

BOOK REVIEWS

Mental Conflicts and Misconduct. By William Healy. Published by Little, Brown & Co., Boston. 1917. pp. xi, 330.

Dr. Healy, now Director of the Baker Foundation Juvenile Court, Boston, offers in this volume a straightforward and practical, rather than theoretical, account of a special type of juvenile delinquency, attributable to conflict in the mental life of the offender. Forty selected cases provide the illustrative material, of which the first case cited is typical: a girl with recurrent impulses to stealing which originate at the sight of, or in connection with imagery concerning, an older girl who had earlier provoked in her abnormal emotional (sexual) excitement. These impulses prove irresistible, though their anti-social character is fully recognized and though no positive pleasure is derived from giving way to them. Repression of the sexual tendencies seems to be purchased at the expense of repeated outbreaks in another direction. In other cases conflict arises in the mental mechanisms through the possession by the offender of unsuspected and unwelcome knowledge, as for example that he is of illegitimate birth.

Dr. Healy is professedly prejudiced against the typically Freudian bias in favor of explaining all conflict through repression of early sex experiences, because of the suspiciously aprioristic character of such analyses. Nevertheless he confesses himself "utterly surprised" and finds it "a constant source of wonderment" that so much delinquency of such varied character proves on examination to have a sexual origin. In other respects, too, notably perhaps in the matter of dream significance, Healy's book contributes support to Freudian contentions.

However, "mental analysis," as Dr. Healy, borrowing the term, describes his procedure, gains support through its very lack of pretension; in this respect contrasting sharply with the more esoteric and fantastic forms of psychoanalysis. One is refreshed to find the incontrovertible facts of case histories arranged so that they may be studied on their own merits—not as proponents for theories which sound scientific procedure would restrain us from formulating. In the meantime Dr. Healy is gathering immensely valuable material and achieving splendid practical results.

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Cases on the Law of Property. Volume I. Personal Property. By Harry A. Bigelow. (American Case Book Series.) Published by the West Publishing Co., St. Paul. 1917. pp. xx, 404.

There is no great departure in this book from the steps developed in Professor Gray's collection of cases; the loose ends of personal property law, which he first threw into a collection of cases, have no very definite beginning or middle, or end; what is not elsewhere dealt with is here included.

Comparison is inevitable, and eight years' teaching from Gray's book and the admiration of Gray consequent thereon are not enough to overcome the opinion that the present collection is in two respects definitely better for classroom purposes: in the interesting fact situations, and in the more complete rounding out of several—if not all—of the subdivisions dealt with by the two authors. An apparently greater examination of cases is shown in the new book by the

frequent citation of cases in notes, but of the value of these nothing is ventured here, as they have been taken on faith. As to choice of cases, this case-book, like various others, offends by inserting several cases dealing with slaves as subject matter of property, and in these cases the problem is in no way affected by the human qualities of the chattel. The obvious embarrassment and pain that result from the unguarded call for recital of such cases in any cosmopolitan law school, is quite reason enough for omitting them from the books.

The choice of cases is of prime importance in the classroom; of no less importance, probably of more, is clean-cut, logical division of the whole subject-matter, and on this point the new work is not as good as the old. The chapter on Acquisition of Ownership suggests no distinction between original and derived ownership; sections on the former are followed by sections on the latter, with no suggestion of departure. The cases on Finding do not deal with questions of lien, but later under Lien, as a subdivision of Bailment, we find interesting cases dealing with claims of lien by a finder. Of course, opinions may differ as to the proper location of such cases, but as between Bailment and Finding, they seem to belong with the latter.

Professor Bigelow, like Professor Gray, seems content to rest his case of distinction between personalty and realty on a few pages quoted from Williams on *Personal Property*. Entering students read these pages, no doubt, with the respect due to learning, but with no ray of understanding. Surely these leaves could well be clipped from page one volume one, and laid aside for an appendix to volume six—if six is the last.

The first three or four cases in Gray embody a very broad principle of personalty that seems either to have escaped or to have been disregarded by Bigelow—that the law regards the ordinary merchantable chattel as of no specific importance, but as of mere money value—and this great distinction between personalty and realty, it is submitted, is to the average beginner concrete and convincing; its importance when he reaches the study of real property is obvious.

The author provides against serious dispute regarding his order of presentation by so arranging his subdivisions, as he says, that if we wish we may begin at page 141, and, perhaps after finishing Gifts, go back to the cases on Possession. If only for simplicity of problem in the cases, the arrangement is obviously inverted.

No one can say, of course, that the inclusion of cases on fixtures in a work on personal property is illogical in the abstract; the same would be true of the inclusion of cases on tenancy for years, including a very great part of our modern law of landlord and tenant, but the need of some familiarity with real property before approaching cases on either of these topics is a controlling reason with most authors.

The cases, omitting those on fixtures, present just about enough interesting work to occupy two class hours a week until the Christmas recess; there is ample room for the book in case schools, not merely for business reasons, but because it covers substantially the same field as that of the older work and with an obviousness of treatment that at once interests and informs many a student who would stumble blindly through the purposely darkened passages of Gray.

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