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Book Review

Marcella Matejka

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Many a plaintiff's lawyer will read this book, to enjoy it and learn from it. For defense counsel it is clearly bound to be a standard item—not a desk manual, but a wise and learned friend's sound summary of advice. It is a valuable addition to the library of every lawyer.

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*Reviewed by Marcella Matejka**

HARLAN FISKE STONE: PILLAR OF THE LAW. By Alpheus Thomas Mason. The Viking Press, New York, N. Y. 914 pages. 1956.

Comment: A scholarly biography of high readability, of special interest to members of the legal profession. The author, a professor of Jurisprudence at Princeton, brings to this work the advantages of his previous studies of the Supreme Court of the United States, especially as reflected in his three works on Justice Brandeis. For authentic information on his present subject, he had access to all of Chief Justice Stone's public and private papers, just as the Justice left them. Mr. Mason sought out Stone's companions in college, his associates at the New York bar, and close friends and students at Columbia Law School where Stone was dean for thirteen years. Add to this contacts with Stone's co-workers at the Department of Justice while he was Attorney General of the United States, and with his law clerks and brethren of the bench during his membership in the Supreme Court, and you have a fair idea of what lengths the author has gone to to gather authentic data.

By covering Stone's early life briefly and devoting the greater part of this work to his mature life, with complete emphasis on his profession, the author has really written a history of the Supreme Court as interpreted through the career of Harlan Stone. The inclusion of so many Supreme Court cases and the interpretation of legal problems takes this book completely out of the realm of most laymen.

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Harlan Fiske Stone (1872-1946) held a unique place in our Supreme Court history. Never a crusader, nor great legal philosopher, he was a tough-minded, independent jurist of good judgment and remarkable tenacity of purpose. Serving on the Court during a period of great economic and social change he contributed to the masterful adaptation of our constitutional system to the requirements of a modern industrial society. Stone, like all the other men of insight and courage who served on the Supreme Bench at this time, tried to attain a practical balance between authority and freedom.

Not only is Harlan Stone a jurist, but a man of distinctive personality as well. As if following a pattern of predestination, Stone's career moved from one logical step to another, each step being training for the next. Courage and stamina came to him from his rugged New England background. Being expelled from college for shaking an instructor by mistake, until his teeth rattled, proved a step in the right direction because he was forced to change schools. Once Stone's feet were set upon the road to law, his career moved upward with almost uncanny regularity from practicing lawyer, part-time dean of a great law school, head of one of the distinguished law firms of the country, Attorney General of the United States, Associate Justice of the Supreme Court, to the top as Chief Justice. And more remarkable is the fact that his last appointment came from a President of the opposite political faith.

More than merely presenting a personality the book records the tremendously interesting Depression Days, when the Court struggled to save the country, the Constitution and the Court. This is done with such a wealth of documentation that it should fascinate any legal mind. The struggle between the Court and the President, and between the personalities in the Court are so realistically re-created that it becomes impossible not to take sides as the struggle unfolds.

As in any book, the presentation of the material is a matter of personal interpretation of the author. In the account of the Court's struggle it seemed difficult at times to see any unity among the members. Yet the fact remains that despite the differences of temperament and outlook on many cases, Stone, Hughes, Brandeis and Cardozo stood together in eight of the twelve New Deal cases. The author's interpretation of Stone is also very sympathetic. But this seems honest admiration, not

overindulgence. Actually such admiration is necessary, plus great diligence, to produce a work of this caliber.

The great length of this book, 914 pages, may deter some readers, but the writing is clear and to the point, and the footnotes do not encumber the text. This is a tailor-made biography for members of the legal profession, well worth the time and effort.

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*Reviewed by Heinz Gasser**

DAMAGES TO PERSONS AND PROPERTY, 1957 Revised Edition, by Prof. Howard L. Oleck of Cleveland-Marshall Law School; 1343 pages, published by Central Book Company, New York, 1957.

This work is designed to help the lawyer and the student to a systematical and practical mastery of a body of law which is highly theoretical and unsystematic. *Damages to Persons and Property* has an intriguing dual purpose: to tell the busy practitioner *how much* compensation his client is entitled to, and also to give the necessary historical, medical and technical background in highly concentrated and well organized form.

The volume is divided into three main parts and two appendices, and the sequence of the material is the same as that used by most lawyers in actual preparation of a case:

Part I, General Analysis and Theory. Here, the effort has been to present the theoretical law of damages. Emphasizing the practical approach, the author has kept discussions of ancient and overruled theories to a minimum and thus has stressed the modern aspects of the law.

Part II, Pleading and Practice. The forms presented in this part are basic only. The author's companion work, *Negligence Forms of Pleading*, (1957 Rev. Ed., Central Book Company, New York) offers complete and detailed pleadings.

Part III, Specific Injuries and Subjects. This section contains a world of useful information. The method employed here is a simplified version of the digests published by the national reporter systems. The material is completely indexed by word

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