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Rhyne: Municipal Law

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

One familiar with the field of municipal law would have to feel a certain sense of admiration for the courage of an author who attempts to invade an area so long occupied almost alone by such an eminent authority as *McQuillin on Municipal Corporations*. Under such circumstances, the author as well as the book are under review.

The standing of the author in the field of municipal law in itself would lead to confidence in the quality of this work. Although among municipal law officers it is well known that he has devoted himself to a career in the practice of and research in municipal law, it is characteristic of his energy that many others will know Mr. Rhyne better for his broad interest in jurisprudence and law as a profession. Appropriate recognition of his services to the profession was awarded Mr. Rhyne when he was raised last year to the presidency of the American Bar Association.

It is, however, his work in the field of municipal law with which we are concerned. From his post as General Counsel, National Institute of Municipal Law Officers, Mr. Rhyne was in a peculiarly advantageous position to undertake this ambitious task. The wealth of material—opinions of city attorneys and attorneys general, ordinances, unreported decisions, etc.—gathered over a period of more than twenty years by this national organization representing more than 1000 municipalities gave Mr. Rhyne a source of information nowhere else available.

In a sense, *Municipal Law* is a synthesis of a vast number of research

projects carried on over a long period of years by Mr. Rhyne and members of his staff. Many of these projects have resulted in the publication of books and brochures in specialized areas of municipal law.

Mr. Rhyne's activities, however, have not been confined to research. Among municipal law officers he is considered a lawyers' lawyer, and over his long career he has assisted hundreds of city attorneys with their day-to-day problems. A member of the Bar of the District of Columbia, he has served as special counsel for New York City, Chicago, Detroit, Los Angeles, and many other cities.

Only in such a background would one undertake the monumental task of compressing into 980 pages the entire vast field of municipal law, not to mention including within it a number of newly developing areas of interest.

The author states in the Preface that *Municipal Law* is designed to meet the need for a current restatement of the basic principles of law applicable to the modern city. No useful purpose would be served by attempting to compare this work with McQuillin's *Municipal Corporations* since the purpose of each is not the same. Mr. Rhyne undoubtedly had no intention of displacing McQuillin but rather his aim was to provide a deskbook—a handy reference volume for the busy practitioner as a guide to basic principles.

The operation of municipal government has grown in complexity especially since World War II and, as a result, increased emphasis is being placed on adequate legal counsel. Although more responsibility is being placed on city attorneys, the practice of municipal law is still largely a part-time matter. In Michigan, scarcely more than a half dozen cities employ full time legal staffs. This lack of specialization in a highly specialized field of law makes apparent the service performed in making available a reliable handbook of basic principles of municipal law.

It would be next to impossible to undertake a detailed examination of the text of such a compendium but some attention must be devoted to specific content in any review.

Care has been taken to provide an extremely usable tool. Readable type, footnotes with state references boldfaced to make for easy finding of applicable citations, and a rather complete index (145 pages of a total of 1125) combine to provide easy access to the material made available.

The lack of a pocket compartment would indicate a decision on the part of the publishers not to keep this treatise current—perhaps an unfortunate decision in the face of the volume of decisions being handed down in the field of municipal law.

The organization of *Municipal Law* does not deviate materially from the standard pattern of other similar works. It is obvious that in compressing so much into so few pages only fundamental principles could be stated and for the most part these appear in orthodox terminology with citations being to leading cases.

One unusual feature which distinguishes this work is the presentation of several relatively new areas in the field of municipal law. The author, in chapters on such matters as "Housing, Slum Clearance, Urban Re-development and Urban Renewal," and "Extraterritorial Powers and Relations," brings to the reader an insight into problems which have just begun to plague municipal officials. The many years experience of the author in handling day-to-day problems raised by municipal attorneys throughout the nation is evident in his careful analysis of principles which are still in the process of development.

The basis for much of this new material has been continuing research by the National Institute of Municipal Law Officers on current problems requiring more precise knowledge of the basic principles in some new and rapidly developing area of municipal law. Illustrative is the chapter on "Airports" which, with necessary revision due to recent decisions, has been derived from *Airports and the Courts*, a volume authored by Mr. Rhyne and published by NIMLO in 1944.

Another example of the practical approach to new problems is the chapter on "Extraterritorial Powers and Relations." The old order of widely scattered urban centers of population surrounded by large areas of predominantly agricultural land is fast disappearing. Municipalities today are being confronted with a whole new series of problems begging for answers as a result of the burgeoning population which has created vast metropolitan complexes of numerous governmental units. This urban growth together with the increase in functions of other levels of government, especially the county, has raised knotty questions resulting from new interrelationships of the several units of government.

Mr. Rhyne has served well in sharpening our vision for a better understanding of this area of the law which is not new but which has been obscured heretofore by a traditional functional approach. The author has pulled together into a statement of basic principles concerning the exercise of extraterritorial powers all related concepts from such widely diversified fields as taxation, police power, utility services, zoning, etc.

A similar originality of effort has been demonstrated in the related subjects of "Federal-City Relations" and "City-State Relations." The rapidly expanding interest of the federal government in matters which only a few short years ago were considered almost exclusively local in character, has created new areas of cooperation and of conflict between the three principal levels of government. Mr. Rhyne's recognition of this trend by setting forth newly developing principles in two separate chapters is certainly a worthwhile departure from traditional organizational patterns of other similar works.

One cannot anticipate the use of this volume for exhaustive research on a specific problem, nor was it intended, I am sure, for such use. It is indeed surprising, however, the extent to which primary principles of municipal law are covered. The basic areas of municipal law are ade-

quately handled. Of necessity in a one volume effort, secondary aspects of principles are only touched upon.

Even in the limited time during which it has been available for use, comments from experienced city attorneys indicate its worth as a handy deskbook, and I am sure that busy part-time municipal law officers will find it especially valuable. Non-lawyers, such as political scientists and others interested in the field of local government, will appreciate having an authoritative yet less complicated guide to basic principles.

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