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A Treatise on the Law of Personal Property

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Yale Law School

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anyone interested in the authentic atmosphere of the past should browse through the testimony of the various cases, for he will be richly rewarded.

FREDERIC ROCKWELL SANBORN †

New York City

A TREATISE ON THE LAW OF PERSONAL PROPERTY. By Ray Andrews Brown. Chicago: Callaghan and Company, 1936. Pp. lxxx, 722. \$5.00.

DESIGNED primarily as a handbook for students, this volume sweeps the field—if a rag-bag collection of loose ends can be called a field—of the traditional law school course in Personal Property. Its main divisions and titles are those of the standard casebooks. There is an opening chapter (the least imaginative and least adequate of the book) on the nature of law, general definitions, and property classifications. This is followed by eight chapters on the acquisition and transfer of rights in personal property: original acquisition, finding, adverse possession, judgment and satisfaction of judgment, accession and confusion, gift (of chattels and of choses in action), sale (largely of the rights of the bona fide purchaser). Next come six chapters on questions arising “when one person has a limited interest in the personal property of another:” bailments (nature and distinctions, rights and duties, special types—including common carriers and innkeepers), liens (parties possessed and enforcement, transfer, and loss), and pledges. Two concluding chapters—“chiefly the product of work of Professor Jacob H. Beuscher”—are on topics “athwart the fields of personal and real property:” fixtures and emblements.

In his Preface Professor Brown promises not merely “the bare rules of the law,” but a “critical” work—a consideration of “fundamental principles and policies.” Yet his book will be thought by many to be scarcely critical enough. For student purposes it is too much a summary—excellent though that be—of decisions and opinions; the “criticism” seldom rises to clear-cut, objective description of the judicial play with elastic concepts, flexible doctrines, and contradictory social ideals. Concepts like title, possession, ownership, dominion, still carry, save perhaps in the chapter on fixtures, too much prestige. Frequently, too, when the author is paraphrasing opinions, it is difficult to tell whether he is stating his own faith or merely setting up a dummy; criticism, if any, may follow pages later and is usually confined to a “legalistic” level. Fairness must, however, compel the judgment that Professor Brown’s volume is definitely superior, for both information and criticism, to previous texts. Its readable summaries should save much time for the critical gymnastics of the classroom.

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