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Municipal Law

Ernest R. Bartley

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BOOK REVIEWS

MUNICIPAL LAW. By Charles S. Rhyne. Washington: The National Institute of Municipal Law Officers. 1957. Pp. xxi, 1126, and index. \$22.50.

Floridians are particularly aware of the rapid trend to urbanization which is taking place in the state and in the nation. According to 1957 Florida population estimates recently released by the University of Florida's Bureau of Economic and Business Research, over one half the population of Florida now resides in the five counties of Dade, Duval, Hillsborough, Pinellas, and Broward. The ten counties of heaviest population in the state contain 70.5 per cent of the state's people. Viewed nation-wide, roughly 70 per cent of the population resides in areas classified by the United States Bureau of the Census as "urban."

The increasing importance of municipal government in the total picture of American government is obvious. The trend is one which will certainly continue; no noticeable signs of any lessening of that trend are apparent. The American tradition of local self-government has always stressed active citizen participation in local affairs; unfortunately, such active interest has been evidenced far too infrequently. Responsible municipal government today demands citizen action as never before. For better or worse, the legal profession, also faced with the fact of increasing urbanization, must be prepared to meet old problems of municipal law in new contexts and a host of new problems not envisaged even as recently as twenty years ago.

Charles S. Rhyne, eminent authority in the field of municipal law and President of the American Bar Association, has provided the bar with an instrument for the solution of municipal legal problems — a unique contribution to knowledge in the field of municipal law. The problem which faced him as he began his effort must have appeared well nigh insurmountable: to write a one-volume treatment of municipal law, general enough to meet the demands of national utility yet particular enough to provide concrete answers to situations in specific jurisdictions. That he has accomplished both these aims in considerable measure is a tribute to his scholarship and industry. The National Institute of Municipal Law Officers, the organization with which his name has long been so closely associated, can take real pride in having published his effort.

Those members of the bar who are familiar with the extensive activities of the National Institute of Municipal Law Officers will know that Mr. Rhyne had available a tremendous storehouse of information on municipal law that is probably not duplicated anywhere else in the nation. In addition to the treatises, reported cases, and opinions found in every law library, the Institute has in its possession the nation's most complete collection of city codes and ordinances, one of the best collections of law review and other professional journal articles on municipal law, hundreds of unprinted opinions of lower courts and city attorneys, and numerous research reports and pamphlets. Careful utilization of this wealth of material is reflected in *Municipal Law*.

The volume is organized into thirty-two chapters. The majority of these chapters deal with more or less conventional topics: the nature of municipal corporations — creation, alteration, consolidation, dissolution, and reincorporation; municipal charters; municipal powers; tort liability; governing bodies; municipal ordinances; and similar subjects.

Since revenue collecting, borrowing, and expenditures necessarily are conducted by municipalities in a strict legal frame of reference, fiscal matters, so very important to government at all levels, are treated. Closely allied to such matters are municipal contracts and the administration and control of municipal property. Few areas of municipal law show greater variety among the states; perhaps for this reason the treatment of these topics is, to this reviewer, the least adequate of any in the volume.

Other chapters deal with material which is relatively new in the field of municipal law. Mr. Rhyne has included an excellent chapter on federal-municipal relationships. Most members of the bar, but not too many laymen, know that there is a pronounced and growing tendency for the federal government to deal directly with cities in the solution of pressing problems, such as housing. Such relationships were virtually unknown twenty years ago; they now constitute a necessary aspect of municipal government and law. Lawyers will need to know about them.

Municipal governments today perform a great variety of functions that were unheard of a number of years ago. *Municipal Law* treats these functions. Here are found chapters on airports, sewers and drains, parking facilities, streets, recreational facilities, municipal utilities, and public housing.

In this category of "newer" governmental functions is the im-

portant one of zoning and planning. Perhaps it is significant that this chapter is the longest one in the volume, amounting to 170 pages. Municipalities are recognizing as never before the necessity of proper city planning; they now know that zoning alone is not sufficient to meet a city's need for over-all planning. Mr. Rhyne has taken cognizance of this fact, and he has demonstrated the central position of planning and zoning in the life of today's American city. The discussion of the law of planning and zoning is the best that the reviewer has ever seen in such a small compass.

The format of the volume is designed to give the user immediate reference to case citations from his particular jurisdiction. Jurisdictional references are in bold-face type. Not all cases which *might* be cited on a particular point for each jurisdiction are noted, of course. Such a procedure would have made the volume so ponderous that it would have lost a great part of its utility. But the reviewer notes that the Florida citations in the area of zoning and planning, to take an example, are quite complete.

This single volume work is not designed, of course, to replace *The Law of Municipal Corporations* by McQuillin. Mr. Rhyne would be the last to make such a contention. But as a ready reference work and as a *lead* to the specific law of a particular jurisdiction the volume is without peer. Municipal attorneys will certainly want it on their shelves, and other members of the legal profession who have casual contacts with one phase or another of municipal law will find it helpful. Mr. Rhyne and the National Institute of Municipal Law Officers have performed a signal service.

ERNEST R. BARTLEY
Professor of Political Science
University of Florida