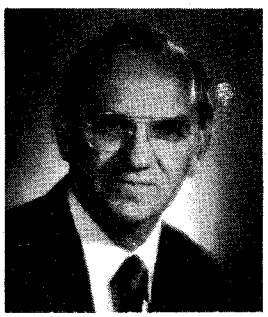
Et Cetera



Jerry Buchmeyer

Going Hence II: The Aftermath

Editor's Note: This is the first of two parts.

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The "Going Hence Without Day" *et cetera* (May 1983) resulted in a Veritable Flood: 17 chuckles, 23 guffaws, 1 thigh-slapper, and a column by TYLA Prexy Bill Whitehurst attacking Gods and Doctors.[1] This offslaught included several explanations ("plausible or otherwise") of the meaning of the stock general denial phrase ("go hence without day"), as well as one Almost-Horrendous Experience and the Blacksonian Solution.

. . . without delay

Lyman Hughes (of the Carrington, Coleman firm in Dallas)—who, since a Truly Unfortunate Incident in the state courts when his very first case was Called to Trial, has limited his practice "to federal district court and above"—insists that a typo by an early-day legal secretary caused the whole thing:

> . . . Since I have become a Partner, I have had several occasions to explain to Associates the meaning of the phrase 'go hence without day.' My explanation is that *the phrase is an obvious typographical error which has been perpetuated through* the use of form books and *the common practice of Associates adopting without change the phraseology used in the last pleading prepared by the Partner to whom the Associate reports.*
>
> *The phrase originally used and written prior to the perpetuation of the typographical error was 'go hence without delay.'* For fear of suffering default or reprimand (or even disciplinary action) I always used the phrase as mutated by the typographical error. Nevertheless, my explanation of the phrase has always satisfied every Associate to whom the explanation has been proffered, except one Associate who suggested *that the word 'delay' instead of 'day' would seem to make some logical sense and, accordingly, would be entirely inconsistent with the balance of the general denial pleading.* I recognized an obvious brilliant future for that Associate and have promoted him to practice in federal district court or above.

. . . or the passage of another day

Millie Kensinger (also of Dallas)—"Alas! I am too irregular even to join the Belo Tuesday Night Irregulars"[2]—submits an equally implausible, but more poetic explanation:

> The letter from Bryan J. McGinnis emphasizes the 'precise, poetic fruits of our vast labors', and points out that *simplicity* is only achieved with great effort. Such precision, such simplicity should be applauded—and, of course, emulated. It surely was in the throes of such inspiration that the phrase 'go hence without day' was conceived, cutting verbiage to the bare bone, omitting the obvious and unnecessary phraseology; so that rather than reading 'go hence without the passage of another day,' the lovely purity of the simple wording 'go hence without day' stands as a beacon highlighting the remainder of the similarly structured clear and precise language of the pleading.
>
> Humbly I call attention to the fact that, although not an attorney, I have worked with and for them long enough to have absorbed some of the most esthetic bombast; and it is with pride (albeit lowly) that the last sentence of the preceding paragraph occupied nearly 10 lines before finally conceding to the period."

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1. Some have said that Bill Whitehurst also intended this column as a subtle criticism of federal judges—but I've read it again and I'm sorry, but I just can't see that at all. (See the May 1983 issue of the *Texas Bar Journal*, p. 617.)
2. I just realized that the last column did not adequately identify, describe or explain *The Belo Tuesday Night Irregulars* to non-Dallas members—but, fortunately, space limitations prevent me from doing so here.