LEGAL AND INSTITUTIONAL METHODS APPLIED TO THE DEBITING OF DIRECT DISCOUNTS — V. THE NEW YORK STUDY

UNDERHILL MOORE

GILBERT SUSSMAN

Follow this and additional works at: http://digitalcommons.law.yale.edu/ylj

Recommended Citation
UNDERHILL MOORE & GILBERT SUSSMAN, LEGAL AND INSTITUTIONAL METHODS APPLIED TO THE DEBITING OF DIRECT DISCOUNTS — V. THE NEW YORK STUDY, 40 Yale L.J. (1931).
Available at: http://digitalcommons.law.yale.edu/ylj/vol40/iss7/3

This Article is brought to you for free and open access by Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in Yale Law Journal by an authorized editor of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.
This, the fifth article of the series, is devoted to the study made to find the sequences to serve as the standards of comparison in measuring the degree by which the behavior of the parties ("the facts") in Delano v. Equitable Trust Company¹ deviated from the institutions of the jurisdiction. The Delano case was decided in 1920. The decision was made at a Special Term of the Supreme Court in Kings County by a justice of the Second Judicial District.² That district includes the four counties of Long Island, Kings, Queens, Nassau, and Suffolk, and the one county of Staten Island, Richmond. Accordingly the sequences sought were those of the culture in these five counties ten years ago.

The investigation was begun January 12, 1931 and continued for two weeks. It was conducted by the junior author and five competent men under his immediate direction. Two devices for securing information from the banks were employed: the worksheet on which were recorded the details of maturing direct time notes; the systematic interview in which were secured answers to a list of questions.

The headings of the columns of the worksheets are:

1. What is the face amount of the note? List the number and amount of each note which matured on the day selected.

2. Is the note secured by collateral?

3. At the time of the loan or discount were the proceeds of the note credited to the customer's checking account?

4. At the time of loan or discount did you make express arrangements with the customer providing for a charge to his account on the day of maturity?

5. Was a notice of the approaching maturity of the customer's note given to the maker prior to maturity?

6. Was the note actually paid or renewed (that is were debit and credit entries actually made) prior to the day of maturity?

² A justice of the Supreme Court is required to be a resident of his district. "The facts" in the Delano case happened in another judicial district. The plaintiff’s note was discounted at one and debited at another of the Manhattan branches of the Equitable Trust Company.
(7) At the opening for business on the day of maturity (the customer not having previously given either his check or instructions to charge the note) did the bookkeeping department upon instructions from the loan department make a charge for the amount of the note to the customer's checking account?

(8) If the answer in the previous column was “no” was the answer “no” because the customer's balance was insufficient?

(9) Was a check for more than the amount of the balance remaining after the charge thereafter presented against the account?

(10) Was the check honored?

(11) Did the bookkeeping department upon instructions from the loan department place a hold against the customer's account for the amount of the note?

(12) Was a check for more than the amount of the free balance (the balance not covered by the hold) thereafter presented against the account?

(13) Was the check honored?

(14) If the customer made a payment on the day of maturity by giving a check, instructions to charge, or cash, what was the amount paid?

(15) What was the amount renewed?

(16) If payment was made, indicate whether the customers gave his check on this bank, instructed the bank to charge, gave cash, or gave a check upon another bank.

(17) If the customer’s check on this bank or instructions to charge were given did the bookkeeping department, upon instructions from the loan department, make a charge to the customer's account?

(18) Was a check for more than the amount of the balance remaining after the charge thereafter presented against the account?

(19) Was the check honored?

(20) If a charge was not made at the opening for business and the customer in no way communicated with the bank did the bookkeeping department, upon instructions from the loan department, make a charge for the amount of the note?

(21) At what hour was the charge made?

(22) If the answer in the previous column was “no,” was the answer “no” because the customer's balance was insufficient?

(23) Was a check for more than the amount of the balance remaining after such charge thereafter presented against the account?

(24) Was the check honored?

(25) Where a charge was made at any time on the day of maturity without any communication from the customer was a notice or advice of the charge sent to the customer?

(26) Was the note unprovided for by payment or renewal at the close of business on the day of maturity?

(27) If so, indicate briefly what was done.

The worksheets were left at the banks with the necessary uniform explanations and instructions. They were filled in by an officer or teller in the loan and discount department with the data for all the maturities of three successive days. They were returned to the investigators who called for them in person. Forthwith the worksheets were examined for ambiguities and incompleteness and, in the few cases in which it appeared to be necessary, were corrected and completed. The officer or teller was compensated for his work. Of the 43 worksheets 1
was later rejected as defective. Of the 870 note records entered on the worksheets which were retained for study, 6, scattered over 5 worksheets, were ultimately excluded for ambiguity or incompleteness. Except as to the entries in columns 8, 9, 10, 12, 13, 18, 19, 22, 23, and 24, it is believed that the record of each of the 837 notes is reliable. The entries in these columns do not refer to aspects of behavior constituting direct discount transactions and are not part of the data tabulated in the following tables. It is believed that they must in most cases be taken as statements of informed opinion and nothing more. The records are also comparable. Though the worksheets do not record the transactions of the same three days at all the banks, there is no reason to believe that the happening or frequency of the aspects of behavior recorded varied with the day of the week or during the two weeks of the investigation.

The interviews secured answers to the following list of questions:

Statement of general situation. You are the holder of a time note made by one of your customers which you have discounted for him or upon which you have made him a loan.

Yes No

1. Approximately what percentage of the time notes which you discounted for or upon which you made loans to the customer maker:
   1930
   a. Are not secured by collateral?
   1920
   1930
   b. Are secured by collateral?
   1920

2. In approximately what percentage of the cases where you discount or make a loan to a customer upon his time note are the proceeds of the discount or loan credited to the customer's checking account:
   1930
   a. Where the note is not secured by collateral?
   1920
   1930
   b. Where the note is secured by collateral?
   1920

3. At the time of discount or loan do you make express arrangements with the customer providing for a charge to his account on the day of maturity:
   1930 — —
   a. Where the note is not secured by collateral?
   1920 — —
   1930 — —
   b. Where the note is secured by collateral?
   1920 — —

4. Do you send the maker a notice advising him of the approaching maturity of his note:

In addition to the 6 excluded for ambiguity, 27 others were excluded because they represented transactions not within the group under investigation.
<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1920</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1920</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1920</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1920</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1920</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1920</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1930</td>
<td>—</td>
</tr>
<tr>
<td>1920</td>
<td>—</td>
</tr>
</tbody>
</table>
Yes No

11. On the day of maturity where the balance is sufficient
do you charge the customer's account with the amount of
a check drawn on you and given to you for the note:

1930 — —
1920 — —
1930 — —
1920 — —

12. In approximately what percentage of the cases where
you charge the customer's account with the amount of
a check given for the note are you called upon to honor
checks drawn against the account for more than the
balance remaining after such charge:

1930
1920
1930
1920

13. In approximately what percentage of the cases where
you charge the customer's account with the amount of
a check given for the note do you honor checks drawn
against the account for more than the balance remain-
ing after such charge:

1930
1920
1930
1920

14. On the day of maturity where the balance is sufficient
do you charge the customer's account with the amount
of the note upon the receipt of instructions, such as
personal, telephone, or letter instructions, to do so:

1930 — —
1920 — —
1930 — —
1920 — —

15. In approximately what percentage of the cases where
you charge the customer's account with the amount of
the note in accordance with instructions to do so are
you called upon to honor checks drawn against the ac-
count for more than the amount of the balance remain-
ing after such charge:

1930
1920
1930
1920

16. In approximately what percentage of the cases where
you charge the customer's account with the amount of
the note upon instructions to do so do you honor checks
drawn against the account for more than the balance
remaining after such charge:

1930
1920
1930
1920

17. At the close of business on the day of maturity where
the balance is sufficient do you charge the customer's
account with the amount of the note without either instructions from him or his check:

18. In approximately what percentage of the cases where you charge a note at the close of business without instructions or check are you called upon to honor checks drawn against the account for more than the balance remaining after such charge:

19. In approximately what percentage of the cases where you charge a note at the close of day without instructions or check do you honor checks drawn against the account for more than the balance remaining after such charge:

20. Where you charge the note to the customer's account without instructions or check, either at the opening or at the close of day, do you send the customer a notice or advice slip informing him that you have charged his account:

21. Approximately what percentage of your unsecured notes which were discounted or upon which loans were made to customers are:

22. Of your unsecured notes that are taken care of approximately what percentage are:

23. Of the unsecured notes that are paid in full by the application of funds to the credit of the customer in his checking account approximately what percentage are paid:
### DEBITING DIRECT DISCOUNTS

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Before the day of maturity?

b. On the day of maturity?

c. After the day of maturity?

24. Of the unsecured notes that are paid in full by the application of funds to the credit of the customer in his checking account before the day of maturity, approximately what percentage are paid:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. By a charge to the customer's account of the amount of the note in accordance with instructions given at the time of discount or loan?

b. By a charge to the customer's account of the amount of a check given for the note?

c. By a charge to the customer's account of the amount of the note in accordance with instructions given subsequent to the time of loan or discount?

d. By a charge to the customer's account of the amount of the note without either instructions or check?

25. Of the unsecured notes that are paid in full by the application of funds to the credit of the customer in his checking account on the day of maturity, approximately what percentage are paid:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. By a charge to the customer's account of the amount of the note in accordance with instructions given at the time of discount or loan?

b. By a charge to the customer's account of the amount of a check given for the note?

c. By a charge to the customer's account of the amount of the note in accordance with instructions given subsequent to the time of loan or discount?

d. By a charge to the customer's account of the amount of the note without instructions or check made at the opening for business?

e. By a charge to the customer's account of the amount of the note without instructions or check made at the close of business?

26. Of the unsecured notes that are paid in full by the application of funds to the credit of the customer in his checking account after the day of maturity, approximately what percentage are paid:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. By a charge to the customer's account of the amount of the note in accordance with instructions given at the time of discount or loan?

b. By a charge to the customer's account of the amount of a check given for the note?

c. By a charge to the customer's account of the amount of the note in accordance with instructions given subsequent to the time of discount or loan?

d. By a charge to the customer's account of the amount of the note without either instructions or check?
27. Approximately what percentage of your secured notes which were discounted or upon which loans were made to customers are:
   a. Taken care of, i.e., paid, renewed, or otherwise provided for, by the close of business on the day of maturity?
   b. Not taken care of by the close of business on the day of maturity?

28. Of your secured notes that are taken care of approximately what percentage are:
   a. Paid in full by the application of funds to the credit of the customer in his checking account?
   b. Renewed in full, paid in part, or paid in full but not by the application of funds to the credit of the customer in his checking account?

29. Of the secured notes that are paid in full by the application of funds to the credit of the customer in his checking account approximately what percentage are paid:
   a. Before the day of maturity?
   b. On the day of maturity?
   c. After the day of maturity?

30. Of the secured notes that are paid in full by the application of funds to the credit of the customer in his checking account before the day of maturity, approximately what percentage are paid:
   a. By a charge to the customer's account of the amount of the note in accordance with instructions given at the time of discount or loan?
   b. By a charge to the customer's account of the amount of a check given for the note?
   c. By a charge to the customer's account of the amount of the note in accordance with instructions given subsequent to the time of loan or discount?
   d. By a charge to the customer's account of the amount of the note without either instructions or check?

31. Of the secured notes that are paid in full by the application of funds to the credit of the customer in his checking account on the day of maturity, approximately what percentage are paid:
   a. By a charge to the customer's account of the amount of the note in accordance with instructions given at the time of discount or loan?
   b. By a charge to the customer's account of the amount of the note without instructions or check made at the opening for business?
   c. By a charge to the customer's account of the amount of a check given for the note?
   d. By a charge to the customer's account of the amount
DEBITING DIRECT DISCOUNTS

Yes No

1920 of the note in accordance with instructions to do so
given subsequent to the time of loan or discount?

1930 e. By a charge to the customer's account of the amount
of the note without instructions or check made at the
close of business?

32. Of the secured notes that are paid in full by the appli-
cation of funds to the credit of the customer in his
checking account after the day of maturity, approxi-
mately what percentage are paid:

1930 a. By a charge to the customer's account of the amount
of the note in accordance with instructions given at the
time of discount or loan?

1930 b. By a charge to the customer's account of the amount
of a check given for the note?

1930 c. By a charge to the customer's account of the amount
of the note in accordance with instructions given subse-
quent to the time of discount or loan?

1930 d. By a charge to the customer's account of the amount
of the note without either instructions or check?

The answers were given by an officer or teller in the loan
and discount department except in small banks and branches. In
them the officer interviewed was in charge of and acquainted
with the operations of that department. Confidential use of
the answers was promised. The questions were asked and ans-
wered by word of mouth. The answers were immediately re-
corded. Generally the questions were asked in the order in which
they appear, but in many cases an interview was permitted to
take its own course. In such instances the interview was al-
ways concluded by a review of the recorded answers and the en-
tering of those not yet entered. In 5 of the 62 interviews the
interview or its record was judged to be unsatisfactory and the
record rejected. Most of the questions dealt with matters of
banking practice in regularly recurring situations and not with
matters of policy or the action taken in exceptional situations.
The answers purported to state that practice. Some questions
asked for estimates of frequency. The fact that the questions
did not seek to elicit any information which would be embarras-
sing to the person answering or to his bank, together with the
confidential use of the information which was promised, must
have tended to eliminate the likelihood, if any, of colored or
falsified answers. Consequently it is believed that the answers
are comparable and, with the exception of the answers to ques-
tions asking for estimates of frequency, are reliable. The re-
liability of these estimates will be discussed below.

The banks from which the sample was taken were those in
Here, as elsewhere in this article, "bank" refers to an office in
which a commercial banking business is conducted, whether the office be the only, the head, or a branch office.\textsuperscript{4} The sample was selected in the following manner. In Suffolk and Nassau, the banks in existence in July, 1920 and still doing business in January, 1931 were listed in alphabetical order and the odd numbers chosen for the sample. In Kings, Queens, and Richmond, it was not possible to follow this orderly procedure. The limited cooperation of several large banks having branches in these counties necessitated the selection of the banks designated by the head offices. The unwillingness of two other large banks to cooperate at all resulted in a further reduction of the number of banks from which the sample might be taken. In consequence the banks of Kings and Queens fell into three groups: first, branches of non-cooperating banks; second, branches of banks offering limited cooperation; and third, all other banks. In Kings, the sample included the designated branches of the second group and all but one of the banks of the third. One half of the banks in the sample were clustered around Borough Hall and the remainder were scattered over the eastern, central, and southern parts of the county. In Queens also, the sample included the designated branches of the second group and all but one of the banks of the third. They were in Long Island City and two outlying towns. In Kings and Queens, worksheets and interviews were also obtained from a number of banks not in existence in 1920. In Richmond, 2 of the 7 banks in existence in 1920 were branches of non-cooperating banks. 4 of the remaining 5 were visited.

Table I shows the number and distribution by counties of the banks, in existence in 1920 and not in existence in 1920, from which properly filled in worksheets\textsuperscript{\textsuperscript{5}} and satisfactory interviews accurately recorded\textsuperscript{\textsuperscript{6}} were secured. The number of banks\textsuperscript{\textsuperscript{7}} and the population\textsuperscript{\textsuperscript{8}} in each of the five counties for 1920 and 1930 also appear in the table, thereby making two possible methods of weighting the sample by counties available.

In reporting this study there is no occasion to summarize the

\textsuperscript{4} In Kings County three branches of one system were included in the sample. But in no other county were more than two branches of the same system included.

\textsuperscript{5} One worksheet was rejected.

\textsuperscript{6} Five reports of interviews were rejected.

\textsuperscript{7} In determining the total number of banks in existence in 1920, the number which survived to 1931, and the total number in existence in 1931, the following were relied upon: Rand McNally Bankers Directory, July 1920, January 1922, January 1924, January 1926, January 1928, January 1930, July 1930; Annual Report of the Superintendent of Banks, New York, 1920-1929; Bankers' Encyclopedia, July 1930; and Polk Bankers' Encyclopedia, July 1930.

\textsuperscript{8} Abstract of the Fourteenth Census of the United States, 1920, 38; Fifteenth Census of the United States, 1930, Pamphlets, New York.
### TABLE I

**DEBITING DIRECT DISCOUNTS**

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>DISTRIBUTION OF POPULATION AND BANKS</th>
<th>SAMPLE</th>
<th>AVAILABLE WEIGHTINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Population</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1020</td>
<td>1930</td>
<td>Banks in Existence in 1920</td>
</tr>
<tr>
<td></td>
<td>Area Sq. Miles</td>
<td>Totals</td>
<td>Per Sq. Mile</td>
</tr>
<tr>
<td>Kings, L. I.</td>
<td>71</td>
<td>2,018,350</td>
<td>24,827.0</td>
</tr>
<tr>
<td>(Brooklyn Borough, N. Y. C.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Queens, L. I.</td>
<td>128</td>
<td>469,012</td>
<td>3,431.0</td>
</tr>
<tr>
<td>(Queens Borough, N. Y. C.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nassau, L. I.</td>
<td>274</td>
<td>129,129</td>
<td>490.3</td>
</tr>
<tr>
<td>Suffolk, L. I.</td>
<td>420</td>
<td>110,246</td>
<td>110.9</td>
</tr>
<tr>
<td>Richmond, S. I.</td>
<td>57</td>
<td>110,246</td>
<td>110.9</td>
</tr>
<tr>
<td>(Richmond Borough, N. Y. C.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2,818,350</td>
<td>1,291,350</td>
<td>428.67</td>
</tr>
</tbody>
</table>

1. These include banks from which interviews were secured.
2. These include banks from which worksheets alone were secured.
evidence before its tabulation. The entries upon each line of
the worksheets are a record of a single transaction. Therefore,
the types of transactions which the worksheets disclose and their
frequency are presented in the first instance in Table III. To
be sure the answers secured in the interviews, like those in the
Connecticut and Pennsylvania studies, disclose the happening and
frequency of constituent aspects and not of transactions. But
the methods by which, from the answers, transactions were con-
structed and their frequencies estimated are identical with those
used in the Connecticut and Pennsylvania studies except insofar
as the greater number and precision of the questions in this
study eliminated the intermediate step of "interpretation." Hence
without introductory summary it is permissible to report
in Table III what the interviews indicate in respect of the hap-
pening and frequency of transactions in 1930. However, the
types of the transactions of 1920 and their frequency as disclosed
by the interviews are not reported in Table III. Answers were
given in response to questions as to 1920 corresponding word for
word with questions as to 1930. All of the banks in existence
in 1920 at which interviews were had, with the few exceptions
noted below, stated in effect that the types to which the transac-
tions of 1920 conformed were the same as the types of the trans-
actions of 1930 and made substantially the same estimates of
frequency for 1920 as for 1930. In 18 banks the estimates of
the percentage of secured and unsecured notes in 1920 differed
from the estimates for 1930.

II

The number of banks from which worksheets and interviews
were secured has been shown in Table I (supra page 1065). The
total number of direct discount transactions recorded on the
worksheets appears in Table II (infra page 1067). The num-
ber of direct discount transactions of 1930 terminating with
liquidation out of the checking account, the types to which these
transactions conform, and the frequencies of the types are de-
tailed in Table III (facing page 1068). The totals of Table III
(Columns 22-27) weighted, first, according to the number of
banks in each county and, secondly, according to the population
of each county, appear in Table IV (infra page 1072).
Since the patterns which predominate within a geographical
unit which is the area from which the court is chosen—in this
case the Second Judicial District—are the sequences which serve
as standards of comparison, Table III is presented as a single
sample of the transactions of that district and not as five sam-
ples, one for each of the counties. Nevertheless, in order to
### TABLE II

<table>
<thead>
<tr>
<th>Kings</th>
<th>Queens</th>
<th>Richmond</th>
<th>Nassau</th>
<th>Suffolk</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Notes</td>
<td>Percentage of all Notes Tabulated</td>
<td>Number of Notes</td>
<td>Percentage of all Notes Tabulated</td>
<td>Number of Notes</td>
<td>Percentage of all Notes Tabulated</td>
</tr>
<tr>
<td>-------</td>
<td>--------</td>
<td>----------</td>
<td>--------</td>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>I Transactions within the group. Payments in full out of Checking Account.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Prior to the Day of Maturity.</td>
<td>10</td>
<td>3.92</td>
<td>4</td>
<td>3.77</td>
<td>5</td>
</tr>
<tr>
<td>II Transactions not within the group. Payments in full not out of Checking Account.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Prior to the Day of Maturity.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. On the Day of Maturity.</td>
<td>2</td>
<td>.78</td>
<td>3</td>
<td>2.53</td>
<td>5</td>
</tr>
<tr>
<td>Payments in Part.</td>
<td>89</td>
<td>34.09</td>
<td>48</td>
<td>45.29</td>
<td>17</td>
</tr>
<tr>
<td>Renewals in Full.</td>
<td>57</td>
<td>22.35</td>
<td>14</td>
<td>15.02</td>
<td>1</td>
</tr>
<tr>
<td>III Transactions not classifiable as within the group or not within the group. Notes not taken care of (neither paid in full or in part nor renewed) on the Day of Maturity.</td>
<td>39</td>
<td>15.29</td>
<td>15</td>
<td>16.15</td>
<td>6</td>
</tr>
<tr>
<td>Total Number of Notes Tabulated</td>
<td>235</td>
<td>105</td>
<td>47</td>
<td></td>
<td>230</td>
</tr>
<tr>
<td>Percentage of Total Number of Notes Tabulated in each County</td>
<td>30.46</td>
<td>12.66</td>
<td></td>
<td>5.62</td>
<td></td>
</tr>
<tr>
<td>Total Number of Notes Tabulated Notes not Tabulated.</td>
<td>255</td>
<td>97.08</td>
<td>105</td>
<td>92.18</td>
<td>47</td>
</tr>
<tr>
<td>1. Not Classifiable—Rejected.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Not a Customer's Note.</td>
<td>5</td>
<td>1.99</td>
<td>2</td>
<td>1.74</td>
<td></td>
</tr>
<tr>
<td>3. Receivable.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number of Notes on Work sheets</td>
<td>293</td>
<td>115</td>
<td>47</td>
<td></td>
<td>233</td>
</tr>
</tbody>
</table>
present the results of the investigation in detail the table reports the data by counties.

It will be noted that the number of transactions within the group in which liquidation is effected after the day of maturity does not appear in Table III. The worksheets did not provide for the recording of the final disposition of a note which had not been taken care of by payment in full, partial payment and renewal, or renewal in full by the close of business on the day of maturity. The frequency, within the group, of the 32 types of transactions in which liquidation is effected after the day of maturity was computed by arbitrarily assuming that the ratio of direct discounts liquidated out of the checking account after the day of maturity to all direct discounts liquidated out of the checking account was the same as the ratio of notes taken care of after the day of maturity to all notes. It is probable that the percentage of the notes taken care of after the day of maturity which are liquidated in full is much smaller than the percentage of the notes taken care of by the close of business on the day of maturity which are paid in full. Insofar as this is true the frequency for the types in which liquidation is effected after the day of maturity is too high.

In computing the frequency percentages appearing in Table III no attempt has been made to weight the answers of each bank according to the total number of its transactions. The number of transactions in each is unknown. It was pointed out in the third article of this series\(^9\) that the number cannot be approximated by reference to other standards such as volume of loans or total resources. Nor does there appear any reason for weighting them. The study, as in Connecticut and in Pennsylvania, offers no evidence that within areas of similar economic character the types of transactions which happen in large banks, which might be thought to have more transactions, differ from the types of transactions which happen in small banks or that the frequency of any one type is greater or less depending upon the size of the bank.

The class of transactions beginning with the discount of or loan upon the time note of a customer and conforming to the 40 types of Table III is unquestionably so large that any one of the 40 types which has a sufficient frequency may be a sequence.

The transactions of the 40 types of Table III may be, with appropriate qualifications in respect of amount, in institutional relationship with any sequential transaction whatever in the deposit currency field. In each of the transactions conforming to the 40 types in Table III the note was discounted for one who was already a customer, that is to say, the discount transaction followed another transaction in the deposit currency field. In view

---

\(^9\) 40 YALE L. J. 758.
of the discount which followed there is every reason to believe that the preceding transaction was itself a sequential transaction of any content whatever except in respect of amount. It is concluded from the answers to questions 6, 7, 9, 10, 12, 13, 15, 16, 18, and 19 and the entries in columns 9, 10, 12, 13, 18, 19, 23, and 24 of the worksheets that after the making of a debit entry, whether or not preceded by instructions or check, customers do not draw checks for more than the amount of the reduced credit balance. But there is no reason to believe that payment of the notes in any way affected the content, except as to amount, of the transactions which followed transactions of the 40 types. The answers to questions 6, 7, 9, 10, 12, 13, 15, 16, 18, and 19 and the entries in columns 9, 10, 12, 13, 18, 19, 23, and 24 of the worksheets support this conclusion also. It is judged, therefore, that the transactions which followed were sequential transactions within the deposit currency field having any content whatever except payment or transfer of a sum in excess of the credit balance remaining after the debit entry for the amount of the note.

III

The sample, i.e., the transactions of the banks surviving from 1920 displayed in Table III, is adequate. It consists of all the transactions during a period of three days at each of 35 banks, 24.14 per cent of the 145 banks surviving from 1920 and 22.73 per cent of the 154 banks in existence in 1920. It also consists of the transactions disclosed by the answers of 48 banks (including 31 of the 35 banks at which worksheets were obtained), 33.10 per cent of the surviving banks and 31.17 per cent of the banks in existence in 1920. The number of transactions in the sample, 837, is large enough so that from it may be derived significant percentages. Although the sample in Kings and Queens counties was smaller than in the remainder of the district it is believed that this deficiency does not prevent it from being representative. First, the number of banks and their distribution in these counties was such that an adequate scatter was secured. Secondly, and more important, the worksheets and interviews at the banks in these counties organized since 1920 at which studies were made show that the frequencies of the transactions occurring at these banks and at the surviving banks were so similar that the results for all the banks combined are substantially the same as the results for the surviving banks alone. This appears from a comparison of columns 2 and 5, 3 and 6, 8 and 11, and 9 and 12 of Table III.

The reasons for believing the data of the worksheets and the answers, with the exception of estimates of frequency, given in the interviews to be reliable have already been stated. The fre-
quency estimates are believed to be reliable approximations made by well-informed persons who were addressing themselves to the same and a familiar situation referred to in terms of familiar categories. The frequency percentages computed from these numerous estimates, 57, have the value which may be assigned to the result of integration of multiple opinions. Of some significance in judging their reliability is a comparison of the sum of the frequencies for the types of transactions including \textit{debit-opening} and \textit{debit-close} in Kings, Queens, and Richmond with the sum of the debit types in Philadelphia. This comparison shows a large group of such transactions in both urban areas. Again, a comparison of the frequencies of the same group in Suffolk and Nassau with the frequencies in Pennsylvania (excluding Philadelphia) and in Connecticut indicates that such transactions are relatively infrequent in these regions of small city, town, and country. The far smaller percentage of payments by check in Kings, Queens, and Richmond than in Philadelphia and the greater percentage of payments by instructions in the latter region do not indicate unreliability of the frequency percentages of Table III. It will be noted that as debits increase checks decrease faster than instructions. This observation is consistent with the independent judgment that the debit pattern is a development of the instruction pattern, and that the prototype survives at the expense of the third alternative, payment by check.  

It is believed that the types of the transactions of 1920 and their frequencies are substantially those appearing in Table III. With the exception noted below, it was stated in all of the interviews that there had been no change in practice since 1920 and that the answers for 1930 should be taken as true for 1920. The estimates of the percentage of secured and unsecured notes in 1920 and in 1930 differed. Since, however, some of the estimates are larger and others smaller, frequencies for the secured and unsecured types of transactions differ but little from the frequencies for the same types in 1930. The conclusion that the types of the transactions of 1920 and 1930 and their frequencies

\begin{tabular}{|c|c|c|}
\hline
Kings, Queens, and Richmond & Philadelphia \\
\hline
\textbf{Check Payments} & 17.68 & 14.83 & 57.05 \\
\textbf{Instruction Payments} & 18.89 & 16.64 & 20.91 \\
\textbf{Debit Payments} & 63.42 & 68.53 & 22.03 \\
\hline
\end{tabular}

\begin{tabular}{|c|c|c|c|}
\hline
Nassau and Suffolk & Connecticut & Pennsylvania (excluding Philadelphia) \\
\hline
\textbf{Check Payments} & 66.76 & 66.76 & 69.19 & 80.91 \\
\textbf{Debit Payments} & 6.62 & 6.62 & 12.07 & 5.19 \\
\hline
\end{tabular}
are substantially the same is supported by the following considerations. It is believed that the same economic activities have continued to characterize the several regions of the Second Judicial District during the decade. There has been no significant change in the ratio of banks to population.\textsuperscript{11} And with the exception of four of the banks visited, those which were independent banks in 1920 have continued their existence as independents and those which were branches are branches of the same systems today. The four were either large independent banks or branches of a large system in boroughs of New York and at the time of the study were branches of large systems. Nothing is known of the history of the banks visited which indicates that changes in respect of the types and relative frequencies of direct discount transactions occurred between 1920 and 1930.

It is believed that the study justifies the following conclusions.

(1) No transaction conforming to any one of the 40 types of Table IV, with the exception of types 5, 6, and 26, was an established pattern in the Second Judicial District in 1920. (2) Both the worksheets and the interviews disclose a distribution of frequencies which, whether unweighted or weighted, clearly indicates that type 26 was a sequence. (3) From the frequencies unweighted (Table IV, columns 2 and 3) or weighted according to the number of banks (Table IV, columns 7 and 8) it appears that type 6 was a sequence. But if its frequency be weighted according to population (Table IV, columns 9 and 10) this type appears not to have been a sequence. Weighting according to population seems to be no less crude a method for approximating the total number of transactions than weighting by number of banks or than accepting the unweighted frequencies of the sample. Common sense judgment leads to the same conclusions as columns 2 and 3, and 7 and 8 of Table IV. It is therefore believed that type 6 was a sequence. (4) The worksheet frequencies unweighted or weighted (Table IV, columns 2, 7, and 9) and the interview frequencies weighted according to population (Table IV, column 10) indicate that type 5 was not a sequence. The interview frequencies unweighted (Table IV, column 3) and weighted according to the number of banks (Table IV, column 9) indicate that it was. It seems impossible at present to justify the acceptance of either the frequencies of the worksheets or the frequencies of the interviews as a standard for judging the

\begin{tabular}{ll}
\hline
County & Number of Persons per Bank \\
\hline
Kings & 42,049 & 18,689 \\
Queens & 16,751 & 12,125 \\
Nassau & 3,603 & 4,523 \\
Suffolk & 3,062 & 3,355 \\
Richmond & 16,647 & 14,395 \\
\hline
\end{tabular}
### Table IV

<table>
<thead>
<tr>
<th>Number of Transactions</th>
<th>IN EXISTENCE IN 1920</th>
<th>IN EXISTENCE IN 1930 (including those in existence in 1920)</th>
<th>TOTALS OF BANKS IN EXISTENCE IN 1930 WEIGHTED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>35 banks from which worksheets were secured</td>
<td>48 banks from which interviews were secured</td>
<td>43 banks from which worksheets were secured</td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>1 Dis.Sec. Cr. Ne. Hold Ck.-on Db.-Ck</td>
<td>1</td>
<td>0.55</td>
<td>2.34</td>
</tr>
<tr>
<td>2 Dis. Cr. Ne. Hold Ck.-on. Db.-Ck</td>
<td>10</td>
<td>5.83</td>
<td>2.10</td>
</tr>
<tr>
<td>3 Dis.Sec. Cr. Ne. Ck.-on. Db.-Ck</td>
<td>7</td>
<td>4.06</td>
<td>12.50</td>
</tr>
<tr>
<td>6 Dis. Cr. Ne. Ck.-on. Db.-Ck</td>
<td>30</td>
<td>17.48</td>
<td>20.37</td>
</tr>
<tr>
<td>9 Dis.Sec. Cr. Ne. Hold Ins.-on. Db.-Ins</td>
<td>1</td>
<td>1.28</td>
<td>1</td>
</tr>
<tr>
<td>10 Dis. Cr. Ne. Hold Ins.-on. Db.-Ins</td>
<td>11</td>
<td>6.41</td>
<td>3.59</td>
</tr>
<tr>
<td>13 Dis. Sec. Cr. Ne. Ins.-on. Db.-Ins</td>
<td>4</td>
<td>2.33</td>
<td>3.40</td>
</tr>
<tr>
<td>14 Dis. Cr. Ne. Ins.-on. Db.-Ins</td>
<td>12</td>
<td>6.69</td>
<td>8.52</td>
</tr>
<tr>
<td>17 Dis.Sec. Cr. Ne. Db.-op</td>
<td>.69</td>
<td>.69</td>
<td>.69</td>
</tr>
<tr>
<td>18 Dis. Cr. Ne. Db.-op</td>
<td>.85</td>
<td>.70</td>
<td>.70</td>
</tr>
<tr>
<td>21 Dis.Sec. Cr. Ne. Db.-op. Ne.-Db</td>
<td>.08</td>
<td>.08</td>
<td>.08</td>
</tr>
<tr>
<td>22 Dis. Cr. Ne. Db.-op. Ne.-Db</td>
<td>.11</td>
<td>.09</td>
<td>.09</td>
</tr>
<tr>
<td>25 Dis.Sec. Cr. Ne. Hold Db.-cl</td>
<td>1</td>
<td>0.58</td>
<td>2.01</td>
</tr>
<tr>
<td>26 Dis. Cr. Ne. Hold Db.-cl</td>
<td>32</td>
<td>15.62</td>
<td>9.77</td>
</tr>
<tr>
<td>29 Dis.Sec. Cr. Ne. Db.-cl</td>
<td>1</td>
<td>1.17</td>
<td>2.01</td>
</tr>
<tr>
<td>30 Dis. Ne. Db.-cl.</td>
<td>2</td>
<td>1.17</td>
<td>5.09</td>
</tr>
<tr>
<td>33 Dis.Sec. Cr. Ne. Hold Db.-cl. Ne.-Db</td>
<td>.04</td>
<td>.04</td>
<td>.04</td>
</tr>
<tr>
<td>34 Dis. Cr. Ne. Hold Db.-cl. Ne.-Db</td>
<td>.13</td>
<td>.38</td>
<td>.38</td>
</tr>
<tr>
<td>37 Dis.Sec. Cr. Ne. Db.-cl. Ne.-Db</td>
<td>.08</td>
<td>.08</td>
<td>.08</td>
</tr>
<tr>
<td>38 Dis. Cr. Ne. Db.-cl. Ne.-Db</td>
<td>.17</td>
<td>.38</td>
<td>.38</td>
</tr>
<tr>
<td>41 Dis.Sec. Cr. Ne. Ck.-bef. Db.-Ck</td>
<td>8</td>
<td>4.46</td>
<td>1.07</td>
</tr>
<tr>
<td>42 Dis. Cr. Ne. Ck.-bef. Db.-Ck</td>
<td>13</td>
<td>7.57</td>
<td>2.23</td>
</tr>
<tr>
<td>49, 31</td>
<td>Cr.-af. Db.-Ck.</td>
<td>4.82</td>
<td>2.00</td>
</tr>
<tr>
<td>50, 54</td>
<td>Cr.-af. Db.-Ck.</td>
<td>15.36</td>
<td>8.60</td>
</tr>
<tr>
<td>55, 60</td>
<td>Cr.-af. Db.-Ins.</td>
<td>4.82</td>
<td>2.00</td>
</tr>
<tr>
<td>56, 62</td>
<td>Cr.-af. Db.-Ins.</td>
<td>15.36</td>
<td>8.60</td>
</tr>
<tr>
<td>57, 61</td>
<td>Cr.-af. Db.-Ins.</td>
<td>15.36</td>
<td>8.60</td>
</tr>
<tr>
<td>66, 70</td>
<td>Cr.-af. Db.-Ins.</td>
<td>15.36</td>
<td>8.60</td>
</tr>
<tr>
<td>73, 77</td>
<td>Cr.-af. Db.-Ins.</td>
<td>15.36</td>
<td>8.60</td>
</tr>
<tr>
<td>58, 62</td>
<td>Cr.-af. Db.-Ins.</td>
<td>15.36</td>
<td>8.60</td>
</tr>
<tr>
<td>74, 78</td>
<td>Cr.-af. Db.-Ins.</td>
<td>15.36</td>
<td>8.60</td>
</tr>
</tbody>
</table>

40 types of transactions corresponding to the 40 detailed above except that cash and credit is an aspect in each.

1 | .58 | 4.85 | 1 | .54 | 3.74 | .53 | 3.44 | .14 | .75
frequencies of the other. Consequently no statement can be made in respect to transactions of type 5.

In order that this article may provide the material for a comparison of the Delano case the results of a wholly independent inquiry should be stated. The opening and operation of a checking account at a branch by a customer who already had a checking account at another branch of the same system was so infrequent that the transaction of opening the account at the second branch and all subsequent transactions were not sequential.\textsuperscript{12}

\begin{center}
\begin{tabular}{|l|c|c|}
\hline
 & Worksheets & Interviews \\
\hline
Percentage of Secured and Unsecured Notes & & \\
Secured & 19.69 & 33.11 \\
Unsecured & 80.31 & 66.89 \\
\hline
Mode of Payment & & \\
Secured Notes & & \\
Check & 46.67 & 65.40 \\
Instructions & 33.33 & 17.77 \\
Debit & 20.00 & 16.83 \\
Unsecured Notes & & \\
Check & 41.94 & 45.03 \\
Instructions & 26.88 & 19.78 \\
Debit & 31.18 & 35.19 \\
\hline
\end{tabular}
\end{center}

\textsuperscript{12} Though the worksheets provide a sufficient number of transactions to yield significant percentages, the representative character of the frequencies is not sufficiently established to negative the conclusions bottomed upon the equally adequate and reliable data of another study. Certainly it cannot be claimed for the interviews that the findings based upon them are entitled to greater weight than the findings from the worksheets. The table below compares the frequency of secured notes and of the three modes of payment disclosed by the worksheets with the estimates given in the interviews. Such a comparison obviously does not disclose a basis for choosing one as the standard rather than the other.

\textsuperscript{23} There are seven Manhattan banks which maintain many branches in Kings, Queens, and Richmond. At three of these it was stated that the opening of an account by the same customer at more than one of the branches of its system rarely, if ever, happened. The statements were made by responsible and informed executives in personal interviews and in letters.