

MICHIGAN LAW REVIEW

PUBLISHED MONTHLY NOVEMBER TO JUNE INCLUSIVE, BY THE
LAW SCHOOL OF THE UNIVERSITY OF MICHIGAN

SUBSCRIPTION PRICE \$3.50 PER YEAR

50 CENTS PER NUMBER

JOHN BARKER WAITE, EDITOR-IN-CHIEF

ASSOCIATE EDITORS

HENRY M. BATES

HOBART R. COFFEY

RALPH W. AIGLER

BURKE SHARTEL

EDSON R. SUNDERLAND

STUDENTS APPOINTED BY THE FACULTY

WILLIAM CARL BAUER, of Michigan
NORMAN CHESTER BOWERSOX, of Ohio
JACOB CLAYMAN, of Ohio
ROBERT JAMES CLENDENIN, of Illinois
ARTHUR LEWIS EVELY, of Michigan
DANIEL JACK GALLANCY, of New York
BOICE GROSS, of Michigan
HARLAN LUND HACKBERT, of Wisconsin
RALPH MORGAN JONES, of Missouri
THOMAS VICTOR KOYKKA, of Ohio
HYMAN KRANSBERG, of Michigan
MALCOM SPARHAWK LANGFORD, of Michigan
ELVIN REMUS LATTY, of Maine
ELLIOTT HARRY MOYER, of Michigan

WALTER PHELPS NORTH, of Michigan
GEORGE WILLIAM OTT, of Michigan
VICTOR ALGERNON PECKHAM, of Michigan
FRANKLIN JOSEPH RAUNER, of Michigan
DAVID FIELD SCOTT RAWSON, of Vermont
NORTON PARK RIDER, of Illinois
JOEL KELL RILEY, of Ohio
ARCHIBALD WHITNEY STORMS, of Nebraska
ROBERT GEORGE SURRIDGE, of Ohio
MILTON MARSHALL THOMPSON, of Iowa
NORMAN ORWIG TIETJENS, of Ohio
JOHN DAVID TODD, of Texas
EUGENE WEINBERG, of Illinois
WALDO OSCAR WILLHOFT, of Nebraska

NOTE AND COMMENT

INSURANCE—RIGHTS OF CREDITORS TO PROCEEDS OF INSURANCE POLICY ON LIFE OF INSOLVENT DEBTOR.—With the ever increasing popularity of life insurance investments it becomes of deep concern to know the extent of a creditor's claim against the proceeds of such an investment. Where the estate of the insured is the beneficiary of the policy at the time of his death, there is no doubt that his creditors may satisfy their claims out of the proceeds.¹ The rights of creditors to the proceeds in cases where, during insolvency of the debtor, a policy on his life has been assigned by him to his wife, or premiums have been paid by him on a policy naming her as beneficiary, are not so well-defined.

As a result of the operative effect of the statute of 13 Elizabeth (and statutes of the same or similar import in most, if not all, jurisdictions), a transfer of a debtor's property under such circumstances that the result must necessarily be to hinder and delay creditors, will be considered in fraud of them and void as to them. Contrary to the situation that early existed, a

¹RICHARDS ON INSURANCE, 3d ed. p 89. Kelly v. Mann, 56 Ia. 625, 10 N.W. 211.