

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

- ROADS AND HIGHWAYS. (See DEDICATION; EMINENT DOMAIN; HIGHWAYS; STREETS; TAXATION.)
- ROLLING MILL,  
may become a nuisance, 374 n. on p. 448.
- ROLLING STOCK,  
taxation of, 790 n.  
sale for taxes after tender of tax-receivable coupons, 923 n., 924.
- ROMAN MUNICIPALITIES,  
historical view of, 3-6.
- ROME, CITY OF,  
historical sketch, 3 a.
- ROOFS,  
no obligation to keep ways clear of snow, 393 n. (See SNOW AND ICE.)  
liability of city, 1013 n.
- RULE TO SHOW CAUSE. (See MANDAMUS; QUO WARRANTO.)
- RULES OF EVIDENCE (see EVIDENCE),  
corporation cannot change, 417.
- RULES OF PROCEEDING,  
how changed, 288 n.
- RURAL CEMETERY. (See CEMETERIES.)
- RURAL LANDS,  
within city limits, taxation of, 794, 795.
- SABBATH,  
laws and ordinances for the observance of, 397.
- ST. LOUIS,  
Mullanphy's devise in trust for emigrants, 571.  
act establishing Forest Park held unconstitutional, 598 n.
- SALARY. (See OFFICE AND OFFICER; MANDAMUS.)
- SALES,  
of property of municipalities on execution, 576.  
for delinquent taxes, 819-822.
- SALOONS (see LIQUORS),  
power to regulate, tax, &c., 44 n., 62, 142 n., 357 n., 363 n., 365 n., 768 n.  
regulation of time of keeping open, 400.  
power to license inns gives no power to tax, 768 n.  
may be taxed for maintenance of police force, 61 n., 793 n.  
ordinance to suppress tippling-houses held valid, 368 n. on p. 441, 436 n.
- SALVATION ARMY,  
ordinances with respect to, 319 n., 368 n. on p. 438. (See POLICE POWER.)
- SANITARY REGULATIONS. (See HEALTH.)
- SCAFFOLD,  
suspended from building, not a nuisance, 660 n.
- SCHOOLS AND SCHOOL DISTRICTS,  
school districts are *quasi* corporations of limited powers, 22 n., 24, 25.  
powers of, how determined, 24 n.  
prohibition of special acts conferring corporate powers does not include, 46.

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

- SCHOOLS AND SCHOOL DISTRICTS—*continued.*  
created for "municipal purposes, 49. (See QUASI CORPORATIONS.)  
regular organization, proof of, 84 n.  
have power to borrow money, 119. (See BORROWING MONEY.)  
application of corporate funds to purchase of interest in school building, 119 n.  
individual bond of school directors for borrowed money, 452 n.  
may give promissory note in payment for building of school-house, 488 n.  
power to issue negotiable securities, 509.  
erection of school-house without express authority, 140 n.  
abolition of old and formation of new district, effect on title to property, 189 n.  
as to notice of school meetings (in New York), 266 n. on p. 348.  
proof of proceedings of, 301 n.  
rules and regulations of school boards must be reasonable, 319 n. on p. 397.  
property held in trust for benefit of schools, 80 n.  
gifts, &c., in trust for educational purposes, sustained, 568 *et seq.*  
legislative control over school districts, 61 n.  
records of school district, parol evidence, 299. (See EVIDENCE.)  
conveyance for school-house, valid, 563 n., 566.  
devises and gifts for public schools, valid, 572 n.  
property dedicated for schools, 648, 650 n.  
school-house not liable to levy and sale on execution, 576 n.  
exemption from taxation, use, not ownership, is test, 776 n.  
liability of school property to local assessment, 777 n.  
taxation of property not liable to ordinary municipal taxation, 795.  
*mandamus* to school officers, 826 n.  
attorney-general cannot enjoin collection of taxes levied by, 924 n.  
liability of school boards for injuries to pupils, 961 n., 964 n., 965.  
not liable to civil action for neglect of duty, 963.
- SCRIP,  
to circulate as money, 127, 447 n., 448, 461, 487 n.  
act authorizing particular city to issue scrip for particular purpose, void, 46.  
unauthorized issue enjoined by taxpayer, 919 n.
- SEAL (see CONTRACTS; BOUNDARIES),  
what is a sufficient seal, 190 n.  
*mandamus* to obtain possession of, 302, 848.  
when appointment of attorney in fact need not be under seal, 190.  
contracts under seal, 456.  
effect of authoritatively affixing, 190, 534 n.  
proof of seal, 191, 534 n.  
affixing of seal to unauthorized contract not binding, 190 n., 457 n.  
seal attached and properly attested, *prima facie* evidence, 191.  
lease held void for want of seal, 192 n.  
attached to bonds and to corporate note, effect, 192 n.  
*mandamus* to compel officer to affix corporate seal to document, 831 n.

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

SEAL — *continued.*

- contracts not under seal, when binding, 192, 450.
- implied contracts, when binding, 192, 459-461, 938. (See ASSUMPSIT.)
- individual seal of officer to contract, effect of, 452.
- seal on corporate conveyances, 580 n., 581.
- where bonds are stolen and seal forged, 555.

## SEIZURE,

- exemption of municipal revenues and property from judicial seizure, 100.
- trespass for illegal seizure under void assessment, 972 n., 973.

## SELECT BODY. (See COUNCIL; MEETINGS; QOURUM.)

## SELECTMEN,

- power of, to bind town, 30 n., 148 n., 283 n., 452 n., 455.

## SERVICE OF WRIT. (See MANDAMUS; PROCESS; RESIGNATION.)

## SET-OFF (see DEBTOR),

- right of officer to, in respect to his salary, 235 n. on p. 319.
- purchase of judgment against creditor of city to be used as, 457 n.
- debtor may procure city's obligations for purpose of, 477 n.
- suits to collect taxes and assessments not subject to, 810, 815 n.
- right of city to, in action for services rendered and materials furnished, 937 n.

## SETTLEMENT,

- of disputed claim, power to make, 477. (See ARBITRATION.)

## SEWERS AND DRAINS (see STREETS; SURFACE WATER),

- power of legislature to compel city to provide, 73.
- power to make, 109 n., 688, 689, 690 n., 752 n., 805-807.
- nature of power to construct, 58, 807.
- alteration and change of drainage system, 805 n.
- governing body judge of necessity, 686 n.
- charter requirement that council shall fix dimensions, 96 n.
- council may order sewer to be built by committee, 289 n., 308 n.
- injunction to restrain construction, 1046 n. (See INJUNCTION.)
- reconstruction and enlargement of culvert, injunction to restrain, 995 c, n. on p. 1244.
- power to regulate use, and to protect, 681, 805.
- object of gutters, and municipal control of use, 681.
- use of street by individual for private sewer, 319 n. on p. 398.
- purchase of right of way for a ditch, agreement to construct, 609 n.
- drainage of lots by owner may be required, 752 n. on p. 920.
- where city tore up good pavement for purpose of constructing, expense, 780 n.
- removal of railway from street if necessary, 808 n.
- executive officers have no authority to convert private drain into public sewer, 1046 n.
- power to provide outlet beyond corporate limits, 182 n., 446, 1049 n.
- city cannot discharge drainage into mill-race, 1049
- sewer commissioners are municipal officers, 58.
- implied liability for services of inspector, 480 n.

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

SEWERS AND DRAINS — *continued.*

- land may be condemned for, 598.
  - measure of damages, 625 n. on p. 735.
  - use of stream as sewer, dedication established by long user, 637 n.
  - how to be paid for, 761 n. on p. 937, 806-809.
  - drainage of lands at expense of property benefited, 752 n., 756 n.
  - exemption from local assessment for, 773 n., 777 n.
  - "remote benefit" construed, 806 n.
  - apportionment of expense, how to be made, 806.
  - mode of making assessments, 809.
  - second assessment justified, 809 n. (See RE-ASSESSMENT.)
  - maintaining engines as part of sewerage system, assessment, 809 n.
  - where sewer becomes a nuisance, liability, 375 n., 660 n. on p. 786, 1046 n.
  - house vault flooded from defective sewer, 656 a.
  - discharge of water and sewage on private lands, 1042 n., 1049 n.
  - where discharge of sewage into natural stream becomes a nuisance, 1047.
  - drain at end of wharf, 1047 n., 1049 n.
  - as to rights of riparian proprietor, 1047 n.
  - maintenance of gratings over entrance to, injunction to prevent refused, 907 n.
  - improper construction causing nuisance, indictment, 932 n.
  - corporation liable for trespass, 971.
  - no liability for failure to provide drainage or sewerage, 1046.
  - nor for insufficiency in plan adopted, 1046, 1051.
  - nor where gutters or drains are not of adequate size, 1046.
  - not responsible for error of judgment upon which system was devised, 1046 n.
  - liability where plan proved defective, 949 n., 1024 n., 1040 n., 1046-1051.
  - damages accrue to owner of property at time of injury, 1038 n.
  - liability as to public sewers constructed and controlled by city, 1046, 1051.
  - liable for negligence where duty becomes ministerial, 1048, 1049.
  - civil liability in respect to surface-water, drains, and sewers, 1038-1051 a.
  - insufficient or defective waterways or culverts, 1038 n.
  - where abutter constructed gutter in manner other than as ordinance required, 1039 n.
  - negligence is ground of liability for defective sewers, 1039 n., 1046, 1048-1051.
  - liability for failure to keep in repair, 98 n., 1045, 1047 n., 1051.
  - for negligence in constructing or repairing, 979 n., 980 n., 986 n., 1045, 1049-1051.
  - for failure to keep free from obstructions, 980, 1026 n.
  - general propositions as to municipal liability, 1051, 1051 a.
- SHADE-TREES. (See TREES.)
- SHOOTING GALLERY,
- city not liable for injury caused by bullet from, 951 n.

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

## SHOOTING GROUND

near public highway may be a nuisance, 374 n. on p. 448.

SHORE. (See RIPARIAN PROPRIETOR; RIVERS; WHARVES.)

SHOWS (see EXHIBITIONS),  
defined, 361 n.

SIDEWALKS (see STREETS),

"street" includes sidewalks, 780 n.

power to compel building of, 752 n. on p. 921, 798.

contracts to build, 443 n.

special assessment for, 764 n. (See TAXATION AND LOCAL ASSESSMENT.)

cost of gutter included in assessment for constructing, 780 n.

particular charter as to cost of making, &c., construed, 807 n.

ordinance for building may be shown to be unreasonable, 319 n. on p. 397.

land dedicated for street, lot-owners cannot be deprived of sidewalk, 629 n.

measure of damages where sidewalk is lowered, 624 n.

right of lot-owner to raise or lower, 661 n.

right of abutter to build house-vaults under, 656 b, 699, 700. (See ABUTTER.)

city may impose conditions, 688 n., 690 n.

openings in, 660 n., 699, 700, 734.

awnings over sidewalks, 319 n. on p. 398, 374 n. on p. 449. (See AWNINGS.)

staircase in sidewalk not necessarily a nuisance, 374 n. on p. 449.

placing or carrying of sign-boards on, 319 n. on p. 396, 394 n.

skids placed across sidewalks, 660 n. on p. 785.

obstruction by swine, 680 n.

whether abutter may be required to clear snow from, 394, 1006 n., 1012 n., 1033 n. (See SNOW AND ICE.)

failure of abutter to remove unsafe sidewalk after notice, 804 n.

duty of municipality to keep in repair, 1008.

liability for injury by reason of slippery sidewalks, 1006, 1020 n. on p. 1286.

whether abutter is liable in such cases, 1006, 1012 n.

defects occasioned by accumulations of snow and ice, 1033 n. (See SNOW AND ICE.)

iron gas-box may be actionable defect, 1007 n.

built on private property, liability of city for defects, 1009 n.

liability of abutter to traveller, and to municipality in case of non-repair, 1012.

cover of glass and iron made smooth by wear, liability, 1012 n.

SIGN-BOARDS (see AWNINGS),

city may prohibit placing or carrying on sidewalks, 319 n. on p. 396, 394 n.

SIGNING (see MAYOR; PRESIDING OFFICER),

of ordinances, when essential, 331. (See ORDINANCES.)

SINGLE OFFENCES. (See DOUBLE OFFENCES; MUNICIPAL COURTS; OFFENCES.)

SINKING FUND,

rights of creditors in sinking fund for their benefit, 69.

funded debt, what is, 131 n. (See FUNDED DEBT.)

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

SINKING FUND — *continued.*

city stock in sinking fund not a debt, 136 a.

SKIDS

placed across sidewalks temporarily, not nuisances, 660 n. on p. 785.

SLAUGHTER-HOUSE,

ordinances to regulate slaughtering of animals, 323 n.

as to power to designate particular building, 362 n.

city may regulate use of, 369 n., 405 n. on p. 473.

by-law providing that no person shall keep slaughter-house within city, 374 n. on p. 446.

whether a nuisance, 374 n. on p. 449. (See NUISANCES.)

indictment against corporation officers for permitting slaughter-house to be kept, 933.

SMALL POX,

municipal authority and liability in respect to, 144, 145, 977.

SMOKE AND NOXIOUS VAPORS,

whether or not nuisances, 374 n. on p. 449.

elements of damage entitling abutter to compensation, 723 c, n., 723 d, n.

SNOW AND ICE,

ordinances respecting, 393 n., 394.

as to duty of abutter to clear sidewalk of snow, 394, 1006 n., 1012 n., 1033 n.

liability for injury by reason of accumulation of, 1006.

whether owner of abutting property is liable, 1006, 1012 n.

owner liable for injury from snow and ice falling from roof, 1006 n.

projection of mass of snow and ice from roof, not such a defect as to render city liable, 1013 n.

liability with respect to icy sidewalks, 1006, 1020 n. on p. 1286.

abutter not liable for defects in sidewalk occasioned by accumulations of, 1033 n.

SNOW-PLOWS,

use by street railway regulated by ordinance, 720 n.

SOAP AND CANDLES,

manufacture of, within city limits, 369 n.

SOIL,

right of lateral support of, inapplicable with respect to streets, 672, 990 n. on pp. 1225, 1226, 991.

right to remove from street for use elsewhere, 687, 688, 689, 989 n.

SOUTH CAROLINA.

jurisdiction of municipal courts, 438.

assessment for local improvements, 752 n. on p. 921.

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

SOUTH DAKOTA,

constitution provides that property shall not be taken or "damaged" without compensation, 618 n.

constitutional provision respecting street railways and railway tracks, 701 a, n.

SPAIN,

ancient cities in, 7.

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

- SPECIAL ACTS** (see **CHARTER**; **GENERAL LAWS**; **SPECIAL CHARTERS**),  
 incorporation of municipalities by, 45.  
 constitutional provisions respecting, 45 and notes.  
 distinction between general and special legislation, 45 n.  
 prohibition of special acts conferring corporate powers, 46.  
   does not include *quasi* corporations, 46.  
 special act authorizing construction of street railway held void, 46 n.  
   constitutional prohibition against, 701 a, 701 b.  
 grants of easement in street cannot be made by, 49 n.  
 when in conflict with general laws, 87, 770.  
 authorizing issue of bonds in aid of railroads construed, 161 n.  
 creating board of park commissioners held void, 598 n.  
**SPECIAL ASSESSMENTS** (see **TAXATION AND LOCAL ASSESSMENT**),  
 cannot be enforced by fines, 765 n.  
**SPECIAL BENEFITS.** (See **TAXATION AND LOCAL ASSESSMENT**.)  
**SPECIAL CHARTERS**, 12, 85 n.  
   abolished, 41. (See **CHARTER**.)  
**SPECIAL ELECTIONS.** (See **ELECTIONS**.)  
**SPECIAL GRANTS**,  
   ordinances under, 316.  
**SPECIAL MEETINGS** (see **MEETINGS**; **NOTICE**),  
   provision in English Municipal Corporations Act in respect to, 265.  
   what business may be transacted, 264 n.  
   as to authority of clerk to call and warn, 266 n.  
**SPECIAL POWERS AND LIMITATIONS**, 102 *et seq.* (see **CHARTER**;  
**CONSTITUTIONAL PROVISIONS**; **DEBTS**; **POWERS AND DUTIES**),  
 in respect to issuing bonds, construed, 542.  
 as to corporate property, 562.  
 as to levy and collection of taxes, 765.  
**SPECIAL TRIBUNAL**,  
   to decide election contests, 200, 201.  
   to try impeachments of city officers, 244.  
**SPECIALTY CONTRACTS**, 456. (See **CONTRACTS**; **SEAL**.)  
**SQUARE**, 643 *et seq.* (See **DEDICATION**; **PUBLIC SQUARE**.)  
 "SQUARE" AND "PLACE,"  
   defined, 645 n.  
**STAGE-COACHES.** (See **VEHICLES**.)  
**STAIRS**  
   encroaching upon streets, 660. (See **PURPRESTURE**.)  
**STALLION**,  
   exhibition of, in public streets, 375. (See **ANIMALS**.)  
**STATES OF THE UNION** (see **EMINENT DOMAIN**; **FEDERAL COURTS**),  
 distinction between the State and its corporate creations, 31.  
 like distinction existed in the Roman law, 31.  
 devise to a State valid, 31.  
 power to contract and to sue, 31.  
 cannot be sued without their consent, 31.  
 limitation on State indebtedness does not apply to municipalities, 138.

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

- STATES OF THE UNION** — *continued*.  
 suits in name of, or of attorney-general, 909 *et seq.*  
 State revenue laws, 770 *et seq.*  
**STATUTE.** (See **CONSTITUTIONAL PROVISIONS**; **LEGISLATURE**.)  
**STATUTE OF FRAUDS**,  
   contracts of municipalities within, 449.  
**STATUTE OF LIMITATIONS.** (See **LIMITATION OF ACTIONS**.)  
**STATUTES** (see **CHARTER**; **LEGISLATURE**; **POWERS**),  
 effect of repeating clauses in, 86.  
 when deemed substitutes for former statutes, 86 n.  
 usage as affecting construction, 93.  
 special statutory jurisdiction excludes *quo warranto*, 205, 891 n.  
 ordinances cannot enlarge or change, 317.  
 statutory regulation of fines and penalties, 337.  
 curative statutes. (See **CURATIVE ACTS**.)  
 legalizing obstructions to be strictly construed, 657.  
**STEAMBOAT**,  
   power to tax, 787, 788.  
   ordinance requiring spark arrester on, 319 n.  
**STEAMBOAT LINE**,  
   no implied power in municipality to aid, 161 n.  
**STEAM ENGINE**,  
   not necessarily a nuisance, 321.  
   as a means of locomotion in highway not necessarily a nuisance, 684, 730 n.  
**STEAM FLOURING MILL**,  
   whether a nuisance, 374 n. on p. 449.  
**STEAM MOTOR**,  
   use of, by street railways, 722 n., 1011 n.  
**STEAM THRESHING MACHINE**,  
   highway may be used for passage of, 684.  
**STOCK**,  
   power to subscribe for, 508. (See **RAILROADS**.)  
   and what it implies, 488 n., 507 a.  
**STOCK-YARDS**,  
   whether nuisances, 374 n. on p. 449.  
**STOOP**,  
   use of portion of street for, 734 a.  
**STREETS**,  
   subject treated, chap. xviii. on Streets. (See **DEDICATION**; **EMINENT**  
**DOMAIN**; **HIGHWAYS**; **SIDEWALKS**; **VIADUCT**.)  
   "street" includes sidewalks and gutters, 780 n. (See **SIDEWALK**.)  
   police power over, to secure safety, 393, 405.  
   speed of travel regulated, 393, 713 n. (See **VEHICLES**.)  
   regulation of removal of buildings on, 395, 730 n.  
   city may contract for breakwater to protect, 443 n.  
     may contract for lighting, 443 n.  
   contract with corporation officer to keep streets in repair, 444 n.  
   conveyance of land beyond corporation, for street, void, 565.  
 VOL. II. — 53

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

STREETS—*continued.*

- built above grade of adjoining land, damages for support, 591 n.
- land may be condemned for, 595, 599 n., 602. (See EMINENT DOMAIN.)
- private persons may contribute towards expense of, 458, 596.
- acquiring streets by dedication, 627 *et seq.* (See DEDICATION.)
- limited dedication for street only, 629 n.
- mines and deposits of coal in, 629, 633 n., 664 n., 687 n., 688.
- widow not dowable in land dedicated or taken for, 594, 635 n.
- width of street by user, &c., 639, 667 n., 680 n.
- rights of riparian proprietors in New York City in respect to, 636 n.
- legislature may provide for improvement through commissioners, 58 a, n.
- ultra vires* contract may be ratified by legislature, 77 n. (See CURATIVE ACTS.)
- legislative grant of easement is a grant of corporate power, 49 n.
- use of streets bordering on navigable waters, 110. (See RIPARIAN PROPRIETOR.)
- wharves at end of streets, 103 n., 104 n., 106 n., 110, 634 n. (See WHARVES.)
- establishment of ferry at end of dedicated street, 114 n. (See FERRIES.)
- power to open streets and make improvements, 95.
- delegation of powers, 96, 658.
- "opening" street defined, 606 n.
- power to *open* streets construed, 611 n., 680 n., 865 n.
- laying out streets through cemeteries 372 n.
- city may extend street across a railway, 588 n., 680 n. (See RAILROADS)
- but cannot lay one out through depot grounds, 588 n.
- or longitudinally over right of way, 680 n.
- mandamus* to compel city to open street, when refused, 830 n. 865 n.
- opening, improving, and vacating—remedy of abutter in equity, 907 n.
- proceedings in opening, revised on *certiorari*, 926.
- supersedeas* necessary to stay proceedings to open, 929 n.
- extension of street so as to bring existing nuisance within its limits, 966 n.
- liability for damages in laying out street where acts are *ultra vires*, 970.
- when city liable for trespass of officers in exercising power to open or improve, 971.
- city acquires no rights until street has been opened and compensation made to owner, 971 n.
- extent of legislative control, obstructions, 656-658, 730.
- toll-gates in, 657 n., 658 n.
- public nature of, 656, 656 a.
- respective rights of the abutter and of the public, 656 a. (See ABUTTER.)
- result of the New York cases stated, 656 b.
- qualified right of municipalities under Canadian Municipal Act, 662 n.
- legislature may transfer control to park commissioners, 656 n. (See PARK COMMISSIONERS.)
- abutter's rights in the street are property rights, 587 b, 656 a, 656 b, 663 n. on p. 792, 723 c, 730.
- public cannot take gravel below grade line, 656 a, n., 687. (See ABUTTER.)
- abutter may build underground house vaults, 656 b, 699, 700.
- city may impose conditions, 688 n., 690 n., 768 n.

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

STREETS—*continued.*

- statutes authorizing obstructions are strictly construed, 657.
- delegation of power in respect to uses of streets to municipality, 658.
- legislative authority to build tunnel under street, 658 n.
- how far city can authorize irrevocable public use by others, 658.
- railroad company indictable for erecting and continuing building in, 659 n. (See INDICTMENT.)
- proper judgment in case of indictment and conviction, 659 n.
- power to remove obstructions without institution of judicial proceedings, 659 n.
- construction of power to remove obstructions, 680 n.
- unauthorized use of, remedy, 659, 660 n., 661 n., 662 n., 703 n., 707, 708, 711 n.
- city must not appropriate streets in perpetuity to use of individuals, 660 n. on p. 785.
- what adjoining owner must show to maintain action for damages, 660 n. on p. 786. (See ABUTTER.)
- lot-owner has no right to raise or lower sidewalk or street, 661 n.
- liability of city for authorizing nuisance upon, 953 n.
- what are nuisances on streets, enumeration, 660 n., 680 n., 730 n. (See NUISANCES.)
- remedy of abutters and others, 660, 661, 663, 664, 865 n. (See ABUTTER.)
- ejection to recover possession of, 662-665. (See EJECTION.)
- effect of fee being in abutter or municipality, 664 a, 689 n. (See ABUTTER; FEE.)
- remedy in equity for obstruction of streets, 663 n., 723 d.
- obstructions in streets, *mandamus* to compel city to remove, 836 n., 865 n.
- occupation of street in front of another's house for business purposes, 662 n., 730 n.
- action in trespass for unlawful occupation of street, 663 n. on p. 791.
- penalties for failure to remove encroachments, 340.
- remedy of public for encroachments and obstructions, indictment, equity, 637 n., 639 n., 642 n. on p. 762, 659, 660 n., 662, 865 n., 932 n.
- liability of author of obstruction, 660.
- liability for removal of property not an encroachment, 971 n.
- singing, speech-making, &c., may be prohibited, 368 n. on p. 438, 319 n. 337 n.
- coasting on public street not necessarily a nuisance, 374 n. on p. 449.
- whether city is liable for injuries resulting from, 949 n., 951 n., 980 n.
- city may impose penalty for mutilation of trees, 399, 633 n. (See TREES.)
- prohibit throwing of heavy articles from buildings, 405.
- in proceeding to impose penalty for obstructing street, title to land not triable, 441.
- municipality may impose fine for exhibition of stud-horse in street, 375.
- market-houses erected on public street are nuisances, 374 n., 383.
- city may prohibit market stands in streets, 387.
- building a house on street is a public nuisance, 708 n.
- vacation of streets, power, remedy, 650 n., 651 n., 666, 995 n., 995 c, n. on p. 1241.

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

STREETS—*continued.*

- non-user and adverse possession of, 667-675. (See LIMITATION OF ACTIONS.)  
 street may be closed and abutter deprived of easement of access, &c., 666 n.  
 as to reverter of discontinued street to adjacent owners, 589 n., 653 n., 666 n.  
 authority to discharge the public servitude must come from legislature, 666 n.  
 abandonment will not be presumed from mere non-user, 666 n., 670 n.  
 bill to enjoin vacation of street must show what, 666 n.  
 inquiry into rightfulness of use by gas company not barred by long user, 668 n.  
 civil law doctrine as to title by adverse possession, 670.  
 as to prescriptive right of lateral support of soil, 672, 990 n. on pp. 1225, 1226, 991.  
 ordinary highways within city limits, 676-679.  
   general law and special charter provisions construed, 678, 679.  
 control over turnpike roads and plank roads in streets, 679 n., 723 n.  
 road taxes and street labor, 678, 762.  
 municipal power over uses of streets, 91 n., 110, 680, 687, 688.  
 paramount control of legislature, 680, 683.  
 appropriation of streets and public places to private use, 680.  
 city cannot divest itself of control of, 680 n.  
 "cumbering" of streets held to refer to impediments to travel, 680 n.  
 corporation may cause surveys to be made, 680 n.  
 ordinances inflicting fines for injuries to, 681.  
 use of gutters and drains, 681.  
 pedestrians and vehicles have right of passage in common, 683 n.  
 uses of alleys as distinguished from streets, 683 n.  
 steam-threshing machine, use of street for passage of, 684.  
 unauthorized order establishing street may be validated by legislature, 685 n. (See CURATIVE ACTS.)  
 sidewalk, power over, &c., 680 n. (See SIDEWALKS.)  
 injuries to, power to protect, 681. (See BRIDGES.)  
 regulation of use by wagons, &c., 677 n., 682.  
 nature and uses of streets, 633, 683, 684, 689, 687, 730, 731.  
 sewers in streets, 109 n., 688, 689, 690 n. (See SEWERS AND DRAINS.)  
 removal of soil from one highway for repair of another, 687, 688, 689.  
 whether city may dispose of surplus soil, 689, 989 n.  
 cisterns in streets for public use, 690.  
 municipality cannot occupy part of surface with reservoir, 697.  
 gas-pipes in streets and highways, 691-696. (See GAS AND GAS COMPANIES.)  
 water-pipes in public streets, 697. (See WATER AND WATER-WORKS.)  
 telegraph posts in public streets, 698, 698 a, p. 893, note, 995 c, n. on p. 1243. (See TELEGRAPH AND TELEPHONE COMPANIES.)  
 railways in streets, municipal and legislative power, 71, 701-727. (See RAILROADS.)

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

STREETS—*continued.*

- use of street by railroads, whether a new burden, 702, 703, 711, 722-727, p. 893 n. (See RAILROADS.)  
 rights and liabilities with respect to bridges in, 728, 729. (See BRIDGES.)  
 city held liable for erection of bridge by bridge company, 995 c, n. on p. 1241.  
 limitations and restrictions on right of free transit and use, 730-734 b.  
 city may close street to allow abutter to make improvements, 732 n.  
 rights of adjacent owners, usage, 734.  
 power to regulate construction of bay windows, 141 n. on p. 213.  
 porches and bay windows, rights of abutter, 734 a, 734 b.  
 temporary obstructions to use are justifiable, 730.  
 use of street for deposit of building materials, 730-733.  
 damages where street is raised to allow railroad to pass under it, 707 n.  
 right of city to enjoin natural-gas company from using streets, 908 n.  
 lot-owner entitled to damages for destruction of shade-trees, 663 n., 990 n. on p. 1222.  
 loss of business by reason of neglect of city to repair, 730 n.  
 PAVING AND GRADING. Power to pave construed and word defined, 796-804, 810-813.  
 what it includes, 796-798.  
 how much of the street, 799.  
 assent of abutters or petition, when necessary, 800-802. (See PETITION.)  
 paving street crossings and intersections, 796.  
 "paving" includes "flagging," 780 n.  
 municipality may incur debt for paving materials, 476.  
 agreement to issue city bonds in payment, 457 n.  
 pavement laid at expense of abutter, future assessments, 457 n.  
 requirement that railway company shall pave portion of street, 721 n. and keep pavement in repair, 721.  
 implied liability for cost of improvements, 459.  
 contracts for local improvements, 452, 480-483, 769 n., 800, 801, 810.  
 repaving, power to require and mode of payment, 752 n. on p. 915, 761 n., 780.  
 assessment of expense, 752 and notes, 796-804, 810-813. (See TAXATION AND LOCAL ASSESSMENTS.)  
 assessment according to frontage, 747, 752, 755, 757, 759, 760, 760 a, 761, 809.  
   upon property of railway company sustained, 789 n.  
 notice of proceedings for assessment of benefits, 802 a-804.  
 power to pave includes grading, 797.  
 contracts for grading of, 443 n.  
 who defray expense of improving, 458 n.  
 grading, power is discretionary, 94, 685 n.  
   and a continuing power, 685, 686, 780.  
 power to grade though building of wharf will incidentally result, 110 n. on p. 174.  
 proof of authority, 300 n., 994.

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

**STREETS — PAVING AND GRADING — continued.**

- governing body judge of necessity, 686.  
 proof of action of council establishing grade, 686 n., 995 c, n.  
 unauthorized order establishing grade may be validated, 685 n.  
 prescribed mode must be pursued, 769 n.  
 whether city may take gravel below grade line for use elsewhere on street, 656 a, n., 687.  
 right to surplus soil, 687, 688, 689, 989 n.  
 shade-trees may be removed, 686 n., 990 n. on p. 1222.  
 when grade need not be previously fixed by council, 779 n.  
 construction of power, special benefit requisite, 810 n.  
 overflow of surface water caused by grading, 988 n., 989 n., 990 n. on p. 1223, 992 n., 1038-1045. (See *SURFACE WATER*.)  
 meaning of "grading" as applied to streets, 989 n.  
 injunction held not to lie to restrain work of, 990 n. on pp. 1220, 1222.  
 power to grade does not authorize obstruction of street by approaches to a bridge, 990.  
 courts will not inquire whether grade adopted is the best one, 991 n.  
   as to wantonness, oppression, or malice in exercising power, 991 n.  
 original grade held to be established without formal action 990 n. on p. 1222.  
 grade may be established without an ordinance, 990 n. on p. 1223.  
 city liable for causing earth to be deposited upon adjoining lot, 990 n. on p. 1225.  
 negligence or want of skill of contractor must be proved, 990 n. on p. 1225.  
 municipal power to enlarge liability by ordinance in respect to damages, 990 n. on p. 1227.  
 judgment of the United States Supreme Court as to compensation for consequential injuries, 995.  
 liability for consequential damages under special constitutional provisions, 995 a-995 c, and notes.  
 no liability for indirect injury to trade, 992 n., 1019 n.  
 municipality not liable for consequential damages, 686, 989 *et seq.*  
 term "injuriously affected" construed, 587 d, n., 991 n.  
 local assessments for, 752 *et seq.*  
*mandamus* to compel railroad company to grade street at crossing 1037 n.  
 change of grade, liability, 974 n.  
 no common-law liability for consequential damages from, 989, 990 and notes.  
 exception to rule in Ohio, 723 n., 990 n. on p. 1226.  
 legislature may give right to damages for, 686.  
 when right of action for compensation arises, 686 n., 990 n. on pp. 1223, 1225, 995 c, n. on p. 1244.  
 measure of damages, 990 n. on pp. 1223, 1225, 1228, 995 c, n. on p. 1239.  
 effect of repeal of statute on right to damages, 989 n.  
 constitutional provisions as affecting right to compensation for change of, 990 n., 995 a-995 c.  
 petitioner for change estopped to claim damages, 686 n., 990 n.

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

**STREETS — PAVING AND GRADING — continued.**

- change of grade of improved street without petition, 802 n. (See *PETITION*.)  
 what acts amount to change, 686 n.  
 liability where changed otherwise than authorized by law, 990 n.  
 where grade is changed after damages awarded for widening, 990 n.  
 board of public works liable for damages, when, 974 n. on p. 1196.  
 remedy for injury done by regrading 990 n. on p. 1227.  
 change of grade of intersecting street a necessary consequence, 990 n. on p. 1224.  
 change of grade, special remedy exclusive, 993.  
 when abutter's remedy is by injunction, 994, 995 c, n. on p. 1242.  
 where grade is changed after officially established, 995 b.  
 change of grade for other than street purposes, 995 c.  
 change from natural surface same as change from grade previously adopted, 995 c, n. on p. 1243.  
**UNSAFE STREETS AND SIDEWALKS.** Liability in respect thereof, 728, 933, 980, 996.  
 distinction between municipal and *quasi* corporations, 996 *et seq.* (See *COUNTY; QUASI CORPORATIONS*.)  
 as to common-law liability for defective streets, 962, 997.  
 liability in England and Canada, 996 n.  
 Canada statutes and decisions, 997 n.  
 doctrine of American courts in respect to municipal corporations proper, 998.  
 cases on the subject classified, 999.  
 doctrine in the New England States, 1000.  
 substance of statutes of the New England States, 1000 n.  
 rule in other States, 1000 n.  
 liability where street is used for purposes other than travel, 1000 n. on p. 1253, 1018 n.  
 how far the New England decisions are generally applicable, 1002.  
 measure of duty under New England statutes, 1003.  
 illustrations of what constitutes non-repair or actionable defects, 1003 n.  
 duty to remove obstructions to the travelled path, 1003 n.  
 duty to keep in repair is a continuing one, 989 n.  
 to charge city with repair, acceptance of dedicated street necessary, 642.  
 "travellers," "travel," have no technical legal significance, 1000 n. on p. 1252.  
 actionable defects under New England statutes classified, 1004.  
 duty to provide railings or barriers when necessary, 1005.  
 when failure in this respect is actionable negligence, 1005.  
 city not bound to provide hitching posts, 1005 n.  
 for injuries from snow and ice in streets, 1006 and n. (See *SNOW AND ICE*.)  
 liability extends to travelling across as well as passing along sidewalk, 1006 n.  
 foot-travellers upon slippery sidewalks must exercise especial care, 1006.  
 owner or occupant not liable to person injured by slipping on walk, 1006.