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Cases on the Law of Bankruptcy

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called attention to the requirements for improvement in administration, perhaps study of probate records can follow in order to supply data and argument for the effort to bring about change. At best, legislative inertia will be difficult to overcome in a matter which can hardly be raised to a prominent place in the public consciousness. If the monograph, despite its faults, can contribute to at least a professional appreciation of guardianship as an aspect of welfare administration rather than as a branch of private law, it will serve a useful purpose.

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In his revision of Holbrook and Aigler Professor Billig announces the modest purpose of presenting teaching materials on the recent developments in bankruptcy law “against the background of a standard casebook . . . well known to law teachers.” This precludes him from altering the structure of the book but not from effecting a thorough redecoration. The chapter and section headings of the earlier edition have been retained in their original sequence and a few new sections and one new chapter have been added. The six chapter headings in order of appearance are: Jurisdiction, Prerequisites to Adjudication, Administration, Compositions, Discharge, and The Amendments of 1933, 1934, 1935. The high abstraction to which this organization drives the editors is well illustrated in Chapter II (Prerequisites to Adjudication), Section II (Involuntary Proceedings), Subsection D (Acts of Bankruptcy), Arabic numeral 1 (Conveyances with Intent to Hinder, Delay, or Defraud). The materials reprinted here are subdivided by the present editor into three parts: (a) Independent of Bankruptcy, (b) As an Act of Bankruptcy, and (c) Voidable by the Trustee. The first part contains forty pages of none too enlightening text, the second part offers the single case of American Surety Co. v. Marotta (287 U. S. 513) and a footnote, and the third part yields for its first three cases Benedict v. Ratner (268 U. S. 353), Dean v. Davis (242 U. S. 438), and Moore v. Bay (284 U. S. 4). Even the ablest teachers are likely to find difficulty in making anything out of these cases in such a setting. (Professor Billig foresees this objection and suggests that some teachers may wish to postpone consideration of part (c) until a later chapter is reached.) Similar criticism could be made of the long subsection on preferences (Arabic numeral 2 of the same chapter). But to criticize the organization of this edition is to criticize that of the earlier editions, and in the case of a book so well known such an undertaking could be hardly other than superfluous.

In his redecoration of the earlier structure Professor Billig has done a workmanlike job. More than half of the opinions that he reprints at length are from cases decided since the publication date of the last edition. These cases are well selected and the opinions are presented without too much editing. They are supplemented by some text material and by annotation that is luxuriant in its reference to law review sources and other cases. The editor pays tribute to his wife for excellent work in the chapter on Discharge.

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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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