

THE LAW OF EVIDENCE AND THE SCIENTIFIC INVESTIGATION OF HANDWRITING.

other than what the term implies. Witnesses, if dishonest, will be governed by their interests; if honest and ignorant, by their prejudices; and thus, of course, both classes testify on the side which employs them, and as they can only give an opinion, which opinion at best is merely a guess, a trial merges itself into a thing of management, in which the most skillful strategist gains the victory. The jury are instructed "to weigh the evidence," and as they have no philosophers' scales in which mountains could be balanced against atoms of sense with which to perform the act, each party strives to make it appear that he has the greater weight of evidence on his side; hence the imposition of high-sounding titles: and, as I have noticed before, the introduction of all that class of management which strives to make the lesser reason appear the greater, and thus impose on the jury. If the witness chances to be both intelligent and honest, the condition of things is no better; for, as I have shown before, he can only give a mere guess in any case under the existing methods in some of the courts.

I have said that the present unreliability of this class of testimony is not inherent in its nature, but under proper rulings, scientific witnesses (and these alone should be employed where the investigation is of a scientific nature), would be able to give absolutely reliable testimony in many cases, and where they were not able to do so they would state the fact, and thus remove all elements of guessing from this class of evidence. Further, the scientific witness should be allowed, indeed, should be obliged, as I have said before, to show and explain as far as possible the methods by which he arrives at his results. Thus, where a paper had been wet by a solution of tannic acid, for a fraudulent purpose, it was easy to show the fact by touching the yellowed paper with a solution of sulphate of iron, when the trick was at once made evident by the dark discolouration of the spot where the fluid was applied. The opinion of experts, and all who saw this paper, was that the writing was very recent, on account of its fresh appearance, this very freshness being the result of the washing with tannic acid. Thus also

in a case of *tromp-d'œil* in a French court; the ring or border of paste which had previously united the two papers could at once have been brought in view by washing the paper with a solution of iodine. It seems that in the French courts every manipulation or experiment necessary to elucidate the truth in the case, even to the destruction of the document in question, is allowed, the court as a matter of precaution being first furnished with a certified copy of the same.

In the many cases of the alleged fraudulent papers put in my hands for examination, I have rarely found any insurmountable difficulty in coming to a conclusion, such conclusion being based upon the principles which I have set down as requisite in my opinion, to be acted upon in all this class of testimony. As in cases involving blood examinations, each case must be investigated by itself alone, as in almost every case new facts present themselves. Still general principles may be laid down so that with the aid of the microscope and other necessary instruments, and chemical re-agents, one may be prepared to solve this class of questions with almost unerring certainty, or at least to avoid coming to any wrong conclusions. Thus it will be seen that as I view the subject, this important class of testimony in all its phases, as now managed in the courts, so far from furthering the ends of justice, is more calculated to favour the wrong-doer; that there is no inherent necessity of such a condition of things, either in the nature of the subject itself, or in the present state of scientific knowledge; but that the fault is wholly due to the practice of the courts, which are governed in this respect, in most cases, by tradition and precedent rather than by logical reasoning or scientific deduction.

R. U. PIPER, in *Am. Law Journal*.
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WHAT IS A PROMOTER?

The duties and liabilities of the promoter of a company have of late years so rapidly developed, that he may now be considered fully created as a legal entity, subject always to his infancy being