

When this prejudice was more common it is easy to understand how a "conflict" would usually be brought about by the lawyer against the facts in order that he might argue that none of the testimony on the subject ought to be considered. "Conflicts" of this kind are still secured, and may accomplish their evil purpose, if prejudice prevails and it is erroneously assumed that all testimony of the kind is of equal force and value. This is just what those against the facts want court and public and press to assume. Too often a portion of the press snatches at and magnifies the news value of such incidents, and thus unintentionally may help promote injustice.

Those who are not informed may say, "Of what use is such evidence when witnesses always disagree," not knowing that the "conflict" is actually brought about, not to prove the point at issue but solely for the purpose of appealing in argument to this erroneous notion on the subject. The legal precedents as quoted and the general press in many cases and numerous technical articles on the subject, shew a decidedly changing point of view and a correct understanding of the facts.

The modern court conducted under enlightened rules asks that the evidence be carefully weighed and that all prejudice be eliminated and promptly accepts every proper help that will throw light on the inquiry. Objections to accepted scientific aids are promptly overruled and argument on the subject is hardly tolerated. Not now once in fifty times are photographs, microscopes and charts excluded and in some jurisdictions such exclusion, like the exclusion of reasons for the opinion given, is actual reversible error.

Blackstone said many years ago that the law is the most progressive of all the sciences because it goes out and enlists the services of all the other professions, but in certain fields it has done this with such caution that there are many who would resort almost to revolution in order to bring about what should be accomplished in an orderly way.

In the law, as elsewhere, those interested in true progress must see to it that the best of the past is preserved and must always adopt with caution the new thing. As with every department of human affairs there are two parties in the law, those who on principle hark back to the past and are opposed to changes of any kind. Opposed to them there is another party interested in progress who all the time are looking forward to better things as time goes by. Hasty and unwise adherence to one of these opposed policies leads to danger, disorder and revolution, while strict adherence to the other is stagnation and death.

HANDWRITING EVIDENCE BY LAY WITNESSES.

About the weakest and most inconclusive evidence ever presented in a court of law is the opinion evidence of lay witnesses regarding the genuineness of handwriting. It is an unwarranted assumption of the law, established by long practice and recorded in many opinions, that a knowledge of handwriting can be gained by the most superficial observation of the act of writing. The legal precedents even go to the ridiculous extent of assuming that an observer actually may be qualified to give an opinion under oath as to a disputed signature in a controversy of great importance who has seen the alleged writer sign his name only once more than twenty years before. It is difficult to imagine anything more unscientific than this.