



The National Archives at
Chicago

February 2015

Bankruptcies, Dockets, and the Power of Love

While reviewing bankruptcy referee dockets from Chicago, one of our staff came upon an interesting historical discovery that showed the power of love on William T. Kirby's desire to have a career with the Federal government.

William T. Kirby was a referee appointed by Judge Phillip L. Sullivan of the U.S. District Court in Chicago in the 1930's to assist with handling cases covered by the Bankruptcy Act of 1898. The National Archives has numerous records of bankruptcy cases overseen by Kirby as well as other bankruptcy referees across the nation.

From 1898 to 1978, bankruptcy cases were assigned to a judge in the U.S. District Court. The judge then generally assigned the case to a referee who would oversee the administration of bankruptcy cases and exercise certain judicial responsibilities referred by the district court. Subsequent acts expanded the referees' judicial powers. The referee would then keep the judge informed of the case's progress. The Bankruptcy Reform Act of 1978 created bankruptcy courts in each judicial district, which are presided over by bankruptcy judges appointed by the President and confirmed by the Senate.

The court tracked the progress of the cases in a series of bankruptcy dockets. However, each referee kept a separate docket (or in many cases multiple types of dockets) that contained additional information on the case that was not always transferred to the main bankruptcy dockets. The National Archives at Chicago has many of these referee dockets, which are generally organized by the referee that created them.

The dockets kept by the courts and by the individual referees are useful in providing an overview of a case without having to review the actual case file, which can vary in size from a single folder to dozens of boxes. The information on meeting dates that appears in the referee dockets can also be used to find dates in the minute books that each referee maintained. These books are usually in chronological order and contain information on multiple cases, so knowing the date of a specific meeting makes doing research in the minute books much easier.

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The National Archives at Chicago will be closed on Monday, February 16, 2015 in observance of Presidents' Day.

The National Archives at Chicago is located at:

**7358 S. Pulaski Road
Chicago, IL 60629-5898
773-948-9001
chicago.archives@nara.gov**

The National Archives at Chicago research rooms are open to the public Monday through Friday, and the second Saturday of every month, from 8:00 AM to 4:15 PM.



NATIONAL
ARCHIVES

D. C. 117 BANKRUPTCY DOCKET		JUDGE HOLLY		64167
TITLE OF CASE		CASH RECEIVED AND DISBURSED		
		DATE	RECEIVED	DISBURSED
CAUSE NO. 64167		Sept. 10-1936	DEPOSIT	40 00
In the matter of		OCT 18 1936	SEPT REPORT	10 00
MARGARET SCHMITZ		DEC 14 1936	BY 422	25 00
of		DEC 14 1936	BY 422	5 00
Deerpath Inn, Lake Forest, Illinois.				40 00
REFeree AND TRUSTEE		ATTORNEYS		
Referee: KIRBY		Robert E. Kinnare		
Trustee:				
DATE	PROCEEDINGS			
Sept. 10-1936	PETITION AND SCHEDULES FILED 3:50 P.M.			
9-10-36	PRELIMINARY REFERENCE TO REFEREE KIRBY			
9-16-36	Leave to Bankrupt to amend petition DRAFT SULLIVAN J.			
9-18-36	Recommendation of Referee filed - Order of adjudication and reference to Referee - Sullivan, J.			
12-7-36	REFEREE'S FINAL RECORD FILED			
12-7-36	REFEREE'S EXPENSE ACCOUNT FILED			
12-10-36	Order approving Referee's Expense account HOLLY, J.			
12-14-36	Petition for discharge filed			
1-27-37	Supplemental record of proceedings filed.			
1-27-37	CERTIFICATE OF REFEREE FOR DISCHARGE FILED.			
2-15-37	Order of Discharge, William H. Holly, Judge			

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In The Matter of No. 64167

Margaret Schmitz
Bankrupt

Claim Docket Page
Judge Holly

Housewife

Date of Adjudication: September 18, 1936.

Attorney for Bankrupt - Robert E. Kinnare
176 N. Adams St.
Chicago, Illinois

SEP 14 1936 Petition and schedules received by Referee.
SEP 17 1936 Certified copy of order giving leave to amend entered on September 16, 1936, by Philip L. Sullivan, Judge, filed.
SEP 17 1936 Report advising adjudication.
SEP 18 1936 Order of adjudication before Sullivan, J.
SEP 19 1936 Certified copy of order of adjudication filed.
SEP 21 1936 Order setting first meeting. See order.
SEP 21 1936 Notice of first meeting of creditors filed; proof of service.
OCT 3 1936 Proof of Publication.
OCT 3 1936 Affidavit of mailing notice of first meeting of creditors filed.
OCT 17 1936 First meeting of creditors; first meeting adjourned to October 24, 1936 at 9:30 o'clock A.M. See order.

A comparison of the bankruptcy docket maintained by the US District Court in Chicago for Margaret Schmit's 1936 bankruptcy (left) and the same case in the bankruptcy referee docket maintained by referee William T. Kirby (right). The main bankruptcy docket on the left indicates that she lived in Lake Forest and identifies the referee who was assigned the case, while the referee docket maintained by referee Kirby indicates Schmit's profession was a housewife. A second page in the referee docket continues to fill in information about the case between 9/16/1936 and 12/7/1936, which does not appear in the main bankruptcy docket series. Both dockets are found in record group 21.

While reviewing several bankruptcy referee dockets that were unidentified, our staff noticed that the referee changed in the middle of the docket. This was unusual, as most referees kept their own dockets and did not share them. Why did the docket begin with cases heard by Referee William T. Kirby but then switch to Walter M. Givler?

A search on the Internet found the answer in [a Chicago Tribune article from April 7, 1940](#). William T. Kirby fell in love with Evelyn McAdams. Unfortunately, he had a minor problem to resolve before he

could marry her. Evelyn was the niece of Judge Phillip L. Sullivan, who happened to be the judge who appointed Kirby to be a bankruptcy referee. Federal statutes prohibited a relative of a Federal judge from holding office as a referee in bankruptcy. Kirby resolved the problem by resigning from his job and accepting Evelyn to be his new lawfully wedded wife. [A Chicago Tribune article from June 22, 1940](#) indicates that Walter M. Givler was then appointed to take over for Kirby. Givler appears to have just continued using the same docket that Kirby had used.

[Kirby's obituary](#) indicates that he went on to have a very successful career after leaving the Federal courts. He served with the Army Corps of Engineers during World War II and spent most of his career in private practice, except for several years he spent as an Assistant Attorney General for the State of Illinois in the late 1940s. A notable case Kirby defended was the fraud trial of automobile inventor Preston Tucker, where Kirby gave the closing arguments that helped get Tucker acquitted. In 1980, Kirby left the practice of law to help set up and eventually chair the John D. and Catherine T. MacArthur Foundation.

Records relating to Tucker and court cases Kirby assisted him with are available at the National Archives at Chicago in various record groups including RG 21, Records of District Courts of the United States; Record Group 276, Records of the U.S. Courts of Appeals; and Record Group 270, Records of the War Assets Administration. Researchers interested in learning more about those cases and records, or about bankruptcy cases in general, are welcome to contact chicago.archives@nara.gov or 773-948-9001 and talk with one of our archivists.

The National Archives at Chicago Announces Workshops for 2015

Goin' Mobile: Planes, Trains, and Automobiles and Their Federal Government Properties

Has your research led you to property that was once owned by the federal government? Have you driven by old buildings and wondered what they were used for? Come to the National Archives at Chicago on Saturday, February 14th at 9:30 AM for a presentation by archivist Katie Dishman about records related to the disposal of excess and surplus federal government real property such as military bases, industrial complexes, and other government buildings. These files provide an overview of the facilities at the time they were declared as excess and often provide information about changing uses of the site over time. Real property disposal and liquidation files are one of the National Archives at Chicago's most heavily used series of records, as the information found in them is often invaluable to projects involving local history, historical preservation, or environmental cleanup.

Ancestry Presents Ancestry

Saturday, May 9, 9:30 – 11:00 AM

It's a family affair! Loretto "Lou" Szucs and her daughter Juliana Smith will provide an overview and strategies for searching the world's largest online family history resource.

BAMM! Business, Agriculture, Manufacturing, and Mortality Census Schedules

Saturday, June 13, 9:30 – 11:00 AM

BAMM! Add "explosive" details to your genealogy by utilizing non-population Census schedules of

Business, Agriculture, Manufacturing and Mortality. Authorized by Congress, these records cover very specific time periods and locations during the 19th and 20th centuries and provide unique insights into the communities where our ancestors lived and worked. Kris Maldre Jarosik, Education Specialist at NARA-Chicago, will help you learn about these records.

Sign Up!

Each workshop is free and will be held at our facility near Ford City Mall at 7358 South Pulaski Road, Chicago, Illinois. Space is limited, so please RSVP to save a seat by sending an e-mail to kristina.jarosik@nara.gov. Please indicate in your e-mail which workshop you are interested in attending.

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