

## DRAFTING QUOTATIONS

*Over the editions I have varied the selection of drafting quotations which begin my book Drafting Trusts & Will Trusts. But they are too good to omit entirely so here is the complete set.*

*Harman L.J.* If our client, in the first instance, had gone to a competent draftsman, it would never have happened.

*Counsel* Exactly

*IRC v Bernstein* 39 T.C. 391

He offered to read the draft to the plaintiff; but she refused, as she did not understand law terms; and at the time the deed was executed he repeated the offer with a similar result. It appeared that the plaintiff became acquainted with the effect of the settlement very soon after her marriage, and expressed her dissatisfaction therewith.....

*Wollaston v Tribe* (1869)

It is advisable for many reasons that the legal use of language should not be very widely removed from the popular use.

*The Science of Case-Law (Sir Frederick Pollock)*

*Mr Kenge* It could not, sir, have been stated more plainly and to the purpose, if it had been a case at law.

*Mr. Jarndyce* Did you ever know English law, or equity either, plain and to the purpose?

*Bleak House*

Here is good counsel and advice given, to set down in conveyances every thing in certaintie and particularitie, for certaintie is the mother of quietnesse and repose, and incertaintie to cause of variance and contentions; an for obtaining of the one, and avoiding of the other, the best meane is, in all assurances, to take counsell of learned and well-experienced men, and not to trust only without advice to a precedent.

*Coke upon Littleton* 212a [1628]

Le style en doit être concis. Les lois des Douze Tables sont un modèle de précision: les enfants les apprenaient par cœur. Le style des lois doit être simple; l'expression directe s'entend toujours mieux que l'expression réfléchie.<sup>1</sup>

Montesquieu, *De l'Esprit des Lois*, L. XXIX, 1748

Words ... are the wildest, freest, most irresponsible, most unteachable of all things. Of course, you can catch them and sort them and place them in alphabetical order in dictionaries. But words do not live in dictionaries; they live in the mind. ... Thus to lay down any laws for such irreclaimable vagabonds is worse than useless. A few trifling rules of grammar and spelling are all the constraint we can put on them. All we can say about them, as we peer at them over the edge of that deep, dark and only fitfully illuminated cavern in which they live — the mind — all we can say about them is that they seem to like people to think and to feel before they use them, but to think and to feel not about them, but about something different. They are highly sensitive, easily made selfconscious. They do not like to have their purity or their impurity discussed. ... Nor do they like being lifted out on the point of a pen and examined separately. They hang together, in sentences, in paragraphs, sometimes for whole pages at a time. They hate being useful; they hate making money; they hate being lectured about in public. In short, they hate anything that stamps them with one meaning or confines them to one attitude, for it is their nature to change.

Virginia Woolf *The Death of the Moth*

A natural order of expression free of parentheses and superfluous words is likewise a great help towards perspicuity; in this consists what we call easy writing which makes the sense of the author flow naturally upon our mind without our being obliged to hunt backwards and forwards in order to find it.

Adam Smith, *Lectures on Rhetoric and Belles Lettres* (1762), Lecture 2

He must write as the interpreter of nature, and the legislator of mankind, and consider himself as presiding over the thoughts and manners of future generations; as a being superiour to time and place.

Samuel Johnson, *Rasselas*

Difficult to read, disgusting to touch and impossible to understand:

*Lord Westbury* (on title deeds)

Of paper how is he profuse,  
With periods long, in terms abstruse!  
What pains he takes to be prolix!

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1 “The style ought to be concise. The laws of the Twelve Tables are a model of concision; children used to learn them by heart. The style should also be plain and simple, a direct expression being better understood than an indirect one.”

A thousand lines to stand for six!  
Of common sense without a word in!  
And is not this a grievous burden?

*Jonathan Swift*