

St. John's Law Review

Volume 7
Number 2 *Volume 7, May 1933, Number 2*

Article 41

June 2014

Cases and Materials on the Administration of Debtor's Estates (Book Review)

Robert D. Fleming

Follow this and additional works at: <https://scholarship.law.stjohns.edu/lawreview>

Recommended Citation

Fleming, Robert D. (1933) "Cases and Materials on the Administration of Debtor's Estates (Book Review)," *St. John's Law Review*. Vol. 7 : No. 2 , Article 41.

Available at: <https://scholarship.law.stjohns.edu/lawreview/vol7/iss2/41>

This Book Review is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

in behalf of the alien facing exclusion or expulsion. The author, in a brief compass, gives an excellent review of the important decisions. He discusses the unfortunate decision made in *United States v. Ju Toy*,⁴ holding in an exclusion case, that the decision of the Secretary of Labor is final even in respect to the question of citizenship. The author quite properly says: "The refusal of the Supreme Court to extend in exclusion cases the protection of a judicial hearing to a claim of American citizenship even when it is based on substantial evidence, has left citizens who travel abroad subject to the potential danger of having their citizenship denied by the administrative officers without any redress."⁵

"Conclusions" is the title of the final chapter. A few excerpts will serve to illustrate its high significance. Of our expulsion procedure, the author says: "For the important task of enforcing this system of what has been called quasi-criminal justice, we have devised a system of administrative procedure, of executive justice, with a maximum of powers in the administrative officers, a minimum of checks and safeguards against error and prejudice, and with certainty, care and due deliberation sacrificed to the desire for speed."⁶

Respecting the problem presented by the *Ju Toy* decision,⁷ the author says: "In cases where applicants for admission present substantial evidence to support a claim to American citizenship, they should have secured to them by statute the right to a judicial review of the evidence on the issue of fact."⁸

In my judgment, the stage of civilization achieved by a nation may be measured by the justice it accords to its aliens. Thus viewed, this volume is a significant contribution to the study of administration of justice to the alien.

LOUIS PRASHKER.

St. John's College School of Law.

CASES AND MATERIALS ON THE ADMINISTRATION OF DEBTOR'S ESTATES. By Wesley A. Sturges. St. Paul: West Publishing Company, 1933, pp. XIV, 1141.

It is unfortunate that it is the practice in our law schools at the present time to treat too lightly the subject of the administration of debtor's estates. Of those schools in which this branch of the law receives any consideration, the study is usually confined to that phase which is embraced by the National Bankruptcy Act. Often it is not one of the prescribed courses, but is left to the choice of the student, and, as is so frequently the case under such circumstances, it does not receive the necessary attention from the student.

As an aid to the student during his attendance at law school or for the practicing attorney, Professor Sturges of the Yale Law School offers a collection of cases and materials on the administration of debtors' estates which satisfactorily covers not only matters in bankruptcy but also affords ample

⁴ 198 U. S. 253, 25 S. Ct. 644, (1905).

⁵ P. 240.

⁶ P. 224.

⁷ *Supra* note 4.

⁸ P. 248.

material for the consideration of compositions, assignments for the benefit of creditors, and receiverships. It is to be regretted however, that, as explained by Professor Sturges, no reference has been made in his volume to the liquidation of banks, insurance companies, building and loan companies, or brokerage houses. Matters relating to the collection of assets, proof and allowance of claims, priorities, and payment and discharge arising under the various procedures for liquidation, are arranged for easy access both for reference and study.

Part I, chapter 1, deals with an analysis of debtors' estates. It is recommended therein that the student become familiar with the elementary principles of accounting, so that an intelligent understanding of the financial affairs of the debtor may be had. Chapters 2, 3 and 4 contain a comprehensive collation of cases and comment on "Composition and Assignments for the Benefit of Creditors," "Receiverships," and "Bankruptcy Proceedings," respectively.

Chapters 5 and 6, being generally classified in Part II under the heading "Administration," cover the "Collection of Assets" and "Proof and Allowance of Claims for Payment."

Part III, entitled "Discharge and Final Settlement," embraces chapters 7 and 8, which are more specifically headed "Discharge of Debtor and His Estate" and "Final Accounting and Discharge of Assignee, Receiver, and Trustee."

Equally valuable is the Appendix, which contains:

- (a) Various statutes regulating general assignment for the benefit of creditors, taken from the laws of New York, Michigan, and California.
- (b) The National Bankruptcy Act and General Orders in Bankruptcy.
- (c) An analysis of the proposed bill to amend the Bankruptcy Act.

Why bankruptcy is stressed as the solution of debtors' problems is difficult to understand. As often, if not more so, another method of liquidation may result in a more practical and equitable settlement with a substantial saving of the assets. Also, many proceedings in bankruptcy involve assignments and compositions.

The exhaustive research of the author is reflected in his comments and suggestions as well as in the comprehensive selection of cases. This work can be expected to take its place among those other invaluable volumes by the same compiler.

ROBERT D. FLEMING.

Far Rockaway, New York.

CASES AND MATERIALS ON VENDOR AND PURCHASER. By Milton Handler. St. Paul: West Publishing Company, 1933, pp. XIX, 925.

"The old order changeth, yielding place to new, * * *." For years the various property courses in our law schools have been paraded before the students under the familiar and prosaic label of "Real Property" and the book assigned for class use was invariably entitled "Cases on Real Property." This has now been changed by Mr. Handler, who gives us an intensely practical volume of legal expressions under the caption, "Cases and Materials on Vendor and Purchaser." The author prefaces his work with a statement which anticipates disagreement with the arrangement of topics and his liberal use of annotations and comments throughout the book. Dissatisfaction