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Pledges—Possession—Transfer of Field Warehouse Receipts

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The courts, however, have vacillated on this point, the stringency of their
decisions varying with the circumstances. Sackheim v. State (1922) 92
469, 201 Pac. 465. In several jurisdictions, it is held that the essence of the
violation is the failure to supply necessaries actually needed at the time.
State (1903) 118 Ga. 196, 44 S. E. 977. Consequently the parent cannot be
convicted where the wants of the child are furnished by others. State v.
Winterbauer (1927) 318 Mo. 693, 300 S. W. 1071.

In the field of civil liability only one case involving the right of a parent
to sue a child for support has been decided. In Duffy v. Yordi (1906) 140
Cal. 140, 84 Pac. 838, it was held that an action could not be maintained by
an aged mother against one child for support under a statute imposing that
duty where she was being cared for by another child. The vital factor in
civil liability is the condition of actual want. The case of Cook v. Bradley
(1825) 7 Conn. 57, 18 Am. Dec. 79, and Freeman v. Dodge (1904) 98 Me.
531, 57 Atl. 884 enforce this contention by emphatically refusing to treat
the moral obligation of the child as a sufficient consideration for a promise
to support the parent.

To convict, then, under a statute which imposes criminal liability on an
adult or child for failure to support an aged and infirm parent, it would
seem a natural corollary to the civil liability of such a child that there must
exist in the parent an actual want and positive destitution. S. M. R., '33.
fer of possession and is adequate to constitute a pledge. *Atherton v. Bea-
man* (1920) 264 F. 878; *Frieburg v. Dreyfus* (1889) 135 U. S. 478; *Frank-
lin Nat. Bank v. Whitehead* (1897) 149 Ind. 590, 49 N. E. 592. But such
symbolic possession is of course dependent for its efficacy upon complete and
actual, as distinguished from merely formal and colorable, relinquishment
of control of the pledgor. In *Bush v. Export Storage Co.* (1904) 136 F.
918, property pledge was enclosed separate from other similar property
and marked off by placards and other indicia to show possession by the
warehouse company. In *Phila. Warehouse Co. v. Winchester* (1907) 156
F. 600, signs were put up in conspicuous places on the leased premises in
such a way as to attract the attention of persons of ordinary intelligence.
So also in *Union Trust Co. v. Wilson* (1904) 198 U. S. 530, leather was
placed in a basement room and the door thereto padlocked. The ware-
houseman had the only key and had placed placards both on the storage
room and on the outside of the building. In such situations the change of
possession was considered adequate.

However there are other cases in which the exclusive power of the so-
called bailee faded away to nothing. In *Security Warehouse Co. v. Hand*
(1906) 206 U. S. 415, the court emphasized the fact that no signs were
displayed that were visible to all who came to the mill and that the posses-
sion was not absolute. For similar reasons other courts have refused to
(1909) 171 F. 540; *In re Rodgers* (1903) 125 F. 169; *In re Spanish-Ameri-
can Cork Co.* (1923) 2 F. (2d) 203; *Bank v. Jagode* (1898) 186 Pa. St. 556;
*Drury v. Moors* (1898) 171 Mass. 252.

Thus, the courts have sanctioned “field warehousing” with limitations
based upon complete possession in the warehouseman and clear notice to
all comers. Thus the creation of a “false front” for purposes of obtaining
undeserved credit from third persons is prevented. Upon such considera-
tions, the principal case is wholly consistent with the trend of the decisions.
But the courts by this limited recognition of field warehousing have created
an anomalous type of warehouse receipt. The holder thereof must de-
termine at his peril whether there is adequate control by the warehouseman.

A. P., '33.

**WITNESSES—CREDIBILITY—DRUG ADDICTION AS GROUNDS OF ATTACK.**—In
*Maryland Casualty Co. v. Kelly* (C. C. A. 4, 1930) 788, it was held that the
testimony of a physician as to the effect of excessive use of morphine by a
witness was inadmissible for the purpose of attacking his credibility.

It is generally held a witness cannot be discredited by evidence tending
to show that he is a user of drugs or to show the effects of excessive use of morphine by a
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