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LOCAL GOVERNMENT LAW: TEXT, CASES  
AND OTHER MATERIAL, by Jefferson B.  
Fordham. Brooklyn: The Foundation Press, Inc.  
1949. Pp. xxx, 1060. \$8.00.

Albert H. Cotton

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marily a real estate speculation. In order to secure settlers he borrowed from Virginia the headright system and local self-government, and added to these religious freedom. Baltimore planned the economy of Maryland as the company had that of Virginia, but, as in Virginia, individualism made short work of it.

Virginia and Maryland were neutral in the English Civil war because they depended on the King for their charters, present and prospective, and on the London merchants for their commerce. Royalist sentiment in Virginia arose not merely from sympathy for the King but also from fear that the Parliament might incline to re-establish the company, the leaders of which were ardent for the Puritan cause. Because of her commercial dependence on London, Virginia submitted to Cromwell but the terms of submission were such as to leave the colony virtually independent. The independence Virginia prized, however, was not provincial independence but independence for the county. Professor Craven's discussion of county development and administration in Maryland and Virginia is enlightening and forms a fitting foundation for Professor Sydnor's treatment of a later period. Virginia retained its liberties under the Restoration. It also retained its loyalties and the author is unable to detect in Bacon's Rebellion any anticipation of the American Revolution.

The men to whom King Charles granted (possibly with reluctance) the area called Carolina had the same plans as did the London Company and Lord Baltimore, but intended to carry them out with settlers obtained not from England but from the other colonies. They, too, planned for compact settlement, orderly expansion, and production of needed crops. Their "Fundamental Constitution" looked to these ends as did the Manorial System in Maryland. Both failed before the impact of frontier individualism. The failure was hastened in Carolina by the swift development of Indian trade, leaving as its chief trace the hegemony of Charleston in the colony.

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LOCAL GOVERNMENT LAW: TEXT, CASES AND OTHER MATERIAL, by Jefferson B. Fordham. Brooklyn: The Foundation Press, Inc. 1949. Pp. xxx, 1060. \$8.00.

The adoption of the title, "Local Government Law," for a new casebook on Municipal Corporations implies that the editor is offering something more than a new book in an old field. Déan

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Fordham's book fulfills this promise. There is material here for a much broader course than one limited to the traditional legal doctrines applied to city government.

Local government has more than kept pace with the growth of government generally. Beginning at least with the New Deal, new types of governmental units have sprung up to meet special needs all over the country. In addition, many more of the older types of units have been formed, and the traditional units have taken on added functions and responsibilities. The air is full of proposals to re-organize, combine, and reform the units which already exist. The increased interest of citizens in civic affairs should be reflected by an increased interest of law students in a local public law course.

Here, if anywhere, is an opportunity to train lawyers for a type of public service which will not interfere generally with their careers. The reviewer has little sympathy with the notion that it is part of the function of a law school to train men to staff the government bureaus in Washington—public law should be taught to train the lawyers of the future to resist the demands of the government on their clients—not to produce law clerks for the government. Students should not be encouraged to leave their home communities and bury themselves in Washington. An interest in local government, however, need not be a full-time interest; it is only part-time work. Even though not retained by the community, the lawyer is supposed to be a prominent citizen, and his prestige demands that he be informed concerning civic affairs.

From the student's point of view, the local government field offers an ideal opportunity for combination of the virtues of a policy and a bread-and-butter course. City and regional planning problems demand a policy approach, and the consideration of the widest variety of non-legal materials. There could be nothing more practical than a knowledge of the techniques of invalidating municipal ordinances. There is always a private citizen's side to the problem, and the private citizens need lawyers just as much as the government.

The mention of city planning brings up a controversy, and affords an opportunity to get back to the book under review. Should zoning, city and regional planning and public housing be treated as part of the property courses, or as part of a local government course?

It is true that the problem of zoning comes to the lawyer's office with property problems. Today, if the client wishes to build the lawyer is more likely to find a zoning ordinance standing in his client's way than a defect in title and the remedy through a zoning board of appeals rather than through a quiet title action.

Unless the property course is to be re-organized and slanted toward a study of all the devices of the community for the allocation of land resources, as is done in McDougal and Haber's *Property, Wealth, Land: Allocation, Planning and Development*, it seems that zoning and related problems fit in more easily with local government. Both the judge armed with the English Reprint and the building inspector armed with the newest zoning ordinance represent community intervention in land use. But the student can better learn to appreciate the point of view of the building inspector and the legislation and decisions behind him in the atmosphere of a public law course than in the atmosphere of the traditional property course. Zoning and city planning are an integral part of the activities and problems of the modern city. Presented with traditional property problems, they just do not fit in.

Dean Fordham has presented ample material for the instructor who shares the above views. The chapter on "Community Planning and Development" covers 240 pages, and ranges through such topics as the laying out of streets, zoning and regulatory problems, devices to induce the location of industries in the community, and public housing problems. Especially valuable, in this section, are the introductory text, giving a necessary background for consideration of the problems, and supplemented by notes and sectional introductions, and a typical zoning ordinance printed in full. This type of material, so often overlooked, is essential. The problems of the lawyer of the future will be in drafting and complying with such ordinances, rather than in litigating their validity.

The outstanding contribution of Dean Fordham's volume is in the new treatment of the chapters on "Finance" and "Remedies Against Local Government—Debt Adjustment." The cases selected are modern and interesting, and the text is up to the general high standard of the book. The unique feature, however, is the reprinting of a complete bond transcript. It is especially appropriate to tie together the problems presented by the cases involving bond issues. It has a greater value than this—the student sees a sample of the type of documents he will use and pre-

pare when he gets out of school. In general, the law school graduate knows how to find and read appellate court decisions, and not too much else. Every appropriate opportunity should be seized to make him familiar with the type of documents he will be called upon to prepare, and the documents where he will find the facts of transactions to which he will apply legal rules. The use of a bond transcript in this connection illustrates how the reviewer thinks this should be done. It makes it possible to go from the transcript to the statutes and the cases to see why things were included, and from the cases and the statutes to the transcript to see if necessary things are there. The device is not overdone, for the cases are selected generally, and not related specifically to the particular transcript used.

Dean Fordham has gone all out for the up-to-date case. Of the cases reported in full, 77 were decided since 1940, 35 between 1930 and 1940, and only 15 prior to 1930. The older cases are considered in the book, but they appear only as they are discussed in the modern decisions and in the text. The use of modern cases is a good method of capturing student interest. In this field, modern cases must be used because many of the problems have not been in existence for long. However, there is an even more important reason for using recent cases. As in all public law fields, the law moves with comparative rapidity. With the exception of constitutional law, where the recent changes have been revolutionary, there is no field in which old cases should be more suspect than in local government. Much of it is state constitutional law, where national trends may be followed. Besides specific state constitutional provisions, the doctrine of delegation of powers, for example, has always played a more important role in state decisions than in federal. Even where the problem is not specifically constitutional, notions of public policy change, and the recent case is frequently the most valuable.

The text takes up roughly a third of the volume. In this material the editor has included critical commentaries suggested by his own study. These comments should make the volume of interest to attorneys practicing in the field, as well as adding to the interest and value of the book to law students. Through the use of text, topics are included for which there would not be room if cases were used exclusively. It also makes possible the inclusion of background material that is not strictly legal, but is necessary for a real understanding of the problem. A particularly good example of the use of this material is in the discussion of an-

nexations to cities. In addition, legal material has been included from statutes and constitutional provisions, as well as cases, and some material from law reviews.

Finally, the typographical arrangement deserves highest praise—the text and notes are printed in the same size type as the cases. Too many good casebooks have been ruined by printing some of the best material in unreadably small type, and this volume is a welcome exception.

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