

BLACK'S LAW DICTIONARY®

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

By

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BY

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Written instrument. Something reduced to writing as a means of evidence, and as the means of giving formal expression to some act or contract. *See* Instrument.

Written law. Statutory law; *i.e.* law deriving its force from express legislative enactment. Also, a constitution or treaty. *See* Common law; Constitution; Statute; Treaty.

One of the two leading divisions of the Roman law, comprising the *leges, plebiscita, senatus-consulta, principum placita, magistratum edicta, and responsa prudentum.*

Wrong. A violation of the legal rights of another; an invasion of right to the damage of the parties who suffer it, especially a tort. State ex rel. and to Use of Donelon v. Deuser, 345 Mo. 628, 134 S.W.2d 132, 133. It usually signifies injury to person, property or relative noncontractual rights of another than wrongdoer, with or without force, but, in more extended sense, includes violation of contract. Daurizio v. Merchants' Despatch Transp. Co., 152 Misc. 716, 274 N.Y.S. 174. *See* Tort.

The idea of *rights* naturally suggests the correlative one of *wrongs*; for every right is capable of being violated. A right to receive payment for goods sold (for example) implies a wrong on the part of him who owes, but withholds the price; a right to live in personal security, a wrong on the part of him who commits personal violence. And therefore, while, in a general point of view, the law is intended for the establishment and maintenance of *rights*, we find it, on closer examination, to be dealing both with rights and wrongs. It first fixes the character and definition of rights, and then, with a view to their effectual security, proceeds to define wrongs, and to devise the means by which the latter shall be prevented or redressed.

Private wrong. The violation of public or private rights, when considered in reference to the injury sustained by the individual, and consequently as subjects for civil redress or compensation. Huntington v. Attrill, 146 U.S. 657, 13 S.Ct. 224, 36 L.Ed. 1123. *See* Tort.

Public wrongs. Violations of public rights and duties which affect the whole community, considered as a community; crimes and misdemeanors. 3 Bl.Comm. 2; 4 Bl.Comm. 1.

Real wrong. In old English law, an injury to the freehold.

Wrongdoer. One who commits an injury; a *tort-feasor*. The term ordinarily imports an invasion of right to the damage of the party who suffers such invasion.

Wrongful. Injurious, heedless, unjust, reckless, unfair; it implies the infringement of some right, and may result from disobedience to lawful authority. Buhler v. Marujo, 86 N.M. 399, 524 P.2d 1015, 1019. *See also* Tort.

Wrongful abuse of process. *See* Abuse (*Process*); Malicious abuse of legal process.

Wrongful act. Any act which in the ordinary course will infringe upon the rights of another to his damage,

unless it is done in the exercise of an equal or superior right. Term is occasionally equated to term "negligent," but generally has been considered more comprehensive term, including criminal, wilful, wanton, reckless and all other acts which in ordinary course will infringe upon rights of another to his damage. County of DuPage v. Kussel, 12 Ill.App.3d 272, 298 N.E.2d 323, 326.

Wrongful birth. A medical malpractice claim brought by the parents of an impaired child, alleging that negligent treatment or advice deprived them of the opportunity to avoid conception or terminate the pregnancy. Bruggeman By and Through Bruggeman v. Schimke, 239 Kan. 245, 718 P.2d 635, 638. *See also* Wrongful conception; Wrongful life.

Wrongful conception. Also know as wrongful pregnancy, it is a claim by parents for damages arising from the negligent performance of a sterilization procedure or abortion, and the subsequent birth of a child. Miller v. Johnson, 231 Va. 177, 343 S.E.2d 301, 304. *See also* Wrongful birth; Wrongful life.

Wrongful conduct. Conduct which contravenes some duty which law attaches to relation between parties affected. Duncan v. Lumbermen's Mut. Casualty Co., 91 N.H. 349, 23 A.2d 325, 326.

Wrongful death action. Type of lawsuit brought on behalf of a deceased person's beneficiaries that alleges that death was attributable to the willful or negligent act of another. Such action is original and distinct claim for damages sustained by statutory beneficiaries and is not derivative of or continuation of claim existing in decedent. Barragan v. Superior Court of Pima County, 12 Ariz.App. 402, 470 P.2d 722, 724. *See* Kilberg doctrine; Wrongful death statutes.

Wrongful death statutes. Such statutes, which exist in all states, provide a cause of action in favor of the decedent's personal representative for the benefit of certain beneficiaries (*e.g.* spouse, parent, children) against person who negligently caused death of spouse, child, parent, etc. Statutory provision which operates upon the common-law rule that the death of a human being may not be complained of as an injury in a civil court. The cause of action for wrongful death permitted under such statutes is for the wrong to the beneficiaries. Most such statutes are compensatory though some states retain statutes which measure damages in terms of culpability and some statutes reflect a combination of both. *See also* Death on High Seas Act; Lord Campbell Act; Survival statutes; Unborn child; Wrongful death action.

Wrongful discharge. An at-will employee's cause of action against his former employer, alleging that his discharge was in violation of state or federal anti-discrimination statutes (*cf.* 42 U.S.C.A. §§ 2000e to 2000e-17), public policy (Morris v. Hartford Courant Co., 200 Conn. 676, 513 A.2d 66, 68), an implied employment contract (Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284, 491 A.2d 1257), or an implied covenant of good faith and fair dealing (Cleary v. American Airlines, Inc., 111

Cal.App.3d 443, 168 Cal.Rptr. 722, 729). *See also* Employment at will; Whistle-blower Acts.

Wrongful dishonor. *See* Dishonor.

Wrongful levy. Such as will entitle the owner of property levied on to damages for wrongful execution, exists where there has been done to a third person's personalty those acts that would constitute a valid and complete levy if the debtor's property had been seized. *Farris v. Castor*, 186 Okl. 668, 99 P.2d 900, 902, 903.

Wrongful life. Refers to type of medical malpractice claim brought on behalf of a child born with birth defects, alleging that the child would not have been born but for negligent advice to, or treatment of, the parents. *Azzolino v. Dingfelder*, 315 N.C. 103, 337 S.E.2d 528, 532. *See also* Wrongful birth; Wrongful conception.

Wrongfully. In a wrong manner; unjustly; in a manner contrary to the moral law, or to justice. *See also* Wrongful.

Wrongfully intending. In the language of pleading, this phrase is appropriate to be used in alleging the malicious motive of the defendant in committing the injury which forms the cause of action.

W-2 form. A statement of earnings and taxes withheld (including federal, state, and local income taxes and FICA tax) during the year, prepared for and provided to each employee and also filed with the Internal Revenue Service by employer.

Wurth /wúrθ/. In Saxon law, worthy; competent; capable. *Atheswurthe*, worthy of oath; admissible or competent to be sworn.

Wye /wáy/. As applied to a street railway, a "wye" means a track with two branches, one joining the main track from one direction and the other joining the main track from another direction.

Wyte /wáyt/. In old English law, acquittance or immunity from amercement.