

studies, though Herbert Osgood is praised for recognizing his own limitations. Be that as it may, serious students will welcome this exhaustive and scholarly study and hope that equally competent studies will be made of law and procedure in the other Colonial jurisdictions.

The authors have consulted all the surviving manuscript legal records and documents as well as the Colonial statutes. The records are regrettably fragmentary, and even when undamaged they are often exasperating in what they omit. Nevertheless the main features are reasonably clear. The study is a detailed and often highly technical one covering jurisdiction, appeals, error and review, prosecution, process, recognizances, trial, and final proceedings. The authors take pains to present parallel and relevant English material.

They recognize that law and procedure cannot be completely understood apart from their institutional, social, and intellectual setting, and they occasionally suggest such relationships, e.g., in connecting summary trial with the problem of vagabondage and local costs of detention and relief or in conjecturing that the low scale of provincial fines might be related to a desire to prevent appeals to the Crown in criminal cases.

General historians will note the authors' conclusions as to the "reception" of the English law in the colony and their denial of its "frontier" character. The culture historians "who function in a pleasant anarchic world of their own" may be grateful for a certain amount of human interest material quoted from the records.

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Municipalities and the Law in Action, 1945 Edition. Edited by Charles S. Rhyne. Washington: National Institute of Municipal Law Officers, 1945. Pp. 500. \$10.00.

This volume consists mainly of reports by city attorneys on current problems of cities. Municipal attorneys as staff officers of local governments are concerned with all types of municipal problems, as is indicated in the subject matter of the twenty reports prepared by committees of attorneys covering such problems as federal-city relations, public housing, taxation and revenues, municipal bonds, public utilities, model ordinances, municipal tort liability, airport legal problems, planning and zoning, protection of civil liberties, status of city-state relations, effect of the war on city contracts, technique of opinion writing, traffic-court reform, and intermunicipal agreements. These reports were presented in printed or mimeograph form at the 1944 annual conference of the National Institute of Municipal Law Officers. At the conference the chairman of the committees summarized the highlights of their reports, which were then discussed from the floor. Approximately one-fifth of the present volume is devoted to a summary of the discussion.

A few of the reports consist of only perfunctory remarks while others convey a broad picture of particular legal problems with comment on the economic and historical background of court decisions. These latter reports provide the city attorney with supplementary material as an aid in the interpretation of current court and federal administrative decisions. The value of the book lies chiefly in the analysis of some recent decisions, opinions of the city attorneys, and a record of the legal experience of some of the larger cities. Now in its eighth year of publication it is an excellent reference

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book for use not only by the 2,000 city attorneys and their assistants employed by the law departments of 400 cities who are members of the Institute, but also by other municipal officials and by members of the legal profession who are concerned with municipal problems.

It is only natural that municipal attorneys should emphasize the legal point of view. This attitude is carried to an extreme, however, on the question of collective bargaining in public employment, with the attorneys relying mainly on their own opinions. The committee report covering this subject tends to show that political subdivisions may not enter into bargaining agreements without specific statutory authority. The fact is that there are many existing agreements between cities and labor unions which have been made without enabling legislation. Municipal officials, in view of what is happening in private industry, cannot shut their eyes to existing conditions. The tangled problem of labor contracts in public employment cannot be disposed of categorically on the basis of law and doctrine. There is a large field of administrative discretion in the handling of employment problems, and municipal administrators who are directly concerned with the management of men to get municipal work done are inclined to take a practical and realistic view in handling the cities' labor problems.

The city attorney is one of the most important officers in local government, and top management constantly looks to the law department for advice, although management (the chief administrator and the city council) is not bound to follow such advice. But this does not detract from the value of this excellent compilation of municipal experience on current problems. In the National Institute of Municipal Law Officers the city attorneys of the country have set up a splendid clearinghouse of information on the experience of cities in handling the legal aspects of municipal problems. The present volume and the numerous special reports issued by the Institute are of great value to city managers, city clerks, and other local officials in improving the administration of municipal services.

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Can Representative Government Do the Job? By Thomas K. Finletter. New York: Reynal & Hitchcock, 1945. Pp. 184. \$2.00.

Has the friction between President and Congress become a continual and growing menace to the proper functioning of the federal government? Has the structure of the federal government become inadequate for our present needs, both domestic and foreign? These are questions that have arisen with considerable frequency in the past few years. Professors W. Y. Elliott and William Macdonald have each considered these problems in excellent works, and more recently Mr. Henry Hazlitt has given us an excellent book on proposals for reform.¹ The editors of *Fortune* have considered the problem in the issue of November, 1943. Proposals have been made from time to time, varying from the introduction of the parliamentary system to moderate changes in Congressional organization and procedure. Now comes the contribution of Thomas K. Finletter to the discussion in *Can Representative Government Do the Job?* Mr. Finletter's

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¹ Hazlitt, *A New Constitution Now* (1942); Elliott, *The Need for Constitutional Reform* (1935); Macdonald, *A New Constitution for a New America* (1921).