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Cases on the Administration of Insolvent Estates

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BOOK REVIEWS

CASES ON THE ADMINISTRATION OF INSOLVENT ESTATES. By Thomas C. Billig and Homer F. Carey. Chicago: Callaghan and Company. 1932. Pp. xiii, 810.

The course in bankruptcy has not been a favorite in the law school curriculum. In schools with a prescribed course of study the subject is usually included but the time allotted it and the emphasis placed upon it are not great. In schools offering a substantially elective curriculum the course is found but is perhaps more generally ignored than any other. Very often it is taught by the newest member of the faculty who handles it loathingly until such time as it can be passed on to the next neophyte. In this manner the reviewer received it; in such spirit he bears this burden of the day. On numerous occasions he has approached a brother teacher with offers of barter and trade only to have the conversation quickly turned to a consideration of the depression or a discussion of the nudist movement.

Cases on the Administration of Insolvent Estates by Billig and Carey is a casebook of more than ordinary merit and will prove a relief to the dissatisfied instructor in bankruptcy. Not only a new book but material for a new course is offered. As Professor Hanna remarked in the preface to his *Cases on Creditors' Rights*, "To put a debtor into bankruptcy is not the only possibility and often may be the worst one. The lawyer needs to consider the relative advantages of different devices of court help and self help." Within the limits of approximately seven hundred pages of text, embracing about one hundred and fifty cases, Professors Billig and Carey have provided a unified and correlated treatment of bankruptcy, equity receiverships, and assignments for the benefit of creditors.

As the authors point out, ". . . the book aims to develop the course, not through the study of systems of administration as systems, but rather through the grouping of material around certain typical factual problems which the law must consider in the course of administering almost any insolvent estate." To this end the material is grouped into five chapters:

- I. The Several Methods of Administration.
- II. The Problem of the Debtor.
- III. The Problem of the Creditors.
- IV. The Problem of Jurisdiction.
- V. Some Problems of Administration.

The cases are arranged in such fashion as to depict the relative merit of the various legal devices as applied to these different factual problems. A certain amount of extra-legal material is inserted and while its value is not to be denied it is the belief of the reviewer that the fifty pages devoted to this material might have been reduced to a more acceptable proportion without sacrificing the end to be accomplished.

One cannot do justice to this book without paying tribute to the high character of the footnote treatment. The reference to law review material is exhaustive. The problems presented are provocative. The footnotes make easy the transition from case to case and section to section. This transition is further facilitated by the insertion of a limited amount of text material at necessary points.

In a casebook designed for a two hour course and yet made to cover material of such an extensive character one must expect a less minute treatment of the details usually covered in the average course in bankruptcy. Thus we find the position of wage-earners, insane persons, infants and married women under the bankruptcy law treated textually and supported by satisfactory citation to representative case and law review material. One does not wonder at this necessary condensation but, on the whole, is pleased to find it so satisfactorily done.

The appendix to the volume is composed of the following material:

1. The United States Bankruptcy Law.
2. The General Orders in Bankruptcy of the Supreme Court.
3. The New Bankruptcy Bill introduced in the last Congress.
4. The Statute of 13 Elizabeth.
5. The Uniform Fraudulent Conveyance Act.

A carefully prepared index concludes the casebook. This index is so thoroughly done as to provide a standard to which the authors of other casebooks may aspire. It is the belief of the reviewer that this book merits a fine reception.

—RAYMON T. JOHNSON.

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