In 1865 (28 and 29 Vict. c. 18. s. 8) a section in precisely the same terms was incorporated into the Criminal Evidence Act.

A comparatively recent law in California provides that the Judge or Justice presiding in a Court in which an action is being heard involving handwriting may appoint an unbiased expert to examine the document and report his findings to the Court; the fee for such expert being added to the Court Costs. This eliminates prejudice to a great extent as the expert is not dependent on either side for his fee.

The rules governing documentary evidence are now the same as those governing any other expert evidence. Since the leading case of *Seamen* v. *Netherclift* (1876) an expert witness on oath is in a privileged position, whether he asserts that a signature is a forgery or that a sample of food has been grossly adulterated. There also are certain judicial decisions which have been given in connection with documents, and which also are applicable to scientific evidence in general. For instance, in *Rex* v. *Henry* (1929) Mr. Justice Finlay allowed a tracing to be shown to a jury, and in *Rex* v. *Podmore* (1930) the Lord Chief Justice held that a photograph upon which marks had been made with the object of directing the attention of the jury to certain details in the original document was admissible, since it went to clarify and explain the evidence. Proof of identity of an accused person may be made by handwriting (*Rex* v. *Smith,* 1909—74 Crim. App. Rep. 87). Strictly speaking the only type of direct evidence as to the identity of writing is that of a witness, who actually wrote or saw a document written. Any other type of evidence as to identity must be drawn from the appearance of the writing. Each case depends on its own circumstances. If, for instance, a dissimilarity of habit can be traced through the numerous writings of two persons—all evidence which goes to show a habit in one set of writings which cannot be found in the other is of importance. Though persons may succeed to a certain extent in disguising their handwriting, they commonly fall into their natural manner and characteristic peculiarities (per McDonald L. C. B. in *Rex* v. *Bingham*).

Evidence of identity through handwriting requires careful scrutiny by the Courts, owing, in great measure, to the fact that it is one of the most controversial types of technical evidence. Undoubtedly the reluctance of some Courts in the past to give much weight to evidence of handwriting identification has been due to the doubtful evidence of pseudo experts who either did not sufficiently understand their subject, or deliberately were dishonest. Another contributing factor has been the practice of calling bankers and the like, whose only claim to expert standing is the handling of a large number of papers bearing signatures. These they examine from a general or pictorial point of view, rather than by careful scrutiny of the individual writing characteristics, upon which latter consideration the science of handwriting identification is based. A further fruitful source of error is the dangerous practice of some examiners of expressing an opinion on inadequate or unsuitable standards of comparison.

Handwriting must be read and therefore, up to a certain point, there must be a likeness between the writings of any two persons who write with the same characters. This likeness may be carried further if the two persons