

The rewritten sentence is nine words shorter than the original, and eight of its twelve words are working words.

Exercise 1

Underline the working words in the sentences below. Note the proportion of glue words to working words. Next, rewrite the sentences, underline the working words, and compare your results with the original sentences. Then look at the exercise key in the Appendix at the back of the book.

1. There are three reasons given in the majority opinion for its rejection of the approach taken by the Supreme Court in its earlier decisions with respect to the Confrontation Clause of the Sixth Amendment.
2. A motion has been made by Erickson seeking severance of his case from the action against Orrick and the proceedings against Sims, and for a trial of his case separate from the trial of the other two cases.
3. When entering into an agreement regarding the settlement of a claim made by a client, a lawyer must not offer or agree to a provision that imposes a restriction of the right of the lawyer to practice law, including the right to undertake representation of or take particular actions on behalf of other clients or potential clients with similar claims.
4. The conclusion that was reached in 1954 by the United States Supreme Court in the case of *Brown v. Board of Education of Topeka* was that the maintenance of a "separate but equal" education system in which segregation of children in the public schools solely on the basis of race is practiced, notwithstanding the fact that the physical facilities and other tangible factors of the separate schools might be, or were in fact, equal, brings about a deprivation of the children from

the minority group of equal opportunities with respect to education and thus causes a denial of equal protection of the laws, which is guaranteed to those children by the Fourteenth Amendment.

Avoid Compound Constructions

Compound constructions use three or four words to do the work of one or two words. They suck the vital juices from your writing. You saw some examples in the last section. *With respect to* was used instead of *on*. *For the reason that* was used instead of *because*.

Every time you see one of these pests on your page, swat it. Use a simple form instead. Here is a list of examples:

Compound	Simple
at that point in time	then
by means of	by
by reason of	because of
by virtue of	by, under
for the purpose of	to
for the reason that	because
in accordance with	by, under
inasmuch as	since
in connection with	with, about, concerning
in favor of	for
in order to	to
in relation to	about, concerning
in the event that	if
in the nature of	like
prior to	before
subsequent to	after
with a view to	to
with reference to	about, concerning

Exercise 2

Use one or two words to replace the compound constructions in these sentences. Then look at the exercise key in the Appendix at the back of the book.

- For the purpose of controlling how his art collection could be displayed subsequent to his death, the doctor created a very restrictive trust with a view to keeping everything exactly as it was during his lifetime.
- In relation to the enormous charitable gift deduction claimed by the taxpayer, inasmuch as she failed to submit an appraiser's report with reference to the donated bronze sculpture, we propose to disallow the deduction in accordance with the Revenue Department's standard operating procedure.
- The relief sought by plaintiff in connection with this case is in the nature of a mandatory injunction; prior to the merger of law and equity, such relief could be granted only by Chancery.
- At this point in time, no legal remedy is available due to the fact that the statute of limitations has run.
- On the basis of the affidavits filed by plaintiff and defendants with reference to the cross-motions for summary judgment, we have reached the conclusion that there are contested issues of fact, and in accordance with that conclusion, no summary judgment can be issued at this particular time.
- From the point of view of judicial economy, our submission to the court is that it should consolidate all nine of the civil actions, both for the purpose of discovery at the present time, and at a later time for the purpose of trial.

Avoid Word-Wasting Idioms

Once you develop a distaste for surplus words, you will find many word-wasting idioms to trim from your sentences with no loss of meaning. For instance:

The fact that the defendant was young may have influenced the jury.

What meaning does *the fact that* add? Why not say:

The defendant's youth may have influenced the jury.

The fact that is almost always surplus. See how it can be trimmed from these examples:

Verbose Concise

the fact that she had died her death

he was aware of the fact that he knew that

despite the fact that although, even though

because of the fact that because

fact that

Likewise, words like *case*, *instance*, and *situation* spawn verbosity:

Verbose Concise

in some instances the parties can sometimes the parties can

in many cases you will find often you will find

that was a situation in which the court there the court

disability claims are now more frequent than was formerly the case disability claims are more frequent now

injunctive relief is required injunctive relief is required
 in the situation in which when
 in the majority of instances usually the grantor will
 the grantor will

Other examples of common word-wasting idioms that you can eliminate with no loss of meaning are:

Verbose	Concise
during the time that	during, while
for the period of	for
insofar as ... is concerned	(omit it and start with the subject)
there is no doubt but that	doubtless, no doubt
the question as to whether	whether, the question whether
this is a topic that	this topic
until such time as	until

Exercise 3

Revise these examples to omit the word-wasting idioms and other surplus words. Then look at the exercise key in the Appendix at the back of the book.

1. Pursuant to the terms of the copyright license ...
2. At such time as the escrow closes ...
3. This is a situation in which mandatory injunctive relief is inappropriate ...
4. Subsequent to her release from prison, she was confined at home for a period not less than six months.
5. There can be no doubt but that His Honor is required to recuse himself.

6. The action was barred by reason of the expiration of the time period specified by the statute of limitations.
7. The Court of Appeal must give consideration to the question as to whether ...
8. Until such time as the plans receive the approval of the design review committee, commencement of construction is prohibited by the rules adopted by the homeowner association.
9. In the majority of instances, the insurance adjuster will, at the outset, deny the claim.
10. Instigation of a law suit in the absence of a good faith belief that the underlying claim is supported by a sound legal and factual basis can result in professional discipline of the attorney, in addition to the imposition of litigation sanctions on both the attorney and on the client as well.

Focus on the Actor, the Action, and the Object

One way to remedy a wordy, fogbound sentence is to ask yourself: "Who is doing what to whom in this sentence?" Then rewrite the sentence to focus on those three key elements—the actor, the action, and the object of the action (if there is an object). First, state the actor. Then, state the action, using the strongest verb that will fit. Last, state the object of the action, if there is an object. Here is a simple example:

It is possible for the court to modify the judgment.

The actor is *court*, the action is *modify*, and the object of the action is *judgment*. What is the purpose of the first four words in the sentence? None. Not only are they wasted words, but they preempt the most important position in the sentence—the beginning—where the reader wants to find the actor and the action.

The sentence is both shorter and stronger when it is rewritten to focus on the actor, the action, and the object:

The court can modify the judgment.

Be alert when you find a sentence or clause that begins with *it* or *there*, followed by a form of the verb *to be*. Does the *it* or *there* refer to something specific? If not, you may be wasting words. Consider this passage:

The summons arrived this morning. It is on your desk.

The second sentence begins with *it*, followed by *is*, a form of the verb *to be*. The sentence is not faulty, however, because the *it* obviously refers back to *summons* in the prior sentence. But what does the *it* refer to in the following sentence?

It is obvious that the summons was not properly served.

The *it* does not refer to anything specific; rather, it points off into the fog somewhere. The sentence should be revised to read:

Obviously the summons was not properly served.

Here is a final example:

There were no reasons offered by the court for denying punitive damages.

Note that *there* is followed by *were*, a form of the verb *to be*. The *there* points off into the fog. The actor in the sentence is *court*, but it is hidden away in the middle of the sentence. The sentence would be shorter and stronger if it read:

The court offered no reasons for denying punitive damages.

Exercise 4

Focus on the actor, the action, and the object (if there is one) when you rewrite these sentences. Also, omit as many surplus words as you can. Then look at the exercise key in the Appendix.

1. There are three interrelated reasons that might be the motivation for a person to make a gift of significant size to a charitable organization.
2. One reason might be simply that the person is motivated by a desire to benefit the charity in question.
3. Avoidance of the capital gains tax is a second reason why a person might make a gift to charity of an asset that has sharply increased in value since the date of its acquisition by the person.
4. In the event that the person is exceedingly wealthy, a third reason for a large charitable donation might be the desire to lessen the amount of estate taxes that would be imposed upon the person's estate at the time of his or her death.
5. It is important for tax lawyers and estate planners to show their clients the multiple ways in which a person's natural desire to achieve the gratification of having made a gift to charity can produce beneficial results at tax time as well.

Do Not Use Redundant Legal Phrases

Why do lawyers use the term *null and void*? According to the dictionary, either *null* or *void* by itself would do the job. But the lawyer's pen seems impelled to write *null and void*, as though driven by primordial instinct. An occasional lawyer, perhaps believing that *null and void* looks naked by itself, will write *totally null and void*, or perhaps *totally null and void and of no further force or effect whatsoever*.

legal career. If your memory is short, keep a card or computer file of slain redundancies. Such trophies distinguish a lawyer from a scrivener.

Exercise 5

In the following passage you will find all the kinds of surplus words discussed in chapter 2. Rewrite the passage, omitting as many surplus words as you can. Then look at the exercise key in the Appendix at the back of the book.

It cannot be gainsaid that one of the primary obligations owed by an agent to his or her principal is to act with the degree of carefulness, competence, and diligent devotion to duty that are normally exercised by and/or employed by agents of ordinary skill and prudence in like or similar circumstances. In the situation in which the agent in question is possessed of special skills and/or knowledge, that is a factor to be taken into account in reaching a determination whether the agent in question did or did not act in accordance with the legal standard of due care and diligence. Moreover, it goes without saying that it is the duty of an agent to undertake a course of action only within the metes and bounds of the actual authority granted by the principal to the agent. It is the duty of an agent to act in compliance with all instructions that are within the bounds of the law and that are received from either the principal himself or persons theretofore designated by the principal as respects actions taken by the agent for or on behalf of the principal.

Notes

1. My distinction between working words and glue words is neither profound nor precise, and reasonable people can disagree about whether a given word in

a sentence is a working word or a glue word. If the distinction is helpful to you, use it as a tool, but don't think it's scientific or sacred. About fifteen years after cooking up my distinction, I found a similar distinction between "content words" and "function words" in the writings of Harvard cognition and language expert Steven Pinker. Function words, Professor Pinker writes, "are bits of crystallized grammar ... [that provide] a scaffolding for the sentence." Steven Pinker, *The Language Instinct* 118 (William Morrow & Co. 1994). Content words, on the other hand, are words like *sailboat*, *remember*, *purple*, and similar nouns, verbs, adjectives, and adverbs that express the substance of the sentence. *See id.* at 47, 117–20. Pinker invites his readers to consider whether the two types of words are supplied by different parts of the human brain. *See id.* at 45–53; *see also*, Steven Pinker, *Words and Rules* 1, 92–133 (Phoenix 1999). Another similar distinction is made by grammar expert Randolph Quirk and his co-authors. *See* Robert A. Chaim, *A Model for the Analysis of the Language of Lawyers* 33 J. Legal Educ. 120 (1983). They divide parts of speech into "closed classes" and "open classes." The closed classes (roughly similar to my glue words) include prepositions, pronouns, articles, demonstratives, conjunctions, modal verbs (like *can*, *must*, and *will*) and primary verbs (like *be*, *have*, and *do*). The closed classes contain relatively few words, and normally new words can't qualify for membership. In contrast, the open classes (roughly similar to my working words) include nouns, adjectives, adverbs, and full verbs (like *steal*, *build*, and *hoggle*). The open classes welcome newcomers, which keeps bread on the tables of dictionary makers. *See* Randolph Quirk, Sidney Greenbaum, Geoffrey Leech, and Jan Svartvik, *A Comprehensive Grammar of the English Language* 67–75 (Addison Wesley 1985).

2. This prescription is part of a "Paramedic Method" devised by Professor Richard A. Lanham for rendering first aid to sick sentences. *See* Richard A. Lanham, *Revising Prose* 15–21(4th ed., Allyn & Bacon 2000). *See also* Joseph M. Williams, *Style: Toward Clarity and Grace* 27–40 (Univ. of Chicago 1995).

3. *See* Bryan A. Garner, *A Dictionary of Modern Legal Usage* 292–295 (2nd ed., Oxford 1995); David Mellinkoff, *Mellinkoff's Dictionary of American Legal Usage* 129–132 (West 1992).

4. *See* Peter M. Tiersma, *Legal Language* 10–17 (Chicago 1999); David Mellinkoff, *The Language of the Law* 38–39, 121–22 (Little, Brown 1963).

5. Tiersma, *Legal Language* at 13–15.

6. Garner, *A Dictionary of Modern Legal Usage* at 292.

7. *Id.* at 292, 625. The three terms *ordered*, *adjudged*, and *decreed* once had slightly different meanings, but Garner says that the single term *ordered* will usually suffice. *Id.* at 625.

8. *See* Fed. R. Evid. 801(c); *McCormick on Evidence* §§246–51 (John W. Strong gen. ed., 5th ed. West 1999).

9. David Mellinkoff notes that a few coupled synonyms have become so "welded by usage" that they act as a single term. These few are tolerable, he says, when used in the proper context. Mellinkoff, *Mellinkoff's Dictionary of American Legal Usage*

You can spot most of the common nominalizations by their endings:

-al	-ment	-ant
-ence	-ion	-ent
-ancy	-ency	-ance
-ity		

Not all words with those endings are nominalizations. Further, not all nominalizations are bad. Sometimes you cannot avoid them. But do not overuse them; when you find one on your page, stop to see if you can make your sentence shorter and stronger by using a base verb instead.

Exercise 6

Revise these sentences, omitting surplus words and, where possible, using base verbs in place of nominalizations. Then look at the exercise key in the Appendix.

1. Rejection of an insurance policy holder's facially valid claim is not an action that an insurance claims agent should undertake lightly.
2. Rather, the claims agent should give careful consideration to the possible consequences.
3. A term by implication in *every* contract is that the parties have a duty of good faith and fair dealing, and insurance contracts are no exception.
4. A claims agent's blunt refusal to provide any reasoned explanation for his failure to make any payment on a facially valid claim raises a question in our minds about the agent's good faith.

5. Fulfillment of the duty of good faith by the insurance company has as one of its requirements an obligation to provide a coherent response to a facially valid claim.
6. The continuation of the claims agent's "stonewall" tactic for a period of 10 months leads us to the inference that the agent's intention was to stall until the policy holder's capitulation or engagement of a lawyer.

in each of the following examples, the active voice takes fewer words than the passive voice:

Active Voice

The union filed a complaint
 The trial judge will deny your motion.
 The legislative history supports our conclusion.
 The trustor had not intended the trust to ...

Passive Voice

A complaint was filed by the union.
 Your motion will be denied by the trial judge.
 Our conclusion is supported by the legislative history.
 The trust had not been intended by the trustor to ...

Both the active voice and the passive voice can express action in various tenses, that is, action at various times. For example:

Active	Passive
John kicked the ball.	The ball was kicked by John.
John kicks the ball.	The ball is kicked by John.
John will kick the ball.	The ball will be kicked by John.
John has kicked the ball.	The ball has been kicked by John.
John had kicked the ball.	The ball had been kicked by John.
John will have kicked the ball.	The ball will have been kicked by John.

No matter what the verb tense—past, present, future, or something more complicated—the key difference between the active and passive voice remains the same: in the active voice, the subject of the sentence does the acting, but in the passive voice, the subject of the sentence is acted upon.

Exercise 7

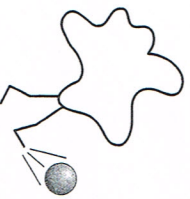
First, underline the verbs in these sentences. (Note that all the sentences have more than one verb.) Next, identify each verb as either active voice or passive voice. Then look at the exercise key in the Appendix.

1. The new state statute required Blanchard to register as a sex offender because, thirty-five years earlier, he had been convicted of forcing a minor to orally copulate him, a felony.
2. Twelve years after Blanchard was released from prison for that first offense, he brandished a stick at an armored police vehicle during an anti-abortion demonstration, for which he was convicted of a felony—threatening serious bodily harm to a police officer. He served 18 months in state prison for that offense, and he was released in 1987.
3. On June 30th of last year, the new sex offender registration statute went into effect. It required Blanchard to register within 30 days, and Blanchard did so on July 15th.
4. The registration statute requires every registered person to “update” the registration within five days following his or her birthday. Blanchard’s birthday is July 17th. Nothing significant happened in Blanchard’s life between July 15th and July 30th. Neither his address, nor his telephone number, nor his employment, nor any of his other registration data changed between those two dates.
5. On July 30th, Blanchard was arrested by Police Lieutenant Lacy (one of the officers who was sitting in the armored police vehicle when Blanchard brandished the stick many years earlier). Blanchard was arrested for failing to “update” his sex offender registration between July 17th and July 22nd, as the registration statute requires. The registration statute makes failure to update an independent felony.

6. At his trial before a judge, Blanchard's counsel argued that Blanchard did not need to "update" his registration, because nothing had changed in the few days since his registration on July 15th. The trial judge rejected that argument and found Blanchard guilty.

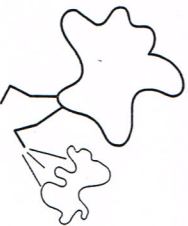
7. Our state's so-called "Three Strikes" law permits a person to be sentenced from 25 years to life for a third felony, and the trial judge sentenced Blanchard to 40 years in state prison. On this appeal, we must decide whether that sentence is so disproportionate to the gravity of Blanchard's offense as to constitute cruel or unusual punishment in violation of the Eighth Amendment or its counterpart in our state constitution.

The Passive Can Create Ambiguity



The passive voice takes more words than the active voice, but that is not its only disadvantage. The passive voice can be ambiguous. With the active voice, you can usually tell who is doing what to whom. With the passive voice, however, the writer can hide the identity of the actor. That construction is called the "truncated passive." For example: "The ball was kicked." Who kicked the ball? We have no way to know; the actor is hidden in the fog of the truncated passive. Bureaucrats love to write in the truncated passive because it lets them hide in the fog; the reader cannot discover who is responsible for the action (or the lack of it).

A writer who wants to befog the matter totally will couple the truncated passive with a nominalization, like this: "A kicking action was accomplished," thus hiding both the kicker and the kickee. The truncated passive



can be especially troublesome in legal writing. Consider this patent license provision:

All improvements of the patented invention that are made hereafter shall promptly be disclosed, and failure to do so shall be deemed a material breach of this license agreement.

Who must disclose improvements to whom? Must the licensor disclose improvements it makes to the licensee? Must the licensee disclose improvements it makes to the licensor? Must each party disclose improvements it makes to the other party? If it ever becomes important to know, the parties will probably have to slug it out in a lawsuit, all because of the truncated passive voice.

Notice that the title of this chapter says *prefer* the active voice. It *doesn't* say never use the passive voice. The passive voice has many proper uses. For instance, you can use it when the thing done is important, and who did it is not:

The subpoena was served on January 19th.

Or you can use it when you don't know who did it:

The data files were mysteriously destroyed.

Or you can use it when you want the subject of the sentence to connect with words at the end of the preceding sentence:

The committee presented the award to Frederick Moore.

Moore was arrested by the FBI the following day.

Or you can use it to place a strong element at the end of the sentence for emphasis:

When he walked through the door, the victim was shot.

Or you can use it when a sense of detached abstraction is appropriate:

In the eyes of the law, all persons are created equal.

Or you can use it when you want to muddy the waters. For example, if you do not want to state outright that your client knocked out the plaintiff's teeth, you can say:

The plaintiff's teeth were knocked out.

Thus, if you can articulate a good reason for using the passive voice, then use it. But elsewhere, use the active voice; it will make your writing clearer and more concise.

Exercise 8

Rewrite these sentences, omitting surplus words and using the active voice unless you can articulate a good reason for using the passive voice. Supply any missing information that you need. Then look at the exercise key in the Appendix.

1. Trading in the defendant corporation's stock was suspended by the stock exchange at 10:17 the following morning.
2. The bank was not notified by either the depositor or anyone else that the ATM card had been stolen.
3. Dept. of Agriculture Form 9-2018 must be filled in and brought to any USDA branch office before any genetically modified sugar beet seed can be planted in an open field.
4. After 180 days, this Agreement can be terminated by either party.
5. Two kilograms of an unidentified white powder were discovered in the spare tire well of defendant's Volvo sedan.
6. Charitable gifts of appreciated assets can be deducted at their fair market value at the time of the gift, and in that way capital gains tax can be avoided.

Chapter 5

Use Short Sentences

For centuries, English-speaking lawyers have been addicted to long, complicated sentences. The long sentence habit began back when English writers used punctuation to guide oral delivery, rather than to help convey the meaning of a sentence.¹ In law, the long sentence habit persisted even after orderly division of thought had become routine in ordinary English prose. When lawyers write, they tend to deliver to the reader in one fat lump all their main themes, supporting reasons, details, qualifications, exceptions, and conclusions. In particular, statutes and regulations grind on, line after line, perhaps on the theory that if the readers come to a period they will rush out to violate the law without bothering to read to the end. Consider this wire-tapping statute:

Any person who, by means of any machine, instrument, or contrivance, or in any other manner, intentionally taps, or makes any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any telegraph or telephone wire, line, cable, or instrument of any internal telephonic communications system, or who willfully and without consent of all parties to the communication, or in an unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any wire, line or cable, or is being sent

the court may make the order no later than ten days before the trial date.

Instead of one 86 word sentence, we now have five sentences with an average length of 19 words. Each sentence contains only one main thought, and the thoughts follow in logical sequence.

Passages like the one above suggest a two-part guide to clarity and ease of understanding in legal writing:

1. In *most* sentences, put only one main thought.
2. Keep the *average* sentence length below 25 words.³

Do not misinterpret this guide. Part 1 says that *most* sentences should contain only one main thought. It does *not* say that *every* sentence should contain only one main thought. To keep the reader's interest, you need variety in sentence construction: some simple sentences that express only one main thought, interspersed with some compound or complex sentences that express two or more related thoughts.

Likewise, Part 2 says that the *average* length of your sentences should be below twenty-five words. It does *not* say that *every* sentence should be twenty-five words or less. You need variety in sentence length as well as sentence construction: some short sentences, some of medium length, and an occasional long one in which related thoughts are joined.

When you write a long sentence, however, bear in mind Mark Twain's advice. After recommending short sentences as the general rule, he added:

At times [the writer] may indulge himself with a long one, but he will make sure there are no folds in it, no vaguenesses, no parenthetical interruptions of its view as a whole; when he has done with it, it won't be a sea-serpent with half of its arches under the water; it will be a torch-light procession.⁴

Exercise 9

Rewrite these passages using short sentences and omitting as many surplus words as you can. Then look at the exercise key in the Appendix.

1. In an action grounded upon the law of torts, an actor is not liable for harm that is different from the harms whose risks made the actor's conduct tortious, nor for harm when the tortious aspect of the actor's conduct did not increase the risk of harm, but when an actor's tortious conduct causes harm to a person that, because of the person's preexisting physical or mental condition or other characteristic, is of a greater magnitude or different type than might reasonably be expected, the actor is nevertheless liable for all such harm to the person. (96 words, average sentence length 96 words)
2. In decisions concerning the sentencing and correction of individual offenders, the general purposes of the law ought to be to render punishment within a range of severity sufficient to reflect the gravity of the offense and blameworthiness of the offenders, and where there is a realistic prospect of success, to serve the goals of offender rehabilitation, general deterrence, incapacitation of dangerous offenders, and restoration of crime victims and communities, but to impose sentences no more severe than necessary to achieve the foregoing purposes. (83 words, average sentence length 83 words)
3. Under the law of "gifts to a class of people," if in vitro fertilization is used by a husband and wife to produce a pregnancy in the wife, the sperm sometimes comes from the husband and sometimes from a third party, just as the eggs sometimes come from the wife and sometimes from a third party. A

child produced from the husband's sperm and the wife's eggs is the genetic child of the husband and wife and is so treated for class-gift purposes, but if a child is produced from a third party's sperm or a third party's eggs, with the embryo being placed in the uterus of the wife to cause the pregnancy, then the child is the genetic child of the sperm or egg donor, yet for class-gift purposes that child is treated as the child of the husband and wife, not as the child of a third-party sperm or egg donor. (154 words, average sentence length 77 words)

Notes

1. The history of the long, long sentence is told in David Mellinkoff, *The Language of the Law* 152-70 (Little, Brown 1963); see also Peter M. Tiersma, *Legal Language* 55-59 (Chicago 1999); David Mellinkoff, *Legal Writing: Sense & Non-sense* 58-60 (West 1982).
2. Cal. Pen. Code §631(a) (West 1999).
3. Your computer's word processing program can count words and compute words per sentence in a flash. In the WordPerfect program I use, I just click File, then Properties, then Information. If you want to do it the old-fashioned way, pick a paragraph or two and count the number of words from one period to the next. Count hyphenated words and groups of symbols as one word. Do not count legal citations. For example, this sentence would be counted as 20 words:

1 2 3 4 5 6 7
The twin-drive concept was obvious from IBM's

8 9 10 11 12 13
'497 patent; under the Graham test, 382 U.S.

14 15 16 17 18 19 20
at 17-18, that is enough to invalidate Claim 12.

When you measure a sentence that includes a tabulated list (see chapter 6, below), treat the initial colon and the semicolons as periods.

4. As quoted in Ernest Gowers, *The Complete Plain Words* 166-67 (1st U.S. ed., revised by Sidney Greenbaum and Janet Whitcut, published by David R. Godine 1988). Sir Ernest footnotes the Twain quotation to John Earle, *English Prose: Its Elements, History, and Usage* 517-18 (Smith, Elder & Co., London 1890). Earle was the Rawlinsonian Professor of Anglo-Saxon at Oxford, and he found the

quotation in a collection of letters from well-known writers of the late 1800s. The letters were solicited and assembled by another Englishman, George Bainton, in a volume designed to teach aspiring writers the craft of good writing. See George Bainton, *The Art of Authorship: Literary Reminiscences, Methods of Work, and Advice to Young Beginners* 87 (James Clarke & Co., London 1890).