

# Broke, But Not Out of Luck: Exploring Bankruptcy Records

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## Slides 1-5: Introduction

### Slide 6: Objectives

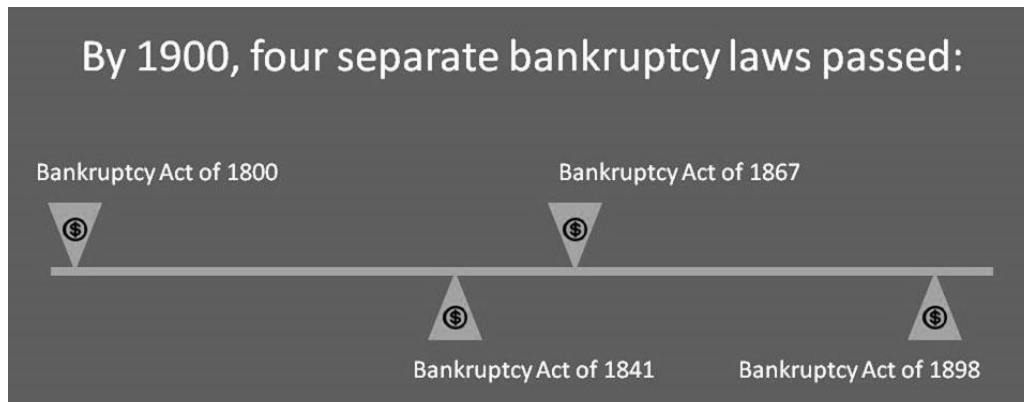
- Describe federal court bankruptcy history
- Know what records are available
- Understand how to research the records

### Slide 7: Economic Ups and Downs

- As many as 47 recessions in the United States since 1790
- Causes include: War, natural disasters, financial bubbles, foreign and domestic policy

### Slide 8: Government Authority

- Congress has authority under Article I, Section 8, Clause 4 of the Constitution to legislate for “uniform laws on the subject of Bankruptcies.”



### Slide 9: Bankruptcy Act of 1800

- Causes:
  - Panic of 1797 caused by land speculation bubble
  - Deflation from Bank of England
  - Quasi-War with France
- Application of the law:
  - Limited to merchants.
  - Involuntary Bankruptcies only
  - System abused by corruption and favoritism
- Effect
  - Repealed in 1803
  - States ran own bankruptcy system in absence of federal law

**Slide 10: Bankruptcy Act of 1841**

- Causes:
  - Panic of 1837 caused by massive bank failures
  - Collapse of cotton market
- Application of the act:
  - Voluntary bankruptcy permitted
  - Debtor could file for bankruptcy and receive discharge of debt
  - Any individual could be debtor.
- Effects:
  - Creditors viewed law as providing few payments, and discharging many debtors.
  - Repealed in 1843

**Slide 11: Bankruptcy Act of 1867**

- Causes:
  - Recession of 1865-1867 followed economic devastation of Civil War
  - International financial instability.
- Application of the act:
  - Involuntary Bankruptcy for any individual
  - Courts appointed registers in bankruptcy
- Effects:
  - Suffered from same problems as previous acts
  - Repealed in 1878

**Slide 12: Bankruptcy Act of 1898**

- Causes:
  - Panic of 1893 caused by failure of Reading Railroad
  - Withdrawal of European investments
- Application of the act:
  - Individuals entitled to benefits of voluntary bankruptcy
  - Anyone owing \$1,000 or more could be adjudged an involuntary bankrupt
- Lasted until 1978

**Slide 13: General Contents of Cases Files**

<b>Cases can include:</b>		
Libels	Defendant's answers	Schedule of debts
Motions	Stipulations	Lists of Names and Addresses of creditors
Transcripts of testimony	Depositions	Inventories of real and personal property
Exhibits and evidence	Reports	Final decrees and discharges
Court Orders	Claims	Briefs
Petitions	Arguments	Opinions

(\*Documents available per each case will vary.)

#### Slide 14: Bankruptcy Vocabulary

- Schedules: Detailed lists filed by the debtor along with the petition showing the debtor's assets, liabilities, and other financial information.
- Trustee: The representative of the bankruptcy estate who exercises statutory powers, principally for the benefit of the unsecured creditors, under the general supervision of the court... The trustee's responsibilities include reviewing the debtor's petition and schedules and bringing actions against creditors or the debtor to recover property of the bankruptcy estate.
- <http://www.uscourts.gov/educational-resources/educational-activities/bankruptcy-basics-glossary>

#### Slides 15-21: Examples of Bankruptcy Records *(Select copies found at the end of this packet)*

#### Slide 22: Looking for Indications of Bankruptcy

- Newspaper articles
- Family lore
- Related court case
- Changes in property or location between census years

#### Slide 23: Researching Bankruptcy Records



Will require utilization of National Archives Catalog and paper-based finding aids

#### Slide 24: Finding Aids Created by the Courts – Part 1

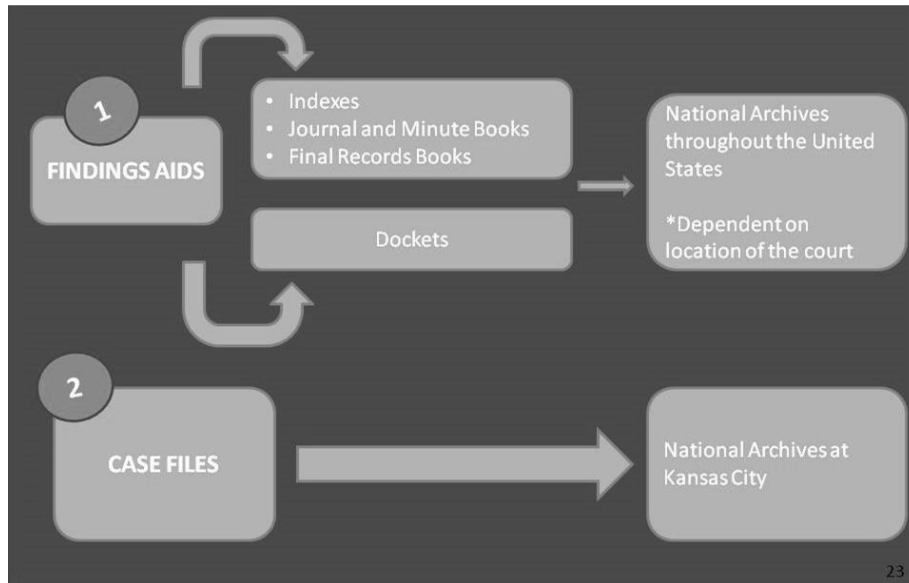
- Case Indexes
  - Listing of all bankruptcy cases or all cases tried by the court
  - Direct and inverted indexes
  - Some indexes are incomplete
- Docket Books
  - Contains *brief notes* stating what action was taken that day in court on a particular case
  - Arranged by case number

**Slide 25: Finding Aids Created by the Courts – Part 2**

- Journal and Minute Books
  - Document day to day proceedings
  - Search by a particular date or date range
- Final Record Books
  - Compilation of case proceedings
  - They can also contain information not found in case files

**Slide 26: Bankruptcy Docket Sample** (*Select copy found at the end of this packet*)

**Slide 27: Locating Finding Aids and Case Files**



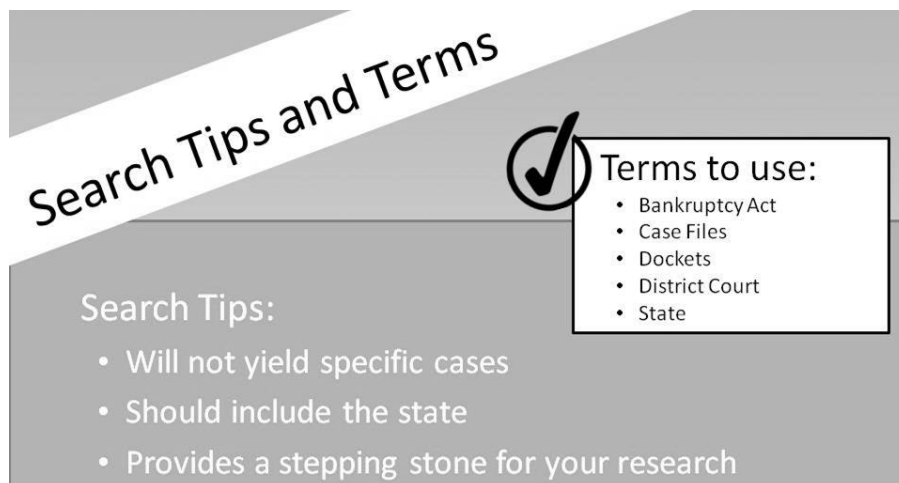
**Slide 23: Sample of a Docket**

*This can be found at the end of this packet.*

**Slide 24: Research Our Records in the National Archives Catalog**

- <http://www.archives.gov/research/catalog/>

**Slide 25**



## Slides 26-28: Searching the National Archives Catalog

- Note:
  - Varying court locations, e.g. U.S. District Court for the Northern District of New York
  - Varying date spans

## Slide 29: Note These Details in the Description

1. Title and date
2. National Archives Identifier (number)
3. Creator
4. Scope and Content
5. Contact(s)

## Slides 30-33: Understanding the Description

### Slide 34: Additional Online Resources

- The evolution of U.S. Bankruptcy Law by the United States Courts:
  - [http://www.rib.uscourts.gov/newhome/docs/the\\_evelution\\_of\\_bankruptcy\\_law.pdf](http://www.rib.uscourts.gov/newhome/docs/the_evelution_of_bankruptcy_law.pdf)
- Select bankruptcy records on microfilm from the Bankruptcy Act of 1800:
  - <http://www.archives.gov/publications/microfilm-catalogs/fed-courts/part-03.html>
- History of the Federal Judicial – Bankruptcy Courts:
  - [http://www.fjc.gov/history/home.nsf/page/courts\\_special\\_bank.html](http://www.fjc.gov/history/home.nsf/page/courts_special_bank.html)

## Slides 38-39: Questions???

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## SAMPLE BANKRUPTCY DOCUMENTS – CASE FILE

Citation: "Affidavit of Publication," Case 4457—In the Matter of Laugh-O-Gram Films (National Archives Identifier 6997521). Bankruptcy Act of 1898 Case Files, 1898-1950. U.S. District Court for the Western (Kansas City) Division of the Western District of Missouri, Record Group 21; National Archives at Kansas City, MO.

## AFFIDAVIT OF PUBLICATION.

State of Missouri,)
   
188.
   
County of Jackson.)

Notice of First Meeting of Creditors—In the District Court of the United States for the Western Division of the Western District of Missouri, in bankruptcy. In the matter of Laugh-O-Gram Films, Inc., bankrupt. In bankruptcy. To the creditors of Laugh-O-Gram Films, Inc., of Kansas City, in the county of Jackson, and district aforesaid, bankrupt: Notice is hereby given that on the 30th day of October A. D. 1923, the said Laugh-O-Gram Films, Inc., was duly adjudicated bankrupt; and that the first meeting of its creditors will be held at room 300 Fidelity Trust Building, at Kansas City, Missouri, on the 2nd day of December A. D. 1923, at ten o'clock in the forenoon, at which time the said creditors may attend, prove their claims, appoint a trustee, examine the bankrupt, and transact such other business as may properly come before said meeting; the said meeting to be held at Kansas City, as the meeting of creditors at Independence, the county seat, would be manifestly inconvenient for the parties in interest, and the said meeting is held at Kansas City in pursuance of an order of the District Court of the United States.

ELMER N. POWELL,  
Referee in Bankruptcy.  
Kansas City, Mo., November 20th, 1923.

J. Mora Boyle, of Kansas City, Missouri, of lawful age, being duly sworn, says that he is Direc. of Adv. of THE KANSAS CITY JOURNAL, a morning newspaper published daily, THE KANSAS CITY POST, an afternoon newspaper published daily, THE KANSAS CITY JOURNAL-POST, a newspaper published Sundays, and THE KANSAS CITY WEEKLY JOURNAL, a newspaper published weekly, all in Kansas City, Jackson County, Missouri, and that the advertisement, a true copy of which is hereto attached, was duly published in the Kansas City Journal on the following dates:  
Nov. 22, 1923

Subscribed and sworn to before me this 22nd day of Nov. 3, 1923; and I certify that I am duly qualified as a Notary Public in Jackson County, State of Missouri, and that my term expires the 18th day of March, 1926.

Wm. L. L. Jones  
Notary Public in and for Jackson County, State of Missouri.

## SAMPLE BANKRUPTCY DOCUMENT – CASE FILE

Citation: "Petition of William F. Cody for Return of Certain Property," Case 2566 In the Matter of the... (National Archives Identifier 292719). Bankruptcy Case Files, 1876-1948. U.S. District Court for the District of Colorado, Record Group 21; National Archives at Kansas City

IN THE DISTRICT COURT OF THE UNITED STATES,  
IN AND FOR THE DISTRICT OF COLORADO.

IN THE MATTER OF THE PETITION  
OF D. CLINTON COOK, RECEIVER FOR  
THE DISTRICT OF NEW JERSEY IN  
THE MATTER OF BUFFALO BILL'S  
WILD WEST AND PAWNEE BILL'S  
GREAT FAR EAST, COMBINED,  
BANKRUPT.

IN BANKRUPTCY.  
No. 2566.

PETITION OF WILLIAM F. CODY  
FOR RETURN TO HIM OF PERSONAL PROPERTY.

Comes now William F. Cody and respectfully represents and shows to the Court that among other articles of personal property now in the possession of Dewey C. Bailey, the Ancillary Receiver herein, is certain property belonging to said William F. Cody, individually, to-wit: One box containing silver mounted saddle and hair bridle, and also one buckskin suit, together with other purely personal effects belonging to said William F. Cody; that said property above referred to is exempt from levy and sale under execution:

Wherefore and by reason of all which petitioner respectfully prays the Court to make and enter an order herein directing and authorizing the said Ancillary Receiver to deliver said personal property to said William F. Cody.

*William F. Cody*  
Petitioner.

STATE OF COLORADO,  
City and County of Denver. | SS.

William F. Cody, being duly sworn, on oath states that he is the petitioner above named; that he has read the above and foregoing petition and knows the contents thereof; and that the same is true.

*William F. Cody*

Sworn to and subscribed before me this 18<sup>th</sup> day of August, A.D. 1913,  
as witness my hand and notarial seal.  
My commission expires March 7, 1915.

*Charles H. Adams*  
Notary Public.



## SAMPLE BANKRUPTCY DOCUMENTS – DOCKET SHEET

Citation: "Bankruptcy Docket Entry for Case 17875, In the Matter of Jake W. Rose." Bankruptcy Act of 1898 Docket Books, 1898-1978 (National Archives Identifier 6002270). U.S. District Court for the Western (Kansas City) Division of the Western District of Missouri, Record Group 21; National Archives at Kansas City.

TITLE OF CASE		CASH RECEIVED AND DISBURSED			
CAUSE NO. 17875		DATE	RECEIVED	DISBURSED	
In the matter of <i>Jake W. Rose</i>		12/11	30.00 ✓		
1220 Holmes St. K.C. Mo		12/11		150.00 ✓	
		12/11		500.00 ✓	
		3-29		10.00 ✓	
			30.00	300.00	
<i>Laborers Standard Steel Co.</i>					
<i>Voluntary</i>					
REFeree AND TRUSTEE		ATTORNEYS			
Referee: <i>Henry A. Bandstau</i>		<i>Geo. Hornecker</i>			
Trustee: <i>W. B. Bastian 1-8-45</i>		<i>K.C.</i>			
DATE	PROCEEDINGS				
12/11	<i>Petition &amp; Schedules</i>				
✓	<i>Order of Reference</i>				
✓	<i>Adjudication by the Referee</i>				
12/11	<i>Judgment roll of Referee filed - case closed</i>				
3-15	<i>Order of Discharge</i>				