

Drafting Municipal Ordinances (Book Review)

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thought to be necessary to the development of strong advocates that a single system of judicial administration be fully developed. The reader is warned, however, that separate reference will have to be had to the statutes and rules of his particular jurisdiction.

In view of the above limitation, the book cannot be said to be a complete work in the field of trials and appeals. In justice to the author, however, it must be said that he makes no such claim for it. Nevertheless, the law school student and the embryonic lawyer will find much valuable assistance in this volume in working out the problems which will confront him in the field of litigation.

ROBERT L. CALLAHAN.*



DRAFTING MUNICIPAL ORDINANCES. By Thomas A. Matthews. Chicago: Callaghan & Co., 1956. Pp. XIII, 457. \$17.50.

This is a technical book on a technical subject. Nevertheless, it manages to remain readable—no small feat under the circumstances. The avowed purpose of the author is to “aid city attorneys and others in the practical job of drafting municipal ordinances.”¹ Since a municipal corporation may be a village, town, city or other district having powers of self-government, obviously the contemplated area is vast. The manual, however, disclaims all pretensions of being a textbook and defers to McQuillin on *Municipal Corporations*. Nonetheless, both the neophyte and the master will find the book useful and practical. There are many helpful suggestions, particularly for new municipalities.

Only a relatively small portion of the book is devoted to a discussion of the fundamental principles of drafting ordinances. It is this portion of the book that is particularly valuable. The major portion of the book contains forms for various ordinances. These are arranged by subject matter. Some chapters contain forms drafted for a city and companion forms for a smaller unit. However, this is not followed throughout the book.

In referring to the forms, the author states that the suggestions . . . for appropriate wording to express the intention of the legislative body, and the language used is so far as possible language which has been approved by the courts in the course of litigation and which has been found prac-

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¹ P. 1.

licable from the standpoint of administration and enforcement of ordinance provisions.²

Undoubtedly, in developing the forms the author studied various ordinances of cities, towns and villages of the United States. However, the book is completely devoid of citations, annotations or comments to the forms. Therein lies its weakness. By omitting the citations, the reader is deprived of the benefit of the experience of the prototype of the form. The drafting of legislation includes, or should include, a comparative survey of laws on the subject matter in other jurisdictions and consideration of the problems, if any, which have arisen thereunder. Since the bases of the forms are not disclosed, it would be necessary for a person drafting an ordinance to undertake research on the matter practically *de novo*. Only thus can one eliminate or at least decrease the possibility of repeating mistakes of the past. Moreover, citations and comments to the forms would be valuable in determining where a certain form is appropriate for the particular community under consideration.

It is regrettable that this book, which is unique in so many respects and which is undoubtedly a valuable addition to the books on legal draftsmanship, should omit that essential to the scholarly, and in the last analysis the practical, approach to legislative draftsmanship.

ROSE M. TRAPANI.*



THE SUPREME COURT: CONSTITUTIONAL REVOLUTION IN RETROSPECT. By Bernard Schwartz. New York: The Ronald Press, 1957. Pp. VII, 429. \$6.50.

This is an excellent work. That is the basic and primary comment that presents itself to the reviewer's mind after he puts down Professor Schwartz's treatise. It is marked by scholarship lightly borne; by the broadest consideration of the Supreme Court and its place in our national life; by courage; by wit; and, above all, by the gift of holding the reader's interest. In his preface, Professor Schwartz candidly states that he strives to reach a wider audience than the specialist and legal scholar.¹ In this, his objective, he

² *Ibid.*

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¹ P. IV.