372; *State v. Herring* (1925) 200 Iowa 1105, 205 N. W. 861; *State v. Bess* (1913) 44 Utah 39, 137 Pac. 829.

The courts, however, have vacillated on this point, the stringency of their decisions varying with the circumstances. *Sackheim v. State* (1922) 92 Tex. Crim. Rep. 437, 244 S. W. 377; *People v. Clarke* (1921) 51 Cal. App. 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. *People v. Lewis* (1909) 132 App. Div. 256, 116 N. Y. S. 893; *Dalton v. 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* (1828) 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.

PLEDGES—POSSESSION—TRANSFER OF FIELD WAREHOUSE RECEIPTS.—The McGaffney Canning Company as attachment creditors levied upon all the goods of the Ventura County Canning Company. Defendant interposed a third-party lienholder's claim, and upon the plaintiff's refusal to post bond as required by statute the goods were released to the defendant, which sold them. The Ventura Company had leased part of its premises to the Lawrence Warehouse Company for a nominal sum. It then proceeded to "store" the goods by moving them into the leased portion of the building. The warehouse company appointed as custodian of the goods an employee of the Ventura Company, but the latter continued to pay the man's salary. Warehouse receipts were issued which were transferred to the defendant bank and upon which it relies for the validity of its claim as pledgee. *Held*, warehousing by a pledgor without open, visible, unequivocal change in possession manifested by substantial outward signs that control of the property has wholly ceased, is ineffectual. Hence defendant is liable as a converter. *McGaffney Canning Co. v. Bank of America* (Cal. App. 1930) 294 Pac. 45.

Change of possession actually existent and truly carried out is required to validate a pledge. *Radke v. Liberty Ins. Co.* (1923) 271 Idaho 436, 216 Pac. 1040; Clark v. Corser (1923) 154 Minn. 508, 191 N. W. 917. However, actual delivery of warehouse receipts is considered constructive trans-

fer of possession and is adequate to constitute a pledge. *Atherton v. Beaman* (1920) 264 F. 878; *Frieburg v. Dreyfus* (1889) 135 U. S. 478; *Franklin 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 warehouseman 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 possession was not absolute. For similar reasons other courts have refused to countenance warehouse transactions. *American Can Co. v. Erie Pres. Co.* (1909) 171 F. 540; *In re Rodgers* (1903) 125 F. 169; *In re Spanish-American 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 considerations, 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 determine 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 their use, unless it is proven that the witness was under their influence at the time of the trial or that his mind, memory, or observation were affected by the habit. *State v. Gleim* (1895) 17 Mont. 17, 4 Pac. 998; *Panes v. State* (1901) 43 Tex. Crim. 201, 63 S. W. 104; *Eldridge v. State* (1891) 127 Fla. 162, 9 So. 448; *State v. King* (1903) 88 Minn. 175, 92 N. W. 965; *State v. Smith* (1918) 103 Wash. 267, 117 Pac. 9; *Gordon v. Gilmore* (1913) 141 Ga. 347,