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## Book Reviews

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The court ruled adversely to petitioner in both of his contentions. The court cited the case of *Ponzi v. Fessenden*<sup>2</sup> the fact that a defendant in an indictment is in prison serving a sentence for another crime gives him no immunity from the second prosecution. "The penitentiary is not a place of sanctuary, and an incarcerated convict ought not to enjoy an immunity from trial merely because he is undergoing punishment on some earlier judgment of guilt."

The court further held that a writ of habeas corpus is not a writ for correction of errors, and cannot be used for that purpose. The writ of habeas corpus is not the proper action in a case where petitioner complains of his inability to perfect appeal but the facts alleged do not show that he was ever prevented from perfecting his appeal within time provided by statute. Habeas corpus is not recognized as a remedy to review a judgment, and it cannot take the place of a writ of error. The court indicated that the writ of error coram nobis is the proper writ in such a case. The writ of error coram nobis is to bring into the record, before the court that rendered the judgment, facts which were unknown to defendant at the time of trial through no lack of reasonable diligence on his part, which, if known at the time of trial, would have resulted in a different judgment.

To sum up, the decision of the court was to the effect that the guilt or innocence of one accused of crime, or convicted of a crime, is not justiciable in habeas corpus. Habeas corpus is not recognized as a remedy to review a judgment. It cannot take the place of a writ of error.

*Robert A. Oberfell.*

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## BOOK REVIEWS

QUESTIONED DOCUMENT PROBLEMS . . . by Albert S. Osborn, and Albert D. Osborn, Boyd Printing Co., Albany, N. Y., 1944.—During recent years the scientific examination of documents has become a new profession. Included as a part of this new profession is the proof of facts obtained by this scientific examination in court. This matter is no longer mere guess work, but a problem of scientific investigation.

This book has filled a great need for not only does it assist in finding and proving the fact in document inquiries but it also furnishes many suggestions to the trial lawyer on what he should do when a problem of this type is brought to him. Because of a great amount of illiteracy and ancient prejudices, many fraudulent claims have been paid. However, with the elimination of these uncivilized views the case

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<sup>2</sup> 258 U. S. 254, 42 S. Ct. 309, 66 L. Ed. 607, 22 A. L. R. 879.

in which a document is challenged is becoming more and more frequent and it is not doubted that the assistance of capable attorneys and expert witnesses for these cases will be greatly in demand.

The authors in this book take an attorney step by step and show him how to handle a questioned document case, before it is time to go into court. The authors advise the attorney what not to do as well as giving him positive advice on what to do. In many cases the document that is thought not to be genuine should be sent to a competent specialist. However, many things that would help in deciding this question may be determined in the lawyer's office. The lawyer may study the probabilities involved; question both claimants and witnesses to the document; inquire as to the specialists available; have the document photographed; consult with other attorneys and look up the law on the case. One of the important things for the lawyer to do is determine the history of the document.

After advising the attorney how to proceed before court, the authors then help the attorney in court. The witnesses are also given help at this point since they are told what to expect and how to aid the clients in proving their case. Suggestions are given for the examination of special witnesses, not only in the field of questioned documents but in all other fields where they may be used. While it is not to be expected that these suggestions will automatically convert the reader into a capable trial lawyer, it certainly will aid him in avoiding many mistakes and will give him advice that otherwise could not be had except at the conclusion of many years of personal experience.

The law of many states from the earliest times to the present day is set forth on many of the problems of the introduction of evidence in this type case. The rules that have to be observed are particularly technical and many of the suggestions given will prevent a lawyer from losing a case merely on the ground of technicalities rather than justice.

Throughout the book there are numerous chapters and discussions that are included to aid primarily the questioned document examiner. These topics range from a suggested course of study for those engaged in this New Profession to the methods of examining questioned signatures or typing. However, these chapters make excellent reading for the attorney, since they give him a glimpse at some of the technical proceedings of this type of work and enable him to better understand and thereby examine an expert witness in this field.

In conclusion, I would like to recommend this book not only as a part of the education of a successful trial counsel, but also as a reference book that should be consulted whenever there is to be an expert witness called to trial; particularly when that witness is a member of

one of our newest professions—a questioned document specialist. Although this book is not meant to be a substitute for experience, it does contain many things that the authors have learned only through practice and as is said in the conclusion of the book.—“Even the wise man learns from experience; perhaps that is why he is wise.”

*Eugene Wohlhorn.*

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RISKS WE FACE . . . by L. J. Ackerman and R. W. Bugli, Prentice-Hall, Inc., New York, N. Y., 1944.—The question of property insurance is one that has been bobbing up in the American legal scene more and more in the last few decades. Many people take it for granted as though it was a regular part of their life. Few people really understand the fundamentals behind it. Every home-owner, as well as every business man, is highly interested in this problem. To most of them, however, the property insurance scheme as it exists in our country today is covered by a mystic veil, the same being the highly technical language of the insurance people. The clearing of the way of such technicalized usages on the part of the insurance companies would perhaps be the greatest boon to be granted the ordinary man.

In editing this book, the authors saw this need for a work which would deal with the fundamentals of the insurance business in a simple, nontechnical, and frank use of terms. The work, too, must be composite and terse, so that it can be easily referred to in an instant. Because of the fact that property insurance usually brings to mind fire insurance, that problem had to be cleared up by setting out a list of the various types of property insurance available.

The book, too, has a definite purpose. It is to give the ordinary reader a good general background and foundation in property insurance. In answering the need of the ordinary man by giving him a basic work on property insurance from which could be derived a general and working knowledge of the same, the authors came through admirably. Step by step, they have outlined the property insurance business from its origin to its standing in America today.

In chapter one, the authors bring the readers in touch with many perils to which property is constantly exposed. The major types of peril are outlined and the steps used by the insurance companies in handling the problem of peril are brought forth.

In chapters two, three and four the reader is introduced to a brief history of insurance protection and a discussion of the evolution of the

property insurance business. The discussion is carried to the point of determining how these insurance companies are organized today and the types of companies now in existence.

Thirdly, we find discussed the insurance contract itself and the role of the local insurance representative. Under this heading we find the history of an insurance policy from its sale by the local representative to the insured, down to the registry of the policy with the company.

Fourthly, we have to consider the scope of insurance protection with regard to the operation of an insurance company. Herein we find pointed out such factors as the importance of selecting proper coverages, the functions of the various employees of an insurance company, such as the examiners and fieldmen, the important question of reinsurance, the problem of settling losses, and probably most important the question of insurance rates.

Chapter nine is a highly important chapter entitled, "Fire Prevention — A Never-Ending Campaign." Statistics are freely quoted in this chapter but not to a boring extent. Outlines of the activities of various fire prevention organizations are discussed. The work of the National Board of Fire Underwriters and that of Underwriters' Laboratories is outlined and discussed with a great deal of emphasis. In short, the ever present hazard of fire is handled as regards any activities taken to help lower the present fire rates.

In chapter ten, we find a discussion on the service rendered to the nation by property insurance. The authors tend to glorify the insurance companies, somewhat, taking the view that the insurance company lends an air of security to the nation as a whole and furthermore crediting insurance companies with the fostering of many industries which would otherwise be failures *ab initio* because of lack of capitalization were it not for the tremendous amounts that the insurance companies turn into such businesses.

The authors close their book very uniquely by pointing out the many opportunities for careers in property insurance. They point out that the insurance field is one where many skills may be applied. The educational and training facilities offered by the insurance companies are enumerated and treated at some length. A special emphasis is placed on the opportunities for women in the business. In all it presents a very colorful picture to anyone interested in changing his present employment or one intending to enter the insurance business.

The book, undoubtedly, will give the average reader a better understanding of our present property insurance scheme. The reaction left upon completing it was that now the principles of property insurance were clearly in mind. So carefully had the editors planned and set forth their material that now all hazy notions regarding the insurance business were gone and a clear, distinct view of the system was outstandingly impressed. The book succeeds in its purpose to the

utmost, that is to acquaint the layman with the complex structure of the insurance world. For an attorney specializing in insurance work the book is a great help, as it affords to him a medium of selling advantages of insurance to his clients who do not comprehend the problem. By referring them to this book they may see in black and white, and in language they can readily and easily understand, the solution to all their misgivings on property insurance.

*Norbert Wleklinski.*

