

GLOSSARY OF LATIN-AMERICAN CONSTITUTIONAL TERMS

The increasing use, by students, attorneys, and others in English-speaking countries, of Latin-American constitutions and laws, often in the original Spanish, Portuguese, or French, frequently poses a problem as to how to render a particular term into English. The following glossary is designed to serve as a tool for such a purpose. It is based upon a detailed examination of the constitutions in effect in the several republics of Latin America. It is entirely likely that the technical terminology of any new constitutions subsequently adopted will closely resemble that of the present and past ones.

This glossary is intended to supplement, not to supplant, the dictionary. It is composed of the technical terms, found in one or more current Latin-American constitutions, that are not defined or are not adequately defined in the conveniently available Spanish-English dictionaries. It is far from being a complete vocabulary of constitutional and legal terms in Latin-American usage. Even for a person unfamiliar with any of the three languages it would be quite unnecessary to translate, define, or explain terms such as *presidente*, *congreso*, *senado*, *corte*, and many others in the Spanish language, or, for that matter, their equivalents (usually in cognate form) in Portuguese and French. In other instances the easily accessible Spanish-English dictionaries will give entirely satisfactory English equivalents. The glossary is intended to cover other terms. An effort has been made to list English equivalents in the order of their usage. Meanings of a term not used technically in constitutional terminology are omitted. If a specific meaning of a given term is restricted to usage in one country, it is so indicated.

The glossary is based on Spanish terminology; where entirely equivalent Portuguese or French terms (used in the Brazilian or Haitian constitutions respectively) are to be listed, it seems justifiable to cross-refer them to the corresponding Spanish term, because the latter language is the one used in eighteen of the twenty constitutions of the area. In those cases in which a Portuguese or French term does not have an almost exact Spanish equivalent, the former is translated separately. Similarly, within the Spanish language, the most commonly used form is the one translated or explained; other forms are cross-referred to that one. For example, the glossary translates the term *bienes inmuebles*, one of several terms with the same meaning used in various Latin American constitutions, but the variant *propiedad ratz* is cross-referred to

bienes inmuebles. In the instances in which a variant begins with the same member as the base term, e.g., *bienes raices*, it has seemed unnecessary to use a cross-reference.

All Portuguese, French, and Latin terms are identified (except in cross-references) as belonging to those languages. The glossary is relatively more generous toward Portuguese and French terms than toward Spanish for two reasons: any student having much occasion to refer to Latin-American constitutions will probably be naturally more familiar with Spanish than with Portuguese or French terminology and hence will have relatively more need for inclusion of terms from the latter two languages in such a glossary, even if only for cross-reference purposes, and, in the second place, because Portuguese-English (though not, of course, French-English) dictionaries are likely to be less easily available than Spanish-English dictionaries.

Terms derived from a similar form are labeled as derivatives. For example, *fiscalizar* is translated and under that term is listed *fiscalización*. The two are obviously not equivalent in meaning (one is a verb, the other a noun) but just as obviously one is derived from or related to the other. In each instance an effort has been made to list as the base term the form most commonly used. If the English meaning of the derivative is apparent from that of the base term, no separate translation is given for the former. Both the variants and the derivatives are listed alphabetically.

It should be insistently stressed that many Latin-American technical terms have no exact equivalents in English. To attempt to render them into English without understanding and making allowances for this fact means simply the artificial distortion of an English context translated from a Latin-American constitution. A case in point is the word *alcalde*. This is usually rendered in English as "mayor" but a Spanish-American *alcalde* is by no means identical in function, legal position, institutional descent, or psychology with a United States mayor. This is the reason why, in this glossary, an explanation has been added to the mere translation in some instances—it is an attempt to show the broader differences that exist between roughly equivalent terms in distinct languages and legal systems. As among the three Latin-derived languages the problem is less important because the three languages reflect similar (and in the case of Spanish and Portuguese, very similar) institutional backgrounds.

The problem of finding an acceptable English equivalent for a Latin-American technical constitutional term is especially difficult with regard to those terms relating to the law and the judiciary. Why this should be is easily understood when one recalls that the Latin-American countries

are areas of a Roman-law inheritance, while the United States and Canada (with minor exceptions) derived their law and judicial structure and practice from the period and locale of the English common law. In a few instances, consequently, it is almost impossible to find a reasonable English equivalent, and in translating a passage it is more satisfactory to leave a particular word or passage in the original language. This is true, so far as Spanish constitutional terminology is concerned, of such a word as *amparo*, just as it is true of the German word *Reich* or the French phrase *coup d'état*.

In occasional instances explanation has been necessary because two or more Spanish words could be satisfactorily translated by one English word, though the Spanish words were not identical in meaning. For example, *municipio* and *municipalidad* can both be correctly translated as "municipality," but a distinction needs to be made because of their different use in Spanish.

A few Latin terms have been included, if they are generally unfamiliar in English usage; such Latin terms as *habeas corpus* are omitted, however.

The part of speech of each term is indicated by the following abbreviations: *a*, adjective or adjectival phrase; *n*, noun or substantive phrase; *v*, verb. Alphabetization follows the English system—the Spanish initial "ch" is not given a separate place.

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abogado de oficio. See DEFENSOR DE OFICIO.

acción, n. Suit, action, right.

acciones, n. Shares (of stock); rights.

accionista, n. Shareholder, stockholder. *Variant:* ACIONISTA [Port.]

acionista. See ACCIONISTA.

actuación, n. Trial, proceeding.

acuerdo, n. Resolution, approval, decision, agreement, action.

acusação. See ACUSACIÓN.

acusación, n. Charge, accusation, impeachment. *Variant:* ACUSACÃO [Port.]

Derivative: acusar, *v*.

ad effectum videndi, a. [Lat.] According to due process of law.

ad referendum, a. [Lat.] For reference.

adjudicación, n. Auction; taking of bids.

agente aduanal, n. Customs inspector; importer's representative.

albaceazgo, n. Executorship.

alcabala, n. Sales tax.

alcalde, n. Mayor, justice of the peace, local magistrate.

The Spanish-American *alcalde* is the chief governmental official of a town or city and as such has principally administrative functions, but combines with these

judicial powers and duties to a greater extent than is customary for a mayor in the United States. The *alcalde* is usually an appointive official.

Derivative: *alcaldía*, *n.*, the office or jurisdiction of an *alcalde*.

alcaldía. See under **ALCALDE**.

alegato, n. (Judicial) argument, summation.

amparo, n. Protection, aid; a "fast bill of exceptions."

This feature of jurisprudence combines the basic elements of the writs of *habeas corpus*, *certiorari*, and *mandamus*; it is used primarily in northern Latin America. "It is a federal procedure designed to give immediate redress when any of the fundamental rights of man are infringed by any authority, irrespective of category, or to excuse the obedience of a law or decree which has invaded the federal or local sphere. Its use is most extensive, embracing minors, persons absent abroad acting through a 'next friend,' corporations, etc. An important feature is that it merely gives redress to a specific person or entity, and never makes any general statement of law. It could, hence, never declare a law unconstitutional, though it would give immediate relief as soon as the law in question acted upon any person." —H. N. Branch. *Derivatives*: *amparar, v.*; *juicio de a., n.*, suit of *amparo*; *ley de a., n.*; *recurso de a., n.*

apelção. See **APELACIÓN**.

apelación, n. Appeal. *Variant*: **APELAÇÃO** [Port.]

aprehensión, n. Arrest, seizure.

apremio, n. Detainer, restraint, bond.

arbitrios, n. Excise tax, tax.

arbitrio rentístico, n. Financial expedient.

arraigo judicial, n. Judicial agreement; judicial injunction, judicial order.

arrondissement, n. [Fr.] District.

asistencia social, n. Social aid, social relief. *Variants*: **A. PÚBLICA**, **ASSISTANCE SOCIALE** [Fr.]

assistance sociale. See **ASISTENCIA SOCIAL**.

asociado, n. [Port.] Member, partner, associate.

asuntos criminales. See **MATERIA CRIMINAL**.

atribución, n. Power, duty, attribute; section. *Variants*: **ATRIBUIDO** [Port.], **ATTRIBUTION** [Fr.]

atribuido. See **ATRIBUCIÓN**.

attribution. See **ÀTRIBUCIÓN**.

audiencia, n. Hearing, court session; superior court.

In Cuba, a provincial supreme court.

auditor de guerra, n. Judge advocate.

auto, n. Decree, writ, order, sentence, warrant; record. *Derivatives*: **a. de culpa, n.**, indictment, charge; **a. de enjuiciamiento, n.**, sentence of judgment; **a. de prisión, n.**, prison (or jail) sentence [*variant*: **A. DE DETENCIÓN**]; **a. de procesamiento del encausado, n.**, trial procedure; **a. fundado, n.**, written order.

autógrafo, n. Engrossed bill.

autor, n. [Port.] Plaintiff.

ayuntamiento, n. Municipal council; municipal government.

bens corpóreos. See **BIENES INMUEBLES**.

bens imóveis. See **BIENES INMUEBLES**.

bens incorpóreos. See **BIENES MUEBLES**.

bens inmuebles, n. Real property, real estate. *Variants*: **BENS CORPÓREOS** [Port.], **BENS IMÓVEIS** [Port.], **BIENES RAICES**, **BIENS FONCIERS** [Fr.], **IMMEUBLE** [Fr.], **INMUEBLES**, **PROPIEDAD INMUEBLE**, **PROPIEDAD RAÍZ**, **PROPRIÉTÉ IMMOBILIÈRE** [Fr.]

- bienes muebles, n.** Personal property, chattels, movable property. *Variant:* BENS INCORPÓREOS [Port.]
- biens fonciers.** See BIENES INMUEBLES.
- billetes, n.** Banknotes. *Variants:* B. BANCARIOS, B. DE BANCO.
- bi-tributação, n.** [Port.] Double (or multiple) taxation.
- cabecera, n.** Principal town (of a *municipio*).
- calidad, n.** Status; qualification.
- calificar, v.** To certify, to determine, to judge, to examine, to prove. *Derivative:* calificación, *n.*
- cámara, n.** Chamber (of a legislative body or court). *Variant:* CÂMARA [Port.]
- câmara.** See CÂMARA.
- cargo, n.** Office, post; duty, obligation, charge. *Derivative:* c. concejal, *n.*, compulsory public office (often advisory).
- carta de ciudadanía, n.** Letter (or papers) of naturalization. *Variants:* C. DE NACIONALIDAD, C. DE NACIONALIZACIÓN, C. DE NATURALEZA, C. DE NATURALIZACIÓN.
- cartas rogatorias, n.** Letters rogatory.
 "A formal written request by a court or judge requesting a court or judge in a foreign jurisdiction to summon and cause to be examined a specified witness within its jurisdiction and transmit his testimony for use in a pending action."
- cartera, n.** Portfolio (in a cabinet), (administrative) department, office of a minister.
- casa de asistencia social, n.** Infirmary.
- casa de moneda, n.** Mint.
- casa de socorros médicos, n.** Medical dispensary.
- casación, n.** Appeal, cassation, annulment. *Variant:* CASSATION [Fr.]
- cassation.** See CASACIÓN.
- catastro, n.** Property tax-list; municipal revenue officer.
- caución hipotecaria, n.** Mortgage security.
- caucionar, v.** To be a surety, to go bail.
- causa, n.** Case, suit, action, basis.
- causa civil.** See MATERIA CIVIL.
- causa criminal.** See MATERIA CRIMINAL.
- cédula, n.** Certificate; order, writ, warrant; ballot; tax receipt; registration card.
- celebrar, v.** To negotiate, to make; to hold.
- censo, n.** Perpetual encumbrance; a lien calling for annual payments. *Restricted* to Cuba; derived from practice during the colonial period.
- chefe.** See JEFE.
- ciudadanía.** See CIUDADANÍA.
- circonscription.** See CIRCUNSCRIPCIÓN.
- círculo, n.** District; office.
- circunscricção.** See CIRCUNSCRIPCIÓN.
- circunscricción, n.** Electoral district; region, district. *Variants:* CIRCUNSCRIPCIÓN [Fr.], CIRCUNSCRIÇÃO [Port.]
- ciudadanía, n.** Citizenship. *Variant:* CIDADANIA [Port.]
 The term *ciudadanía* commonly implies possession of voting qualifications; it is consequently to be distinguished from *nacionalidad*, though both terms might be translated as "citizenship."
- ciudadanía en ejercicio, n.** Active citizenship, citizenship with full rights (i.e., without disqualifications of any sort). *Variant:* c. no suspenso. *Derivative:* ciudadano en ejercicio, *n.*

ciudadano en ejercicio. See under CIUDADANÍA EN EJERCICIO.

ciudadano natural, n. Native-born citizen.

clausura, n. Closing (of a legislative session), adjournment.

colegio, n. Academy; (professional) association [as *colégio de abogados*].

The word *colegio* is not equivalent to the word "college" when the latter refers to an institution of learning.

comandante de armas, n. Commander of a garrison.

comarca, n. (Administrative) territory, region.

comice. See COMICIO.

comicio, n. Primary (election); polls. *Variant:* COMICE [Fr.]

comisaría, n. Commissariat.

A territorial and administrative district in the least advanced regions; restricted to Colombia.

comisión, n. Committee, commission. *Variant:* COMISSÃO [Port.]

comisión dictaminadora, n. Committee on opinion.

comisión permanente, n. Permanent committee.

A group chosen by and from the legislative chamber or chambers in various Latin-American states to represent the legislature in the intervals between its sessions; its powers and duties are usually constitutionally specified.

comisión preparatoria, n. Preparatory commission (or committee).

A part or the whole of the membership of a legislative body assembled in preliminary session some days in advance of the formal convening of the legislature, for the purpose of drafting regulations and making other plans for the formal legislative session.

comissão. See COMISIÓN.

competencia, n. Competence, jurisdiction; question of competence; authority.

Variant: COMPETÊNCIA [Port.]

competência. See COMPETENCIA.

competência originária. See PRIMER INSTANCIA.

competência privativa, n. [Port.] Sole jurisdiction.

concejal, n. Councillor, alderman.

concertaje, n. Manipulated labor.

Labor obtained at low, or no, wages, by manipulation, concerted action, or plotting.

concurso, n. Competitive examination. *Variants:* C. DE MERITOS, C. DE PROVAS [Port.], C. DE PRUEBA, CONCURSO-OPOSICIÓN, EJERCICIO DE OPOSICIÓN.

concusión, n. Extortion.

condenação criminal, n. [Port.] Conviction of crime.

connaitre. See CONOCER.

conocer, v. To take cognizance of, to assume jurisdiction, to hear; to examine.

Variant: CONNAITRE [Fr.]

conocimiento, n. Jurisdiction, cognizance, knowledge.

consejo de ministros, n. Council of ministers. *Variants:* C. DE GABINETE, cabinet council; C. DE GOBIERNO, council of government.

The cabinet ministers collectively, acting in a collegiate function. Only minor differences exist among the term and its variants.

constancia de solvencia, n. Record of solvency.

contador, n. Auditor; accountant. *Derivatives:* c. mayor, n., chief auditor; c. de glosa, n., assistant auditor.

contador público, n. Public accountant.

contaduría, n. Auditor general's office. *Variant:* C. MAYOR.

contencioso, a. Litigious, justiciable.

contencioso-administrativo, a. Pertaining to administrative litigation.

Derivative: tribunal de lo c.-a., *n.*, tribunal of administrative litigation (an administrative tribunal found in various Latin-American countries, modeled after the French system of administrative courts).

contienda de competencia, n. Conflict of jurisdiction.

contraloría general, n. Comptroller general's office.

contribuable. See CONTRIBUTUYENTE.

contribución, n. Tax; (customs) duty.

contribuyente. See CONTRIBUTUYENTE.

contribuyente, n. Taxpayer. *Variants:* CONTRIBUABLE [Fr.], CONTRIBUYENTE [Port.]

convocatoria, n. Summons (for a legislative session, usually an extraordinary session).

corregidor, n. Magistrate; governor.

Meaningless if translated "corrector."

crime inafiançável, n. [Port.] Non-bailable crime.

culpa formada, n. [Port.] Established guilt.

curso forzoso, n. Forced tender, fiat money.

curso legal, n. Legal tender.

dar posesión. See TOMAR POSESIÓN.

declarar, v. To testify, to depose, to declare. *Derivative:* declaración, *n.*

declaratoria de reo, n. Declaration of a criminal verdict.

defensor de oficio, n. Public defender. *Variant:* ABOGADO DE OFICIO.

delito, n. Offense; (petty) crime, misdemeanor.

demanda. See DENUNCIA.

demandar, v. To charge, to accuse, to bring suit.

denuncia, n. (Legal) complaint, accusation. *Variants:* DEMANDA, DENUNCIO.

departamento, n. (Administrative or geographic) department. *Variant:* DÉPARTEMENT [Fr.]

département. See DEPARTAMENTO.

dependencia, n. Subordinate agency, branch.

derecho, n. Law; right, equity, duty; customs, fee. *Variants:* DIREITO [Port.], DROIT [Fr.]

derecho de gentes, n. International law.

derecho eminente, n. Law (or right) of eminent domain.

derecho marítimo, n. Admiralty (or maritime) law.

designado, n. Designate.

A person chosen by, and often from, the legislative body to succeed to the presidency in case of vacancy; roughly equivalent to "vice-president." Some Latin-American constitutions prescribe three *designados*.

despacho, n. Department, branch; office; business; transaction; capacity; submission (of a bill).

destino, n. Office; function.

día natural, n. Calendar day.

día útil, n. Working day. *Variant:* día HÁBIL.

dictaminar, v. To pass judgment, to render an opinion. *Derivative:* dictamen, *n.*

dictar, v. To enact, to issue (a decree or regulation), to prescribe, to pronounce (sentence).

dieta, n. *Per diem* allowance or salary.

diligencias, n. (Judicial) proceedings.

dirección letrada, n. Power of attorney.

direito. See **DERECHO**.

direito de autor, n. [Port.] Copyright law.

direito processual, n. [Port.] Procedural (or adjective) law.

doble voto simultáneo, n. Double simultaneous vote.

Restricted to Uruguay. [See note under **LEMA**.]

dominio, n. Domain, ownership, dominion; fee.

droit. See **DERECHO**.

ejercicio de oposición. See **CONCURSO**.

ejército de línea, n. Regular armed forces, standing army.

ejido, n. Communal land.

A tract held and worked in common by a (usually indigenous) community, no portion of the land being subject to ownership by individual title; found principally in Mexico where it represents a revival of a pre-Columbian system of land tenure.

eleitor, n. [Port.] Voter, elector.

embargo, n. Seizure, attachment; embargo.

empleado, n. Employee, official, officer.

empréstito forzoso, n. Forced loan.

en efectivo, a. In cash or money.

en ejercicio, a. (An) active (status) [as *diputado en ejercicio*, an active deputy or a deputy entitled to vote].

encargado de negocios, n. *Chargé d'affaires*.

encargado del poder ejecutivo, n. or a. Person encharged with the executive power. *Variant: E. DE LA PRESIDENCIA*.

The person entrusted by law or by the constitution with assuming the functions of the president in case of a temporary vacancy in the office of the latter; the term is sometimes applied to a *designado* during his tenure as acting president.

escribano público, n. Notary public.

escrito, n. (Legal) brief, appeal.

escrutinio, n. Examination, counting, and certification of votes; scrutiny; vote, ballot.

The *escrutinio* is the process by which a legislative body examines the results of a popular election of executive officials and certifies the results.

estado de asamblea, n. State of assembly.

This involves a partial suspension of constitutional guarantees; it is less stringent than *estado de sitio*.

estado de sitio, n. State of siege. *Variant: ÉTAT DE SIÈGE [Fr.]*

The *estado de sitio*, though differing in detail from country to country, is roughly equivalent to "martial law."

estado mayor, n. General staff.

estanco, n. Restraint of trade, monopoly.

estrangeiro. See **EXTRANJERO**.

état de siège. See **ESTADO DE SITIO**.

étranger. See **EXTRANJERO**.

excedencia forzosa, n. Compulsory retirement (from an appointive office).

exequibilidad, n. Acceptability; possibility of acting within the law.

exoneração a pedido, n. [Port.] Resignation.

expediente, n. (Legal) action, contingency, proceedings, records (of a legal case).

expedir, v. To issue (a decree or regulation), to enact.

extranjero, *n.* and *a.* Alien, foreigner; abroad; foreign parts. *Variants:*

ESTRANGEIRO [Port.], ÉTRANGER [Fr.]

fallo, *n.* Sentence, verdict, decree (of a court), decision. *Derivative:* **fallar**, *v.*

fallo ejecutoriado, *n.* Executed verdict or judgment.

falta, *n.* Absence, default; offense; omission.

fiscal, *n.* and *a.* Prosecuting attorney, attorney; fiscal. *Derivative:* **f. letrado**, *n.*

a *fiscal* who has been licensed or commissioned as a result of having taken and passed a course in law.

fiscal general, *n.* Attorney general; auditor general.

fiscalizar, *v.* To scrutinize; to supervise, to regulate. *Derivative:* **fiscalización**, *n.*

fisco, *n.* (National) treasury.

flagrant délit. See **FLAGRANTE DELITO**.

flagrante delito, *n.* *In flagrante delicto*. *Variants:* EN DELITO FLAGRANTE, FLAGRANT DÉLIT [Fr.], FRAGRANTI, INFRAGRANTI.

fomento, *n.* Development, promotion.

The *Ministerio de Fomento* found in various Latin-American states is concerned with construction of public works (it is sometimes called *Ministerio de Obras Públicas*) and development of natural resources; the term is occasionally loosely translated as "Department of the Interior."

Derivative: **fomentar**, *v.*

fonctionnaire. See **FUNCIONARIO**.

forense, *n.* Medical examiner.

formação da culpa, *n.* [Port.] Indictment.

foro, *n.* Court; profession of law. *Variant:* FÓRO [Port.]

fôro. See **FORO**.

fracción, *n.* Clause, section; (political) party.

fuero, *n.* Privilege, immunity, exemption; statute law (in general).

fuero de guerra, *n.* Military code.

fuerza pública, *n.* Public (i.e., armed) force.

funcionario, *n.* Official, employee. *Variants:* FONCTIONNAIRE [Fr.], FUNCIONÁRIO [Port.]

funcionário. See **FUNCIONARIO**.

gabela, *n.* Tax.

general de división, *n.* Major general.

This army rank in most countries where it is found (it exists in several the constitutions of which do not mention it) is equivalent in military hierarchy to a major general; in Mexico it is considered equivalent to a lieutenant general.

It is customarily the highest military rank found in a Latin-American state.

gerente social, *n.* City manager.

Restricted to Cuba.

gobernación, *n.* Government.

This word is applied in most Latin American states to the administrative department taking unofficial precedence in the organization of the executive branch, the *Ministerio de Gobernación*, although occasionally the term *Ministerio de Gobierno* is used. Either term is most satisfactorily translated as "Ministry of Government"; the occasional translation "Ministry of the Interior" (perhaps based on a similar French term) is confusing because of an implied identification of functions with the Department of the Interior in the United States. The *Ministerio de Gobernación* (or *Gobierno*) in a Spanish American state deals with such matters as control of the national police and maintenance of public order, regulation of elections, supervision of local administration, administration of the national territories, and others.

gobernante, n. Governing official, governor.

gobierno, n. Government.

This word, though sometimes used interchangeably with *gobernación*, usually means government in general. [See note under GOBERNACIÓN.]

gran jurado, n. Grand jury.

granja agrícola, n. Agricultural experiment school.

hacer uso de la palabra, v. To speak (in a legislative body), to have the floor.

Variant: TENER LA PALABRA.

hacienda, n. (Department of) finance, treasury; finances, funds.

hoja de votación, n. Ballot.

Restricted to Uruguay.

homologação. See HOMOLOGACIÓN.

homologación, n. Confirmation (of a sentence). *Variant:* HOMOLOGAÇÃO [Port.]

immeuble. See BIENES INMUEBLES.

impedimento, n. Disqualification.

impuesto. See IMPUESTO.

impuesto predial, n. [Port.] Building tax.

impôt. See IMPUESTO.

impuesto, n. Tax, impost; (customs) duty. *Variants:* IMPOSTO [Port.], IMPÔT [Fr.]

impuesto de estampilla, n. Stamp tax.

in fraganti. See FLAGRANTE DELITO.

inabilitação, n. See INHABILIDAD.

inciso, n. Clause, section.

incomunicación, n. Order for being held incommunicado. *Derivative:* **incomunicarse, v.**, to be held incommunicado.

información sumaria, n. Summary (or preliminary) inquiry.

informe, n. Report; information.

An *informe* (as a report) usually means a brief and informal report, as distinguished from a *memoria*.

inhabilidad, n. Disqualification. *Variants:* INABILITAÇÃO [Port.], INHABILITACIÓN. *Derivative:* **inhabilitar, v.**

inhabilitación. See INHABILIDAD.

iniciativa de ley, n. Right, or power, to introduce legislation.

inmuebles. See BIENES INMUEBLES.

inquisición, n. Investigation.

instancia, n. Appeal, instance; invitation.

An *instancia* in Latin-American judicial procedure is one stage in a court proceeding. Thus, if a particular category of actions is entitled by law or by constitutional prescription to *tres instancias* it means the original trial and two appeals.

intendencia, n. Intendancy.

A territorial and administrative district in little-advanced regions; restricted to Colombia.

intendente, n. Intendant, administrative official.

Usually restricted to the official governing an *intendencia*.

inter vivos, a. [Lat.] During lifetime.

interdicción judicial, n. Judicial restraint, judicial interdiction.

interventor, n. [Port. or Sp.] Interventor.

A national official appointed to administer the affairs of a state or province (or other region or agency) in substitution for the customary officials, appointive or

elective, because of disturbance of order or other unusual condition. The term is restricted, in constitutional usage, to Brazil, but the official is found elsewhere as well.

interventor general, n. Comptroller general.

inversión, n. Disbursement, expenditure; investment.

investidura, n. [Port.] Appointment.

ipso jure, n. [Lat.] By the law itself.

isenção tributária, n. [Port.] Tax exemption.

jefe, n. Chief, officer, head. *Variant:* CHEFE [Port.]

Jefe is a general term applied widely to the head of an office, agency, or entity, from the *jefe del estado* (i.e., the president) or the *jefe del ejército* ("commander-in-chief") to the *jefe* of a minor bureau or administrative office.

jefe político, n. Political chief.

An administrative official in a province, territorial department, or other local subdivision, usually considered as the direct agent of the national government and more especially of the president.

jubilación, n. Pension; retirement on a pension.

judicatura, n. Judgeship.

juvez de instrucción, n. Investigating judge (in criminal cases).

Restricted, in constitutional usage, to the Dominican Republic.

juvez de letras, n. Licensed judge, scholastic judge. *Variant:* J. LETRADO.

A judge, often in lower courts, who has been licensed or commissioned as a consequence of having taken and passed a course in law, as distinguished from a *juvez de paz* or other minor judicial official who may have had no professional training. The *juvez de letras* is ordinarily found in a court of record.

juvez de partido, n. Circuit judge.

Restricted to Bolivia.

juze d'instruction, n. [Fr.] Police magistrate or judge.

juicio, n. Trial, proceeding; judgment, judicial sentence; advice.

juicio contradictorio, n. Due judicial process.

juicio de amparo. See under AMPARO.

juicio de desahucio, n. Judgment of eviction.

juicio pericial, n. Appraisalment.

juicio sucesorio, n. Formalities of inheritance.

jujar originariamente, v. [Port.] To judge in first instance, or originally.

junta, n. Board, committee, council, organization.

junta computadora, n. Tallying committee.

junta preparatoria, n. Provisional body, preparatory council. *Variant:* J.

PROVISIONAL.

The term is sometimes applied to the preliminary assembling of all or part of the members of a legislative body to prepare for the formal session to follow.

justiça. See JUSTICIA.

justiça togada, n. [Port.] Civil magistrate.

justicia, n. Court; justice (in general). *Variant:* JUSTIÇA [Port.]

juzgado, n. Court; judgment.

legalizar, v. To legalize; to notarize; to authenticate.

legislatura, n. Legislative session, legislative term; legislature.

legislatura extraordinaria. See SESIÓN EXTRAORDINARIA.

legislatura ordinaria. See SESIÓN ORDINARIA.

lema, n. Ticket (in an election).

Restricted to Uruguay. The customary electoral practice is for each party to

list its candidates under a *lema* (or motto). Different wings or factions of a party ordinarily agree on a presidential candidate but may nominate separate candidates for other offices (as senator or deputy); if so, the latter are listed under a *sublema*. The voter who casts his ballot for a particular *sublema* automatically votes for the candidates on that list and for those common candidates on the *lema* of which it is a part; this is called a *doble voto simultáneo*, inasmuch as the voter votes simultaneously for those on the *lema* and the *sublema*.

licença. See LICENCIA.

licencia, n. Leave of absence; permission; license. *Variant:* LICENÇA [Port.]

licenciado, n. Attorney, lawyer, graduate of a faculty of law.

litigio, n. Suit; litigation.

lugar a formación de causa, n. Grounds for prosecution, cause for trial. *Variants:*

L. A ACUSAR, L. A PROCEDER, L. A SEGUIMIENTO DE CAUSA, L. A LA ACUSACION.

magistratura, n. Magistracy; judicial authority.

mandamiento, n. Order, writ; order of arrest; mandamus.

mandat. See MANDATO.

mandatario, n. Counsel, attorney; person holding a power of attorney; magistrate.

mandato, n. Office; term (of office); order; mandate; power of attorney. *Variant:*

MANDAT [Fr.]

manos muertas, n. Inalienable estate, mortmain.

marca, n. Trademark.

materia civil, n. Civil case; civil offense; civil matters. *Variant:* CAUSA CIVIL.

materia criminal, n. Criminal case; criminal offense; criminal matters. *Variants:*

ASUNTOS CRIMINALES, CAUSA CRIMINAL, MATERIA (OF ASUNTOS) PENAL[ES].

mayorazgo, n. Entailed estate.

memoria, n. Report.

A *memoria* is usually a longer and more formal report, often accompanied by subordinate reports, as distinguished from an *informe*; as a *memoria* submitted annually by a ministry to the legislature.

mesa directiva, n. Executive committee, governing board, officials (collectively).

Variants: DIRECTIVA, MESA.

ministère public. See MINISTERIO PÚBLICO.

ministerio público, n. Public ministry, attorney general's office. *Variants:*

MINISTÈRE PUBLIC [Fr.], M. FISCAL, MINISTERIO PÚBLICO [Port.]

Although the functions of a *ministerio público* are usually similar to those of an attorney general's office, it is customarily organized separately and is not considered as one of the regular executive departments.

ministério público. See MINISTERIO PÚBLICO.

ministro, n. Minister.

The term usually means an administrative official (i.e., a cabinet member) but it is also applied to judicial and ecclesiastical officials.

ministro de estado, n. Minister of state (i.e., cabinet member). *Variants:* M.

DE DESPACHO, M. DE GOBIERNO, M. DEL DESPACHO, M. SECRETARIO, M. SECRETARIO DE ESTADO, SECRETARIO DE ESTADO, SECRETARIO DEL DESPACHO, SECRETARIO DEL ESTADO EN EL DESPACHO.

moneda corriente, n. Current[ly circulating] money, currency.

moneda efectiva, n. Cash, sound money.

montepíos, n. Gratuity funds.

mortificación, n. Inhuman, or humiliating, punishment.

motivar, v. To explain.

To adduce supporting argument (in the case of an executive) for vetoing a bill or (in the case of a judge) for a sentence rendered.

muerte civil, n. Loss of civil rights.

municipal, n. Municipal councillor, or alderman.

municipalidad, n. Municipality, municipal government, municipal council.

This term is always applied to the machinery of government of a municipality.

municipio, n. Municipality, municipal district. *Variant:* MUNICIPIO [Port.]

This term is applied to the territory belonging to a municipality. The customary Latin-American practice is for the boundaries of a *municipio* to be contiguous with those of the adjoining *municipios*; in this way the word, if translated "town," is more similar to that English word as used in New England.

municipio. See MUNICIPIO.

nacionalidad, n. Nationality.

This term is not equivalent to *ciudadanía*, though each is sometimes translated "citizenship." *Nacionalidad* simply implies membership in a state, without possession of the franchise; it is sometimes considered the equivalent in Spanish of "passive citizenship."

nombrar, v. To appoint; to nominate. *Variant:* NOMEAR [Port.] *Derivative:* nombramiento, *n.*

nomear. See NOMBRAR.

nulidad, n. Cancellation, annulment; nullity. *Derivative;* recurso de nulidad, *n.*, appeal of annulment.

observación, n. Objection; suggestion. *Variants:* OBJECCIÓN, OBSERVATION [Fr.]

Observaciones are made by an executive in returning a vetoed bill to a legislature. *Derivative:* observar, *v.*

observation. See OBSERVACIÓN.

oficina recaudadora, n. Tax collector's office.

orden de cateo, n. Search warrant.

órgano ejecutivo. See PODER EJECUTIVO.

órgano judicial. See PODER JUDICIAL.

órgano legislativo. See PODER LEGISLATIVO.

padrón electoral, n. Registration list, electoral list.

papel sellado, n. (Official) stamped paper.

Blank paper, watermarked and stamped by a government, which monopolizes its sale, for use in the preparation of legal and other official documents.

pase de lista. See VOTACIÓN NOMINAL.

patente, n. Commission; certificate; patent; warrant; license.

patentes de corso y de represalias, n. Letters of marque and reprisal.

patria, n. Fatherland, country.

Used in a sentimental or patriotic sense.

patria potestad, n. Guardianship; parental authority.

patrocinar, v. [Port. and Sp.] To plead; to protect.

patronato, n. Patronage.

The power of civil officials, especially the president, to appoint or confirm high ecclesiastical officials.

peine afflictive. See PENA CORPORAL.

pena corporal, n. Corporal punishment. *Variants:* PEINE AFLICTIVE [Fr.], P. AFLICTIVA.

pensión, n. Pension, allowance, payment.

période. See PERÍODO.

período, n. Term (of office), period. *Variant:* PÉRIODE [Fr.]

- perito mercantil, n.** Certified public accountant.
- pessoa jurídica, n.** [Port.] Juridical person.
- pie de fuerza, n.** Standing army; infantry.
- pleito, n.** Lawsuit; proceedings.
- pleno, n.** Plenum, full membership (of a legislative or judicial body).
- pliego de cargo, n.** Commission or certificate of office.
- pluralidad absoluta, n.** Majority.
Restricted to Bolivia.
- poder, n.** Power; branch, department; authority; qualification. *Variant:* POTENCIA.
- poder ejecutivo, n.** Executive; executive power; executive branch, executive department. *Variants:* ÓRGANO EJECUTIVO, POUVOIR EXÉCUTIF [Fr.]
- poder federal, n.** Federal power, federal government, federal authority.
- poder judicial, n.** Judiciary; judicial power; judicial organ, judicial branch.
Variants: ÓRGANO JUDICIAL, PODER JUDICIÁRIO [Port.]
- poder legislativo, n.** Legislature; legislative power; legislative branch. *Variant:* ÓRGANO LEGISLATIVO.
- poder notariado, n.** Power of attorney.
- poder político, n.** Political power.
The sum total of governmental authority; similar, though perhaps not equivalent, to sovereignty.
- poder público, n.** Public authority, public power; organ, *Variant:* PUISSANCE PUBLIQUE [Fr.]
Similar in meaning to *poder político*, though suggesting more the nature of sovereignty.
- policía, n.** Police; policing; administration.
- posto, n.** [Port.] Rank; office; employment.
- potencia.** See PODER.
- potestad reglamentaria, n.** Regulatory power.
The authority, usually vested in a president, to issue regulations effecting and supplementary to statute legislation. It is wider in scope and importance than is administrative legislation in the United States.
- pouvoir exécutif.** See PODER EJECUTIVO.
- prefeito, n.** [Port.] Prefect, mayor.
The principal administrative official in a Brazilian municipality.
- previsión social, n.** Social welfare.
- primera instancia, n.** First instance, original jurisdiction. *Variants:* COMPETÊNCIA ORIGINÁRIA [Port.], PRIMER GRADO.
[See note under INSTANCIA.]
- primer ministro, n.** Prime minister.
The head of the cabinet in the semi-parliamentary government in Cuba.
- principal.** See PROPIETARIO.
- prisión, n.** Imprisonment; commitment; prison.
- prisión preventiva, n.** Precautionary custody or imprisonment.
- proceso, n.** Proceeding, trial; office; writ; offense. *Variant:* PROCESSO [Port.]
Derivative: procesar, *v.*, to prosecute, to indict.
- processo.** See PROCESSO.
- procès-verbal, n.** [Fr.] Certificate; authenticated record.
- procurador, n.** Solicitor, attorney.
- procurador general, n.** Attorney general. *Variant:* PROCURADOR GERAL [Port.]
- proyecto.** See PROYECTO.
- projeto de lei.** See PROYECTO DE LEY.

- pronúncia do indiciado, *n.* [Port.] Indictment.
- propiedad inmueble. See BIENES INMUEBLES.
- propiedad raíz. See BIENES INMUEBLES.
- propietario, *a.* and *n.* Incumbent, regular, or titular (*a.*) [as *diputado propietario*]; proprietor (*n.*) *Variant:* principal, *n.*
- proposta orçamentária, *n.* [Port.] Budget estimates.
- propriété immobilière. See BIENES INMUEBLES.
- providencia, *n.* Measure; decision.
- proyecto, *n.* Plan (as for a budget); draft; bill. *Variant:* PROYETO [Port.]
- proyecto de ley, *n.* (Legislative) bill. *Variant:* PROYETO DE LEI [Port.]
- puissance publique. See PODER PÚBLICO.
- quejoso, *n.* Plaintiff.
- reclamación, *n.* Complaint, claim. *Variant:* RECLAMO. *Derivatives:* reclaman-
te, *n.*, plaintiff; reclamar, *v.*
- recurso, *n.* Appeal; redress, recourse; resource.
- recurso de amparo. See under AMPARO.
- recurso de casación, *n.* Writ of appeal.
- recurso de nulidad. See under NULIDAD.
- recusación, *n.* Challenge. *Derivative:* recusar, *v.*
- reformar, *v.* To amend, to reform (a law or constitution), to change. *Derivatives:*
reforma, *n.*; reformación, *n.*
- regidor, *n.* Councilman, alderman.
- régimen, *n.* Organization, system, regulation, control.
- regimientos internos. See REGLAMENTOS INTERIORES.
- reglamentar, *v.* To regulate.
Used in connection with legislation. [See note under POTESTAD REGLAMENTARIA.]
Derivative: reglamentación, *n.*
- reglamentos interiores, *n.* By-laws, internal provisions or rules. *Variants:*
REGIMENTOS INTERNOS [Port.], REGLAMENTO, R. INTERNOS, RÈGLEMENTS IN-
TÉRIEURS [Fr.]
- règlements intérieurs. See REGLAMENTOS INTERIORES.
- rehabilitar, *v.* To rehabilitate (politically or civilly), to restore (to citizenship).
Derivative: rehabilitación, *n.*
- reo, *n.* Criminal; accused person; indictment.
- requisición, *n.* (Court) order, demand.
- resolución, *n.* Decision, resolution, act, measure.
- responsabilidad, *n.* Liability, responsibility; guilt; charge (against an official).
Variant: RESPONSABILIDADE [Port.]
- responsabilidade. See RESPONSABILIDAD.
- reunión extraordinaria. See SESIÓN EXTRAORDINARIA.
- reunión ordinaria. See SESIÓN ORDINARIA.
- sala, *n.* Chamber (of a court); hall (of legislative sessions).
Some Latin-American courts are divided into *salas*, each of which will hear
specialized categories of cases, as civil, criminal, appeal, etc.
- secrétaire de bureaux, *n.* [Fr.] (Congressional) secretary or chief clerk.
- secretaría, *n.* Department, ministry; secretariat; staff. *Variant:* SECRETARIA
[Port.]
The distinction between a *secretaría* and a *ministerio* is not rigid but if both
exist in the same governmental system the latter usually is more important.
- secretaria. See SECRETARÍA.
- secretario de estado. See MINISTRO DE ESTADO.

- secretario del despacho.** See **MINISTRO DE ESTADO.**
- sentença.** See **SENTENCIA.**
- sentença declaratória, n.** [Port.] Declaratory judgment.
- sentencia, n.** Verdict, judgment, sentence. *Variant:* **SENTENÇA** [Port.]
- sentencia absolutoria, n.** Verdict of acquittal. *Derivative:* **s. firme absolutoria, n.,** final acquittal.
- sentencia condenatoria, n.** Criminal sentence, conviction.
- sentencia definitiva, n.** Final sentence or judgment. *Variant:* **s. FIRME.**
- sentencia ejecutoriada, n.** Executed sentence; executed decision. *Variant:* **s. EJECUTORIA.**
- sesión extraordinária, n.** Extraordinary (or special) session. *Variants:* **LEGISLATURA EXTRAORDINARIA, REUNIÓN EXTRAORDINARIA, SESSÃO EXTRAORDINÁRIA** [Port.], **SESSION EXTRAORDINAIRE** [Fr.]
- sesión ordinaria, n.** Regular (or ordinary) session. *Variants:* **LEGISLATURA ORDINARIA, REUNIÓN ORDINARIA, SESSION ORDINAIRE** [Fr.]
- sessão extraordinária.** See **SESIÓN EXTRAORDINARIA.**
- session extraordinaire.** See **SESIÓN EXTRAORDINARIA.**
- session ordinaire.** See **SESIÓN ORDINARIA.**
- signo fiduciario, n.** Fiduciary note, legal tender.
- sindicato, n.** (Trade) union; association (of employers or workers). *Variants:* **SINDICATO ECONÓMICO** [Port.], **s. GREMIAL.**
It is misleading if this term is translated "syndicate." *Derivative:* **sindicación, n.,** unionization.
- síndico, n.** Syndic.
A municipal official with legal and sometimes financial functions.
- sistema penitenciario, n.** Penal system.
- sobreseimiento, n.** Stay of proceedings.
- sociedad, n.** Corporation, company, association; community, colony. *Variants:* **SOCIEDADE** [Port.], **SOCIÉTÉ** [Fr.] *Derivative:* **s. anónima, n.,** stock company, corporation [the abbreviation "S.A." is equivalent to "Inc."]
- sociedad de seguros, n.** Insurance company.
- sociedade.** See **SOCIEDAD.**
- société.** See **SOCIEDAD.**
- sócio, n.** [Port.] Partner; member.
- subdelegación, n.** Subdelegation.
A territorial and administrative division. Restricted to Chile.
- sub-judice, n.** A person on trial.
- sublema.** See under **LEMA.**
Restricted to Uruguay.
- suffrage.** See **SUFFRAGIO.**
- sufragio, n.** Vote, suffrage; ballot. *Variants:* **SUFFRAGE** [Fr.], **SUFRÁGIO** [Port.]
- sufrágio.** See **SUFFRAGIO.**
- sumario, n.** Indictment; summary (proceedings); initial proceedings.
- sustraer, v.** To sequester. *Variant:* **SUBSTRAER.**
- tasa, n.** TAX. *Variant:* **TAXA** [Port.]
- taxa.** See **TASA.**
- tener la palabra.** See **HACER USO DE LA PALABRA.**
- término municipal, n.** Municipal district.
- terna, n.** List of three, panel.
A *terna* is used in making nominations, for ecclesiastical or other office, from which one of the three persons nominated is appointed. Though literally limited to three persons, a *terna* may be of other sizes.

- timbre fiscal**, *n.* Fiscal stamp. *Variant:* TIMBRE.
- titulación**, *n.* Registration.
- titular**, *n.* Titular or regular (occupant of an office.)
- título**, *n.* Commission, certificate; (military or legal) title; (professional) degree; license; deed; bond (for performance); diploma; security; credentials.
- tomar posesión**, *v.* To take possession, to be inaugurated. *Variant:* DAR POSESIÓN, to give possession, to inaugurate.
- trámite**, *n.* Proceedings; procedure. *Variant:* TRAMITACIÓN.
- tropa de línea**, *n.* Infantry.
- última instancia**, *n.* Last instance, final jurisdiction. [See note under INSTANCIA.]
- única instancia**, *n.* Sole instance. *Variant:* ÚNICA INSTANCIA [Port.]
[See note under INSTANCIA.]
- única instância**. See ÚNICA INSTANCIA.
- urbanismo**, *n.* City planning.
- urna**, *n.* Polls; ballot box.
- uti possidetis**, *n.* [Lat.] "The principle that a conclusion or treaty of peace between belligerents vests in them respectively as absolute property the territory under their actual control and things attached to it, and the movables then in their legal possession, except as otherwise stipulated."
Used by some Spanish American states as the basis for their national boundaries, as "the *status uti possidetis* of 1810," i.e., the situation existing (in regard to boundaries of administrative subdivisions) at the end of the Spanish colonial period in (approximately) 1810.
- valor fiscal**, *n.* Assessed value.
- ventilar**, *v.* To hear (judicially).
- vereador**, *n.* [Port.] Councillor.
- vía diplomática**, *n.* Diplomatic intervention.
- viático**, *n.* Traveling (or mileage) allowance.
- vitaliciedade**, *n.* [Port.] Life tenure.
- votación**, *n.* Ballot; balloting; vote.
- votación nominal**, *n.* Roll-call vote or ballot. *Variant:* PASE DE LISTA.
- voto en blanco**, *n.* Blank ballot.