

Book Reviews

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Municipal Law. By Charles S. Rhyne. Washington, D. C. National Institute of Municipal Law Officers. 1958. Pp. 1125. \$21.50.

Just as the burgeoning American city gave early impetus to the development of an impressive body of case and statute law, so too, recent efforts to infuse new blood into these venerable if somewhat asthmatic corporate entities have produced fresh fields of specialized study. The law, having nursed the city through its infancy, having disciplined it through its adolescence and having directed it through its maturity, is now required to familiarize itself with the pursuit of municipal geriatrics. Nowhere is the scope of attacks on city senility more in evidence than in this succinct, one volume text on municipal law produced by Charles S. Rhyne, currently the President of the American Bar Association and long General Counsel of the National Institute of Municipal Law Officers.

The chapter headings tell the story. Urban redevelopment, urban renewal, slum clearance, public housing and the erection of publicly owned parking facilities have not only introduced new concepts into the law but have altered the faces of our cities as well. Shifts in the skylines have virtually compelled innovations in the judicial terrain. The distance between imaginative municipal movements and their approval by the judiciary has often marked the line between success and failure and ultimately perhaps between the life and death of the city.

Naturally the emphasis has changed. Federal-city and state-city relations invite the searching scrutiny once reserved for the interplay of municipal executive and legislative branches. Borrowing and taxation are considered just as carefully as tort liability and contractual obligations. Zoning and planning are deemed as vital as sewers and drains. The cities now fight for survival and find themselves straining at traditional limitations and prohibitions.

Few American lawyers have enjoyed a wider view of this gladiatorial combat than has Mr. Rhyne. As General Counsel for NIMLO, he has been in daily contact with municipal officials for more than two decades. Often they have sought his prognosis as they embarked on a program calling for radical surgery on ailing municipal bodies corporate. What have other cities done, they ask? How can

a particular project be handled so as to provide a maximum of legality if attacked in the courts? As a clearing house for municipal experience, NIMLO occupies an unchallenged position of preeminence.

Out of the treasure chest of collected decisions, opinions, law review articles, city codes and ordinances, Mr. Rhyne has fashioned a modern, basic text. Containing copious citations and references to Law Review pieces and NIMLO research project reports, MUNICIPAL LAW seeks to set forth the latest turn in the road as well as the general direction of the law. The book is attractively printed, well-out-lined, and contains an index one hundred and forty-four pages in length.

As a nation of city-dwellers with more than sixteen thousand municipal corporations, the United States has found that the problem posed by twentieth century impacts loom larger and larger on the national horizon. As our cities search frantically for new sources of revenue, as they watch the spectacle of their wealthy citizenry deserting the metropolis via the not-yet-paid-for expressway, and as they observe the "For Rent" signs blossom in the windows of their central business district stores, they may ask whether anything can stem the exodus to suburbia. Occasionally some student discerns a reverse pattern and rejoices at the return of the prodigal citizen. But by and large, the movement traverses a one way street — out.

The deserters return sporadically and some regularly. They may utilize city streets as they travel to their places of employment. They expect and receive police and fire protection from the city. They may attend a tax-exempt Church on Sunday or seek the healing hands of a tax-exempt hospital — both located in the city. A desire for recreation may draw the deserter to the city parks or the city stadium operated at a loss. Dare talk to these people of annexation or of payroll taxes, but do not wait for a reply — or a civil one at least. They have flown to the welcoming bosom of the county to escape city taxes and they will not hear of attempts to share the burden.

Whether legislation or judicial recognition of these dilemmas can possibly correct the situation can only be a matter of conjecture. Certainly the long endured disproportionate representation in state legislatures continues without substantial relief to the urban areas. If the heavy rural hand is allowed to smother the cries of the cities for help (which, in many cases, is merely a request for equal treatment) the decline of the cities cannot be abated.

Mr. Rhyne does not delve into these disputes. But much of what he reports reflects the existence of the paradox. His book will serve as a ready desk reference for those whose practice demands a direct answer. For the more refined points, one may have to seek out McQuillin's multi-volumed work¹ but Mr. Rhyne's book will sharpen the focal point of inquiry in any event.

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¹ McQUILLEN, MUNICIPAL CORPORATIONS (3rd ed., 1949 — 20 volumes).