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# Moore & Countryman: Debtors' and Creditors' Rights-Cases and Materials

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DEBTORS' AND CREDITORS' RIGHTS—CASES AND MATERIALS. By James William Moore and Vern Countryman. Albany: Matthew Bender & Company, Inc., 1951. Pp. vi, 1437. \$10.00.

LIKE the other works produced by Professor Moore alone or with others,<sup>1</sup> this excellent casebook on the field of financial mishap which he has compiled with Professor Countryman is inclusive, lucid, and eminently useful.

Clarity is its dominant virtue. There is little doubt as to why each case has been selected or why it has been placed in its position in the book. This is indeed refreshing after experience with casebooks the arrangement and content of which are such as to suit only the perplexing whims and murky purposes of their authors.

Moore's and Countryman's book proceeds on the theory that the law should be affirmatively taught by illustrative cases and explanatory comment rather than negatively by Sophoclean confusion and mystic questions. There are undoubtedly many opinions included in the book with which the authors firmly disagree, but the cases represent in the main the law as it is, or at least its dominant trends. To be contrasted is the school of pedagogic thought which purposely teaches from minority or erroneous opinions, somewhat in the manner of traveling to Rome in order to know Paris. The result for the student sincerely but uncertainly seeking to navigate in this haze of indirection is sometimes that he learns much of the streets and even the back alleys of Rome without being in the slightest familiar with the boulevards of Paris. Such will not be the difficulty with the present work, for it proceeds forthrightly to its ultimate destination, without neglecting, however, sideglances at other places on the map.

It covers both non-bankruptcy and bankruptcy rights and duties in that order. To enable a class to orient itself at the outset, an historical resume of the relationship of debtor and creditor is inserted as an introductory; this is followed by a succinct but rather complete outline of bankruptcy proceedings, with quotations from and references to the Bankruptcy Act, the General Orders, Official Forms, and the Federal Rules of Civil Procedure. Thus prepared, the student is taken through an intensive exposure to non-bankruptcy debtor-and-creditor law: attachments, liens, and executions; creditor's suits and supplementary proceedings; fraudulent conveyances; state insolvency laws; and common-law and statutory assignments for the benefit of creditors. (Compositions and equity receiverships are appropriately preserved for later treatment as a bridge between ordinary bankruptcy proceedings and railroad and corporate reorganizations.) As a transition to bankruptcy from the non-bankruptcy matters, a study is made of the problems of conflicts between the state and federal jurisdictions regarding insolvent estates. A full-scale survey of the bankruptcy field follows, covering the manifold problems of initiating the proceedings, powers of the bankruptcy courts including appellate juris-

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1. *E.g.*, 1-4 MOORE, FEDERAL PRACTICE (2d ed., 1948); 1-9 COLLIER, BANKRUPTCY (14th ed., 1940-1947); MOORE, BANKRUPTCY MANUAL (1939); MOORE, COMMENTARY ON THE U. S. JUDICIAL CODE (1949).

diction, duties, rights and powers of the bankrupt and the trustee, liquidation and distribution of the estate, and the bankrupt's exemptions and discharge. The work is completed by a brief study of the major aspects of reorganizations under the Bankruptcy Act's Chapter X for corporations and Section 77 for railroads and under the new Section 20b of the Interstate Commerce Act for "wet-wash" rehabilitation of railroads.

There are of course omissions, some apparently purposeful to keep the amount of material offered within the reasonable limits of available law school time, and others perhaps inadvertent. An example of the former appears the lack of attention given to the matter of allowances to attorneys, accountants, and others rendering services to the bankruptcy court—a highly important subject to practitioners but surely one with which they will become familiar after graduation.<sup>2</sup> Exemplary of the latter may be omission of any reference to *Young v. Higbee Co.*,<sup>3</sup> which, while arising on individual facts, has had an expanding influence on other situations.<sup>4</sup>

This work will be an invaluable teaching tool. Its simplicity makes its broad coverage effective.

Professor Moore and Professor Countryman have given their fellow teachers outstanding aid in a complex field of the law.

JOHN GERDES†

CONSTITUTIONS OF NATIONS. By Amos J. Peaslee. Concord: The Rumford Press, 1952. 3 vols. Pp. 2469. \$22.50.

IF the 19th century were the century of constitution making (and constitution breaking), the 20th century bids fair to surpass it in the profusion and prolixity of its constitutions expressed so frequently to be immutable and intended to endure for ages to come. Americans may be surprised to learn from Mr. Peaslee that the United States Constitution is the oldest of all written national constitutions. Indeed, the impressively detailed statistics with which Mr. Peaslee's three volumes abound, proclaim that 29 (or 40 per cent) of all the written national constitutions, are less than five years old; 33 (or 45 per cent) are less than ten years old; and 51 (or 70 per cent) are less than twenty-five years old.

Mr. Peaslee has collected from sources as diverse in authority as "the Foreign Offices and Washington Embassies of many of the nations" on the one hand, and Harold Stassen on the other, the "first compilation ever published in the English language of all the national constitutions of the world," specifically, the basic constitutional instruments of 83 "political entities which claim, and are accorded internationally for most purposes, sovereign national status." He publishes in full these constitutional instruments, arranged in

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2. See *Leiman v. Guttman*, 336 U.S. 1 (1949).

3. 324 U.S. 204 (1945).

4. *Berner v. Equitable Office Bldg. Corp.*, 175 F.2d 218 (2d Cir. 1949); *Silbiger v. Prudence Bonds Corp.*, 180 F.2d 917 (2d Cir. 1950).

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