

After Seven Centuries, the True Meaning of SS

By Thomas Selden Edgerton

In this, the column's 30th year, we are reprinting a few memorable columns—as they were originally published, with only minor editing (although the Bar Journal's formatting has changed). This one comes with an advisory: slightly off-color. Read at your own risk. It was written by George Hathaway, under a pseudonym. It appeared in January 1986. (For the true true origin of ss, which has no good use, see Garner's Dictionary of Legal Usage.) —JK

State of Michigan)
County of Wayne) SS

“SS: An abbreviation used in that part of a record, pleading, or affidavit, called the ‘statement of the venue.’ Commonly translated or read, ‘to wit,’ and supposed to be a contraction of ‘scilicet.’”

—*Black's Law Dictionary* (1979).

“T here is no peculiar virtue in the cabalistic character SS, which is presumed to have been anciently symbolical of something, but nobody knows precisely what.” Hence a complaint is not insufficient because the charging part is not preceded by the words “State of Nebraska, Otoe County—SS.” *Seay v. Shradler*, 95 N.W. 690, 691 (Neb. 1903)

The First Day

My first day on the job—an attorney at last. I wanted to learn everything. My first assignment: draft a Discharge of Mechanic's Lien. I hurried to the firm library, picked out a formbook, found a suitable form, and started to copy. I soon had a lot of words and managed to fill in all the blanks, but could not truthfully say that (1) I knew what I was doing; (2) I knew what everything meant; (3) I was sure what was needed; (4) I was sure what was not needed; (5) I had not left something out; and (6) I had included everything that was required.

This bothered me because I didn't want to get sued for malpractice my first day on the job.

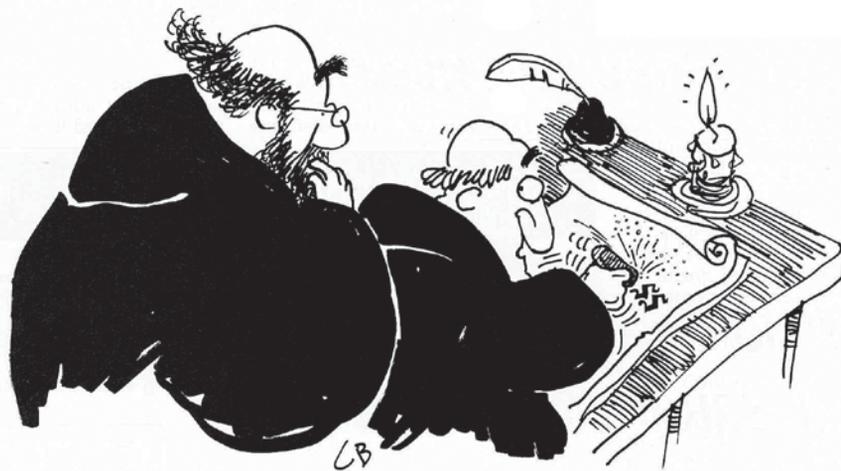
My document looked legal enough—it had a lot of lawyer-sounding words. They

looked impressive and harmless enough, but I would have felt better had I been sure what everything meant and why it was needed. And my God, what if the client asked me a question about the document. I didn't want to say, “Well I copied it out of a formbook so it must be OK.” I would have to say something confident, such as “This is the traditional form accepted through years of use.”

But what if the client asked me some stupid, irrelevant question such as “What does the SS down here near the bottom mean?” I could make up an answer, such as “That means state seal,” but I had better not guess. If it turned out wrong, I would look bad.

Because I didn't want to gain a reputation for wasting time with irrelevant details, I casually asked my legal secretary what SS means. Experienced legal secretaries know all those things, and I figured I could pick up a lot of practical information. “I don't know,” she said, “but it's always done that way.”

Gee, I thought, that's funny. Maybe it's OK if *she* doesn't know, but I'm going to look pretty dumb if someone asks me and I don't know. So at lunch I asked an experienced attorney, and he said that SS means “scilicet.” I had a blank look on my face.



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I chanced another question, and he said *scilicet* means “to wit.” Oh oh, I thought, I’m in trouble now. Maybe I better not sweat the small stuff. Just get on with the work.

I had that sinking feeling that everyone was crazy except me. This must be how Russian dissidents feel when they are put in mental hospitals. Holmes’s famous line flashed through my mind: “The life of the law has not been logic: it has been experience.” This must be the experience part, I thought, but it didn’t make me feel any better.

My first-year property class on future interests, adverse possession, and covenants that ran with the land couldn’t help me on this one. But no one seemed bothered by SS, so I decided I wouldn’t either. Just use SS like everyone else and forget about it.

But I couldn’t. It was in the back of my mind as I went to sleep that night. And believing that the best way to get rid of an urge is to give into it, I decided that in my spare time I’d look into the SS story.

The True Meaning of SS

That spare time didn’t arrive for several months. When it did, I rationalized that I would use this problem as practice to become super-fast at researching any legal question.

I looked up law-review articles. The only thing they told me was that nobody really knew what SS meant, but it was traditional and had been used for centuries. I was glad I hadn’t told anyone it meant state seal.

I was hooked now, but it was a complete waste of time. So again I put it in the back of my mind.

Six months later I looked into the history of the law. SS had been in use since the days of Richard II, the time of Chaucer. And then a brief, faint flicker flashed through my mind from an English Lit course of long ago. I couldn’t concentrate on work the rest of that day.

That night I feverishly searched through my old undergraduate textbooks and finally found the one I wanted: Chaucer’s *The Canterbury Tales*. I looked up “The Miller’s Tale,” the one everyone joked about at dinner in the fraternity house. It was a story about a maiden who leaned out a window and got bussted on the buns. There’s just some-

thing about great literature that you remember forever.

But it was the specific funny-looking Old English words that I needed. And I found them: “Ang whene sche leante oute the sache sche wase bussede on the aress.” These must have been the original old Anglo-Saxon words for busseth mye aress.

Then I knew the answer. I could picture some novice stuck away in a monastery, assigned to copy legal documents all day. One day the young punk probably got fed up and wrote at the bottom of a document, “Dear Father Superior, please busseth mye aress.” But upon his superior’s surprise entrance, the young monk scrambled to obliterate the evidence of his impertinence. He managed to erase everything except the last two letters—SS—before the Father Superior saw it.

The Father Superior was puzzled. It looked impressive, but he couldn’t figure out what SS meant. But he was too proud to ask a lowly monk about a legal inscription. Besides, anything a Father Superior couldn’t understand, the peasants couldn’t understand either. He could therefore interpret SS any way he pleased. These two simple letters would be a great client-control device.

So the Father Superior congratulated the young monk on the impressive-looking legal document and directed that all future documents look likewise. Thus was born SS.

I fell asleep that night half satisfied and half disturbed—satisfied because I had finally uncovered the secret of SS, but disturbed because I wasn’t sure whether to tell anyone. I decided to seek counsel.

The next day at the office I confided in Jenkins, a fellow associate. Jenkins exclaimed, “My God! You mean SS means KMA?”

“Strange but true,” I said.

“Listen to me,” Jenkins said. “You must never tell anyone else about this.”

The Cover-Up

“Why not?” I asked. “This is what the plain-English movement is all about. If there is no reason for legalese, we should eliminate it and write in plain, everyday English.”

“Those people are dreamers,” replied Jenkins. “They should spend their time on

things that count, like soliciting new clients or influencing key legislators.”

“Furthermore,” he went on, “for 700 years, whenever legal secretaries have written SS, although they haven’t realized it, they have actually been telling the lawyers to...well you know what.”

“I know,” I said. “It would make a mockery of the law. It would belittle all the grace and majesty that those two little letters have built up over seven centuries.”

“Yes,” continued Jenkins, “it would be an outrage, a monstrous travesty, an even bigger embarrassment than 12 So.2d 305, the end of law and order as we know it. Can you imagine what will happen in a big law firm such as ours?”

“I’m not sure,” I said, though I feared the worst.

Jenkins explained: “On the average, our firm produces a Proof of Service every 15 seconds. You know what’s going to happen every 15 seconds, don’t you?”

“No, what?”

“Halfway through typing each Proof of Service, the secretary will come to the SS part and will suffer an uncontrollable fit of laughter. This will wreak havoc on law-office decorum. Furthermore, every time a lawyer asks a secretary to do something, a devilish smirk will spread over her face, and she will ask whether the lawyer also wants a Proof of Service. It will open the floodgates on law-office discipline. Then who knows what? Secretaries might even visit the women’s room on non-break time.”

“Gosh!” I said. “You’re right. That’s just too awful to contemplate. You’ve convinced me. I’ll never reveal the secret of SS to anyone.”

“A wise decision,” Jenkins concluded. “If this ever got out, you would set the common law back 400 years, because the Ethics Committee would burn you at the stake.” ■

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