

# Washington University Law Review

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Volume 2 | Issue 2

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January 1917

## Review of “The Law and the Practice of Municipal Home Rule,” By Howard McBain

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### Recommended Citation

Review of “*The Law and the Practice of Municipal Home Rule*,” By Howard McBain, 2 ST. LOUIS L. REV. 132 (1917).

Available at: [http://openscholarship.wustl.edu/law\\_lawreview/vol2/iss2/13](http://openscholarship.wustl.edu/law_lawreview/vol2/iss2/13)

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# BOOK REVIEWS.

THE LAW AND THE PRACTICE OF MUNICIPAL HOME RULE, by Professor Howard L. McBain, of Columbia University (Columbia University Press, 1916), is an exceedingly valuable addition to the literature of municipal government. The "home rule" question is one of growing importance in all American communities and with the conferring of broader powers on the municipality has come the inevitable increase of cases involving conflict of state statutes, city charters and constitutional clauses.

Professor McBain has been confronted with the same difficulty encountered by all writers on American political and constitutional subjects, that of handling the various state systems in such a manner as to avoid inaccurate generalizations on the one hand and an excess of local detail on the other. On the whole the author has been unusually successful. In the opening chapters adequate attention is given to the general character of the problem and to the historical progress of the movement against excessive state interference and special legislation. The second part of the volume is a more detailed discussion of the situation in those states granting charter making powers to their cities. The citizen of Missouri will be interested to find two chapters devoted to the local situation and numerous cases originating in St. Louis are cited. Missouri was a pioneer in the home rule movement, the constitution of 1875 granting the charter making power to cities of more than 100,000 inhabitants. The clause, however, was somewhat ambiguous in its wording and failed to avert a great deal of vexatious legislation and consequent litigation in subsequent years. The decisions of the Supreme Court have also been somewhat contradictory and confusing as was admitted in *Owen v. Baer*, 154 Mo. 434. The author gives an excellent summary of decisions in a long series of cases involving taxation, police power, elections, annexation of territory, control of public utilities, street improvements and claims. His conclusion is that the courts have decidedly favored state supremacy in case of conflict, although more liberal in interpreting grants of power to the city.

To the general reader and the civic worker the concluding discussion, in which the general situation is summarized and the prevailing tendencies shown, will probably be one of the most interesting parts of the book. The lawyer will, of course, have to keep up with a continually accumulating mass of statutes and decisions, but will find the present volume of great assistance in establishing essential principles and as a guide to further sources of information.