

the oppositor. Furthermore these witnesses were the instrumental witnesses to the questioned documents. *Held*, the authenticity of questioned signature cannot be determined solely upon its general characteristics, similarities, or dissimilarities with the genuine signature. Dissimilarities as regards spontaneity, rhythm, pressure of the pen, loops in the strokes, signs of stops, shades, etc., that may be found between the questioned signature and the genuine one are not decisive on the question of the formers authenticity. The result of examinations of questioned handwritings, even with the benefit of aid of experts and scientific instruments, is, at best, inconclusive. There are other factors that must be taken into consideration. The position of the writer, the condition of the surface on which he is placed, his state of mind, feelings and nerves, and the kind of pen and paper used, play an important role on the general appearance of the signature. Unless, therefore, there is, in a given case, absolute absence, or manifest dearth, of direct or circumstantial consistent evidence on the character of a questioned handwriting, much weight should not be given to characteristic similarities or dissimilarities, between that questioned handwriting and an authentic one. *LORENZO v. DIAZ*, (CA) G.R. No. 13642-R, February 27, 1957.

BOOK NOTE

GOVERNMENT UNDER LAW. Edited by Arthur Sutherland.* Cambridge, U.S.A.: Harvard University Press, 1956. Pp. XI, 587.

On September 22, 1955, more than eight hundred justices, lawyers, judges, theologians, scholars, and other eminent persons of many countries gathered at the Harvard Law School in Ames Courtroom, Austin Hall. In attendance were some of the greatest legal minds and scholars in the world today: the Chief Justice and two associate justices of the Supreme Court of the United States; Chief Justice of South Africa, Australia, Canada; the master of the Rolls of England; an ambassador of Costa Rica to the United States; a notable Roman Catholic scholar; leading law practitioners of the United States, and many other distinguished alumni of the Harvard Law School. The occasion: to commemorate the two hundredth anniversary of John Marshall's birth, the symbol in America of the supremacy of the written Constitution. The purpose: to study anew the ideal of government under law and to clarify to a certain extent the many difficulties, both of theory and practice, that arise in the application of this ideal to the daily business of government.

This book, *GOVERNMENT UNDER LAW*, contains the papers, addresses, and discussions contributed during the conference. Four principal themes were chosen — Government as Protector of the People against the Government; Government under Law in Time of Crises; the Meaning of Due Process; and the value of Constitutionalism today. The discussions on these themes were brought about in this manner: First, long before the conference itself, outstanding authorities were invited to write essays on each of these subjects. These essays were then printed and distributed to those who were expected to attend four months before the gathering. These, together with the addresses made during the sessions, were the subject-matter of the discussion. Because of this method of notifying the expected conferees in advance of matters to be taken up, everyone was well informed and prepared, thus assuring very lively and profoundly enlightening dissertations on these four principal themes.

We could say then with conviction that the thoughts proclaimed in that

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¹ Chief Justice of the United States, 1801-1835.

conference represent the current thinking in the world today on those four major topics. This book was precisely printed, not only for the purpose of providing a record of that conference, but also in order that these basic ideas and principles, as echoed in that august body, may be heard by a wider audience.

Of the conference, Erwin N. Griswald,² in the book's Foreword, has this to say:

Three strands of thought ran notably throughout the conference. One of these was the concept that government exists as a framework for human cooperation and that men should not consider it solely with suspicion, as a force to be confined. Another was affirmation that the purpose of government and of society is the individual's good: President Pusey³ said, at the final gathering, — Basic to the whole discussion has been the tenet that government exists for the sake of the individual and that there is a limit to what government can do to him." The third conspicuous thread of thought was concern for the criteria of goodness in law and in government. Again and again speakers returned to the theme that fundamentally constitutionalism is a moral concept; that justice is goodness; that thought it can not be defined, it can be recognized. At the final working session of the conference, John Lord O'Krian by his lofty earnestness profoundly moved all who heard him restate as his apologia his belief that in constitutional interpretation no canon can omit the element of moral conviction; that there can be no health in a democracy where there is no acceptance of the supremacy of law, were, the law is not interpreted in terms of man's highest moral insights. The Bientennial Conference was united in this statement. The significance of the affirmation could be wider than we realized."

Here in our country we are also governed by a constitutional and republican form of government. We are all concerned with the Constitution, the fundamental law of the land. We are all concerned with the effects and the impact of our government and our laws on our daily lives. We know that the Constitution, the government and the laws are part and parcel of our lives. What then should be the ideal of our government under law? How can we solve or attempt to solve the many problems that beset the application of this ideal?

² Dean of the Harvard Law School, A.B., M.A., LL.B., S.J.D. member, Ohio Bar. Author and publisher of books and articles in the field of taxation and conflict of laws. His most recent book is — THE FIFTH AMENDMENT TODAY.

³ President of Harvard University. He took his Master's degree in Harvard in 1932 and his Ph.D. in 1937. He has been a member of the faculties in Harvard, Lawrence, Scripps, and Wesleyan. He became President of Lawrence College in 1944, and Harvard University in 1953.

⁴ Member, Washington D.C. Bar, A.B., LL.B. He has served in the Legislature of New York State, Constitution. He has held many legal offices in the federal government and has served as member of Board of Overseas of Harvard University and as President of the Harvard Alumni Association.

This book contains an appraisal of the ancient ideals of government and a reaffirmation of John Marshal's doctrines of constitutionalism and of its fundamental moral principle — that the government should strive to be just and should establish sound institution to correct its own injustices. From this book, therefore, we could drink in some thoughts from the enormous fountain of knowledge of distinguished men who gathered on that history-making 22nd day of September, 1955.