

## The Evolution of Debtors' Remedy Concept of the Bankruptcy Act of 1898 Observed in 'MITCHELL Report' of 1932—As a Part for Research of the Enactment Process in U.S. Bankruptcy Law [2]

Prof. Tetsuo KATO, Ph.D.

### Abstract

'WILLIAM D. MITCHELL, STRENGTHENING OF PROCEDURE IN THE JUDICIAL SYSTEM, 72d Cong., 1<sup>st</sup> Session, Doc. No. 65 (1932)', referred as 'MITCHELL Report', in this article, is a valuable material which is describing about multifaceted viewpoints of theories and practices in the Bankruptcy Act of 1898 in those days. In this article, the author tried to consider debtors' remedy concept which had been penetrated in the Bankruptcy Act of 1898 in the U.S., and of which had been observed critically in that report.

In considering these critical observations in that report, the author was explaining the transitional enactment process from debtors' remedy concept towards introduction of debtor relief concept into Sec. 74, Chapter VIII of 1933 amendment, Provisions for the Relief of Debtors, as including or expanding debtors' remedy concept. The author concluded by noting and analyzing 'MITCHELL Report' in detail that in the process to 1933 amendment, debtor relief concept had been established in the Bankruptcy Act.