2006

William W. Cook: Articles from *Law Quad Notes* about William W. Cook

Margaret A. Leary  
*University of Michigan Law School*, mleary@umich.edu  
Available at: https://repository.law.umich.edu/books/33

Follow this and additional works at: https://repository.law.umich.edu/books  
Part of the Architecture Commons, and the Legal Education Commons

Recommended Citation  

This Book is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Books by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.
William W. Cook

By Margaret A. Leary
Director and Librarian
University of Michigan Law School Library

Articles from Law Quad Notes about William W. Cook
WILLIAM W. COOK

Articles from *Law Quad Notes* about William W. Cook

By
Margaret A. Leary
Director and Librarian
University of Michigan Law Library

February, 2006
INTRODUCTION
By Margaret A. Leary

This collection of articles published from 2002-2004 is the embryo of a biography I hope to complete so that full information about the life and times of William W. Cook (1858-1930) is accessible. Cook was important to the University of Michigan and its Law School because he gave virtually all of his considerable fortune to the Law School, and was the first individual to give so much. His last will expressed his beliefs about legal education:

"Believing as I do, that American institutions are of more consequence than the wealth or power of the country; and believing that the preservation and development of these institutions have been, are, and will continue to be under the leadership of the legal profession; believing also that the future of America depends largely on that profession; and believing that the character of the law schools determines the character of the legal profession, I wish to aid in enlarging the scope and improving the standards of the law schools by aiding the one from which I graduated, namely the Law School of the University of Michigan."

And he stated the need for private support for the University as well:

"I trust that this gift of my residuary estate may cause others to realize that the University can no longer be extended in its main developments by state taxation alone, and that if its standards of scholarship and mental discipline, and its service to the state and nation, are to be maintained and advanced, they should be generous in their financial support."

Many people helped me with this work: Al Conard and Ilene Forsyth began the work on Cook's background, and Deans Jeff Lehman and Evan Caminker encouraged and supported my effort to build on what had been done. My colleagues at the University of Michigan Law Library all helped by continuing their superb work in spite of my distraction by this project. Bobbie Snow's help with genealogical research led to sources I would otherwise never have found. The staff at the Bentley Historical Collection preserved and made accessible papers that are at the core of this project.

Articles included:


'a time to build'

WILLIAM W. COOK AND HIS ARCHITECTS:
EDWARD YORK AND PHILIP SAWYER

The following narrative outlines the role of donor William W. Cook and the architects who built the Law Quadrangle 70 years ago. The report is excerpted and adapted from 94 Law Library Journal 395-425 (2002-26). The author is director of the University of Michigan Law School's Law Library.

By Margaret A. Leary

William W. Cook first worked with the architectural firm of Edward York and Philip Sawyer in 1911, when he contracted with them to build his New York town house at 14 East Seventy-first Street. He then used them for his first gift to Michigan, the Martha Cook Building (named in honor of his mother), and continued to work with them on subsequent Michigan projects. Cook also used the same interior finishing specialists, the Hayden Company, also based in New York City.

Ilene H. Forsythe's book, The Uses of Art: Medieval Metaphor in the Michigan Law Quadrangle (1993), includes many examples of the dialectical process that created the Law Quadrangle — determining the site, siting the individual buildings, selecting the type of stone — and quotes Cook's description to York of this process as "Going over the designs together, you furnishing the art and I the philosophy."

York and Sawyer met as associates at the preeminent New York City firm of McKim, Mead, and White, where they worked together from 1891-1898. They left to form their own firm when they won a competition for Rockefeller Hall at Vassar College, where they eventually did six more buildings. They were influenced by the partners in their former firm, and so was William Cook. Stanford White designed, for Cook's employer Clarence MacKay, a very grand mansion called Harbour Hill on Long Island, between 1899-1901. Cook's aesthetic education was undoubtedly affected by that building, which David Garrard Lowe described in Stanford White's New York (rev. ed. 1999) as "fashioned of the finest pale gray Indiana limestone... [with] rooms crammed with priceless paintings, rare tapestries, and fantastic furniture."

York and Sawyer, following their departure from McKim, Mead, and White, won 11 of the 14 competitions they entered in the next few years, when the usual rate was one in four. After five years they had $5 million worth of work, more than their former firm. Even so, Sawyer would recall later (in Edward Palmer York: Personal Reminiscences by His Friend and Partner Philip Sawyer and a Biographical Sketch by Royal Cortissoz [1951]) that York carried little cash and had to borrow a quarter from Sawyer to pay for lunch.

The same book describes the working relationship between the two men. York was the "thoughtfully directed energy behind" the partnership who nurtured clients and developed the overall strategy for the firm's future. He was "innately philosophical and serene," a "rationalizing, constructive architect." According to Sawyer, York did his work almost invisibly, "got his stuff drawn by others, let the contracts, built it satisfactorily without
noise, working so intangibly that no one ever caught him at it." And, Sawyer continued, his "scope was unlimited. He never lost patience with any client, no matter how foolish his suggestions, and when I once complained bitterly of a Building Committee who would not allow me to do the thing which seemed so obviously the best to me, he said, 'But Sawyer, think of all the fool things that our clients have prevented you from doing.'"

Sawyer, in his own words, "was a draftsman. I would have confined myself to drawing, sketching, and painting, if I could have afforded it. I had compromised on architecture as the next best thing, and my interest was in rounding out the building on paper to the last detail. What happened to the drawing afterward didn't much matter to me."

The firm developed specializations in college buildings, banks, and hospitals. York and Sawyer designed about 50 banks, including the Franklin Savings Bank at 8th Avenue and 42nd Street, and the Bowery Savings and Federal Reserve banks in New York City. Among their hospitals was Tripler Army Hospital in Honolulu. They did a score of private residences, including a 26-room apartment for Mrs. W.K. Vanderbilt in 1927. They also did office buildings in Montreal and Toronto, and the U.S. Steel Sphere at the 1939 World's Fair in New York.

One measure of the extent and quality of York and Sawyer's work is their 67 entries, as of May 7, 2002, in the Avery Index to Architectural Periodicals. A measure of the historical influence of the firm is that entries begin in 1905, and extend to the March 2002 issue of Architectural Digest, which details the restoration of "one of the great, grand apartments in Manhattan, a seldom-seen, beautifully preserved time capsule," the very maisonette originally built for Mrs. Vanderbilt. An article in the June 2000 issue of Interiors describes the restoration of the 1923 Bowery Savings Bank.

York was the lead architect on the Michigan project until he died in December 1928. Thus, he personally created the style of the Lawyers Club buildings and worked extensively on the concepts for the Legal Research Building. Cook announced, in early 1929, his intent to give that building to the Law School. York's role in the design and detail of the buildings was critical to a dialectical process in making the Law Quadrangle. For example, he educated Cook about the comparative qualities of various stones and the rationale for using Gothic-style architecture.

After York's death, Sawyer became equally influential, and Cook accepted his suggestions about the higher foundation and towers for the Legal Research Building. The two men seem to have developed a close relationship; Sawyer was one of three witnesses to sign the final version of Cook's will on August 8, 1929.

Cook's death in June 1930 touched off a two-year contest over his will, and the University did not receive proceeds from the estate until the fall of 1932. Hutchins Hall was completed in 1934 and is less detailed and ornate than any of the earlier buildings, probably because of the Depression, somewhat smaller estate after the will contest, the drop in the value of stocks, and Cook's absence from the last stages of planning.
Building a home for the laws of the world

By Margaret A. Leary
Building a home for the laws of the world

Part I: Bates, Cook, and Coffey

By Margaret A. Leary

During the first half of the 20th century, books as well as people emigrated from Europe and South America to the United States in huge numbers. The United States was wealthy, politically stable, internationally powerful, and almost completely free of natural disasters such as earthquakes and fire. The libraries of its growing institutions of government and higher education were able not only to purchase in the normal market but also to take advantage of economic and political instability elsewhere.

Academic research libraries in this country acquired deep and rich collections. They usually allowed anyone with a desire to use their material to have access to them, as did American public libraries. This open access flowed from the democratic principles of free basic education and the public's right to know, providing greater public access than libraries elsewhere in the world.

Academic research libraries in this country acquired deep and rich collections. They usually allowed anyone with a desire to use their material to have access to them, as did American public libraries. This open access flowed from the democratic principles of free basic education and the public's right to know, providing greater public access than libraries elsewhere in the world.

This article, based mostly on Law School and Law Library documents in the University's Bentley Historical Collection, describes the people and processes that built the foreign law collection at the University of Michigan Law Library, now among the best in the world according to faculty, visitors, and scholars who come from many countries to use the Library and say that Michigan's collection of material from their country is better than what is available to them at home.

The history of the development of any particular collection can illustrate the methods used by many libraries. In the case of the University of Michigan Law Library from 1910–1960, techniques included buying whole libraries from individuals, developing lists of desiderata, accepting gifts and exchanges, and using dealers abroad. Michigan's experience shows the value of starting early, having a clear understanding of the desired content, and working from a sound strategy.

The Michigan Law Library's development also illustrates the development of the profession of librarianship during the 20th century. For roughly the first half of the century, its librarians were intent upon acquiring, organizing, and cataloging the collection: what we now call technical services work. There is little evidence, however, that by 1960 the librarians at Michigan were conscious of having completed retrospective collection building, or that they realized the extent of the opportunity they had to shift from building to using the collection.

Finally, the story of the development of this one library illustrates how much difference individuals can make even to the largest institutions. Between 1920 and 1960, the vision of Dean Henry Bates, the financial resources of William W. Cook, the architectural genius of Edward Palmer York and Philip Sawyer, and the energy and intelligence of Law Library Director Hobart Coffey combined to create one of the world's most magnificent libraries.

The men who built the Michigan collection: Henry Bates' vision

Why did the University of Michigan Law School develop one of the world's most comprehensive collections of foreign, comparative, and international law materials? Who had the vision to build such a collection, and how was it achieved? The answer starts with the School's dean from 1910–1939, Henry Moore Bates.

In 1910, then-Professor Bates negotiated with the Regents of the University of Michigan for months about the terms under which he would accept the deanship of the Law School. Former Dean Harry Hutchins had just become president of the University. Bates’ dream was
to make Michigan a first-rank, internationally renowned law school, and he wanted to be sure he had transformative power sufficient to do that. He wanted full-time faculty members with an academic, rather than practical, bent. He wanted more, and better qualified, students. He wanted a curriculum that emphasized intellectual effort and that developed capabilities, rather than one that merely passed along superficial information about the law. He wanted a larger, finer physical facility. And he wanted a library that would support research and teaching in all aspects of the law, over all the world, for all historical periods.

Bates eventually obtained from the Regents the authority he needed. Between 1910–1939, his deanship did transform the Law School. Bates appreciated the central role of the library. He had been an officer of the Chicago Law Institute in 1902, during his pre-Michigan life practicing law in Chicago from 1890–1903. He also knew he needed an aggressive, imaginative, far-seeing person to build the Michigan collection. The first two librarians, John Vance and Victor Lane, had done a decent job of building a collection of Michigan material. But Bates saw Lane as too engaged in teaching to be a collection builder. He probably had little faith in the staff's ability to understand his vision if the following account of an event in 1918 is typical.

As a visiting professor at Harvard Law School that year, Bates facilitated Michigan's acquisition of Harvard duplicates, but apparently the library staff disappointed him in their treatment of this opportunity.

On June 6, 1918, law library staff member E.B. Steere wrote to Bates at Harvard:

"I am sorry that you feel that our disposal of the Harvard lists was not satisfactory. So far as the year books are concerned we of course have only the 1678–1680 edition — none at all of those offered by Harvard, and it would be a wonderful piece of fortune for us if we could get them all. . . . In the list I sent you we were simply making a modest request because we did not suppose there was any chance of our getting more. We have not learned to do things on a big scale out here."

Bates very nearly did not return to Ann Arbor. Harvard offered him a professorship in April 1917, but in the summer of 1918 he decided to come back to the Michigan Law School. Over the next three years he and President Hutchins successfully cultivated a donor, William Wilson Cook, who would eventually supply four buildings and an endowment to support faculty research. In 1921, Bates could certainly see the realization of his vision within reach, but had no idea of the frustrations that would intervene before it finally came to fruition more than a decade later.

**William W. Cook's fortune**

William W. Cook, born in 1858 in Hillsdale, Michigan, earned both bachelor's (1880) and law (1882) degrees at the University of Michigan. He immediately went to practice law in New York City, first in the office of William B. Coudert and later as general counsel for the Commercial Cable and Postal Telegraph Company of John W. Mackay and his son, Clarence Mackay. He retired from active practice in 1920, and for the next 10 years spent a great deal of time and energy in planning and executing gifts totaling $16 million to his alma mater. Cook's gifts included the Martha Cook women's residence hall and, at the Law School, the Lawyers Club residence hall (1925), John P. Cook dormitory (1930), Legal Research Building (1931), and Hutchins Hall (1933). He also provided landscape architecture for the entire block, the Law Quadrangle, which contained the Law School buildings. And he left a trust fund to support faculty research and lectures on American institutions, which by 2000 was worth $60 million.

The story of William Cook's professional life and his interactions with the University has not been fully told, largely because he was a very private man. Initially, he did not want the world to know he had given the money, and he never wanted his name associated with any of the buildings. Several contemporaneously published works, however, including those issued at the dedication of each of the Law School buildings, describe Cook's role in helping the Law School realize buildings that he never saw. In addition, later studies relying on primary source documents, many found in the Law School archives housed at the Michigan Historical Collections, have done much to recover and preserve this important historical record.
Cook and Bates initially shared mutual respect. In June 1921, Cook wrote to Hutchins that Bates “has ideas, other than brick and mortar and a mob, and I shall help him all I can.” However, by 1925 Cook refused to “have any communication with him, written or oral . . . He certainly is the limit.” The story of Cook’s relations with Bates, Hutchins, and others is beyond the scope of this article, but the impact of the damaged relationship on the Law Library was real.

Although this rift would cause great frustration and delay, especially from 1925-1929, the prospect of the coming gift put Bates in a position to begin the actions that would help achieve his dreams.

York and Sawyer’s architectural expertise

William Cook first worked with the architectural firm of Edward York and Philip Sawyer in 1911, when he contracted with them to build his New York townhouse at 14 East 71st Street. He then used them for his first gift to Michigan, the Martha Cook building, and continued to work with them on subsequent Michigan projects and for interior furnishing with the Hayden Company. Ilene H. Forsyth’s book (The Uses of Art: Medieval Metaphor in the Michigan Law Quadrangle, 1993) includes many examples of the dialectical process that created the Law Quadrangle — determining the site, siting the individual buildings, selecting the type of stone — and quotes Cook’s description to York of this process as “going over the designs together, you furnishing the art and I the philosophy.” There never appears to have been any question that York and Sawyer would do all the buildings for which Cook provided the funds.

York and Sawyer met as associates at the preeminent New York City firm of McKim, Mead & White, where they worked together from 1891–1898. They then left the firm to form their own firm when they won a competition for Rockefeller Hall at Vassar College, where they eventually did six more buildings. In the next few years, they won 11 of 14 competitions, when the usual rate was one in four. After five years they had $5 million worth of work, more than McKim, Mead & White. But York had to borrow a quarter from Sawyer to pay for lunch, as Sawyer notes in Edward Palmer York: Personal Reminiscences by his Friend and Partner Philip Sawyer and a Biographic Sketch by Royal Cortissoz (1951).

The firm developed specializations in college buildings, banks, and hospitals. They designed about 50 banks, including the Franklin Savings Bank at 8th Avenue and 42nd Street, and the Bowery Savings and Federal Reserve banks in New York City. Hospitals included Tripler Army Hospital in Honolulu. They did a score of private residences, including a 26-room apartment for Mrs. W.K. Vanderbilt in 1927. They also did office buildings in Montreal and Toronto, and the U.S. Steel sphere at the 1939 World’s Fair in New York.

One measure of the extent of York and Sawyer’s work is their 67 entries, as of May 7, 2002, in the Avery Index to Architectural Periodicals. A measure of the historical influence of the firm is that entries begin in 1905, and the most recent is for an article in the March 2002 issue of Architectural Digest that details the restoration of “one of the great, grand apartments in Manhattan, a seldom-seen, beautifully preserved time capsule,” the very maisonette originally built for Mrs. Vanderbilt. An article in the June 2000 issue of Interiors describes the restoration of the 1923 Bowery Savings Bank.

York was the “thoughtfully directed energy behind” the partnership who nurtured clients and developed the overall strategy for the firm’s future, Sawyer recalled in his Reminiscences. He was “innately philosophical and serene,” a “rationalizing, constructive architect.” According to Sawyer, York did his work almost invisibly, “got his stuff drawn by others, let the contracts, built it satisfactorily without noise, working so intangibly that no one ever caught him at it.” And, Sawyer continues, his “scope was unlimited. He never lost patience with any client, no matter how foolish his suggestions, and when I once complained bitterly of a Building Committee [member] who would not allow me to do the thing which seemed to be obviously the best to me, he said, ‘But Sawyer, think of all the fool things that our clients have prevented you from doing.’”

Sawyer, in his own words, “was a draftsman. I would have confined myself to drawing, sketching, and painting, if I could have afforded it. I had compromised on architecture as the next best thing, and my interest was in rounding out the building on paper to the last detail. What happened to the drawing afterward didn’t much matter to me.”
York was the lead architect on the Michigan project until he died in December 1928. His role in the design and detail of the buildings was critical to a dialectical process in making the Law Quadrangle. For example, he educated Cook about the quality of stone, and the rationale for using Gothic-style architecture. After York’s death, Sawyer became equally influential, and Cook accepted his suggestions about the higher foundation and towers for the Legal Research Building.

By the early 1920s, then, the Law School had Bates’ vision, the promise of Cook’s money, and the architectural proficiency to create fine buildings. What remained was to create the library collections that could support the teaching and research for the present and long into the future. And by 1924, Bates had found the man he believed could build a great library at Michigan: Hobart Coffey.

**Hobart Coffey’s background**

Hobart Coffey was born in 1896, according to documents researched for this article, “to a family of old American stock . . . my ancestors were Scotch and Irish who emigrated to northern Ohio from Maryland and Virginia around 1800.” He was educated in Ohio, earning a B.A. in English from Ohio State in 1918. At Ohio State, he was a student assistant in the library for three years. He taught in several private schools before he went to the Michigan Law School, from which he earned an LL.B. in 1922 and a graduate J.D. in 1924. With the support of a Carnegie fellowship in international law, he studied French in Grenoble from July to November 1924 and then entered the University of Paris, where he passed both oral and written exams in French. He attended the Academy of International Law at The Hague in summer 1925, and in the fall he studied German at Heidelberg and then the University of Berlin. In spring 1926 he went to Munich for the summer, later returning there for another semester in 1928. He concentrated on public and private international law and comparative law. He spoke French and German with some fluency, had some command of Italian, did considerable work in Russian, and had a very good knowledge of Spanish.

Did Coffey set out to become a law librarian? There is nothing in his papers, or those of the Law School or the Law Library, to suggest that such was his goal. There is no evidence that he attended library school, although Michigan established one in 1926. In 1924, after Bates asked him to become the law librarian, Coffey consulted Michigan Law Professor Edwin Dickinson, who wrote back with thoughtful encouragement. As a result of his service for years on the Library Committee, as well as his interest in international law, Dickinson knew that the library collection required significant improvements. In his reply to Coffey, Dickinson expressed his happiness at Coffey having seen the League of Nations in action and congratulated him on the acceptance of his admiralty article by the *California Law Review* and on the progress he had made in the art of French conversation. He speculated that the job of law librarian would have real attractions “if one loves books, likes to research, has some capacity for efficient administrative organization, and knows how to get others to do the routine effectively. . . . [T]here is a rather exceptional future in the position which Dean Bates has in mind for our School . . . [and] the position will be one of real dignity. It will require that the incumbent acquire an immense amount of information about books, foreign and domestic. It will present some real problems in organization. There will be unusual responsibilities involved in the development of a large research library. . . . The librarian should be in a very substantial sense the master of his own time. The salary will no doubt be better than professors’ salaries in most law schools. . . . In addition to the above, I should expect that the job would involve some rather attractive opportunities to travel in search of books, libraries to buy, etc. Personally, I would be much pleased to see you tackle the job.”

Coffey accepted the offer and began his career as a librarian in enviable fashion: as assistant law librarian (on leave) in 1925–26, while he studied abroad.

**Bates and Coffey collaborate, 1925–28**

Bates had kept a firm hand on the library’s development from the very start. On October 19, 1910, the faculty approved the appointment of a Library Committee, to consist of the dean, the librarian, and three other faculty members appointed by the dean.
Faculty members of the committee were those who wanted the library to expand and who had the expertise to identify needed material. The Library Committee met in the dean's office.

From 1922–1925, the Library Committee consisted of Bates, Librarian Victor Lane, and Professors Joseph H. Drake, Horace L. Wilgus, Edwin Dickinson, and Edgar Durfee. Drake, who began serving as early as 1914, specialized in Roman law. Wilgus, also serving since 1914, was a teacher of corporations, commercial, and tax law. Dickinson, a specialist in international law, joined the committee in 1919. Durfee, who taught equity, rounded out the subject expertise on the committee. Blythe Stason, who succeeded Bates as dean, joined the faculty in 1924 and served on the Library Committee from 1928–1933, a critical period for the construction of the Legal Research Building.

Committee minutes consist of lists of suggested titles, and by 1922 included some items of international and comparative law, as well as court reports and statutory material from non-U.S. common law jurisdictions — which was what passed for “foreign law” at the time.

Bates, who chaired the committee during his entire deanship, paid attention to more than book selection, especially before Coffey arrived. For example, at a meeting in 1922, he stated that “undoubtedly money could be obtained for catalogers, to make available the foreign material recently acquired.” The search for catalogers would include consulting Harvard, the Library of Congress, and eastern library schools.

However, once Coffey was on board, Bates could delegate. For instance, Bates wrote to Coffey, who was in Paris at the time:

“You are to go on with your investigations in the graduate work in international law and other fields in which we are trying especially to develop our library. . . . [D]evelop your knowledge of French, German, and Spanish. . . . Undoubtedly we will have to do much in South America in the future. The more you can do to establish contacts with book dealers and libraries of Europe, the better.”

Other letters from Bates to Coffey in Geneva and in Berlin illustrate Bates’ personal role in, and commitment to, building a foreign, comparative, and international law collection at Michigan. Coffey spent much of both the 1924–1925 and 1925–1926 academic years in Europe, studying law and languages and buying books. He did the same in the summer of 1928. However, by the fall of that year, he began to lose faith in the School’s commitment to building a great library. He and the rest of the faculty were frustrated that a new building for classrooms, faculty offices, and the library was not yet built. The School’s students had, since 1924, been living in the sumptuous Lawyers Club dormitory financed by William Cook, but the Law School’s benefactor was slow to give more. As Forsyth observes, “[Cook] succeeded in maintaining a surprising amount of control to the very end.” A major element of Cook’s control derived from the Law School’s desire for the building that would house faculty offices and classrooms. By postponing that building to the end, Cook held the trump card.

Cook’s relationship with Dean Bates had soured, particularly during construction of the Lawyers Club in 1924–1925. President Marion Burton, with whom Cook had good relations, died prematurely in 1925, and Clarence Cook Little replaced him. From 1925–1928, Little and Bates were unable to persuade Cook to provide resources for the buildings needed to house the library, faculty offices, and classrooms. Meanwhile, with no immediate prospect of more space, the precious and growing collection of foreign law books, along with gifts from Cook himself, were piled in the halls of the fire-prone Law Building, one-half mile north of the finished Lawyers Club where students resided.

In August 1928, Coffey expressed frustration and concern about a lack of commitment to building a foreign and international collection at an informal meeting of the Library Committee:

“The committee discussed building up a library of comparative law. Some faculty have objected to this, but the committee felt it had always been and still was the wish of Dean Bates. The librarian was of the opinion that we have reached the crossroads in the development of our library and we must decide very shortly exactly what kind of library we hope to build during the next two or three decades and prepare a program embracing these aims. He suggested that in case the faculty decided not to go further with foreign law and international law . . . the services of the present
Building a home for the laws of the world

librarian might well be dispensed with, since someone else could be secured to do all that was necessary at much less expense. He felt that most of his qualifications would be more or less superfluous in a library which did not go outside the field of American and English law. Dickinson and Stason were both of the opinion that the faculty would continue to pursue the policy which it has pursued during the past five years, namely, building up as rapidly as possible the foreign and international law collections. The librarian pointed out that we should have to do a great deal more than we have done in the past, and that in certain fields we should have to act very quickly. He reported that he had purchased several thousand dollars worth of material on his recent trip to Europe, all done on his own initiative, and he had paid all of his own expenses. This, he said, he had no intention of doing in the future. Stason suggested that a sum should be set aside to provide adequate traveling expenses so that the librarian could visit the various European countries from time to time, and perhaps also the countries in South America.

In 1928, the Library Committee met monthly, and there is no further record of anyone questioning the School’s commitment to fulfilling Bates’ vision.

Reaffirmation and inspiration: 1929

After the frustrations of 1928, 1929 first brought new hope through Cook’s formal commitment to build a Legal Research Building, and then inspiration as Coffey visited the Harvard Law Library.

Cook reaffirmed his commitment to provide a library building with a formal offer to the Regents on January 11, 1929. The library moved into the new Legal Research Building in 1931. Cook had died in 1930, leaving most of his wealth to the Law School. There was further delay in 1931 when his former wife, claiming their divorce had not been valid, sought her widow’s share. However, by December of that year Regent James O. Murfin announced an agreement, and the terms of the settlement were final by February 1932. The Law School inherited the rest of his fortune. The Cook Trust has supported faculty research ever since.

Inspiration came when Coffey visited the Harvard Law Library from May 20 to July 10, 1929. He recorded his observations in a memo that is both fascinating and amusing, but its significance for collection building lies in Coffey’s articulation of the methods that Michigan would have to use to build a collection even approaching the comprehensiveness of Harvard’s.

- First, Michigan needed to put through book orders with more efficiency and more thorough preorder searching.
- Second, Michigan needed to develop more sources. “Harvard has five sources of material where we have one. Lines are out to all corners of the globe, to publishers, agents, professors, friends of the school, men in public life, etc.” Michigan needed to know about a commission appointed to suggest changes in the constitution of Arkansas or an international conference on the safety of lives at sea. Coffey suggests “a little discrete publicity . . . not to ape the methods of the athletic association nor Yale Law School, of course.”
- Third, Michigan would benefit from a faculty library, with law reviews and court reports. Finally, Coffey investigated how the Marquis de Olivart worked up the collection of international law at Harvard, “probably the best collection of international law in the world.” He found that Olivart used the same method Coffey contemplated, “preparing a comprehensive want list based on works cited in Fauchille, Oppenheim, Hyude, von Liszt, Sanchez, and Ansiolotti. With this list as a guide we could spend the next quarter century building up a collection which might even be superior to the Olivart.”

Coffey also learned the value of creating a complete record and controlling the circulation of books. He reported that “no one knows how many hundreds or even thousands of books have been lost, because no inventory can be taken. There is no shelf list by which to take an inventory.”

Thus by fall 1929 the new building was assured, and Coffey knew how to proceed to fill it with foreign, comparative, and international material as well as that from the United States. Over the course of the next 35 years, he would do just that.
Building the collection, 1925–1960

Nearly 30 years later, Coffey himself provided a rough sketch of the origins and development of Michigan’s foreign and international law collection:

"Although Harvard began to collect foreign law materials as early as 1841, our Law Library seems to have had few, if any, books dealing with foreign law until about 1897, when part of the Buhl bequest is said to have been used for the purchase of foreign material. The accession records, which began in 1900, reveal that the "foreign material" referred to was the books... Because of the common-law background of most British possessions we should today scarcely regard their legal materials as 'foreign.' No works on German, French, or Italian law appear in our accession records until the first two decades of the 20th century, and there were very few of those. Even as late as 1920 the foreign law collection occupied only a few shelves in the workroom of the order department.

"Between 1920 and 1925 three large foreign libraries were purchased: the Star Hunt collection of Spanish and Mexican law; the Heinrich Lammash Collection, devoted largely to international law; and the Viollet Collection, which for the most part related to French law and legal history. In 1929 the Library acquired the collection of private international law which formerly belonged to Professor Antoine Pillet of the Faculty of Law of the University of Paris. In 1935 we acquired the library of Professor Francesco Carrera, eminent criminologist, of the University of Pisa. All of these purchases greatly enriched the Library.

"No attempt seems to have been made to acquire an international law section until about 1919, when Edwin de Witt Dickinson was added to the staff of the Law School. Professor Dickinson, whose main interest had been public and private international law, immediately recognized the inadequacy or, in fact, the almost total lack of books and documents in his field. He prepared bibliographies and want lists and was instrumental in helping the Library to acquire many of the important and fundamental source materials in international law and relations. The systematic effort begun in 1919 has been continued through succeeding years and has resulted in the University's having the most complete collection to be found west of the Atlantic seaboard. It has attracted scholars not only from this country but also from many other parts of the world.

"Professor Joseph Horace Drake, a member of the Law School faculty from 1907–1930, had a lively interest in both Roman and comparative law. In 1923–24, while on a leave of absence in Europe, spent principally in Germany and France, he helped the Library to acquire its first important materials from those countries. In the following three decades great emphasis was placed on the acquisition of the constitutions, codes, laws, and judicial decisions of all-important foreign countries. To find this material and arrange for its purchase, the director of the Library made several trips to the various countries of Europe, including the Soviet Union, two trips to Mexico and Central America, and one to the Caribbean and South America. The foreign law section of the Library is now one of the outstanding collections of the world."

This description is correct so far as it goes, but it says nothing about the critical specific steps in the "systematic effort...continued through succeeding years." Just how did Coffey, the faculty, and the library staff identify and acquire the books to create "one of the outstanding collections of the world?"

As will be shown in the following sections, Coffey developed the collection using at least five different tools: assistance from the faculty, travel abroad, developing relationships, exchanging and selling duplicates, and receiving gifts.

(End of Part I. Continued in the next issue of Law Quadrangle Notes.)

Margaret A. Leary is director of the Law Library. From 1973 to 1981, she served as assistant director and from 1982 through 1984 as associate director. She received a B.A. from Cornell University, an M.A. from the University of Minnesota School of Library Science, and a J.D. from the William Mitchell College of Law. Leary has worked to build the comprehensive library collection to support current and future research in law and a wide range of disciplines. She has also developed strong services to support faculty research. The Law Library is known for its international law resources, which attract research scholars from around the world.
Building a home for the laws of the world

By Margaret A. Leary
Building a home for the laws of the world

Part II: Hoping, hunting, and honing

The following feature is the second, concluding portion of the edited version of "Building a Foreign Law Collection at the University of Michigan Law Library, 1910–1960." © Margaret A. Leary, 2002, which originally appeared at 94 Law Library Journal 395–425 (2002), and appears here with permission of the author. The first part of the article (46:2 Law Quadrangle Notes 46–53 [Summer 2003]) detailed how the vision of Dean Henry Bates, generosity of graduate William W. Cook, and skills of librarian/traveler/negotiator Hobart Coffey combined to launch the building of the Law Library's international collection into one of the best in the world.

By Margaret A. Leary

The minutes of the Library Committee from 1898 to 1906 show monthly meetings in Dean Hutchins' office. Not only did this committee handle faculty suggestions for purchases, it also interviewed prospective employees and authorized the purchase of rubber stamps. Bates [Dean Henry M. Bates] was consistently a member of the committee.

[Hobart] Coffey's account of how the collection was built gives credit to several faculty members who helped with foreign acquisitions. This initial reliance on faculty advice was typical and Michigan's experience was the same as that of other university libraries. Ultimately, however, although faculty expertise was essential to ensure depth in specialized topics, building a great collection also required consistency in moving towards an articulated goal. Coffey and Bates' goal was a collection of primary material—the text of the laws—from all over the world and of scholarly secondary material—books and articles about the law. Faculty helped to identify the existing material that fit that goal.

A review of the minutes of the faculty Library Committee from 1922–52 shows that at first the committee worked mainly from lists created by faculty members (and later by Coffey), and that final approval came from the committee rather than the librarian. By March 1925, however, the committee was dividing up the work. It named [faculty members] Dickinson, Drake, and Shartel to advise Coffey specifically on foreign acquisitions. By 1928, minutes show disappointment at the lack of faculty suggestions, and the records of Coffey's trips to Europe show that want lists were developed primarily by library staff, although some ideas continued to come from a few dedicated faculty members.

Faculty requests also influenced the development of the U.S. collection. Minutes show that some decisions were taken to the faculty as a whole (for example, state digests in 1924), but most suggestions were handled within the committee. In fall 1928, faculty suggested acquiring codified ordinances of the main cities in the United States and U.S. Supreme Court records and briefs offered by the Library of Congress, completing the collection of state session laws, and beginning to collect the reports of state banking and insurance commissions.

During the 1920s, the role of the dean and the Library Committee seems to have evolved from that of doing title by title selection to one encompassing the broader responsibilities of setting collection development objectives and helping make hard decisions, such as denying requests to transfer material from the Law Library to the University General Library. For example, in May 1929 the committee supported the librarian's recommendation not to transfer the Congressional Globe [the predecessor of the Congressional Record] to the General Library.

The Library Committee files also show faculty suggestions that, after some consideration and efforts, were abandoned. For example, one faculty member advocated acquisition of the journals of each of the state legislatures. Another urged that the Library selectively acquire transcripts and all other court documents of important trials. Coffey would, in the case of particularly demanding requests, suggest that as an experiment the faculty member's secretary do the collecting for a year or two to gather representative material and test the time required. Requests thus treated did not recur.

The actual proceedings of the Cuban Constitutional Convention of 1901 are a very rare book. It turns out that the Law Library owns the personal copy of Lino D'Onu, one of Cuba's most distinguished public figures of color in late 19th and early 20th century journalism and political life. When I asked for the book, thinking it would not arrive for a while because it would have to come through interlibrary loan, the Law Library staff brought it right to me.

Rebecca Scott
Professor of Law and Charles Gibson
Distinguished University Professor of History

LQN Spring 2004 | 3
Travel abroad

Librarian Coffey went abroad many times: Paris in 1924–25; Berlin and Munich in 1925–26; Europe more broadly in 1928 and again in 1931; Ireland, England, Denmark, Finland, Russia, Poland, Germany, and France in 1935; Mexico and Central America in 1941; and a final trip in 1950 to Central and South America (including every country except Bolivia and Paraguay). Finally after 25 years, Coffey had carried out Dean Bates’ 1925 directive.

The records of the Law Library contain many lists of what Coffey sought and what he obtained on these trips. The general procedure was to spend months or years creating want lists. These were very detailed: for monographs, editions were specified. For serials of any kind—law reviews, session laws, court reports—volumes and years were provided. The lists included questions about what had actually been published. The librarian’s report to the dean each year specified major purchases in great detail.

In general, the priorities from 1922 to 1950 were first to complete the collection of U.S. primary and major secondary material, then to do the same for the rest of the world, including British colonies and former colonies. These were followed in order of priority by Western Europe, Central and South America, and finally, after World War II, Japan and other parts of Asia, new nations, and intergovernmental organizations.

Before each trip, library staff performed many tasks to smooth the way. Preparing the want lists was the important job, but staff also compiled lists of libraries and law schools to visit. Coffey himself wrote in advance to librarians, law school deans and faculty members, and Michigan Law School graduates to arrange meetings during the upcoming trip. He wanted to know about developing areas of law, prominent scholars, and publishing and book selling practices. He sought to discover the best means to acquire books on the want lists and to set up reliable methods to acquire material in the future.

The Law School Library records contain a great deal of correspondence between Coffey and the staff back in Ann Arbor. A typical exchange is the following excerpt from a letter to order librarian Rebecca Wilson written from The Hague during his 1925 trip to Europe.

First, Coffey thanks her for sending guides and bibliographies. He then discusses the Code de la Martinique and whether to pay what either book dealer, Nijhoff or Karpinski, asked for it:

“In a previous letter I expressed a feeling that had been growing on me for some time — viz. that Nijhoff was the most expensive place in Europe to buy books. Since coming to The Hague I have investigated the matter still further and I am more convinced than ever. Nijhoff has a sort of monopoly on foreign books. He charges just as much as his customer will stand. Most of his business is with American libraries. I feel that our best plan is to try to buy books in the country where they are published. This will not always be possible, especially in the case of old books. But if we do it where it is possible we shall save a lot of money. An example . . . Mr. Hicks of Columbia paid $1,000 for a collection of Brazilian reports which can be bought in Rio for a song . . .

“By the time I have finished in Europe I shall know most of the large libraries and booksellers. And when I recommend books, I shall try always to give you the publisher, date, etc. This will help you in ordering . . . Paris is a much cheaper place to have binding done — cheaper than in America or Holland. It seems to me that now is the most advantageous time to buy French books. I shall soon have another list of recommendations for you. The Hague is an excellent place to get a line on books.”

In another letter from 1925, Coffey expressed his thoughts about the Soviet Union:

“I am wondering whether we have started a collection of Russian law. While I doubt whether anyone on the present faculty reads Russian, we shall certainly have someone sooner or later who will be interested in this field. From a purely scientific viewpoint, I think we cannot afford to neglect Russian legislation. At present, there are a few works on Russian law in German, which I shall recommend in my next list. They consist, unfortunately, largely of extracts. An attempt is being made in France to translate the Soviet code, but thus far only one or two small volumes have appeared.”

The next year, the Library was “very fortunate to secure a set of laws of Russia from 1649 to 1866, purchases through Russell Batsell of the Reference Service in Paris. He bought
these laws in Russia during his visit there last May." In 1928, the Library acquired a set of the statutes of the Russian Empire covering 1866–1913.

And the area remained important. The 1935 report to the dean includes "added legal material for Imperial Russia, including the first and second editions of the Russian code of 1649." The next year, "We were fortunate to add a number of important items to our collection of Russian material dealing with the history and law of the Empire. Among these items are the proceedings of the State Duma; the reports of the Council of State; and a nearly complete collection of the various editions of the Russian codes. One item of importance for the law of the new regime was secured: the official journal of the Soviet Commissariat of Justice." In 1950, Coffey reported acquiring a 14-volume set of the proceedings and researches of the Russian Code Commission of 1899. "Although the proposed code never became law, the research of the commission constitutes one of the most valuable and scholarly studies ever made in any country."

Some of the pre-Soviet material in the Michigan collection contains ownership marks showing that it was once part of the Russian Czar's library in the Winter Palace. [Note: The significance of these ownership marks was identified by Professor Emeritus of Law Whitmore Gray.]

Another example of material formerly owned by an historically important person is the Library's copy of the Diario de sesiones of the Cuban Constitutional Convention, 1900–01. It is inscribed with the name of Lino D’Ou. D’Ou was a journalist and writer who organized several black societies in Cuba and became a Conservative Party representative from the province of Oriente in 1908. That his copy of the Diario came to Michigan in 1954 is ironic, if the description by U.S. authorities of him as someone who hated whites, "particularly Americans," is correct. D’Ou remained a prominent Afro-Cuban political and intellectual figure until his death in 1939. [Note: The significance of the inscription was noted by Latin American historian and Professor of Law Rebecca Scott, who recently was named to a Distinguished University Professorship.]

The best-documented trip was the one Coffey made to South America in 1950, which also serves as a prime example of the third tool used to build the Michigan collection, developing relationships.

Developing relationships: Relationships abroad

The following excerpt from the Librarian's Report, 1949–50, illustrates the wide range of relationship building during his second trip south of the border. This trip is the best documented of them all.

"My trip to Central and South America had been planned for the winter of 1941–42, but was deferred because of the war and for personal reasons. My trip began with a visit to Havana, Cuba, followed by visits to Haiti, Dominican Republic, Puerto Rico, Venezuela, Trinidad, Brazil, Uruguay, Argentina, Chile, Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, and Mexico. The only South American countries not visited were Paraguay and Bolivia.

"In every country I called on our agents, ironed out difficulties which had accumulated over the years, and arranged for our agents to supply materials relating to the law of their particular country.

"In each city I visited I went to the second-hand bookstores, picked out what we needed. In each country I visited I tried to do the following:

- "Visit the leading law schools, talk with the dean and some of the professors, find out what I could about trends in legal education, publications being brought out by the faculty, new books being published in the country, etc.
- "Wherever possible I tried to get our Library on the mailing list for free copies of laws, court reports, and journals. In some cases I arranged to send the Michigan Law Review in return.
- "In almost every country I contacted some of the leading members of the bar, visited bar association libraries, inspected the libraries of individuals, and called on some public officials.
- "Went to bookstores searching for material we could use, and arranged for the shipment of same.
- "In every country I went to the National Library and talked with the director and some of his staff. I also visited every other library of importance, including the
American libraries maintained in some countries under the sponsorship of the U.S. Department of State. These libraries are often connected with a "cultural relations center," an institution found in several Latin American countries for the promotion of better understanding between those countries and our own, for teaching English, providing information, etc.

"In Cuba, Venezuela, Brazil, Argentina, Chile, Peru, Columbia, and Panama I contacted former students of this Law School, who were of tremendous help to me in arranging for visits to libraries, making appointments, and smoothing the way for visits to public officials, lawyers, and judges. Without the help of these men I should have accomplished far less than I did, especially in view of the limitations on my time.

"During the course of my trip I acquired considerable material in the form of gifts from individuals or government agencies. Often, material which we had never been able to secure through correspondence was readily produced when I made a personal call. In Colombia a former student, Señor José Perdomo, and his uncle, Señor Pedro Escobar, presented me with a collection of Colombian material of considerable value and scope.

"For each country visited I carried a list of the important materials which our library already owned and a list of the books which we wanted to acquire. These lists, incidentally, had entailed months of work on the part of Miss Wilson, our chief order librarian; Mrs. Roberts, chief bibliographer; and Mrs. Patrick, who did the typing. Without their help my visit would have been of little value.

"Most of the materials we were looking for were out of print and, consequently, hard to obtain. The almost complete lack of organization of the book trade in most countries added to the difficulty. While I did succeed in uncovering many of the items needed by contacting individuals or searching in the second hand stores, it was impossible in a few days time to do the whole job. The only practical arrangement was to find a satisfactory person who would agree to keep hunting for the material on our list and send it to us when found. I am happy to report that I was able to make such an arrangement in every country except Honduras. Material on our want lists is now coming in from practically every country and will continue to come for a considerable time. Our contacts at the present time are excellent in nearly all countries. Unfortunately, many of these contacts are not with established law book firms (often no such firm exists) but with individuals — public officials, members of the bar, American diplomatic officers, representatives of American companies, etc. These contacts have the bad habit of disappearing after a time — men retire, change their occupation, return to this country, or simply grow weary in well doing. Acquiring materials from Latin America is a matter of eternal vigilance."

Coffey was less formal when he wrote back to the staff during the trip with observations about individual people and the conditions in each place he visited:

- "Weather is pleasant, not too hot, glad I brought along my summer clothes. Don't care much for this city! It is smelly, terribly over-crowded, and the noisiest place I have ever seen. It is as though all hell had broken loose." (Havana, January 6, 1950)
- "Here I am in a beautiful villa on the side of a mountain looking out on the sea. I have the best room and the best food thus far." (Port au Prince, Haiti, January 11, 1950)
- "Had a devil of a time finding Laurent. . . . He used to be in the archives but was thrown out to make room for a political hack. They say he took part of the archives with him, and I suspect he did. Lazy, indifferent, he cannot be moved or pushed. You should see his 'store,' I'll tell you about it later. [describes several items purchased from Laurent]. Also included are three or four old things we may be able to use. If not, we'll sell to Harvard at a stiff price. Legal material is so hard to find here that it ought to be worth its weight in gold. Last night I went to the Exposition . . . saw a marvelous bit of voodoo dancing. . . . No one here has heard of the Review de droit l'haute. The street number you gave is a shack with room for two or three pigs. . . . This is a country of over 3 million . . . and woefully poor. . . . [Students rely on books from France. . . . The French is Creole, unintelligible. Only a few. . . . taxi drivers speak English. I suspect they learned it in jail, because they are a gang of thieves." (Port au Prince, Haiti, January 11, 1950)
- "The hotel is one of the most beautiful I have ever seen. The city is clean, beautiful, and quiet." (Ciudad Trujillo, Dominican Republic, January 14, 1950)
• “Here I am in Caracas, the boomtown of the Americas. The expansion of the city, the construction of new buildings, roads, what not almost passes belief. The city has a gold rush atmosphere, big fortunes being made overnight . . . but I shall probably never return unless I make a fortune in oil. I had two long sessions with Ahrensburg. We must keep him as our agent . . . . He is blue-eyed, blond, stocky, grandson of a German professor who came to Caracas and spent his life here in scientific work. He is part German, part English, and the rest Venezuelan, employed by an oil company, a book collector and broker on the side . . . . The high court will be interested in some of our publications in exchange.” (Caracas, January 15, 1950)

• “Arrived in Rio after a long and hard flight from Trinidad. Amazingly beautiful city with a kind, friendly population. Have seen Leyte and shall have another conference with him. He is said to be about the only one in Rio who will do this sort of work. Leyte is a Brazilian, speaks no Spanish or English. We had to talk German. He keeps a good file of what the various libraries lack and when he buys an old library he tries to fill in the gaps in the collections of the various libraries. Beerens is Belgian, as is his wife. They have been in Rio a long time. Brazilians may be able to grasp what you have said in Spanish, but when they reply in Portuguese you are about where you were in the beginning. I have been able to make my way . . . . There are more German-speaking people here than Spanish. Beerens’ main job is to supply American publications to Brazilians. He is handling Brazilian subscriptions for us and a lot of other libraries, a new venture for him. He says he would rather try to get 20 American periodicals than one Brazilian. For complete sets and back runs we have to rely on Leyte it seems.” (January 31, 1950)

• “I arrived in Sao Paulo late Friday night . . . . Certain institutions and individuals can probably use many of our foreign law duplicates on exchange . . . . Hold them until I get back. I have picked up a few ideas on library equipment . . . one is a newspaper rack, better than the makeshift we have now.” (January 31, 1950)

• “Barreiro does not want to handle subscriptions, but will pass on subscription inquiries to the publisher. I can understand his difficulties. Subscriptions are a headache and there is no profit in them in a country like this . . . . The Bibliotheque National is housed in the university, provisionally and has been there 45 years, but a new building is going up. When the library is moved and organized we may hope to get a list of duplicates . . . . In Sao Paulo had a grand visit with Teizera, one of the finest we had at Michigan . . . . At the moment it looks as if Chile might be in a revolution or state of siege by the time I am ready to go . . . . I am well but homesick.” (Montevideo, February 3, 1950)

• “Visits to government agencies in Buenos Aires were not too satisfactory. People are being changed all the time, publications discontinued, etc. Heavy dirty hand of Peron and the light but even dirtier hand of Evita are felt everywhere . . . . I spent much time with Bunge and with some friends of Perriaux. Many lawyers and judges came to see me. I was entertained, too much. I felt I was leaving BA in sheer self-defense. Chile has been almost as bad. My great problem is how to slip away for a day so that I can avoid eating anything at all. The amount of food that people consume here passes all belief. Must be some Swedish influence . . . . prosperous people are nearly all fat. Santiago is very ugly in the centro, many old buildings are being torn down, the city is damaged by improvements!” (Santiago, February 19, 1950)

• “Am now in Lima . . . . Rosay is dead, his store discontinued, and his business in bankruptcy. No use to depend on them. Lib. Internacional is the biggest and most active but the manager is thought to be slippery; have placed our list with Iturriega. Two partners, one a German Jew who came here about 1928. He is well educated, very bright, knows books, and has a great memory and a flair for bibliography. The other partner, Iturriega, is a young Peruvian, a musician and composer, who recently won first prize in Peru and will go to Paris in October. The firm has almost no stock, uses runners who go out and buy. Here as in many other countries, new law books are as much of a problem as old, out of print books, because authors publish their works privately and do not have them in stock . . . .” (Montevideo, February 3, 1950)
not give them to the stores. To get one new book a dealer has to make telephone calls (usually the author has no phone because they are very scarce here) and then make one or more trips. Don’t pay Rosay any more.” (Lima, February 28, 1950)

- “Here in Quito . . . obviously some of my letters never reached their destination. In some countries the postmen take the letters, steam off the stamps, and sell them. Imagine! Have seen Chavez and Munoz and shall see them again this afternoon. Munoz is not an old professor, but a comparatively young man, all dressed in black. He speaks as he writes, i.e., at great length, and pays little attention to what I say. He is fascinating, a real scholar, a character.” (Quito, March 11, 1950)

These samples show the effort Coffey put into finding people he trusted to help build the collection from afar.

Relationships within the University

In accordance with the Bylaws of the Board of Regents, the Law Library at Michigan has always been a part of the Law School and independent from the University Library. The bylaws provide for a Library Council, consisting of the directors of the individual libraries (University, Law, Business, Clements, and Bentley), that meets periodically to coordinate activities.

For the most part, coordination of collection development between the libraries has involved questions relating to American legal and law-related materials, such as constitutional conventions, criminology, journals of state legislatures, and reports of state commissions. But there was conscious collaboration on some topics related to foreign and international law as well. For example, in response to an inquiry from University Library Director William Warner Bishop, Coffey wrote:

“We checked our holdings of treaties using Myers Manual of Collections of Treaties and of Collections Relating to Treaties, 1922, indicated our holdings, and where we had something important not on the list, we added to the list. The list is incomplete because treaties get into the statutes, official gazettes, textbooks, and all sorts of places . . . . Our policy has been to rely on the League of Nations Series for most of the treaties made since 1919. We bought very extensively in this field in an attempt to get together the leading treaty collections prior to the beginning of the League of Nations series.”

Later Coffey offered to help the University general library locate dealers and dispose of duplicates on his Latin American trip.

In general, though, foreign and comparative law was not the subject of collaborative discussions. A major exception was countries whose language was in a non Roman script and for which there was outside support for “area studies” programs, that is, the nations of Asia and the Middle East. In 1953 Coffey wrote to University Librarian Warner Rice that “our policy for Japan and China is the same as for all other countries . . . to acquire basic materials . . . We have lagged behind in building up our collections for the Orient . . . but still we have made some progress. It is my view that the Law Library should continue to be responsible for the acquisition of Japanese legal materials.” Over time, however, the Asia Library did acquire a great deal of legal material, as did the Law Library. In 2001, the Law Library established an “approval plan” by which to acquire secondary material from Japan.

Exchanging or selling duplicates

The value of exchanges (the Michigan Law Review was usually the currency from Michigan) in foreign acquisitions is clear from the examples in the previous section. These exchanges meant that the Library paid the Michigan Law Review for subscriptions to be sent to other institutions, which in turn would send material to the Library.

One result of buying when abroad, from whence Coffey was unable to check existing holdings, was the acquisition of unneeded duplicates. Many gifts were also duplicates. In the 1930s, with the Depression deepening, the sale or exchange of this material was significant. From a 1932 report comes this description:

“Duplicates exchanged, free for transportation, or sold totaled 2,475 books and 1,050 periodicals; total amount of money $2,115.58.

“Exchange relations have been established with Michigan State Library, New York State Library, Association of the Bar of the City of New York, Louisville Law Library Co., New York County Lawyers’ Association, University of Chicago, University of Illinois, the law libraries of Columbia, Duke, and Yale.
"More than half of the duplicates have been sold to such institutions as the Colorado Supreme Court Library, the Cincinnati Law Library Association, the New York County Lawyers' Association, the Iowa State Library, and the law libraries of such universities as Duke, Cornell, Iowa State, New York University, Minnesota, Pennsylvania, Chicago, Indiana, and Yale.

"The legal treaties which remained on the first duplicate list were offered to some of the smaller law libraries for the cost of transportation. The law libraries of Howard University, the University of Missouri, the University of Arizona, and the University of Arkansas took advantage of this offer."

This is only one example. The files reflect a very conscientious effort to find a home for material that was duplicative or out of scope for a law library. However, most of this activity related to domestic rather than foreign or international material. With the exception of offerings from Harvard, exchanges with other libraries were not an important acquisition tool for Michigan's foreign collection. However, exchanges directly with the law schools or other legal institutions of foreign countries were often significant, especially when a country had no established book trade.

**Gifts**

Gifts also appear to have been far less important for building the foreign, comparative, and international law collections than they were for the American collection. The collection of domestic law was "composed of a small collection of about 350 volumes donated by Judge Thomas M. Cooley" in 1859 and a gift of almost 800 volumes from the Honorable Richard Fletcher in 1866, who was "moved entirely by his admiration for this institution." The collection almost doubled as a result of a gift in 1885 from Christian Buhl, who had "carefully selected a complete library of English and American textbooks and reports." On the other hand, the librarian's annual reports to the Library Committee or the dean show that most of the foreign collection was acquired by purchasing items from the want lists constructed as described earlier.

There are important exceptions, however. The annual reports include the number of gift volumes received and describe notable gifts.

Those that enhanced the collection beyond the borders of the United States included:

- **1931–32:** Dartmouth College, 67 volumes of early editions of English treatises.
- **1930–40:** Over this period, Orla Taylor, an 1887 graduate of the University of Michigan Law School, made several gifts of early law books. The files reveal a classic donor-recipient relationship, in which Taylor offered books to Dean Bates in 1930, suggesting that the books could be placed in display cases in conjunction with construction of the new library. Coffey assessed the value of the proposed gift and concluded "the value of the gift is too slight to warrant us accepting it on the terms Taylor seems to demand." Coffey cited the cost of the exhibit cases, which would exceed the value of the books; the likelihood of ruining the books by keeping them on permanent exhibit; and the fact that people would cease to pay attention to a permanent exhibit and that the library already owned at least 200 more valuable volumes. Nevertheless, and probably because of estimates of what Taylor might do for the University later, the library accepted the books and built display cases. In 1932 Taylor gave 14 early English books and a 1625 Grotius. The next year, he gave "an excellent 15th century manuscript containing a Register of Writs used by lawyers of the period, and in 1940 a copy of Sir J. Fortescue's A Learned Commendation of the Politique Lawes of England, 1599.
- **1935:** Judge George A. Malcolm of the Supreme Court of the Philippines sold a collection of Philippine material at such a low price it was termed "in the nature of a gift."
- **1946–50:** the records of some of the Japanese war crimes trials came as a gift from Col. Edward H. Young of the Judge Advocate General's Office in 1947. Judge V.C. Swearingen gave records of the trials of German war criminals that year. Two years later, Col. Rowland W. Fixel gave 300 volumes of transcripts, records, and exhibits in the Japanese war crimes trials, and in 1950 the Office of Chief Counsel for War Crimes gave 415 volumes of Nuremberg war crimes trials records and proceedings. Also that year the library selected 148 volumes from the library of
George Melchior, a distinguished author and international lawyer in The Hague. The collection was primarily secondary sources, most in German, published from 1900–35 and included five "Treaties of Peace with Germany," 1919–20, and five collections of German laws published from 1889 to 1939. Judge Henry M. Butzel gave three volumes called *Microcosm of London*, an original edition with 104 cold aqua plates which Coffey estimated was worth $1,000 in 1949.

• 1950 Latin American Trip: "During the course of my trip I acquired considerable material in the form of gifts from individuals or government agencies. Often, material which we had never been able to secure through correspondence was readily produced when I made a personal call. In Colombia a former student, Jose Perdomo, and his uncle, Pedro Escobar, presented me with a collection of Colombian material of considerable value and scope."

By 1947, the librarian reported that "few of the gifts offered or made actually furnish material which we can use. Ninety-nine percent of a lawyer's library which comes to us is duplicate. We have donated this material to the University of the Philippines and to the devastated libraries of Europe. Large libraries, like large nations, must necessarily help to bear the burdens of the weak."

**Special Note: The impact of World War II**

The Librarian's Report for 1940–41 notes that practically no books or periodicals arrived from continental Europe. In 1941–42, Coffey notes the increased difficulty of purchasing materials for the library because of the spread of the World War. "A large share of the world is now cut off from us, and transportation restrictions and marine hazards make it difficult to import material, even when it can be purchased." Nevertheless, "a few items dealing with continental European law were secured from libraries of German refugees." This statement was accompanied by a list of several hundred volumes from Austria and the Czech Republic. In the library that year, staff inventoried the whole collection for the first time since the move to the Legal Research Building in 1931. Practically all staff participated, and they completed the inventory in little more than two weeks. They found many mishelved volumes, and errors in cataloging were uncovered and corrected. Of the 166,000 volumes, only 181 could not be found. Coffey's work with policies and records succeeded in avoiding what he had observed at Harvard in 1929, a lack of bibliographic and physical control over the contents of the collection.

Fear of Japanese and German bombs led the Law Library to move a large share of its most valuable holdings to the nearly bomb-proof quarters available, but the material was not easy to access there. Coffey wrote that, "In doing this, we have exposed it to another hazard, i.e., water. We believe that few libraries in America have been able to safeguard their collections as well as we have."

The 1943–44 report continued the theme of acquisition difficulties and extended that to predictions of continued post-war problems. "No material was received for any part of continental Europe. Material from England declined in volume, but still continued to arrive. . . . We were able to import a large number of books from Latin America, thus fortifying our already strong collection in that field. Visiting scholars from certain South American countries report that our holdings are frequently more complete than those in their own countries." Coffey went on to predict that "the opening of the European sources of supply will see a mad scramble for the materials available. The supply is bound to be much restricted because of the wholesale destruction of English and European libraries and book houses."

However, the lull in acquisitions provided time to take care of the existing foreign law collection. In 1944–45:

"The assistant librarian disposed of 80 years' stock of duplicate material, including many tons of completely worthless material which was given to the waste-paper drive. The Cataloging Department spent considerable time adding call numbers to catalog cards covering foreign law. Shelf classification of foreign law, so ably planned and carried out by the assistant law librarian, has now been completed. We plan to now classify international law and criminology, and may complete it this fiscal year."

The 1945–46 report refers to the resumption of nearly normal acquisitions except from Europe, as well as the return of more students than ever.
By the 1946–47 report, books again began to flow from Europe to the United States:

"Material in considerable amounts, some of it an accumulation of the war period, has come to us from Spain, Italy, and Holland. Material from France has arrived irregularly and in small quantities. French dealers, in general, showed little inclination to resume business. It seems likely that in countries with unstable or greatly depreciated currencies owners of books prefer to hold tangible property rather than money of uncertain value.

The German situation remains hopeless, as before. Some of the leading book houses, especially those in Leipzig, were completely wiped out in bombing raids. Those not completely destroyed have found it impossible or impracticable to ship us materials. Thus far, there has been no way by which we could make payment for German material that comes to us in a roundabout way through friends, Army personnel, etc. Until normal trade relations are resumed, there is little chance that we shall be able to fill in the gaps caused by the war or to secure the few current works now being published in Germany. Even when normal trade relations are resumed, it is feared that the supply of material available will be very small indeed, and for this supply there will be the keenest competition not only in America but in Germany itself. One great source of supply of scholarly and research materials had always been professors’ libraries. Professors’ collections have largely disappeared in the last two decades. German libraries which suffered heavily during the war will absorb a large share of the scanty supply of books which may be available."

The collection building era comes to an end

Following the war, the foreign law collections continued to grow, but with more emphasis on the developing intergovernmental organizations and new nations than on retrospective collecting, although that too continued. For example, the 1948–49 report said:

"Our collection of documents continues to increase, especially with the huge addition from the United Nations. The time is fast approaching when we shall have to have the services of a full-time documents librarian who would be responsible not only for the selection and the acquisition of most of our documents but for their cataloging as well. Such an employee could also be of great help on the reference side.

"Last year we were fortunate in being able to add a considerable amount of Chinese material which helped in a small way to make up for past neglect. Our collection of material for the Orient has never been strong — a fact that was brought home to us in the last war when such material was needed and we were unable to supply it.

"Beginning in the spring of 1949 we have employed a part-time assistant who has knowledge of Russian and a genuine interest in Russian law. This assistant has been checking our holdings and keeping close watch on new Soviet publications. With this sort of help we may in time build up our Soviet collection to a satisfactory level.

"A considerable amount of Japanese material has come to us in the past year, largely through an exchange arrangement carried on under the supervision of the occupation authorities. These materials, together with those from China and the Soviet Union, obviously throw an added burden on both the order and catalog departments, particularly because of language difficulties.

"During the war years our whole European collection fell into arrears because of the impossibility of obtaining continuations and new works as published. Since the conclusion of hostilities we have been gradually filling in the gaps, and although we still have a long way to go we are able to report a considerable progress."

The report concluded with a long list of journals and primary material, current and retrospective, from Western Europe.

The next year, 1949–50, contained affirmation of the collection development policy Coffey supported back in 1928:

"Our aim is still to acquire the leading and significant legal materials, first for this country and those countries where the common law prevails . . . and next, . . . for the other important countries of the world. During the past year we have added considerabl[y] to our holdings from Japan, a country hitherto almost unrepresented in our collection. . . . Last year we obtained some very valuable material for Czechoslovakia to bring our collection up to date. . . . As Czechoslovakia passes more and more under the control of the Soviet Union we..."
may expect that the character and trend of the law will change and opportunities for further acquisitions will all but disappear.”

By 1951–52, Coffey could look back with satisfaction, yet still see room for improvement in the foreign collections:

“Our collections for the various European countries have often shown an uneven development. This is due in part to the fact that in building up a library, the librarian is forced to buy in a given year what he can find. Also, when we have had our choice we have tried to acquire first those materials dealing with the law of the more important countries, such as Germany, France, and Italy. Some countries have been almost completely neglected, e.g. the Balkans, Hungary, Finland, and the Near East. Recently we have been able to strengthen some of the weaker sections in our collection. In the past year we have been particularly fortunate in having the aid of a specialist in Slavic materials, Israel Perlstein of New York, who has helped us to fill many gaps in our Russian and Czechoslovakian sections, and has supplied us with many of the fundamental legal source materials for Yugoslavia, a country hitherto almost unrepresented in our library. Altogether we secured from Yugoslavia approximately 350 volumes. Our dealer is at present on a buying trip in the Balkans, and will undoubtedly help us again to complete some of our sets and fill in important gaps. Among the items acquired for the territory now known as Yugoslavia are [followed by a long list of primary and secondary material].”

In 1957, the Michigan Law Library became the first academic library in the United States to be designated a depository for publications of the European Coal and Steel Community, one of the predecessors of the present European Union. The Library continues in this role to the present. In 2001, the University of Michigan was honored to become an official European Union Center institution.

The major work in building the foreign, comparative, and international collections retrospectively was completed by 1960. The director’s role remained central, but gradually the primary responsibility for selecting individual titles shifted to reference librarians who were assigned collection development responsibilities for areas of the world congruent with their reference work duties. By the time Coffey retired in 1965 he was “more than any other person or group of persons . . . responsible for the fact that the library of [the Michigan] Law School is one of the world’s great law libraries.” His successor, Beverley J. Pooley, wrote of him:

“His first and primary concern was with building the collection, and the Michigan Law Library today stands as a memorial to his towering achievement . . . [W]hen he came [the library was about 80,000 volumes], a modest, primarily American collection; [it was] 350,000 in 1965 when he retired, comprising one of the great legal research collections of the world. His interest and special skills ranged widely: He collected early American session laws, as well as the rare volumes of French Coutumes; canon law, as well as anthropology; British commonwealth materials as well as Indian (Native American) treaties. He brought to bear upon the task of collection-building a keen legal intellect, a broad range of humanist scholarship, including a knowledge of six languages, and a curiosity that remained undiminished until the end.”

**Conclusion**

As collection building gradually took less of his time, Hobart Coffey increasingly turned to other activities. He had taught admiralty and domestic relations since the 1930s and this continued; he also taught the part of a law and equity course that dealt with sources of law and using the Law Library. He wrote several manuals on the use of a law library, two articles for the *Dictionary of American Biography*, half a dozen book reviews, and many articles on law libraries and legal education.

He was a leader in the library profession beyond the law library world. In 1937–38, he was chair of the Michigan State Board for Libraries, which had general supervision over the Michigan State Library. In 1949 he was not only the president of the American Association of Law Libraries, he was also president of the Michigan Library Association. From 1938–53, he was originator, president, treasurer, and generally responsible for the Legal Microfilms Association, a nonprofit corporation that began the microfilming of United States Supreme Court records and briefs. Locally, he was a very active member of a cooperative eating club, the Wolverine Cooperative, from 1932 until its dissolution in 1951. In 1940 it was the largest...
enterprise of its kind in the country, serving 500 to 600 dinners each night. He was chair of the Ann Arbor branch of the American Civil Liberties Union in 1932 and ran a meeting that spring, in the depths of the Great Depression and unemployment, to discuss what to do about “the recent march of the unemployed in Dearborn, and the shooting of several of the marchers by the Dearborn and Ford Factory police,” and its impact on civil liberties.

As he reflected on the growth of the Michigan Law Library collection, Coffey himself never failed to give credit to Dean Bates for its development:

“A large part of the credit for the development of the Library... must go to Dean Henry Bates, who brought to Michigan a genuine appreciation of the value of research material in a library. ... He showed from the beginning a keen personal interest in the development of the law collection, and saw to it that his colleagues obtained the materials necessary for their research.”

As Bates completed his deanship, Coffey’s 1938-39 report commented that “under the administration and general supervision of our present dean the Library has grown from an insignificant collection of about 20,000 to one of 145,000. The Library today, both in its collection of materials and in its organization, is one of the outstanding law libraries in the country. It has been a center of research for lawyers, judges, and professors from all parts of the country.”

William Cook’s gift of buildings and an endowment to support research, York and Sawyer’s design for the inspirational Legal Research Building, Henry Bates’ expansionary view of legal education and legal research, and Hobart Coffey’s superb collection efforts spanning five decades brought reality to what was only a hope in 1934: “To have a collection of law books which will permit scholars to do research work in any field of law, regardless of country or period.”

Law Library Director Margaret A. Leary. above left, is shown with librarians Barbara Garavaglia, Beatrice Tice, ’80, and Jennifer Selby, all of whom hold J.D. degrees and with whom she works to manage and enlarge the Law Library’s international holdings. From 1973 to 1981, Leary served as assistant director and from 1982 through 1984 as associate director of the Law Library. She received a B.A. from Cornell University, an M.A. from the University of Minnesota School of Library Science, and a J.D. from the William Mitchell College of Law. Leary has worked to build the comprehensive library collection to support current and future research in law and a wide range of disciplines. She has also developed strong services to support faculty research. The Law Library is known for its international law resources, which attract research scholars from around the world.

Barbara Garavaglia, ’80, head of reference and librarian with the Law Library, holds a master’s degree from the University of Michigan School of Information and Library Studies. She earned her J.D., cum laude, at the Law School and her B.A. in political science, summa cum laude, at the State University of New York at Buffalo. A member of the Law Library staff since 1988, she previously had been assistant director of the (Michigan) State Law Library in Lansing and had worked as a research attorney in Ann Arbor.

Beatrice Tice, who regularly teaches research techniques at the Law School as an adjunct professor, is the Law Library’s foreign and comparative law librarian. She holds an M.L.I.S., with a special certificate in law librarianship, from the University of Washington and a J.D., with distinction, from Stanford Law School. She earned her M.A. in linguistics from Yale University and her B.A., magna cum laude, in modern languages from Pomona College. She has practiced law in California and joined the Law Library staff in 2000. She is fluent in French and German, has reading knowledge of Italian, Spanish, and Latin, and is familiar with Welsh, Scots Gaelic, and Irish Gaelic.

International Law Librarian Jennifer Selby, who joined the Law Library staff in 1999, earned her M.S. at the University of Michigan School of Information, her J.D. at Chicago-Kent College of Law, and her B.A. in chemistry at Michigan State University. She has practiced law in Michigan and Illinois.
Discovering Mr. Cook

Before I begin to tell you some of what I've learned as I've tried to discover Mr. [William W.] Cook, please ponder two questions: What are your feelings about the Law Quad buildings? Think, for example of the first time you entered the Quad; studying in the Reading Room; seeing the snowy Quad for the first time; and socializing in the Dining Room. You probably have a flood of memories connected to these buildings. The Law School has outgrown them in many respects, but the buildings will always be inspirational.

Second, let me ask what you know about William W. Cook? How did he acquire the fortune he gave to the Law School? What law did he practice? Where, and when, did he live? I know that, before I undertook my research into Mr. Cook three years ago, I could say that I knew the buildings better than the man who gave us these cloistered, special buildings.

In brief, Mr. Cook gave the University of Michigan the Martha Cook Building, then the Lawyers Club, then the John P. Cook dorm (the dorms are named after his parents, Martha and John), then Legal Research, and finally Hutchins Hall. In 1933, the University valued the Law Quad buildings at $5.3 million. He also gave an endowment valued today at $44 million. Mr. Cook was an extraordinarily generous man.

His name isn't before us every day, as it would be if it were the name of the school. I was very curious to know more about a man who would give so much yet insist his name not be put on a building, let alone an entire school.

I wanted to delve even deeper into "who was Mr. Cook" than had earlier writers about the Law School (Professor Alfred Conard, Elizabeth Gaspar Brown, Ilene Forsyth, and Kathryn Horste). I used archival resources as well as libraries, and dug deeply into the digital New York Times and Wall Street Journal. I found more. I want to tell you some of what I have learned about this man to whom we owe so much.
On June 3, 1930, the mercury climbed 25 degrees in the day, to 87. That whole spring was hot and dry. People were collapsing and dying from the heat. In a Victorian mansion on 80 acres in Port Chester, near Rye, New York, William W. Cook struggled to breathe. His lungs were weak from a decade of tuberculosis. People massed in record numbers on railroads and cars to head for Coney Island, the Rockaways, and Long Beach. Mr. Cook did not have that option. His breaths were short. His bones may have ached, had the disease spread beyond his lungs. He had the comforts of his estate and his faithful household helpers, but he could not escape the heat. He took great comfort from his loyal niece, daughter of his favorite brother (who had died in 1920); and from his friends (but his best friend had died in 1924). He had no wife, no children.

His greatest comfort was knowing that his fortune, about $12 million acquired through hard work as a lawyer and author, and shrewd investments, would go toward what he most valued: the preservation of American institutions, in particular the legal system and democracy, by improving the education of lawyers. He had carefully written a will and trust instruments to ensure that his fortune would go to the University of Michigan Law School, and help to complete the set of collegiate gothic buildings that would house students and provide library, faculty offices, and classroom space. But there was more: endowments to support the Michigan Law Review, a lecture or professorship, and faculty research, consistent with Mr. Cook’s belief that in the future scholars, not practitioners like himself, would write the great law books.

So, as Mr. Cook lay in the heat, he knew he had provided the ideas and the money for his alma mater to have a permanent role in preserving American institutions by providing the best legal education and research.

As a broiling sun brought New York to 90 degrees, the hottest day of the year, Cook died, on June 4, 1930.

The New York Times covered his death and his will as they had his earlier gifts, with awe and respect. On June 13, 1930, the Times reported that Cook’s will added $12 million to his earlier gift of $3 million, and quoted University officials who said the gift would make the Law School “the wealthiest the world has ever known.” However, on April 17, 1931, a disturbing headline appeared: “Will sue to break W.W. Cook’s will.” It reported that Mrs. Ida O. Cook, divorced by the lawyer in 1898, had retained William Gibbs McAdoo to represent her.

The impact of the contest on the Law School building program was dramatic: Cook had written checks and set up trusts to pay for the buildings, but when he died the programs were in serious jeopardy. Before I disclose the outcome of the contest, I want to tell you more about Cook, his former wife Ida, and the lawsuit.

Who was William Wilson Cook?
Cook was born in Hillsdale, Michigan, in 1858. His father was a founder of Hillsdale and a successful businessman and banker. Cook briefly attended Hillsdale College, then earned bachelor’s and law degrees at Michigan in 1880 and 1882.

He went, then, to New York City, and worked for the Coudert law firm; and shortly after for John William Mackay in 1884, first as a law clerk, then eventually as personal lawyer and general counsel to the Mackay companies.

John W. Mackay lived from 1831–1902. He was born in Dublin, Ireland, came to the United States in 1840, and moved to California in 1851. Working first as a miner, he struck rich ore in the Comstock Lode in 1873 and accumulated a fortune. He “retired” to New York City in 1882, but almost immediately went into business again. He observed the difficulties of communication that were caused by Jay Gould and his Western Union telegraph company’s monopoly. With James Gordon Bennett, Mackay founded the Commercial Cable Company (1883) and laid two submarine cables to Europe (1884) to break the Gould monopoly in communications with Europe.

Then he organized Postal Telegraph Cable Company (1886) to lay land lines in the United States and break that Western Union monopoly. His son Clarence Hungerford Mackay (1874–1938) succeeded him in his interests, supervised completion of the first transpacific cable (1904), laid cables to southern Europe (1905), Cuba (1907), and more. The Mackay companies were the first to combine radio, cables, and telegraphs under one management (1928). And Cook created the corporate bodies for these activities.

Cook’s law practice was, then, primarily but not exclusively that of corporate counsel, rather than trial advocate. He was frequently of counsel on the briefs when cases were on appeal.

Cook’s name is associated, as counsel, in some 50 cases reported in Lexis and Westlaw, including two in 1919 in the United States Supreme Court, on one of which he worked with Charles Evans Hughes. Cook also worked on a couple of cases with Robert G. Ingersoll, the famous 19th Century agnostic orator.

Cook also represented the Mackay companies in congressional testimony. The issue before Congress related to cable lines to Cuba. From 1900 to 1902, Mackay and Cook tried to persuade Congress to declare invalid Western
Union's claim to an exclusive right to lay the cables. They did not prevail, but they did eventually lay cable lines to Cuba, when the monopoly expired. Cook's investments included Cuban railroads and a sugar refinery, both representative of the great importance of Cuba to U.S. political and economic interests especially right after the Spanish American War.

Equally important to his work as a corporate lawyer, Cook was a scholar and leading thinker and writer throughout his career, particularly on the law of corporations. His *Cook on Corporations* was the major treatise on this core topic from the time of the first edition in 1887, when Cook was only five years out of law school, to the last, eighth edition, in 1923. He designated the proceeds of the eighth edition to go to the Lawyers Club. Michigan's Professor Emeritus Alfred Conard says that Cook moved the focus of corporation law from the rights of corporations to the rights of stockholders within corporations, thus setting the pattern of modern corporate law; and that Cook's work is probably the most authoritative source of information on the development of corporation law in the decades just before and just after 1900.

Eighty years ago, in the last edition of *Cook on Corporations*, Cook — as Conard points out — made an observation that implied approval of shareholders derivative suits. Below, he writes about the weakness of stockholders in relation to directors of corporations:

"The expense, difficulty, and delays of litigation, the power and wealth of the guilty parties, the secrecy and skill of their methods, and the fact that the results of even a successful suit belong to the corporation, and not to the stockholders who sue, all tend to discourage the stockholders, and to encourage and protect the guilty parties."

Cook also wrote books and articles about telegraph law, railroad organization, the future of legal research, and American institutions and their preservation. In all, he wrote 14 books, 11 articles in the Michigan, Yale, Harvard, and American Bar Association law journals, and several pamphlets and proposed legislation relating to the organizations of railroads, for which he sought public control and low freight rates.

Cook was something of a club man. He belonged (but not until after his former father-in-law died) to the Union League Club. This probably influenced his appreciation of art and architecture, for the Union League was long associated with the Metropolitan Museum of Art, and was a major exhibition space for painting, tapestry, sculpture, and other art. He belonged to the Lawyers Club in Manhattan, long before he established another Lawyers Club in Ann Arbor.

Cook also belonged to the Blooming Grove Hunting and Fishing Club, in eastern Pennsylvania, where he owned land and a cottage, "Aladdin's", with another man who worked for Mackay. Of course, he founded our Lawyers Club, and he also helped set up a Physicians Club, with his own doctor as the president. He belonged to the New York Law Institute and the Association of the Bar of City of New York. Up until about 1902, he was actively involved in these latter two, serving on committees, for example.

However, Mr. Cook was very private, and increasingly so after about 1900. It is very difficult to get details about his life. He appears to have been active socially, mentioned in the *Times* as attending a party and engaging in professional activities, up until about the turn of the century. Then, he is more reclusive, or at least less apparent. I've found a few bits and pieces. For example, he wrote that Cornelia Otis Skinner was a "cherished friend" and that he was a "lifetime friend" of Clarence Mackay's first wife. He was a purported advisor to Mackay's daughter Ellin, who legend has it consulted Cook before she decided to marry Irving Berlin — a marriage opposed by her father who was a devout conservative Catholic. Cook advised her to follow her heart, even though her marriage caused a long break between Ellin and her father. Cook was a friend of W.T. Noonan, president of the Buffalo, Rochester, and Pittsburgh Railroad. Noonan's nephew Charles Francis graduated from the Michigan Law School in 1925, the year the Lawyers Club opened.
Like his father John Potter Cook, who had the finest house in Hillsdale, Mr. Cook sought fine architecture for himself. His Manhattan townhouse, built in 1911 on East 71st Street, was designed by York and Sawyer, the architects of the Law Quadrangle. At his Port Chester estate he made gracious plantings, with many unusual specimens and a tree-lined private road leading to the house. This, too, modeled what his Hillsdale family had done.

But I've been distracted from my story about the contest over William Cook's will.

Who was Ida Olmstead Cook?

She was the daughter of Dwight Olmstead, a lawyer in New York City whose main endeavor was buying and selling land as the Manhattan population moved north. In this, he was frustrated by the complex land title system in the city, and worked hard and successfully to reform the registration system. He belonged to the Church of the Messiah, where Ida and William were married in February, 1889.

Ida was a niece, by marriage, of Theodore Dwight, one of the early deans of Columbia Law School, and there must have been family dinners at which William and Theodore were able to discuss the future of American legal education, a topic we know was of preeminent importance to both of them.

William worked long and hard to persuade her to marry, and to marry in the winter of 1889. The marriage doesn't appear to have been a good one. That they lived with her family probably did not help, and during one of their four separations, Cook pleaded with her to return to him and promised to buy her a town house so they could live on their own. They made it through the Panic of 1893, but in 1894 they separated for good.

In 1898, Ida filed for divorce. She was in Wahpeton, North Dakota, and you may wonder why. For a brief time in the late 1890s, North Dakota was the divorce capital of the United States. Unlike the strict laws in New York, designed to discourage divorce, North Dakota laws had everything needed for a quick divorce: only three months residence; use of desertion as a ground; and use of personal service in another state to get jurisdiction over the defendant. Ida claimed Cook had deserted her in February 1894.

Cook cross claimed, did not dispute that divorce was appropriate, and asked that the divorce be granted to him, claiming she deserted him in January 1894. Papers "flew" back and forth by rail, and the court quickly granted a divorce to Mr. Cook. There was no alimony, no property, no children.

That they bothered to divorce was a bit unusual for the time. Many couples, finding that they just didn't like each other, simply lived separately. Especially with no children or financial connections, divorce was not necessary unless one party wanted to marry someone else. But neither Will nor Ida ever remarried, and I can find no hint of any romance except with each other, before, during, or after the marriage.

Nature of the will contest

Ida went to North Dakota to get a divorce, and she got one. On what ground could she possibly, then, claim a "widow's share" in Cook's estate when he died?

Ida claimed that the North Dakota court did not have jurisdiction over her, since Cook had neither asked her to go to North Dakota nor accompanied her there, and had in fact made the legal claim, accepted by the court, that by going there she had deserted him. Under the law in effect in 1898, Ida claimed, a wife's legal residence could only be where her husband is unless he gave permission for, or ordered her, to go elsewhere. If Ida was not, for legal purposes, a North Dakota resident, the court had not had jurisdiction over her. The divorce was invalid, so they were still married, her lawyers claimed.

If the divorce was invalid, a New York statute would come into play, which forbade a married person from giving more than half his estate to any entity other than his spouse. She claimed half his estate.

Was that a solid claim in 1930, based on the law in 1898? The court did not throw it out, and the University took it very seriously. Ida had well-known lawyers both in California and in New York, as did the University. There was no Office of General Counsel then, as there
is now. So Regent James O. Murfin, a Detroit lawyer, played a large role in making strategic decisions about how to deal with the lawsuit.

As evidence of how seriously the University took the suit, I offer this: The University asked a Harvard professor for his opinion about a hypothetical with the Cook facts. He wrote as an authority that Ida had no claim. This of course did not discourage her lawyers.

The two claimants, Ida and one of Cook's nephews, had caught the University at a difficult time. First, Cook's estate was largely in stocks and bonds, and in 1930 neither was going up in value. No one yet knew what the Depression would bring, but the University was fearful. Second, there was great difficulty for the University because the Legal Research Building, John Cook dorm, and Hutchins Hall were all under construction. While Cook was alive, he dispersed funds (usually by setting up trusts in which he was the trustee and the University the beneficiary). But after his death, that stopped. John Creighton (a 1910 graduate of the Law School), the successor trustee at National City Bank, would not even let the University have half of the interest income pending the outcome of the suit. At one point, the University had to get a loan from the construction company to continue work. Finally, near the end of 1931, a settlement was announced. The parties agreed that Ida would get $160,000 and the nephew $10,000 (in spite of a clause in the will that anyone who contested would get nothing). The University did not get its money until November 1932, about two years later than an undisputed estate would have been distributed. The University was able to finish all the buildings, using interest from the Cook endowment.

Cook's dream did come true.

There is more of interest about Ida, who lived for many years in California. In the late 1930s, she accompanied her niece, Beatrice Borst, to a Midwestern university where Beatrice did graduate work in English. Beatrice went to the University of Michigan and brought Ida, along with Beatrice’ recently orphaned young niece and nephew, here to Ann Arbor.

Ida, who always referred to herself as Mrs. William Cook (although Mr. Cook, after 1898, always referred to himself as single — not divorced), lived in the Michigan Union — across the street from the Law Quad that Mr. Cook never saw — under a special exception to the “men only” rule. According to the Ann Arbor City Directory, Ida worked for a year as a clerk in a bakery on North Main Street.

Beatrice, meantime, won the Hopwood Award in 1941 for her very autobiographical novel *Nearer the Earth*, which has a character much like Ida. Ida died in 1942, in Ann Arbor.

That Mr. Cook never saw any of the buildings for which he paid is one thing we all probably “know” about him. My research reveals four reasons for this, each supported by correspondence, interviews with relatives, or facts.

First, he didn't want to spoil his dream, according to his lifetime friend Walter Sawyer, Hillsdale physician, and long-term Regent of the University.

Second, in his own words, he didn't want to get tangled up in University politics. This claim is a bit disingenuous. The correspondence shows him a master at maneuvering people by correspondence from New York, or by talking to people who came to see him. His impact on University politics is a separate story.

Third, his reclusiveness after the turn of the century, and his own words, say that he didn't want the publicity which would come from a trip to Ann Arbor because others would come after him for money.

Finally, the fact is that he was probably too sick with TB to travel far (he went only between his Manhattan townhouse and his Port Chester estate) by the time the first buildings, the Lawyers Club dormitory and dining hall, were done in 1925, and he died in 1930, before any other buildings were complete.

A word about Cook and the buildings

Cook insisted on very high quality, and he controlled every detail of the construction of the Lawyers Club. For example, he wrote or selected each of the inscriptions over the arches and in the dining room.
And listen to this, from a 1924 letter to his architects York and Sawyer, while the building was under construction:

"I was astonished to learn that without my knowledge or approval and at my expense you have placed...at the top of gargoyles [in the arch leading into the Quad from South University] six heads of persons...Who suggested this and who selected them and who furnished the photographs and on what principle were the selections made and why was not I informed?...I wish you to remove the secretary [Shirley Smith], who is not even a lawyer, and the dean [Henry Bates] who has had predecessors and will have successors...If new ones cannot be substituted later, let the gargoyles stand headless. I plan to stop schemes to clutter [the building] with geegaws and destroy the classic and time hallowed impressions given by every part of the building."

A 1925 letter to President Marion Burton with copies to several others says:

"The Lawyers Club and dormitories. I don't know who added those two words "and Dormitories" to the original name...I instinctively drew back when I first saw the words "and dormitories"...The word "dormitory" is a useful word, but so is frying pan, toasting fork, and coal scuttle. Why advertise the bedrooms and spoil a dignified name? All large clubs have bedrooms but none of them mention that fact in their names. This caudal appendage is deplorable, abominable, intolerable, and altogether impossible. Away with it.

"P.S. All admire the stone but say nothing about the wondrous beauty of the architecture. Astonishing how the material overshadows the artistic. That building is York & Sawyer's masterpiece."

Mr. Cook really cared about the buildings, and the Law School.

The Cook trusts now have a total value of about $44 million. William Cook was not nearly so rich as the men who employed him; not nearly so rich as the men who gave money to Duke, the University of Chicago, Carnegie-Mellon, or other private universities.

But by recognizing, and publicly articulating, that taxpayer support was not enough, and by giving his money to the public law school he loved, providing it with inspirational buildings and a research endowment, he single-handedly boosted Michigan from being a "state" school to being a school with an international influence. Many others, of course (Harry Hutchins, Henry Bates, and their successors as dean, as well as dozens of outstanding faculty and thousands of students) deserve credit for what this Law School is today. But William Cook truly laid the foundation: the foundation of buildings, and the foundation of a research endowment.

Here's to Mr. Cook!

---

Margaret A. Leary is director of the Law Library and has been doing research for a biography of William W. Cook. From 1973 to 1981, she served as assistant director and from 1982 through 1984 as associate director of the Law Library. She received a B.A. from Cornell University, an M.A. from the University of Minnesota School of Library Science, and a J.D. from the William Mitchell College of Law. Leary has worked to build the comprehensive library collection to support current and future research in law and a wide range of disciplines. She has also developed strong services to support faculty research. The Law Library is known for its international law resources, which attract research scholars from around the world.