

## V.

v.abbr.1.VERSUS. 2. Volume. — Also abbreviated vol. 3. Verb. — Also abbreviated vb.4. (cap.) Victoria — the Queen of England from 1837 to 1901. 5.Vide. • This Latin term, meaning “see,” is used in phrases such as quod vide “which see,” abbreviated q.v.6.Voce (voh-see). • This Latin term means “voice.”

### VA

VA.abbr. DEPARTMENT OF VETERANS AFFAIRS.

### VACANCY

vacancy,n.1. The state or fact of a lack of occupancy in an office, post, or piece of property. [Cases: Officers and Public Employees 55. C.J.S. Officers and Public Employees §§ 100–102.] 2. The time during which an office, post, or piece of property is not occupied. 3. An unoccupied office, post, or piece of property; an empty place. • Although the term sometimes refers to an office or post that is temporarily filled, the more usual reference is to an office or post that is unfilled even temporarily. An officer's misconduct does not create a vacancy even if a suspension occurs; a vacancy, properly speaking, does not occur until the officer is officially removed.

### VACANCY CLAUSE

vacancy clause.Insurance. A special indorsement allowing premises to be unoccupied beyond the period stipu-lated in the original insurance policy, so that the insurance remains in effect during policy extensions, often for a reduced amount. [Cases: Insurance 2133, 3049(5). C.J.S. Insurance §§ 419, 663–665, 908.]

### VACANT

vacant,adj.1. Empty; unoccupied <a vacant office>. • Courts have sometimes distinguished vacant from unoc-cupied, holding that vacant means completely empty while unoccupied means not routinely characterized by the presence of human beings. 2. Absolutely free, unclaimed, and unoccupied <vacant land>.3. (Of an estate) abandoned; having no heir or claimant. — The term implies either abandonment or nonoccupancy for any purpose.

### VACANTIA

vacantia (v<<schwa>>-kan-sh[ee]-<<schwa>>). See bona vacantia under BONA.

### VACANTIA BONA

vacantia bona (v<<schwa>>-kan-sh[ee]-<<schwa>> boh-n<<schwa>>). See bona vacantia under BONA.

### VACANT SUCCESSION

vacant succession.See SUCCESSION(2).

## VACATE

vacate, vb. 1. To nullify or cancel; make void; invalidate <the court vacated the judgment>. Cf. OVERRULE. 2. To surrender occupancy or possession; to move out or leave <the tenant vacated the premises>.

## VACATIO

vacatio (v<<schwa>>-kay-shee-oh). Civil law. Exemption; immunity; privilege; dispensation.

## VACATION

vacation, n. 1. The act of vacating <vacation of the office> <vacation of the court's order>. 2. The period between one term of court and the beginning of the next; the space of time during which a court holds no sessions. [Cases: Courts 69. C.J.S. Courts § 122.] • The traditional vacations in England were Christmas vacation, beginning December 24 and ending January 6; Easter vacation, beginning Good Friday and ending Easter Tuesday; Whitsun vacation, beginning on the Saturday before and ending the Tuesday after Whitsunday (i.e., Pentecost, the seventh Sunday after Easter); and the long vacation, beginning August 13 and ending October 23. 3. Loosely, any time when a given court is not in session. [Cases: Courts 69. C.J.S. Courts § 122.] 4. Eccles. law. The act or process by which a church or benefice becomes vacant, as on the death or resignation of the incumbent, until a successor is appointed. — Also termed (in sense 4) *vacatura*.

## VACATION BARRISTER

vacation barrister. See BARRISTER.

## VACATUR

vacatur (v<<schwa>>-kay-t<<schwa>>r), n. [Law Latin “it is vacated”] 1. The act of annulling or setting aside. 2. A rule or order by which a proceeding is vacated.

## VACATURA

vacatura (vay-k<<schwa>>-t[y]oor-<<schwa>>), n. [Latin] VACATION(4).

## VACUA POSSESSIO

vacua possessio (vak-yoo-<<schwa>> p<<schwa>>-zes[h]-ee-oh). [Latin “a vacant possession”] Roman & civil law. Free and unburdened possession, which a seller must give to a purchaser.

## VACUUS

vacuus (vak-yoo-<<schwa>>s), adj. [Latin] Hist. Empty; void; vacant; unoccupied.

## VADES

vades. See VAS.

## VADIARE DUELLUM

vadiare duellum (vad-ee-air-ee d[y]oo-el-⟨⟨schwa⟩⟩m), vb.[Law Latin “to wage the duel”] Hist. To give pledges mutually for engaging in trial by combat.

#### VADIARE LEGEM

vadiare legem (vad-ee-air-ee lee-j⟨⟨schwa⟩⟩m), vb.[Law Latin “to wage law”] Hist. (Of a defendant in a debt action) to give security to make one's law on a day assigned — that is, the defendant would pledge, upon giving the security, to do two things on the appointed day in court: (1) take an oath in open court that the debt was not owed, and (2) bring 11 compurgators who would swear that they believed what the defendant said.

#### VADIATIO

vadiatio (vad-ee-ay-shee-oh), n.[Law Latin] Hist. Wager. Cf. INVADIATIO. Pl. vadiationes (vad-ee-ay-shee-oh-nee-z).

vadiatio duelli (vad-ee-ay-shee-oh d[y]oo-el-I). [Law Latin “wager of battle”] See TRIAL BY COMBAT.

vadiatio legis (vad-ee-ay-shee-oh lee-jis). [Law Latin “wager of law”] See WAGER OF LAW.

#### VADIMONIUM

vadimonium (vad-⟨⟨schwa⟩⟩-moh-nee-⟨⟨schwa⟩⟩m), n. Roman law. 1. A guarantee (originally backed by sureties) that a litigant would appear in court. 2. A solemn promise to this effect. — Also termed vadimony.

#### VADIUM

vadium (vay-dee-⟨⟨schwa⟩⟩m), n. [Law Latin “pledge, bail, security”] Hist. 1. Security by a pledge of property.

vadium mortuum (vay-dee-⟨⟨schwa⟩⟩m mor-choo-⟨⟨schwa⟩⟩m). [Law Latin “dead pledge”] A mortgage. • This was considered a “dead pledge” because an estate was given as security by the borrower, who granted to the lender the estate in fee, on the condition that if the money were not repaid at the specified time, the pledged estate would continue as the lender's — it would be gone from, or “dead” to, the borrower (mortgagor). — Also termed mortuum vadium. See MORTGAGE. [Cases: Mortgages 1. C.J.S. Mortgages §§ 2–6.]

vadium vivum (vay-dee-⟨⟨schwa⟩⟩m vI-v⟨⟨schwa⟩⟩m). [Law Latin “live pledge”] A living pledge, which exists when an estate is granted until a debt is paid out of its proceeds. • The pledge was so called because neither the money nor the lands were lost; it was a “living pledge” because the profits of the land were constantly paying off the debt. — Also termed vivum vadium; vif-gage.

2. Wages; salary.

#### VADIUM PONERE

vadium ponere (vay-dee-*<<schwa>>*m poh-n*<<schwa>>*-ree), vb. Hist. To take bail for the appearance of a person in court.

### VAGABOND

vagabond (vag-*<<schwa>>*-bond), n. Archaic. A homeless wanderer without means of honest livelihood; VAGRANT. • This term became archaic over the course of the 20th century, as vagrants won the right not to be forcibly removed from cities in such cases as *Papachristou v. City of Jacksonville*, 405 U.S. 156, 92 S.Ct. 839 (1972). In the 1980s and 1990s, vagabonds came to be known as street people and homeless people, or the homeless. — Also termed *vagabundus* (vag-*<<schwa>>*-b*<<schwa>>*n-d*<<schwa>>*s).

“[A]ll idle persons or vagabonds [are] ... divided into three classes, idle and disorderly persons, rogues and va-gabonds, and incorrigible rogues; — all these are offenders against the good order, and blemishes in the gov-ernment, of any kingdom. They are therefore all punished ... rogues and vagabonds with whipping and impri-sonment not exceeding six months ...” 4 William Blackstone, *Commentaries on the Laws of England* 170 (1769).

### VAGABONDAGE

vagabondage (vag-*<<schwa>>*-bon-dij).1. The condition of a vagabond. 2. Vagabonds as a class. — Also termed (in sense 1) vagabondism; (in senses 1 & 2) vagabondry.

### VAGABUNDUS

vagabundus (vag-*<<schwa>>*-b*<<schwa>>*n-d*<<schwa>>*s). [Law Latin] See VAGABOND.

### VAGRANCY

vagrancy (vay-gr*<<schwa>>*n-see), n.1. The state or condition of wandering from place to place without a home, job, or means of support. • Vagrancy is generally considered a course of conduct or a manner of living rather than a single act. But under some statutes, a single act has been held sufficient to constitute vagrancy. One court held, for example, that the act of prowling about and creeping up on parked cars and their occupants at night, under circumstances suggesting an intent to commit a crime, constitutes vagrancy. See *Smith v. Drew*, 26 P.2d 1040 (Wash. 1933). Many state laws prohibiting vagrancy have been declared unconstitutionally vague. — Also termed vagrantism. [Cases: Vagrancy 1. C.J.S. Vagrancy §§ 2–12, 22–27, 31–32, 35–37.] 2. An instance of such wandering. Cf. LOITERING.

“Vagrancy is a status resulting from misconduct and in the form of a socially harmful condition or mode of life which has been defined and made punishable by law. Until recently it was a misdemeanor, or group of misde-meanors, in most states.” Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 494 (3d ed. 1982).

### VAGRANT

vagrant,adj.1. Of, relating to, or characteristic of a vagrant; inclined to vagrancy. 2. Nomadically homeless. [Cases: Vagrancy 1. C.J.S. Vagrancy §§ 2–12, 22–27, 31–32, 35–37.]

vagrant, n. 1. At common law, anyone belonging to the several classes of idle or disorderly persons, rogues, and vagabonds. 2. One who, not having a settled habitation, strolls from place to place; a homeless, idle wanderer. • The term often refers to one who spends time in idleness, lacking any property and without any visible means of support. Under some statutes, a vagrant is an offender against or menace to the public peace, usu. liable to become a public burden. [Cases: Vagrancy 1. C.J.S. Vagrancy §§ 2–12, 22–27, 31–32, 35–37.]

#### VAGRANTISM

vagrantism. See VAGRANCY.

#### VAGUE

vague, adj. 1. Imprecise; not sharply outlined; indistinct; uncertain.

unconstitutionally vague. 1. (Of a penal legislative provision) so unclear and indefinite as not to give a person of ordinary intelligence the opportunity to know what is prohibited. [Cases: Statutes 47.] 2. (Of a statute) impermissibly delegating basic policy matters to administrators and judges to such a degree as to lead to arbitrary and discriminatory application. [Cases: Statutes 47.]

2. (Of language) describing a distribution around a central norm, as opposed to a neatly bounded class; broadly indefinite. 3. Characterized by haziness of thought.

#### VAGUE-AND-INDEFINITE REJECTION

vague-and-indefinite rejection. See REJECTION.

#### VAGUENESS

vagueness. 1. Uncertain breadth of meaning <the phrase “within a reasonable time” is plagued by vagueness — what is reasonable?>. • Though common in writings generally, vagueness raises due-process concerns if legislation does not provide fair notice of what is required or prohibited, because enforcement may be arbitrary. 2. Loosely, ambiguity. See AMBIGUITY.

#### VAGUENESS DOCTRINE

vagueness doctrine. Constitutional law. The doctrine — based on the Due Process Clause — requiring that a criminal statute state explicitly and definitely what acts are prohibited, so as to provide fair warning and preclude arbitrary enforcement. — Also termed void-for-vagueness doctrine. See void for vagueness under VOID. Cf. OVERBREADTH DOCTRINE. [Cases: Constitutional Law 258(2).]

#### VALEAT QUANTUM

valeat quantum (vay-lee-at [or -<<schwa>>t] kwon-t<<schwa>>m). [Law Latin] Hist. For as much as it is worth.

#### VALENS AGERE

valens agere (vay-lenz aj-<<schwa>>r-ee). [Law Latin] Hist. Able to act.

“A person is said to be valens agere when, from age and position, he is able to protect his rights against the invasion of them by others: against such a person not protecting his rights prescription runs, while prescription does not run against one who is non valens agere.” John Trayner, Trayner's Latin Maxims 621 (4th ed. 1894).

#### VALENTIA

valentia (v<<schwa>>-len-shee-<<schwa>>), n.[Law Latin from Latin valere “to be of value”] Hist. Value; worth. • In old indictments for larceny, this term often appeared to express the value of the things taken.

#### VALENTIA AGENDI

valentia agendi (v<<schwa>>-len-shee-<<schwa>> <<schwa>>-jen-dI). [Law Latin] Hist. The power of acting. See VALENS AGERE.

#### VALERE SEIPSUM

valere seipsum (v<<schwa>>-leer-ee see-ip-s-<<schwa>>m). [Law Latin] Hist. To be of its own value. • The phrase usu. referred to land.

#### VALID

valid,adj.1. Legally sufficient; binding <a valid contract>.2. Meritorious < that is a valid conclusion based on the facts presented in this case>. — validate,vb. — validation, validity,n.

#### VALID AGREEMENT

valid agreement.See valid contract under CONTRACT.

#### VALIDATING STATUTE

validating statute.See STATUTE.

#### VALID CONTRACT

valid contract.See CONTRACT.

#### VALIDITY OPINION

validity opinion.See OPINION(2).

#### VALIDITY SEARCH

validity search.An exhaustive search for prior art or any other facts that can be used to invalidate a patent. See BREAKING A PATENT. Cf. INFRINGEMENT SEARCH ; PATENTABILITY SEARCH.

#### VALID JUDGMENT

valid judgment.See JUDGMENT.

**VALID MARRIAGE**

valid marriage. See MARRIAGE(1).

**VALID WARRANT**

valid warrant. See WARRANT(1).

**VALISE DIPLOMATIQUE**

valise diplomatique (v<<schwa>>-lees di-ploh-ma-teek). See DIPLOMATIC POUCH.

**VALLESCURA RULE**

Vallescura rule. Maritime law. The holding that when a maritime loss is due to more than one cause, and the carrier is exempt from liability for at least one of them, the burden is on the carrier to prove what loss is due to the exempt cause or else be liable for the entire loss. *Schnell v. The Vallescura*, 293 U.S. 296, 55 S.Ct. 194 (1934).

**VALOR**

valor (val-<<schwa>>r), n. [Latin] Hist. Value; worth; rate; a valuation. — Also spelled valour. See AD VA-LOREM.

**VALOR BENEFICIORUM**

valor beneficiorum (val-<<schwa>>r ben-<<schwa>>-fish-ee-or-<<schwa>>m). [Law Latin] Hist. The value of all ecclesiastical benefices and spiritual preferments.

**VALOR MARITAGII**

valor maritagii (val-<<schwa>>r mar-<<schwa>>-tay-jee-I). [Latin] Hist. The value of a marriage. • Under ancient tenures, this was the amount that a female ward forfeited to a guardian when the guardian had offered her a marriage without disparagement (inequality), and she refused. In feudal law, the guardian in chivalry had the right of tendering to a minor ward a suitable match. If the ward refused the match she had to compensate the guardian for the value of the marriage (valor maritagii). — Also termed (in the accusative) valorem maritagii; (Scots law) avail of marriage.

“If an infant ward of a guardian in chivalry refused a match tendered by the guardian, he or she forfeited the value of the marriage (valorem maritagii) to the guardian; that is, so much as a jury would assess, or any one would bona fide give to the guardian for such an alliance.” 2 Alexander M. Burrill, *A Law Dictionary and Glossary* 572–73 (2d ed. 1867).

**VALUABLE**

valuable, adj. Worth a good price; having financial or market value.

**VALUABLE CONSIDERATION**

valuable consideration. See CONSIDERATION(1).

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**VALUABLE IMPROVEMENT**

valuable improvement. See IMPROVEMENT.

**VALUABLE PAPERS**

valuable papers. Documents that, upon a person's death, are important in carrying out the decedent's wishes and in managing the estate's affairs. • Examples include a will, title documents, stock certificates, powers of attorney, letters to be opened on one's death, and the like. Some statutes require that, to be effective, a holographic will devising realty be found among the decedent's valuable papers.

**VALUATION**

valuation, n. 1. The process of determining the value of a thing or entity. 2. The estimated worth of a thing or entity. — value, valuate, vb.

assessed valuation. The value that a taxing authority gives to property and to which the tax rate is applied. [Cases: Taxation 348, 348.1. C.J.S. Taxation §§ 510–511, 515–516, 518–523.]

special-use valuation. An executor's option of valuating real property in an estate, esp. farmland, at its current use rather than for its highest potential value. [Cases: Internal Revenue 4183; Taxation 895. C.J.S. Internal Revenue § 519; Taxation §§ 1900–1909, 1918–1931, 1941–1944, 1948.]

**VALUATION DATE**

valuation date. See ALTERNATE VALUATION DATE.

**VALUATION LIST**

valuation list. Hist. An inventory of all the ratable hereditaments in a parish, each item in the inventory recording the name of the occupier, the owner, the property, the extent of the property, the gross estimated rental, and the ratable value. • The list was traditionally prepared by the overseers of each parish.

**VALUE**

value, n. 1. The significance, desirability, or utility of something.

social value. The significance, desirability, or utility of something to the general public.

2. The monetary worth or price of something; the amount of goods, services, or money that something will command in an exchange.

actual cash value. Insurance. 1. Replacement cost minus normal depreciation. [Cases: Insurance 2181. C.J.S. Insurance §§ 1085, 1105.] 2. See fair market value.

actual market value. See fair market value.

actual value. See fair market value.



agreed value. A property's value that is fixed by agreement of the parties with the property. • An example is a list of property values contained in an insurance policy. [Cases: Insurance 2171. C.J.S. Insurance §§ 1108–1109, 1204.]

annual value. 1. The net yearly income derivable from a given piece of property. 2. One year's rental value of property, less costs and expenses.

book value. See BOOK VALUE.

cash surrender value. Insurance. The amount of money payable when an insurance policy having cash value, such as a whole-life policy, is redeemed before maturity or death. — Abbr. CSV. — Also termed surrender value. [Cases: Insurance 1957, 2037. C.J.S. Insurance §§ 518–519, 742–745, 749–754.]

cash value. See full cash value.

clear annual value. The net annual value of property, after payment of taxes, interest on mortgages, and other charges.

clear market value. See fair market value.

clear value. Tax. For purposes of an inheritance tax, whatever remains of an estate after all claims against it have been paid. [Cases: Taxation 895(1). C.J.S. Taxation §§ 1900–1901, 1904–1905, 1909, 1943–1944.]

commuted value (k<<schwa>>-myoo-tid). 1. In the assessment of damages, the present value of a future interest in property. 2. The value of future payments when discounted to present value.

exchange value. The amount of money for which the subject matter could be exchanged or procured if there is a ready market continually resorted to by traders — or, in the absence of such a market, the amount that could be obtained in the usual course of finding a purchaser or hirer of similar property or services.

fair market value. The price that a seller is willing to accept and a buyer is willing to pay on the open market and in an arm's-length transaction; the point at which supply and demand intersect. — Abbr. FMV. — Also termed actual value; actual cash value; actual market value; cash value; clear market value; fair and reasonable value; fair cash market value; fair cash value; fair market price; fair value; full value; just value; market value; salable value; true value. [Cases: Taxation 348(3).]

“[A] forced sale price is not fair value though it may be used as evidence on the question of fair value. Likewise, the fair value of saleable assets is not what they would sell for in the slow process of the debtor's trade as if the debtor were continuing business unhampered. The general idea of fair value is the amount of money the debtor could raise from its property in a short period of time, but not so short as to approximate a forced sale, if the debtor operated as a reasonably prudent and diligent businessman with his interests in mind, especially a proper concern for the payment of his debts.” David G. Epstein et al., *Bankruptcy* § 6-18, at 307 (1993).

fair value. See fair market value.

full cash value. Market value for property tax purposes; estimated value derived by standard appraisal methods. — Also termed cash value. [Cases: Taxation 348(3).]

full value. See fair market value.

future value. The value, at some future time, of a present sum or a series of monetary payments, calculated at a specific interest rate.

going-concern value. The value of a commercial enterprise's assets or of the enterprise itself as an active business with future earning power, as opposed to the liquidation value of the business or of its assets. • Going-concern value includes, for example, goodwill. — Also termed going value. Cf. GOODWILL.

highest proved value. In a trover action, the greatest value (as proved by the plaintiff) that the converted property reached from the time of the conversion until trial. • It is the most that a plaintiff is entitled to recover. [Cases: Trover and Conversion 44. C.J.S. Trover and Conversion §§ 120–121, 124.]

insurable value. See INSURABLE VALUE.

intrinsic value. The inherent value of a thing, without any special features that might alter its market value. • The intrinsic value of a silver coin, for example, is simply the value of the silver within it.

just value. See fair market value.

liquidation value. 1. The value of a business or of an asset when it is sold in liquidation, as opposed to being sold in the ordinary course of business. 2. See liquidation price under PRICE.

market value. See fair market value.

most-suitable-use value. See optimal-use value.

net value. 1. Insurance. The excess of policyholder payments over the yearly cost of insurance; the part of an insured's annual premium that, according to actuarial tables, the insurer must set apart to meet the insurer's obligations to the insured. — Also termed reserve. [Cases: Insurance 2037. C.J.S. Insurance §§ 518–519, 742–745, 749–754.] 2. The fair market value of shares of stock. [Cases: Corporations 182.4(5), 584. C.J.S. Corporations §§ 348, 799–801.]

new value. 1. A value (such as money) that is newly given. 2. The value obtained by taking a security, such as collateral, for any debt other than a preexisting one.

optimal-use value. Tax. The highest and best use of a thing from an economic standpoint. • If a farm would be worth more as a shopping center than as a farm, the shopping-center value will control even if the transferee (that is, a donee or heir) continues to use the property as a farm. — Also termed most-suitable-use value. [Cases: Taxation 348(3).]

par value. See PAR VALUE.

policy value. See POLICY VALUE.

present value.See PRESENT VALUE.

residual value.See salvage value.

salable value.See fair market value.

salvage value.The value of an asset after it has become useless to the owner; the amount expected to be obtained when a fixed asset is disposed of at the end of its useful life. • Salvage value is used, under some depreciation methods, to determine the allowable tax deduction for depreciation. And under the UCC, when a buyer of goods breaches or repudiates the contract of sale, the seller may, under certain circumstances, either complete the manufacture of any incomplete goods or cease the manufacture and sell the partial product for scrap or salvage value. UCC § 2-704(2). — Also termed residual value; scrap value. See DEPRECIATION. [Cases: Sales 384(6).]

scrap value.See salvage value.

settlement value.The value of a claim if the claimant settles immediately as opposed to pursuing it further through litigation.

surrender value.See cash surrender value.

true value.See fair market value.

use value.A value established by the utility of an object instead of its sale or exchange value.

value received.See VALUE RECEIVED.

3. Sufficient contractual consideration. — value,vb. — valuation,n.“Value also includes paying or securing a preexisting debt, and in this regard value is broader than common-law consideration. Thus, a debtor receives value in satisfying an antecedent claim (as by paying an overdue account or an outstanding loan or by transferring property to vindicate a preexisting interest in it) or in providing collateral for a previously unsecured creditor. It makes no difference that the debtor got nothing new, in terms of property added to her estate, at the time of the transfer.” David G. Epstein et al., *Bankruptcy* § 6-49, at 374 (1993).

#### VALUE-ADDED CARD

value-added card.See STORED-VALUE CARD.

#### VALUE-ADDED MODEL

value-added model.See LABOR-DESERT MODEL.

#### VALUE-ADDED TAX

value-added tax.See TAX.

#### VALUE DATE

value date.The date when the proceeds of a bill of exchange (e.g., a check) or of a foreign-exchange transaction (e.g., a sale of dollars for euros) become available for use. — Also

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termed here and there.

#### VALUED POLICY

valued policy. See INSURANCE POLICY.

#### VALUED-POLICY LAW

valued-policy law. A statute requiring insurance companies to pay the full amount of the insurance to the insured in the event of a total loss, regardless of the true value of the property at the time of loss. [Cases: Insurance 2171. C.J.S. Insurance §§ 1108–1109, 1204.]

#### VALUE FUND

value fund. See MUTUAL FUND.

#### VALUER

valuer. See APPRAISER.

#### VALUE RECEIVED

value received. Consideration that has been delivered. • This phrase is commonly used in a bill of exchange or promissory note to show that it was supported by consideration. [Cases: Bills and Notes 90. C.J.S. Bills and Notes; Letters of Credit § 41.]

#### VALUTA

valuta (v<<schwa>>-loo-t<<schwa>>), n. [Italian fr. Latin] Value; worth; esp., the value of a currency in relation to that of the currency of some other country.

#### VALVASOR

valvasor (valv-<<schwa>>-sor), n. [Law Latin] Hist. A principal vassal who, though not holding directly of the sovereign, held of those who did so; a vassal of the second degree or rank. — Also spelled valvassor. See VAVASOR.

#### VA MORTGAGE

VA mortgage. See MORTGAGE.

#### VANDAL

vandal. [fr. Latin Vandalus, a member of the Germanic tribe known as Vandals] A malicious destroyer or defacer of works of art, monuments, buildings, or other property.

#### VANDALISM

vandalism, n. 1. Willful or ignorant destruction of public or private property, esp. of artistic, architectural, or literary treasures. 2. The actions or attitudes of one who maliciously or ignorantly destroys or disfigures public or private property; active hostility to anything that is venerable or beautiful. — vandalize, vb. — vandalistic, adj.

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**VARA**

**VARA.abbr.VISUAL ARTISTS RIGHTS ACT.**

**vara** (vah-rah).Spanish-Am. law. A measure of length equal to about 33 inches. • Local usage varies, so that it may sometimes be more and sometimes less than 33 inches. In Mexican land grants, the measure is equal to 32.9927 inches. The term is often found in old land grants in states that were formed from land governed by Spain or Mexico.

**VARIABLE ANNUITY**

**variable annuity.**See **ANNUITY**.

**VARIABLE ANNUITY CONTRACT**

**variable annuity contract.**See **CONTRACT**.

**VARIABLE COST**

**variable cost.**See **COST**(1).

**VARIABLE LIFE INSURANCE**

**variable life insurance.**See **LIFE INSURANCE**.

**VARIABLE RATE**

**variable rate.**See **INTEREST RATE**.

**VARIABLE-RATE MORTGAGE**

**variable-rate mortgage.**See **adjustable-rate mortgage** under **MORTGAGE**.

**VARIANCE**

**variance.** 1. A difference or disparity between two statements or documents that ought to agree; esp., in criminal procedure, a difference between the allegations in a charging instrument and the proof actually introduced at trial. — Also termed **variation**. [Cases: **Indictment and Information** 171. C.J.S. **Indictments and Informations** §§ 206, 211.]

**fatal variance.**A variance that either deprives the defendant of fair notice of the charges or exposes the defendant to the risk of double jeopardy. • A fatal variance is grounds for reversing a conviction. [Cases: **Indictment and Information** 171. C.J.S. **Indictments and Informations** §§ 206, 211.]

**immaterial variance.**A variance that is too slight to mislead or prejudice the defendant and is thus harmless error. [Cases: **Indictment and Information** 171. C.J.S. **Indictments and Informations** §§ 206, 211.]

2. A license or official authorization to depart from a zoning law. — Also termed (in sense 2) **zoning variance**. See **HARDSHIP**(4). Cf. **SPECIAL EXCEPTION** (2); **SPECIAL-USE PERMIT**. [Cases: **Zoning and Planning** 481–549. C.J.S. **Zoning and Land Planning** §§ 191, 228–232,

234–264.]

area variance. A variance that permits deviation from zoning requirements about construction and placement, but not from requirements about use. [Cases: Zoning and Planning 503.]

use variance. A variance that permits deviation from zoning requirements about use. [Cases: Zoning and Planning 481. C.J.S. Zoning and Land Planning §§ 228–229, 231–232.]

#### VARRANTIZATIO

varrantizatio (v<<schwa>>-ran-ti-zay-shee-oh), n. [Law Latin] Hist. Scots law. A warranty.

#### VAS

vas (vas), n. [Latin “surety”] A pledge, surety, or bail; esp., in early law, security for a criminal defendant's appearance in court. • In Roman law under the legis actio procedure, a vas was a special surety for the defendant if there was an adjournment in jure. Pl. vades (vay-deez). See IN JURE(2); LEGIS ACTIO.

#### VASSAL

vassal (vas-<<schwa>>l), n. [fr. Law Latin vassallus] Hist. The grantee of a fief, feud, or fee; a feudal tenant. Cf. FREEMAN(5).

arriere vassal (a-ree-air vas-<<schwa>>l). Hist. The vassal of a vassal.

#### VASSALAGE

vassalage (vas-<<schwa>>l-ij), n. Hist. 1. The state of being a vassal or feudatory. — Also termed vasseleria. 2. The service required of a vassal. — Also termed vassaticum; main-rent. 3. The territory held by a vassal; a fief or fee. 4. Vassals collectively. 5. The dominion or authority of a feudal superior over vassals. 6. Political servility; subjection.

#### VASSALLI LIGII

vassalli ligii (vas-<<schwa>>-l-ij-ee-I). [Law Latin] Hist. Vassals holding immediately of the Crown.

#### VASSALLO ET QUIBUS DEDERIT

vassallo et quibus dederit (vas-<<schwa>>-loh et kwib-<<schwa>>s dee-d<<schwa>>r-it). [Law Latin] Hist. To the vassal and to whomsoever he shall have given it. • The phrase was included in feudal grants.

“If the original grant had been destined to the vassal, ‘and his heirs and assignees whomsoever,’ this only bound the superior to receive the proper heirs of the vassal and not his assignee; but if the destination bore ... [vassal] ‘et quibus dederit,’ this was construed as a consent on the part of the superior to alienation, and under which he was bound to receive as vassal his vassal's disponee. This distinction ... was practically abolished by the Act 20 Geo. II. c. 50, which introduced a mode by which either an heir or disponee could force an entry from the superior.” John Trayner, Trayner's Latin Maxims 622 (4th ed. 1894).

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**VASSALLO FACIENDO SUPERIORI QUOD DE JURE FACERE OPORTET**

vassallo faciendo superiori quod de jure facere oportet (vas-⟨schwa⟩-loh fay-shee-en-doh s[y]oo-peer-ee-or-I kwod dee joor-ee fay-s⟨schwa⟩-ree ⟨schwa⟩-por-tet). [Law Latin] Hist. Upon the vassal performing that to the superior which, according to law, he ought to perform.

**VASSALLUS**

vassallus (vas-⟨schwa⟩-l⟨schwa⟩s), n.[Law Latin] Hist. A feudal tenant. Cf. VASSUS.

**VASSAL STATE**

vassal state.Int'l law. A state that is supposed to possess only those rights and privileges that have been granted to it by a more powerful state.

**VASSATICUM**

vassaticum (v⟨schwa⟩-sat-⟨schwa⟩-k⟨schwa⟩m). [Law Latin] See VASSALAGE (2).

**VASSELLERIA**

vasseleria (vas-⟨schwa⟩-leer-ee-⟨schwa⟩). [Law Latin] See VASSALAGE(1).

**VASSUS**

vassus (vas-⟨schwa⟩s), n.[Law Latin] Hist. A feudal tenant who held immediately of the king. Cf. VASSALLUS.

**VASTO**

vasto. See DE VASTO.

**VASTUM**

vastum (vas-t⟨schwa⟩m), n. Hist. WASTE.

vastum forestae vel bosci (vas-t⟨schwa⟩m for-es-tee vel bahs-I).Hist. Waste of a forest or wood.

**VAT**

VAT. See value-added tax under TAX.

**VAUDERIE**

vauderie (vaw-d⟨schwa⟩r-ee).Hist. Sorcery; witchcraft.

**VAUGHN INDEX**

Vaughn index. A comprehensive list of all documents that the government wants to shield from disclosure in Freedom of Information Act (FOIA) litigation, each document being accompanied by a statement of justification for nondisclosure. • Supported by one or more affidavits, a Vaughn index has three purposes: (1) forcing the government to scrutinize all material

withheld; (2) enabling the trial court to fulfill its duty of ruling on the factual basis of each claimed FOIA exemption; and (3) enabling the adversary system to operate by giving the requester as much information as possible.<sup>5</sup> USCA §§ 552 et seq. The name derives from *Vaughn v. Reese*, 484 F.2d 820 (D.C. Cir. 1973). [Cases: Records 62.]

#### VAVASOR

vavator (vav-⟨⟨schwa⟩⟩-sor), n.[Law Latin] Hist. The vassal or tenant of a baron; one who held under a baron and also had subtenants. — Also spelled vavasour (vav-⟨⟨schwa⟩⟩-suor). Cf. VALVASOR.

#### VAVASORY

vavatory (vav-⟨⟨schwa⟩⟩-sor-ee), n.[fr. Law Latin vavasoria] Hist. The lands held by a vavator.

#### VAWA

VAWA.abbr.VIOLENCE AGAINST WOMEN ACT.

#### VC

VC.abbr.VICE-CHANCELLOR.

#### V.E.

v.e.abbr.VENDITIONI EXPONAS.

#### VEAL-MONEY

veal-money.Hist. The annual rent paid by tenants of the manor of Bradford, in the county of Wiltshire, in lieu of veal formerly paid in kind.

#### VECTIGAL

vectigal (vek-tl-g⟨⟨schwa⟩⟩l), n. Roman & civil law. 1. A tax, esp. an import or export duty, paid to the state. 2. An annual ground rent paid in kind or in money. Pl. vectigalia (vek-t⟨⟨schwa⟩⟩-gay-lee-⟨⟨schwa⟩⟩).

vectigal judicarium (vek-tl-g⟨⟨schwa⟩⟩l joo-dish-ee-air-ee-⟨⟨schwa⟩⟩m), n. A tax or fine to defray the expenses of maintaining courts of justice. Pl. vectigalia judiciaria.

#### VECTURA

vectura (vek-t[y]oor-⟨⟨schwa⟩⟩).Hist. Maritime law. Freight.

#### VEGGIE-LIBEL LAW

veggie-libel law.Slang. See AGRICULTURAL-DISPARAGEMENT LAW.

#### VEHICLE

vehicle (vee-⟨⟨schwa⟩⟩-k⟨⟨schwa⟩⟩l), n.1. Something used as an instrument of



conveyance. 2. Any conveyance used in transporting passengers or things by land, water, or air.

#### VEHICULAR

vehicular (vee-hik-y<<schwa>>-l<<schwa>>r), adj. Of or relating to a vehicle or vehicles.

#### VEHICULAR HOMICIDE

vehicular homicide. See HOMICIDE.

#### VEIL-PIERCING

veil-piercing. See PIERCING THE CORPORATE VEIL.

#### VEIN

vein, n. Mining law. A continuous body of mineral or mineralized rock, filling a seam or fissure in the earth's crust, within defined boundaries that clearly separate it from surrounding rock.

discovery vein. The primary vein for the purpose of locating a mining claim. [Cases: Mines and Minerals 16, 30–33. C.J.S. Mines and Minerals §§ 13, 38–40, 69–83.]

#### VEJOUR

vejour (v<<schwa>>-zhoor), n. [Law French fr. Law Latin visores “viewers”] Hist. 1. One of several persons sent by the court to examine a place in question to help in the decision-making process. 2. A person sent to view those who excuse themselves from court on account of illness, to see whether they are actually so sick that they cannot appear or whether they are malingering. — Also spelled veyor; veyour; vayowr; veieur; veighor.

#### VEL FACIENDO VEL DELINQUENDO

vel faciendo vel delinquendo (vel fay-shee-en-doh vel dee-ling-kwen-doh). [Law Latin] Hist. Either by doing something or by leaving something undone. • The phrase appeared in reference to what was accomplished by act or omission.

#### VEL NON

vel non (vel non). [Latin “or not”] Or the absence of it (or them) <this case turns solely on the finding of discrimination vel non>.

#### VENAL

venal (vee-n<<schwa>>l), adj. 1. (Of a person) capable of being bribed. 2. Ready to sell one's services or influence for money or other valuable consideration, usu. for base motives. 3. Of, relating to, or characterized by corrupt bargaining. 4. Broadly, purchasable; for sale.

#### VEND

vend, vb. 1. To transfer to another for money or other thing of value. • The term is not commonly applied to real estate, although its derivatives (vendor and vendee) are. [Cases: Sales

3. C.J.S. Sales §§ 3–4.] 2. To make an object of trade, esp. by hawking or peddling. 3. To utter publicly; to say or state; to publish broadly.

#### VENDEE

vendee. A purchaser, usu. of real property; a buyer. [Cases: Vendor and Purchaser 9.1, 54. C.J.S. Vendor and Purchaser §§ 7, 145–146.]

#### VENDEE'S LIEN

vendee's lien. See LIEN.

#### VENDETTA

vendetta (ven-det-<<schwa>>), n. A private blood feud in which family members seek revenge on a person outside the family (often members of another family); esp., a private war in which the nearest of kin seek revenge for the slaying of a relative.

#### VEND. EX

vend. ex. abbr. VENDITIONI EXPONAS.

#### VENDIBLE

vendible, adj. Sellable; fit or suitable to be sold.

#### VENDITAE

venditae (ven-d<<schwa>>-tee). [fr. Latin vendere “to sell”] Hist. A tax on things sold in markets and at public fairs.

#### VENDITIO

venditio (ven-dish-ee-oh). [Latin] Roman & civil law. 1. A sale; VENDITION. 2. A contract of sale. • In this sense, the term is short for emptio et venditio. See EMPTIO. 3. Broadly, any contract by which the ownership of something may be transferred for value. Pl. venditiones.

venditio corporis (ven-dish-ee-oh kor-p<<schwa>>-ris). A sale of a specific thing. — Also termed venditio speciei.

venditio generis (ven-dish-ee-oh jen-<<schwa>>-ris). A sale of goods of a class or general kind.

venditio nominis (ven-dish-ee-oh nom-<<schwa>>-nis). A sale or conveyance of a debt.

venditio speciei (ven-dish-ee-oh spee-shee-I). See venditio corporis.

#### VENDITION

vendition, n. The act of selling; a sale. — Also termed venditio.

#### VENDITIONI EXPONAS

venditioni exponas (ven-dish-ee-oh-nI eks-poh-n<<schwa>>s). [Latin “you are to expose for

sale”] A writ of execution requiring a sale to be made. • The writ is directed to a sheriff when he has levied upon goods under a fieri facias but has made return that they remain unsold for lack of buyers. In some jurisdictions, a venditioni exponas is issued to require a sale of lands seized under an earlier writ, after they have been condemned or passed upon by inquisition. — Abbr. vend. ex.; v.e.[Cases: Execution 217.C.J.S. Executions § 214.]

#### VENDITOR

venditor (ven-d<<schwa>>-t<<schwa>>r), n. Hist. See VENDOR.

#### VENDITOR REGIS

venditor regis (ven-d<<schwa>>-t<<schwa>>r ree-jis). [Latin] Hist. The king's seller; esp., the person who sold goods and chattels that had been seized or distrained to answer a debt due to the king.

#### VENDITRIX

venditrix (ven-d<<schwa>>-triks), n. Hist. A female vendor.

#### VENDOR

vendor. A seller, usu. of real property. — Also termed venditor. [Cases: Vendor and Purchaser 9.1. C.J.S. Vendor and Purchaser § 7.]

itinerant vendor. A vendor who travels from place to place selling goods. [Cases: Licenses 15(2).]

#### VENDOR'S LIEN

vendor's lien. See LIEN.

#### VENDUE

vendue (ven-d[y]ooorven-d[y]oo). Hist. 1. A sale; esp., a sale at public auction. 2. See execution sale under SALE.

#### VENDUE MASTER

vendue master. Hist. See AUCTIONEER.

#### VENEREAL DISEASE

venereal disease. See SEXUALLY TRANSMITTED DISEASE.

#### VENERY

venery (ven-<<schwa>>-ree). Archaic. 1. Hunting. 2. Sexual intercourse.

#### VENETIAN PATENT STATUTE

Venetian patent statute. Hist. A law enacted in Venice in 1474, giving an inventor the exclusive right to make and use an invention for ten years. • This was the first known patent law,

with procedures for securing and enforcing the right to exclude others from working the invention.

#### VENIA

venia (vee-nee-*<<schwa>>*), n.[Latin] Hist. 1. A penitent's kneeling or assuming a prostrate position on the ground. 2. A pardon. 3. The granting of a privilege. Pl. veniae.

venia aetatis (vee-nee-*<<schwa>>* i-tay-tis).Roman & civil law. A privilege granted by a prince or sovereign by virtue of which an underage person is entitled to act as if he or she were of full age.

#### VENIAL

venial (vee-nee-*<<schwa>>*l), adj. (Of a transgression) forgivable; pardonable.

#### VENIRE

venire (v*<<schwa>>*-nI-ree or -neer-ee or -nIror -neer).1. A panel of persons selected for jury duty and from among whom the jurors are to be chosen. — Also termed array; jury panel; jury pool. [Cases: Jury 60–69.C.J.S. Juries §§ 271, 282, 305–310, 312–323, 340.]

special venire.A panel of citizens summoned when there is an unexpected need for a larger pool from which to select jurors, or a panel summoned for a particular (usu. capital) case.

#### 2.VENIRE FACIAS.

#### VENIRE DE NOVO

venire de novo.See venire facias de novo under VENIRE FACIAS.

#### VENIRE FACIAS

venire facias (v*<<schwa>>*-nI-ree [or -neer-ee or -nIror -neer] fay-shee-*<<schwa>>*s). A writ directing a sheriff to assemble a jury. — Often shortened to venire. — Also termed venire facias juratores (juur-*<<schwa>>*-tor-eez). [Cases: Jury 67. C.J.S. Juries § 319.]

venire facias ad respondendum (ad ree-spon-den-d*<<schwa>>*m). A writ requiring a sheriff to summon a person against whom an indictment for a misdemeanor has been issued. • A warrant is now more commonly used.

venire facias de novo (dee or di noh-voh). A writ for summoning a jury panel anew because of some impropriety or irregularity in the original jury's return or verdict so that no judgment can be given on it. • The result of a new venire is a new trial. In substance, the writ is a motion for new trial, but when the party objects to the verdict because of an error in the course of the proceeding (and not on the merits), the form of motion was traditionally for a venire facias de novo. — Often shortened to venire de novo.

venire facias tot matronas (tot m*<<schwa>>*-troh-n*<<schwa>>*s). A writ requiring a sheriff to summon a jury of matrons to execute a writ de ventre inspiciendo. See DE VENTRE INSPICIENDO.

## VENIREMEMBER

veniremember (v<<schwa>>-nI-ree-mem-b<<schwa>>r or v<<schwa>>-neer-ee- or v<<schwa>>-neer-). A prospective juror; a member of a jury panel. — Also termed venireman; venireperson; talesman. See TALESMAN.

## VENIT ET DEFENDIT

venit et defendit (vee-nit et di-fen-dit). [Latin] Comes and defends. • The phrase appeared in old-style defensive pleading.

## VENIT ET DICIT

venit et dicit (vee-nit et dI-sit). [Latin] Comes and says. • The phrase appeared in old-style pleading. Its remnant still occurs in some American jurisdictions: Now comes the plaintiff, and respectfully says ....

## VENTE

vente (vawnt or vont). [French] French law. A sale; contract of sale.

vente aléatoire (a-lay-<<schwa>>-twahr). A sale subject to an uncertain event.

vente à réméré (ah ray-may-ray). A conditional sale, in which the seller reserves the right to redeem or repurchase at the same price. • The term is used in Louisiana and in some parts of Canada.

vente aux enchères (oh-zawn-shair). An auction. See AUCTION.

## VENTER

venter (ven-t<<schwa>>r), n.[Latin “womb”] 1. The womb of a wife or mother. 2. One of two or more women who are sources of the same man's offspring.

“venter... is a term nowadays considered objectionable, as it refers to the woman merely as the possessor of a birth canal.” Bryan A. Garner, *A Dictionary of Modern Legal Usage* 910 (2d ed. 1995).

## VENTRE INSPICIENDO

ventre inspiciendo.1.DE VENTRE INSPICIENDO. 2. See venire facias tot matronas under VENIRE FACIAS.

## VENTURE

venture. An undertaking that involves risk; esp., a speculative commercial enterprise.

## VENTURE CAPITAL

venture capital.See CAPITAL.

## VENTURER

venturer, n. 1. One who risks something in a business enterprise. 2. One who participates in a joint venture. See JOINT VENTURE.

#### VENUE

venue (ven-yoo). [Law French “coming”] Procedure. 1. The proper or a possible place for a lawsuit to proceed, usu. because the place has some connection either with the events that gave rise to the lawsuit or with the plaintiff or defendant. [Cases: Federal Courts 71; Venue 1.5. C.J.S. Venue §§ 2–5.] 2. The county or other territory over which a trial court has jurisdiction. Cf. JURISDICTION(1), (2). 3. Loosely, the place where a conference or meeting is being held. 4. In a pleading, the statement establishing the place for trial. [Cases: Federal Courts 94.] 5. In an affidavit, the designation of the place where it was made.

“Venue must be carefully distinguished from jurisdiction. Jurisdiction deals with the power of a court to hear and dispose of a given case; in the federal system, it involves questions of a constitutional dimension concerning the basic division of judicial power among the states and between state and federal courts. Venue is of a distinctly lower level of importance; it is simply a statutory device designed to facilitate and balance the objectives of optimum convenience for parties and witnesses and efficient allocation of judicial resources.” Jack H. Friedenthal et al., *Civil Procedure* § 2.1, at 10 (2d ed. 1993).

“The distinction must be clearly understood between jurisdiction, which is the power to adjudicate, and venue, which relates to the place where judicial authority may be exercised and is intended for the convenience of the litigants. It is possible for jurisdiction to exist though venue in a particular district is improper, and it is possible for a suit to be brought in the appropriate venue though it must be dismissed for lack of jurisdiction. The most important difference between venue and jurisdiction is that a party may consent to be sued in a district that otherwise would be an improper venue, and it waives its objection to venue if it fails to assert it promptly. This is in striking contrast to subject-matter jurisdiction, which cannot be conferred by the parties, if it has not been granted by Congress, whether by consent, waiver, or estoppel.” Charles Alan Wright, *The Law of Federal Courts* § 42, at 257 (5th ed. 1994).

#### VENUE, CHANGE OF

venue, change of. See CHANGE OF VENUE.

#### VENUE FACTS

venue facts. Facts that need to be established in a hearing to determine whether venue is proper in a given court. [Cases: Federal Courts 96; Venue 68. C.J.S. Venue §§ 270–275.]

#### VENVILLE

venville (ven-vil), n. Hist. A tenure peculiar to the area of Dartmoor forest in Devonshire, whereby tenants have certain rights in the forest.

#### VERACIOUS

veracious (v<<schwa>>-ray-sh<<schwa>>s), adj. Truthful; accurate. — Also termed

veridical.

#### VERACITY

veracity (v<<schwa>>-ras-<<schwa>>t-ee), n.1. Truthfulness <the witness's fraud conviction supports the defense's challenge to his veracity>.2. Accuracy <you called into question the veracity of Murphy's affidavit>. — veracious (v<<schwa>>-ray-sh<<schwa>>s), adj.

#### VERAY

veray (v<<schwa>>-ray), adj.[Law French] Hist. True. • This word is an older form of the French vrai.

#### VERBA

verba (v<<schwa>>r-b<<schwa>>). [Latin] n. pl. Words — esp. oral as opposed to written words.

#### VERBA CONCEPTA

verba concepta.1.FORMULA(1).2.FORMULAE.

#### VERBA JACTANTIA

verba jactantia (v<<schwa>>r-b<<schwa>> jak-tan-shee-<<schwa>>). [Law Latin] Hist. Boastful words. • These words — esp. in a marriage declaration — are not usu. binding. See JACTITATION OF MARRIAGE.

#### VERBAL

verbal,adj.1. Of, relating to, or expressed in words. 2. Loosely, of, relating to, or expressed in spoken words.

#### VERBAL ACT

verbal act.See ACT(2).

#### VERBAL-ACT DOCTRINE

verbal-act doctrine.The rule that utterances accompanying conduct that might have legal effect are admissible when the conduct is material to the issue and is equivocal in nature, and when the words help give the conduct its legal significance. [Cases: Evidence 267. C.J.S. Evidence §§ 259, 285, 311–313, 326, 333–336, 343.]

#### VERBAL CONTRACT

verbal contract.See parol contract (1) under CONTRACT.

#### VERBAL NOTE

verbal note.Diplomacy. An unsigned memorandum informally reminding an official of a pending request, an unanswered question, or the like.

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**VERBAL WILL**

verbal will. See nuncupative will under WILL.

**VERBA PRECARIA**

verba precaria (v<<schwa>>r-b<<schwa>> pri-kair-ee-<<schwa>>). [Latin] Civil law. 1. Precatory words. 2. Words of trust; words of request used in creating a trust.

**VERBA SOLENNIA**

verba solennia (v<<schwa>>r-b<<schwa>> s<<schwa>>-len-ee-<<schwa>>). [Latin] Hist. Solemn words; formal words. — Also termed verba solemnna (s<<schwa>>-lem-nee-<<schwa>>).

**VERBATIM**

verbatim (v<<schwa>>r-bay-t<<schwa>>m), adj. & adv. [fr. Latin verbum “word”] Word for word. • Courts have repeatedly held that, in the context of the requirement that a trial record must be “verbatim,” absolute word-for-word accuracy is not necessary — and insubstantial omissions do not make a transcript “nonverbatim.” [Cases: Military Justice 1354, 1356.]

**VERBATIM AC LITTERATIM**

verbatim ac litteratim (v<<schwa>>r-bay-tim ak lit-<<schwa>>-ray-tim), adv. (v<<schwa>>r-bay-tim ak li-t<<schwa>>-ray-tim). [Latin] Word for word and letter for letter. — Also spelled verbatim ac literatim; verbatim et literatim. — Also termed verbatim et litteratim.

**VERBI GRATIA**

verbi gratia (v<<schwa>>r-bIgray-shee-<<schwa>>). [Latin “for example”] Words for the sake of example. — Abbr. v.g.

**VERBRUIKLEENING**

verbruikleening (ver-bruuk-layn-ing), n. Roman-Dutch law. A loan for use; **COMMODATUM**.

**VERDERER**

verderer (v<<schwa>>r-d<<schwa>>r-<<schwa>>r), n. [fr. French verdier “caretaker of green things”] Hist. A judicial officer who, being in charge of the king's forest, is sworn to preserve the vert (foliage) and venison, to keep the assizes, and to view, receive, and enroll attachments and presentments on matters involving trespass. — Also spelled verderor.

“In all the forests there were a varying number of officers (usually four) elected in the county court, and styled Verderers. Manwood says that they should be ‘gentlemen of good account, ability, and living, and well learned in the laws of the forest.’ Their chief duty was to attend the forest courts; they served gratuitously; and they were immediately responsible to the crown. Possibly they were regarded as a check upon the Warden, as the coroner was upon the sheriff.” 1 William Holdsworth, *A History of English Law* 96 (7th ed. 1956).



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**VERDICT**

verdict. 1. A jury's finding or decision on the factual issues of a case. [Cases: Criminal Law 870–894; Federal Civil Procedure 2191; Trial 318. C.J.S. Criminal Law §§ 1395–1414, 1500–1501, 1512, 1532, 1543; Trial §§ 818–819, 821, 846–847.] 2. Loosely, in a nonjury trial, a judge's resolution of the issues of a case. [Cases: Federal Civil Procedure 2251; Trial 387. C.J.S. Trial §§ 1067–1069, 1071–1072.]

chance verdict. A now-illegal verdict, arrived at by hazard or lot. — Also termed gambling verdict; verdict by lot. [Cases: Criminal Law 798(2), 866; Federal Civil Procedure 1974.1. C.J.S. Criminal Law §§ 1372, 1381.]

compromise verdict. A verdict reached when jurors, to avoid a deadlock, concede some issues so that other issues will be resolved as they want. [Cases: Criminal Law 866; Federal Civil Procedure 1974.1; Trial 315. C.J.S. Criminal Law §§ 1372, 1381; Trial §§ 800–802, 822.]

defective verdict. A verdict on which a judgment cannot be based because of irregularities or legal inadequacies.

directed verdict. A ruling by a trial judge taking a case from the jury because the evidence will permit only one reasonable verdict. — Also termed instructed verdict. [Cases: Criminal Law 753; Federal Civil Procedure 2117; Trial 167. C.J.S. Criminal Law § 1276; Trial §§ 432–433, 437–438.]

excessive verdict. A verdict that results from the jury's passion or prejudice and thereby shocks the court's conscience. [Cases: Damages 128; Federal Civil Procedure 2345; New Trial 77(2). C.J.S. Damages §§ 384, 387–394; New Trial §§ 101, 103.]

false verdict. Archaic. A verdict so contrary to the evidence and so unjust that the judge may set it aside. [Cases: Federal Civil Procedure 2338.]

gambling verdict. See chance verdict.

general verdict. A verdict by which the jury finds in favor of one party or the other, as opposed to resolving specific fact questions. Cf. special verdict. [Cases: Criminal Law 881; Federal Civil Procedure 2191; Trial 318. C.J.S. Criminal Law § 1402; Trial §§ 818–819, 821, 846–847.]

general verdict subject to a special case. Archaic. A court's verdict rendered without regard to the jury's general verdict, given when a party does not want to put the legal question on the record but merely wants the court to decide on the basis of a written statement of all the facts in the case, prepared for the opinion of the court by counsel on either side, according to the principles of a special verdict, whereupon the court decides the special case submitted and gives judgment accordingly.

general verdict with interrogatories. A general verdict accompanied by answers to written interrogatories on one or more issues of fact that bear on the verdict. [Cases: Federal Civil Procedure 2211; Trial 348. C.J.S. Trial §§ 825, 930, 932.]

guilty verdict. A jury's finding that a defendant is guilty of the offense charged.

instructed verdict. See directed verdict.

joint verdict. A verdict covering two or more parties to a lawsuit.

legally inconsistent verdict. A verdict in which the same element is found to exist and not to exist, as when a defendant is acquitted of one offense and convicted of another, even though the offenses arise from the same set of facts and an element of the second offense requires proof that the first offense has been committed. — Also termed legal inconsistency. [Cases: Criminal Law 878(4); Federal Civil Procedure 2237; Trial 358. C.J.S. Criminal Law § 1407; Trial §§ 992–994.]

majority verdict. A verdict agreed to by all but one or two jury members. • In some jurisdictions, a civil verdict supported by 10 of 12 jurors is acceptable.

open verdict. A verdict of a coroner's jury finding that the subject “came to his death by means to the jury unknown” or “came to his death at the hands of a person or persons to the jury unknown.” • This verdict leaves open either the question whether any crime was committed or the identity of the criminal.

partial verdict. A verdict by which a jury finds a criminal defendant innocent of some charges and guilty of other charges.

perverse verdict. A jury verdict so contrary to the evidence that it justifies the granting of a new trial. [Cases: Federal Civil Procedure 2338; New Trial 68.1. C.J.S. New Trial §§ 89, 95, 98.]

privy verdict (priv-ee). Hist. A verdict given after the judge has left or adjourned the court, and the jury, having agreed, obtains leave to give its verdict privately to the judge out of court so that the jurors can be delivered from their confinement. • Such a verdict was of no force unless afterwards affirmed in open court. This practice has been superseded by that of rendering a sealed verdict. See sealed verdict.

public verdict. A verdict delivered by the jury in open court.

quotient verdict. An improper damage verdict that a jury arrives at by totaling what each juror would award and dividing by the number of jurors. [Cases: Federal Civil Procedure 1974.1; Trial 315. C.J.S. Trial §§ 800–802, 822.]

repugnant verdict. A verdict that contradicts itself in that the defendant is convicted and acquitted of different crimes having identical elements. • Sometimes the inconsistency occurs in a single verdict (repugnant verdict), and sometimes it occurs in two separate verdicts (repugnant verdicts). Both terms are used mainly in New York. [Cases: Criminal Law 878(4). C.J.S. Criminal Law § 1407.]

responsive verdict. Civil law. A verdict that properly answers the indictment with specific findings prescribed by statute, the possible findings being guilty, not guilty, and guilty of a lesser included offense.

sealed verdict. A written verdict put into a sealed envelope when the jurors have agreed on their decision but court is not in session or the jury is continuing to deliberate other counts. • Upon delivering a sealed verdict, the jurors may separate. When court convenes again, this verdict is officially returned with the same effect as if the jury had returned it in open court before separating. [Cases: Trial 324. C.J.S. Trial §§ 826–828.]

special verdict. A verdict in which the jury makes findings only on factual issues submitted to them by the judge, who then decides the legal effect of the verdict. See Fed. R. Civ. P. 49. Cf. general verdict. [Cases: Criminal Law 870; Federal Civil Procedure 2231; Trial 347. C.J.S. Criminal Law § 1403; Trial §§ 820, 929, 931.]

split verdict. 1. A verdict in which one party prevails on some claims, while the other party prevails on others. 2. Criminal law. A verdict finding a defendant guilty on one charge but not guilty on another. [Cases: Criminal Law 878. C.J.S. Criminal Law § 1406.] 3. Criminal law. A verdict of guilty for one defendant and of not guilty for a codefendant. [Cases: Criminal Law 877. C.J.S. Criminal Law § 1405.]

true verdict. A verdict that is reached voluntarily — even if one or more jurors freely compromise their views — and not as a result of an arbitrary rule or order, whether imposed by the jurors themselves, the court, or a court officer. [Cases: Trial 314–315. C.J.S. Trial §§ 800–802, 815, 822.]

verdict by lot. See chance verdict.

verdict contrary to law. A verdict that the law does not authorize a jury to render because the conclusion drawn is not justified by the evidence. — Also termed wrong verdict. [Cases: Federal Civil Procedure 2338; New Trial 66. C.J.S. New Trial § 85.]

verdict subject to opinion of court. A verdict that is subject to the court's determination of a legal issue reserved to the court upon the trial, so that judgment is ultimately entered depending on the court's ruling on a point of law. [Cases: Judgment 199(4). C.J.S. Judgments § 62.]

wrong verdict. See verdict contrary to law.

## VEREDICTO

veredicto. See NON OBSTANTE VEREDICTO.

## VEREDICTUM

veredictum (ver-*<<schwa>>*-dik-t*<<schwa>>*m), n. Hist. A verdict; a declaration of the truth of a matter in issue, submitted to a jury for trial.

## VERGE

verge (v*<<schwa>>*rj), n. Hist. 1. The area within 12 miles of the place where the king held his court and within which the king's peace was enforced. • This area was commonly referred to as being in the verge. The verge got its name from the staff (called a “verge”) that the marshal bore. 2. The compass of the royal court, within which the lord steward and marshal of the king's household

had special jurisdiction. — Also termed Court of Verge. 3. The neighborhood of Whitehall, the section of London in which British government offices have traditionally been located. 4. An uncertain quantity of land from 15 to 30 acres. 5. A stick or rod by which a person, after holding the stick and swearing fealty, is admitted as a tenant to a copyhold estate. — Also spelled virge. For tenant by the verge, see COPYHOLDER.

#### VERGENS AD INOPIAM

vergens ad inopiam (v<<schwa>>r-jenz ad in-oh-pee-<<schwa>>m), adj.[Latin “verging on poverty”] Civil law. Tending to become insolvent.

“When a debtor is clearly vergens ad inopiam, a creditor may legally resort to certain measures, for the purpose of protecting his interests, which would not otherwise be competent to him. Thus if the debtor be bound under a bill, the creditor may, in consideration of his debtor's circumstances, obtain a precept of arrestment on the bill before it becomes due, on which he may arrest any funds due to his debtor. As this proceeding is only allowed, however, as a protective measure ... he cannot ... render the arrested funds available to himself until the bill falls due .... The fact of the debtor's being vergens ad inopiam will be inferred from different circumstances in different cases, and the proof of that fact will also, necessarily, be varied.” John Trayner, Trayner's Latin Maxims 627 (4th ed. 1894).

#### VERGER

verger,n. One who carries a verge (a rod) as an emblem of office; esp., an attendant on a bishop or justice.

#### VERIDICAL

veridical (v<<schwa>>-rid-<<schwa>>-k<<schwa>>l). See VERACIOUS.

#### VERIFICATION

verification,n.1. A formal declaration made in the presence of an authorized officer, such as a notary public, or (in some jurisdictions) under oath but not in the presence of such an officer, whereby one swears to the truth of the statements in the document. • Traditionally, a verification is used as a conclusion for all pleadings that are required to be sworn. Cf. ACKNOWLEDGMENT(4). — Also termed affidavit of verification. [Cases: Federal Civil Procedure 662; Pleading 289–304. C.J.S. Pleading §§ 255, 486–518.] 2. An oath or affirmation that an authorized officer administers to an affiant or deponent. 3. Loosely, ACKNOWLEDGMENT (5).4. See certified copy under COPY. 5.CERTIFICATE OF AUTHORITY(5).6. Any act of notarizing. Cf. JURAT(1). — verify,vb. — verifier,n.

#### VERIFIED COPY

verified copy.See certified copy under COPY.

#### VERIFIEDNON EST FACTUM

verified non est factum.See NON EST FACTUM.

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**VERIFY**

verify,vb.1. To prove to be true; to confirm or establish the truth or truthfulness of; to authenticate. 2. To confirm or substantiate by oath or affidavit; to swear to the truth of.

**VERILY**

verily,adv. Archaic. Truly; in fact; certainly.

**VERITAS**

veritas (ver-i-tas or -tahs), n.[Latin] 1. Truth. 2. (cap.) An international institution of maritime underwriters for the survey and rating of vessels. • Founded in Belgium in 1828, it moved to Paris in 1832 and has long been represented all over the world. — Also termed Bureau Veritas.

**VERITAS CONVICII**

veritas convicii (ver-i-tas k<<schwa>>n-vish-ee-I). [Law Latin] Hist. The truth of the accusation. • The phrase appeared in reference to a defense in a defamation action.

**VERITY**

verity (ver-<<schwa>>-tee). Truth; truthfulness; conformity to fact.

**VERMENGING**

vermending (v<<schwa>>r-meng-ing), n.[Dutch “mingling”] The extinction of a debt when the debtor's and the creditor's interests merge, as in a corporate merger.

**VERNA**

verna (v<<schwa>>r-n<<schwa>>).Hist. A slave born in the slaveholder's house.

**VERSANS IN ILLICITO**

versans in illicito (v<<schwa>>r-sanz in i-lis-i-toh). [Latin] Hist. Engaged in some unlawful occupation.

**VERSARI**

versari (v<<schwa>>r-sair-I), vb.[Latin] 1. To be employed. 2. To be conversant.

**VERSARI IN RE ILLICITA**

versari in re illicita (v<<schwa>>r-sair-I in ree i-lis-<<schwa>>-t<<schwa>>). [Latin] To be engaged in an unlawful activity (as a bar to a claim for damages).

**VERSUS**

versus,prep. Against. — Abbr. v.; vs.

**VERT**

vert (v<<schwa>>rt).Hist. 1. Anything that grows and bears green leaves within a forest. 2. A

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power, given by royal grant, to cut green wood in a forest.

**VERTICAL COMPETITION**

vertical competition. See **COMPETITION**.

**VERTICAL EQUALITY**

vertical equality. In per capita distribution of an estate, parity of distribution among children's families. See **PER CAPITA**. Cf. **HORIZONTAL EQUALITY** .

**VERTICAL INTEGRATION**

vertical integration. See **INTEGRATION**(5).

**VERTICAL MERGER**

vertical merger. See **MERGER**.

**VERTICAL NONPRIVITY**

vertical nonprivity. See **NONPRIVITY**.

**VERTICAL PRICE-FIXING**

vertical price-fixing. See **PRICE-FIXING**.

**VERTICAL PRIVITY**

vertical privity. See **PRIVITY**.

**VERTICAL RESTRAINT**

vertical restraint. See **RESTRAINT OF TRADE**.

**VERTICAL TRUST**

vertical trust. Antitrust. A combination that gathers together under a single ownership a number of businesses or plants engaged in successive stages of production or marketing.

**VERTICAL UNION**

vertical union. See industrial union under **UNION**.

**VERUS**

verus (veer-<<schwa>>s), adj. [Latin] True; truthful; genuine; actual.

**VERY HEAVY WORK**

very heavy work. See **WORK**(1).

**VESA**

VESA. abbr. **VIDEO ELECTRONICS STANDARDS ASSOCIATION**.

## VESSEL

vessel. A ship, brig, sloop, or other craft used — or capable of being used — to navigate on water. • To qualify as a vessel under the Jones Act, the structure's purpose must to some reasonable degree be to transport passengers, cargo, or equipment from place to place across navigable waters. [Cases: Shipping 1. C.J.S. Shipping § 4.]

“Despite the important role a ‘vessel’ plays in maritime law, there is no settled definition of the term. Congress has defined a vessel as including ‘every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.’ 1 U.S.C.A. § 3. The Supreme Court has defined vessels as ‘all navigable structures intended for transportation.’ *Cope v. Vallette Dry-Dock Co.*, 119 U.S. 625 (1887).” Frank L. Maraist, *Admiralty in a Nutshell* 14 (3d ed. 1996).

“The term vessel is defined in 1 U.S.C. § 3 as follows: ‘The word “vessel” includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.’ This definition has not been very influential in admiralty and maritime cases. Litigants contending for vessel status often invoke its remarkable breadth. Those opposing vessel status typically respond, ‘But the present context indicates otherwise.’ When courts mention the definition favorably, it usually seems to be a makeweight argument.” David W. Robertson, Steven F. Friedell & Michael F. Sturley, *Admiralty and Maritime Law in the United States* 59 (2001).

foreign vessel. A vessel owned by residents of, or sailing under the flag of, a foreign nation. [Cases: Shipping 2. C.J.S. Shipping § 1.]

Jones Act vessel. A vessel whose crew members can qualify as seamen under the Jones Act; esp., a craft designed or used for transporting cargo or people on navigable waters, or that was being used for navigation at the time of a worker's injury. See JONES ACT. [Cases: Shipping 1. C.J.S. Shipping § 4.]

public vessel. A vessel owned and used by a nation or government for its public service, whether in its navy, its revenue service, or otherwise. See PUBLIC VESSELS ACT. [Cases: United States 125(11). C.J.S. United States §§ 236–239.]

seagoing vessel. A vessel that — considering its design, function, purpose, and capabilities — is normally expected both to carry passengers for hire and to engage in substantial operations beyond the boundary line (set by the Coast Guard) dividing inland waters from the high seas. • Typically excluded from the definition are pleasure yachts, tugs and towboats, fishing boats, and other vessels that do not carry passengers for hire. [Cases: Shipping 9, 204. C.J.S. Shipping §§ 6–7, 473, 482–483.]

seaworthy vessel. A vessel that can withstand the ordinary stress of the wind, waves, and other weather that seagoing vessels might ordinarily be expected to encounter. • In some legal contexts, the question whether a vessel is seaworthy includes the question whether it is fit to carry an intended cargo properly. See SEAWORTHY. [Cases: Seamen 9; Shipping 42, 121, 207.]

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C.J.S. Seamen § 33; Shipping §§ 102, 105–106, 321–322, 324, 475–476.]

## VEST

vest,vb.1. To confer ownership of (property) upon a person. 2. To invest (a person) with the full title to property. 3. To give (a person) an immediate, fixed right of present or future enjoyment. 4.Hist. To put (a person) into possession of land by the ceremony of investiture. — vesting,n.

## VESTED

vested,adj. Having become a completed, consummated right for present or future enjoyment; not contingent; unconditional; absolute <a vested interest in the estate>. [Cases: Estates in Property 1. C.J.S. Estates §§ 2–5, 8, 15–21, 116–128, 137, 243.]

“[U]nfortunately, the word ‘vested’ is used in two senses. Firstly, an interest may be vested in possession, when there is a right to present enjoyment, e.g. when I own and occupy Blackacre. But an interest may be vested, even where it does not carry a right to immediate possession, if it does confer a fixed right of taking possession in the future.” George Whitecross Paton, *A Textbook of Jurisprudence* 305 (G.W. Paton & David P. Derham eds., 4th ed. 1972).

“A future interest is vested if it meets two requirements: first, that there be no condition precedent to the interest's becoming a present estate other than the natural expiration of those estates that are prior to it in possession; and second, that it be theoretically possible to identify who would get the right to possession if the interest should become a present estate at any time.” Thomas F. Bergin & Paul G. Haskell, *Preface to Estates in Land and Future Interests* 66–67 (2d ed. 1984).

vested in interest.Consummated in a way that will result in future possession and use. • Reversions, vested remainders, and any other future use or executory devise that does not depend on an uncertain period or event are all said to be vested in interest. [Cases: Wills 628–638. C.J.S. Wills §§ 1320–1379, 1551.]

vested in possession.Consummated in a way that has resulted in present enjoyment.

## VESTED ESTATE

vested estate.See ESTATE(1).

## VESTED GIFT

vested gift.See GIFT.

## VESTED INTEREST

vested interest.See INTEREST(2).

## VESTED LEGACY

vested legacy.See LEGACY.

## VESTED OWNERSHIP



vested ownership. See OWNERSHIP.

#### VESTED PENSION

vested pension. See PENSION.

#### VESTED REMAINDER

vested remainder. See REMAINDER.

#### VESTED RIGHT

vested right. See RIGHT.

#### VESTED-RIGHTS DOCTRINE

vested-rights doctrine. Constitutional law. The rule that the legislature cannot take away a right that has been vested by a court's judgment; specif., the principle that it is beyond the province of Congress to reopen a final judgment issued by an Article III court. — Also termed doctrine of vested rights. [Cases: Constitutional Law 110.]

#### VESTIGIAL WORDS

vestigial words (ve-stij-ee-<<schwa>>l). Statutory words and phrases that, through a succession of amendments, have been made useless or meaningless. • Courts do not allow vestigial words to defeat the fair meaning of a statute.

#### VESTIGIUM

vestigium (ve-stij-ee-<<schwa>>m). Archaic. A vestige, mark, or sign; a trace, track, or impression left by a person or a physical object.

#### VESTING ORDER

vesting order. A court order passing legal title in lieu of a legal conveyance.

#### VESTITA MANUS

vestita manus (ves-tI-t-<<schwa>> may-n-<<schwa>>s), n. [Latin “vested hand”] Hist. The right hand used in the ceremony of investiture.

#### VESTITA VIRO

vestita viro (ves-tI-t-<<schwa>> vI-roh). [Law Latin] Hist. Clothed with a husband.

“A married woman is said to be vestita viro, and so long as this coverture exists her person cannot be attached on civil diligence, unless that diligence proceeds upon a decree ad factum praestandum, for the performance of some act which she is bound to perform, and which cannot be validly performed except by herself, ex. gr., to enter the heir of her vassal, to produce or exhibit as a haver writings in her own custody, &c.” John Trayner, Trayner's Latin Maxims 628 (4th ed. 1894).

#### VESTITIVE FACT

vestitive fact (ves-t<<schwa>>-tiv). See dispositive fact (1) under FACT.

#### VESTITUS ET MUNDUS MULIEBRIS

vestitus et mundus muliebris (ves-t<schwa>>s et m<<schwa>>n-d<<schwa>>s myoo-lee-ee-bris). [Latin] Hist. A woman's wearing of apparel and ornaments.

#### VESTRY

vestry (ves-tree).Eccles. law. 1. The place in a church where the priest's robes are kept. — Also termed sacristy. 2. An assembly of the minister, church wardens, and parishioners to conduct church business.

#### VESTRY CLERK

vestry clerk.Eccles. law. An officer appointed to attend a vestry and to take minutes of the proceedings.

#### VESTURE

vesture (ves-ch<<schwa>>r).Hist. 1. The corn, grass, underwood, stubble, or other growth — apart from trees — that covers the land. — Also termed vestura (ves-t[y]oor-<<schwa>>); vestura terrae (ter-ee); vesture of land. 2. Seisin; investiture.

#### VETERAN

veteran. A person who has been honorably discharged from military service.

#### VETERANS AFFAIRS, DEPARTMENT OF

Veterans Affairs, Department of.An independent federal agency that administers benefit programs for veterans and their families. — Abbr. VA. — Also termed Veterans Administration. [Cases: Armed Services 102. C.J.S. Armed Services §§ 262–263.]

#### VETERANS APPEALS, U.S. COURT OF

Veterans Appeals, U.S. Court of.See UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS .

#### VETERANS BENEFITS ADMINISTRATION

Veterans Benefits Administration.A unit in the U.S. Department of Veterans Affairs responsible for advising and assisting veterans and their families who apply for veterans' benefits.

#### VETERANS' EMPLOYMENT AND TRAINING SERVICE

Veterans' Employment and Training Service.A unit in the U.S. Department of Labor responsible for administering various programs relating to veterans' employment and training. • The agency protects the reemployment rights of veterans and the employment and retention rights of members of the Reserve and National Guard. Its regional administrators work with state employment-security agencies and with recipients of grants under the Job Training Partnership Act to ensure that veterans are provided the priority services required by law. — Abbr. VETS.

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**VETERANS HEALTH ADMINISTRATION**

Veterans Health Administration. A unit in the U.S. Department of Veterans Affairs responsible for providing hospital, nursing-home, and medical care to eligible veterans of military service.

**VETERA STATUTA**

vetera statuta (vet-*<<schwa>>*-r*<<schwa>>* sta-t[y]oo-t*<<schwa>>*), n. pl. [Law Latin “ancient statutes”] The statutes from Magna Carta (1215) to the end of Edward II's reign (1327). — Also termed *antiqua statuta* (an-tl-kw*<<schwa>>*st*<<schwa>>*-t[y]oo-t*<<schwa>>*). Cf. NOVA STATUTA.

**VETITIVE**

vetitive (vet-*<<schwa>>*-tiv), adj. Of, relating to, or having the power to veto.

**VETITUM NAMIUM**

vetitum namium (vet-*<<schwa>>*-t*<<schwa>>*m nay-mee-*<<schwa>>*m), n. [Law Latin “a prohibited taking”] Hist. See NAMIUM VETITUM.

**VETO**

veto (vee-toh), n. [Latin “I forbid”] 1. A power of one governmental branch to prohibit an action by another branch; esp., a chief executive's refusal to sign into law a bill passed by the legislature. [Cases: Statutes 25. C.J.S. Statutes § 47.] 2. VETO MESSAGE. Pl. vetoes. — veto, vb.

absolute veto. An unrestricted veto that is not subject to being overridden.

item veto. See line-item veto.

legislative veto. A veto that allowed Congress to block a federal executive or agency action taken under congressionally delegated authority. • The Supreme Court held the legislative veto unconstitutional in *INS v. Chadha*, 462 U.S. 919, 103 S.Ct. 2764 (1983). See DELEGATION DOCTRINE.

liberum veto (lib-*<<schwa>>*r-*<<schwa>>*m). Hist. Formerly in Poland, the right of any single member of the diet to invalidate a measure.

limited veto. See qualified veto.

line-item veto. The executive's power to veto some provisions in a legislative bill without affecting other provisions. • The U.S. Supreme Court declared the presidential line-item veto unconstitutional in 1998. See *Clinton v. City of New York*, 524 U.S. 417, 118 S.Ct. 2091 (1998). — Also termed item veto. [Cases: Statutes 33. C.J.S. Statutes §§ 49–52.]

negative veto. See qualified veto.

overridden veto. A veto that the legislature has superseded by again passing the vetoed act, usu. by a supermajority of legislators. • In the federal government, a bill vetoed by the President must receive a two-thirds majority in Congress to override the veto and enact the measure into law.

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[Cases: Statutes 35. C.J.S. Statutes § 54.]

**pocket veto.** A veto resulting from the President's failure to sign a bill passed within the last ten days of the congressional session. [Cases: Statutes 34. C.J.S. Statutes § 53.]

**qualified veto.** A veto that is conclusive unless overridden by an extraordinary majority of the legislature. • This is the type of veto power that the President of the United States has. — Also termed limited veto; negative veto.

**suspensory veto** (s<<schwa>>-spen-s<<schwa>>-ree). A veto that suspends a law until the legislature reconsiders it and then allows the law to take effect if repassed by an ordinary majority. — Also termed suspensive veto.

#### VETOER

vetoer, n. One who vetoes. — Also termed vetoist.

#### VETO MESSAGE

**veto message.** A statement communicating the reasons for the executive's refusing to sign into law a bill passed by the legislature. — Sometimes shortened to veto.

#### VETO POWER

**veto power.** An executive's conditional power to prevent an act that has passed the legislature from becoming law.

#### VETO-PROOF MAJORITY

veto-proof majority. See MAJORITY.

#### VETS

VETS. abbr. VETERANS' EMPLOYMENT AND TRAINING SERVICE.

#### VETUS JUS

**vetus jus** (vee-t<<schwa>>s j<<schwa>>s). Roman & civil law. 1. The law of the Twelve Tables. See TWELVE TABLES. 2. Long-established or ancient law. 3. A law in force before the passage of a later law.

#### VEX

vex, vb. To harass, disquiet, or annoy.

#### VEXARI

vexari (vek-sair-I), vb. [Latin] To be harassed, vexed, or annoyed.

#### VEXATA QUAESTIO

vexata quaestio (vek-say-t<<schwa>> kwes-chee-oh). See VEXED QUESTION.

#### VEXATION

vexation. The damage that is suffered as a result of another's trickery or malice.

#### VEXATIOUS

vexatious (vek-say-sh<<schwa>>s), adj. (Of conduct) without reasonable or probable cause or excuse; harassing; annoying.

#### VEXATIOUS DELAY

vexatious delay. An insurance company's unjustifiable refusal to satisfy an insurance claim, esp. based on a mere suspicion but no hard facts that the claim is ill-founded. — Also termed vexatious refusal to pay; refusal to pay. [Cases: Insurance 3336. C.J.S. Insurance §§ 1163, 1342, 1576, 1578–1581.]

#### VEXATIOUS LAWSUIT

vexatious lawsuit. See VEXATIOUS SUIT.

#### VEXATIOUS LITIGANT

vexatious litigant. See LITIGANT.

#### VEXATIOUS PROCEEDING

vexatious proceeding. See VEXATIOUS SUIT.

#### VEXATIOUS REFUSAL TO PAY

vexatious refusal to pay. See VEXATIOUS DELAY.

#### VEXATIOUS SUIT

vexatious suit. A lawsuit instituted maliciously and without good cause. — Also termed vexatious lawsuit; vexatious litigation; vexatious proceeding. Cf. MALICIOUS PROSECUTION. [Cases: Action 9; Federal Civil Procedure 2737.3. C.J.S. Actions § 37.]

#### VEXED QUESTION

vexed question. 1. A question often argued about but seemingly never settled. 2. A question or point that has been decided differently by different tribunals and has therefore been left in doubt. — Also termed vexata quaestio (vek-say-t<<schwa>> kwes-tee-oh).

#### V.G.

v.g. abbr. VERBI GRATIA.

#### VIA

via (vI-<<schwa>>), n. [Latin “way, road”] Roman & civil law. 1. A road, way, or right-of-way.

via publica (vI-<<schwa>> p<<schwa>>b-li-k<<schwa>>). [Latin] Roman & civil law. A public way or road. • The land itself belongs to the public.

2. Roman law. A type of rural servitude that gave the holder the right to walk, ride, or drive over another's land; *servitus viae*. • It was broader than and included the *servitus itineris* and the *servitus actus*; that is, *via* encompassed both *iter* (a footpath) and *actus* (a driveway). See *servitus viae* under *SERVITUS*. 3. Civil law. The way in which legal procedures are followed.

*via executiva* (vī-ēk-schwa-eg-zek-y-tī-v-schwa). Civil law. Executory process by which the debtor's property is seized, without previous citation, for some reason specified by law, usu. because of an act or title amounting to a confession of judgment.

*via juris* (vī-joor-is). [Latin] Hist. By means of law; by means of legal process.

*via ordinaria* (vī-or-di-nair-ee-schwa). Civil law. The ordinary way or process by which a citation is served and all the usual forms of law are followed.

#### VIA ACTIONIS

*via actionis* (vī-ak-shee-oh-nis). [Latin] Hist. By way of an action.

#### VIABLE

*viable* (vī-b-schwa-l), adj. 1. Capable of living, esp. outside the womb <a *viable fetus*>. 2. Capable of independent existence or standing <a *viable lawsuit*>. — *viability* (vī-bil-schwa-tee), n.

#### VIAE SERVITUS

*viae servitus* (vī-ee s-schwa-r-v-schwa-t-schwa-s). 1. *SERVITUS VIAE*. 2. *VIA*(2).

#### VIA EXECUTIVA

*via executiva*. See *VIA*(3).

#### VIA FACTI

*via facti* (vī-fak-tī), adv. [Law Latin “by way of deed”] By force; in a forcible way.

#### VIAGÈRE RENTE

*viagère rente*. See *rente viagère* under *RENTE*.

#### VIA JURIS

*via juris*. See *VIA*(3).

#### VIA ORDINARIA

*via ordinaria*. See *VIA*(3).

#### VIA PUBLICA

*via publica*. See *VIA*(1).

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**VIA REGIA**

via regia (vI-<<schwa>> ree-jee-<<schwa>>). [Latin “the king's highway”] Hist. The highway or common road — called the “king's highway” because the king authorized and protected it.

**VIATICAL SETTLEMENT**

viatical settlement. See SETTLEMENT(3).

**VIATICATION**

viatication (vI-at-<<schwa>>-kay-sh-<<schwa>>n). [fr. Latin viaticus “relating to a road or journey”] The purchase of a terminally or chronically ill policyholder's life insurance in exchange for a lump-sum payment. See viatical settlement under SETTLEMENT.

**VIATOR**

viator (vI-ay-t-<<schwa>>r). 1. APPARITOR(1). 2. A terminally or chronically ill life-insurance policyholder who sells the policy to a third party in return for a lump-sum payment equal to a percentage of the policy's face value. [Cases: Insurance 1994.]

**VIATORIAL PRIVILEGE**

viatorial privilege. See PRIVILEGE(1).

**VI AUT CLAM**

vi aut clam (vI awt klam), adv. [Latin] Roman law. By force or by stealth.

**VI AUT METU**

vi aut metu (vI awt mee-t[y]oo), adv. [Latin] Hist. By force or fear.

**VICAR**

vicar. 1. One who performs the functions of another; a substitute. 2. The incumbent of an ecclesiastical benefice. Cf. RECTOR.

**VICARAGE**

vicarage (vik-<<schwa>>r-ij). 1. The benefice of a vicar. 2. The house or household of a vicar. 3. VICARSHIP.

**VICAR GENERAL**

vicar general. An ecclesiastical officer who helps the bishop or archbishop in the discharge of his office.

**VICARIAL TITHE**

vicarial tithe (vI-kair-ee-<<schwa>>l). See TITHE.

**VICARIOUS**

vicarious (vI-kair-ee-⟨schwa⟩s), adj. Performed or suffered by one person as substitute for another; indirect; surrogate.

#### VICARIOUS DISQUALIFICATION

vicarious disqualification. See DISQUALIFICATION.

#### VICARIOUS EXHAUSTION OF REMEDIES

vicarious exhaustion of remedies. See EXHAUSTION OF REMEDIES.

#### VICARIOUS INFRINGEMENT

vicarious infringement. See INFRINGEMENT.

#### VICARIOUS LIABILITY

vicarious liability. See LIABILITY.

#### VICARIOUS PERFORMANCE

vicarious performance. See PERFORMANCE.

#### VICARIOUS REDUCTION TO PRACTICE

vicarious reduction to practice. See REDUCTION TO PRACTICE.

#### VICARIUS APOSTOLICUS

vicarius apostolicus (vI-kair-ee-⟨schwa⟩s ap-⟨schwa⟩s-tahl-⟨schwa⟩-k⟨schwa⟩s), n. [Latin "apostolic vicar"] Eccles. law. An officer through whom the Pope exercises authority in remote regions. • This officer is sometimes sent with episcopal functions into provinces where there is no bishop resident or where there has long been a vacancy in the see.

#### VICARSHIP

vicarship. The office, function, or duty of a vicar. — Also termed vicarage.

#### VICE

vice (vIs), n. 1. A moral failing; an ethical fault. 2. Wickedness; corruption. 3. Broadly, any defect or failing.

vice (vI-see or vI-s⟨schwa⟩), prep. In the place of; in the stead of. • As a prefix, vice- (vIs) denotes one who takes the place of.

#### VICE-ADMIRAL

vice-admiral. Hist. A civil officer exercising admiralty jurisdiction within a specific locale.

#### VICE-ADMIRALTY

vice-admiralty. 1. The office of a vice-admiral. 2. The district over which a vice-admiral has jurisdiction.



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**VICE-ADMIRALTY COURT**

vice-admiralty court.Hist. A tribunal established in British possessions beyond the seas, with jurisdiction over maritime cases, including those related to prize. • The governor of the colony, in the capacity of “vice-admiral,” exercised judicial authority in this court.

**VICE-CHAMBERLAIN**

vice-chamberlain.Hist. A great officer under the lord chamberlain. • In the lord chamberlain's absence, the vice-chamberlain would control and command the officers attached to the part of the royal household called the “chamber.”

**VICE-CHANCELLOR**

vice-chancellor. A judge appointed to act for the chancellor, esp. in a chancery court. — Abbr. VC.

**VICE-COMES**

vice-comes (vI-s<<schwa>>-koh-meez), n.[Law Latin] Hist.1.VISCOUNT. 2.SHERIFF(1). — Also spelled vicecomes.

**VICECOMES NON MISIT BREVE**

vicecomes non misit breve.Hist. An entry in a continued case's record noting that a sheriff has not yet returned a writ. — Also written vice comes non misit breve; vice-comes non misit breve.

**VICECOMITAL**

vicecomital (vI-s<<schwa>>-kom-<<schwa>>-t<<schwa>>l). See VICONTIEL.

**VICE-COMITISSA**

vice-comitissa (vI-s<<schwa>>-kom-<<schwa>>-tis-<<schwa>>). See VISCOUNTESS.

**VICE-COMMERCIAL AGENT**

vice-commercial agent.See AGENT.

**VICE-CONSUL**

vice-consul. A consular officer subordinate to a consul; esp., one who is substituted temporarily to fill the place of a consul who is absent or has been relieved from duty. [Cases: Ambassadors and Consuls 1–8.C.J.S. Ambassadors and Consuls §§ 2–32.]

career vice-consul.A vice-consul who is a member of the Foreign Service. — Also termed vice-consul of career.

noncareer vice-consul.A vice-consul who is not a member of the Foreign Service and who is appointed without examination.

**VICE CRIME**

vice crime. See CRIME.

#### VICE-DOMINUS EPISCOPI

vice-dominus                  episcopi                  (vI-s<<schwa>>-dom-<<schwa>>-n<<schwa>>s  
<<schwa>>-pis-k<<schwa>>-pI). 1. A vicar general. 2. A commissary of a bishop.

#### VICEGERENT

vicegerent (vIs-jeer-<<schwa>>nt). A deputy; lieutenant.

#### VICE-GOVERNOR

vice-governor, n. A deputy or lieutenant governor.

#### VICE-JUDEX

vice-judex (vIs-joo-deks). Hist. A deputy judge.

#### VICE-MARSHAL

vice-marshal. An officer appointed to assist the earl marshal. See EARL MARSHAL OF ENGLAND .

#### VICEM FRUCTUUM OBTINERE

vicem fructuum obtinere (vI-sem fr<<schwa>>k-choo-<<schwa>>m ob-ti-nee-ree). [Latin] Hist. To take the place of fruits. • The phrase typically referred to interest as the produce of money.

#### VICE PRESIDENT

vice president, n. 1. An officer selected in advance to fill the presidency if the president dies, resigns, is removed from office, or cannot or will not serve. • The Vice President of the United States, who is elected at the same time as the President, serves as presiding officer of the Senate. On the death, incapacity, resignation, or removal of the President, the Vice President succeeds to the presidency. 2. A corporate officer of midlevel to high rank, usu. having charge of a department. — Also written vice-president. [Cases: United States 26. C.J.S. United States §§ 45–47.] — vice presidency, n. — vice-presidential, adj.

#### VICE PRINCIPAL

vice principal. See FELLOW-SERVANT RULE.

#### VICEREGENT

viceregent, n. 1. A deputy regent; esp., one who acts in the place of a ruler, governor, or sovereign. 2. More broadly, an officer deputed by a superior or by proper authority to exercise the powers of the higher authority; one with delegated power.

#### VICEROY

viceroyn, n. The governor of a kingdom or colony, who rules as the deputy of a monarch. — viceroynal, viceregal, adj.

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**VICE-SHERIFF**

vice-sheriff. See deputy sheriff under SHERIFF.

**VICE-TREASURER**

vice-treasurer, n. A deputy or assistant treasurer.

**VICINAGE**

vicinage (vis-*<<schwa>>-nij*). [Law French “neighborhood”] 1. Vicinity; proximity. 2. The place where a crime is committed or a trial is held; the place from which jurors are to be drawn for trial; esp., the locale from which the accused is entitled to have jurors selected. — Also termed vicinetum (vis-*<<schwa>>-nee-t<<schwa>>m*). [Cases: Criminal Law 108; Jury 33(3). C.J.S. Criminal Law § 179; Juries § 278.]

“Whereas venue refers to the locality in which charges will be brought and adjudicated, vicinage refers to the locality from which jurors will be drawn.... The vicinage concept requires that the jurors be selected from a geographical district that includes the locality of the commission of the crime, and it traditionally also mandates that such district not extend too far beyond the general vicinity of that locality.” Wayne R. LaFave & Jerold H. Israel, *Criminal Procedure* § 16.1, at 738–39 (2d ed. 1992).

3. A right of common that neighboring tenants have in a barony or fee.

**VICIOUS ANIMAL**

vicious animal. See ANIMAL.

**VICIOUS INTROMISSION**

vicious intromission. See vitious intromission under INTROMISSION.

**VICIOUS PROPENSITY**

vicious propensity. An animal's tendency to endanger the safety of persons or property. See vicious animal under ANIMAL. [Cases: Animals 66.1, 70. C.J.S. Animals §§ 172, 176–183, 186, 188–189, 198, 200.]

**VICONTIEL**

vicontiel (vI-kon-tee-*<<schwa>>l*), adj. 1. Of or relating to a viscount. 2. Of or relating to a sheriff. — Also spelled vicountiel. — Also termed vicecomital.

**VICONTIEL RENT**

vicontiel rent. Hist. Rent that a viscount or sheriff pays for the use of a royal farm.

**VICONTIELS**

vicontiels (vI-kon-tee-*<<schwa>>lz*). Hist. 1. Money payable by a viscount or sheriff to the Crown. 2. Vicontiel rents.

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**VICONTIEL WRIT**

vicontiel writ. See WRIT.

**VICTIM**

victim, n. A person harmed by a crime, tort, or other wrong. — victimize, vb. — victimization, n.

**VICTIM ALLOCUTION**

victim allocution. See ALLOCUTION.

**VICTIM-IMPACT STATEMENT**

victim-impact statement. A statement read into the record during sentencing to inform the judge or jury of the financial, physical, and psychological impact of the crime on the victim and the victim's family. [Cases: Sentencing and Punishment 361, 1763. C.J.S. Criminal Law §§ 1460, 1472, 1479–1480, 1492–1495, 1530, 1779.]

**VICTIMLESS CRIME**

victimless crime. See CRIME.

**VICTIM-PRECIPIATED HOMICIDE**

victim-precipitated homicide. See HOMICIDE.

**VICTIM-RELATED ADJUSTMENT**

victim-related adjustment. An increase in punishment available under federal sentencing guidelines when the defendant knew or should have known that the victim bore a particular characteristic — e.g., the victim was unusually vulnerable (because of age or condition) — or was otherwise particularly susceptible to the criminal conduct. See USSG §§ 3A1.1, 1.2.

**VICTIMS OF CHILD ABUSE LAWS**

Victims of Child Abuse Laws. An organization of persons who claim to have been wrongly accused of sexually abusing children. — Abbr. VOCAL. Cf. FALSE MEMORY SYNDROME FOUNDATION .

**VICTUALER**

victualer (vit-⟨schwa⟩l-⟨schwa⟩r). Hist. 1. A person authorized by law to keep a house of entertainment for the public; a publican. [Cases: Theaters and Shows 3. C.J.S. Entertainment and Amusement; Sports §§ 18–19, 22, 25–37.] 2. A person who serves food or drink prepared for consumption on the premises. — Also spelled victualler. [Cases: Food 0.5, 3.]

**VICTUAL RENT**

victual rent (vit-[⟨schwa⟩]l). Scots law. A rent paid in grain or its monetary equivalent.

**VICTUS**

victus (vik-t<<schwa>>s). Civil law. Sustenance; support; a means of living.

#### VIDAME

vidame (vee-dam). [French] Hist. In French feudal law, an officer who represented the bishop. • Over time, these officers erected their offices into fiefs and became feudal nobles, such as the vidame of Chartres, Rheims, etc. They continued to take their titles from the seat of the bishop whom they represented, even though the lands held by virtue of their fiefs might be situated elsewhere.

#### VIDE

vide (vI-dee alsovee-day). [Latin] See. • This is a citation signal still seen in some texts, esp. in the abbreviated form q.v. (quod vide “which see”). Vide ante or vide supra refers to a previous passage in a text; vide post or vide infra refers to a later passage.

#### VIDELICET

videlicet (vi-del-<<schwa>>-set or -sit). [Latin] To wit; that is to say; namely; SCILICET. • The term is used primarily to point out, particularize, or make more specific what has been previously stated in general (or occas. obscure) language. One common function is to state the time, place, or manner when that is the essence of the matter at issue. — Abbr. viz. See VIZ.

#### VIDEO ELECTRONICS STANDARDS ASSOCIATION

Video Electronics Standards Association. A nonprofit organization that promotes and develops open-display and display-interface standards for computers to ensure interoperability, and encourage innovation and market growth. — Abbr. VESA.

#### VIDEO PIRACY

video piracy. See PIRACY(3).

#### VIDEO PRIVACY PROTECTION ACT

Video Privacy Protection Act. A federal statute that bars video stores from disclosing to third parties the names of customers' rentals. 18 USCA § 2710.

#### VIDIMUS

vidimus (vid-<<schwa>>-m<<schwa>>s), n. [Latin “we have seen”] 1. An inspection of documents, etc. 2. An abstract, syllabus, or summary. 3. An attested copy of a document. 4. INSPEXIMUS.

#### VIDI SCIVI ET AUDIVI

Vidi scivi et audivi (vI-dI-sI-vI et aw-dI-vI). Hist. I saw, knew, and heard. • This was formerly an essential part of the notary's docket attached to the end of an instrument of seisin, by which the notary claimed to have been personally present on the ground when seisin was given and thus to have known the facts to be true by having heard the words spoken and seen the acts done.

## VIDUA REGIS

vidua regis (vij-oo-*<<schwa>>* ree-jis), n.[Latin] 1. The widow of the king. 2. The widow of a tenant in capite. • In sense 2, she was so called because she was not allowed to marry a second time without the king's permission. She obtained her dower from the king, who was her patron and defender.

## VIDUITATIS PROFESSIO

viduitatis professio (v*<<schwa>>*-d[y]oo-*<<schwa>>*-tay-tis pr*<<schwa>>*-fes[h]-ee-oh), n.[Latin] Hist. A woman's solemn act of professing that she will live as a single, chaste woman.

## VIDUITY

viduity (vi-d[y]oo-*<<schwa>>*-tee).Archaic. Widowhood.

## VIE

vie (vee). [French] Life. • The term occurs in such Law French phrases as *cestui que vie* and *pur autre vie*.

## VI ET ARMIS

vi et armis (vI et ahr-mis). [Latin] Hist. By or with force and arms. See trespass vi et armis under TRESPASS.

“The words ‘with force and arms,’ anciently ‘vi et armis,’ were, by the common law, necessary in indictments for offences which amount to an actual disturbance of the peace, or consist, in any way, of acts of violence; but it seems to be the better opinion, that they were never necessary where the offence consisted of a cheat, or non-feazance, or a mere consequential injury.” 1 Joseph Chitty, *A Practical Treatise on the Criminal Law* 240 (2d ed. 1826).

“vi et armis... was a necessary part of the allegation, in medieval pleading, that a trespass had been committed with force and therefore was a matter for the King's Court because it involved a breach of the peace. In England, the term survived as a formal requirement of pleading until 1852.” Bryan A. Garner, *A Dictionary of Modern Legal Usage* 916 (2d ed. 1995).

## VIEW

view,n.1. The common-law right of prospect — that is, an outlook from the windows of one's house. 2. An urban servitude that prohibits the obstruction of the outlook from a person's house. [Cases: Adjoining Landowners 10; Easements 11, 19, 45. C.J.S. Adjoining Landowners §§ 68–69, 71, 74; Easements §§ 51–52, 85–87, 151.] 3. A jury's trip to inspect a place or thing relevant to the case it is considering; the act or proceeding by which a tribunal goes to observe an object that cannot be produced in court because it is immovable or inconvenient to remove. • The appropriate procedures are typically regulated by state statute. At common law, and today in many civil cases, the trial judge's presence is not required. The common practice has been for the jury to be escorted by “showers” who are commissioned for this purpose. Parties and counsel are generally permitted to attend, although this is a matter typically within the trial judge's discretion.

See SHOWER. Cf. VIEW OF AN INQUEST . [Cases: Criminal Law 651; Federal Civil Procedure 1968; Trial 28. C.J.S. Criminal Law § 1156; Trial §§ 117–119.] 4. In a real action, a defendant's observation of the thing at issue to ascertain its identity and other circumstances surrounding it. Cf. DEMAND OF VIEW .

#### VIEWER

viewer. A person, usu. one of several, appointed by a court to investigate certain matters or to examine a particular locality (such as the proposed site of a new road) and to report to the court.

#### VIEW OF AN INQUEST

view of an inquest. A jury's inspection of a place or property to which an inquiry or inquest refers. Cf. VIEW(3).

#### VIEW OF FRANKPLEDGE

view of frankpledge. Hist. The twice-yearly gathering and inspection of every freeman within the district who was more than 12 years old to determine whether each one had taken the oath of allegiance and had found nine freeman pledges for his peaceable demeanor. See FRANKPLEDGE.

#### VIEWPOINT DISCRIMINATION

viewpoint discrimination. See DISCRIMINATION.

#### VIF-GAGE

vif-gage (veef-gayj orvif-). [Law French] See vadium vivum under VADIUM.

#### VIGIL

vigil. Eccles. law. The day before any solemn feast.

#### VIGILANCE

vigilance. Watchfulness; precaution; a proper degree of activity and promptness in pursuing one's rights, in guarding them from infraction, and in discovering opportunities for enforcing one's lawful claims and demands.

#### VIGILANT

vigilant, adj. Watchful and cautious; on the alert; attentive to discover and avoid danger.

#### VIGILANTE

vigilante (vij-*<<schwa>>*-lan-tee). A person who seeks to avenge a crime by taking the law into his or her own hands.

#### VIGILANTISM

vigilantism (vij-*<<schwa>>*-lan-tiz-*<<schwa>>*m). The act of a citizen who takes the law into his or her own hands by apprehending and punishing suspected criminals.

## VIIS ET MODIS

viis et modis (vi-is et moh-dis). [Latin] Eccles. law. By all ways and means. • In ecclesiastical courts, service of a decree or citation viis et modis is equivalent to substituted service in temporal courts. It requires posting of a notice where a person is likely to be found. This type of service is contrasted with personal service.

## VI LAICA AMOVENDA

vi laica amovenda. See DE VI LAICA AMOVENDA.

## VILL

vill (vil). Hist. 1. A part into which a hundred or wapentake was divided. 2. A town or village.

## VILLAGE

village. 1. Traditionally, a modest assemblage of houses and buildings for dwellings and businesses. 2. In some states, a municipal corporation with a smaller population than a city. — Also termed (in sense 2) town; borough. [Cases: Municipal Corporations 1.1. C.J.S. Municipal Corporations §§ 2–7.]

## VILLAINOUS JUDGMENT

villainous judgment. See VILLEINOUS JUDGMENT.

## VILLANIS REGIS SUBTRACTIS REDUCENDIS

villanis regis subtractis reducendis (vi-lay-nis ree-jis s<<schwa>>b-trak-tis ree-d[y]oo-sen-dis), n. [Latin “for returning the king's villeins who have been removed”] Hist. A writ that lay for the bringing back of the king's bondmen who had been carried away by others out of his manors, where they belonged.

## VILLANUM SERVITIUM

villanum servitium (vi-lay-n<<schwa>>m s<<schwa>>r-vish-ee-<<schwa>>m), n. [Latin] Hist. See VILLEINAGE.

## VILLEIN

villein (vil-<<schwa>>n). Hist. A person entirely subject to a lord or attached to a manor, but free in relation to all others; a serf. • At the time of the Domesday Inquest (shortly after the Norman Conquest), about 40% of households were marked as belonging to villeins: they were the most numerous element in the English population. Cf. FREEMAN.

villein in gross. A villein who was annexed to the person of the lord, and transferable by deed from one owner to another.

villein regardant (ri-gahr-d<<schwa>>nt). A villein annexed to the manor of land.

## VILLEINAGE



villeinage (vil-*<<schwa>>-nij*).Hist. 1. The holding of property through servitude to a feudal lord; a servile type of tenure in which a tenant was obliged to render base services to a lord. Cf. KNIGHT SERVICE; SOCAGE. 2. A villein's status, condition, or service. — Also spelled villenage; villainage; villanage. — Also termed villein tenure.

“The typical tenant in villeinage does not know in the evening what he will have to do in the morning.... [T]here is a large element of real uncertainty; the lord's will counts for much; when they go to bed on Sunday night they do not know what Monday's work will be; it may be threshing, ditching, carrying; they cannot tell. This seems the point that is seized by law and that general opinion of which law is the exponent: any considerable uncertainty as to the amount or kind of the agricultural services makes the tenure unfree. The tenure is unfree, not because the tenant ‘holds at the will of the lord,’ in the sense of being removable at a moment's notice, but because his services, though in many respects minutely defined by custom, cannot be altogether defined without frequent reference to the lord's will.” 1 Frederick Pollock & Frederic William Maitland, *History of English Law Before the Time of Edward I* 371 (2d ed. 1898).

“At the lower level the services were not always defined. The duties of the peasant were chiefly agricultural. If they were unfixed, so that the lord might in theory demand all manner of work, the tenure was ‘unfree’ and was called villeinage.” J.H. Baker, *An Introduction to English Legal History* 260 (3d ed. 1990).

privileged villeinage. Villeinage in which the services to be performed were certain, though of a base and servile nature.

pure villeinage. Villeinage in which the services were not certain, but the tenant was obliged to do whatever he was commanded whenever the command came.

#### VILLEIN IN GROSS

villein in gross. See VILLEIN.

#### VILLEIN REGARDANT

villein regardant. See VILLEIN.

#### VILLEIN SERVICE

villein service.Hist. A base service that a villein performed, such as working on the lord's land on certain days of the week (usu. two to four). • These services were not considered suitable to a man of free and honorable rank. — Also termed villein servitium. See WEEK-WORK.

#### VILLEIN SOCAGE

villein socage (sok-ij). See SOCAGE.

#### VILLEIN TENURE

villein tenure. See VILLEINAGE.

#### VILLENOUS JUDGMENT

villenous judgment (vil-*<<schwa>>*-n*<<schwa>>*s).Hist. A judgment that deprived a person of his libera lex, as a result of which he was discredited and disabled as a juror and witness, forfeited his goods and chattels and land, had his houses razed and trees uprooted, and went to prison. — Also spelled villainous judgment.

#### VINAGIUM

vinagium (vi-nay-jee-*<<schwa>>*m). A payment in kind of wine as rent for a vineyard.

#### VINCULACIÓN

vinculación (vin-koo-lah-syohn).Spanish law. A linking or encumbering; esp., an entail.

#### VINCULO

vinculo (ving-ky-*<<schwa>>*-loh), n. [Latin “by bond”] Spanish law. 1. A tie or bond; esp., the bond of marriage. See divorce a vinculo matrimonii under DIVORCE. 2. An entail.

#### VINCULUM JURIS

vinculum juris (ving-ky-*<<schwa>>*-l*<<schwa>>*m joor-is). [Latin “a bond of the law”] Roman law. The tie that legally binds one person to another; legal bond; obligation. Cf. SOLUTIO OBLIGATIONIS.

#### VINCULUM PERSONARUM AB EODEM STIRPITE DESCENDENTIUM

vinculum personarum ab eodem stirpite descendentium (ving-ky-*<<schwa>>*-l*<<schwa>>*m p*<<schwa>>*r-s*<<schwa>>*-nair-*<<schwa>>*m ab ee-oh-d*<<schwa>>*m stIr-p-*<<schwa>>*-tee dee-sen-den-shee-*<<schwa>>*m). [Law Latin] Hist. The bond uniting persons descended from the same stock.

#### VINDEX

vindex (vin-deks), n. [Latin] Civil law. One who guaranteed the appearance of a defendant in court on pain of being liable for the judgment debt.

#### VINDICARE

vindicare (vin-di-kair-ee), vb.[Latin “to claim or challenge”] Roman law & Hist. To demand as one's own; to assert a right in or to (a thing); to assert or claim ownership of (a thing).

#### VINDICATE

vindicate,vb.1. To clear (a person or thing) from suspicion, criticism, blame, or doubt <DNA tests vindicated the suspect>.2. To assert, maintain, or affirm (one's interest) by action <the claimants sought to vindicate their rights through a class-action suit>.3. To defend (one's interest) against interference or encroachment <the borrower vindicated its interest in court when the lender tried to foreclose>.4.Roman & civil law.To assert a legal right to (a thing); to seek recovery of (a thing) by legal process <Antony Honoratus attempted to vindicate the sword he had lent his cousin>. — vindication,n. — vindicator,n.

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**VINDICATIO**

vindicatio (vin-di-kay-shee-oh), n.[Latin “claim”] Roman law. 1. An action by the owner to claim property.

vindicatio servitutis (vin-di-kay-shee-oh s<<schwa>>r-v<<schwa>>-t[y]oo-tis). [Latin “claim of servitude”] Roman law. An action against the owner of land over which the plaintiff claims that a servitude exists. — Also termed actio confessoria.

2. The claiming of a thing as one's own; the assertion of a right in or title to a thing. Pl. vindicationes (vin-di-kay-shee-oh-nee-z).

**VINDICATORY PART**

vindicatory part (vin-d<<schwa>>-k<<schwa>>-tor-ee). The portion of a statute that sets forth the penalty for committing a wrong or neglecting a duty.

**VINDICTA**

vindicta (vin-dik-t<<schwa>>), n. Roman law. 1. A rod or wand. 2. The assertion of freedom or ownership by symbolically touching the person or thing with a rod. See FESTUCA.

**VINDICTIVE DAMAGES**

vindictive damages. See punitive damages under DAMAGES.

**VINDICTIVE PROSECUTION**

vindictive prosecution (vin-dik-tiv). See PROSECUTION.

**VIOL**

viol (vyohl), n.[French] French law. Rape; indecent assault.

**VIOLATION**

violation, n. 1. An infraction or breach of the law; a transgression. See INFRACTION. 2. The act of breaking or dishonoring the law; the contravention of a right or duty. 3. Rape; ravishment. 4. Under the Model Penal Code, a public-welfare offense. • In this sense, a violation is not a crime. See Model Penal Code § 1.04(5). — violate, vb. — violative (vI-<<schwa>>-lay-tiv), adj. — violator, n.

**VIOLATION WARRANT**

violation warrant. See WARRANT(1).

**VIOLENCE**

violence. The use of physical force, usu. accompanied by fury, vehemence, or outrage; esp., physical force unlawfully exercised with the intent to harm. • Some courts have held that violence in labor disputes is not limited to physical contact or injury, but may include picketing conducted with misleading signs, false statements, erroneous publicity, and veiled threats by words and acts.

domestic violence. 1. Violence between members of a household, usu. spouses; an assault or other violent act committed by one member of a household against another. See BATTERED-CHILD SYNDROME; BATTERED-WOMAN SYNDROME. [Cases: Assault and Battery 48. C.J.S. Assault and Battery §§ 2–3, 62, 64–66, 81.] 2. The infliction of physical injury, or the creation of a reasonable fear that physical injury or harm will be inflicted, by a parent or a member or former member of a child's household, against a child or against another member of the household. — Also termed domestic abuse; family violence. 3. Archaic. Insurrection or unlawful force fomented from within a country.

#### VIOLENCE AGAINST WOMEN ACT

Violence Against Women Act. A federal statute that established a federal civil-rights action for victims of gender-motivated violence. 42 USCA § 13981. • In 2000, the Supreme Court invalidated the statute, holding that neither the Commerce Clause nor the Enforcement Clause of the 14th Amendment authorized Congress to enact the civil-remedy provision of this Act. *United States v. Morrison*, 529 U.S. 598, 120 S.Ct. 1740 (2000). — Abbr. VAWA.

#### VIOLENT

violent, adj. 1. Of, relating to, or characterized by strong physical force < violent blows to the legs >. 2. Resulting from extreme or intense force < violent death >. 3. Vehemently or passionately threatening < violent words >.

#### VIOLENT CRIME

violent crime. See CRIME.

#### VIOLENT DEATH

violent death. See DEATH.

#### VIOLENT FELONY

violent felony. See violent offense under OFFENSE(1).

#### VIOLENT OFFENSE

violent offense. See OFFENSE(1).

#### VIOLENT PROFITS

violent profits. Scots law. Penal damages imposed against a tenant who refused to surrender rented property to the landlord.

#### VIR

vir (veer), n. [Latin] 1. An adult male; a man. 2. A husband. • In the Latin phrases and maxims that once pervaded English law, vir generally means “husband,” as in the expression vir et uxor (husband and wife). See ET VIR. Cf. UXOR.

#### VIRES

vires (vI-reez), n.1. Natural powers; forces. 2. Granted powers, esp. when limited. See ULTRA VIRES; INTRA VIRES.

#### VIR ET UXOR

vir et uxor (veer et <<schwa>>k-sor). [Latin] Husband and wife.

#### VIRGA

virga (v<<schwa>>r-g<<schwa>>).Hist. A rod or staff; esp., a rod as an ensign of office.

#### VIRGATA

virgata (v<<schwa>>r-gay-t<<schwa>>).1. A quarter of an acre of land. See ACRE. 2. A quarter of a hide of land. See HIDE(1).

#### VIRGATA REGIA

virgata regia (v<<schwa>>r-gay-t<<schwa>> ree-jee-<<schwa>>). [Latin "king's verge"] Hist. The bounds of the king's household, within which the court of the steward had jurisdiction.

#### VIRGA TERRAE

virga terrae (v<<schwa>>r-g<<schwa>> ter-ee), n.[Latin "branch of land"] Hist. A variable measure of land ranging from 20 to 40 acres. — Also termed virgata terrae. See YARDLAND.

#### VIRGE

virge. See VERGE.

#### VIRIDARIO ELIGENDO

viridario eligendo (vir-<<schwa>>-dair-ee-oh el-<<schwa>>-jen-doh).Hist. A writ for choice of a verderer in the forest.

#### VIRILE SHARE

virile share.Civil law. An amount that an obligor owes jointly and severally with another. La. Civ. Code art. 1804. — Also termed virile portion.

#### VIRTUAL ADOPTION

virtual adoption.See adoption by estoppel under ADOPTION.

#### VIRTUAL CHILD PORNOGRAPHY

virtual child pornography.See PORNOGRAPHY.

#### VIRTUAL REPRESENTATION

virtual representation.See REPRESENTATION(3).

#### VIRTUAL-REPRESENTATION DOCTRINE

virtual-representation doctrine.The principle that a judgment may bind a person who is not a

party to the litigation if one of the parties is so closely aligned with the nonparty's interests that the nonparty has been adequately represented by the party in court. • Under this doctrine, for instance, a judgment in a case naming only the husband as a party can be binding on his wife as well. See RES JUDICATA. [Cases: Judgment 677.C.J.S. Judgments §§ 847, 851–854.]

#### VIRTUE ETHICS

virtue ethics.Ethics. An ethical theory that focuses on the character of the actor rather than on the nature of the act or its consequences. • This approach received its first and perhaps its fullest expression in the works of Aristotle, esp. in his Ethics. Cf. CONSEQUENTIALISM.

#### VIRTUTE CUJUS

virtute cuius (v<<schwa>>r-t[y]oo-tee k[y]oo-j<<schwa>>s), adv.[Latin] Hist. By virtue whereof. • This phrase began the clause in a pleading that attempted to justify an entry onto land by alleging that it was by virtue of an order from one entitled that the entry took place.

#### VIRTUTE OFFICII

virtute officii (v<<schwa>>r-t[y]oo-tee <<schwa>>-fish-ee-I), adv.[Latin] Hist. By virtue of his (or her) office; by the authority invested in one as the incumbent of a particular office. • An officer acts virtute officii when carrying out some official authority as the incumbent of an office.

#### VIS

vis (vis). [Latin “power”] 1. Any force, violence, or disturbance relating to a person or property.

“Vis, as a legal term, was understood to denote the organizing and arming of tumultuous bodies of men for the purpose of obstructing the constituted authorities in the performance of their duty, and thus interrupting the ordinary administration of the laws. No such offence was recognised by the Criminal Code until the last century of the republic, when violent riots by hired mobs became so frequent, that M. Plautius Silvanus, Tribune of the Plebs, B.C. 89, [secured the passing of] the lex Plautia de Vi, in terms of which, those convicted of such practices were banished.” William Ramsay, *A Manual of Roman Antiquities* 347 (Rodolfo Lanciani ed., 15th ed. 1894).

2. The force of law. • Thus vim habere (“to have force”) is to be legally valid. Pl. vires.

#### VISA

visa (vee-z<<schwa>>). An official indorsement made out on a passport, showing that it has been examined and that the bearer is permitted to proceed; a recognition by the country in which a passport-holder wishes to travel that the holder's passport is valid. • A visa is generally required for the admission of aliens into the United States. 8 USCA §§ 1181, 1184. — Also termed (archaically) visé (vee-zay or vi-zay). [Cases: Aliens 51.5. C.J.S. Aliens §§ 89–91, 93–96, 132.]

#### VIS ABLATIVA

vis ablativa (vis ab-l<<schwa>>-tI-v<<schwa>>), n.[Latin “ablative force”] Civil law. Force

exerted in taking something away from another. Pl. vires ablativae.

#### VIS ABSOLUTA

vis absoluta (vis ab-s<<schwa>>-loo-t<<schwa>>). Physical compulsion.

“The difference is between compulsion of the will (vis compulsiva) which results in an act though not of free volition, and physical compulsion (vis absoluta) in which the unavoidable movement is no act at all.” Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 1054–55 (3d ed. 1982).

#### VIS ARMATA

vis armata (vis ahr-may-t<<schwa>>). [Latin “armed force”] Hist. Force exerted by means of weapons. — Also termed armata vis. Cf. VIS INERMIS.

#### VIS AUT METUS QUI CADIT IN CONSTANTEM VIRUM

vis aut metus qui cadit in constantem virum (vis awt mee-t<<schwa>>s kwIkay-dit [orkad-it] in k<<schwa>>n-stan-t<<schwa>>m vI-r<<schwa>>m). [Latin] Hist. A force or fear sufficient to overcome a man of firmness and resolution.

#### VIS-À-VIS

vis-à-vis (veez-<<schwa>>-vee). [French “face to face”] In relation to; opposite to <the creditor established a preferred position vis-à-vis the other creditors>.

#### VISBY, LAWS OF

Visby, laws of. See LAWS OF VISBY.

#### VIS CLANDESTINA

vis clandestina (vis klan-des-tI-n<<schwa>>), n. [Latin “clandestine force”] Hist. Force furtively used, esp. at night.

#### VIS COMPULSIVA

vis compulsiva (vis kom-p<<schwa>>l-sI-v<<schwa>>), n. [Latin “compulsive force”] Hist. Force exerted to compel another to do something involuntarily; menacing force exerted by terror.

#### VISCOUNT

viscount (vI-kownt). 1. The title of the fourth rank of European nobility. • In the British peerage, viscount is placed between the dignity of earl and baron. 2. Hist. A sheriff.

#### VISCOUNTESS

viscountess (vI-kown-tis). The wife of a viscount. — Also termed vice-comitissa.

#### VIS DIVINA

vis divina (vis di-vI-n<<schwa>>), n. Civil law. Divine or superhuman force; ACT OF GOD;

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**VIS MAJOR.****VISÉ**

visé. See VISA.

**VIS EXPULSIVA**

vis expulsiva (vis eks-p<<schwa>>l-sI-v<<schwa>>), n.[Latin “expulsive force”] Hist. Force used to expel or dispossess another.

**VIS EXTURBATIVA**

vis exturbativa (vis eks-t<<schwa>>r-b<<schwa>>-tI-v<<schwa>>), n.[Latin “eliminating force”] Hist. Force used to thrust out another, esp. when two claimants are contending for possession.

**VIS FLUMINIS**

vis fluminis (vis floo-m<<schwa>>-nis), n.[Latin “the force of a river”] Civil law. The force exerted by a stream or river; waterpower.

**VISIBLE**

visible,adj.1. Perceptible to the eye; discernible by sight. 2. Clear, distinct, and conspicuous.

**VISIBLE CRIME**

visible crime.See street crime under CRIME.

**VISIBLE MEANS OF SUPPORT**

visible means of support.An apparent method of earning a livelihood. • Vagrancy statutes have long used this phrase to describe those who have no ostensible ability to support themselves.

**VIS ILLICITA**

vis illicita (vis il-lis-<<schwa>>-t<<schwa>>). See VIS INJURIOSA.

**VIS IMPRESSA**

vis impressa (vis im-pres-<<schwa>>), n.[Latin “impressed force”] The original act of force from which an injury arises, as distinguished from the proximate (or immediate) force.

**VIS INERMIS**

vis inermis (vis in-<<schwa>>r-mis), n.[Latin] Unarmed force. Cf. VIS ARMATA.

**VIS INJURIOSA**

vis injuriosa (vis in-joor-ee-oh-s<<schwa>>), n.[Latin “injurious force”] Hist. Wrongful force. — Also termed vis illicita.

**VIS INQUIETATIVA**



*vis inquietativa* (vis in-kwI-*<<schwa>>-t<<schwa>>-tI-v<<schwa>>*), n.[Latin “disquieting force”] Civil law. Force that prevents another from using his or her possession quietly and in peace.

#### VISIT

*visit*,n. Int'l law. A naval officer's boarding an ostensibly neutral merchant vessel from another state to exercise the right of search. • This right is exercisable when suspicious circumstances exist, as when the vessel is suspected of involvement in piracy. — Also termed *visitation*. See **RIGHT OF SEARCH** . [Cases: War and National Emergency 20. C.J.S. War and National Defense §§ 26, 28.]

#### VISITATION

*visitation* (viz-*<<schwa>>-tay-sh<<schwa>>n*).1. Inspection; superintendence; direction; regulation. 2.Family law. A relative's, esp. a noncustodial parent's, period of access to a child. — Also termed *parental access*; *access*; *parenting time*; *residential time*. [Cases: Child Custody 175–231.] 3. The process of inquiring into and correcting corporate irregularities. [Cases: Corporations 394. C.J.S. Corporations § 582.] 4.VISIT.

*grandparent visitation*.A grandparent's court-approved access to a grandchild. • The Supreme Court recently limited a grandparent's right to have visitation with his or her grandchild if the parent objects, citing a parent's fundamental right to raise his or her child and to make all decisions concerning the child free from state intervention absent a threat to the child's health and safety. *Troxel v. Granville*, 530 U.S. 57, 120 S.Ct. 2054 (2000).

*restricted visitation*.See *supervised visitation*.

*stepped-up visitation*.*Visitation*, usu. for a parent who has been absent from the child's life, that begins on a very limited basis and increases as the child comes to know the parent. — Also termed *step-up visitation*.

*supervised visitation*.*Visitation*, usu. court-ordered, in which a parent may visit with the child or children only in the presence of some other individual. • A court may order supervised visitation when the visiting parent is known or believed to be prone to physical abuse, sexual abuse, or violence. — Also termed *restricted visitation*.

#### VISITATION BOOKS

*visitation books*.Hist. Books compiled by the heralds, when royal progresses were solemnly and regularly made into every part of the kingdom, to inquire into the state of families and to register whatever marriages and descents were verified to them upon oath.

#### VISITATION CREDIT

*visitation credit*.Family law. A child-support reduction that reflects the amount of time the child lives with the noncustodial parent.

#### VISITATION ORDER

visitation order. Family law. 1. An order establishing the visiting times for a noncustodial parent with his or her child. [Cases: Child Custody 525.C.J.S. Parent and Child §§ 132–133.] 2. An order establishing the visiting times for a child and a person with a significant relationship to the child. • Such an order may allow for visitation between (1) a grandparent and a grandchild, (2) a child and another relative, (3) a child and a stepparent, or (4) occasionally, a child and the child's psychological parent. — Also termed access order.

#### VISITATION RIGHT

visitation right. 1. Family law. A noncustodial parent's or grandparent's court-ordered privilege of spending time with a child or grandchild who is living with another person, usu. the custodial parent. • The noncustodial parent with visitation rights may sometimes be a parent from whose custody the child has been removed because of abuse or neglect. [Cases: Child Custody 175–231, 282.] 2. Int'l law. A belligerent nation's right to search a neutral vessel to find out whether it is carrying contraband or is otherwise engaged in nonneutral service. • If the searched vessel is doing either of these things, the searchers may seize the contraband and carry out an appropriate punishment. — Also termed (in both senses) right of visitation.

#### VISITATORIAL

visitatorial (viz-*<<schwa>>-t<<schwa>>-tor-ee-<<schwa>>l*), adj. Of or relating to on-site inspection or supervision. — Also termed visitorial.

“To eleemosynary corporations, a visitatorial power is attached as a necessary incident.... [P]rivate and particular corporations, founded and endowed by individuals for charitable purposes, are subject to the private government of those who are the efficient patrons and founder. If there be no visitor appointed by the founder, the law appoints the founder himself, and his heirs, to be the visitors. The visitatorial power arises from the property which the founder assigned to support the charity; and as he is the author of the charity, the laws give him and his heirs a visitatorial power; that is, an authority to inspect the actions and regulate the behavior of the members that partake of the charity. This power is judicial and supreme, but not legislative.” 2 James Kent, *Commentaries on American Law* \*300–01 (George Comstock ed., 11th ed. 1866).

#### VISITATORIAL POWER

visitatorial power. See POWER(3).

#### VISITING JUDGE

visiting judge. See JUDGE.

#### VISITOR

visitor. 1. A person who goes or comes to a particular person or place.

business visitor. See BUSINESS VISITOR.

2. A person appointed to visit, inspect, inquire into, and correct corporate irregularities. [Cases: Corporations 394. C.J.S. Corporations § 582.]

**VISITORIAL**

visitorial. See VISITATORIAL.

**VISITORIAL POWER**

visitorial power. See visitatorial power under POWER(3).

**VISITOR OF MANNERS**

visitor of manners. A ranger's office in the forest.

**VIS LAICA**

vis laica (vis lay-*<<schwa>>-k<<schwa>>*), n. [Latin "lay force"] Hist. An armed force used in holding possession of a church.

**VIS LICITA**

vis licita (vis lis-*<<schwa>>-t<<schwa>>*), n. [Latin] Lawful force.

**VIS MAJOR**

vis major (vis may-j*<<schwa>>r*), n. [Latin "a superior force"] 1. A greater or superior force; an irresistible or overwhelming force of nature; FORCE MAJEURE . Cf. ACT OF GOD. 2. A loss that results immediately from a natural cause without human intervention and that could not have been prevented by the exercise of prudence, diligence, and care. — Also termed act of nature; act of providence; superior force; irresistible force; vis divina. [Cases: Carriers 119; Negligence 440; Shipping 120, 179. C.J.S. Aeronautics and Aerospace § 239; Carriers § 430; Negligence §§ 66–68, 209; Shipping §§ 276–277, 442.]

**VIS MAJOR NATURAE**

vis major naturae (vis may-jor n*<<schwa>>-tyoor-ee*). [Latin] Hist. The superior force of nature. See FORCE MAJEURE.

**VISNE**

visne (veen orveen-ee). [Law French fr. Latin visnetum] Neighborhood; at common law, the district from which juries were drawn; VICINAGE.

**VIS PERTURBATIVA**

vis perturbativa (vis p*<<schwa>>r-t<<schwa>>r-b<<schwa>>-tI-v<<schwa>>*), n. [Latin "perturbing force"] Hist. Force used between persons contending for possession of something.

**VIS PROXIMA**

vis proxima (vis prahk-s*<<schwa>>-m<<schwa>>*), n. [Latin "proximate force"] Hist. Immediate force.

**VIS SIMPLEX**

vis simplex (vis sim-pleks), n.[Latin “simple force”] Hist. Mere force; sheer force.

#### VISTA

VISTA (vis-t<<schwa>>).abbr. Volunteers in Service to America, a federal program established in 1964 to provide volunteers to help improve the living conditions of people in the poorest areas of the United States, its possessions, and Puerto Rico. [Cases: United States 82(4). C.J.S. United States § 155.]

#### VI STATUTI

vi statuti (vI st<<schwa>>-t[y]oo-tI). [Law Latin] Hist. By force of statute.

#### VISUAL ARTISTS RIGHTS ACT

Visual Artists Rights Act.Copyright. A 1990 federal law that gives a visual artist nontransferable moral rights of integrity and attribution in original and limited-edition creations. • Passed in order to meet Berne Convention standards, the Act protects the original artist — not the owner of the copyright — by granting some rights to prevent the work from being changed or destroyed, and by guaranteeing that the artist may claim authorship of the original work but may deny authorship if the work is modified. 17 USCA §§ 106A, 113. — Abbr. VARA. [Cases: Copyrights and Intellectual Property 6. C.J.S. Copyrights and Intellectual Property § 16.]

#### VISUS

visus (vI-s<<schwa>>s orvI-z<<schwa>>s), n.[Latin] Hist. An inspection of a place, person, or thing. See VIEW(3), (4).

#### VITAL STATISTICS

vital statistics.Public records — usu. relating to matters such as births, marriages, deaths, diseases, and the like — that are statutorily mandated to be kept by a city, state, or other governmental division or subdivision. • On the admissibility of vital statistics, see Fed. R. Evid. 803(9). [Cases: Health 395.]

#### VITAL TERM

vital term.See fundamental term under TERM(2).

#### VITIATE

vitiate (vish-ee-ayt), vb.1. To impair; to cause to have no force or effect < the new statute vitiates any common-law argument that the plaintiffs might have>.2. To make void or voidable; to invalidate either completely or in part <fraud vitiates a contract>.3. To corrupt morally <Mr. Lawrence complains that his children were vitiated by their governess>. — vitiation,n. — vitiator,n.

#### VITILITIGATE

vitiligate (vit-<<schwa>>-lit-<<schwa>>-gayt), vb.[fr. Latin vitiligare “to quarrel disgracefully”] Archaic. To litigate merely from quarrelsome motives; to carry on a lawsuit in an

unduly contentious, wrangling way. — vitiligation, n. — vitiligious (vit-<<schwa>>-li-tij-<<schwa>>s), adj.

#### VITIOUS INTROMISSION

vitious intromission. See INTROMISSION.

#### VITIUM CLERICI

vitium clerici (vish-ee-<<schwa>>m kler-<<schwa>>-sI). [Latin] See clerical error under ERROR.

#### VITIUM REALE

vitium reale (vish-ee-<<schwa>>m ree-ay-lee). [Latin “true error”] Hist. & Scots law. A defect in a title that renders the movable property nontransferable; specif., an inherent vice in the title of anyone who holds a stolen thing, even if acquired honestly, so that the true owner can reclaim it. Cf. LABES REALIS QUAE REI INHAERET.

“A person who comes into possession of moveable property without any title to retain custody thereof is obliged to restore it to the person truly entitled to the possession thereof... [P]roperty so acquired is affected by an inherent vitium reale which prevents the thief or fraudulent person from conferring a good title on anyone, even a taker from him in good faith, who has given value and taken without notice of the thief's defective title; such a person must return the property to the true owner, or pay compensation therefor.... An exception to the rule of vitium reale exists in the cases of money, bank-notes and negotiable instruments ....” 2 David M. Walker, *Principles of Scottish Private Law: Law of Obligations* 505–06 (1988).

#### VITIUM SCRIPTORIS

vitium scriptoris (vish-ee-<<schwa>>m skrip-tor-is), n. [Latin “the mistake of a scribe”] Hist. A clerical error in writing.

#### VITRICUS

vitricus (vi-tr<<schwa>>-k<<schwa>>s), n. [Latin] Hist. A stepfather.

#### VIVA AQUA

viva aqua (vI-v<<schwa>> ak-w<<schwa>>), n. [Latin “living water”] Hist. Running water; water that comes from a spring or fountain.

#### VIVA PECUNIA

viva pecunia (vI-v<<schwa>> pi-kyoo-nee-<<schwa>>), n. [Latin “living money”] Hist. Cattle, which obtained this name during the Saxon period, when they were received as money, usu. at regulated prices.

#### VIVA VOCE

viva voce (vI-v<<schwa>> voh-see alsovee-v<<schwa>>), adv. [Law Latin “with living

voice"] By word of mouth; orally. • In reference to votes, the term means that a voice vote was held rather than a vote by ballot. In reference to the examination of witnesses, the term means that oral rather than written testimony was taken. See voice vote under VOTE(4). [Cases: Elections 214. C.J.S. Elections § 202.]

#### VIVA VOCE VOTE

viva voce vote. See voice vote under VOTE(4).

#### VIVISECTION

vivisection, n. 1. Physiological or pathological experimentation on or investigation of living vertebrate animals using procedures likely to cause severe pain. 2. By extension, questioning or criticism that is intense, minute, and merciless.

#### VIVUM VADIUM

vivum vadium (vI-v<<schwa>>m vay-dee-<<schwa>>m). See vadium vivum under VADIUM.

#### VIZ

viz. (viz).abbr. [Latin videlicet] Namely; that is to say <the defendant engaged in fraudulent activities, viz., misrepresenting his gross income, misrepresenting the value of his assets, and forging his wife's signature>. See VIDELICET.

#### VOCABULA ARTIS

vocabula artis (voh-kab-y<<schwa>>-l<<schwa>> ahr-tis), n.[Latin] Words of art. See TERM OF ART.

#### VOCAL

VOCAL.abbr.VICTIMS OF CHILD ABUSE LAWS.

#### VOCARE AD CURIAM

vocare ad curiam (voh-kair-ee ad kyoor-ee-<<schwa>>m), vb.[Latin] To summon to court.

#### VOCATIO IN JUS

vocatio in jus (voh-kay-shee-oh in j<<schwa>>s). [Latin] Roman law. A plaintiff's oral summoning of a defendant to go before a magistrate. • The vocatio in jus occurred when the plaintiff would summon the defendant in formal words to accompany the plaintiff.

#### VOCATION

vocation. A person's regular calling or business; one's occupation or profession.

#### VOCIFERATIO

vociferatio (voh-sif-<<schwa>>-ray-shee-oh), n.[Latin] Hist. An outcry; HUE AND CRY .

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**VOCO**

voco (voh-koh). [Latin "I call"] Hist. I summon; I vouch. See VOCATIO IN JUS.

**VOCONIAN LAW**

Voconian law (v<<schwa>>-koh-nee-in). See LEX VOCONIA.

**VOICE EXEMPLAR**

voice exemplar. A sample of a person's voice used for the purpose of comparing it with a recorded voice to determine whether the speaker is the same person. • Although voiceprint identification was formerly inadmissible, the trend in recent years has been toward admissibility. See Fed. R. Evid. 901. [Cases: Criminal Law 339.6; Evidence 150. C.J.S. Criminal Law §§ 800–801; Evidence §§ 216–226.]

**VOICEPRINT**

voiceprint. A distinctive pattern of curved lines and whorls made by a machine that measures human vocal sounds for the purpose of identifying an individual speaker. • Like fingerprints, voiceprints are thought to be unique to each person. [Cases: Criminal Law 339.6; Evidence 150. C.J.S. Criminal Law §§ 800–801; Evidence §§ 216–226.]

**VOICE VOTE**

voice vote. See VOTE(4).

**VOID**

void, adj. 1. Of no legal effect; null. • The distinction between void and voidable is often of great practical importance. Whenever technical accuracy is required, void can be properly applied only to those provisions that are of no effect whatsoever — those that are an absolute nullity. — void, avoid, vb. — voidness, n.

facially void. (Of an instrument) patently void upon an inspection of the contents. — Also termed void on its face.

void ab initio (ab i-nish-ee-oh). Null from the beginning, as from the first moment when a contract is entered into. • A contract is void ab initio if it seriously offends law or public policy, in contrast to a contract that is merely voidable at the election of one party to the contract. [Cases: Contracts 98, 136. C.J.S. Contracts §§ 137, 139–140, 145, 153–155, 157, 171, 173–174, 185, 188, 280–281, 286, 296.]

void for vagueness. 1. (Of a deed or other instrument affecting property) having such an insufficient property description as to be unenforceable. [Cases: Deeds 37. C.J.S. Deeds § 53.] 2. (Of a penal statute) establishing a requirement or punishment without specifying what is required or what conduct is punishable, and therefore void because violative of due process. — Also termed void for indefiniteness. See VAGUENESS DOCTRINE. [Cases: Constitutional Law 258(2); Criminal Law 13.1(1). C.J.S. Criminal Law § 26.]

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2.VOIDABLE. • Although sense 1 above is the strict meaning of void, the word is often used and construed as bearing the more liberal meaning of “voidable.”

#### VOIDABLE

voidable,adj. Valid until annulled; esp., (of a contract) capable of being affirmed or rejected at the option of one of the parties. • This term describes a valid act that may be voided rather than an invalid act that may be ratified. — Also termed avoidable. [Cases: Contracts 98, 136.C.J.S. Contracts §§ 137, 139–140, 145, 153–155, 157, 171, 173–174, 185, 188, 280–281, 286, 296.] — voidability,n.

“Most of the disputed questions in the law of infancy turn upon the legal meaning of the word ‘voidable’ as applied to an infant's acts. The natural meaning of the word imports a valid act which may be avoided, rather than an invalid act which may be confirmed, and the weight of authority as well as reason points in the same direction. Certainly, so far as executed transfers of property are concerned the authority of the decisions clearly supports this view.” 1 Samuel Williston, *The Law Governing Sales of Goods* § 12, at 28 (3d ed. 1948).

“The promise of an infant surety is voidable as distinguished from void. The infant may expressly disaffirm or assert the defense of infancy when sued at any time before the expiration of a reasonable time after majority.” Laurence P. Simpson, *Handbook on the Law of Suretyship* 82 (1950).

#### VOIDABLE AGREEMENT

voidable agreement.See voidable contract under CONTRACT.

#### VOIDABLE CONTRACT

voidable contract.See CONTRACT.

#### VOIDABLE JUDGMENT

voidable judgment.See JUDGMENT.

#### VOIDABLE MARRIAGE

voidable marriage.See MARRIAGE(1).

#### VOIDABLE PREFERENCE

voidable preference.See PREFERENTIAL TRANSFER.

#### VOIDABLE PROCESS

voidable process.See PROCESS.

#### VOIDABLE PROMISE

voidable promise.See PROMISE.

#### VOIDABLE TRANSFER



voidable transfer. See PREFERENTIAL TRANSFER.

#### VOID AGREEMENT

void agreement. See void contract under CONTRACT.

#### VOIDANCE

voidance, n. The act of annulling, canceling, or making void. — Also termed avoidance.

#### VOID CONTRACT

void contract. See CONTRACT.

#### VOID FOR INDEFINITENESS

void for indefiniteness. See void for vagueness under VOID.

#### VOID FOR VAGUENESS

void for vagueness. See VOID.

#### VOID-FOR-VAGUENESS DOCTRINE

void-for-vagueness doctrine. 1. VAGUENESS DOCTRINE. 2. void for vagueness under VOID.

#### VOID JUDGMENT

void judgment. See JUDGMENT.

#### VOID LEGACY

void legacy. See LEGACY.

#### VOID MARRIAGE

void marriage. See MARRIAGE(1).

#### VOID ON ITS FACE

void on its face. See facially void under VOID.

#### VOID PROCESS

void process. See PROCESS.

#### VOIR DIRE

voir dire (vwahr deeralso vor deeror vor dIr), n. [Law French “to speak the truth”] 1. A preliminary examination of a prospective juror by a judge or lawyer to decide whether the prospect is qualified and suitable to serve on a jury. • Loosely, the term refers to the jury-selection phase of a trial. [Cases: Jury 131. C.J.S. Juries §§ 462–471, 486.] 2. A preliminary examination to test the competence of a witness or evidence. [Cases: Witnesses 77. C.J.S. Witnesses §§ 127–131, 144–146.] 3. Hist. An oath administered to a witness requiring that witness to answer

truthfully in response to questions. — Also spelled *voire dire*. — Also termed *voir dire exam*; examination on the *voir dire*. — *voir dire*, vb.

#### VOITURE

voiture (vwah-t[y]oor), n. Carriage; transportation by carriage.

#### VOL

vol.abbr. Volume.

#### VOLATILE STOCK

volatile stock. See STOCK.

#### VOLATILITY

volatility. In securities markets, the quality of having sudden and extreme price changes.

#### VOLENS

volens (voh-lenz), adj.[Latin] Willing. See NOLENS VOLENS.

#### VOLENTI NON FIT INJURIA

volenti non fit injuria (voh-len-tI non fit in-joor-ee-<<schwa>>). [Law Latin “to a willing person it is not wrong,” i.e., a person is not wronged by that to which he or she consents] The principle that a person who knowingly and voluntarily risks danger cannot recover for any resulting injury. • This is the type of affirmative defense that must be pleaded under Fed. R. Civ. P. 8(c). — Often shortened to *volenti*. See ASSUMPTION OF THE RISK. [Cases: Negligence 550. C.J.S. Negligence §§ 360–361.]

“[T]he maxim ‘*Volenti non fit injuria*’ ... is certainly of respectable antiquity. The idea underlying it has been traced as far back as Aristotle, and it was also recognised in the works of the classical Roman jurists, and in the Canon Law. In English law, Bracton in his *De Legibus Angliae* (ca. A.D. 1250–1258) uses the maxim, though not with the technicality that attached to it later, and in a Year Book case of 1305 it appears worded exactly as it is now. So far as actual citation of the maxim goes, most of the modern cases use it in connexion with harm to the person rather than to property.” P.H. Winfield, *A Textbook of the Law of Tort* § 13, at 24 (5th ed. 1950).

#### VOLITION

volition (v<<schwa>>-lish-<<schwa>>n or voh-), n.1. The ability to make a choice or determine something. 2. The act of making a choice or determining something. 3. The choice or determination that someone makes. — volitional, adj.

#### VOLITIONAL TEST

volitional test. See IRRESISTIBLE-IMPULSE TEST.

#### VOLSTEAD ACT

Volstead Act (vol-sted). A federal statute enacted in 1919 to prohibit the manufacture, sale, or transportation of liquor. • When the 21st Amendment repealed the 18th Amendment in 1933, the Volstead Act was voided. [Cases: Intoxicating Liquors 17. C.J.S. Intoxicating Liquors § 35.]

#### VOLUME DISCOUNT

volume discount. See DISCOUNT.

#### VOLUMEN

volumen (vol-yoo-m<<schwa>>n), n. [Latin “a rolled-up thing”] Civil law. A volume. Pl. volumina.

#### VOLUMUS

volumus (vol-<<schwa>>-m<<schwa>>s), vb. [Latin] Hist. We will; it is our will. • This was the first word of a clause in royal writs of protection and letters patent. It uses the royal we — the plural first person by which monarchs have traditionally spoken.

#### VOLUNTARIAE JURISDICTIONIS

voluntariae jurisdictionis (vol-<<schwa>>n-tair-ee-ee juur-is-dik-shee-oh-nis). [Latin] Hist. Of or pertaining to voluntary jurisdiction. See voluntary jurisdiction under JURISDICTION.

#### VOLUNTARILY

voluntarily, adv. Intentionally; without coercion.

#### VOLUNTARIUS DAEMON

voluntarius daemon (vol-<<schwa>>n-tair-ee-<<schwa>>s dee-m<<schwa>>n), n. [Law Latin “voluntary madman”] Hist. A drunkard; one who has voluntarily contracted madness by intoxication.

#### VOLUNTARY

voluntary, adj. 1. Done by design or intention <voluntary act>. 2. Unconstrained by interference; not impelled by outside influence <voluntary statement>. 3. Without valuable consideration; gratuitous <voluntary gift>. [Cases: Contracts 47. C.J.S. Contracts §§ 83–84.] 4. Having merely nominal consideration <voluntary deed>. — voluntariness, n.

#### VOLUNTARY ABANDONMENT

voluntary abandonment. See ABANDONMENT(2).

#### VOLUNTARY APPEARANCE

voluntary appearance. See APPEARANCE.

#### VOLUNTARY ARBITRATION

voluntary arbitration. See ARBITRATION.

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**VOLUNTARY ASSIGNMENT**

voluntary assignment. See general assignment under ASSIGNMENT(2).

**VOLUNTARY ASSOCIATION**

voluntary association. See ASSOCIATION(3).

**VOLUNTARY ASSUMPTION OF THE RISK**

voluntary assumption of the risk. See ASSUMPTION OF THE RISK.

**VOLUNTARY BANKRUPTCY**

voluntary bankruptcy. See BANKRUPTCY.

**VOLUNTARY BAR**

voluntary bar. See BAR.

**VOLUNTARY BOND**

voluntary bond. See BOND(3).

**VOLUNTARY COMMITMENT**

voluntary commitment. See COMMITMENT.

**VOLUNTARY CONFESSION**

voluntary confession. See CONFESSION.

**VOLUNTARY CONSENT**

voluntary consent. See CONSENT(1).

**VOLUNTARY CONTRACT**

voluntary contract. See gratuitous contract (2) under CONTRACT.

**VOLUNTARY CONVEYANCE**

voluntary conveyance. See CONVEYANCE.

**VOLUNTARY COURTESY**

voluntary courtesy. An act of kindness performed by one person toward another, from the free will of the doer, without any previous request or promise of reward made by the person who is the object of the act. • No promise of remuneration arises from such an act.

**VOLUNTARY DEPOSIT**

voluntary deposit. See DEPOSIT(5).

**VOLUNTARY DISCLOSURE OF OFFENSE**

voluntary disclosure of offense. See DISCLOSURE(1).

#### VOLUNTARY DISCONTINUANCE

voluntary discontinuance. See NONSUIT(1).

#### VOLUNTARY DISMISSAL

voluntary dismissal. See DISMISSAL(1).

#### VOLUNTARY DISSOLUTION

voluntary dissolution. See DISSOLUTION.

#### VOLUNTARY ESCAPE

voluntary escape. See ESCAPE(3).

#### VOLUNTARY EUTHANASIA

voluntary euthanasia. See EUTHANASIA.

#### VOLUNTARY EXPOSURE TO UNNECESSARY DANGER

voluntary exposure to unnecessary danger. An intentional act that, from the standpoint of a reasonable person, gives rise to an undue risk of harm. • The phrase implies a conscious, deliberate exposure of which one is consciously willing to take the risk. [Cases: Insurance 2592; C.J.S. Insurance § 882.]

#### VOLUNTARY IGNORANCE

voluntary ignorance. Willful obliviousness; an unknowing or unaware state resulting from the neglect to take reasonable steps to acquire important knowledge. [Cases: Insurance 2965; Negligence 212. C.J.S. Insurance §§ 584–585; Negligence §§ 44, 46–55.]

#### VOLUNTARY IMPROVEMENT

voluntary improvement. See IMPROVEMENT.

#### VOLUNTARY INTOXICATION

voluntary intoxication. See INTOXICATION.

#### VOLUNTARY JURISDICTION

voluntary jurisdiction. See JURISDICTION.

#### VOLUNTARY LIEN

voluntary lien. See LIEN.

#### VOLUNTARY MANSLAUGHTER

voluntary manslaughter. See MANSLAUGHTER.

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**VOLUNTARY OATH**

voluntary oath. See nonjudicial oath (1) under OATH.

**VOLUNTARY PETITION**

voluntary petition. See PETITION.

**VOLUNTARY PILOT**

voluntary pilot. See PILOT.

**VOLUNTARY POOLING**

voluntary pooling. See POOLING.

**VOLUNTARY-REGISTRY LAW**

voluntary-registry law. See ADOPTION-REGISTRY STATUTE.

**VOLUNTARY RESPITE**

voluntary respite. See RESPITE.

**VOLUNTARY SALE**

voluntary sale. See SALE.

**VOLUNTARY SEARCH**

voluntary search. See SEARCH.

**VOLUNTARY SETTLEMENT**

voluntary settlement. See SETTLEMENT(1).

**VOLUNTARY STATEMENT**

voluntary statement. See STATEMENT.

**VOLUNTARY STRANDING**

voluntary stranding. See STRANDING.

**VOLUNTARY SURETY**

voluntary surety. See SURETY.

**VOLUNTARY SURETYSHIP**

voluntary suretyship. See SURETYSHIP.

**VOLUNTARY TRUST**

voluntary trust. See TRUST.

**VOLUNTARY UNITIZATION**

voluntary unitization. See UNITIZATION.

#### VOLUNTARY WASTE

voluntary waste. See WASTE(1).

#### VOLUNTAS

voluntas (v<<schwa>>-l<<schwa>>n-tas), n. [Latin] Hist. 1. Volition, purpose, or intention; a feeling or impulse that prompts the commission of an act. 2. A will by which a testator plans to dispose of an estate; WILL.

#### VOLUNTAS TESTATORIS

voluntas testatoris (v<<schwa>>-l<<schwa>>n-tas tes-t<<schwa>>-tor-is). [Latin] Hist. The intention of a testator.

#### VOLUNTATIS NON NECESSITATIS

voluntatis non necessitatis (vol<<schwa>>n-tay-tis non n<<schwa>>-ses-i-tay-tis). [Latin] Hist. A matter of choice, not of necessity.

#### VOLUNTEER

volunteer. 1. A voluntary actor or agent in a transaction; esp., a person who, without an employer's assent and without any justification from legitimate personal interest, helps an employee in the performance of the employer's business. 2. The grantee in a voluntary conveyance; a person to whom a conveyance is made without any valuable consideration. See voluntary conveyance under CONVEYANCE. 3. Military law. A person who enters military service voluntarily and is then subject to the same rules as other soldiers. Cf. DRAFT(2).

#### VOLUNTEERS IN SERVICE TO AMERICA

Volunteers in Service to America. See VISTA.

#### VOTE

vote, n. 1. The expression of one's preference or opinion in a meeting or election by ballot, show of hands, or other type of communication <the Republican candidate received more votes than the Democratic candidate>.

absentee vote. See absentee voting under VOTING.

bullet vote. A vote cast for fewer nominees than are being elected. • A bullet vote slightly enhances the ballot's effect on the outcome. — Also termed bullet ballot.

casting vote. A deciding vote cast by the chair of a deliberative assembly when the votes are tied. • The U.S. Constitution gives the Vice President the casting vote in the Senate. U.S. Const. art. I, § 3.

“One is, that to secure at all times the possibility of a definite resolution of the body, it is necessary that the President should have only a casting vote. And to take the senator of any State

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from his seat as senator, to place him in that of President of the Senate, would be to exchange, in regard to the State from which he came, a constant for a contingent vote.” The Federalist No. 68 (Alexander Hamilton).

**effective vote.**A vote that counts toward a winning candidate, to the extent needed to win. • A vote that goes to a winning candidate is “effective” to the extent needed to win, and “excess” beyond that point. For example, if a candidate needs 100 votes and gets 150, then 50 votes are excess votes and each vote is two-thirds effective and one-third excess. Cf. excess vote; wasted vote.

**excess vote.**A vote that counts toward a winning candidate, beyond the extent needed to win. Cf. effective vote.

**exhausted vote.**A preferential vote on which all the ranked candidates have already been elected or eliminated. — Also termed exhausted ballot.

**illegal vote.**A vote that does not count because it was cast by someone not entitled to vote or for an ineligible choice, or in a form or manner that does not comply with the applicable rules. See spoiled ballot under BALLOT(2).

**legal vote.**A vote cast in the proper form and manner for an eligible choice by someone entitled to vote.

**paired vote.**An abstention resulting from a pairing. See PAIR.

**preferential vote.**A vote that ranks the choices in order of preference. • A preferential vote may be transferable or weighted. — Also termed preferential ballot. Cf. single transferable vote; weighted vote.

**single transferable vote.**A preferential vote that will migrate or “transfer” away from a candidate whom it will no longer help. • Under transferable voting, a candidate wins if his or her first-choice votes reach the number needed to win, or the “threshold.” If no candidate reaches the threshold, the least-preferred candidate is dropped and his or her votes transfer to the next-preferred candidate on each ballot. If a candidate reaches the threshold with an excess, that excess still transfers — after being discounted by the non-excess fraction needed to reach the threshold — among the surviving candidates. Each transfer preserves each vote as long as at least one candidate that the voter ranked survives. The redistribution continues until enough candidates reach the threshold or the number of surviving candidates equals the number of representatives still to be elected. See DROOP QUOTA. — Also termed STV; transferable vote; choice voting.

**transferable vote.**See single transferable vote.

**unintelligible vote.**An otherwise legal vote cast in a form from which the tellers cannot ascertain the voter's intent. • On a secret ballot, no voter may properly claim an unintelligible vote for the purpose of explaining it since the vote may have been cast by another voter who cannot contradict the claimant without sacrificing his or her right to secrecy.

**vote of no confidence.**See NO-CONFIDENCE VOTE.



wasted vote. A vote that does not count toward any winning candidate. Cf. effective vote; excess vote.

weighted vote. A nontransferable preferential vote whose strength is allocated among the ranked preferences either by the voter or according to a series of fixed weights.

2. The total number of votes cast in an election <the incumbent received 60% of the vote>. [Cases: Elections 1. C.J.S. Elections §§ 1(1, 10), 2.] 3. The majority or supermajority needed for a certain question <a two-thirds vote>.

majority vote. See MAJORITY(2).

plurality vote. See PLURALITY.

tie vote. An equally divided vote. • A tie vote is not a deadlock unless the assembly is obliged to act — for example, when electing an officer to an office that will otherwise be vacant. Cf. DEADLOCK.

unanimous vote. A vote in which every voter concurs. See UNANIMOUS(2).

winner-take-all vote. An election in which the majority (or sometimes the plurality) elects all the representatives. Cf. UNIT RULE(2); PROPORTIONAL REPRESENTATION; proportional voting under VOTING.

4. The act of voting, usu. by a deliberative assembly <the Senate postponed the vote on the gun-control bill>. [Cases: States 35. C.J.S. States § 52.] — vote, vb.

counted vote. Parliamentary law. A vote taken in a way that individually counts each voter. • Examples of a counted vote are a show of hands, a standing vote, a roll-call vote, and a written ballot. See DIVISION(1).

division vote. See DIVISION(1).

lobby vote. A counted vote taken by each voter passing through a lobby between tellers. — Also termed teller vote.

rising vote. 1. See standing vote. 2. A vote of appreciation demonstrated by the members standing, sometimes silently but usu. with applause. — Also termed rising vote of thanks.

roll-call vote. A counted vote by roll call, in which the secretary calls each member's name, in answer to which the member casts aloud his or her vote. • The U.S. Constitution provides that “the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.” U.S. Const. art. I, § 5, cl. 3. — Also termed vote by yeas and nays; yeas and nays. See roll call under CALL(1).

serpentine vote. A standing vote in which the voters count off and sit down, with the count progressing up one row and down the next until each member on the side of the question being counted has voted.

standing vote. A counted vote taken by each voter standing up when his or her side of the

question is counted. — Also termed rising vote; standing division.

teller vote. See lobby vote.

voice vote. A vote taken by the voters collectively answering aloud, usu. with “aye” or “nay,” when their side of the question is called. — Also termed viva voce vote.

viva voce vote. See voice vote.

vote by show of hands. A vote taken by the voters raising their hands when their side of the question is counted. — Often shortened to show of hands.

vote by yeas and nays. See roll-call vote.

#### VOTE DILUTION

vote dilution. See DILUTION(3).

#### VOTE IMMEDIATELY

vote immediately. See CLOSE DEBATE.

#### VOTE OF NO CONFIDENCE

#### VOTER

voter. 1. A person who engages in the act of voting. 2. A person who has the qualifications necessary for voting. — Also termed (in sense 2) legal voter; qualified voter. [Cases: Elections 59–87. C.J.S. Elections §§ 15–19, 26, 28–29, 32.]

registered voter. A person who is qualified to vote and whose name is recorded in the voting district where he or she resides. [Cases: Elections 95–119. C.J.S. Elections §§ 7(3), 36–38, 40(1), 41, 46–47, 51–52.]

#### VOTING

voting. The casting of votes for the purpose of deciding an issue.

absentee voting. 1. Participation in an election by a qualified voter who is unable to appear at the polls on election day. 2. The practice of allowing voters to participate in this way. — Also termed (in sense 1) absentee ballot; absentee vote. See absentee ballot under BALLOT(2). [Cases: Elections 126(6), 216.1. C.J.S. Elections §§ 114, 118(1).]

choice voting. See single transferable vote under VOTE(1).

class voting. A method of shareholder voting in which different classes of shares vote separately on fundamental corporate changes that affect the rights and privileges of that class. — Also termed voting by class; voting by voting group. [Cases: Corporations 197. C.J.S. Corporations §§ 373, 375–378.]

cumulative voting. A system in which each voter may cast more than one vote for the same candidate. • Cumulative voting helps a minority elect at least one representative. It is common in

shareholder elections. [Cases: Corporations 200, 283(2). C.J.S. Corporations §§ 373, 384, 439–442.]

first-past-the-post voting. See plurality voting.

Hare–Ware voting. See instant-runoff voting.

instant-runoff voting. A system of preferential voting that mimics a runoff election by using each voter's ranked preferences instead of a second round of voting. See runoff election under ELECTION(3). — Abbr. IRV. — Also termed Hare–Ware voting; West Australian plan.

limited voting. A system in which each voter must cast fewer votes than the number of representatives being elected.

low-total voting. A system of weighted preferential voting that adds up the ranked preferences — “1” for a first choice, “2” for a second choice, and so forth — so that the most-preferred candidate wins by having the lowest total. See preferential voting; weighted vote under VOTE(1).

majority voting. A system in which each voter may cast one vote per representative being elected, and a simple majority is required for election. [Cases: Corporations 283(2). C.J.S. Corporations §§ 373, 439–442.]

noncumulative voting. A corporate voting system in which a shareholder is limited in board elections to voting no more than the number of shares that he or she owns for a single candidate. • The result is that a majority shareholder will elect the entire board of directors. — Also termed straight voting. [Cases: Corporations 283(2). C.J.S. Corporations §§ 373, 439–442.]

plurality voting. Election by plurality. See PLURALITY. — Also termed first-past-the-post voting.

preferential voting. A system in which each voter ranks the choices in order of preference. • A preferential vote may be transferable or weighted. — Also termed rank-order voting. See single transferable vote under VOTE(1); weighted vote under VOTE(1).

proportional voting. A system of transferable preferential voting in a multi-representative election. See preferential vote under VOTE(1); single transferable vote under VOTE(1). — Also termed proportional representation.

rank-order voting. See preferential voting.

straight voting. See noncumulative voting.

two-round voting. A system in which the voting occurs in two rounds, with the first round determining the candidate's eligibility for the second round. • The second round may be a runoff between the top two candidates from the first round, an election by plurality among candidates who won their political parties' nominations in the first round, or an election by plurality among the candidates from the first round who reached a certain threshold. See runoff election under ELECTION(3).

voting by class. See class voting.

voting by group. See class voting.

voting by yeas and nays. See roll-call vote under VOTE(4).

#### VOTING AGREEMENT

voting agreement. See POOLING AGREEMENT.

#### VOTING GROUP

voting group. 1. A classification of shareholders by the type of stock held for voting on corporate matters. [Cases: Corporations 197. C.J.S. Corporations §§ 373, 375–378.] 2. Collectively, the shareholders falling within such a classification.

#### VOTING MEMBER

voting member. See MEMBER.

#### VOTING RIGHTS ACT

Voting Rights Act. The federal law that guarantees a citizen's right to vote, without discrimination based on race, color, or previous condition of servitude. 42 USCA §§ 1971–1974. [Cases: Elections 12. C.J.S. Elections §§ 8, 40(1).]

#### VOTING SECURITY

voting security. See voting stock under STOCK.

#### VOTING STOCK

voting stock. See STOCK.

#### VOTING-STOCK RIGHTS

voting-stock rights. A stockholder's right to vote stock in the affairs of the company. • Most commonly, holders of common stock have one vote for each share. Holders of preferred stock usually have the right to vote when preferred dividends are in default for a specified period. [Cases: Corporations 197. C.J.S. Corporations §§ 373, 375–378.]

#### VOTING TRUST

voting trust. See TRUST.

#### VOTING-TRUST CERTIFICATE

voting-trust certificate. A certificate issued by a voting trustee to the beneficial holders of shares held by the voting trust. • A voting-trust certificate may be as readily transferable as the underlying shares; it carries with it all the incidents of ownership except the power to vote. See voting trust under TRUST. [Cases: Corporations 198.1(3).]

#### VOTUM

votum (voh-t<<schwa>>m), n. [Latin] Hist. A vow; a promise. See dies votorum under DIES.

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**VOTUM CAPTANDAE MORTIS ALIENAE**

votum captandae mortis alienae (voh-t<<schwa>>m kap-tan-dee mor-tis ay-lee-ee-nee or al-ee-). [Latin] Hist. An earnest desire for another's death. • An heir could not sell his or her rights to an ancestor's estate because such a transaction would likely induce votum captandae mortis alienae.

**VOUCH**

vouch,vb.1. To answer for (another); to personally assure <the suspect's mother vouched for him>.2. To call upon, rely on, or cite as authority; to substantiate with evidence <counsel vouched the mathematical formula for determining the statistical probability>.3.Hist. To call into court to warrant and defend, usu. in a fine and recovery. See FINE(1).4.Hist. To authenticate (a claim, etc.) by vouchers.

**VOUCHEE**

vouchee (vow-chee), n. Hist. 1.A person vouched into court; one who has been vouched over. See VOUCH OVER. 2. A person cited as authority in support of some fact.

**VOUCHER**

voucher,n.1. Confirmation of the payment or discharge of a debt; a receipt. 2. A written or printed authorization to disburse money. 3.Hist. A person who calls on another person (the vouchee) as a witness, esp. in support of a warranty of title. 4.Hist. The tenant in a writ of right.

**VOUCHER TO WARRANTY**

voucher to warranty.Hist. The calling into court of a person who has warranted lands, by the person warranted, to come and defend a lawsuit.

**VOUCHING-IN**

vouching-in. 1. At common law, a procedural device by which a defendant may give notice of suit to a third party who may be liable over to the defendant on the subject matter of the suit, so that the third party will be bound by the court's decision. • Although this device has been largely replaced by third-party practice, it remains available under the Federal Rules of Civil Procedure. *Humble Oil & Refining Co. v. Philadelphia Ship Maintenance Co.*, 444 F.2d 727, 735 (3d Cir. 1971). [Cases: Federal Civil Procedure 281; Parties 49. C.J.S. Parties § 127.] 2. The invitation of a person who is liable to a defendant in a lawsuit to intervene and defend so that, if the invitation is denied and the defendant later sues the person invited, the latter is bound by any determination of fact common to the two lawsuits. See UCC § 2-607. [Cases: Indemnity 40, 79.] 3.IMPLEADER.

**VOUCH OVER**

vouch over,vb. To cite (a person) into court in one's stead.

**VOX SIGNATA**

vox signata (vahks sig-nay-t<<schwa>>). [Law Latin] Hist. A technical word; a formal word. Pl. voces signatae.

#### VOYAGE

voyage. Maritime law. The passing of a vessel by sea from one place, port, or country to another. • Courts generally hold that the term includes the entire enterprise, not just the route. [Cases: Shipping 165. C.J.S. Shipping §§ 395–397.]

foreign voyage. A voyage to a port or place within the territory of a foreign nation. • If the voyage is from one port in a foreign country to another port in the same country, it is considered a foreign voyage. [Cases: Seamen 15. C.J.S. Seamen §§ 44–47, 49–52, 56–65, 80.]

freighting voyage. A voyage that involves a vessel's transporting cargo between terminal points.

trading voyage. A voyage that contemplates a vessel's touching and stopping at various ports to traffic in, buy and sell, or exchange commodities on the owners' and shippers' account.

#### VOYAGE CHARTER

voyage charter. See CHARTER(8).

#### VOYAGE INSURANCE

voyage insurance. See INSURANCE.

#### VOYAGE POLICY

voyage policy. See INSURANCE POLICY.

#### VOYEUR

voyeur (voy-y<<schwa>>r also vwah-y<<schwa>>r), n. A person who observes something without participating; esp., one who gains pleasure by secretly observing another's genitals or sexual acts. [Cases: Disorderly Conduct 1. C.J.S. Disorderly Conduct §§ 2–5.]

#### VOYEURISM

voyeurism, n. Gratification derived from observing the genitals or sexual acts of others, usu. secretly. [Cases: Disorderly Conduct 1. C.J.S. Disorderly Conduct §§ 2–5.] — voyeuristic, adj.

#### VS

vs. abbr. VERSUS.

#### VULGARIS PURGATIO

vulgaris purgatio (v<<schwa>>l-gair-is p<<schwa>>r-gay-shee-oh), n. [Law Latin] See ORDEAL(1).

#### VULGAR PURGATION

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vulgar purgation. See PURGATION.

#### VULGAR SUBSTITUTION

vulgar substitution. See SUBSTITUTION(4).

#### VULGO CONCEPTI

vulgo concepti (v<<schwa>>l-goh k<<schwa>>n-sep-tI), n.[Latin] Hist. Illegitimate children; bastards.

#### VULGO QUAESITI

vulgo quaesiti (v<<schwa>>l-goh kwi-sI-tI), n.[Latin] Hist. Spurious children; the offspring of promiscuity, so that the true fathers are unknowable.

#### VULNERABLE ADULT

vulnerable adult. See ADULT.

#### VULTURE FUND

vulture fund. See MUTUAL FUND.

#### WASTED VOTE

wasted vote. See VOTE(1).

#### WEIGHTED VOTE

weighted vote. See VOTE(1).

#### WINNER-TAKE-ALL VOTE

winner-take-all vote. See VOTE(3).

#### WRIT OF CORAM VOBIS

writ of coram vobis. See CORAM VOBIS.

#### WRIT OF VENIRE FACIAS

writ of venire facias. See VENIRE FACIAS.

#### WRONG VERDICT

wrong verdict. See verdict contrary to law under VERDICT.

#### ZONING VARIANCE

zoning variance. See VARIANCE(2).