

terminate without sufficient assets to pay such benefits. 29 U.S.C.A. § 1302.

Pensioner. Recipient or beneficiary of a pension plan.

Pension fund. Fund established by corporations, unions, governmental bodies, etc. to pay pension benefits to its retired workers. *See* Pension plan.

Pension plan. A plan established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to his employees, or their beneficiaries, over a period of years (usually for life) after retirement. Retirement benefits are measured by, and based on, such factors as years of service and compensation received by the employees. The Employees Retirement Income Security Act (ERISA) governs plan qualification, operation, and administration, and specifically such matters as participation requirements, funding, vesting and filing and reporting with the Internal Revenue Service and Labor Department. Pension benefits under qualified plans are guaranteed by the Pension Benefit Guaranty Corporation.

A stated allowance out of the public treasury granted by government to an individual, or to his representatives, for his valuable services to the country, or in compensation for loss or damage sustained by him in the public service. *Frisbie v. U. S.*, 157 U.S. 160, 15 S.Ct. 586, 39 L.Ed. 657.

See also Individual retirement account; Keogh Plan; Money-purchase plan; Pension trust.

Contributory pension plan. A plan funded with both employer and employee contributions.

Defined-contribution plan. Pension plan that provides benefits as determined by the accumulated contributions and the return on the fund's investment performance; the contributions are specified, but the benefits are not.

Defined pension plan. A pension plan where the employer promises specific benefits to each employee. The employer's cash contributions and pension expense are adjusted in relation to investment performance of the pension fund. Sometimes called a "fixed-benefit" pension plan.

Funded pension plan. *See* Funded.

Noncontributory plan. A pension plan where only the employer makes payments to fund the plan. *Compare* **Contributory pension plan**, *above*.

Qualified pension plan. An employer-sponsored plan that meets the requirements of I.R.C. § 401. If these requirements are met, none of the employer's contributions to the plan are taxed to the employee until distributed to him or her [§ 402]. The employer will be allowed a deduction in the year the contributions are made [§ 404].

Pension trust. Type of funded pension plan in which the employer transfers to trustees an amount sufficient to cover cost of pensions to employees who are the beneficiaries of the trust.

Penumbra doctrine. The implied powers of the federal government predicated on the Necessary and Proper Clause of the U.S.Const., Art. I, Sec. 8(18), permits one implied power to be engrafted on another implied power. *Kohl v. U. S.*, 91 U.S. 367, 23 L.Ed. 449.

Peonage /piˈɒnəʃ/. A condition of servitude (prohibited by 13th Amendment) compelling persons to perform labor in order to pay off a debt.

People. A state; as the people of the state of New York. A nation in its collective and political capacity. The aggregate or mass of the individuals who constitute the state. *Loi Hoa v. Nagle*, C.C.A.Cal., 13 F.2d 80, 81. In a more restricted sense, and as generally used in constitutional law, the entire body of those citizens of a state or nation who are invested with political power for political purposes. *See also* Citizen; Person.

Peppercorn. A dried berry of the black pepper. In English law, the reservation of a merely nominal rent, on a lease, was sometimes expressed by a stipulation for the payment of a peppercorn.

Per /pɜː/. Lat. By, through, or by means of.

Perambulation /pəˈræmbʊləʃən/. The act or custom of walking over the boundaries of a district or piece of land, either for the purpose of determining them or of preserving evidence of them. Thus, in many parishes in England, it is the custom for the parishioners to perambulate the boundaries of the parish in rogation week in every year. Such a custom entitles them to enter any man's land and abate nuisances in their way. The custom has now largely fallen into disuse.

Perambulatione facienda, writ de /rɪt diː pəˈræmbʊləʃənɪ fæʃiˈjɛndə/. In old English law, the name of a writ which was sued by consent of both parties when they were in doubt as to the bounds of their respective estates. It was directed to the sheriff to make perambulation, and to set the bounds and limits between them in certainty.

Per and post /pɜː ənd pɔːst/. In old English law, to come in in the *per* is to claim by or through the person last entitled to an estate; as the heirs or assigns of the grantee. To come in in the *post* is to claim by a paramount and prior title; as the lord by escheat.

Per annum /pɜː ˈænəm/. By the year; annually; yearly.

Per autre vie /pɜː ˈɔːtrə viː/ˈváy/. L. Fr. For or during another's life; for such period as another person shall live.

Per aversionem /pɜː əvɜːz(h)ɪjɔːnəm/. Lat. In the civil law, by turning away. A term applied to that kind of sale where the goods are taken in bulk, and not by weight or measure, and for a single price; or where a piece of land is sold as containing in gross, by estimation, a certain number of acres. So called because the buyer acts without particular examination or discrimination, *turning* his face, as it were, *away*.

Per bouche /pɜː bʊ(w)ʃ/. L. Fr. By the mouth; orally.