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Municipal Law

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MUNICIPAL LAW. By Charles S. Rhyne, Washington, D. C.: National Institute of Municipal Law Officers, 1957. Pp. 1125. \$22.50.

Prepublication literature on this work advertised it as the "first one-volume handbook on municipal law since 1910" and also as "a quick-reference handbook" in the field of municipal corporation law. The author,¹ as general counsel of the National Institute of Municipal Law Officers (NIMLO) for more than twenty-one years, has drawn upon his unique and extensive experience in this field, as well as the reference libraries and municipal law source materials which he has collected and built for NIMLO. This book more than adequately meets its rather modest advance representations. Certainly it is more than a handbook and will find acceptance as a basic reference text. No one-volume work, however well written and organized, could be intended to replace the multi-volume standard works² in the municipal corporation field but this book will be a most valuable first-reference aid to the municipal attorney and to the general practitioner who has a problem in municipal law.

The text is well and clearly written and footnotes are substantial and accurate. In the footnotes, that part of a citation which identifies the jurisdiction is printed in darker and heavier type. Consequently, the location of citations of a particular jurisdiction is greatly facilitated. The index is lengthy (occupying 140 pages) but is titled and detailed to the extent that no difficulty is experienced in locating a desired text in a minimum of time (a use factor that is a distinct handicap in many legal texts published in various fields). The organization of the volume is somewhat unique, yet the user will experience a surprising ease in finding applicable and pertinent text and footnoted decisions through chapter headings and their sub-paragraphs.

In the preface the author states:

"This volume is designed to meet the need for a current restatement of the basic principles of law applicable to the modern city. The need is created by the great increase in municipal duties, services, responsibilities and activities within the past 30 years. This increase is due in large part to the vast economic, social and scientific changes of the current era and the tremendous growth in area, population and importance of urban areas.

¹ President of the American Bar Association.

² McQUILLIN, *THE LAW OF MUNICIPAL CORPORATIONS* (3d ed. 1950).

“The enormity of the field of municipal activity today gives a vastness and complexity to the field of municipal law which was unknown a few years ago. Law in the modern city is indeed an ever changing, ever developing and rapidly expanding subject. New law to meet new problems and needs is being made almost daily. A completely new approach and a completely new summary of the law as it exists today is required. This study attempts that task.” (p. v.)

The need for a current restatement of modern municipal legal principles referred to by the author is high-pointed by individual chapters on federal-city relations, city-state relations, parking and parking facilities, parks and recreation facilities, airports and public housing, slum clearance, urban redevelopment and urban renewal. Heretofore, decisions relating to these subjects have been cited, if at all, as a part of the general treatment of police power and public welfare. As in other texts on municipal law, the field of zoning is adequately treated, but here is added the very closely related subject of planning and subdivision control. (p. 976, *et seq.*) Perhaps only the city attorney will realize the value of this modern treatment as he is confronted with innumerable municipal questions stemming from the development of a “master plan”, the construction of a sewer treatment plant and sewer system, an urban renewal program with the required modernization of municipal codes in many fields, federal highway relocation and attendant dislocation, as well as other projects all too common in the modern city. It should be remembered that few of these problems existed a decade ago.

The three chapters on municipally-owned utilities, municipal officers and employees, and municipal departments, commissions and boards, are extremely well done and well worthy of note.

Both the municipal attorney and the general practitioner in West Virginia can be assured that this book has real practical value. All of the decisions of the Supreme Court of Appeals of West Virginia appear to be included in the footnotes substantiating the text, and they are accurately cited. The absolute liability for a failure to keep the streets and public ways within its limits in repair, imposed upon the West Virginia municipality by unfortunate statute, is accurately commented upon and set out, as well as footnoted, in this text. (p. 752) Here, as in other adequate texts, the author notes that West Virginia is the only state which puts its municipalities in this extremely unfavorable position. Accurate treatment of other peculiarities of West Virginia law can be elsewhere noted.

This reviewer has found this work so completely usable for both quick reference and basic reference that he would commend it most highly. It does fill most adequately a need in the field of municipal corporation law.

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