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The Use of Short Words

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BAR BRIEFS

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THE USE OF SHORT WORDS

The late Horatio Seymour, governor of New York State, was an advocate of the use of short words in writing and speaking. He said, "This world is a great school house, in which through life we all teach and we all learn. * * * * * We must take care that we think and speak in a way so clear that we do not cheat ourselves, or mislead others by vague or misty ideas."

Daniel Webster was very clear in what he said, because of the use of simple words. In the Knapp murder case, he drew a word picture of the murderer who entered that chamber of the old man who was sleeping sweetly. He spoke as follows:—"And the sleeping passed from the repose of life, to the repose of death. The murderer escapes. No eye has seen him, no ear has heard him, the secret is his own, and he is safe." That was a great mistake. True it is, generally speaking, that murder will out.

Webster made that picture of the midnight murder so strong that the jury thought that he was testifying in the case. A conviction followed with execution.

William H. Maynard, a very able man who stood high in New York state, once wrote out a speech for the Fourth of July, in words of one syllable, except names. His strength was very much due to the fact that he made it a rule to use as few words as possible, and to use those that were short and clear.

Lincoln's Gettysburg Address is an example of this method, and we have many examples in the scriptures, as God said, "Let there be light, and there was light."

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One of the greatest jury lawyers that we ever had in this state was a man who used short words and simple language. He talked to the jury in their own language, realizing that juries are made up of uneducated men as well as the educated. The farmer knew what he meant because he used the words of the farm. The shop keeper missed nothing because he knew shop. He was able at one term of court to win twenty-two verdicts out of twenty-five cases on the calendar.

Young lawyers will impress juries more with strong, simple language that each juror will understand, rather than by trying to impress them by using complicated legal terms and long, involved phrases. After all the point in view is to win the case, rather than to impress the jury with the learning of the lawyer.

M. A. HILDRETH, President.

MEMBERS OF OUR ASSOCIATION WHO HAVE PASSED AWAY RECENTLY

Anthony Faber, 65 years of age, of Bismarck, N. D., passed away on March 21, 1936; he had practiced in Morton and Burleigh counties since October 16, 1906.

Harry W. Stewart, 32 years of age, of Langdon, N. D., passed away April 25th, 1936; he had been assistant states attorney of Cavalier county for the past seven years.

NORTH DAKOTA SUPREME COURT DECISIONS

G. Gerhardt, et al, Plaintiffs and Appellants, vs. Etheline Heid, et al, Defendants and Respondents.

SYLLABUS: 1. The Constitution of North Dakota guarantees to all "the free exercise and enjoyment of religious profession and worship without discrimination or preference." (Const. N. D. sec. 4.)

2. Under the Constitution of North Dakota (Const. N. D., sections 147-152) no money raised for the support of the public schools of the state may be appropriated or used for the support of any sectarian school; all schools supported by a public tax must remain under the absolute and exclusive control of the state, be open to all the children of the state and free from sectarian control.

3. A sectarian school is a school affiliated with a particular religious sect or denomination or under the control or governing influence of such sect or denomination.

4. Control is the act or fact of controlling; power or authority to control; directing or restraining domination.

5. The employment as teachers in the common schools of North Dakota of nuns, members of a religious society of the Roman Catholic Church, who are duly qualified as teachers under the laws of the state of North Dakota; is not violative of sections 147 or 152 of the state constitution.

6. What particular teachers, of those who possess the legal qualifications to teach, shall be employed is a matter for the directors of the school district to determine and is not ordinarily a matter for judicial consideration.

7. The conduct of sectarian religious exercises and the giving of sectarian instruction in any of the public schools of North Dakota is prohibited by the constitution.