

SYNOPSIS

Grammar

Nouns

Pronoun

Adjective

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Adverb

Preposition

Conjunction

Interjection

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Clause

Sentence

Punctuation

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Grammar

Grammar describes words and their relationship to each other.

Grammar describes the overall structure of the sentence and the internal relationship of the words in the sentence. We all recognise the central role of individual words in language and that individual words have meaning, but we also recognise that we cannot understand the overall meaning of spoken or written utterances simply by considering the meaning of the individual words. We need to see how the words fit together, how they relate to each other, before we can begin to understand the overall meaning of a piece of speech or writing. This understanding is recognised in the so-called **golden rule of traditional statutory interpretation** that in interpreting legal documents the ordinary and grammatical sense of the words is to be adhered to.

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If we take a sentence such as Francis Bacon's dictum:

“Revenge is a kind of wild justice”

we can see that its meaning is more than the meaning of the individual words. Since we can devise other sentences made up from these same words but having a quite different meaning, such as – “Justice is a wild kind of revenge” – or – “A kind of revenge is wild justice” – or even more extreme cases where the meaning of the words themselves begins to change such as – “A wild revenge of justice is kind”. To understand the meaning of all of these sentences, we need to consider how the words relate to each other. Grammar offers us a **way of describing** this.

### **Morphology and syntax**

While grammar deals with the relationship of words, it also deals with individual words themselves, since words do not necessarily remain unchanged in form when they combine to make sentences. Words change their form in ways which give them a different grammatical sense. Grammar can describe the difference between “woman” and “women” and “demands” and “demand” in the two sentences – “The woman demands justice” – and – “The women demand justice”. It tells us, for example, that “woman” is singular and “women” is plural. Such changes to the form of words due to a change in grammatical function are known as inflections and grammarians call this part of grammar **morphology** while the part of grammar which tells us that, in the sentence – “The woman demands justice” – “The woman” is the subject, “demands” is the verb, and “justice” is the object – is called **syntax**.

### **Transformational grammar**

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A number of linguists have devised new grammars of English, new ways of describing the structures and forms of the language. Of these, the most famous and most widely taught is probably Noam Chomsky's transformational grammar. In describing the forms and structures of English, however, we will be using the set of terms which have become associated over time with traditional English grammar. Judges have learnt traditional grammar and have used it to interpret the law. They still do so and it still offers us a very valuable tool in interpreting legal documents.

Parts of speech

English sentences (subject and predicate) are made up of eight elements or objects viz – noun, pronoun, adjective, verb, adverb, preposition, conjunction, and interjection. All these parts of speech appearing concurrently in a sentence need to be in synchronisation with respect to their characteristics to give a definite meaning. This **synchronisation** is the primary cause of grammar.

Parsing (from the verb 'to parse') is the term used to describe the activity of analysing and naming the grammatical elements of a sentence.

Characteristics of Parts of Speech

A part of speech may reflect following characteristics: gender, number, person, case, voice, mood, and tense.

Gender reflects the sex of the subject viz. masculine, feminine, common, neuter.

Number (singular, plural) signifies the singularity (one) or plurality (many) of the subject.

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**Person** (first, second, third) indicates the speaker (first person), the person or thing spoken to (second person), or person or thing spoken of (third person).

**Case** (subjective, objective, possessive) indicates the syntactic relationship of a noun, pronoun, or adjective to other words in a sentence. So, when a noun is used as the subject to a verb it is in the subjective case. When noun is used as the object in a sentence then it is in the objective case. And, when a noun denotes the relationship or ownership it is said to be in possessive case, and is formed by adding 's (apostrophe s) to the noun.

**Voice** (active, passive) signifies the relation of the action expressed by a transitive verb to the subject. A distinction between an active and a passive voice is made indicating respectively that the subject of the sentence is either performing the action or is being acted upon.

**Mood** (indicative, subjunctive, imperative) reflects the manner in which the action or condition expressed by a verb is stated, whether as actual, doubtful, or commanded. The moods accordingly are indicative, subjunctive and imperative. **Tense** (present, past, future) of a verb relates it to time viewed either as finite – past, present, or future – or as non-finite.

The following table shows that which characteristic is applicable to a part of speech.

|        | Noun    | Pronoun | Verb    | Others                                                    |
|--------|---------|---------|---------|-----------------------------------------------------------|
| Gender | Applies | Applies | -       | Adjectives,<br>adverbs,<br>prepositions,<br>conjunctions, |
| Number | Applies | Applies | Applies |                                                           |
| Person | -       | Applies | Applies |                                                           |

|       |         |         |         |                                                                         |
|-------|---------|---------|---------|-------------------------------------------------------------------------|
| Case  | Applies | Applies | -       | and<br>interjections<br>do not have<br>any of these<br>characteristics. |
| Voice | -       | -       | Applies |                                                                         |
| Mood  | -       | -       | Applies |                                                                         |
| Tense | -       | -       | Applies |                                                                         |

### Moderate application of grammar in law

The courts have always been cautious about an excessive application of grammatical expertise in establishing what that sense might be. The court has offered scathing comment on interpretation approaches that are pedantic and overly syntactical. The courts warn repeatedly against the minute parsing of reasons for judgement in ways that generate meanings departing from the overall impression or from the sense dictated by the wider context of the document. With statutory provisions, though, and contractual provisions, a more minute analysis is permissible. [Meehan 2017 p 9-10]

## Nouns

### A noun is the name of a person, place, or thing.

Nouns can be thought of as names. They denote things, people, animals, countries, actions, abstract ideas. Eg:

This **room** is empty.

Nouns can be divided into various categories depending on what they denote. A noun can be proper or common.

**Proper nouns** refer to one-only, individual things within a wider class of things. Usually this means the names of people and

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places such as: “Ghulam Ali”, “India”, “Delhi”, “Mount Everest”, “the Chief Justice of India”.

Common nouns refer to things which share a common name, that is, where each individual thing belongs to a wider class of similar things such as lawyer, garden, butterfly, complaint, country. They also can denote the generic name for something which is seen to exist in many different forms such as courage, justice, republic.

Concrete and abstract noun: A common noun can be concrete or abstract. Concrete nouns denote something that we can physically see and touch, such as earth, sea, table, chair. Abstract nouns refer to something which has no physical existence, an intangible quality, a feeling or an idea that exists in the mind such as philosophy, courage, existence, youth, freedom.

Many nouns have both abstract and concrete meanings. For examples, “youth” is an abstract noun in Disraeli’s dictum – “Youth is a blunder; Manhood a struggle; Old age a regret” – but is a concrete noun in the sentence – “A youth was arrested”. The use of abstract nouns in legal contexts can be hazardous. **Good legal writing involves the use, wherever possible, of nouns and verbs that are concrete and specific.**

Material and collective noun: A concrete noun may further be subdivided into material and collective. When the noun refers to a material or substance from which things are made such as silver, gold, iron, cotton, diamond and plastic it is called as material noun. And when it refers to groups of things, people, animals such as committee, flock, herd, jury, parliament it may be called as collective noun.

Countable and uncountable noun: A noun may also be classified as countable (things which can be counted) or uncountable (things which cannot be counted).

Simple and compound: Nouns can also be classified by whether they are formed from one word (simple nouns) or from two or more (compound nouns). Examples of simple nouns are floor, pity, computer, actor. Compound nouns take many forms and may be written as one undivided word (sleepwalker, sunroof, hairdo, breakdown), one word connected by hyphens (guilder-rose, have-not, look-a-like, air-traffic) or as two or more words (free speech, ego trip, justice of the peace, dumb waiter).

Noun as modifier: Nouns often function as adjectives, for example, government action, paper tablecloth. Here the noun can be described as pre-modifying. When such a combination becomes a well-established usage, we consider the two words as a compound noun, for example, the garage door, jury service, a garden shed, paper cup, paper war, paper clip. The implied full meaning of the pre-modifying noun varies from combination to combination; it can be expressed by rephrasing the combination as a noun followed by an explanatory phrase. For example, compare the meaning of 'paper cup' (cup made of paper), 'paper war' (a metaphorical expression for negotiation involving excessive paperwork) and 'paper clip' (clip to hold papers). Proper nouns can also be used in this way, for example, 'the England team', 'the Adelaide bus system', 'the Rudd factor'. Very often there is a distinction in meaning between the normal adjective and a pre-modifying noun. For instance, 'the England team' is the team representing England whereas 'the English team' is a team made up of English people.

Characteristics of noun: In using a noun, one has to take into consideration three things: number, gender and case.

Gender

Nouns are considered to have gender depending on whether they denote one of the sexes (masculine or feminine gender), both (common gender) or neither (neuter gender). [Meehan 2017 p 16]

Masculine gender eg boy, stallion

Feminine gender eg woman, tigress

Common gender eg child, sheep

Neuter gender eg book, river

This is known as logical gender or natural gender and in this respect English differs from languages which have an arbitrary system of grammatical gender, such as Latin, where *vita* ('life') is feminine and *pons* ('bridge') is masculine.

Number

A noun can be singular or plural (Number). When a noun refers to one person, place, thing, feeling or idea it is singular. A noun becomes plural when it refers to more than one person, place, thing, feeling or idea. [Meehan 2017 p 16]

Nouns can be inflected to indicate number (whether they are singular or plural). With the vast majority of nouns, the plural inflection in English is '-s'. Eg: books, girls, tales, etc.

Sometimes the adding of the '-s' inflection entails some further changes to the spelling such as 'stories', or the sound such as 'houses' (where the 's' of house becomes a 'z' sound in the plural) or to both spelling and sound such as 'calves'. A number of nouns, however, remain unchanged in the plural.

Case

There are three basic uses of nouns in a sentence: subject, object, possessive (case).

Subjective case: As a subject, the person or thing that does the action. When a noun is used as the subject to a verb it is in the subjective (nominative) case. The subject is usually at the beginning of the sentence. Eg:

Fred buys the pencil.

The **cat** chases the mouse.

Objective case: As an object, the person or thing that is acted on. When a noun is used as object it is said to be in objective (accusative / dative) case. It is **accusative** when it is used as a direct object and **dative** when it is used as indirect object. The object is usually at the end of the sentence. Eg:

Fred buys the **pencil**.

The cat chases the **mouse**.

Possessive case: As a possessive, showing ownership; when a noun is used to show a relationship or ownership it is said to be in possessive (genitive) case. An apostrophe with letter s ('s) is usually used to show ownership. Eg:

That is **Fred's** pencil.

The **cat's** eyes are green.

Nouns denoting inanimate objects are seldom put in the genitive case rather the preposition "of" is used to show the relationship otherwise another noun is used as adjective.

Declension: Matching a noun with its case is called declension [= declining or falling after].

Apposition: A noun may be placed in apposition [= placing near] to another noun to describe it. A noun in apposition is in the same case as the noun which it explains. Eg:

John, **the great performer**, was a weaver.

Yesterday I met your uncle, **the doctor**.

Nouns ending with -er, -or and -ee

Legal English contains a large number of names and titles, such as employer and employee in which the reciprocal and opposite nature of the relationship is indicated by the use of ‘-er’ ‘-or’ and ‘-ee’ endings. These endings derive from Latin. In the example given here, the employer is the one who employs the employee. Hence, the employee is employed by the employer. Here are some further examples that you may have encountered [Rupert Haigh, Legal English, 2009 p 39]:

Assignor is a party who assigns (transfers) something to another party.

Assignee is the party to whom something is assigned.

Donor is a party who donates something to another party.

Donee is the party to whom something is donated.

Interviewer is a person who is interviewing someone.

Interviewee is a person who is being interviewed by the interviewer.

Lessor is a party who grants a lease over a property. He or she is therefore the landlord.

Lessee is the party to whom a lease over a property is granted. He or she is therefore the tenant.

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**Mortgagor** is a lender who lends money to a property owner (the mortgagee) in return for the grant by the mortgagee of a mortgage over the property as security for the loan.

**Mortgagee** is the property owner to whom money is loaned by the mortgagor in return for the grant of a mortgage over the property.

**Offeror** is a party who makes a contractual offer to another party.

**Offeree** is the party to whom a contractual offer is made.

**Payer** is a party who makes a payment to another party.

**Payee** is the party to whom payment is made.

**Promisor** is a party who makes a promise to another party.

**Promisee** is the party to whom a promise is made.

**Representor** is a party who makes a contractual representation to another party.

**Representee** is the party to whom a contractual representation is made.

**Transferor** is a party who transfers something to another party.

**Transferee** is the party to whom something is transferred.

Note that these words are not always used in the way the examples given above might lead one to expect. For example, a **guarantor** is someone who provides a guarantee. However, the person to whom a guarantee is given is known technically as the **principal debtor**, not the guarantee. The guarantee is the document by which the secondary agreement that constitutes the guarantee is made.

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Pronoun

A pronoun is a word used in place of a noun to avoid repetition and may be personal, reflexive, demonstrative, interrogative, relative, indefinite, or legal, each serving specific grammatical and contextual functions in identifying or referring to persons, places, or things.

Substitute for noun

A pronoun is a substitute for noun to avoid repetition of noun.

It is used instead of a noun; its name derives in part from the Latin word *pro* meaning 'in place of'. It identifies persons, places or things without naming them. Eg:

The **authorities** have little to say on this.

They have little to say on this.

A pronoun may be personal, reflexive, demonstrative, interrogative, relative, and indefinite.

Personal pronoun

A personal pronoun points to a person (I, we, you, he, she, it, they). Personal pronoun may be the first person (person speaking), second person (person addressed) or third person (person spoken about).

First person is the speaker [I, we].

Second person is whom the speaker is talking to [you].

Third person is to whom is being spoken out [He, she, it].

Personal pronouns may have following cases: subjective, objective, possessive.

Subjective personal pronoun is substituted for the person / thing doing the action [I, we, you, he, she, it, they].

Objective personal pronoun takes the place of the person or things receiving the action [me, us, you, him, her, it, they].

Possessive personal pronoun communicates to whom or to what something belongs [my, mine, our, ours, your, yours, his, her, its, theirs]. Possessive pronouns never have an apostrophe, as possessive nouns do. The possessive pronouns can also be looked on as possessive adjectives, since this is the function they perform: **my theory, your pet idea, his obsession**. When the possessive adjective is separated from the noun (that is, used predicatively) a separate set of forms is used: **mine, yours, his, hers, its, ours, yours, theirs**. Eg:

This is my theory.

The theory is mine.

That is your idea.

The idea is yours.

That is his obsession.

The obsession is his.

This is their delusion.

The delusion is theirs.

The personal pronouns of contemporary English with respect to gender, person and case are:

	Subjective	Objective	Possessive
First person			
Singular	I	Me	My, mine
Plural	We	Us	Our, ours
Second person			
Singular	You	You	Your, yours
Plural	You	You	Your, yours

Third person: masculine			
Singular	He	Him	His
Plural	They	Them	Their, theirs
Third person: feminine			
Singular	She	Her	Her, hers
Plural	They	Them	Their, theirs
Third person: neuter			
Singular	It	It	Its
Plural	They	Them	Their, theirs

Thou, thee, thy, thee: In earlier English, there was a separate set of second person singular pronouns; thou, thee, thy, thee. These were restricted in use from the late Middle Ages and by this century were only used in addressing God, a usage which has now almost disappeared. The subjective plural of the second person was originally **ye**; this case to be used interchangeably with you, then became restricted to poetry and finally dropped out of the use except in a few catch phrases such as:

Oh ye of little faith.

English also has a generic pronoun “one”, of which the possessive is “one’s”, although in American usage the possessive is “his”, for example:

One needs to be careful with **one’s** money.

Reflexive pronoun

A reflexive pronoun can be used to reflect back on the subject of a sentence to suggest doing something on one’s own or to

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express emphasis (myself, yourself, himself, herself, ourselves, yourselves, themselves). Eg:

I gave **myself** a haircut.

They **themselves** were guilty of theft!

The reflexive form of **one** is **oneself**.

### Demonstrative pronoun

A demonstrative pronoun is used to point out someone / something or to clearly express an idea / desire (this, that, these, those). Eg:

I like **this** car.

Were **those** shoes comfortable?

The same words can also be used as demonstrative adjectives: **these papers, that question.**

### Interrogative pronoun

An interrogative pronoun is used for asking questions (who, whom, whose, which, what). Eg:

**Who** is that man in the lobby?

**What** is the problem?

### Relative pronoun

A relative pronoun introduce clause about their antecedents (who, whom, whose, what, that, which). They are used in relative clauses which are subordinate, adjectival in function and relating back to something in the main clause. Who is the subject form, **whom** the direct and indirect object form and **whose** the possessive form. Eg:

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The woman, **who** was walking with a frame, came slowly up the street.

The boy **whom** I had noticed the day before appeared again.

The girl **whose** photograph I had taken never returned.

The man to **whom** I had given my book brought it back yesterday.

Whose can also be used of things. Eg:

The book **whose** cover was torn was a first edition.

**Restrictive and non-restrictive relative pronoun:** ‘That’ is the restrictive or **defining** relative pronoun, ‘who’ or ‘which’ are the non-restrictive and non-defining pronoun. A non-restrictive clause is one which could be omitted or placed between parentheses without destroying the essence of the sentence. [Thronton 2008 p 106]

Eg:

Premises **that** are registered under this Act must be painted green. (Here, the clause restricts the reference to the specific premises that are registered under the Act.)

Section 24, **which** was amended in 1986, was repealed in 1987.

It is hard to know whether lawyers **who** are the butt of many jokes deserve them. (Here, the clause is non-restrictive because all lawyers are the butt of jokes).

**Who** and **which** can, however, be used in both kinds of clauses.

Acceptable usage is indicated by the following table:

|         | Restrictive    | Non-restrictive |
|---------|----------------|-----------------|
| Subject | who,<br>which, | who, which      |

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	that	
Object	whom, which, that	whom, which
Possessive	whose	whose

Indefinite pronoun

An indefinite pronoun represents an inexact or undetermined amount of persons or things (all, any, anybody, anyone, anything, both, each, either, enough, everybody, everyone, everything, few, least, less, little, lots, many, more, most, much, neither, nobody, no one, none, nothing, other plenty, several, some, someone). Eg:

The packages arrived, and **some** had been opened!

It was **more** than she bargained for.

Legal pronoun

Unfamiliar pronouns represent an archaic usage in legal English, and include such formulations as the same, the said, the aforementioned, etc. The use of such pronouns in legal texts is interesting since very frequently they do not replace the noun – which is the whole purpose of pronouns – but are used to supplement them. [Rupert Haigh, Legal English, 2009 p 40]

Eg:

...the said John Smith.

Adjective

An adjective is a word that modifies a noun or pronoun by describing, specifying, or limiting it—functioning as attributive or predicative, and classified as descriptive,

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**possessive, or limiting—with variations in degree (positive, comparative, superlative) and number form, but not in gender or plurality.**

### **Modifier of noun**

An adjective is a word that modifies a noun (or pronoun). To modify means to describe and make more specific by telling what kind, whose or how many.

### **Position / placement of adjective vis-à-vis noun**

Based on the position or placement of adjective in relation to noun the adjectives can be classified as:

- (1) Attributive, and
- (2) Predicative.

**Attributive adjectives**, where the adjective is placed next to the noun, usually precede the noun but occasionally (especially in poetry) they follow it, for example:

the **small** miracle

**Great** expectations

President **elect**

**Predicative adjectives**, where the adjective is separated from the noun by a verb, often, but not always, follow the verb **to be**, for example:

She is **tired**.

He seems **lonely**.

### **Function of adjective**

Based on the function of the adjective it can be classified as:

- (1) Descriptive,

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(2) Possessive, and

(3) Limiting.

Descriptive adjective: A descriptive adjective expresses a quality or condition. It may be proper or common.

A **proper descriptive adjective** gives name as description, and they always should be capitalized. Eg:

He gave me **French** perfume.

The culture is **Asian**.

A **common descriptive adjective** tells of a feature or characteristics of the noun it is modifying. Eg:

I like the **blue** car on the left.

Those houses are **clean**.

Possessive adjective: A possessive adjective indicates ownership or belonging. It may be proper noun possessive or pronoun possessive.

Proper noun possessive adjective is used to show who possesses goods or qualities. Eg:

I like **Ingrid's** accent.

We lived through **August's** hurricane.

Pronoun possessive adjective modifies or describes a noun by telling who possesses them. Eg:

I like **her** accent.

We lived through **its** hurricane.

Limiting adjective: A limiting adjective specifies a number or amount in the description thereby setting a limit. Eg:

The **fifth** amendment.

Eight dollars.

The **sole** heir.

Cardinal and ordinal numbers

Numbers are divided into cardinals and ordinals.

Cardinal numbers are the ordinary numbers used in **counting** items. Eg:

seven dwarves.

forty-three beans.

the **thirty-nine** articles.

Ordinal numbers are ones which locate something in a **sequence**. Eg:

the **third** house on the right.

the **thirty-second** clause of the agreement.

Edward the **Sixth**.

Article (a / an / the)

Articles are regarded as limiting adjectives because they make the nouns which follow them more specific.

Definite article (the) is the definite article as it refers to a certain member or members of a group. Eg:

There are many letters here but this is **the** letter I need.

This is **the** house you will be living in.

Indefinite article (a / an) points to any one of a group. Eg:

All I need is **a** computer.

I am sure you will find **a** house to live in.

A is used before a consonant sound. Eg:

a letter

a European

Whereas ‘an’ is used before a vowel sound. Eg:

an umbrella

an hour

The indefinite article does not normally apply to proper nouns but can occasionally be used in this way both in legal documents and in other contexts, for example:

There will be **a** House of Representatives and **a** Senate.

What we need today is **an** Einstein.

Degrees of comparison

There are three degrees of adjectives: positive, comparative and superlative.

Positive is the normal uninflected form of the adjective: bold, brave, beautiful. An adjective in the positive degree assigns a quality to a person, thing or idea. There is no comparison involved. Eg:

Miriam was **happy**.

Yesterday, the weather was **unpleasant**.

Comparative form is used in comparisons and is the **-er** form or is combined with **more**: bolder, braver, more beautiful. An adjective in the comparative degree, two or more persons, things or ideas are compared with each other. Eg:

Lila was **happier** than Miriam.

Today, the weather is **more unpleasant** than yesterday.

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**Superlative** is the **-est** or **most** from: boldest, bravest, most beautiful. An adjective in the superlative degree compares three or more persons, things or ideas. Eg:

Betty was the **happiest** of the three girls.

The **most unpleasant** weather came last January.

Some adjectives have comparative and superlative forms which are not based on the same stem as the positive forms:

|      |                  |                    |
|------|------------------|--------------------|
| good | better           | best               |
| bad  | worse            | worst              |
| far  | further, farther | furthest, farthest |

### Inflection for gender and number

Adjectives in English are **not inflected** for gender apart from a few exceptional cases such as:

a blond man

a blonde woman

Equally, they are **not inflected** for the plural, unlike in languages such as Latin. Eg:

*una femina* = one woman

*duae feminae* = two women

### Verb

A verb is a word expressing action or a state of being, classified by transitivity, simplicity, linking or auxiliary function, number, person, voice, mood, tense, aspect, and form (infinitive, participle, gerund), varying regularly or irregularly through conjugation, with special legal use of tense to express ongoing or future obligations.

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Action or state of being

A verb is a word that expresses an action (eg: jump) or a state of being (eg: seem). It usually comes right after the noun or pronoun and before the object, if there is one.

Transitive and intransitive verb

A verb may be either transitive or intransitive. Transitive means **crossing or passing over**. The action of a transitive verb passes over to a direct object ie a transitive verb needs an object to complete its meaning; the object follows the verb. Eg:

Paul **bought** a new car.

We **pushed** it up the hill.

An intransitive verb does not take an object ie it is complete without an object. Eg:

The sun **shines**.

Paul **will retire** next year.

They will **submit** when pressure is applied.

Simple and compound verb

Verbs are described as simple and compound. Simple verbs consist of one word. Eg:

He **walked** towards the car.

Compound verbs are made up of a combination of words:

They **had walked** across the city.

They **washed up** the dishes before their walk.

Note that there are, in English, true compound verbs (also sometimes called **phrasal verbs**) such as 'washed up' and

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‘worked over’, where the first part of the verb gives up its normal meaning to the new meaning formed by the compound, and other situations where the meaning is created through a simple verb, with its familiar meaning, and an adverb. ‘He turned the car out of the garage’ does not, in this sense, employ a compound verb, but rather a verb and an adverb whereas ‘He turned out his room’ uses a true compound or phrasal verb.

### Linking and auxiliary verb

A **linking verb** reflects a state of being. It is said to be linking because it connects a noun or pronoun with words that identify that noun or pronoun. Eg:

Jenny **appears** happy.

Lauren will **be** upset and angry at the news.

An **auxiliary (helping) verb** is always paired with a main verb to help express action or make a statement ie it joins with the main verb to create its meaning. Eg:

The vendor **shall** pay.

The document **must be** filed.

The main verb, which comes after the auxiliary verb, does not get conjugated and instead stays in its pure form.

**Modal auxiliaries** are verbs which join with the main verb to create its meaning, forming compounds which generally used to convey emphasis [do], ability [can], obligation [must, had to, should, should have, ought to, ought to have], possibility [may, may have, might, might have]. Eg:

I **do** love ice cream. (emphasis)

Marie **can** sew well. (ability)

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Eric **should** call home. (obligation)

Erin **might** see Adam. (possibility)

Number of a verb

The subject of a verb must be either singular or plural. The verb is also said to be either **singular** or **plural** depending on the subject. In the sentence ‘We have’, for example, the verb is plural, and in ‘I have’, it is singular.

Most English verbs do not change with the change in number. ‘I went’, ‘You went’ and ‘They went’ require no change in the verb, although the subject changes from first to second and then third person, and from singular to plural. In general, the only change in the verb in response to number and person is in the present third person singular, where ‘-s’ or ‘-es’ is added, as in ‘He runs’ or ‘She shops’.

There are exceptions, such as with the irregular verb to be, which does change with both person and number (‘I am, ‘He is’, ‘They are’).

Person of a verb

First person: The subject of a verb may be the person speaking ‘I go to the shops’ in which case we describe the verb as being in the first person.

Second person: It may be the person or thing spoken to ‘You go to the shops’ in which case we describe the verb as being in the second person.

Third person: It may be the person or thing spoken about ‘The shops are closed’ in which case we describe the verb as being in the third person.

Voice of a verb

The voice of a verb tells whether the subject of a sentence acts or is acted upon.

Active voice: A verb with active voice means that the subject is doing the action ie with an active verb, the action is carried out by the subject. Eg:

Larry **talks** about sports often.

Passive voice: A verb with passive voice is where the subject is receiving, not doing, the action ie with a passive verb the action is carried out upon the subject of the verb. The past participle (or past tense) of the verb should be used, preceded by the appropriate form of the auxiliary verb 'be'. Eg:

Sports **are talked** often by Larry.

The Bible **is read** in many languages.

Only transitive verbs (with an object) can be passive, as the action is being done by the object, not the subject.

Mood of a verb

Verbs are said to have **mood**. This refers to the attitude the speaker has when saying the sentence. The mood may be quite neutral (indicative), it may indicate doubt or uncertainty (subjunctive) or it may be commanding (imperative).

Indicative mood: A verb in indicative mood makes a statement or asks a question. Eg:

He **is** a very talented musician.

Did the Bensons go on vacation yet?

Subjunctive mood: The subjunctive mood is used for expressing something that is not definite, but is uncertain, doubtful or

hypothetical. The word ‘were’, ‘would’, and un-conjugated verbs are used in subjunctive mood. Eg:

I wish I **were** thinner.

If Tom were in Paris, **would** he buy a baguette?

I **suggest** that Kane be invited to the beach with us.

In legal contexts, however, it retains an important function, facilitating the communication of legally significant shades of meaning. Consider the difference between these two propositions:

It is important that the government **does** something.
(indicative)

It is important that the government **do** something. (subjunctive)

The literal sense of the first sentence is that the government **is doing** the important thing in question. The second, using the subjunctive, makes it clear that the important thing in question **ought** to be done.

Imperative mood

A verb in imperative mood expresses an order or request. The subject (you) is almost always omitted, though implied. The imperative verb is conjugated as 2nd person singular or plural. Eg:

Call me later, OK?

When the dog barks, **let** him in.

Tense

The English tense system permits precise indication of such things as whether an action is taking place, has taken place in the past, or will take place in the future. It also indicates the relation between the action taking place and the time of speaking; that is,

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whether an action was completed in the past, or is continuing, or whether it is to be completed, or continuing, in the future. Eg:

Present tense: It stands.

Past tense: It stood.

Future tense: It will stand.

**Aspect of tense:** The aspect of a verb indicates whether the action is, was, or will be a completed one or a continuous one. If the verb is unmarked as to whether it is completed ('perfect') or continuous ('progressive'), it is called simple.

**Present tense:** A present tense verb deals with current situation. A **simple present** tense verb expresses what is happening at the moment. A **perfect present** tense verb suggests an action begun in the past at some point in time but completed presently. A **progressive present** tense verb is used to show continuing action. A **perfect progressive present tense** verb tells of an action that begun sometime in the past and continuing into the present.

**Past tense:** A past tense verb deals with situations which have passed already. A **simple past** tense verb expresses that which has happened already. A **perfect past** tense verb suggests an action which was begun at some point in the past and completed later [in the past]. A **progressive past** tense verb is used to show continuing action in past. A **perfect progressive past** tense verb speaks of an action which was begun sometimes in the past and continued for a while but is now completed.

**Future tense:** A future tense verb deals with situations which have not happened yet. A **simple future tense** verb describes action or condition which has not happened yet but will occur in time. A **perfect future tense** verb suggests an action that [will

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begin in the future and] will be completed at a specific time in the future. A **progressive future tense** verb is used to show continuing action in future. A **perfect progressive future tense** verb speaks of an action which will begin in the future and continue for a while before coming to an end.

The present form of the verb can be used to express both the present and the future, according to its context, in the sentence ‘The train arrives at 10 am tomorrow’, it is clear that the present form of the verb refers to a future event.

Infinitive

An infinitive is a verb form with the word ‘to’ and is used as a noun; it names an activity or state of being. Eg:

It is important **to listen** to your children.

The infinitive is the **uninflected form** of the verb, giving no indication of tense, person, or number (for example, ‘paint’, ‘skip’), whereas **finite verbs** are **inflected** and indicate tense, person and number (for example, ‘arrives’ and ‘drew’). The custom has developed of saying that the infinitive in English has ‘to’ in it, as in ‘to swim’, ‘to draw’ and so on. While it is true that the infinitive does occur in many constructions in English with the word ‘to’, it often occurs without it as well, and especially in compounds formed with auxiliaries, as in ‘The baker will *bake* tomorrow’, or ‘He must arrive on time’. Describing the infinitive as having the word ‘to’ in it assists us to identify and describe it. It is not, however, the only form the infinitive takes.

Split infinitive: Sometimes we use split infinitives to make the meaning clearer such as – ‘I do not get the chance **to truly thank** him.’ [in place of ‘I do not get the chance **to thank** him truly’]. An infinitive becomes split when the writer places an adverb

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between ‘to’ and the verb ‘thank’. Split infinitive changes the sense hence should be used with caution to avoid ambiguities only. Eg:

The boys decided **to** quickly **finish** the game.

Here, if ‘quickly’ was placed after ‘decided’ the reader would not know if the decision had been made quickly or if the game was going to be finished quickly.

## Participles

Verbs when inflected with -ing or -ed is called as participles.

**Present participle:** The present participle (-ing form of verb) is used to show progressive (continuous) aspects of tense. Eg:

The cat **is singing**.

The girls **are talking**.

**Past participle:** The past participle (-ed form of verb) is used as verbs to show perfect (completed) aspect of tense. Eg:

The boy has reached home.

## Dangling participle

The dangling participle is a common problem in which a participle is not given its proper subject. Eg:

Being new students to the university I would like to welcome you.

Walking along the river, a crocodile was seen devouring its victim.

## Present participle as noun (gerund or verbal noun)

A gerund or verbal noun is a verb form which end in ‘-ing’ and is **used as a noun**; it names an activity or state of being. Verbal

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implies modified or inflected verb working as other parts of speech such as noun or adjective.

Eg:

**Skating** is a good form of exercise.

Gerunds may appear as the subject:

**Exercising** is always good for you.

**Walking** is one of the best forms of exercise.

Gerunds may appear as the direct object:

John loves **studying**.

The documents need **filing**.

Gerunds are sometimes governed by a preposition:

Here are some materials **for filing**.

I'm getting awfully sick **of waiting**.

**On learning** of the prize, he went out to celebrate.

While gerunds act like nouns, they also retain certain verbal functions. For example, unlike nouns, they can have an object:

**Eating people** is wrong.

**Knowing all the answers** doesn't always help.

There are shades of meaning in the gerund that are different from those in a noun, and these differences may have important legal implications.

### Participles as adjective (participial or verbal adjective)

The present and past participles are also used as adjectives to describe nouns. Eg:

The **declining** dollar was causing concern. (present)

He drove home in the **damaged** car. (past)

Present participle as adjective is different from gerund, which also is in ‘-ing’ form, in the sense that gerund acts as noun whereas participle acts as adjective.

## Regular and irregular verb

Regular (weak) verbs take the suffix –ed. Eg:

Look/looked                      John **looked** at the wall.

Crawl/crawled                  He **crawled** into the crevasse.

Irregular (strong) verbs in general form the past tense by a change of vowel:

‘swim’ becomes ‘swam’ and ‘swum’

‘see’ becomes ‘saw’ and ‘seen’

One cannot predict, however, from the infinitive what form either the simple past tense or the past participle of a verb will take. Irregular verbs appear in many languages and the different forms of the verb, the infinitive, the simple past tense and the past participle must simply be mentioned. Eg:

see, saw, seen

sing, sang, sung

Sometimes, the form of the verb does not change at all, and the change of tense can only be deduced from its context. ‘I put the cat out each night’ is clearly different from ‘I put the cat out last week’, although there is no change in the form of the verb. Irregular verbs in this category include ‘bit’, ‘set’, ‘split’, ‘let’, ‘cast’, ‘spread’, ‘wed’, ‘quit’, ‘bet’, ‘bid’.

## Conjugation

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Matching a noun or pronoun with verb is called conjugation. Verb changes form to agree in person and number with the nouns or pronouns performing their actions or state of being as well as to reflect the time of action or condition. Singular nouns are followed by singular verbs and plural nouns by plural verbs. Eg:

The **boy** **has** decided to leave his home.

The **women** **have** decided to stay at their work.

However, collective nouns may be treated as either singular or plural. Eg:

The **committee** **has** decided to continue its deliberations.

The **committee** **have** decided to continue their deliberations.

Nominalization

A base verb that has been turned into a noun is called a nominalization. While nominalizations are grammatically correct, overusing them can reduce the impact and clarity of your writing. For example, ‘She **decided** to sue her employer after consulting with an attorney’ is preferable to ‘She **made the decision** to file a lawsuit against her employer after consulting with an attorney’.

Legal tense

In legal writing, it is frequently possible to draft in the simple present, even when referring to future events. The phrase ‘If the vendor pays ...’ using the present form of the verb, satisfactorily covers all future payments by the vendor.

Adverb

An **adverb** is a word that modifies a verb, adjective, or another adverb by indicating manner, time, place, frequency,

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degree, or extent, and in legal English, traditional adverbs like *hereof*, *therein*, and *whereby* persist mainly for formality and precision though often replaceable by simpler modern expressions.

### Modifier of verb, adjective and other adverb

An adverb is a word used to modify (describe) a verb, an adjective or another adverb. It tells how, when, how often, how much, where, or to what extent an action is done.

An adverb modifies a verb; it indicates how the action of a verb is carried out, for example:

The minister speaks **eloquently**.

It has been **well** done.

She drives **carefully**.

Adverbs can also modify adjectives or other adverbs, for example:

This is an **extremely** bad case. (Adverb modifies adjective 'bad')

He is **very** well educated. (Adverb modifies adverb 'well')

Other adverbs relate to clauses and sentences rather than to individual words. **Disjunct** adverbs offer a comment on the sentence as a whole, or place the speaker in relation to the sentence:

This is **probably** not the way to go about it.

She **necessarily** will have to reveal her involvement.

**Unfortunately**, I can't come.

**Honestly**, I don't know what to do.

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The most common way of forming an adverb is by adding ‘-ly’ to an adjective, for example, ‘forcefully’, ‘smartly’, ‘slowly’, ‘bleakly’. Some verbal adjectives are also treated in this way, for example, ‘frighteningly’, ‘threateningly’, ‘markedly’. However, an ‘-ly’ ending is not an essential feature of an adverb. Adverbs without ‘-ly’ include those which have no corresponding cognate adjective, such as ‘quite’, ‘now’ and ‘well’. In other cases, there is a corresponding adjective, but the *-ly* ending is never added, for example, ‘very’, ‘far’ and ‘fast’. Finally, there are various adjectives that can be used as adverbs with or without the addition of ‘-ly’, such as ‘quick/quickly’, ‘slow/slowly’, for example:

He has **quite** recovered.

You will go **far**.

There are many other adverbs which have no corresponding adjective. These include some adverbs of manner (for example, somehow, anyhow), adverbs of place (for example, here, there, somewhere, anywhere), adverbs of time (for example, now, soon, then, nowadays, afterwards) and adverbs of frequency (for example, always, often, ever, never, sometimes), for example:

Come **here**!

Never the twain shall meet.

A man with God is **always** in the majority.

Judges often complain about the imprecise addition of adverbs; for example, reasonably and substantially give little guidance for legal purposes and may add much noise but little substance.

Like adjectives, adverbs have comparative and superlative forms. In most cases, these are formed by using more and most, for example:

Can you speak **more distinctly**, please.

This is **most certainly** the case.

For a small group of adverbs, there are special forms:

badly	worse	worst
well	better	best
far	farther, further	farthest, furthest
little	less	least
much	more	most

Adverbs which are the same in form as their corresponding adjectives (for example, fast, hard, late, quick) take the comparative and superlative forms used with the adjectives, for example:

Drive **faster**!

He arrived **latest** of them all.

A few other adverbs can also sometimes take -er and -est forms, for example:

That is **easier** said than done.

Least said, **soonest** mended.

Again, adverbs carelessly used may add emphasis while doing little to increase precision.

Hereof, thereof, and whereof

Adverbs like hereof, thereof, and whereof (and further derivatives ending in -at, -in, -after, -before, -with, -by, -above, -on, -upon, etc.) are not often used in ordinary English but they are still sometimes used in legal English, primarily as a way of avoiding the repetition of names of things in the document – very

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often, the document itself. Such as “the parties ‘hereto’” instead of ‘the parties to this contract’ or “the provisions contained ‘hereinafter’” instead of ‘the provisions contained to later on in this contract’. [Haigh 2009 p 35]

However, in most cases the use of such words is strictly unnecessary or can be rendered unnecessary by the use of definitions. For example, the term ‘parties’ can be defined, in a definitions section, as ‘the parties to this contract’. The meaning of such words and phrases can be gathered from the context in which they are placed. Such adverbs persist in modern legal usage largely as a consequence of legal tradition rather than usefulness. Here is a list of some of these words and the way in which they are used. It should be noted that the list is not exhaustive.

**Hereafter** means ‘from now on or at some time in the future’.

Eg:

The contract is effective ‘hereafter’.

**Hereat** means (1) ‘at this place or point’ or (2) ‘on account of or after this’. Eg:

‘Hereat’ the stream divided.

**Hereby** means ‘by this means; as a result of this’. Eg:

The parties ‘hereby’ declare.

**Herefrom** means ‘from this place or point’. Eg:

The goods shall be collected ‘herefrom’.

**Herein** means ‘in this document or matter’. Eg:

The terms referred to ‘herein’.

**Hereinabove** means ‘previously in this document or matter’. Eg:

The products 'hereinabove' described.

**Hereinafter** means 'later referred to in this matter or document'.

Eg:

'Hereinafter' referred to as the Company.

**Hereinbefore** means 'previously in this document or matter'. Eg:

The products 'hereinbefore' described.

**Hereof** means 'of this matter or document'. Eg:

The parties 'hereof'.

**Hereto** means 'to this place or to this matter or document'. Eg:

The parties 'hereto'.

**Heretofore** means 'before now'. Eg:

The parties have had no business dealings 'heretofore'.

**Hereunder** means 'later referred to in this matter or document'.

Eg:

The exemptions referred to 'hereunder'.

**Herewith** means 'with this letter or document'. Eg:

I enclose 'herewith' the plan.

**Thereafter** means 'after that time'. Eg:

The products shall be transported to Patna; 'thereafter', the products shall be stored in a warehouse.

**Thereat** means (1) at that place or (2) on account of or after that.

Eg:

... 'thereat', payments shall cease.

**Thereby** means 'by that means; as a result of that'. Eg:

... the parties 'thereby' agree.

**Therein** means ‘in that place, document or respect’. Eg:

The parties shall refer to the contract dated 1 May 1999. It is agreed ‘therein’ that . . .’

**Thereinafter** means ‘later referred to in that matter or document’. Eg:

‘Thereinafter’, it is agreed that . . .’

**Thereof** means ‘of the thing just mentioned’. Eg:

Reference is made in paragraph 5 to the contract dated 1 May 1999. The parties ‘thereof’ agreed that ...

**Thereon** means ‘on or following from the thing just mentioned’.

Eg:

The machine rests on a wooden block. There is placed ‘thereon’ a metal bracket...’

**Thereto** means ‘to that place or to that matter or document’. Eg:

... the parties ‘thereto’.

**Therefor** means ‘for that’. Eg:

The equipment shall be delivered on 13 September 2003. The Company agrees to pay ‘therefor’ the sum of Rs.1,50,000.

Therefor should not be confused with ‘therefore’ which means ‘for that reason’.

**Thereupon** means ‘immediately or shortly after that’. Eg:

Delivery shall take place on 13 September 2003. ‘Thereupon’ the equipment shall be stored in the Company’s warehouse.

**Whereabouts** means ‘the place where someone or something is’.

Eg:

The Company shall be kept informed as to the ‘whereabouts’ of the products.

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Whereat means ‘at which’. Eg:

The seller attempted to charge extra interest on late payment,
‘whereat’ the buyer objected.

Whereby means ‘by which’. Eg:

The contract dated 1 May 1999, ‘whereby’ the Company agreed
to purchase the products.

Wherefore means ‘as a result of which’. Eg:

The buyer breached the contract, ‘wherefore’ the seller suffered
damage.

Wherein means (1) in which, or (2) in which place or respect.

Eg:

The contract dated 1 May 1999, ‘wherein’ it is stated that . . .

Whereof means ‘of what or of which’. Eg:

The Company one of the directors ‘whereof’ is a foreign
national.

Whereupon means ‘immediately after which’. Eg:

The sum of Rs.15,000 shall be paid by the buyer to the seller on
13 September 2003, ‘whereupon’ the buyer’s liability to the
seller shall be discharged.

‘Whatsoever’, ‘wheresoever’ and ‘howsoever’

One may also encounter the words whatsoever, wheresoever and
howsoever. These have extremely limited practical meaning and
exist as a result of legal tradition only. All three words are
improved by deleting the affix ‘so’, becoming ‘whatever’,
‘whenever’, ‘whoever’. [Rupert Haigh, Legal English, 2009 p
39]

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**Whatsoever** means ‘whatever’, i.e., ‘no matter what’ in contractual contexts. Eg:

No animal ‘whatsoever’ is permitted in the council chamber.

**Wheresoever** means ‘wherever’, i.e., ‘in or to whatever place’ in contractual contexts.

**Howsoever** means ‘however’, i.e., ‘in whatever way or to whatever extent’.

These words are occasionally used together. Eg:

This limitation shall apply in any situation ‘whatsoever, wheresoever and howsoever’ arising.

The word ‘**whosoever**’ may also be encountered. This simply means ‘whoever’.

## **Hence, whence and thence**

The words hence, whence and thence, and the derivatives henceforth and thenceforth are all archaic forms in ordinary English, which are however still occasionally seen in legal English. [Rupert Haigh, Legal English, 2009 p 39]

**Hence** means (1) for this reason; and (2) from now on.

**Henceforth** means from this or that time on.

**Whence** means (1) from what place or source; (2) from which or from where; (3) to the place from which; or (4) as a consequence of which.

**Thence** means (1) from a place or source previously mentioned; (2) as a consequence. **Thenceforth** means from that time, place or point onwards.

## **Preposition**

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**A preposition is a relational word that links a noun or pronoun to other words in a sentence, often forming simple, compound, or phrasal constructions, governing the objective case, and in legal usage may influence tense interpretation without limiting temporal scope.**

### **Relationship word**

A preposition is a relationship word used to connect a noun or pronoun to other words in a sentence.

The class of prepositions includes many of the little words of English, such as in, on, out, of, with, by, up, down, through, as well as some longer words such as ‘between’ and ‘among’. A preposition’s function is to connect nouns (with or without an article) or a pronoun to some other word. Eg:

Rome stands **on** seven hills.

The swagman jumped **into** the billabong.

How they brought the good news **from** Ghent to Aix.

He walked **over** it quickly.

Compound prepositions are also found:

He counted it all *down to* the last penny.

She is *out of* hearing now.

Take the train *over to* Melbourne.

Although it is generally placed before the noun or pronoun to which it links, a preposition often appears elsewhere in the sentence when used with a relative pronoun, for example:

before the pronoun      - The subject about which I spoke.

away from the pronoun - The subject which I spoke about.

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It was once considered good usage to place the preposition before the pronoun in such cases and people were told, ‘Never end a sentence with a preposition’, but today it is generally recognised that this often produces clumsy or stilted sentences, and ending a sentence with a preposition is acceptable to most people. Donne’s famous line *Never send to know for whom the bell tolls* has been imprinted on many people’s minds, especially since Hemingway entitled one of his novels *For Whom The Bell Tolls*; however, most modern speakers would probably say *Never ask who the bell tolls for*.

Prepositions can also form part of compound verbs like *give in*, *take over*, *bring out*, *get on*. Such compounds might be considered as a verb followed by an adverb, but the phrase has become a recognised one and neither verb nor prepositional adverb is seen as functioning independently. Some such compounds are intransitive (that is, they cannot have an object), for example:

How will you *get on* without any family at home?

He just won’t *let up*.

Other compound verbs are transitive and may or may not have an object, for example:

*Give up*, will you!

*Give up* this futile argument, will you!

The new president *takes over* in three weeks.

The new president *takes over* the government in three weeks.

With such compounds, the preposition may often be placed after the noun or pronoun, for example:

*Give it up*, will you!

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A compound verb with an object and a verb followed by a preposition and a noun or pronoun may contain the same elements, but they can be distinguished by our recognition of the compound verb as a unit with a particular meaning, for example:

compound verb - I tried to bring the children up carefully.

verb and preposition - I tried to bring the children up the stairs.

Prepositional phrases such as *with regard to*, *in relation to*, *in addition to*, *in common with*, *in comparison with*, *in compliance with*, *in lieu of*, *with the exception of*, *in favour of* are also found in English and are particularly common in legal and other formal contexts. Good legal writers avoid wherever possible these vaguer prepositional ‘ditties’ *in respect of*, *in relation to* and strive to offer more precise guidance through simpler and clearer terms. Loose prepositions often attract judicial comment.

After a preposition, nouns and pronouns are in the objective case. With nouns, this is indistinguishable from the subjective case:

Subjective - *The swagman* jumped into the billabong.

Objective - The jumbuck disappeared with *the swagman*.

However, with pronouns, the object case generally differs from the subject case:

Subjective - *You* and *I* were given the answers straight away.

Objective - Emily came with *you* and *me*.

Frequently, however, people use subject forms (particularly *I*) after prepositions from a mistaken belief that they are grammatically correct:

She came with *you* and *I*.

There is no difference between *he* and *I*.

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Many people object to this, to others it will sound correct.

## Legal preposition

Similarly, in the legal proposition ‘Where any ship is or has been wrecked, stranded, or in distress’, the use of the *perfect* as well as the *present tense* does not indicate that the *present tense* is intended to signify only those ships which became wrecked, stranded or distressed after the commencement of the provision. The employment of the *perfect tense* in this sentence is designed to authorise an examination of witnesses in relation to a maritime casualty or emergency which occurred before the commencement of the provision, where the condition of the ship no longer continues to answer the statutory description.

## Conjunction

**A conjunction is a connecting word that links words or groups of words—coordinating conjunctions (like *and*, *but*, *or*) join similar elements, while subordinating conjunctions (like *since*, *although*, *when*) connect a main clause with a subordinate clause.**

## Connecting word

A conjunction is a connecting word; it joins words or group of words.

**Co-ordinating conjunction:** Some, such as *and*, *but* and *or*, are co-ordinating conjunctions; they join elements with the same function in the sentence, for example:

joining two nouns      - Boys and girls go out to play.

joining two adverbs - We wandered back and forth.

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joining two noun phrases - I don't care whether you are the King of England or the Czar of Russia.

joining two main clauses - I say this but she says that.

joining two subordinate clauses - If I go away and you come back, we will not meet.

Subordinating conjunction: On the other hand subordinating conjunctions join two unlike items; a main clause and a subordinate clause, for example:

Since you have already done it, we will let it pass.

Although I say this, she says that.

When first we met we did not guess that love would prove so hard a master (Bridges).

Interjection

An interjection is a word or phrase that **expresses strong feelings and excitement**.

Phrase

A phrase is a group of words forming a meaningful unit within a sentence but lacking a finite verb, classified by form (e.g., noun, verb, adjectival, prepositional) or by function (e.g., adverbial, adjectival) depending on how it modifies or relates to other elements in the sentence.

Group of words forming sense

Phrases are groups of words which form a sense unit but do not contain sufficient elements to form a clause. Traditionally, the term has most frequently been used in grammar books in relation to *prepositional phrases* which can be recognised as a group of words beginning with a preposition, such as *in a hurry*, *with blue*

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eyes, along the river bank, without prejudice, within reason. Similarly, phrases centred around one or more adjectives can be referred to as *adjectival phrases*. Examples are *very simple*, *truly great* and *memorable*, *quite simply marvellous*, *stunningly attractive*.

More recent grammars have introduced the notion of the *noun phrase* and *verb phrase*. A noun phrase is a group of words centred around a noun. A simple case would be a noun with a preceding article, for example, *the boy*. A slightly more complex case would involve an adjective as well, for example, *the young boy*.

A much more complex case might involve a prepositional phrase and a modifying clause (themselves with attached phrases or clauses) such as *the young boy with blue eyes and carrying a pickaxe in his hand that I met yesterday when I went to town*. A verb phrase, on the other hand, will be limited to the various elements of the verb. This may be a single word like *praised* in the sentence *I praised him* or the elements of a complex verb such as *would have been being praised*.

As with clauses, phrases can also be alternatively classified according to their function in the sentence. Thus, in the sentence *I went to see her last Wednesday*, the words *last Wednesday* function like an adverb in that they modify the verb (in the same way as an adverb like *recently*). This, and similar phrases such as *every weekend*, *the day after next*, *next summer* are known as *adverbial phrases*. In this sense, the prepositional phrases so called because they begin with a preposition, might be described as adjectival phrases when they perform an adjectival function: we could describe the phrase *in the grey suit* in the noun phrase

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the man in the grey suit as an adjectival phrase, since it performs the same function as an adjective such as *grey-suited*.

To avoid confusion, it is important to make a distinction between classification by form and classification by function. Classified by *form*, the words *at a fast pace* in the sentence *She walked at a fast pace* constitute a prepositional phrase (because they begin with a preposition) but classified by *function* they constitute an adverbial phrase (because they modify the verb *walked* in the same way as an adverb).

## Clause

**A clause is a group of words containing a verb that functions as a unit within a sentence—either independently as a principal (finite) clause or dependently as a subordinate (finite or non-finite) clause—serving roles such as noun, adjective, or adverb to form the structure and meaning of complex sentences.**

### Group of words forming a unit

A clause is a group of words containing a verb and forming a unit within sentence. Simple sentences consist of only one clause; complex sentences contain more than one clause, for example:

simple - I have found the answer.

complex - Because I have found the answer, I will now be happy.

A clause is a group of words containing a verb and forming a unit within sentence. It can form the whole of a sentence or part of a sentence, for example;

one clause - No one should be judge in his own cause.

two clauses - Hope for the best and prepare for the worst.

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Principal clauses and subordinate clauses: Clauses are divided into principal clauses (otherwise known as main clauses) and subordinate clauses (also known as dependent clauses). A main clause is one that can stand by itself as a separate sentence, whereas a subordinate clause can only stand as part of a sentence:

principal clause - He said.

subordinate clause - that comparisons are odious.

Finite and infinite clause

Clauses can also be further subdivided into *finite clauses* and *non-finite clauses* depending on whether they contain a finite verb. All principal clauses are by their nature finite, since they can stand alone as sentences and sentences must contain a finite verb.

non-finite clause - East being east,

finite clause - west must be west.

Here, 'be' is finite verbs, whereas 'being' is a non-finite verb.

Although it is the normal rule that a clause contains a verb, we can also find a group of words without a verb which fulfil the function of a clause and which are sometimes called verbless clauses. They are perhaps best seen as clauses in which the verb *to be* is understood, for example:

If necessary, he will come back tomorrow.

Eager to please, he spoke up quickly.

A normal finite or non-finite clause has two elements, the *subject* and the *predicate*. (The exception is an imperative such as *Come!* which has no subject.)

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With an active verb, the subject is the person or thing that carries out the action of the verb, for example:

Parliament resumes today.

I will be speaking to my lawyer.

We can also have a subject with the verb to be, although in this case, it is inappropriate to say that the subject ‘carries out’ the action of the verb, for example:

The apples are on the table.

She is the leader of the pack

With a passive verb, the subject is the person or thing on whom the action of the verb takes place:

Piglet is entirely surrounded by water.

Handel’s Messiah is often performed.

The predicate is the rest of the clause and will contain at least a verb and possibly other elements:

The dragon smiled. (predicate consists of verb only)

She seems very restless (predicate consists of verb, adverb and adjective)

We will fight them on the beaches. (predicate consists of verb, pronoun and prepositional phrase)

This legal document contains many archaic words. (predicate consists of verb, two adjectives and noun)

Part of the predicate may be the object of the sentence. With an active verb, the object is the person or thing that suffers the action of the verb.

He struck *the floor*.

Water surrounds *the island*.

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After the verb *to be* and certain other verbs, such as *to seem*, we do not speak of the object but the *complement*, for example:

You are *a hero*.

A dog is *a man's best friend*.

The term *complement* can also be applied to an adjective or adjectival phrase normally placed after the verb *to be*, for example;

Love is *overwhelming*.

Juries are *quite unpredictable*.

Such adjectival complements can, of course, sometimes appear before the verb, as in *Blessed are the peacemakers*.

### Classes of subordinate clauses

Subordinate clauses perform various functions within a sentence, and they can be further classified according to their function in the sentence, for example, whether they take the role of a noun, an adjective or an adverb.

**Noun clause:** The most common form of noun clause is found in sentences containing *indirect speech*, for example:

He asked *whether they were ready*.

She answered *that they were nearly ready*.

**Direct speech** provides a direct transcription of speech:

‘Is this your last offer?’ she asked.

‘This is indeed my last offer’, he replied.

**Indirect or reported speech** expresses the speech indirectly as a subordinate clause:

She asked whether it was his last offer.

He replied that it was his last offer.

The subordinate clause in such sentences fulfils the same role as a noun. For example, in the first of these sentences, *whether it was his last offer* has the same function as the noun phrase *a question* in the sentence. *He asked a question*. Similar noun clauses can also occur without indirect speech, for example:

I know *that they were ready*.

She told me *who was coming*.

In the cases cited so far, the noun clause is the object of the main verb of the sentence, but noun clauses can also be found acting as the subject of a verb;

*That they were ready* is a great relief.

**Adjectival clauses** have two common forms. They can be formed with participles as non-finite clauses, for example:

*Being a man of few words*, he seldom spoke.

*Taken from his family at an early age*, he suffered bouts of depression all his life.

They can also be formed as finite clauses using *who*, *which*, *that* etc. The usual name for this kind of clause is a **relative clause**:

He was a man of few words *who seldom spoke*.

It was a question *which she found difficult to answer*.

**Adverbial clauses** are of many different kinds and can be classified according to their semantic role (their meaning) in the sentence.

The following are some kinds of clauses: temporal, conditional, concessive, purpose, result, for example:

Temporal      ~ *When you get home*, ring me.

Conditional ~ *If you need me, call me.*

Concessive ~ *Although needing more work, this is a beautiful piece.*

Purpose ~ *He died so that we might live.*

Result ~ *It was dark so that I couldn't see clearly.*

Since *so that* can be used to introduce both purpose clauses and result clauses, some sentences can be ambiguous, as is the case with *She walked quickly so that she arrived early*. This ambiguity can be removed for a purpose clause by using a modal auxiliary, as in *She walked quickly so that she would arrive early*. In other cases, the ambiguity can be removed by changing the order of the clauses. For instance, *He dimmed the lights so that I could see him clearly* is ambiguous but *So that I could see him clearly, he dimmed the lights* is not. This ambiguity is no doubt one reason for the popularity of phrases like *with the purpose of*, *with the result that* and *in order to* which can be used to make unambiguous statements.

## Sentence

**A sentence is a complete and self-contained group of words (sometimes a single word) that expresses a full sense and contains at least one finite verb, distinguishing it from incomplete groups of words that lack a finite verb.**

### Group of words forming complete sense

A sentence is a group of words, or in a few cases just one word, which is a complete and self-contained utterance. Sentences can stand alone without the addition of extra words and still make sense. A sentence usually has at least a subject and a finite verb

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but in the case of commands may just consist of a verb, for example:

subject and verb - Time flies.

subject, verb and object - The judge dismissed the jury.

verb - Come!

verb - Speak up!

Groups of words with a non-finite verb but no finite verb cannot constitute a sentence. The following are therefore *not* sentences;

Walking down the street

Hearing you for the first time

Fed up with waiting

Technically these are not sentences because they do not contain a finite verb, but in a non-technical sense we can also feel that they are incomplete utterances. We can make them into sentences by making them part of a finite verb. Eg:

I am walking down the street or I am fed up with waiting.

Alternatively, they can form part of a sentence in which there is a finite verb in another clause. Eg:

Hearing you for the first time, I was struck by your accent.

Fed up with waiting, he left the surgery.

Punctuation¹

Punctuation divides one sentence from another sentence, or one part of a sentence from another part, by means of points, stops, or marks. The names of the different points, stops or marks used for this purpose are:-

¹ Nesfield 2011 p 323

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, = comma

; = semi colon

: = colon

. = period

‘ ’ = inverted comma / quotation marks (single)

“ ” = inverted comma / quotation marks (double)

? = interrogation mark

! = exclamation mark

' = apostrophe

— = em dash

– = en dash

- = hyphen (en dash)

[ ] = bracket

( ) = parenthesis

/ = slash; slant

\ = back slash

### Full stop / period (.)

**Full stop** is the British English term for this punctuation mark, and **period** is the American English term for it. Full stops should be used in the following situations:

- At the end of all sentences that are not questions or exclamations. The next word should normally begin with a capital letter.

- After abbreviations. For example, ‘Sun. 10 June’.
- When a sentence ends with a quotation which itself ends with a full stop, question mark, or exclamation mark, no further full stop is required. However, if the quotation is short, and the sentence introducing it is more important, the full stop is put outside the quotation marks. For example: on the door were written the words ‘no entry’.
- A sequence of three full stops indicates an omission from the text. A fourth full stop should be added if this comes at the end of a sentence. For example, ‘this handbook . . . is exceptionally useful. . . I refer to it every day.’

### Comma (,)

Commas are used to show a short pause within a sentence. They should be used with care as a misplaced comma can alter the intended meaning of the sentence. For example:

*James hit Ian and Edward, then ran away.*  
*James hit Ian, and Edward then ran away.*

At the same time, commas should be used where necessary to clarify meaning. Simply omitting the commas often leads to ambiguity or an unintended meaning. For example:

*This lawyer, said the judge, is a fool.*  
*This lawyer said the judge is a fool.*

The principal circumstances in which commas should be used are as follows:

- To separate items in a list of more than two items. For example, ‘cars, trucks, vans, and tractors’. In this sentence, it may be crucial to put the comma after **vans** to ensure

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that it is clear that **tractors** does not form part of the same category of items.

- To separate coordinated main clauses. For example, ‘cars should park here, and trucks should continue straight on’.
- To mark the beginning and end of a sub-clause in a sentence. For example, ‘James, who is a corporate lawyer, led the seminar.’
- After certain kinds of introductory clause. For example, ‘Having finished my work, I left the office.’
- To separate a phrase or sub-clause from the main clause in order to avoid misunderstanding. For example, ‘I did not go to work yesterday, because I was unwell.’
- Following words which introduce direct speech. For example, ‘He said, “my lawyer is a genius!”’
- Between adjectives which each qualify a noun in the same way. For example, ‘a small, dark room’. However, where the adjectives qualify the noun in different ways, or when one adjective qualifies another, no comma is used. For example, ‘a distinguished international lawyer’ or ‘a shiny blue suit’.

The importance of using commas correctly cannot be overstated. In one Australian case the court had to look at a workers insurance policy that described the employer’s business as ‘Fuel Carrying and Repairing’. The question the court had to decide was whether the policy covered an employee who was injured when driving the employer’s vehicle carrying bricks. The court interpreted the policy as if it read either ‘Fuel, Carrying, and Repairing’ or ‘Fuel Carrying, and Repairing’. Litigation could

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have been avoided if a comma had been inserted in the first place.

Commas are softer in effect than full stops and semicolons, and are therefore unsuitable for long lists. They should not be used simply as an alternative to using short sentences or if there is any risk of ambiguity.

Semicolon (;)

The semicolon is used to separate parts of a sentence when a more distinct break is needed than can be provided by a comma, but the parts of the sentence are too closely connected for separate sentences to be used. For example, ‘To err is human; to forgive, divine’.

In legal writing, semicolons are used to punctuate the end of any sub-clause or paragraph that forms part of a longer sentence. However, if the sub-clause or paragraph constitutes the last part of the sentence a full stop may be more appropriate.

Colon (:)

The colon is usually used to point to information that follows it. It may also be used to link two clauses. Here are some examples of usage:

- To precede a list (e.g. ‘The following items are included:’).
- To introduce a step from an introduction to a main theme or from a general statement to a particular situation (e.g. ‘The remedy is simple: introduce new rules.’).
- To show cause and effect (e.g. ‘An energetic new director has been appointed: this accounts for the rise in share prices.’).

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- To precede an explanation (e.g. ‘The argument used by the defence was as follows:’).

Colons should not be followed by a dash (—). The dash serves no useful purpose in this context.

Inverted commas (‘ / “ ”)

The inverted commas / quotation marks, single or double, are used for indicating the beginning or end of a quotation, or the actual words used by a speaker.

The order of precedence is first use single quote, then double quote, then triple quote and so on.

Interrogation mark (?)

The interrogation mark or a note of interrogation is used after sentences which ask a question. The sentence following must begin with a capital.

Exclamation mark (!)

The exclamation mark or a note of exclamation is used after words or sentences which express emotion.

Apostrophe (’)

The apostrophe is inserted to show that some letter or letters have been omitted including the instances of genitive. It is also used to form the plural of letters and figures.

Dash (— / —)

The dash has following main uses:-

- To mark a break or abrupt turn in a sentence;
- To mark words in apposition or in explanation;
- To resume a scattered subject;

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- To indicate hesitating and faltering speech;
- To insert a parenthetical phrase or sentence.

## Hyphen (-)

The hyphen is used for joining the parts of a compound word.

## Parentheses ( )

These are used to enclose words, phrases or whole sentences.

If a whole sentence is in parentheses, the end punctuation stays inside it. For example:

*(Stamping plc is hereinafter referred to as 'the Company'.)*

Where only the end part of the sentence is in parentheses, the end punctuation goes outside the parentheses. For example:

*Stamping plc (hereinafter referred to as 'the Company').*

The main circumstances in which parentheses are used are as follows:

- To enclose remarks made by the writer of the text himself or herself. For example, 'Mr. X (as I shall call him) then stood up to speak'.
- To enclose mention of an authority, definition, explanation, reference or translation.
- In the report of a speech, to enclose interruptions by the audience.
- To enclose reference letters or figures. For example, '(1) (a)'.

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Avoid parentheses within parentheses – use commas or dashes instead. Dashes are a useful way of separating concepts within sentences.

Braces { }

Square brackets []

These enclose comments, corrections, explanations or notes not in the original text, but added at a later stage by new authors or editors.

Square brackets are used in legal writing to adjust the format of quoted material. For example, they may be used to indicate that a letter now in lowercase was in capitals in the original text (‘The court ruled that [e]xistence of the subject matter of the contract precluded a finding of *force majeure*.’).

Capitalisation

The chief rules of the use of capital letters are given below:

- The first word of every sentence and every new line of poetry should begin with a capital.
- The pronoun I and the interjection Oh and O always written with a capital.
- The first letter of a proper noun or a proper adjective is always a capital.
- All names and pronouns which indicate the Deity are written with a capital letter.
- The capital is used to begin direct narration in a sentence.
- The most important word in the titles of books, films, etc. is also capitalised. Eg War and Peace; Gone with the Wind.
- A common noun is never capitalised.

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