# **Book Report**

Title: The Signature in Law From the Thirteenth Century to the Facsimile

Author: Stephen Mason

Date and place of publication: 2022, London

Publisher: Institute of Advanced Legal Studies for the SAS Humanities Digital Library, School of Advanced Study, University of London

ISBN (paperback edition) 978-1-911507-33-8

ISBN (epub version) 978-1-911507-31-4

ISBN (Open Access PDF version) 978-1-911507-32-1 https://www.sas.ac.uk/publications/signature-law

This monograph was previously the first chapter of *Electronic Signatures in Law* by Stephen Mason (LexisNexis Butterworths, 2003), followed by a second edition (Tottel, 2007), a third edition (Cambridge University Press, 2012) and the fourth edition published by the Institute of Advanced Legal Studies for the SAS Humanities Digital Library, School of Advanced Study, University of London in 2016.

The Institute of Advanced Legal Studies agreed the publication of an updated version of the first chapter as a monograph. The text is not comprehensive, although the case law has been thoroughly in researched. It covers the following common law jurisdictions in detail: Australia, Canada, England and Wales, Hong Kong, Ireland, New Zealand, Scotland, Singapore, South Africa, and United States of America.

The purpose of discussing the case law before the widespread use of signatures in electronic form is to highlight the fact that judges have had to interpret the meaning of a signature in the light of the practical problems raised by litigants. For instance, judges have had to determine whether the use of initials constitutes a manuscript signature, or they have had to determine whether printing a name on an invoice is a signature. The past will help people understand that electronic signatures are merely another form of technology that requires interpretation in the legal context.

#### **Contents**

Preface

Acknowledgments

Table of cases

Table of statutes

#### Chapter 1 An introduction to the signature

Dictionary definitions

The manuscript signature

### Statutory definition of signature

### Chapter 2 The functions of a signature

The primary evidential function

Secondary evidential functions

Cautionary function

Protective function

Channelling function

Record keeping function

# Chapter 3 Disputing a manuscript signature

Defences

Evidence of the manuscript signature

The identity of the person affixing the manuscript signature

Intention to authenticate and adopt the document

### **Chapter 4 Methods of authentication before manuscript signatures**

Objects as a means of authentication

The seal

Witnesses and scribes

The sign of the cross

The chirograph

### **Chapter 5 Manuscript signatures**

Impression of a mark

Illegible writing

Assisted signature or mark

A name without a signature

Mistake as to the name

Variations of a name

The use of initials

The use of a surname

The use of a trade name

A partial signature

Words other than a name

An identifying phrase

Abbreviation of a name

# **Chapter 6 Marks Used as signatures**

A seal imprint

The use of a fingerprint

The use of a printed name

The use of a lithographed name

The use of a rubber stamp

A stencil-pen

## **Chapter 7 Mechanical Signatures**

Signature machines

Mechanical marks by human action

### **Chapter 8 The writing material**

#### Chapter 9 An incorrect signature and absence of a signature

Index

### Notification of a book

Title: Electronic Evidence in Malaysia: Admissibility and Discovery

Author: Dr Gita Radhakrishna

Date and place of publication: 2022, Malaysia

Publisher: Thomson Reuters Sweet and Maxwell

ISBN Hardback: 978 967 2723 37 0

ISBN eBook: 978 967 2723 38 7

#### **Contents**

Chapter 1 The Internet and Electronic Evidence

Chapter 2 Introduction to Electronic Evidence

Chapter 3 Authenticating Text Messages, Emails and Evidence From Websites

Chapter 4 Authenticating Audio and Image Evidence

Chapter 5 Digital Signatures

Chapter 6 Authenticating Evidence from the Cloud, IoT and Algorithms

Chapter 7 Admissibility Provisions Under Section 90A of the Evidence Act 1950

Chapter 8 ESI and the Hearsay Rule

Chapter 9 Section 114A: Presumptions

Chapter 10 What is E-Discovery

Chapter 11 Legal Professional Privilege

Chapter 12 Discovery in Civil Proceedings

Chapter 13 Other Issues in E-Discovery

Chapter 14 The Way Forward

Dr Gita Radhakrishna is a member of the Digital Evidence and Electronic Signature editorial board.