

6-1928

Briefs on Insurance, 2d., by Roger W. Cooley

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Recommended Citation

Sayre, Paul L. (1928) "Briefs on Insurance, 2d., by Roger W. Cooley," *Indiana Law Journal*: Vol. 3: Iss. 9, Article 6.
Available at: <http://www.repository.law.indiana.edu/ilj/vol3/iss9/6>

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NOTICES

(These *Notices* are *Preliminary*; they do not preclude *Reviews* later.)

Briefs on Insurance. Second edition. By Roger W. Cooley. Kansas City: Vernon Law Book Company, 1927. Eight volumes. Pp. x, 7178. Price \$75.00.

The first edition of this work came out in 1905. In 1918 a two-volume supplement was published to bring the work down to date. The present edition is much longer than the original edition but it follows the same general plan and does not purport to cover more phases of the general subject of Insurance than were included in the original work. Thus the scope of both the first and second edition of this work is confined to the insurance contract by which the individual or the corporation is insured, with respect to the different matters which are now covered by insurance policies. Some fifty years ago perhaps marine insurance was the chief instance of an interest protected by insurance. Since then, however, fire insurance has increased in importance while life insurance and accident insurance have increased many times their former volume. In addition to this we have now insurance for almost every form of business risk as well as private interest. This treatise deals with all the well established

forms of insurance contracts at the present time. It treats of the insurable interest that the insured must have in order to secure his policy and it treats of the rights of assignees or others with respect to the property and insurance involved. Of course, it treats particularly with the various terms and the conditions of such policies especially in view of the statutory provisions that now so generally obtain. It does not purport to treat of the administrative side of insurance law which has been so brilliantly handled in Professor Patterson's recent book, "Insurance Commissioners in the United States." While Professor Cooley's exhaustive work does deal with the organization of insurance companies and something of their administrative and legal phases, it deals with these only as they are incidental to the exposition of legal rights under the insurance policy itself.

The form of the work is somewhat unique. Professor Cooley uses the bold face type so well known in this country through the Hornbrook series, with further exposition of the main headings following. Unlike most legal textbooks, however, he does not put footnotes at the bottom of the page in substantiation of his statements but sets forth the footnote material in the body of the text, following each paragraph of exposition with a paragraph of notes in finer type and somewhat indented. Here leading cases are cited in illustration of the principle and ample references are given to other leading cases and to the various reporter systems and digests of the law (The National Reporter System, the L. R. A., the L. R. A. (N. S.), R. C. L. and others). The citations to cases, however, is not followed by the date of the case as is usual in law review articles and most recent textbooks. Professor Cooley frankly says that he does not purport to cover by his footnotes all the cases dealing with the point discussed, but that he has tried to refer to all of the leading recent cases which deal with these matters and he has also tried to refer the readers to particular places in the principal digests and encyclopaedias of the law where these points are discussed most fully and where the reader can find individual cases from particular jurisdictions on the several issues.

This is one instance in which the reviewer has committed the not-infrequent sin of discussing a book without reading it. He can plead in extenuation only that this does not purport to be a review; it is a brief *notice* which is confessedly inadequate, but is printed here for the information of our readers inasmuch as this is a considerable work of recent publication to which they may want to refer. It seems to the reviewer in so far as he has read the book and in so far as he is competent to judge (this last is very little), that the work is a painstaking and careful exposition of the different phases of insurance law with very helpful citations to recent cases in substantiation and illustration of points discussed. The index is clear and full and the organization of the text itself presents the subject in a useable fashion. Perhaps the reader will be depressed in finding two considerable deficiencies which are enough to preclude the work from standing in the first rank of legal treatises: (1) It does not consider the subject historically or set forth the rules of law with relation to the other subjects that embrace the whole body of the law. The author does not seem to have availed himself of any of the work of Professor Vance, nor does he attempt to put the entire subject before the reader in an intelligible manner. He proceeds at once to the exposition of certain rules, analytically considered, but with no background. (2) There is little or no

criticism of or discussion of the authorities that are cited in support of particular rules, nor is there much consideration of the correctness in law or the wisdom in policy of these rules in the law of insurance. The treatment is analytical and expository to the almost complete exclusion of a critical evaluation of the law itself. Thus the work is informational in character; it does not purport to do more.

As a reference work for lawyers it is likely to be very popular and wholly serviceable. It will give the practitioner ready reference to the point before him with some discussion of the rules of law involved and a dogmatic statement of the authorities. The critical evaluation of these authorities will be left for him to do. We now have Professor Vance's admirable little Hornbrook in this subject, but it has not been revised for many years. Professor Cooley's book should fill a real need in the profession and should be welcomed by the bar generally.