

Four Book Reviews

of

Tiffany's Handbook on The Law of Persons and Domestic Relations.

(Second edition, 1909)

by

Roger W. Cooley

Roger William Cooley was on the faculty of a law school for much of his adult life. An 1882 graduate of the University of Michigan Law School, he was employed for many years by West Publishing Company in St. Paul, Minnesota. From 1906 to 1911, he was also on the faculty of the St. Paul College of Law. During these years he produced an enormous quantity of law books, all published by West. They include the five volume *Briefs on the Law of Insurance* (1905).

In 1909 he undertook a different project —preparing the second edition of Walter C. Tiffany's *Handbook on Law of Persons and Domestic Relations*, first published in 1896 by West as part of its Hornbook series (Walter C. Tiffany must not be confused with Francis Buchanan Tiffany, a St. Paul lawyer, treatise writer and founder of the St. Paul College of Law).

Roger Cooley went on to serve as the Dean and a Professor of Law at the University of North Dakota Law School. In 1913, while on the faculty of North Dakota Law School, West published *Illustrative Cases on Persons and Domestic Relations*, a companion to his revision of Tiffany's hornbook.

He died on November 7, 1931, at age seventy-one. The following notice appeared in the *Michigan Alumnus Journal*.

Roger William Cooley, '82

ROGER W. COOLEY, Dean of the North Dakota Law School and a lecturer, editor and teacher, died of pneumonia in Grand Forks, North Dakota, November 7. He was 71 years old.

Born in Decorah, Iowa, Mr. Cooley graduated from Michigan and then began the practice of law in Minnesota in 1884. For many years he was with the West Publishing Company, editing books and treatises on legal subjects. From 1906 to 1911 he was Professor of Law at St. Paul College of Law, and a special lecturer in the law schools of the Universities of Michigan, Minnesota and Chicago. After nine years at the University of North Dakota Law School, where he was honored in 1913 with an LL.M. degree, and two years in the School of Jurisprudence of the American University, Professor Cooley returned to North Dakota in 1923 and had remained there until the time of his death. He had been Dean of the Law School for several years and, although stricken with blindness last June, he continued his teaching and administrative duties until a week before his passing.

Dean Cooley was the author of numerous works, especially on the subjects of Insurance and Corporations.

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Professor Cooley's edition of Tiffany's Handbook on domestic relations was reviewed in *The Central Law Journal*, *Georgetown Law Journal*, *Harvard Law Review* and *The Green Bag*. Those four reviews follow:

BOOK REVIEWS.

**TIFFANY'S PERSONS AND DOMESTIC RELATIONS—SECOND EDITION. BY
ROGER W. COOLEY.**

Prof. Cooley, instructor in St. Paul College of Law, prepares this Second edition of this work of the Hornbook series principally because of later cases added and for changes in statutes as separate property of married women and for the prominence given questions as to extra-territorial effect of divorce.

These additions give the book an added value and serve to make it one of the best textbooks in existence on this subject. It is especially a most desirable book for students, as its clear black letter outline conveys to the student strong impressions of the salient principles of the law of domestic relations.

Printed in one volume of 656 pages, bound in buckram and published by the West Publishing Co., St. Paul, Minn.

5 *Georgetown Law Review* 55 (February 1917)

Handbook on Law of Persons and Domestic Relations.
By Walter C. Tiffany. Second edition by Roger W. Cooley,
West Publishing Company, 1909.

Illustrative Cases on Persons and Domestic Relations.
By Roger W. Cooley, Professor of Law, University North
Dakota. West Publishing Company, 1913.

Professor Tiffany's treatment of the subject of Domestic Relations was so well received as to require a second edition. The well-known plan of the Hornbook Series of prefacing each subdivision of the subject with a concise

statement of the law in large type, followed and illustrated by a fuller treatment of each subdivision is adhered to.

The general plan of the author in treating the subject is to thoroughly state the common law followed by a discussion of the numerous statutory changes and the judicial interpretations of such enactments.

The author divides the subject into five parts: Husband and Wife; Parent and Child; Guardian and Ward; Infants, Persons Non-Compos Mentis and Aliens and Master and Servant. He concisely, yet exhaustively, treats each with numerous and well selected cases to illustrate and support the doctrine of the text. Particular attention is paid in the second edition to the treatment of the law with reference to separate property of married women and the extraterritorial effect of divorce.

The work is a distinct contribution to the law of Domestic Relations, valuable not only to the student, but, because of the numerous and well selected references, to the general practitioner as well.

The volume of selected cases on the subject by Professor Cooley, issued by the publishers to accompany the Handbook, renders the treatment of the subject helpful to the student as well as the instructor, whether his method of study or instruction be the lecture or the case book system.

John E. Laskey.
Professor of Domestic Relations.
Georgetown Law School.

23 *Harvard Law Review* 157-158 (1909)

HANDBOOK ON THE LAW OF PERSONS AND DOMESTIC RELATIONS. By Walter C. Tiffany. Second Edition by Roger W. Cooley. St. Paul: West Publishing Company, 1909. pp. xiii, 650.

The first edition of this book was admirably planned, and Mr. Cooley has wisely not departed from its arrangement. In fact, the few changes in the subject during the last thirteen years have, generally speaking, reduced his task to an incorporation of recent cases, with the exceptions of material additions to that part of the book dealing with the separate property of married women and the insertion of a section on the extraterritorial effect of divorce. Mr. Cooley's task, as he has outlined it, is, in the main, well done. Although the modern law of married women is largely based on statute, parts still remain untouched by legislation. The common law must constantly be referred to on questions of construction. And also every lawyer should be familiar with its development, because, where the common law of married women has not been altered by legislation, the statutes on the general subject or on other parts of it have had an indirect effect. The action of the legislature often has a "reflex action" on the future mental attitude of the judges. See *Smith's Cases on Persons*, p. 338. And, moreover, when a statute has removed the reason for a common law rule, does the maxim, "*Cessante ratione cessat ipsa lex*," apply? A large part of Mr. Tiffany's original plan consisted in stating so much of the legislation as had general application, with its interpretation by the courts. All this should be brought down to date. For these reasons the continuation of Mr. Tiffany's work on the law of married women is an absolute necessity. On the subject of infancy, which has not been generally covered by statute, this necessity is even more apparent. The omissions here noticed are those of the first edition. *Hall v. Butterfield*, 59 N. H. 354, is not cited; nor is attention drawn other than by the mere citation of the case to the elaborate and valuable note to *Craig v. Van Bebb*, 18 Am. State Reports, 569. That note, occupying about one hundred and fifty pages, not only states exhaustively the law of infancy to 1890, but gives at length the writer's own acute comparisons and theories.

J. W.

2 *The American Law School Review* 534 (Winter 1911)

The *American Law School Review* was another product of West Publishing Company. It reprinted previously published articles of interest to law schools including this review in of Cooley's book on domestic relations from *The Green Book*.

TIFFANY'S PERSONS AND DOMESTIC RELATIONS. Second Ed., revised by Roger W. Cooley, author of "Briefs on the Law of Insurance," and special lecturer in Legal Bibliography. Hornbook Series. West Publishing Co., St. Paul, Minn. Pp. 551+table of cases and index 105. (\$3.75.)

The first edition of this standard treatise was published in 1896, and its popularity was due to the satisfactory manner in which it met the demand for a comprehensive treatise on the common law of persons as modified by statute in the United States. The arrangement was a decided merit, the rule of law being conspicuously stated in black type, followed in each case by explanatory text. The plan of treatment followed did not, to be sure, enable the reader to ascertain the statute law of his own state. The common-law rule was first set forth, being followed by the substance of such statutes as have been generally adopted, and their interpretation by the courts, leaving the reader to ascertain the law of his own state for himself. But as a practitioner is assumed either to be pretty familiar with the statute law of his state or to be able to turn to it readily, this method cannot be criticised; moreover, the wisdom of concentrating the law student's attention upon local rules to the neglect of those generally prevailing is open to doubt. So that Tiffany's Persons and Domestic Relations was well designed to prove serviceable, and but few inaccuracies were noticed in the first edition.

During the past fourteen years the statute law has undergone much change, particularly with reference to the property and contract rights of married women, consequently Mr. Cooley found it necessary to make some additions to the text, the material additions being in that portion of the work dealing with the separate property of married women and in the chapter on Separation and Divorce, a section relating to the extraterritorial effect of divorce having been added. The principal work of the revisor has been the incorporation of the later decisions into the notes. Even in the case of the law of Master and Servant, where it might have been expected that there would have been important changes, and where changes are certainly impending, the editor has seen fit to retain the original text substantially unaltered. A book so largely concerned, however, with fundamental doctrines does not require that frequent revamping necessary in the case of treatises which cover a subject with greater minuteness. In the law of divorce, for example, there has been some activity of recent years on the part of Legislatures, yet it has scarcely resulted in noteworthy innovations nor radically modified the principles set forth in this volume on its first appearance.

The second edition of the work enables it to keep pace with recent developments in the law, its citations being sufficiently complete, and on the whole it well fulfills its purpose.

—*The Green Bag.*

