

# Book Review: The New Edition of Osborn's Questioned Documents, By Albert S. Osborn

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## BOOK REVIEWS

**The New Edition of Osborn's Questioned Documents.** By Albert S. Osborn, April, 1929, 1028 pages, published by Albert S. Osborn, New York.

The first edition of this work (501 pages) appeared in 1910 with an introduction by Dean John H. Wigmore, whose indorsement is continued as to this edition. In his introduction to the first edition the author closed with the modest hope that the book would in some degree, assist in bringing about an improvement in the methods of using expert testimony regarding documents make it easier to find and prove the facts in all courts in all states. To those who have followed the trend of legislation and decision since 1910, this hope seems to have been more than realized, though the author's personal influence and collateral writings have doubtless contributed much toward the same end. For nearly twenty years the first edition has been the best book on the subject in our language, serviceable alike to bench and bar, the document expert, and to bankers and others whose business involves the authenticity of documents and their proper preparation.

The new edition contains double the amount of matter found in the old one, and includes nine entirely new chapters and much new illustrative matter visually presenting the nature and solution of many interesting and important document problems. It is marked by the same clarity of thought and expression and the same spirit of reasonableness and conservatism that characterized the earlier book, recognizing throughout the limitations as well as the possibilities of the expert's work, and stressing the fact that the value of expert testimony should depend upon the clearness and ability with which the witness presents and interprets the physical facts.

Notable among the added chapters is the one as to "Guided or Assisted Hands," "Marks as Signatures," "Ballot Marks," and "Check Marks and Rubrics," and the chapter on "Pen and Pencil Printing." The chapter on "Graphology" is very interesting and the new chapters on "Physical Preparation of Documents" and the "Signing and Execution of Documents" are especially valuable to the legal profession and to conveyancers, bankers, trust company officers, and all interested in forestalling forgery and substitution, through the mercenary among the experts, and perhaps the forgers themselves, may criticize them as having been deliberately written for the purpose of injuring their business. The chapter expanded from the first edition and entitled "A Disputed Document Case in Court" is particularly valuable to the legal profession, and so of the chapter on "Law and Procedure" which indicates the comparatively recent but general legislative tendency to liberate such courts as had bound their own hands in document cases with the thongs of precedent.

Part two of this new book, for such it practically is, contains an extended digest of decided cases and valuable references to legal and scientific books and periodicals, calculated to save the judge or lawyer with a document case much laborious and possibly fruitless research. It may be well when the book reaches another printing to add an alphabetical index of the cases including, if practicable, those which, like the Oliver Will Case, the Estate of Rice and many others, are so well illustrated and clearly explained in the body of the work.

The author has augmented his bibliography of the subject and has greatly enhanced its value by some instructive comments the first of which pays a deserved tribute to the memory of Daniel T. Ames, whose work on forgery (1900) still merits perusal. These comments are of special value and interest to the expert and to the student of handwriting generally.

Not only should this book be in the library of every bank and financial institution, but no lawyer with a document case should be without it from the beginning of his investigation until the argument on appeal.

When in the course of time Mr. Osborn lays aside his pen, his measuring instruments and his microscope, he may well do so with the feeling that he has not only narrowed the field of guesswork and empiricism in his own profession, but that he has contributed as have few laymen to the rational and beneficent progress and development of the law.

EDWARD W. SPENCER,  
*Member of Milwaukee Bar*

**Equity Jurisprudence.** By Judge Fred F. Lawrence of the Portland, Maine, bar. First edition. Published by Matthew Bender and Company. 1,400 pages. 1929. \$20.00.

In two compact, handy volumes, Judge Lawrence has succeeded in presenting a most readable, practical, and certainly a most scholarly treatise on the substantive law of equity jurisprudence.

On every important phase of this vast field the author has prepared an historical delineation which, though short, is unusually thorough and complements the general statement opening each subject. The value of such scholarly treatment of the foundation is inestimable, and thoroughly appreciated by the lawyer who is preparing a case involving a subject he has not had an opportunity to delve into before.

In treating the modern aspects of his subject the author has caught and held to the modern trend of our best text writers. He opens each paragraph with his own clear, concise statement of the majority rules following it up with the more prominent exceptions and stricter applications in the words of the court that layed them down. These are all cited and the two volumes contain citations to around 5,000 cases as well as to many leading articles and texts. Citations and extracts are not duplicated but an efficient system of cross reference is used which saves much space and weight.

There are seventy-one chapter headings. This writer especially liked the treatment of the subjects of "Mortgages and Other Contractual Liens"; "Corporations"; and "Trusts, Private and Public or Charitable." This subject of trusts is placed thoroughly before the lawyer in clearly legible type in about 130 pages.

For Wisconsin lawyers, may I say that I found a wealth of Wisconsin citations, some as late as 193 Wisconsin and 213 N.W.

The principals of equity are much the same everywhere although with passing years some drop behind in importance while others forge ahead and take their place, appearing like mile stones, to be met at every turn of the road. It is of importance to note, that, where Wisconsin has deviated, her deviations are marked.

Some of the other seventy-one chapter headings are "Traditional Conceptions of Equity," which is a correct statement of the several different theories of equity which have been accepted by various schools of legal minds. He repeats