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**Book Review. Cases and Materials on Creditors' Rights, 2nd ed. by
John Hanna**

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So, the American Law Institute, thanks to Austin W. Scott and his advisers, in the Restatement of the Law of Trusts has presented the common law of trusts in the United States in a way that for the lawyer and judge, teacher and student, is technically accurate and logically arranged and that for the layman—representative of that great body of our people who are testators or settlors or beneficiaries of trusts—presents the trust as a beneficent, humane and social device. The Restatement, then, is more than a legal treatise; it is a document of real import and potentiality in our social and economic order.

Wilmington, Del.

GILBERT T. STEPHENSON

CASES AND MATERIALS ON CREDITORS' RIGHTS. SECOND EDITION. BY JOHN HANNA. CHICAGO: THE FOUNDATION PRESS, INC., 1935. pp. xxiii, 1369.

The first edition of this casebook was published less than four years ago. The second edition has been made necessary by the extraordinary demand for the first edition in law schools and among practicing lawyers, a demand which has exhausted the first edition. The new edition has been made necessary also by the epochal development during the past four years of the law of bankruptcy. The second edition is characterized by the same features which won for the first edition the favor of law teachers, law students, and practicing lawyers.

The author's primary purpose is to place in the hands of the law student the cases, the statutes, and the knowledge of the administrative practices of lawyers and of business men, which concern the rights of unsecured creditors. The client who is an unsecured creditor wishes to be advised about "the relative advantages of the different devices of court help and self help." In order to give the client this advice, the lawyer obviously needs to have developed familiarity with these different devices and with their application to particular fact situations. To help the law student to develop this familiarity and a facility of practical application is the author's first objective.

The qualifications of the author for producing this administrative type of casebook are clearly shown by the book itself. "The simple, common sense plan," he says, "is based upon my own practice as a country lawyer in Nebraska and upon my experience with the War Finance Corporation." The author cites frequently the indispensable books and other writings of Garrard Glenn in this field, and points out that they also are based upon extensive practice at the bar. Further qualifications of the author are his long-continued use of these materials in his own law classes, and his experience gained in the preparation, use and revision of the first edition of the casebook.

The book is made up of Part I and Part II. The first part deals with five devices for the use of unsecured creditors in collecting from their debtors. These devices are (1) the enforcement of judgments, (2) the setting aside of fraudulent conveyances, (3) general assignments, (4) creditors' agreements, and (5) receiverships. There are 479 pages in this part of the book.

Part II deals with bankruptcy. Chapter I is introductory, with a concise and excellent historical summary. Chapter II presents bankruptcy administration in six sections. These sections are: jurisdiction, officials, procedure, persons subject to bankruptcy, offenses, and discharge. The distinctions between summary jurisdiction and plenary jurisdiction are well brought out. Under the title of procedure there is some discussion of the bankruptcy petition, but no specimen petitions are set out either in the text or in an appendix. This omission is noticeable because specimen

forms are presented for less important pleadings and drafts. Chapter III gives the acts of bankruptcy. Chapter IV deals with the assets of the estate. The next chapter deals with claims and distribution. Chapter VI presents 80 pages of the new cases on extensions, compositions and reorganizations. One division of this chapter deals with individual extensions and compositions under §§ 74 and 75 of the Act. The other division of the chapter deals with corporate reorganizations under §§ 77 and 77B. In addition, there is a four-page bibliography of books and articles on reorganizations. Three appendices present respectively the general orders in bankruptcy to May 15, 1935, to general order 52; the plan of reorganization of Paramount Publix Corporation; and a tentative draft of the new Frazier-Lemke Act. (The Bankruptcy Law of 1898 with its amendments to May 15, 1935, is set out in 77 pages in Chapter I of Part II.) There are 763 pages in this part of the book.

The reports of decided cases make up the principal contents of the book. Text material is included, but not as extensively as might be desired. Statutes are liberally distributed throughout the book. Extensive notes follow many of the cases. Law review articles and notes are cited with considerable profusion.

Although two-thirds of the book is concerned with bankruptcy, it would not be accurate to say that the book is just another bankruptcy casebook. The author does not over-emphasize the applicability of bankruptcy as a creditor's device. "To put a debtor in bankruptcy," he warns, "is not the only possibility and often may be the worst one." The five creditor's devices other than bankruptcy are presented in Part I in such a manner that they both contribute to, and also profit from the bankruptcy materials of Part II. There is a remarkable unity of substance and of procedural principle running throughout the book and binding its parts together.

The present ferment in the law of creditor and debtor is reflected in the casebook, both for better and for worse. The recent flood of new legislation and the continuing torrent of new decisions are stimulating, but they are also unsettling. It is probably inevitable that at certain points in the book one should get the impression of haste, of unevenness, almost of rawness. This impression is perhaps a timely and realistic reflection of the difficulties with which legislators, referees, federal judges and practicing lawyers are wrestling in seeking to assimilate new statutes, some of which are loosely drawn, and to meet other new problems. The author undoubtedly succeeds in including materials which "provoke discussion about the future of the law."

The comprehensiveness of the book is one of its great assets. Its administrative approach is another feature which insures its success. Lawyers, judges, and legislators have now for seven years been trying to help both distracted creditors and distressed debtors. Undoubtedly this book, like its predecessor, will be useful in helping these public officials to perform this difficult public service with competency, with fairness, and with integrity.

Indiana University School of Law.

JAMES J. ROBINSON

DOCUMENTARY TEXTBOOK ON INTERNATIONAL RELATIONS. BY JOHN EUGENE HARLEY. LOS ANGELES: SUTTONHOUSE, 1934. pp. 848.

In accordance with precise academic terminology the title of this volume is inexact, for the book deals with international organization rather than international relations. The book is organized in five parts. Part 1 is devoted to "International Organization and Cooperation"; Part 2, to "Pacific Settlement of International