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Cases and Materials on Creditors’ Rights

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BOOK REVIEWS

To criticize the apportionment of space in a book so brief is perhaps unjust. But the single case of Cumberland Glass Manufacturing Co. v. De Witt (237 U. S. 447) and a lengthy note seem hardly adequate for “mutual debts and credits.” And it is surprising to find an editor who has long been a champion of extra-judicial administration of insolvent estates disposing of assignments for benefit of creditors with a reference back to a case used in another connection and a single footnote. There are, of course, no materials in any part of the book that can be used to build up for students the background in extra-judicial methods of insolvency administration and in equity receiverships that seems almost indispensable to a thorough understanding of bankruptcy problems. The book is clearly designed for schools giving but brief attention to a separate subject of insolvency administration. In such schools it will undoubtedly achieve the same popularity as did its predecessor.

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This second edition of Professor Hanna’s casebook on CREDITORS’ RIGHTS is in structure and content much like the first. Its chief contribution is not in its organization or in the way the cases are put together in particular sections, but in the amount, quality, and timeliness of the materials reprinted. The book is again built about two distinct sets of problems: (a) the remedies of individual creditors, and (b) the administration of debtors’ estates by creditors’ representatives. Yet to the first of these less than one-sixth of the total space of the book is devoted; and the author’s major formal division of his materials merely marks off bankruptcy problems from non-bankruptcy problems. Part I, covering 479 pages, includes chapters on Enforcement of Judgments, Fraudulent Conveyances, General Assignments, Creditors’ Agreements, and Receivership. Part II, covering 768 pages, presents six chapters on Bankruptcy: Introduction (historical summary, annotated reprint of the 1898 statute and its amendments, scope of bankruptcy jurisdiction, effect of national act upon state laws); Bankruptcy Administration; Acts of Bankruptcy; Assets of the Estate; Claims and Distribution; Extensions, Compositions and Reorganizations. There is little that is suggestive or “functional” in this seriatim presentation of remedies and methods of administration. For quick reference it may be convenient; but its adequacy for classroom instruction that purports to stress comparative study of remedies and methods is questionable. Some teachers will still prefer the more imaginative and intricate plans of Billig and Carey in their CASES ON ADMINISTRATION OF INSOLVENT ESTATES and of Sturges in his CASES ON ADMINISTRATION OF DEBTORS’ ESTATES.

In Professor Hanna’s first edition the cases were carefully selected and edited, stimulating annotation was abundant, and citation to collateral material was more than sufficient. This high standard is maintained in the new edition and the materials are extended to include the multitudinous problems created by the recent amendments to the Bankruptcy Act. More than seventy of the cases presented in extenso in the new edition date within the last five years; few, if any, of the recent “landmarks” escape some kind of notice. Considerable portions of the text and annotation have

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been rewritten. An entire new chapter is devoted to extensions, compositions, and reorganizations. From this chapter and from that on receiverships enough can be gleaned to give students a workable introduction to the complexities of corporate reorganization. The book should, in short, receive high praise from the many users of the first edition who advised the editor that his "outline should remain basically unchanged."

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