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Book Review

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Book Reviews

Reviewed by David S. Lake*

ENCYCLOPEDIA OF NEGLIGENCE. Central Book Company, Inc.; Brooklyn, N. Y.; 2 Vol., 1808 pp. (1962).

It had always seemed to me that reviewing an encyclopedia would be almost as dull as reviewing a dictionary. This may well be true of an ordinary encyclopedia, but the *Encyclopedia of Negligence* is far from ordinary.

The title page shows no author, so I assume that the volumes were written and compiled by the Central Book Company editorial staff. This normally makes me wary, because I have the feeling that many staff-written books are diffuse and impractical. But two lines on the title page allay that suspicion here, and suggest part of the real value of this work: "Keyed to Oleck's *Negligence Forms of Pleading* and Oleck's *Damages to Persons and Property*." The keying of this encyclopedia to these two authoritative texts, besides enhancing its stature, adds immeasurably to its usefulness.

The two volumes are divided into forty-seven chapters: *Abandonment to Fraud and Deceit*, in twenty-four chapters, volume I; and *Gangplanks to X-Rays*, in twenty-three chapters, volume II. There is apparently no pattern to the chapter breakdown except to divide the 567 alphabetical sections. Groups of sections on a common subject are combined into unnumbered subchapters, which follow alphabetical sequence.

A sample from the table of contents should clarify this point:

| | | |
|--------------------------------------|--------------------------------------|------|
| TRESPASS TO PROPERTY, AND CONVERSION | | |
| 513. | Types of Trespass | 1651 |
| 514. | Trespass to Land | 1652 |
| 515. | Trespass to Chattels | 1655 |
| 516. | Conversion | 1656 |
| 517. | Conflict of Theories of Action | 1659 |
| TRESPASSERS | | |
| 518. | Trespassers Defined | 1663 |
| 519. | Duty Owed to Trespassers | 1664 |

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| | | |
|------|---|------|
| 520. | Children as Trespassers | 1666 |
| 521. | Action Towards Known Trespassers | 1668 |
| 522. | Action for Trespass to Land | 1670 |
| 523. | Illustrations of Trespasser Cases | 1671 |

As will be noted from the page numbers, each section is relatively short. This in no way decreases the usefulness of the work, as there are ample footnotes and annotations. Chapter 43 alone, in 88 pages of text, has 463 footnotes, with most of them citing recent leading cases in all jurisdictions. The footnotes, by themselves, tabulated under an alphabetical subject index, provide invaluable reference material.

By far the outstanding feature of these volumes is found in the *Forms*. As most negligence actions revolve around the testimony of witnesses, proper examination of these witnesses is crucial to the handling of a successful case. This is where the *Encyclopedia of Negligence* has special value for the practicing lawyer.

Interspersed throughout the chapters are 213 *Forms*, which represent witness examinations (both direct and cross) from trial records of actual cases. Each *Form* is placed so as to illustrate an effective line of questioning for a given subject. Following each dialogue is a brief comment summarizing the points to bring out in such an examination. The extracts from records of trials include many from noted cases and by famous trial attorneys. Many sections go into great detail, using material from cases, texts, and law reviews.

Probably the most difficult part of handling a case is getting a start. In the field of negligence, these two volumes, along with the keyed-in two texts on pleading and on damages, help greatly in eliminating that difficulty. In the one encyclopedia are combined concise statements of the applicable rules of law, a multitude of footnotes, precise references to either or both of the negligence pleading and damages texts by Oleck, direction as to what line the examination of witnesses should take, and comments on this line of questioning.

All in all, these volumes form a handy and authoritative working tool, and are a worthy addition to the library of any attorney who practices or intends to practice tort law.

*Reviewed by Gordon W. Larson**

NARCOTICS AND THE LAW: A Critique of the American Experiment in Narcotic Drug Control, by William Butler Eldridge. Publisher: American Bar Foundation, 196 pp. (1962).

William Eldridge guided the American Bar Foundation's research project into American control of narcotic drug production and use. In his book, *Narcotics and the Law*, he reviews the administration of narcotics regulation in the United States. His research into this problem is a professional appreciation of the difficulties in administering justice in this controversial area of criminal law. Certainly, lumping together as criminal both exploiter and victim (the peddler and the addict) has created a unique problem for the courts. The Foundation's project was an explorative study demonstrating most effectively that available evidence about addiction and narcotics traffic lends very little knowledge about the extent of narcotics use and what might be the most effective control of it. Even before the Foundation project the Joint American Bar Association—American Medical Association Committee on Narcotic Drugs had in a two-year study shown nationwide uncertainty about and contradiction in application of the narcotic laws despite the existence of the Uniform Narcotic Drug Act in forty-nine jurisdictions. Mr. Eldridge tries to indicate what a statistical study based on an adequate nationwide reporting system might reveal. Hoping to prove that the whole approach to addiction as a matter of criminality is ineffective, if not utterly wrong, he marshals together a comparison of all the statistical information he could locate in seven states (New York, Illinois, Michigan, California, Ohio, New Jersey and Missouri) comparing them with the reports of the Federal Bureau of Narcotics, and the laws and regulations of the fifty states, the Uniform Narcotic Drug Act and the literature.

Inadequate and undefinitive information reporting undermines the validity of the documentation available from the states and from the Federal Bureau of Narcotics. The Bureau keeps a national census of the addict population, but investigation shows annually reported variances in the census that are contradictory. The Bureau appears committed to a policy

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