

"In many cases it is more satisfactory to allow a witness to compare the writing in issue with other writings of unquestioned authority as to genuineness, than to compare it with the standard which he may have formed or retained in his mind from a knowledge of the party's handwriting."

Another erroneous old idea formulated long ago in one of these old opinions has for years been quoted as a defense of forgery. The contention was solemnly presented in the old language, that "similitude had more significance as indicating genuineness than dissimilitude had in indicating forgery." The argument thus was that genuine writings for various reasons necessarily differed somewhat from each other, therefore difference in a questioned writing as compared with a standard had little significance. No consideration whatever was given to the opposite reasonable contention that an imitation of a writing would, according to the skill exercised, necessarily be like the original in certain particulars, and especially in general appearance, and therefore mere resemblance alone ought not to be conclusive as indicating genuineness. It would thus be just as accurate to state the opposite of the old formula for it is not simply "similitude" or "dissimilitude" but their character and extent that is significant.

It can easily be understood how if an investigation was taken up with the idea that any resemblance would indicate genuineness and no kind or amount of difference would indicate forgery, that there would be no question as to what the final conclusion would be. This ridiculous contention about the force of similitude naturally permitted the forger to succeed. In an introduction to a book treating of forgery, Professor John H. Wigmore expresses the thought in a sententious way: "Amidst these new conditions, the falsifier again outstrips society for a while. A Chatterton and a Junius can baffle a community. Well down into the 1800's the most daring impositions remained possible, but society at last seems to have overtaken the falsifier once more. Science and art, in the mass, are more than a match for the isolated individual."

Soon after the invention of photography, when perhaps the science was in a somewhat experimental stage, some legal opinions outlined the dangers surrounding the use of photographs, and these old opinions are still quoted at length even though photography has been carried to a very high point of accuracy. A few decisions have said that enlarged photographs have "greatly assisted" the court, but the restrictive opinions seem to have a longer lease of life and are more frequently quoted. There are numerous States where the question actually is still undecided whether enlarged, illustrative, helpful photographs are actually admissible and in some courts they are still excluded.

The new precedents, however, have gradually tended toward that condition surrounding a disputed document trial which makes it a legally supervised, scientific investigation, in which all of the old unsatisfactory discussions are swept aside and the question is attacked in a modern way with instruments and illustrations and everything that will throw light upon the inquiry, including the opportunity of giving detailed reasons for the opinion expressed.

Those arrayed against the facts are greatly aided in many kinds of cases by certain of these old outgrown decisions, carefully combed out of the