```
1412
                                  INDEX.
           The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.
HORSE RAILWAYS. (See RAILROADS; STREETS.)
HOSPITAL (see HEALTH; ORDINANCES),
    ordinances relating to, 371.
    devise for erection and support of, valid, 572.
    city may condemn land for, though consequential depreciation of neigh-
      boring property result, 587 d.
    liability for negligence of officers of, 977.
    grant of permission to individuals to erect private, 322 n.
    city held liable in damages for erecting a pest-house, 374 n. on p. 448.
    purchase of extra-territorial lands for pest-house, 564.
        city held liable for trespass in having seized property for that pur-
           pose, 971 n.
HOUSE OF COMMONS,
    origin of, 8.
HOUSE OF ILL-FAME. (See BAWDY HOUSES; ORDINANCES.)
HUCKSTER,
    defined, 317 n.
    power to license, 359 n., 361.
```

ICE. (See Snow and Ice; Streets.)

not binding, 447. (See CONTRACTS.)

ILLEGAL CONTRACTS,

ILLEGAL CORPORATE ACTS (see ACTS; ULTRA VIRES), remedy against, 611 n., chap. xxii., 906. ILLEGAL DISPOSITION OF MONEYS, by commissioners, liability of city, 76 a. may be restrained, 910, 914-922. ILLEGAL TAXES. (See Action and Liability; Injunction; Taxa-ILL-FAME, HOUSES OF. (See BAWDY HOUSES.) ILLINOIS. constitutional provisions respecting special legislation, 41 n., 45 n. requiring subject to be expressed in title of legislative act, 51 n. as to municipal indebtedness, 136, 136 a, 529 a, n., 746 n. in respect to aid to railways, 157 n. payment for land taken under power of eminent domain, 616 n. requiring damages to be assessed by jury, 618 n. concerning street railways, 701 n., 701 a, n. as to taxation, 746, 759, 787. requiring compensation to be made for property "damaged," 995 n., 995 c, n. on p. 1241. Chicago Lake Front case, 51 n., 107 n. liability of municipal corporations to garnishment, 101 n. power of municipal corporations to borrow money, 119. municipal courts in, 427 n. assessment on basis of frontage unconstitutional, 759. statute of Anne as to quo warranto adopted in, 888 n.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052. ILLINOIS - continued. taxation of vessels in, 787. rule as to liability for changing grade of streets, 990 n. on p. 1222. doctrine as to liability for defective streets, 1022. IMPEACHMENT. (See Amotion and Disfranchisement.) IMPLICATION, corporations may be created by, 42, 82. what words sufficient to create corporation, 42. no particular form of words necessary, 42, 43, 82. legislative grant gives capacity to hold the thing granted, 43 n., 560. intention of legislature must satisfactorily appear, 43. annexation of territory to a town makes it a corporate town by, 43 n. name of corporation by, 175. repeal of ordinances by, 314. repeals by, not favored, 86, 87 n., 88. IMPLIED CONTRACTS. (See Action and Liability; Assumpsit; Con-IMPLIED RESIGNATION, of municipal offices, 225. (See Office and Officer; Resignation.) IMPOUNDING ANIMALS. (See Animals.) IMPRISONMENT power to enforce ordinances by, 353, 421 n. towns held not liable in actions for false imprisonment, 970 n., 972. IMPROVEMENTS. (See Local Improvements; Streets; Taxation.) INCIDENTAL POWER (see CHARTER; POWERS AND DUTIES), to borrow money, 117-132, 507, 507 a. and to issue negotiable paper, 507, 507 a. to contract obligations, 443, 447. no incidental power to issue warrants free from equities, 487. to remove officers for cause, 249, 251. to enact appropriate by-laws, 315, 316, 319. to annex pecuniary penalties, 338. to take, hold, and alien lands, 561, 575. to levy taxes, 741, 763. INCOME (see Funds, Corporate; General Government; Taxation), of municipal corporations not taxable, 54 n., 100 n. (See Garnishment.) power to tax private income, 785. INCOMPATIBLE OFFICE, what is, and effect of taking, 225-227, 427 n. on p. 495. INCORPORATED ACADEMY, endowed entirely by the State, legislature has supreme authority over, 60 n. INCORPORATIONS. (See CHARTER; CORPORATIONS; COUNTY; MUNI-CIPAL CORPORATIONS; QUASI CORPORATIONS.) INCORPOREAL RIGHTS, ownership on division of town, 189 n.

INDECENT EXHIBITIONS AND EXPOSURES,

INDEFINITE BODY. (See Definite and Indefinite Bodies.)

indictable offences, 376 n.

1414 INDEX. The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052. INDEMNIFICATION OF OFFICERS (see Office and Officer), when municipality may indemnify its officers, 147, 148, 447 n., 479 n. INDIANA, general cities act valid, 41 n. right of local self-government upheld, 45 n., 58 a. liability of municipal corporations to garnishment, 101 n. doctrine in, as to power of municipality to borrow money, 119. limitation on municipal indebtedness, 135 n., 136, 136 a. constitutional provision in respect to aid to railroads, 157 n. whether punishment can be prescribed by ordinance for offence punishable under State law, 366 n., 368 n. on p. 440. mayor held to be a "judicial officer," 427 n. taxation of vessels in, 787. liability of municipalities for change of grade of streets, 686 n., 990 n. on p. 1221. constitutional provision as to uniformity of taxation construed, 748 n., 750 n. INDICTABLE OFFENCES, ordinances relating to, 366-368, 432, 434. (See Criminal Offences; INDICTMENT; JURY; MUNICIPAL COURTS.) INDICTMENT (see CRIMINAL OFFENCES; JURY), of public and corporate officers, 237 n. on p. 322, 933. of municipal corporations, 728 n., 931-933. will lie for a public nuisance, 374 n. on p. 447, 378, 659, 660. indecent exhibitions and exposures, indictable, 376 n. remedy for abatement of nuisance, 378, 669. requisites of, for forgery of county warrants, 487 n. private structures erected on public square are indictable nuisances, 645. for obstruction of street, 637 n., 639 n., 642 n. on p. 762, 659, 660 n., 865 n., 932 n. (See Obstructions; Streets.) in case of non-repair of bridges and highways, 728 n., 931-934. against town, estoppel to deny that road was legally laid out, 932 n. for failure to prevent and remove nuisances, 933. in case of unauthorized use of street by railroad company, 708. where railroad in street becomes a nuisance, 713, 730 n. of railroad company for obstructing highway, 932 n. INDIVIDUAL LIABILITY, for corporate debts, 576, 849 n., 850 n., 962 n. (See New England Towns.) of officers for passing unauthorized ordinance, 235 n., 237 n., 313. of corporation orders, liability of, 489. INFECTIOUS DISEASES (see HEALTH), power to prevent introduction of, does not authorize ordinance forbidding sale of cast-off clothing, 319 n. on p. 398. INFERIOR COURTS. (See MUNICIPAL COURTS.) INFORMATION. (See MANDAMUS; QUO WARRANTO.)

INHABITANT,

difference between ratepayer and inhabitant, 303 n.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052. INJUNCTION (see DELAY; EQUITY), and mandamus distinguished, 826, 829 n. difference between writ of prohibition and writ of injunction, 930. whether several distinct owners may join in a suit, 661 n., 907 n. municipal corporation cannot be guilty of contempt for disobeying, 907 n. discretionary power not ordinarily controlled by, 94, 475, 857, 906-924. (See Powers and Duties.) to prevent illegal annexation of territory, 185 n. equity will not enjoin holding of election, 197 n., 255 n., 275, 890 n. to restrain board of canvassers from canvassing returns, 202 n. on p. 286. in case of conflicting councils and election contests, 205 n., 272, 275, 844 n., to restrain persons from exercising the functions of public offices, 202 n. on p. 286. to prevent indemnification of officer, 147 n. to prevent taking possession of office, 204 n. officer cannot resort to equity to enjoin removal, 255 n., 847 n. courts will not enjoin the passing of ordinances, 308 n. on p. 387. or the signing thereof by the mayor, 331 n. to restrain enforcement of ordinances, 340 n., 420, 908 n. in cases of nuisances, 375 n., 378 n., 661, 921. taxpayer may enjoin issue of illegal warrants, 504. issue of bonds will be enjoined, when, 519. plaintiff not entitled as matter of right to temporary injunction, 914 n. when proceedings under the right of eminent domain will be restrained, 611, 613, 615 n. where the municipal corporation is in possession of land under alleged dedication, 630 n. unauthorized and illegal acts, 611, 906-924. unauthorized use of streets and public places, 659, 660 n., 661 n., 662 n., 707, 708, 711 n. (See Dedication; Equity; Railroads; Streets.) to prevent erection of buildings on public square, 644 n. owner of land fronting on park, right to maintain, 644 n. to prevent cutting down of shade-trees, 663 n. judgment in ejectment obtained against city - injunction, 663 n. to prevent council from enforcing illegal order to vacate street, 666 n. on p. 796. whether construction and operation of railroad in street may be enjoined, 703 n., 706 n., 708, 718 n., 720 n., 723 c, n., 723 d, n. to restrain illegal taxes and assessments, 776 n., 912 n., 919 n., 921 n. in municipal tax cases, when grauted; plaintiffs, 923, 924. effect of acquiescence and delay, 924 n. to restrain collection of taxes for payment of defective bonds, 554 n. to prevent sale of property to pay unauthorized assessment, 800 n. will lie to prevent sale upon void precept, 820 n. right of attorney-general to file bill against corporation and officers, 909-912.

tax-payers to apply for, 914-922.

INJUNCTION — continued.

effect of not resorting to certiorari on right to, 926 n.

to prevent erection of wooden building within fire limits, 405 n. on pp.

effect of pending suit in equity on right to mandamus, 829 n.

failure to obey Federal court mandamus, when State court injunction no excuse, 883.

exercise of jurisdiction within another municipality restrained, 907 n.

in favor of individuals to prevent encroachment upon private property,

not awarded if mandamus will lie to compel payment of indebtedness, 906 n.

to restrain illegal appropriation of money, 914-922.

State cannot enjoin disbursement of money voluntarily paid under illegal assessment, 944 n. on p. 1152.

to restrain grading of street until compensation is made, 990 n. on pp. 1220, 1222, 994, 995 c, n. on p. 1242.

whether courts will interfere to prevent construction of sewers, 1046 n. "INJURIOUSLY AFFECTED,"

construed in eminent domain and street grade cases, 587 d, n., 991 n.

INN. (See SALOONS.)

INSPECTION.

of corporate documents and papers, 303. (See Records and Documents) who entitled to and proceedings, 303.

mandamus to enforce right, 303, 848.

motion for rule to inspect, what accompanying affidavits should show, 303. attachment, when officer disobeys rule to allow, 303.

INSPECTION ORDINANCES, 330, 344, 390, 392. (See Ordinances.)

INSPECTOR OF STEAM BOILERS, city not liable for damages resulting from negligence of, 968 n., 975 n.

INSURANCE COMPANIES,

taxation of, 749, 790 n.

INTEGRAL PARTS,

in English municipal corporations, how constituted, 35, 871. mayor an integral part, 35, 260, 271.

mayor's presence necessary to valid corporate action, 260. English doctrine not applicable here, 271.

English rule that presence of all the integral parts is necessary to valid

direction of writ of mandamus where corporation consists of, 871. dissolution by loss of integral part, 165.

INTENT. (See DEDICATION.)

INTEREST (see Usury),

on corporate indebtedness, 506, 956 n.

judgment for, when a bar to subsequent suit, 486 n.

publication that interest will cease on certain day not conclusive, 506 n.

payment of interest on bonds as ground of estoppel, 542 n. on p. 632, 548, 551.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

INTEREST — continued.

right of land-owner to recover interest on assessment of damages, 614 n.

INTERNAL IMPROVEMENTS (see Bridge; Charter; Constitu-TIONAL PROVISIONS; CONTRACTS; RAILROADS).

what are works of, 508-510.

issue of bonds in aid of, 508-510.

INTERSTATE COMMERCE,

police power cannot extend to regulation of, 142. limitation on power of municipal taxation with respect to, 742-745.

INTOXICATING LIQUORS. (See Liquors; Saloons.)

INTRODUCTORY HISTORICAL VIEW, 1 et seq.

INTRUDER (see CHAP. XXI. on Quo WARRANTO), liability of, to officer de jure, 235 n. on p. 318.

INVENTIONS. (See PATENTED ARTICLES.)

IOWA.

general municipal corporation act of, 41 n., 45 n. as to liability of municipal corporations to garnishment process, 101 n.

constitutional provision limiting municipal indebtedness, 135, 136 a, 137.

validity of municipal subscriptions to stock of railroads, 153 n.

prosecutions for violation of ordinances, in whose name to be brought, 429 n. corporate power to borrow money, 119.

railway and municipal bond cases, 517.

provision requiring amount of damages to be determined by a jury, 618 n.

assessments for improvements, rule as to benefits, 625 n.

uniformity of taxation required by Constitution, 750 n.

rule as to assessments for local improvements, 753.

rule as to mandamus, in favor of creditor, 849 n. on p. 1029.

statute of Anne as to quo warranto adopted in, 888 n.

doctrine as to right of taxpayer to equitable relief, 919 n. rule as to liability for changing grade of streets, 686 n., 989 n., 990 n. on

p. 1224. IRON GRATINGS,

in sidewalks, usage, 734.

liability of city where left in insecure condition, 985 n.

injuries by reason of defects, liability of abutter, 1033.

IRREGULARITIES,

when no ground for setting aside election, 197 n., 198. (See Elections.)

IRREPEALABLE ORDINANCES (see Monopolies; Ordinances), surrendering public powers, void, 97, 715, 716.

ITALIAN CITIES,

in the Middle Ages, 5.

ITINERANT DEALERS. (See Peddlers.)

JAIL. (See County; Public Buildings.) JEOFAIL. (See AMENDMENT.)

JOINT ASSEMBLIES (see MEETINGS),

application of majority principle to, 284. (See Majority.)

```
The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.
```

JOINT ASSEMBLIES - continued.

effect of refusal of one body to go into joint meeting, 284 n. JOURNAL. (See RECORDS AND DOCUMENTS). JUDGE.

in corporation court, 431.

JUDGMENTS (see FEDERAL COURTS; MANDAMUS),

mode of enforcement against municipalities, 100, 576, 577 n., 850, 861 n. for sale of property to pay assessment under void ordinance, 291 n. purchase of judgment against creditor of city to be used as a set-off, 457 n. city may compromise judgment in its favor, 477 n. in suit on coupons, when bar to subsequent suit, 486 n.

estoppel by former final judgment on demurrer, 522 n.

lien of, on corporate real estate, 576.

sale of private property of municipality on execution, 576.

liability of property of individuals to sale on execution against municipality, 576, 849 n., 850 n. on p. 1031, 962 n.

dedication, judgment in former suit, 637 n.

indictment and conviction for encroachment upon street, proper judgment,

effect of judgment in ejectment against municipal corporation, 665. against city for work performed in improvement of street, 811 n.

mandamus to compel levy of taxes to satisfy, 827 n.

enforcement of, by mandamus, and execution, 760 a, n., 849-863. (See INJUNCTION.)

mandamus is in nature of execution of judgment, 861.

remedy in Federal courts, 515, 856, 861, 861 a. in mandamus, and when binding, 884.

in quo warranto, 904, 905 n.

relief against fraudulent judgment, 919.

as to recovery back of money from city after payment on execution, 941 n. mode of enforcing judgments against New England towns, 576, 849 n., 850 n., 962 n.

JUDICIAL ACTS. (See Acts; Powers and Duties.)

JUDICIAL NOTICE. (See EVIDENCE.)

taken of charters, 83.

not of ordinances, 83, 413.

JUDICIARY ACT OF 1789,

power of Federal courts to issue mandamus under, 860, 861. JUNK SHOPS,

defined, 361 n.

power of municipality to license, 361 n.

JURISDICTION (see MUNICIPAL COURTS),

of superior courts over elections, 202-205, 838, 839, 891.

of local tribunals, 427, 434-439.

constitutional limitations on, 430.

common-law doctrine in respect to municipal courts, 425.

right of superior tribunals to review proceedings of inferior courts, 440. of common-law courts as to election and amotion of officers, 255 n.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

JURISDICTION - continued.

of the council is confined to the municipality, 308 n. on p. 387. colorable transfer of bonds cannot give Federal courts jurisdiction,

of United States Circuit Courts in mandamus, 860-861 b.

JURY (see CRIMINAL OFFENCES; INDICTMENT; MUNICIPAL COURTS), whether municipal corporations are within constitutional guaranty of right to jury trial, 67 n., 75 n., 432 n.

summary convictions, when valid, 411, 412, 432 n., 433. (See Conviction.) right of trial by, in municipal or police courts, 432-439.

where right of jury trial is given by appeal, 439.

common-law doctrine in respect to qualifications of jurors, 425.

not applicable in this country, 431. when resident taxpayer not competent, 431 n.

extent of right of trial by jury at common law, 432 n.

whether party claiming public office can be denied right of jury trial,

assessment of damages by, in proceedings under power of eminent domain, 618-621.

as to qualification of jurors, 431 n., 607.

JUST COMPENSATION. (See EMINENT DOMAIN.)

KANSAS,

general municipal incorporation act of, 41 n. constitutional prohibition of special acts conferring corporate powers, 46. does not include quasi corporations, 46.

liability of municipal corporations to garnishment process, 101 n. validity of municipal subscriptions to stock of railroads, 153 n. assessments for improvements, rule as to benefits, 625 n. as to uniformity and equality of taxation, 749, 758.

doctrine as to right of taxpayer to equitable relief, 920 n.

KENO TABLE, city held to have no power to license keeping of, 375 n.

KENTUCKY,

power of legislature in respect to municipal and police officers, 58 n. liability of municipal corporations to garnishment process, 101 n. validity of municipal subscriptions to stock of railroads, 153 n. prosecutions for violation of ordinances, in whose name, 429 n., 436 n. liability of municipalities for change of grade of streets, 686 n., 990 n. on p. 1225.

local improvements at expense of abutter, 752 n. on p. 918, 759. as to exemption of municipal property from taxation, 774.

LACHES. (See DELAY.) LANDING (see WHARVES), dedication of property for, 649. LANDS. (See PROPERTY.)

LATERAL SUPPORT OF SOIL,

right to, against municipalities as respects streets, 672, 990 n. on pp. 1225, 1226, 991.

LAUNDRIES.

ordinances prohibiting work at certain hours, valid, 141 n., 319 n. on p. 397.

giving arbitrary power to officers in respect to, void, 319 n. on p. 397. as to license to establish on recommendation of certain citizens, 357 n. business may be restricted to certain portions of city, 400.

power to forbid business to be conducted in building not constructed of brick or stone, 404 n.

LAWYER. (See Professions.)

LEASE

power of municipality to lease property, and mode, 116, 466, 575 n., 580. as to necessity of corporate seal, 192 n.

city held to have power to lease revenues of a port, 779 n.

of railroad does not deprive lessor of power of eminent domain, 723 a, n. right of citizen to question power of railroad to take lease of ferry, 920 n. LEGACIES

to municipal corporations valid, 566.

LEGISLATIVE DISCRETION. (See DISCRETION; POWERS.)

LEGISLATURE - LEGISLATIVE POWER (see CHARTER; CONSTITU-

TIONAL PROVISIONS; CURATIVE ACT), organic limitations on legislative power, 12 a.

cannot delegate its law-making power, 44.
meaning of term "two-thirds of each house," 47 n.

act of, embracing more than one object, 51.

may be valid in part, 51 n. on p. 90. when legislative act becomes a contract, 53, 68.

whether one legislature can by contract bind a subsequent legislature, 97 n.

motives of legislators not inquirable into by the courts, 311, 312 n. whether this doctrine is applicable to acts of municipal bodies, 311-313.

authority over municipal corporations, its extent and limitations, 9, 45, 52-80, 186.

leading cases on the subject reviewed, 68.

legislative sanction essential to lawful corporate existence, 37.

legislative recognition of corporate existence, 84.

can compel acceptance of municipal charter, 44 and n.

may provide that a statute shall cease to exist unless assented to within specified time, 44.

can enact penal law to have effect only in such towns as may adopt it by vote, 44 n. on p. 78.

for legislature to determine when general law can be made applicable, 48. power of, over gas companies, 55, 691.

may confer on municipal corporation authority to regulate price of gas, 55. power in respect to fines and penalties, 57.

as to police regulation, 142 n. on p. 216.

may repeal municipal ferry franchise, 56 n., 68, 114.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

ZEGISLATURE - LEGISLATIVE POWER - continued.

legislative power to abolish and alter municipal corporations, 54, 63-65, 68 a, 82, 170, 185, 187.

power to confer exclusive privileges, 68 a, n. on p. 117, 103 n., 362 n. on p. 431, 692-695. (See Monopolies.)

can compel building of bridge, 74.

railroad to light road-bed within municipality, 714.

power as to division of towns, 64, 187.

power to fix corporate boundaries, 182, 183.

legislative control over municipal offices and officers, and over police officers, 58-60, 144, 210, 229.

may delegate power to make by-laws and ordinances, 308.

may provide that ordinances shall supersede State law within corporate limits, 317 n.

may authorize adoption of unreasonable ordinances, 328.

may validate previous corporate acts and by-laws, when, 77-79, 419, 544, 666 n., 685 n., 752 n. on p. 915. (See Curative Acts.)

cannot by special act legalize ordinances, when, 319 n. on p. 398.

may invest municipality with power to abate nuisances summarily, 374 n. may create and abolish municipal courts, 427.

power with respect to municipal contracts, 66, 69, 443 n., 457 n., 465 n.

grant of ferry franchise to municipality not in nature of contract, 68. is legislative grant of land in fee a contract as respects the State? 68.

power to make contracts binding upon the municipality, 71, 74 a.

legislative control over municipal funds and revenues, 56 n., 61, 62, 68 n. but constitutional rights of creditors cannot be impaired, 63, 67-70, 851, 854-857.

cannot compel one municipality to contribute to payment of debts of another, 63 n.

power to compel municipalities to create debts, 71-74, 544 n., 746 n , 831 n. to compel them to recognize moral obligations, 75.

and to pay debts not binding at law, 75-76 a.

but not unconstitutional obligations, 76 n.

may require county to issue bonds to pay indebtedness, 74 n.

may determine what moneys shall be raised and expended, and what taxation imposed, 76 α , n.

as to control of funds not raised by taxation, 187 n.

power to authorize aid in the public defence, 152.

to railway companies, 153 et seq., 508 et seq.

cannot annul completed subscription to aid railways, 539, 540.

but may authorize withdrawal of subscription before completion, 161 n. defective subscriptions may be cured and bonds validated, 544.

acts conferring public trusts upon municipal corporations are repealable,

legislative control over trust property, 80, 567. (See Trustees.)

has full power over public property of municipal corporations, 60-80, 831 n.

but not, probably, over their private property, 68 and notes, 68 a, 71. **vol.** II. — 49

LEGISLATURE - LEGISLATIVE POWER - continued.

when legislative grants cannot be repealed, 68 n. (See Contracts; Repeal.)

power in respect to wharves and wharfage, 68, 103, 107, 110. may prescribe remedy for destruction of property by mobs, 959, 960. sole judge of necessity for exercise of power of eminent domain, 589, 600. may delegate power of eminent domain to municipalities, 602, 603. legislative authority necessary to the taking of private property, 590. may authorize exercise of eminent domain in respect to supply of gas, 691. legislative power over property dedicated to public use, 651, 651 a. authority over streets and their uses, 656 et seq. (See Streets.) can repeal act legalizing encroachments on streets, 658. may give special remedy for damages from change of grade of street, 686. may compel laying out and improvement of streets, 752 n. on p. 913. scope of power in respect to use of streets by railways, 71, 701–705, 717, 723 a, 724.

special constitutional limitations on power, 701 a-701 c. authority of, how far a protection to railway company, 711. power of, over the subject of taxation, 50, 755 n. (See Taxation.) may exempt property from municipal taxation, 62 n. authority to change revenue and taxing powers, 70, 766, 767. as to delegation of taxing power to municipalities, 739-741. power to release specific class of taxpayers from payment of tax, 767. authority in respect to levying taxes to pay creditors, 849. power over local assessments, 77, 752, 761. legislation as to assessment for sewers, 809 and n. power in providing mode of ascertaining benefits not unlimited, 809. can authorize a re-assessment, 814. (See Re-Assessment; Taxation.)

LESSEE, as to damages for use of street by railway, 723 d, n. on p. 878. improvements made upon land of municipality by, taxation, 739 n

LEVEE.

land dedicated for, taken by a railroad, 588 n. dedication on recorded plat of land as a public levee, 628 n. assessment or tax for, 755 n.

building of, entitles abutter to compensation, 990. LEVEE DISTRICT,

formed for reclamation purposes, a public corporation, 52 n. dissolution of, rights of creditors, 172 n.

LEVEE INSPECTORS,

where duties involve exercise of judgment all must act, 283 n. on p. 360.

LIABILITIES. (See Action and Liability; Contracts; Office and
Officer; Powers and Duties; Streets; Torts.)

"LIBERTY BELL."

city enjoined by taxpayer from appropriating funds to pay for transportation of, 914 n.

LIBERTY POLE.

not a nuisance per se, 374 n. on p. 449.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

LIBERTY POLE - continued.

municipality liable for injury caused by fall of, 1013 n.

LICENSES (see TAXATION),

legislative control over charter powers in respect to, 62, 748. State law and charter provisions respecting, 86, 363, 748.

nature and extent of license power, 357-362.

distinction between power to "license" and to "tax," 115, 357-361, 748, 750 n., 764, 768.

power of municipality to exact licenses for revenue purposes, 323 n., 357, 359 n.

special constitutional provision in respect to taxation held to have no reference to license taxes, 358 n.

no vested right in profits arising from, 62 n.

power to grant cannot be delegated by municipality, 96.

need not be in writing, 304 n.

when not sustainable under general welfare clause, 325 n.

when specific penalties are prescribed for failure to take out license, 339 n. power to levy license tax discretionary, not mandatory, 357.

exclusive grant does not exempt from liability to pay license or tax, 789. power to license does not authorize grant of exclusive right, 359 n., 362. right must be plainly conferred, 361.

license tax not a penalty but a debt, 363 n. on p. 432.

in respect to amount of fee, 365.

courts will not presume amount of license tax unreasonable, 365 n. ordinance authorizing the licensing of occupation which is criminal under

general law, 366 n.

corporation has no right to license or maintain a nuisance, 374 n. on p. 448.

granted by de facto officer valid, 417 n.

not void for being class legislation, 744, 746 n.

issue of, enforced by mandamus, 309 n., 365 n., 831 n., 832 n.

legislative act of council must be complete to reduce rate of license, 309 n. power to ordain forfeiture of, 346.

to revoke, 361 n.

suit to enforce penalty, 410 n., 417.

resident cannot enjoin collection of license tax for which he is liable, 914 n.

illegal license tax, recovery back, 939-947.

licensees not corporate agents, 953.

city not liable for acts of licensee, 953, 959 n.

not liable where council erroneously refused to grant license, 953 n.

no liability for negligence of police officers because city granted license for exhibition, 975 n.

liquor traffic may be licensed, 363-365, 768 n. (See Liquors.)

license (to sell liquors) or no license may be submitted to vote, 44 n. on p. 78.

license to sell liquor not a contract, 346 n., 363 n. on p. 432. occupation tax may be required in addition to liquor license, 750 n.

```
The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.
LICENSES - continued.
    street railroad franchise not a mere license, 68 a, n. on p. 116.
    auctioneers and peddlers may be required to procure, 86, 396 n., 793 n.
    power to license ferries construed, 114 n., 115.
    ferry license fee held not to be a tax, 358 n.
    license tax on non-resident attorneys, 317 n.
    discretion of mayor as to granting licenses to peddlers, 319 n. on p. 396.
    license tax upon owners of tow-boats, - regulation of commerce, 319 n. on
      p. 397, 743 n.
    for sale of goods which are within and those not within city, 323 n., 744 n.
    power to license and regulate sale of meat, 357 n., 358 n., 386, 387 n.,
      390 n., 396 n., 757 n., 793 n.
    power to license public exhibitions, 360, 750 n.
    to remove buildings, 395 n.
    may be required under power to regulate a business, 405 n. on p. 474.
    for erection of wooden buildings within certain limits, 405 n. on p. 474.
    to obstruct street, 657 et seq., 730 et seq. (See Streets.)
    from persons using paved streets, 682 n., 762 n.
    exaction of license tax from commercial travellers and others, 744.
    from foreign corporations, 745, 749.
LIEN,
    of judgment on real estate of municipality, 576.
    of mechanics in respect to municipal property, 577.
    of taxes and assessments, and how enforced, 752 n., 756 n., 821, 822.
    legislative power to provide for assessments, 77.
LIGHT. (See ELECTRIC LIGHTING; GAS AND GAS COMPANIES.)
LIME KILN,
    whether a nuisance, 374 n. on p. 449.
LIMITATION OF ACTIONS (see DELAY),
    on coupons and bonds, 486 n., 512 n.
       ordinary warrants or orders, 504 n.
    when the statute commences to run, 486 n., 504 n.
    adverse possession against public corporations, 563 n., 667-675, see 367.
    when municipal corporations bound by limitation statutes, 667, 668, 669,
      671, 673-675.
    charter may prescribe limitation, 675 n., 937.
    adverse possession to support dedication, 637.
    for recovery back of money paid for taxes, 66 n., 946.
    statute not applicable to tax and local assessment suits, 668 n., 815 n.
    effect of inability to serve process upon city, 668 n., 861 d, n.
    does not begin to run against inhabitants of town until incorporated, 668 n.
    doctrine of the civil law as to adverse possession in respect to municipali-
      ties, 670.
    in mandamus proceedings, 850 n. on p. 1032, 864 n.
    in quo warranto, 902 n.
LIMITATION ON INDEBTEDNESS (see Debts),
```

construction of special, constitutional, and charter provisions, 50, 130-138,

529 a, n., 741.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052. LIMITATION ON INDEBTEDNESS - continued. forbids implied as well as express indebtedness, 130 n. limitation on taxation, 159, 162, 736 n., 742, 769. taxation in excess of constitutional limitation, 746 n. city having reached limit enjoined from carrying out a contract, 914 n. injunction to restrain payment of debt in excess of constitutional limit, remedy to prevent creation of debt in violation of, 918. city may be enjoined from levy of tax to pay such indebtedness, 919 n. LIMITATIONS ON LEGISLATIVE POWER (see Constitutional Pro-VISIONS; CONTRACTS; LEGISLATURE), over municipal corporations, 12 a, 52 et seq. leading cases on the subject reviewed, 68. LIMITED POWERS, of quasi corporations, 24 n., 25. LIQUORS. license or no license may be submitted to vote, 44 n. on p. 78. prohibitory liquor laws valid, 141 n. on p. 213. power to license, regulate, and tax, 44 n., 62, 142 n. on p. 216, 363-365, 768 n. power to destroy, 443 n. taxation for maintenance of police force, 61 n., 793 n. sale of, cannot be prohibited under ordinance to regulate, 309 n., 357 n. ordinance prohibiting sale under pena ty repealed by one prohibiting sale without license, 314 n. by-law in relation to, not sustainable under general welfare clause, when, ordinances requiring druggists to furnish statements in respect to sale of, void, 319 n. on p. 396. power to ordain forfeiture of license to sell, 346. license to sell not a contract, 346 n., 363 n. on p. 432. municipality may forbid sale on Sunday, 363 n., 397 n. license fee not a tax, 363 n. on p. 432. county may impose license tax as well as the city, 363 n. on p. 432. effect of general laws respecting liquor trade, 364. ordinance ultra vires, license to sell, 364 n. power to license sale under general welfare clause, 365. as to amount which may be demanded for license, 365. courts will not presume amount of license tax unreasonable, 365 n. charter provision that sale may be declared a nuisance, 365 n. when law requires majority of citizens to petition for a license, 365 n. issue of license, mandamus to compel, 365 n. city cannot levy tax under good order clause, 403. license granted by de facto officer valid, 417 n. city engaged in business of distilling, liable for United States taxes, 457 n. on p. 529. negotiable note given for liquors required to be purchased, 488 n. occupation tax in addition to license may be required, 750 n.

mandamus to compel approval of liquor dealer's bond, 832 n.

LIS PENDENS,

not applicable in respect to municipal bonds, 514. (See Notice.) LIVERY STABLE,

not necessarily a nuisance, 374 n. on p. 449.

LOCAL ASSESSMENTS (see STREETS: TAXATION AND LOCAL ASSESS-

subject treated, chap. xix., 735 et seq.

LOCAL COURTS. (See MUNICIPAL COURTS.)

LOCAL IMPROVEMENTS (see ABUTTER; NOTICE; STREETS; TAXATION AND LOCAL ASSESSMENTS),

"public" and "local" improvements, construed, 597 n., 797 n.

right to make may be made to depend on vote of the people, 44.

act specially amending charter in respect to making, unconstitutional, 46. power of legislature to provide for improvement of city streets through commissioners, 58 a, n.

delegation of power to determine manner of making, 96.

notice of hearing in respect to, 266 n. on p. 348.

provisions as to manner of voting and record of vote, 291.

when interests of certain aldermen directly involved, question as to

when resolution without mayor's signature ordering local improvements void, 309 n.

ordinances in respect to, must not be partial or oppressive, 322 n.

individuals may promise to pay portion of expense, 458.

construction of charter provision as to liability for, 459 n.

ratification of contract for, 463 n.

when required to award work to lowest bidder, 468.

power to make contracts for, 452, 480-483, 769 n., 800, 801, 810.

contracts for, rights of contractor, 480-483.

liability of corporation, 480-483.

rights and remedies of the property owner, 481 n.

city liable for negligence of contractor, 237 n. on p. 324.

contractor enjoined from proceeding after repeal of ordinance, 314 n.

council to determine upon necessity and character of, 779.

power to make is a continuing one, 780.

assent of abutters is jurisdictional, 800-802.

conditions precedent to abutter's liability, 811, 812.

mandamus to compel making of, 831 n., 836.

certiorari to revise proceedings for, 926.

mandamus to compel issue of bonds, 752 n. on p 914, 831 n.

to compel levy on all taxable property to pay, 850 n. on p. 1033.

notice of proceedings, 266 n. on p. 348, 606 n., 802 a-804.

local assessments for, 480-482, 735 et seq., 796 et seq. (See TAXATION.) ratification of void local assessments, 77, 78, 751 n., 813 n. (See Curative

notice in proceedings to assess owners of land for, 606 n., 802 a-804. in estimating damages, proof that improvement was a nuisance, 625 n. assessment may be authorized after improvement is made, 656. statute of limitations held inapplicable to assessments for, 668 n.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

LOCAL IMPROVEMENTS - continued.

assessment for benefits against street railway, 721 n.

one who joins in petition cannot restrain collection of assessment, 923 n. inaction of property owner will estop him to object to assessment, 924 n.

irregularities in proceedings may invalidate assessment, 936.

unlawful tax for, exacted under color of process, recoverable back, 941. no liability for consequential damages from authorized public improve-

ments, 987 et seg.

LOCAL JUDGES, JURORS, AND WITNESSES, 431.

"LOCAL OPTION LAWS," 44 n. on p. 78, 308 n.

mandamus to prevent entry upon record of vote, 838 n.

LOCAL SELF-GOVERNMENT,

basis of municipal corporations, 9-12, 44, 183.

right incapable of legislative destruction, 45 n. on p. 81, 72 n.

constitutional provisions to secure right of, 58 a.

LONDON,

condition in 1685, 3 a, n.

case of the city of, 8, 896.

public squares in, 645 n.

LOUISIANA,

recall of municipal powers conferred by legislature, a proper exercise of police power, 54 n. on p. 95.

whether municipalities can prescribe punishment for offence punishable under State law, 368 n. on p. 440.

rule in respect to mechanic's lien, 577 n.

doctrine in respect to alienation of dedicated property, 652.

public corporation cannot be deprived of its rights by adverse possession,

use by railway of batture in front of New Orleans without compensation to abutters, 701 n.

construction of constitutional provision as to rate of taxation, 69 n.

requiring equality and uniformity of taxation, 750, 756. rule as to assessment for local improvements, 752 n. on p. 913, 756.

statute of Anne as to quo warranto adopted in, 888 n.

rule as to liability for change of grade of streets, 990 n. on p. 1222.

LOWEST BIDDER (see Contracts; Highest Bidder),

provision requiring contracts to be let to, 466-470, 779 n., 912, 1027 n.

remedy when contract is awarded to another, 468 n. as to right to writ of mandamus, 827 n., 832 n.

disregard of charter provision requiring contracts to be let to, 912. civil liability where city is bound to let contract to, 1027 n.

LUCRATIVE OFFICES

defined, 207 n. on p. 291.

MACADAMIZING (see STREETS),

what confers power, and what it includes, 796, 797.

McDONOUGH'S WILL (see TRUSTEES AND TRUST PROPERTY), for education of poor in New Orleans and Baltimore, sustained, 569.