



Tales of the Unexpected: Procedural Rule Changes and Their (Unintended) Consequences

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Abstract

This article¹ looks at how changes to civil procedure have been effected in Scotland both historically and recently and it examines how reaction to the changes by those who are affected by them is often the determining factor in whether the change is successful or not. Further, whilst changes to parts of procedure are made with a particular outcome in mind, this is not always the practical result. Finally, it argues that particular changes to civil procedure in the Court of Session in the nineteenth century materially affected the development of the substantive law, and debatably it was these practical changes which went a long way to pushing Scots law as a mixed system away from its Civilian heritage and in the new direction of the Common law.

Some Introductory Remarks

Whilst it is generally accepted that Scotland's legal system is a mixed legal system - based partly on Romanistic Civil law and partly on English common law tradition, it is perhaps more difficult to categorise Scots civil procedure.²

It is true to say that from the very beginning of Scottish civil court procedure, and certainly by 1532, (the date of the foundation of the Court of Session), the Scots system was faithful to its Romano – Canonical origins and the Civilian *ius commune* tradition infused every part.³

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¹ This piece was delivered as a short lecture to The World Society Mixed Jurisdictions Jurists Conference, on Saturday 30th June 2007 in the 'Procedure Session' which was chaired by Professor Hector MacQueen.

² N R Whitty, 'Civil Procedure', *The Laws of Scotland Stair Memorial Encyclopaedia*, Re-issue 3, at para. 4.

³ R C van Caenegem, 'History of European Civil Procedure' in XVI *International Encyclopaedia of Comparative Law* (1973) ch 2, 76-7; JJ Robertson, 'The Canon Law Vehicle of Civilian Influence with Particular Reference to Scotland' in DL Carey Miller and R Zimmermann (eds) *The Civilian Tradition and Scots Law* (1997) 117; JJ Robertson, 'Canon Law as a Source', in DM Walker (ed) *Stair Tercentenary Studies* (1981) 112 at 119-20; P Stein, 'The Procedural Models of the 16th Century' 1982 JR 195; N Phillipson, *The Scottish Whigs and the Reform of the Court of Session 1785-1830* (Stair Soc vol 37, 1990); J W Cairns, 'Historical Introduction' in K Reid and R Zimmermann (eds) *A History of Private Law in Scotland* (2000) vol 1, 72-74; G Dolezalek 'The Court of Session as a *ius commune* court – witnessed by Sinclair's Practicks' 1540 – 1549' in

Gradually that came to be eroded. The Scottish system in the later 18th Century and throughout the 19th Century began to take as its lead the well – or at least better – established civil procedure of English common law. Whilst there were sometimes accusations of Anglicisation, it is worth remembering that at no point did common law procedure supplant Scottish procedure, nor did the London based government ever impose common law changes to the established Scottish system. The erosion, as such it came to be, was self administered. The development of Scots civil procedure in the period reflected overall gradual change albeit that there was increased reform in the periods 1808 – 1830 and in 1850 and in 1868. The changes were introduced in an attempt to prevent the interminable delays in the system and the over-elaborate attention to the admixture of fact and law in cases before the Session. The changes that came to be made were most effective in their implementation where litigants (and counsel) benefited in complying with these changes. Where the changes were adverse to interest and the older system was preferable, there then had to be strong measures from the judge backed up by the whole Court in order to implement rules changes or a new procedural system. If the Bench was tacitly complicit in permitting the older procedure to recrudescence then invariably the innovation failed. In all, these changes in the procedure moved the system from orally based to a written one and thereafter back again.

In examining the effect of procedural changes in the period one can examine briefly: the proposals for, implementation of, and then the ultimate decline (but not extinction) of that bastion of the English common law - the Civil Jury. One can also see how that process in itself effected patent and latent change to the practice of Scottish civil procedure. Thus the two great procedural changes in the 19th century – the Court of Session Acts 1825 and 1850 which removed the practical mechanism for the advocates pleading the case in writing, had come onto the statute book via experimentation with the concept of jury trial in civil causes. One change to procedure effected others. Civil jury trial showed the litigants and lawyers alike that it was possible to split the pleadings into fact and law and because there was a desire by at least one party to get a jury trial, then there would be abandoned the older practices of admixing fact and law in long harangues of writing. From that point, the notion of a ‘Closed Record’⁴ could be devised and implemented through the 1825 Act.

So changes could be introduced over this period and their effect would not always be apparent. In this piece I will suggest that all of this in itself contributed to the decreased use and citation of Civilian sources and resources by Scots lawyers (which Scots had historically deployed in arguing cases before the Courts) with the unintended or at least unforeseen consequence that the substantive law, (in the absence of full reporting of decision content) was robbed of reference to this Civilian history. It was this practical change which had an unintended or at least unforeseen consequence of starting what became known later as the de-civilianisation of Scots Law – feathering the nest for what T B Smith once described as the ‘Common Law Cuckoo.’⁵

HL MacQueen (ed) *Miscellany Four 51* (Stair Soc vol 49, 2002); D R Parratt, *The Development and Use of Written Pleadings in Scots Civil Procedure* (Stair Soc vol 48, 2006).

⁴ Still part of Scottish Civil Procedure whereby the parties are respectively required to present their cases as: remedy sought (for pursuer), then facts relied on, then law applying and concluding with ‘pleas-in-law’ being the single legal propositions upon which they rely. These presentations are matched up into one document called the *Closed Record*. Record is pronounced with the accent on the second syllable.

⁵ T B Smith *Studies Critical and Comparative* ix.

The Development of Civil Procedure in Scots Law as a ‘Mixed System’

Traditionally, the characterisation of Scots Law is that it is a system founded on principle rather than precedent. Lord Macmillan in his 1934 Rede Lecture, explained to his Cambridge audience that Scots Law deduced the result from a set of principles whereas the English law was inductive and identified principles from cases.⁶ This, he thought, even reflected national sentiment – the Scots were naturally philosophical in their outlook whilst their English neighbours were more pragmatic.⁷

Lord President Cooper was of a similar mind. He told an Edinburgh University summer school in 1946

The civilian put his faith in syllogisms, the common lawyer in precedents; the first silently asking himself as each new problem arises, “What should we do this time?” and the second asking aloud in the same situation, “What did we do last time?” The civilian thinks in terms of rights and duties, the common lawyer in terms of remedies. The civilian is chiefly concerned with the policy and rationale of a rule of law, the common lawyer with its pedigree. The instinct of the civilian is to systematise. The working rule of the common lawyer is *solvitur ambulando*.⁸

Yet whilst these two great minds of Scottish jurisprudence explained these notions to their audiences, – in practice, even at this time – the Advocates in Parliament House might have been excused if they had some difficulty in recognising Scots law operating as such, each case embarking on the search of Civilian principles and adhering to legal doctrine. It is hard to avoid the conclusion that such couthy views were for external consumption, the practice of the law actually being very different.

And yet at the earlier period it had been possible for the Scots Lawyer to derive their decisions from principles – at first exploiting and utilising the civilian texts and later culling principles from the pages of the Scottish institutional writers.

In turn this arose because the system of civil procedure was designed in accordance with conceived notions of civilian practice.

From the 16th to later 18th centuries, the administration of justice was bicameral. The Court was in 2 parts or divisions: There was the ‘Outer House’ and the ‘Inner House’. Parties brought their cases to a single Judge or Lord Ordinary sitting in the Outer House. The parties were required to ‘enter into pley’ setting out in preliminary form their respective positions. Then they had to enter a judicial contract – i.e. *litiscontestatio*, agreeing to be bound by the ultimate decision of the Court.

⁶ Lord Macmillan, ‘Two Ways of Thinking’ Rede Lecture (1934) in Macmillan, *Law and Other Things*, at 76 (This has been quoted and the point made by Alan (Lord) Rodger ‘*Thinking About Scots Law*’ 1996 Edinburgh Law Review 3 at 10.)

⁷ Macmillan *op. cit.* at p. 78

⁸ Rt. Hon. Lord Cooper of Culross, ‘The Common Law and the Civil Law – A Scot’s View’ in: *Selected Papers 1922–1954* (Edinburgh, 1957) 201 at 204. Note, though, that he added that this was a deliberate overstatement of the position. *ibid.*

Evidence was ‘allowed’ by the court, but only in relation to what was ‘relevant to the case’. The evidence was taken by judges, who came out from the Inner House. They sat completing this task one by one in weekly rotation. They would report that evidence back to another judge who would prepare the whole case including the evidence, for the decision of a third judge who decided the case.

The whole process was permeated with facilities for bringing any part of it before the Inner House for review. As Jeroen Chorus has remarked,

It was a particularly Civilian way of proceeding and was testament to the Romano – Canonical methods adopted by the Court at its institution.⁹

In the earliest periods, whilst the procedure commenced with a written fairly formalistic document, it was mainly oral thereafter. In time this was modified as parties began to request the court to consider their cases before the actual day allocated for the hearing. I have described this elsewhere,¹⁰ but simply, the parties and their advocates would prepare Informations to inform the judges in writing of their cases in law and fact and would then bring them to the judges’ houses the night before. The practice was prohibited by the court, then tolerated and finally regulated. It was this incremental development which began the process of ‘pleading in writing’ before the Court.

In time, by the later 1700s, much, if not most of the pleading was in writing and the documents all had titles such as ‘summonses’ and ‘defences’, the ‘Informations’ and ‘Answers’, ‘Minutes’, ‘Memorials’ and ‘Condescendences’ and ‘Answers.’ These parts of pleading could be used at different stages as the litigation progressed. So the idea of a Memorial or Information was that the party, through his advocate, could make his case in fact and law in writing at an early stage in the litigation, and which would go to the judge before the hearing of the case. The party could then get an indication of how his case was judicially viewed. In time they came to be known as ‘Cases’ or ‘Written Cases’¹¹ Because both client and lawyer wanted to ensure that the case was persuasive, in these writings, the advocates would and more importantly could display their legal learning.

A Store of Civilian Learning

From at least the date of foundation of the Advocates Library in 1689 the advocates drafting pleadings had had at their disposal editions of the *Corpus Juris Civilis*, commentaries on the *Corpus* and tracts and commentaries and works on individual titles of the Digest and Code. All the main writers on Roman law could be found – all representing the recognised schools of jurisprudence going back in time to the earliest periods – from the glossators to the post-glossators of the Middle Ages,¹² to the humanists,¹³ to the important and emerging Dutch school,¹⁴ as well as the French jurists.¹⁵ There were treatises on various aspects of Canon law,

⁹ Jeroen M.J. Chorus ‘Civilian Elements in European Civil Procedure’ in D.L. Carey Miller and R. Zimmermann (eds.), *The Civilian Tradition and Scots Law. Aberdeen Quincentenary Essays* (1997); Finlay *Men of Law*, *op. cit.*, p.89.

¹⁰ D R Parratt, *The Development and Use of Written Pleadings in Scots Civil Procedure* (Stair Soc vol 48, 2006).

¹¹ this was an English name given to the old pleading by information

¹² e.g. *Accursius, Bartolus, Jason de Mayno*

¹³ e.g. *Alciatus, Budaeus, Zasius, Cujacius, Hotomanus, Donellus, Du Moulin and Brissonius*

¹⁴ in particular *Hugo Grotius* and *Arnoldus Vinnius*

screeds of decisions of the Rota Romana, various editions of statutes from various European countries¹⁶ and many commentaries thereon. All of these were available to the advocates on the shelves of the Advocates Library and could actually be borrowed out by the advocates and used at home whilst drafting pleadings or opinions.

The result was that the pleadings produced by the advocates of the day not only contained copious civilian reference, there were very often works of learning upon a particular topic or point and would be conserved and preserved for use by others as instruments for learning. To take a brief case in point. In 1672 Sir George Mackenzie,¹⁷ published his Pleadings in Some Remarkable cases and in his introductory 'Reflections Upon Pleadings' together with an essay - 'What Eloquence is Fit for the Bar. These pleadings were for the advice and guidance of the budding pleader and were supposed to be the epitome of good practice. At this time Sir George was reaching the height of his influence and the most fruitful years of his career. His examples of good pleading are thus a good indication of how the Scots lawyer of the time presented his pleadings and how he employed these Civilian sources.

One of his examples is entitled: '*Stewart v. Stewart How Fury and Lucid intervals may be proved*'.¹⁸ It is fairly short and relates to Sir George's pleadings in one of his cases where a deceased sister's Portion had been claimed by one brother but was contested by another brother as she had been 'furious' – i.e. mentally unstable or ill.

The eight short pages are peppered with Latin maxims. There are references to Craig's *Ius Feudale* and other Scottish authority. There are citations from fairly obscure civilian texts – *Zackeus, Gomez, Grassus, Fromanus, and Mascard*. He cites passages from the Digest, and from the *Testamento Tuditani*. Such is his knowledge of his subject that he starts a proposition in English and finishes the sentence in Latin under reference to a chosen brocard or maxim.

Scots Lawyers and Civilian Training

Sir George and the Scots lawyers after him could embark on a hunt for civilian principles because the procedure was such that it permitted and encouraged them to do so. Secondly, in this it is important to remember that the common law doctrine of precedent was not part of the Scots law and thus the Court, equipped with such materials, could then pick and choose the principles best fitting its notion of what the Scots law was upon the point, bearing in mind that in any event there was only the sketchiest of reporting on decided cases. Lastly the young Scottish law students were exposed to civilian ideas in a tradition which continued into the 18th century, whereby they studied law and were educated in the great European Universities. This last point was particularly beneficial for those later seeking admission to the Faculty of

¹⁵ Pothier and in particular a critical work by *Hotomanus* on Cicero's orations together with legal text.

¹⁶ *inter alia* Spain, Holland, Sicily, Germany. On all of this see further Townly, (note above) at 13-15.

¹⁷ Who was sometime originator and founder of the Advocates Library, persecutor of the Covenantors as Bluidy Mackenzie, institutional writer, and Lord Advocate to King Charles II. He is reputed to maintain a presence in Greyfriar's Kirk in Edinburgh

¹⁸ At p. 69. This case is further commented on, with a discussion of some aspects of Scots Law's treatment of mental illness in E. Miller and D. Parratt, '*How Fury and Lucid Intervals may be proven*' *Journal of the History of Psychiatry*, (forthcoming 2008)

Advocates in Edinburgh as they required to undergo examination on a title of the Digest by a committee of examiners appointed by the Faculty.¹⁹

Even when this system of foreign study abroad fell away, and more and more students studied at home, civilian knowledge was still necessary to pass the Faculty's exams.

Sir Walter Scott recollected in his later years the effort required by him to get through the exams.

I rose before seven o'clock, and in the course of two summers, (My friend William Clerk and I) went, by way of question and answer, through the whole of Heineccius's Analysis of the Institutes and Pandects, as well as through the smaller copy of Erskine's Institutes of the Law of Scotland.^[2] This course of study enabled us to pass with credit the usual trials, which, by the regulations of the Faculty of Advocates, must be undergone by every candidate for admission into their body. My friend William Clerk and I passed these trials on the same days – namely, the Civil Law trial on the [30th June 1791], and the Scots Law trial on the [6th July 1792].

Armed with such knowledge and learning and with a civil procedure which came to permit the pleading of the case in writing, it is not surprising that the Advocates could produce prodigious amounts of pleading in writing, interleaved with Latin maxim, brocard, proposition and quotation.

The idea of written pleadings was that they contained a full statement of the parties' respective positions, fact and law, so that they could be perused by the judge in private study, so, as was said:

that he came into Court fully master of all that could be urged on either side and prepared to deliberate with his brethren upon the judgment to be pronounced.²⁰

Thus it was thought, perhaps with good reason, that the Bench paid 'relatively slight consideration to what was argued at the Bar of the Court in addition to the written argument' as it was considered that this 'could be little else than a repetition of the view already urged' in the written pleadings and already in the mind of the judges.²¹

¹⁹ See also Nan Wilson, 'The Scottish Bar: the Evolution of the Faculty of Advocates in its Historical Setting' in *Louisiana Law Review* Vol. 28 (1968) 235-257 at 237, JW Cairns 'Institutional Writings in Scotland Reconsidered' in *The Journal of Legal History* Vol. 4 (1983) reprinted by A. Kilafry and HL MacQueen (eds) *New Perspectives in Scottish Legal History* (London, 1984) at 79. Until 1692 candidates could also be admitted simply by bill, without examination; from that year candidates wishing to be admitted by bill were to be examined by the Faculty on the municipal law. In 1750 examination in Scots law was also made obligatory for those who had taken an examination in civil law. From 1692 the Latin theses on civil law, upon which the examination took place had to be printed.

²⁰ 'On Judicial Demeanour', *The Edinburgh Law Journal*, Jan 1831 – June 1832 (Blackwood, Edinburgh (1832) 41- 49 at 47.

²¹ *ibid.*

The judges were accustomed to this manner of proceeding which allowed them to ruminate on the issues between the parties in private contemplation before having to express a view in open court.

One of their number reported to a Committee appointed to consider the Court of Session Bill 1824 that he was in favour of this way of pleading cases. He explained that:

an argument is never so thoroughly and surely sifted as in writing; and that such argument addressed to the court when written with care and attention beside affording the utmost certainty to the parties that their cause has been well and anxiously pleaded, is often most valuable in maturing the doctrines of the law, or in bringing it back to its true principles;

and he continued:

thus many most valuable legal arguments have been bequeathed to us by some of the greatest ornaments of the Scottish bar, affording us the benefit of seeing, in a durable record, the grounds and arguments on which cases have been decided.²²

Whilst the written pleadings could be vehicles to display the talent and legal learning of the Bar, the expense of it all could be great – even ruinous – running up to £100 for the cost of counsel, and Court dues for just one side.²³

In addition, the Lord President at this time, Charles Hope, had expressed concern about the Court's public perception. Writing in 1829, he recollected that judges pre-1825 were troubled because the public thought that the Court of Session did 'little business' and that the perception of their labours in the Court of Session was based on the time they sat in Court. But this was only the tip of the iceberg of judicial time. The system had developed such that their Lordships had to spend many hours reading the parties pleadings if they were to be able to keep up with the cases coming before them let alone become 'master of all that could be urged on either side.' The Lord President recorded that he himself had often had to read 300 quarto printed pages prepared by the parties prior to hearings the next day and Lord Balgray recalled that he had been required to read 160 full pages the night before one case.²⁴

The system could only continue to operate where there were sufficient resources of both court time and client money to allow it to do so. The litigants became depressed at the length of time that cases would take and the near never ending distillation of fact and law to pure legal principle. Cases were expensive and could carry on through interminable mazes of procedure for as long as the funding was in place. For their part, the judges were concerned about the reputation of the Court in the eyes of a public who did not realise the calls on judicial time behind the scenes.

²² The comments of Lord Medwyn, as reported in 'Defects of the Judicature Act' in *The Law Chronicle or Journal of Jurisprudence and Legislation*, Vol II (Edinburgh, 1830) at 108

²³ *ibid* at 108

²⁴ *Athenas Noctuas*, *The Law Chronicle or Journal of Jurisprudence and Legislation* Vol. I (Edinburgh, Stirling, Kenny & Clark, 1829) LXXXVII at LXXXVIII.

Real Changes and Unforeseen Consequences

By the end of the 18th Century, changes were inevitable. The introduction of Civil Jury Trial had been proposed by the future Lord Swinton in 1787 but was vehemently denounced as Anglicisation of Scots Law by practitioners who, – only two generations before – had seen the demise of the independent Scottish state and for whom the Court of Session remained one of the last bastions of the Scottish nation and its people.²⁵ And yet an Act of 1815 introduced this very English of institutions to Scots law.

Had the common law cuckoo had laid its egg in the Scottish civilian nest? Not really. For the reasons discussed above the movement for change came from within and the process of implementing a procedure to accommodate ‘that great bulwark of the common law’ was at the most basic level an attempt to remedy some of the Court’s problems. Its introduction was assisted by the *zeitgeist* of that time – an emulation of all things English – and not just in the legal sphere. Also, in operation and on the simple practical level, the lawyers soon realised that the institution of jury trial was not just advantageous to their clients. The costs involved centred around the common law concept of preparation for and then execution of a one-off set piece ‘trial’. These costs were generally greater than the older more civilian procedure. It was advantageous to them too.

The unintended consequence of all of this was that jury trial could only operate using the facts and thus, these self same lawyers started to realise that it was possible to plead a case by separating out the facts from the law. Before this, it had been considered at best nigh on impossible. So, with the inducement in place requiring pleading this way, there was the start of a process towards curing the perennial problem of pleading in writing admixing the facts with the law.

By the time of the 1825 Court of Session Act, pleading in writing was considered by those in control to be old hat. A new document - ‘the Record’ - was to be the only statement of a parties case, - containing the bare facts and what was called the ‘mere’ note of the pleas in law.

These changes were not always so well received by the advocates but coupled with strong enforcement from the Bench and draconian sanctions for failure the new procedure was in operation.

Harking back to views of old, it was thought that ‘the most careful perusal of the record’ could never put the judges in complete possession of the merits of the case. Therefore following the implementation the Advocates pressed for the chance to argue orally what had previously been written and backed up with quotations from civilian sources. In this they failed. The Court was now running to a different clock and there wasn’t enough time to allow the Advocates to discourse at length on the law, making the old fashioned reference to the great civilian texts. Following the Act, any attempts to do so were sharply curtailed from the Bench. In this new legal order the facts were to be separate and in sharp relief. The law was to be expressed as single, individual propositions, not long and windy expositions and certainly without any reference to authorities.

²⁵ See further D R Parratt, “*Something Old, Something New, Something Borrowed...*” *Civil Dispute Resolution in Scotland – A Continuing Story*” in C. H. van Rhee (ed.) *Judicial Case Management and Efficiency in Civil Litigation* (forthcoming, 2008)

Thereafter whilst it was still possible for the Court in the Inner House to order counsel to expand their cases in writing, in time, s. 14 of the Court of Session Act 1850 prohibited them. The old pleading in writing had disappeared from the law's landscape.

Many came to regret the passing of the old way of doing things. There was also a feeling that Scots Law had lost something as a result. As late as 1857, seven years after the last vestiges of the old procedure of pleading in writing had been removed the society of Solicitors in the Supreme Courts reminisced about the old written minutes or cases concluding that they had formed 'a permanent source of legal knowledge of the greatest value'.²⁶

In 1858 an editorial in the *Journal of Jurisprudence* bemoaned the state of 'law learning' in Scotland as a result:

[There is a] total disappearance of anything like general learning in the mode in which cases are handled. Pothier, and Voet, and Vinnius, and the *Corpus Juris* and all the familiar works of ancient days, occur no more. Listen to the best speeches in the court, and you hear nothing in the shape of reference to authority, but quotation of a speech yesterday delivered, in all probability by the judge to whom the address is made. The speeches are admirable *ad captandum*²⁷ addresses upon the special case without any reference to those general principles of jurisprudence....Open the *Corpus Juris* at the present day, before any of the Supreme Courts of Scotland, and you are immediately met with the sneer, that your case must be bad indeed, when it requires such authority. Even the sound sense of Pothier, and the practical sagacity of Voet can no longer command the respectful attention with which they were listened to of yore.²⁸

And the editor admonished his readers that the final abolition of traditional pleading in writing:

must necessarily end in rendering our law narrow, contracted, technical, and provincial. It will take away from it its great characteristic of being a code the least encrusted with technicalities, which has existed among the European nations since the fall of the Roman Empire.²⁹

But abolished it was.

²⁶ *Report of the Council of the Society of Solicitors before the Supreme Courts of Scotland (1857)* [repr. in part, in:] *Business of the Court of Session (1857)* 1 *Journal of Jurisprudence* 274 at 275.

²⁷ *tr.* 'for the purposes of.'

²⁸ Anon., 'The Abolition of Written Pleading. Decline of Law Learning in Scotland', *Journal of Jurisprudence* (2) 1858, 49-50.

²⁹ *The Abolition of Written Pleading, op. cit.* at 52.

Conclusion

This period marked the start of the retreat from Civilian source and content in the civil justice system in Scotland. Civil procedure would come to embrace the concept of a 'single event' proof or trial before a 'non-interventionist' judge. The old panoply of review mechanisms were quietly restricted and then removed. Even the popularity of civil jury trial would fall away as parties adopted the new methods of proof.

Across the period the Court had attempted to streamline its procedure and bring some order to a dispute settlement system infused with Civilian ideals and concepts and which permitted the deciding of a cause as a long and incremental process whereby parts would be decided and brought before all the judges for review if either side wished it. In addition it permitted, if not practically required displays of civilian learning from which the judges could decide the case before them. When the changes came, they suited the users, which was the determining factor in their continuance. This in itself materially affected the development of the substantive law and was, it is suggested a material factor in pushing it in a different direction.

So in the end the changes demanded by the public and the judges were introduced and the Court of Session did indeed start to streamline its procedures and remove the complained of 'crust of technicalities'. The longer lasting effect of this was certainly not foreseen at the time. Scots Law's march of progress had continued but had left a little bit of her Civilian heritage behind.

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