

Code, the above decision fits exactly the question of interpretation raised by the indictment returned for the publication of the wireless message "taken" by the boy "operator." Plainly, on very elementary principles of the criminal law, the act complained of is not within the prohibition and punishment of the statute relating to telegraph lines and telegraph messages.—*Central Law Journal*.

### THE IDENTIFICATION OF A MARK.

A writer in the *Central Law Journal* takes exception to an article in that journal which defined a mark as a character (not a writing) made by an inked pen operated by a human hand and consisting of a single straight stroke or of two or more disconnected straight parallel strokes, or of two straight strokes crossing each other.

The writer then says:—

Marks for the authentication of legal documents are, of course, the marks under discussion. Such marks are usually made by illiterates, but are sometimes made by persons who can usually write, but who are so enfeebled by disease or age as to be unable to do so at the time of executing the document in question. In an experience of over forty-three years, marks made for the purpose of authenticating documents have always, so far as we have observed, been in the form of a cross, thus: X or +. We do not remember ever having seen one made otherwise. These marks are rarely made by the marksman holding and directing the pen himself, but usually by his touching the upper end of the penholder while held and directed by some other person, usually the one who draughted the instrument, who in fact makes the mark; but very rarely by the marksman holding the pen in his own hand, which, in turn, is itself held and directed in its motion by the hand of another person.

While a mark made for the purpose of authenticating a document will, if properly proved, undoubtedly be binding upon a marksman competent and able to write, yet the fact of his