4. Is state law to be entirely or partly superseded by the proposed federal legislation?

5. Jurisdiction. Over what matters are state courts to be given concurrent jurisdiction? Where jurisdiction is to be concurrent will state courts nevertheless retain their putative power over the incidents of litigation (fixing fees, etc.).

V. Conclusion

There are no constitutional restrictions on the power of Congress under the bankruptcy clause to effect substantive, as opposed to merely formal or geographical, uniformity of security devices. Under examination, neither the Fifth nor the Tenth Amendment prohibits substantive regulation, nor does it affirmatively appear that such regulation falls outside the scope of the bankruptcy power. The main defect in the method previously followed with respect to amending Sec. 60a of the Bankruptcy Act has been the adoption of an a priori approach—the preoccupation with absolutistic concepts such as the "secret lien." Instead, it is suggested that further amendment deal with each of the leading security devices separately, and that, in any event, further amendment be deferred pending surveys, the results of which may throw more light on the pecuniary importance and effect of proposed changes.

81. Under former Sec. 64(b) state-created priorities were not expressly superseded. Cases prove where an employee claimed wages for more than three months past. Although his claim might amount to more than $500 in the aggregate, it would be allowed in full Milk Co., 261 Fed. 542 (C.C.A. 9th 1919), cert. denied 255 U.S. 950 (1920). Center: Congress intended the substantive priorities under Sec. 64(b) to be exclusive. In re Rodgers & Garron Co., 22 F.2d 321 (D. Md. 1927). In re power, but only of sloppy draftsmanship.