

deed (*mala grammatica non vitiat chartam*), and in the eye of the law the same principle applies in the case of bad or wrong punctuation. As the late George Perkins Marsh, LL. D., long representative of the United States at the court of Italy, says in one of his lectures on the English language, delivered at Columbia College and afterward published in book form: "Mistakes in the use of points, as of all the elements of language written and spoken, are frequent; so much so, in fact, that in the construction of private contracts, and even of statutes, judicial tribunals do not much regard punctuation; and some eminent jurists have thought that legislative enactments and public documents should be without it."

Bishop, in his "Commentaries on Written Laws and Their Interpretation," says: "The statutes in England are not punctuated in the original rolls: but more or less marks of punctuation appear in them as printed by authority. With us the punctuation is the work of the draughtsman, the engrosser or the printer. In the legislative body the bill is read so that the ear, not the eye, takes cognizance of it. Therefore, the punctuation is not, in either country, of controlling effect in the interpretation."

Punctuation, in fact, forms no part of the law, as pointed out in the foregoing extract—a fact well recognized in Great Britain as may be observed in legal advertisements for next of kin, and often reprinted in the leading daily papers here, which are noticeable for their want of punctuation. Some of the cases in the United States in which the above cited principle has been laid down are *Doe v. Martin*, 4 T. R. 65; *Barrow v. Wadkin*, 24 Bean, 326; *Cushing v. Worrick*, 9 Gray (Mass.), 385, and *Gyger's Estate*, 65 Penn. Stat. 311. Those interested may also consult Sedgwick on "Statute Law" for further information on this subject.

Punctuation cannot have a controlling effect, but may be disregarded altogether when plainly contrary to the legislative intent, in which case the courts will repunctuate to give effect to such intent, as decided in the *United States v. Isham*, 17 Wall. (U. S.), 502, *Albright v. Payne*, 43 Ohio St. 15, and in *Pancoast v. Ruffin*, 1 Ohio, 385.

The following extracts are from some of the decisions of the courts on this interesting question:

"Punctuation is a most fallible standard by which to interpret a writing; it may be resorted to when all other means fail." *Ewing v. Burnet*, 11 Pet. (U. S.), 54.