

**CASES ON SELECTED  
TOPICS IN  
THE LAW OF MUNICIPAL  
CORPORATIONS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649413386

Cases on Selected Topics in the Law of Municipal Corporations by Jeremiah Smith

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.

Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**JEREMIAH SMITH**

**CASES ON SELECTED  
TOPICS IN  
THE LAW OF MUNICIPAL  
CORPORATIONS**





**THE LAW  
OF  
MUNICIPAL CORPORATIONS.**

✓CASES ON SELECTED TOPICS

IN

THE LAW

OF

MUNICIPAL CORPORATIONS.

BY

JEREMIAH SMITH,

STORY PROFESSOR OF LAW IN HARVARD UNIVERSITY.

---

CAMBRIDGE:  
THE HARVARD LAW REVIEW PUBLISHING ASSOCIATION.  
1898.

---

*Copyright, 1896,*  
BY JEREMIAH SMITH.

*The Riverside Press*  
PRINTED BY H. O. HOUGHTON & CO.  
CAMBRIDGE, MASS.  
U. S. A.

## P R E F A C E.

---

THE selection of cases has been made with special reference to the wants of the class at the Harvard Law School, where the time allotted for class-room work upon the entire subject of Municipal Corporations does not usually exceed ten hours. Hence some important topics are omitted altogether, while others are not fully dealt with.

JEREMIAH SMITH.

APRIL, 1898.

## TABLE OF CONTENTS.

---

	PAGE
TABLE OF SELECTED CASES . . . . .	vii
CHAPTER I.	
LEGISLATIVE CONTROL OVER MUNICIPAL CORPORATIONS . . . . .	1
SECTION I. <i>Creation, Annexation, Division, and Abolition</i> . . . . .	1
SECTION II. <i>Legislative Control over Municipal Property and Expenditures in Cases other than Division, Annexation, or Abolition</i> . . . . .	21
CHAPTER II.	
RIGHTS AND REMEDIES OF CREDITORS — HOW AFFECTED BY ACTS OF THE LEGISLATURE . . . . .	54
CHAPTER III.	
LIABILITY FOR TORTS . . . . .	107
CHAPTER IV.	
IMPLIED POWER — TO CONTRACT ON CREDIT — TO BORROW MONEY — TO ISSUE NEGOTIABLE INSTRUMENTS . . . . .	174
CHAPTER V.	
EXPRESS RESTRICTIONS ON THE POWER TO BECOME INDEBTED . . . . .	195

## CHAPTER VI.

RIGHTS OF BONA FIDE HOLDERS OF NEGOTIABLE BONDS . . . . .	PAGE 220
---	-------------

## CHAPTER VII.

LIABILITY TO ACCOUNT FOR PROPERTY RECEIVED UPON CONTRACTS NOT AUTHORIZED BY LAW . . . . .	246
--	-----

## TABLE OF SELECTED CASES.

---

	PAGE
<b>Agawam National Bank v. South Hadley</b>	251
<b>Anthony v. Adams</b>	185
<b>Ashley v. Port Huron</b>	142
 Bank, Agawam National, <i>v. South Hadley</i>	 251
Bank, Great Falls, <i>v. Farmington</i>	186
Bank, Northern, of Toledo <i>v. Porter Township Trustees</i>	235
Bank, R. R. National, <i>v. Lowell</i>	249
Barnard <i>v. Knox County</i>	210
Barton <i>v. Syracuse</i>	141
Berlin <i>v. Gorham</i>	1
Bloomfield <i>v. Glen Ridge</i>	14
Board, &c. of Indianapolis <i>v. Center Township</i>	19
Board, &c. of Oshkosh, State <i>ex rel.</i> , <i>v. Haben</i>	87
Brenham, City of, <i>v. German American Bank</i>	189
Brewis <i>v. Duluth</i>	86
Bulkeley, State <i>ex rel.</i> , <i>v. Williams</i>	21
Buttrick <i>v. Lowell</i>	149
 Chandler <i>v. Boston</i>	 2
City of Brenham <i>v. German American Bank</i>	189
City of Detroit <i>v. Blackey</i>	112
City of Indianapolis <i>v. Center Township</i>	19
City of Louisiana <i>v. Wood</i>	246
City of Oshkosh <i>v. Haben</i>	37
City of Valparaiso <i>v. Gardner</i>	195
City, Salt Lake, <i>v. Hollister</i>	170
Coloma, Town of, <i>v. Eaves</i>	223
County, Laramie, <i>v. Albany County</i>	3
Craft <i>v. South Boston R. R.</i>	252
 Darlington <i>v. Mayor of New York</i>	 40
Davis <i>v. Des Moines</i>	216
Detroit, City of, <i>v. Blackey</i>	112
 Eastman <i>v. Meredith</i>	 123
 Gilboy <i>v. Detroit</i>	 150
Great Falls Bank <i>v. Farmington</i>	186