

The law thus takes it for granted that a mere casual glance at the act of writing many years before gives, or may give, to an observer, in some mysterious, unknown way, what the law calls "a knowledge of a handwriting." From a scientific standpoint, and also from a common sense standpoint, the assumption is utterly ridiculous and would be so considered had it not been dignified by long use. Knowledge that rises to the point that qualifies a witness to give formal evidence in a court of law on such a question is not gained in any such manner.

It is said in some opinions, seemingly in an apologetic way, that objection "goes to the weight of the evidence rather than to its competency" and the court does not undertake to say how much observation is necessary in order to qualify a witness to testify. The court should undertake to say this very thing, and it is utterly unscientific not to say it. Any reasonable man ought to be able to say that no such cursory observation, without any specific attention, or interest in the question, qualifies a witness to give formal testimony under oath in a court of law, any more than walking through a law library would qualify a man to give an opinion on a legal subject.

It is possible to become familiar with a handwriting by seeing it often and seeing it written many times, but such a knowledge is usually very superficial and unreliable and in any event is not gained when no particular attention is given to the act and that act is performed only a few times many years before.

A witness called upon to testify on the question of disputed handwriting should always be examined in advance by counsel and by the court and if he is asked whether he would risk his own property, to the extent perhaps of thousands of dollars, upon his own knowledge of the particular handwriting in dispute, the honest witness will be likely to say that he would not dignify his opinion on the question in any such important manner.

The identification of handwriting many times becomes a difficult scientific problem and in any important matter should not be undertaken by the uninformed and the untrained. One of the common fallacies in connection with the subject is the assumption that handwriting can be positively recognized by anyone as a face is recognized, by a sort of intuition. Some of the discussions even go to the point of contending that evidence based on this kind of recognition is particularly reliable. The exact opposite is the fact.

One of the most uncertain and unreliable kinds of evidence that ever appears in a court of law is evidence upon the recognition of a person, seen infrequently, or long before, or perhaps only once, from his features and general appearance alone. Thousands of errors have thus been committed and the liability of error is so great that such evidence has very little weight, and should have even less than is given to it.

The same danger of error arises when it is assumed that the recognition of a handwriting is a very simple and easy task. There are certain great classes or schools of handwriting in which there are certain general similarities, like the similarities in race or complexion, or general appearance in persons, and error is liable to follow in depending upon recognition from mere general appearance in identifying a handwriting as in identifying a person.

If a handwriting is clumsily imitated only in a general way, including only its conspicuous features, it at once takes on, in some degree, the general