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Review of “The Law of Municipal Contracts with Annotated Model Forms,” By Charles S. Rhyne

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BOOK REVIEWS

THE LAW OF MUNICIPAL CONTRACTS WITH ANNOTATED MODEL FORMS.
By Charles S. Rhyne. Washington, D.C.: National Institute of Municipal
Law Officers, 1952. Pp. 192. \$7.50.

This volume is intended to meet the needs of purchasing agents and attorneys for municipalities, as well as contractors, for a handy reference book on the subject of municipal contracts. This field of the law is summarized in a concise and simplified manner in the first part of the book. The discussion concerns in general the contract powers of municipal corporations, ultra vires and other illegal contracts, and bidding and other procedural requirements of municipal contracts.

The major portion of the book is dedicated to model forms, which are of considerable interest and usefulness even in the broader area of public contracts. The forms cover such subjects as contract proposals, general contract conditions, specific provisions for construction contracts, performance and maintenance bonds, bids and prequalification of bidders, and similar topics. Annotations, arranged by cross-reference to the forms, set out typical court decisions in support of the provisions recommended by the author.

It may be hoped that a new edition of this book will be preceded by a careful revision to clarify certain points and rectify what appear to be occasional oversimplifications and outright inaccuracies. For example, ultra vires contracts are defined as wholly void¹ and then as "generally considered to be void."² The discussion of *United States v. Wunderlich* in the light of Public Law 429, The Defense Production Act Amendments of 1952,⁴ is open to question. It does not seem correct to state, as the author does, that this decision was "vitiated"⁵ by Public Law 429. Apart from the inappropriate expression of that comment, it appears that the Supreme Court decision was concerned with the finality of administrative determinations of fact, whereas Public Law 429 grants "the right of judicial review of any legal question." It seems incorrect, therefore, to draw the conclusion, as the author does, that said law "in effect, overruled the Supreme Court's decision and permits judicial determination as to whether the actions and decisions of the Secretary of Labor under the *Walsh-Healy* Act are in conformity with the law."⁶

Granted that the book does not purport to be an exhaustive treatise, and that it is intended primarily as a ready and compact source of reference for the administrators, greater care in the legal discussion would seem to be in order. These remarks are not intended to detract from the general usefulness of the book in its specific function and field.

PAUL B. RAVA†

1. p. 30.

2. p. 31.

3. 342 U.S. 98 (1951).

4. Pub. L. No. 429, 82nd Cong., 2nd Sess. (June 30, 1952).

5. p. 130.

6. p. 130.

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