

impressions from the same sealing instrument that the impression was invariably characterized by a particular mark or defect . . . ."

"These several cases base the rulings which have been mentioned upon the assumption or proof that a typewriting machine may possess an individuality which differentiates it from other typewriters and which is recognizable through the character of the work which it produces. Inasmuch as its work affords the readiest means of identification, no valid reason is perceived why admitted or established samples of that work should not be received in evidence for purposes of comparison with other typewritten matter alleged to have been produced upon the same machine." *People v. Storrs*, N.Y. (1911), 100 N. E. 731, 732.

There are courts, however, that are still strangers to all these modern methods of presenting disputed document cases, but there is progress all along the line, and it is now coming to be recognized, as is said in the American and English Encyclopedia of Law, that "This kind of evidence, like all other probable evidence, admits of every degree of certainty, from the lowest presumption, to the highest moral certainty," or, as one of the opinions quoted above says, ". . . might amount almost to a demonstration." All the honest claimant, the reputable lawyer, asks is that the evidence be taken for what it is worth and without prejudice. More than one "demonstration" during these latter years has dazed old practitioners who in the past have won cases, not by evidence but by tactics and by objections. In more than one recent case, those against the facts, when confronted with the evidence and especially the illustrative photographs, have actually surrendered before or during trial, paid all expenses, and discontinued the case.

The variation of degree of force in evidence as to handwriting and documents has long been recognized in a general way, but it too long has been impossible for those in the right to prove their case, especially in those jurisdictions where they still continue actually to listen to long arguments as to whether reasons can be given, or illustrations can be made, or even a magnifying glass can be used in court, or enlarged photographs, or a microscope, or any of the modern approved scientific aids to investigation that are welcomed everywhere except in a court of law. The old "objector," when sustained, either excluded or made harmless the evidence necessary to prove the case, but his day is ended in most courts. One would be inclined to think, however, in going into a few courts, even in these days, happily growing less each year, that the date was sixteen hundred and something, instead of the twentieth century, and that a witchcraft case might actually be on trial.

There are still abuses to be corrected, and unfortunately, there continue to be frauds and charlatans among the specialists who testify on these technical subjects, who, let it be plainly said, ought to be in jail with the lawyers who exploit them and keep them in business, but there need no longer be despair about cases of this class. With the enlightened procedure now almost universal, adequate preparation by the counsel on the right side, and the use of the information on the subject now available, the errors of the ignorant witness and the vicious pretensions of the corrupt witness can usually be exposed. This cannot be done, however, when it is assumed, as was usual a few years ago, that any "conflict" of such testimony of any kind discredits the good as well as the bad.