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Police Science Book Reviews

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POLICE SCIENCE BOOK REVIEWS

Edited by

Richard L. Holcomb*

DISPUTED PATERNITY PROCEEDINGS, Third Edition. By *Sidney B. Schatkin*. Matthew Bender & Co., Publisher, 443 Fourth Ave., New York, N. Y. 1953. Pp. 823. \$15.

"Is that kid yours?" This ribald saying is anything but a jest to the defendant in a paternity case. However, the determination of this point is the crucial and extremely difficult task of the court.

Any judge who tries paternity cases and who has not carefully studied *Disputed Paternity Proceedings* is not properly performing his sworn duty to uphold the rights of the defendant. Paternity cases *per se* are bastards—neither wholly criminal or civil in nature, but containing characteristics of both. Therefore, the usual proof, rules of evidence, procedures, etc. are not applicable.

Many uninformed judges consider a paternity proceeding to be one held just to determine, "How much should the defendant be forced to pay for the support of his child?" The proven fact that a surprising percentage of the defendants can not possibly be the father, approximately 30 per cent in New York City, enters into the picture in too few cases.

This contention is dramatically reflected in that only ten states have enacted statutes regarding the introduction into evidence of blood tests. If a person has any question regarding the value of such tests, he need only read *Disputed Paternity Proceedings* to have them answered. Almost 200 pages of this volume are devoted to an understandable discussion of all phases of blood tests, including fundamentals, legal aspects, limitations, and accuracy of such tests.

However, judges should not be singled out

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as the only ones who should scrutinize this volume. Every attorney, prosecutor, and social worker who handles paternity cases should also be fully aware of the true meaning and necessity for blood tests.

Nor should their study be limited to blood tests, since this volume covers the entire field of paternity proceedings. The first section of this book adequately covers the history, law, and nature of paternity cases. Then discussed thoroughly are the applicable rules, including the Lord Mansfield Rule. Blood tests and their use as a rebuttal of the presumption of legitimacy are fully analyzed.

Compromise and settlement by the defendant—the possible results attending such action—are discussed so completely that no lawyer should ever advise a client on it without first knowing the serious consequences and inherent danger of such action.

An ever-increasing problem is dealt with next—a paternity proceeding on behalf of a foreign-born child against an American citizen residing in the United States. If one is to believe written accounts appearing in various newspapers, more and more American servicemen can expect the threat of such an action.

The various determining factors affecting the order of filiation are explained, including what the defendant can be required to pay for. Registrars of Vital Statistics, as well as many attorneys, will be interested in the discussion of the illegitimate child's birth certificate.

No conscientious attorney or prosecutor should be a part of any paternity case unless he has fully understood the ramifications of Part II, Defending the Proceeding. Exhibits, effect of the defendant's admission or denial of sexual relations, testimony of access by others, important documents and records that should be subpoenaed, bill of particulars, mo-

tions, and rebuttal are just some of the very important phases covered in this section.

By following the advice of this book, the defense attorney is more likely to cast so much doubt on the testimony of the mother that his client cannot rightfully be considered the child's father. Equally important to the defendant is that his attorney should correctly handle the case so that a favorable decision is not later subject to argument.

On the other hand, this book indicates to the prosecutor what points must be proven in order to obtain not only a settlement in favor of the mother, but one that will be satisfactory. It also points out what testimony on behalf of the mother is admissible and how it should be introduced to be most effective.

Also explained fully is the duration of pregnancy and its bearing on the elusive question, "Is the defendant the father of the child?" The last chapter then discusses the cross-examination of the mother, including questions designed to reflect on her character.

Attorneys handling annulment and divorce cases, in which a dispute of paternity is involved, will be able to utilize this book, just as if the two parties were unmarried. It will provide specific advice for these cases, particularly concerning the value of blood tests.

The third and last part of this volume is comprised of the appendices. Included are the uniform (model) illegitimacy act, an alphabetically-by-state summary of the various affiliation statutes in force in this country, and the specific New York State laws.

The various forms which can be utilized in paternity proceedings are then illustrated, with particular emphasis on the forms used in New York. Ninety-eight pages are devoted to just these forms, which is an illustration of the completeness and thoroughness of *Disputed Paternity Proceedings*.

This edition, the third, has been expanded twenty-five per cent over the second edition. Part I, Part II, and the Appendices have all been enlarged and brought up-to-date. This is particularly significant in regard to blood tests since new developments have occurred in

serology. Thus, 78 pages have been added to the 115 present in the second edition.

Sidney B. Schatkin is Assistant Corporation Counsel of New York City and for twenty-three years has been in charge of the city's paternity proceedings. Being in the busiest paternity court in the world—he has tried over 8,000 such cases—he has had the opportunity of observing, studying, and reporting accurately upon all phases of this problem.

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THE DISPOSAL OF THE DEAD. By C. J. Polson, M.D. (Birm.) F.R.C.P. (Lond.), Barrister-at-Law, Professor of Forensic Medicine, University of Leeds, R.P. Brittain, M.A., B.Sc., M.B., Ch.B., B.L., LL.B. (Glasgow), Senior Lecturer in Forensic Medicine, University of Leeds; and T. K. Marshall, M.B., Ch.B. (Leeds), Lecturer in Forensic Medicine, University of Leeds. Philosophical Library, Inc., New York. 1953. Pp. 300. \$7.50.

After a short historical introduction, the authors address themselves to the subject shown in the title. Their exposition is divided into parts dealing with mediate disposal, cremation, burial, exhumation, embalming, and funeral direction. Each part is introduced by a short historical sketch. The British law relating to the subject is stated, or quoted, and often illustrated by reference to cases tried in English courts. The section on cremation includes a rather complete tabulation of the law and practice of cremation in countries other than Great Britain. A good index of subjects completes the work.

This book is probably a standard reference for those who deal with the medical, legal, or administrative aspects of death in England. Because it is so specific in details of British custom and procedure, it will have limited application in this country. The basic problems, of course, are the same in any country. In general, the English have solved many of them in a rather satisfactory manner. American communities, with a very few exceptions, have

done little in this very important field. Most informed writers agree that in most of the United States the investigation and reporting of "natural" deaths is so lax that more than a few actual murders are never suspected of being such. Anyone interested in legislation to regulate the investigation and reporting of deaths can find the report of much experience and thought in this book.

One cannot help feeling that the authors rather favor cremation as a method of disposing of the dead. They present a short summary of methods, facilities, and legislation concerning cremation in most of the countries of the world. The part dealing with embalming provides a good survey of methods, objectives, and practice of modern embalming as well as an extremely interesting summary of the practice in ancient Egypt.

The comments concerning funeral direction and burial customs in the United States are especially interesting. In this connection the book, *The Loved One*, by Evelyn Waugh provides an amusing sidelight on the English view of American customs. The authors make reference to this work.

Funeral directors and persons interested in legislation regulating the disposal of dead bodies should find this book interesting and useful. For American lawyers, police officers, and physicians it provides a useful and accurate

orientation into a little discussed and poorly understood subject.

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ARCHITECTURAL PHOTOGRAPHY OF HOUSES.

By *Robert C. Cleveland*. F. W. Dodge Corporation, New York, 1953. Pp. 170.

The author is concerned with telling the story of how homes are photographed so as to "capture the intended feeling, function, character, and atmosphere." This seems a far cry from the requirements of photographs in the field of police science, but there are many aspects of this book which recommend it to the police photographer.

The many photographs, especially those of the same room taken under different camera and light conditions, can certainly be of value to the crime scene photographer. Those who have had limited experience in photographing rooms for any purpose will find the discussion of lighting (chapter 5), camera manipulation (page 42), and the Orientation of Rooms (chapter 4) have direct application regardless of why the photograph is being made.

The major emphasis in this book is on artistic, pleasing photographs, but there is also information of use to the police scientist.

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