 Am J1st G & W § 5.

guardian by nurture. A common-law guardian of the person only, the guardianship being that of the father and extending to all his children, and continuing until the ward reached the age of fourteen if a boy, or sixteen if a girl. A type of guardianship long since succeeded by that of guardianship by nature. 25 Am J1st G & W §§ 5, 6.

See **guardian by nature.**

guardian by statute. An expression which, in England, designates a guardian appointed by the father's will. *Huson v Green*, 88 Ga 722, 725, 16 SE 255.

guardian de son tort. A person who, without legal appointment or qualification, assumes the functions of a guardian by exercising control over the person, or estate, or both, of a minor or insane person. *Maish v Valenzuela*, 71 Ariz 426, 229 P2d 248, 25 ALR2d 747.

guardian for nurture. See **guardian by nurture.**

guardian in chivalry. A status acquired by a lord of the manor, upon the death of a tenant holding by knight service, in reference to children of the tenant, such guardian having the right to the custody of the ward's person, and to take the profits of his land, as recompense for the loss of knight service, the guardianship terminating when the ward, if a male, reached the age of 21, or, if a female, the age of 14. 25 Am J1st G & W § 5.

guardian in socage. A guardian of an infant under 14 years inheriting lands held in socage, the guardian being the next of blood to the heir and one who could by no possibility inherit the socage estate in guardianship. 25 Am J1st G & W § 5.

guardian of spendthrift. A guardian appointed by a court, on the institution of appropriate proceedings for that purpose, to take charge of the estate of an improvident person, profligate, spendthrift, or drunkard, the appointment of such a guardian being authorized by statute in some states. 25 Am J1st G & W § 20.

guardian of the spiritualities. See **custos spiritualium**.

guardian of the temporalities. See **custos temporalium**.

guardian's bond. The bond required of guardian by judicial appointment. 25 Am J1st G & W § 47. The bond sometimes required of a natural guardian. 25 Am J1st G & W § 47.

guardian's commission. The fees of a guardian for performance of the duties of his office; the compensation to which a guardian is entitled. 25 Am J1st G & W § 182.

guardianship. The office of a guardian; the functions and duties pertaining to the office of a guardian. A trust relation of the most sacred character, in which one person, called a "guardian," acts for another, called the "ward," whom the law regards as incapa-

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ble of managing his own affairs. *Harrison v Harrison*, 21 NM 372, 155 P 356.

See **guardian**.

guardians of the peace. Same as **conservators of the peace**.

guardians of the poor. The board or body having charge of the care and support of the persons of a county who are dependent upon the county for their support.

guardianus. Same as **gardianus**.

guardrail. A protection around a stairway, open shaft, or other place of danger; an additional rail at an intersection of railroads, intended to prevent cars from jumping the track.

See **handrails**.

guarra. War.

guastald. Same as **gastaldus**.

gubernator. A helmsman; a pilot; a governor.

gubernatorial. Pertaining to or connected with the office of a governor.

gue. A vagrant; a vagabond.

guerpi. Abandoned; deserted.

guerra. War.

guerre. Same as **guerra**.

guess. A conjecture; an estimate made without knowledge of the facts.

guessing contest. A contest at prophesying or predicting, for a prize, the best answer to a question or the nearest approximation to a figure, the correctness of which answer or prediction will determine the winner of the prize; not a lottery where skill or judgment is the dominant element in determining the winner. 34 Am J1st Lot § 12.

guest. One invited or received at the home, table, or other place of another, for food, lodging, entertainment, or sociability. A person stopping at an inn, hotel, motel, or other place of public accommodation, for food or lodging, without becoming a permanent resident or tenant. 29 Am J1st Innk § 12.

See **business visitor; visitor**.

guest in aircraft. A person who is not a passenger for hire or an employee but is carried in an aircraft with the knowledge and consent of the owner or operator. Anno: 12 ALR2d 657; 8 Am J2d Avi § 81.

guest in motor vehicle. One who is invited, either directly or by implication, to enjoy the hospitality of the owner or operator of a motor vehicle, and who accepts such hospitality and takes a ride either for his own pleasure or on his own business, without making any return to or conferring any benefit upon the owner or operator of the motor vehicle other than the mere pleasure of his company. 8 Am J2d Auto § 475.

This term does not include one becoming a passenger for the substantial benefit of the owner or operator. *Antonen v Swanson*, 74 SD 1, 48 NW2d 161, 28 ALR2d 1.

guest statutes. Statutes relative to the liability of the owner or operator of a motor vehicle, aircraft, or pleasure boat, for injury to a guest. 8 Am J2d Auto § 471; Avi § 81; 12 Am J2d Boats § 37.

guest-taker. Same as **agister**.

guia. (Spanish.) A way; a right of way.

guidage. A reward or compensation paid by a traveler to a guide for his safe conduct in a strange country.

guide. A person whom others follow for the purpose of arriving at a specific destination. A person who conducts tourists or strangers in a region through the region and buildings and other points of interest therein. Something to follow, be it a book, a design, or a plan.

guide book. A compilation depicting, describing, and furnishing information as to points of interest, historical and natural attractions in a city or region, prepared for tourists and also with the idea of advertising the city or region so as to attract tourists. A writing of an author within the meaning of the copyright law. 18 Am J2d Copyr § 38.

Guidon De La Mer. The title of an authoritative treatise on maritime law, written about 1670.

guild. A term, more familiar in England than in the United States, for a union of men in the same craft, trade, or occupation, or for an association for mutual aid and improvement of the members.

guild-hall. The meeting place of a guild.

guilt. Criminality; culpability; guiltiness; the antithesis of innocence.

guilty. The plea of a defendant in a criminal prosecution who admits having committed the crime with which he is charged. Having guilt; justly chargeable with a crime; not innocent; criminal. The state of a person who has committed an offense. Commonwealth v Walter, 83 Pa 105, 108.

See **plea of guilty.**

guilty knowledge. An element of offenses, such as receiving stolen property or accepting bank deposits with knowledge of insolvency of the bank, consisting of actual knowledge of the relevant fact or of notice of facts and circumstances from which knowledge of the relevant fact may be implied, but not merely of an innocent bona fide ignorance arising from neglect to keep posted or to inquire. Utley v Hill, 155 Mo 232, 55 SW 1091.

guilty mind. General criminal intent. 21 Am J2d Crim L §§ 81, 82.

See **mens rea.**

guilty plea. See **plea of guilty.**

gulch. A natural waterway for the drainage of surface water, characterized by precipitous banks. 56 Am J1st Wat § 76. A deep or precipitous cleft, especially the sharply hollowed-out bed of a torrential intermittent stream; a ravine; a deep gully. Popham v Holloron, 84 Mont 442, 275 P 1099.

gule of August. The first day of the month of August.

gulf. An arm of the ocean or of an inland sea extending into the land. gullible. Easily imposed upon or cheated.

gully. A ravine or gulch; a natural watercourse for the drainage of surface waters. Not necessarily a watercourse, although sometimes considered to be such. Anno: 40 ALR 852.

gun. In military parlance, a heavy weapon with a long barrel, such as a cannon. In common parlance, a rifle, pistol, revolver, machine gun, or other instrumentality having a barrel or tube from which a bullet or other projectile is discharged by force,

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usually the force generated by the explosion of gunpowder. Harris v Cameron, 81 Wis 239.

See **firearm; spring gun.**

Gunpowder Plot. The name given to a conspiracy to kill James I of England, and blow up the House of Parliament, by an explosion, in retaliation for anti-Catholic legislation, most of which had been enacted in the reign of Elizabeth I.

gunwale. The upper edge of the side of a watercraft.

gurgites. Gullies or pools of water on a man's land, isolated from other water, in which he has the exclusive right of taking fish. Arnold v Mundy, 6 NJL 1.

gust. A burst of wind or rain. A Saxon term for a guest, especially a guest for two nights running.

gutter. A long receptacle and conduit hung on a building to catch the eavesdrip. A narrow ditch along the side of a street or highway for drainage.

Guy Fawkes. The chief of the conspirators in the Gunpowder Plot.

See **Gunpowder Plot**.

guy wire. A wire which holds a pole, building, or other structure to the ground, being attached to an upper portion and running downward but laterally to the ground, wherein it is anchored, its purpose being to support the pole or other structure against stress, especially that produced by high wind.

gwabr merched. A fee paid to the lord of the manor upon the loss of her maidenhood, by marriage or otherwise, of the daughter of a tenant.

gwalstow. A place where capital offenders were put to death.

gwayf. Stolen property which was dropped in the highway to avoid discovery.

gylwite. Amends or compensation paid to settle a fraud or a trespass.

gymnasium. A building or room for the practice of gymnastic exercises, as distinguished from field athletics, but often including a rowing tank, a cage for winter practice of baseball, etc.; a place or building where athletic exercises are performed; a school of gymnastics. *McNair v School Dist.* 87 Mont 423, 288 P 188, 69 ALR 866. An adjunct of schools in modern times. 47 Am J1st Schools § 75.

gymnasium fee. An incidental charge imposed upon a student in college or university. 15 Am J2d Colleges § 19.

gynarchy. A government ruled by a woman; as, by a queen. gypsum. A mineral. 36 Am J1st Min & M § 5.

gyro compass. A form of compass used for steering a ship consisting of a rapidly spinning rotor so swung as to maintain its axis in the geographical meridian in pointing to the true north, often equipped with a course recorder so that the course of the vessel is recorded automatically on a graph which shows the heading of the vessel, in degrees on the compass, at any and all times. *The Sakito Maru* (DC Cal) 41 F Supp 769.

gyrotiller. A self-propelled plowing device, used by sugar planters throughout the West Indies, so constructed and equipped as to turn the soil, pulverize it, and prepare the ground for planting, all in one operation. *Central Aguirre Sugar Co. v Domenech* (CAI Puerto Rico) 115 F2d 502.

gyves. Handcuffs; shackles.