

appearance of the writing imitated and is immediately identified as the writing of a suspected party, or as genuine writing, by one who depends only upon this general appearance. The whole subject of handwriting identification is pervaded by a certain intangible notion that there is a sort of occult ability developed even by an unskilled, unscientific observer, which can be depended upon in this recognition of a handwriting.

This practice of calling on the unskilled has no doubt grown out of necessity, but it has been given a dignity and importance which it does not deserve. Stupid, half blind, unskilled persons are asked to give evidence on this subject of handwriting identification who are no more qualified than they would be to make a chemical analysis, or determine whether a law is unconstitutional, or whether a patent specification covers a principle already incorporated in another patent.

In proving uncontested documents witnesses are called to prove the signatures who are assumed by the law to "know the handwriting." This proof, as a rule, is of the most perfunctory character and is not assumed to have much really technical evidential value. The same character of proof has however been carried over into most important cases in which handwriting is seriously disputed, and may be skilfully forged. This character of handwriting evidence, that may answer the purpose of the law and not imperil the interests of justice in cases where no dispute has arisen, may be very dangerous unless the evidence is presented in a way that makes it possible to estimate its true value.

It also should be plainly said that the real purpose of this evidence by lay witnesses often is not what it purports to be. It is supposed to give help in solving a technical scientific question, but in most cases is in fact an opinion by the witness as to his judgment on the case as a whole. Especially in a community where all the various citizens are known in a general way to each other, at least by reputation, such evidence may be of considerable force in a disputed handwriting case. A prominent citizen who consents to testify really gives his opinion on the merits of the whole controversy rather than primarily on the technical subject presented to him. This certainly is the fact in many cases of this kind. Untrained witnesses who have not studied the subject of disputed handwriting will err in either direction in such a case by inferring that the slightest resemblance indicates genuineness, or, on the contrary, that the most trivial variation indicates forgery.

Witnesses of this character can sometimes be cross-examined very effectively if proper preparation for cross-examination is made. If such witnesses merely give opinions without any reasons whatever, the evidence may be unassailable from a technical standpoint and its only real value is that it indicates the opinion of the witness regarding the general merits of the case. It is often possible to secure a number of such witnesses, often perfectly reputable and honourable men, but totally unqualified technically, who will readily testify that the most glaring forgery is genuine if their friendship or their prejudice incline that way, or will testify that an undoubtedly genuine signature is a forgery if it contains the slightest variation from ordinary genuine signatures and they think the case should be so decided. They are not in fact qualified to give any opinion but are skillfully led to see the problem