

12517

No. _____

Supreme Court of Illinois

City of Ottawa.

vs.

Fisher, et al.

71641  7

County Court LaSalle County March Term 1858
State of Illinois } ss
LaSalle County }

Pleas before the County Court
of the County of LaSalle and State of Illinois
at a regular Term of said Court in & for said
County commenced and held at the Court
House in Ottawa on Monday the 1st day
of ~~March~~ ^{March} A.D. 1858

Present Hon John C. Champlin Judge

City of Ottawa }
vs } Suit for assessments
Abner A. Fisher & Co }

Whereas Albert P. Dow City
Collector of the City of Ottawa returned to
the Clerk of the County Court of the County
of LaSalle and State of Illinois on the 23^d
day of Feby A.D. 1858 the following Town lots
as having been assessed in accordance
with the ordinance of said City for the
purpose of Improving Street and that
the assessment thereon remains due and
unpaid on the day of the date of said col-
lector's return and that the respective own-
er or owners have no goods and chattels
within the said City on which the said
Collector could levy for the said assess-
ment and costs due and unpaid on

the following described Town Lots and parts of Town Lots situated in said city of Ottawa to wit

Warrant N^o 17

List of Town Lots within the limits of the city of Ottawa Lafalle County State of Illinois deemed benefited by the leveling and paving the gutters and graveling Main Street from the side cut to the Fox River with the sums of Money severally assessed by commissioners which remain unpaid

In whose name assessed	Description	Lot	Block	Valuation	Assessment Dollars & Cts
Original Town of Ottawa					
Abner A Fisher		5	12	3000	140 00
Gas. Lancaster	W ^{1/2} S ^{1/4}	7	"	1500	30 00
Chas. & Wyss	W ^{1/2} S ^{1/4}	7	"	1250	30 00
John Hassack	W ^{1/2}	7	13	1250	68 00
Mrs. A. Burr	E ^{1/2} W ^{1/4}	2	18	2000	34 00
Mrs. Deussen	17 ^{1/2} ft S ^{1/4} of 18 ^{1/4}	4	19	1000	5 00

State of Illinois }
 Lafalle County }
 City of Ottawa } I Albert J. Dow city collector
 of the city of Ottawa County &
 State aforesaid certify that the foregoing list of Lots upon which an assessment was made for the purpose as set forth in the caption hereof is correct to the best of my

3 Knowledge and belief that the amount
specified against each lot remains unpaid
and that I have been unable to find goods
and chattels of the owners thereof upon which
to levy and collect the same

Ottawa January 26th 1858 Albert J. Dow City Collector
Subscribed and sworn to before
me this 23^d day of July 28 1858

J Lindly clerk
C. S. Herrick copy

State of Illinois } Julius Avery clerk of said
County of LaSalle } City on oath says that
City of Ottawa } the foregoing written list is
a true copy of the delinquent
list filed in my office January 26th 1858
by the City Collector and that no payments
have been made thereon since

Subscribed & sworn to before Julius Avery City Clerk
on July 23 1858

J Lindly clerk
C. S. Herrick copy

State of Illinois }
County of LaSalle }
City of Ottawa }

I Albert J. Dow City Collector
for the City of Ottawa in the
County of LaSalle and State of Illinois

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do hereby give notice that I will apply to
the County Court of LaSalle County at the Mar-
ch term thereof to be holden at the Court-
house in Ottawa in said County and State
on the first Monday of March next for
judgment against the above described lots
and parts of Lots for the amount of taxes
and costs thereon. The whole costs when
sold will be fifty cents on each lot and
part of Lot

City of Ottawa Jan 30th 1858. Albert J. Dorsey Clerk

State of Illinois }
County of LaSalle } ss
City of Ottawa }

this is to certify that the above
list of Lots and parts of Lots in the City of
Ottawa County of LaSalle and State of Illinois
together with the above notice of the intended
application for judgment was published in the
Ottawa Free Trader a weekly newspaper printed
at Ottawa in said County on the 30th day of
January 1858 being over six days previous to the
first Monday in March 1858 that the num-
ber of copies of said list and notice corres-
pond with the number of copies of said paper
issued for that week and that the said
list and notice is a literal copy of the

5-
manuscript copy furnished by the City Collector
of said City of Ottawa and County of LaSalle
and State of Illinois

Dated at Ottawa 30th Jan 1858) W^m Adams Publisher

State of Illinois } County Court March Term
LaSalle County } A 20 1858

Is Hon John L. Champlin
Judge of Said Court }

Albert J. Ross

City Collector of the City of Ottawa County and
State aforesaid prays that a judgment may
be entered against the lots and parts of lots
in the foregoing list described and that a pre-
cept may issue thereon commanding the Sheriff
to sell the same to make such taxes and costs

Albert J. Ross City Clerk

And now comes the said City of Ottawa by
Cory W. Attorney and enters a motion for
a judgment against the aforesaid Town lots
and parts of Town Lots for the amount of the
assessment interest and costs assessed and
chargeable to them respectively and it appearing
to the Court that due notice of the intended
application for judgment against said town
lots more than thirty days prior to the
first day of the present term of this Court

At the making of the Court in this
enjoining said objections to said
City of Ottawa & its said attorney
there and there excepted

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and no owner hath appeared to make defense
or show cause why judgment should not be
entered against said Town lots for the as-
sessment interest and costs so due and unpaid
thereon, Except Lot 5 in Block 12 & w^h 1/2 Lot 7
in Block 12 original Town of Ottawa which are
objected to by Brushnell & Gray which objections
are sustained by the Court #

Whereupon it is considered by the Court that
judgment be and is hereby rendered against
the aforesaid Town Lots in the name of the City
of Ottawa for the sum assessed to each town
Lot and for costs being the amount of the
assessment interest and costs due thereon and
for which said Town Lots are chargeable
(except Lot 5 & w^h 1/2 Lot 7 in Block 12 original Town
of Ottawa)

And it is ordered by the Court that
the said several Town Lots or so much thereof as
shall be sufficient of each of them to satisfy
the amount of assessment interest and costs
unpaid and chargeable to them severally
be sold by the Sheriff of the County of Lafar-
le as provided by law and the ordinance
of said City of Ottawa

John B. Champain

#

And if agreement of parties here is given
a few bill of exceptions within ten days
from the last day of this term of this Court
L. B. Champain

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Be it remembered that on the 20th day of March A.D. 1858 a bill of exceptions was filed with the clerk of said court which is in the words and figures following to wit:

State of Illinois }
 LaSalle County } ss County Court thereof
 March Term A.D. 1858

City of Ottawa }
 as } Special Assessment
 Abner A. Fisher et al }

Be it remembered that on the 28th day of February A.D. 1858 the collector of the City of Ottawa filed the following delinquent list viz

Warrent A^o 17.

List of Town Lots within the limits of the City of Ottawa LaSalle County State of Illinois deemed benefitted by the curbing and paving the gutters and graveling Main Street from the side lot to the Fox River with the sum of money severally assessed by commissioners which remain unpaid

In whose name assessed	Description	Lot	Block	Valuation	Amount of assessment Dollars & Cts
Original Town of Ottawa					
Abner A. Fisher		5	12	3000	14 00 00
Edw. A. Linnearshire	W ^{1/2} S ^{1/4}	7	"	1500	30 00
Leah & Myers	W ^{1/2} S ^{1/4}	7	"	1250	30 00
John Haseach	W ^{1/2}	7	13	1250	68 00

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Mrs A. Burr

In m^{ts} 2 18

2000 24 00

Mrs Livermore

In m^{ts} 4 19

1000 5 00

State of Illinois

Lafayette County

City of Ottawa

A. Albert G. Don City Collector
of the City of Ottawa County and

State aforesaid certify that the foregoing list of
Lots upon which an assessment was made for
the purpose, as set forth in the caption hereof
is correct to the best of my knowledge and
belief that the amounts specified against
each lot remain unpaid and that I have
been unable to find goods and chattels of
the owners thereof on which to levy and
collect the same

Ottawa June 25 1858

Albert G. Don City Coll

Subscribed & sworn to before

on this 23^d day of July 1858

L. Lindley clerk

J. L. Herrick Deputy

State of Illinois

Lafayette County

City of Ottawa

Julius A. May Clerk of said
City on oath says that the
foregoing written list is
a true copy of the delin-
quent list filed in my office June 26 1858

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by the city collector and that no payments
 have been made thereon since
 Subscribed & sworn to before me } ~~Attest~~ ^{Lewis C. May}
 Feby 23^d 1858. P. Lindley clerk }
 E. S. Herrick Deputy } City Clerk

State of Illinois County Court March Term 4th 1858
 LaSalle County } ss 1858.

To. Hon John C. Champaker }
 Judge of said Court }

Albert J. Dow

city collector of the City of Ottawa County and
 State aforesaid prays that a judgment may
 be entered against the lots and parts of
 Lots in the foregoing list described and
 that a precept may issue thereon com-
 manding the Sheriff to sell the same to satisfy
 such taxes and costs

Albert J. Dow city collector

and also returned the following proof of
 publication of said List -

Warrant No 17.

List of Town Lots within the limits of the City
 of Ottawa LaSalle County State of Illinois
 deemed benefitted by the curbing and paving
 the gutters and graveling Main Street from

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the side cut to the Fox River with the sums of money severally assessed by commissioners which remain unpaid

Original Town of Ottawa

In whose name ass ^d	Lot	St	Amount paid	Ass ^d
Abner A. Fisher	5	12	\$4000	\$1400
Gas. Lamenshien	W ¹ / ₂ S ¹ / ₄	7-12	13000	300
Chas. & Myers	W ¹ / ₂ S ¹ / ₄	7 12	1250	300
John Hossack	W ¹ / ₂ S ¹ / ₄	7 13	1250	68
Mrs. N. Burr	S ¹ / ₂ W ¹ / ₄	2-18	3000	300
Mrs. Deserant	17 ¹ / ₂ ft S of N ¹ / ₂ ft 4	19	1000	50

State of Illinois

County of LaSalle

City of Ottawa

I, Albert P. Dow City collector for the City of Ottawa in the County of LaSalle and State of Illinois do hereby give notice that I will apply to the County Court of LaSalle County at the March Term thereof to be holden at the Court House in Ottawa in said County and State on the first-Monday of March next for judgment against the above described Lots and parts of Lots for the amount of taxes and costs thereon

The whole cost when sold will be fifty cents on each lot and part of lot
City of Ottawa Jan 30 1858 Albert P. Dow City Coll

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State of Illinois
 County of LaSalle
 City of Ottawa

This is to certify that the
 above list of Lots and parts

of Lots in the City of Ottawa County of LaSalle
 and State of Illinois together with the above
 notice of the intended application together
 with for judgment was published in the
 Ottawa Free Press a weekly newspaper
 printed at Ottawa in said County on the 30th
 day of January 1858 being over six days previous
 to the first Monday in March 1858 that the
 number of copies of said list and notice
 correspond with the number of copies of
 said paper issued for the week and that
 the said list and notice is a literal copy
 of the manuscript copy furnished by the City
 Collector of said City of Ottawa and County
 of LaSalle and State of Illinois

Wm. Asman Publisher

Dated at Ottawa 30th January 1858

on the 8th day of March A.D. 1858 objections to said
 judgment being made were filed by the
 owners of the following described Lots Abram A
 Fisher Lot 5 Block 12 Original Town of Ottawa
 James Lancaster west half of Sec 4 Lot 7 Block
 12 Original Town of Ottawa

The Objections filed were as follows
 State of Illinois } In the County Court thereof
 LaSalle County ss } March Term A D 1858

The City of Ottawa }
 vs } Suit for Taxes
 Abner A. Fisher et al }

And now come the said defendants and say that Judgment ought not to be rendered against the real estate in the said Warrant No 17 mentioned for said assessment and for causes of objection show to the Court here the following viz.

- 1st for For the 1st 2nd 3rd 4th 5th 6th & 7th Causes assigned in the case of the City of Ottawa vs Geo. B. Macy et al. in this Court First. Because the assessments for said improvements was made under Sec. 2nd Art. 8th of the City Charter and is void the said provisions of said Charter being repugnant to the State Constitution and inconsistent with the principles of Taxation and assessment therein fixed
- 2nd Because the said assessment is void not having been assessed uniformly upon all the real estate subject to taxation or assessment in the natural division bounded thereby
- 3rd Because the Commissioners who made said Assessment did not before entering upon their

B

^{in that behalf}
Notices given to all persons interested therein
and owning property to be assessed sufficient
notice as is required by Law of the time and
place of meeting to make said assessment
4th Because said Commissioners did not go
upon or view the premises assessed but made
said assessment at the Office of the City Clerk
without any actual view of the premises and
the Sums or Damages arising therefrom to
the Owners of Property assessed

5th Because there is no legal confirmation of
said assessment by the City Council for the
reason that after the completion of said assess-
ment Roll, and the filing the same with the City
Clerk the said Clerk did not give any sufficient
notice as required by Law to the parties whose
interests are affected by said assessment of the
time and place fixed for the hearing of objections
therein by said City Council

6th Because the return of the City Collector to
said Warrant does not show any demand for
said assessment as required by Law made of the
persons owning property assessed nor that such
persons had no goods and ~~effects~~ ^{effects} wherein to
 Levy for the satisfaction of said assessment
& the said persons had sufficient personal property
to satisfy said assessment

7th Because there is no legal return of said
by the Collector to said Warrant the purported

14 Return being void on the ground that it was made more than thirty days after the date of said Warrant which was the time limited therein for making such return

2^d) Because there was no legal confirmation of said assessment by the City Council. The notice given was for the 8th Sept. 1857 at which time the Council did not confirm said assessment nor decide upon appeals then taken by the owners of property assessed nor did they adjourn ^{the same} from day to day as required by Law but then and there referred the same to their Finance Committee without any fixed time for said Committee to report and no notice was given to the parties in interest that said Committee would act upon said assessment and confirm the same on Sept. 17th 1857

3^d) Because said proceedings are in many other respects informal & insufficient in Law

Doubtless & Gray
for Sept. objecting

On the hearing of said objections the following evidence was introduced

1st) The assessment Roll to which there was no objection except to the notices thereto attached which said notices were in the words and figures following. to wit

Commissioners Notice

Public notice is hereby given to all persons interested that the undersigned Commissioners appointed by the City Council of the City of Ottawa to assess the sum of ^{Four} ~~Five~~ thousand Dollars on the Real Estate in the part of the City by us assessed heretofore by Graveling Main Street from the Side Cut to Fox River and paving and curbing the gutters of the same will meet at the Office of Julius Avery City Clerk on Saturday Aug. 15th at 9 O'clock A. M. for the purpose of making said assessment

Aug 8th 1857

Geo Whipple
Daniel Thompson
J. H. Canning } Attest.

(Certified Certificate to said notice)

This Certifies that the annexed advertisement in reference to the assessment for the improvement of Main Street in Ottawa was published ten weeks successively in the Ottawa Free Trader a weekly Newspaper published at Ottawa in the County of Ottawa, commencing with the number of said paper dated August 8th 1857 and ending with the number dated August 15th 1857

August 22nd 1857

J. W. Canning

Attest

And it also appears by the return of the Commission-
ers attached to said assessment Roll
that said ~~assessment~~ Commissioners met at
the time and place designated in said notice
and did then and there make said Assessment
Assessment Notice

Public notice is hereby given to all persons interested
that the Commissioners appointed by the City
Council of the City of Ottawa on the 4th day
of August A.D. 1857. to assess the sum of Four
Thousand Dollars on the Real Estate in the
part of the City bounded by the granting of
Main Street from the Side Cut to By River
and paving and curbing the Entries of the same
have completed their assessment and made
return thereof to my office. Any person wishing
to appeal from said assessment must file
their objections in writing in my office on or
before Tuesday Sept. 8th 1857 at 7 o'clock P.M.
as the City Council met at that time at the
Council Room hear all objections to the assess-
ment and arise and confirm, or amend,
the same

I, George City Clerk

(Printed Certificate to said notice attached)

This is to certify that the annexed attached
notice was published for three successive weeks
in the "Ottawa Free Press" a paper published

17 in the City of Ottawa commencing on the 19
day of August A.D. 1857

Wm. C. C. C.
Corporation of Ottawa

2nd The Warrant of the Collector attached to said
assessment Roll and his return thereof which was
in the words and figures following

State of Illinois

Sage County

City of Ottawa

The people of the State of Illinois
to the Collector of said City of
Ottawa Greeting

Whereas the City
Council of the City of Ottawa did on the 18th
day of September A.D. 1857 confirm the
Assessment duly made and filed in the Clerk's
Office by the Commissioners appointed by said
City Council of to assess the sum of Four tho-
usand Dollars on the real Estate in the part
of the City named comprised by the Curling
and paving the Gutters and Graveling Main
Street from the side Cut to Port River in proportion
as nearly as may be to the ^{resulting} Benefits there to. In
pursuance of an order for said assessment made
by the said ^{City} Council on the 14th day of August
A.D. 1857 after duly revising and correcting the
same and did thereby assess the sum of three
Thousand Seven Hundred and thirty Nine

18 Dollars upon the Real Estate described in said
Assessment Now in the respective proportions
^{thereof} marked "Assessment" set opposite to each Lot
and part of Lot and Real Estate described
in said Roll which said Roll as revised
and corrected is in the words and figures
above set forth

Now therefore you are hereby com-
manded to Levy make and Collect of the goods
and chattels of the respective owners of the Real
Estate above described the several sums of money
assessed ~~thereon~~ ^{thereon} for which each may be liable
as aforesaid and hereby make due return in what
manner you shall execute this writ within thirty
days from the date hereof.

Witness the hand of
George C. Waller Mayor of ^{City} City Seal and
the Corporate Seal thereof this 28th day of Sept.
A. D. 1857

Attest
J. Army City Clerk.

Geo. C. Waller Mayor

Returned & filed Jan'y 26th 1858

J. Army City Clerk

The Collectors return to which annexed is the
delinquent List heretofore given and the Certificate
attached

3^d The following Ordinances or parts of Ordinances were also introduced

An Ordinance concerning assessments for Public improvements

Section 6 of said Ordinance - Before entering upon their duties the Commissioners shall give at least six days notice in the Corporation Paper of the time and place of making their assessment and they may if necessary adjourn from day to day. Such notice may be in the following form

~~is~~

Commissioners Notice

Public Notice is hereby given to all persons interested that the Ordinance Commissioners appointed by the City Council of the City of Ottawa to assess the sum of dollars on the Real Estate in the part of the City ^{known} designated by the (how State the substance of the Order) will meet at — in said — on the — day of — at the house of — (Name) for the purpose of making said assessment

Ottawa — 185

A. J. C. (

C. D. } Comes,
C. F. }

The Commissioners shall attach to their assessment roll a certificate of such publication signed by the proponent or General Agent of the Corporation paper

Section 9 of said Ordinance. The Commissioners
 shall complete their assessment and file the
 same in the Office of the City Clerk within
 forty days after their ^{appointment} ~~assessment~~ unless further
 time shall be given them for the purpose.

The Clerk Shaw Thompson cause a notice of
 the return of such assessment to be published
 for six days in the Corporation Paper and
 a Certificate of such publication under the
 hand of the Corporation printer or his proper
 agent shall be written upon or attached to
 the roll. The notice may be in the following
 form

Assessment Notice

City Clerk's Office

Ottawa — 185

Public Notice is hereby given to all persons interested
 that the Commissioners appointed by the City
 Council of the City of Ottawa to assess the sum
 of — dollars on the real estate in the part of
 the City comprised by the (here state the substance of
 the order) have completed their assessment
 and made return thereof to my Office. Any person
 wishing to appeal from said Assessment must
 file their objections in writing in my Office on
 or before Tuesday the — day of — 185. at ~~my~~
 7 o'clock P.M. as the City Council was at
 that time in the Council Room hear all

Objections to the assessment and error and Confir-
 mation the same
 J. S. [unclear] Clerk

Section 10 of said Ordinance, When all objections to the assessment shall have been heard and the Roll revised and corrected by the City Council an Order of Confirmation shall thereupon be entered by the City Clerk (if such order shall be made which shall may be in the following form viz

Whereas due notice has been given by the City Clerk of the return of the assessment made by the Commissioners Appointed by the City Council on the — day of — 1855, to Assess the sum of — Dollars on the real Estate in the part of the City bounded by the (here state the nature of the assessment) and all objections to such assessment having been duly heard and disposed of by the City Council (or on objections ^{therein} having been made as the case may be), it is therefore

Ordered that the said assessment as revised and ordered by the City Council be and the same is hereby confirmed. It is further ordered that a Warrant be issued and directed to the City Collector for the collection thereof returnable ⁱⁿ ~~within~~ thirty days after date

Section 11 of said Ordinance — The City Collector shall have the same power in the collection of Warrants as he possesses in the collection of General Taxes

If any part of the assessment shall not be collected by the return day of the Warrant, he shall make return thereof in the manner required by the return of General Warrants. The Order of Sale shall be entered by the City Clerk and the sale and returns thereof shall be made by the City Collector

for the amount of taxes due and unpaid and cash and the said Court
shall forward to him and determine such applications and
under judgment against such delinquent lot or real estate

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in the manner prescribed for taxes. All Warrants
for Special assessments shall be charged by the
City Clerk to the City Collectors securing the same
and such Collector shall be liable therefor in the
same manner and to the same extent as he is for
General Taxes

Section 10 of said Ordinance, No Assessment
shall be deemed to be invalid in any case where
the same shall be made in conformity with said
Act, although the same shall not be made in conformity
with the proceedings and forms herein prescribed

By Order

Passed July 24th A. D. 1857
Published March 1st A. D. 1857

An Ordinance to carry into Effect an Act of the General
Assembly of the State of Illinois entitled, "An Act to
Amend the Charter of the several Towns and Cities
in this State." Approved March 1st 1854

Section 1st Be it ordained by the City Council of the
City of Ottawa, That in all cases where taxes as-
essed on any lot or real estate in this City by the
Corporate Authorities thereof are not paid within
the time limited it shall be the duty of the City
Collector after having given notice of such intended
Application by advertisement at least 30 days previous
to such Application in some newspaper published
in this City to apply to the County Court of LaSalle
County at the December Term thereof and cause
Judgment to be entered in said Court against
such delinquent lot or real estate* in the same
manner and the said judgment shall have the like effect
as though said delinquent list had been returned
to the said Court by the Sheriff or Collector of the

County in the collection of State and County Taxes And said Court after the Entry and rendition of said Judgement shall issue a precept or Order to the City Collector directing him to sell such delinquent Lot or real Estate at Public Auction to pay said delinquent Taxes and Costs and the said sale shall be made on the second Monday after said Court shall have adjourned by the City Collector at the door of the Court House in said County the said City Collector having previously given notice of said sale by advertisement by the insertion in some newspaper published in this City

Section 2nd Be it further ordained that in all cases where assessments have heretofore been made or shall hereafter be made by the corporate authorities of this City on any Lot or real Estate in this city for the purpose of improving any Street Sidewalk Avenue or Alley in front of or adjacent to such Lot or real Estate or for any purpose whatsoever either by Ordinance resolution or other proceeding and such assessment shall not be paid within the time limited by the Ordinance resolution or Order making such assessment it shall be the duty of the City Collector to apply to the County Court of Logan County at any regular term thereof and cause judgement to be entered in said Court against said Lot or real Estate for the amount of ^{such} assessment and Costs and said Court upon such application being made shall render judgement against such Lot or real Estate for the amount of said assessment due and unpaid and Costs ^{and} shall issue a precept or Order to the Sheriff of said County commanding him to sell said

Lot or part Estate or so much thereof as may be necessary to pay said judgement and costs in the same manner and with like effect as if sold upon Execution at Law.

11th The following proceedings of the City Council were introduced.

Regular Meeting

Sept. 8th 1857

The City Clerk reported that the Commissioners to make assessments for the purpose of defraying the expenses of Jefferson Street Sewer and Main Street improvement had duly filed the same in his office, and that aquiva notice had been given that such assessments would be acted on at the present meeting. On Motion of Catkins Main Street assessment was taken up.

J. F. Wade W^m Hocking Minot Perry W^m C. Richardson John Hosack W^m Abbott &c. &c. having duly filed their objections to said assessments the same were read, and on Motion of Green said assessment Roll and said objections were referred to the Finance Committee. September 15th 1857. Regular Meeting Present Mayor ^{Walter} ~~Walter~~, Green Armour Edwards Smith and Catkins &c. No General Motion of Smith adjourned to Thursday Evening next.

J. Green City Clerk

Thursday Evening September 15th 1857

Report of Finance Committee to whom was referred Main Street Assessment Roll reported ~~that~~ ^{thereon} recommending several corrections and abatements. On Motion of Green the following Order was passed.

Whereas due notice

has been given by the City Clerk of the return of
the assessment Roll made by the Commissioners
appointed by the City Council on the 14th day
of August A.D. 1857 to assess the sum of Four
thousand Dollars on the Real Estate in the part
of the City comprised by the improvement of
Main Street from the Side Cut to Fox River and
all objecting to such having been duly heard and
disposed of by the City Council it is therefore Ordered
That the assessment Roll as amended & corrected
by the City Council be and the same is hereby
confirmed & It is further Ordered that a
Warrant be issued and directed to the City
Collector for the collection thereof returnable in
thirty days after date.

Which was all the business
on the hearing of the objections. The Court refused
to render judgment against the Lots and parts
of Lots to which objections were made and to
the decision of the Court in so refusing to
render judgment the City of Ottawa excepts
and prays the Court to sign and seal this
Bill of Exceptions which is done.

J. C. Champlin *Seal*
State of Wisconsin
Lafayette County, D. Philo Lindley Clerk of the
County Court in & for said
County, & State do hereby certify that the
 foregoing is a full, true, and complete
copy of the Judgment and Bill of Exceptions
in the foregoing proceeding as the same
appears of record & on file in my office.
In Witness Whereof I have
hereunto set my hand & the

Seal of said Court at Ottawa this 16th
day of April 1858

Simley Clerk

Decs 750 folio 104 \$7.50

Copy Seal

35
\$7.85

Supreme Court 3^d Division April 1858

The City of Orleans

vs
Abner A. Finner & Co }

And now comes
the plea in error by Seland & Seland
& Avery & says that on the record & the
evidence in this cause there is manifest error
in this to wit

The Courts below erred in
refusing to enter judgment for the respondents
& in sustaining the objections to the frag-
ment

And for these & other errors appearing in
said record the plaintiffs on error pray that
the judgment & determination of the Court be
here in this respect may be reversed annulled
& set aside.

Seland & Seland ^{and}
for plaintiffs in error

And now come the said defen-
dants in error, and say, that
in the record and proceedings
aforesaid, there is no error, where-
fore they pray that the judgment
aforesaid be affirmed &c.

Overb. Gray
Atty pro
Defds in error.

The City of ¹³²Ottawa

by
Abner A. Fisher et al.

Transcript
of records

Filed April 12, 1888

L. Leland
clerk

STATE OF ILLINOIS, SUPREME COURT,

THIRD GRAND DIVISION,

APRIL TERM, A. D. 1858.

CITY OF OTTAWA *vs.* ABNER A. FISHER *et als.*

BRIEF OF PLAINTIFF IN ERROR.

THE 1st, 2d, 3d, 4th, 5th, 6th and 7th objections are the same as those made in the case of *The City of Ottawa vs. George B. Macy et als.*, and the Court is referred to the brief in that case.

The only other objection is that the council did not determine the question of the confirmation of the assessment on Sept. 8th, the day fixed for that purpose in the notice, but on that day referred the matter to the finance committee, without any fixed time for them to report, and no notice was given that the committee would act upon the assessment and confirm the same on Sept. 17th, 1857.

In support of this objection the following record of the proceedings of the council were read in evidence. See abstract, page 6.

The day fixed in the notice was for hearing objections, not for deciding them, and there could be no objection to taking time to deliberate and examine further into the matter. The parties in interest once having their day in court were bound to attend the adjourned meetings till the matter was finally disposed of. It is not to be supposed that a matter of this kind can always be finished up at one sitting of the council.

LELAND & LELAND AND J. AVERY,

Attorneys for Plaintiffs in Error.

The City of Ottawa
vs
Honora Fisher et al

Brief

Attorneys for Plaintiffs in Error,
LEIVAND & LEIVAND and J. VABERY,

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It is not to be supposed that a matter of their day in court were bound to attend the adjourned meetings till the examine further into the matter. The parties in interest, once having shown, and there could be no objection to taking time to deliberate, and

The day fixed in the notice was for hearing objections, not for deciding the council were read in evidence. See abstract page 6.

In support of this objection the following record of the proceedings of confirm the same on Sept. 14th, 1857.

The day was given that the committee would act upon the assessment and finance committee, without any fixed time for them to report, and no notice for that purpose in the notice, but on that day referred the matter to the direction of the confirmation of the assessment on Sept. 8th, the day fixed

The only other objection is that the council did not determine the Court is referred to the brief in that case.

The case in the case of The City of Ottawa vs. George B. Meach et al, and The 1st, 2d, 3d, 4th, 5th, 6th and 7th objections are the same as those

BRIEF OF PLAINTIFF IN ERROR

CITY OF OTTAWA vs. FISHER & FISHER et al.

APRIL TERM, A. D. 1858.

JAMES GRANT, DISTRICT

STATE OF ILLINOIS, SUPREME COURT,

STATE OF ILLINOIS, SUPREME COURT,
THIRD GRAND DIVISION,
APRIL TERM, A. D. 1858.

CITY OF OTTAWA vs. ABNER A. FISHER, et. al.

ABSTRACT.

19 1
The delinquent list of the collector sets forth the lots within the limits of the city of Ottawa benefitted by the improvement of Main street, the valuation of such lots and the sums of money assessed thereon, which remain due and unpaid.

The return of the collector is in the words and figures following :

STATE OF ILLINOIS,)

2
La Salle County, { I, ALBERT F. DOW, city collector of the city of Ottawa, county and state aforesaid, certify that the above and foregoing list upon which an assessment has been made for the purpose set forth in the caption hereof, and which remains unpaid, is true, according to the best of my knowledge and belief, and that I have been unable to find goods and chattels of the owners thereof upon which to levy and collect the same.

Ottawa, Jan. 25th, 1858.

ALBERT F. DOW, City Collector.

Sworn to Feb. 23d, 1858.

3
The affidavit of the city clerk shows that no payments were made on said list from the 26th day of January, 1858, (the time said return was filed,) up to the 23d of February, 1858.

Proof of publication of the notice of the application for judgment.

4
Such notice gives a description of the improvement, and of lots, and states in whose names they were assessed, the valuation and the amount of the assessment on each lot.

On the 8th day of March the following objections were filed :

12
1st. Sec. II., Art. 8 of the city charter, under which said assessment was made, is unconstitutional.

2d. The assessment was not uniform on all the real estate in the natural division of the city benefitted.

3d. The commissioners did not give sufficient notice of the time and place of making the assessment.

4th. The commissioners did not view the premises assessed.

5th. The city clerk did not give sufficient notice of the time and place of confirming the assessment.

6th. The collector's return does not show a demand made of the owners of the lots for the assessment.

7th. The collector's return was made after the warrant had expired.

8th. Some of the lots assessed were owned by minors, and that no guardian was appointed, and no notice was served on the guardian of such minors.

9th. Some of the lots were church property and not subject to assessment.

10th. The proceedings in making the assessment were informal and insufficient in many other respects.

On the hearing of the objections the following evidence was introduced :

Commissioner's Notice.

15- Public notice is hereby given, to all persons interested, that the undersigned, commissioners appointed by the city council to assess the sum of four thousand dollars on the real estate in the part of the city deemed benefitted by the gravelling of Main street from the side-cut to Fox river, and paving and curbing the gutters of the same, will meet at the office of Julius Avery, city clerk, on Saturday, August 15th next, at 9 o'clock A. M., for the purpose of making said assessment.

GEO. WHIPPLE,
DARLIN THOMPSON, } *Com'rs.*
T. R. COURTNEY,

August 8, 1857.

15- The certificate of the corporation printer shows that said notice was published in the number of the *Ottawa Free Trader* dated August 8th, 1857.

16 The commissioner's return shows that they met at the time and place in said notice designated, and then and there made said assessment.

Assessment Notice.

16 Public notice is hereby given, to all persons interested, that the commissioners appointed by the city council of the city of Ottawa, on the 4th day of August, A. D. 1857, to assess the sum of four thousand dollars on the real estate in the part of the city benefitted by gravelling of Main street from the side-cut to Fox river, and paving and curbing the gutters of the same, have completed their assessment and made return thereof to my office. Any person wishing to appeal from said assessment must file their objections in writing in my office on or before Tuesday, September 8th, 1857, at 7 o'clock P. M., as the city council will at that time, at the council room, hear all objections to the assessment, and revise and confirm or amend the same.

J. AVERY, *City Clerk.*

16 The certificate of the corporation printer shows that the said notice was published three weeks in the *Ottawa Free Trader*, commencing with the number dated August 19th, 1857.

17 The warrant of the collector was dated September 26th, 1857, and directed him to make return in thirty days.

AN ORDINANCE concerning Assessments for Public Improvements.

19 SEC. 1. *Be it ordained by the city council of the city of Ottawa, That,* whenever the city council shall deem it necessary to cause any street or public way to be paved, MacAdamized, planked, or otherwise improved, or any main drains, aqueducts or sewers to be laid, the subject shall be referred to an appropriate committee, whose duty it shall be to prepare and report to the city council the plan of such improvement, with an accurate estimate of the expense therefor, including in every case the costs of making the assessment. It shall be the duty of the city surveyor to aid and assist the committee in the preparation of said report, and to make all estimates in writing; all of which shall be submitted to the city council, in connection with such report.

§ 2. Whenever any improvement shall be ordered, the order therefor may be in the following form:

Ordered, That — street from — street to — street be paved (or otherwise improved, as the case may be) with, (describe the manner and materials, &c.) if the order be for a main drain or sewer, it may read as follows: "Ordered, that a main drain or sewer (as the case may be,) be laid through and under — street, from — street to — street, as follows:" In either case the order may conclude as follows: "And that the sum of — dollars be assessed upon the real estate in the division of the city benefitted thereby, to defray the expenses of such improvement."

§ 3. In all cases where a special assessment shall be required for the purpose of improving any public square, or to defray a part of the costs

of any market grounds, public parks, or the erection of any market, or other public improvement in any part of the city, for which a special assessment may be made, the form and proceedings herein prescribed, with modifications, (if required,) may in any case be followed.

§ 4. When the assessment shall be ordered, and after the committee shall have made their report and estimate of the same, the city council shall by ballot choose three reputable freeholders, residing in the city, to make the same. Their names shall be recorded by the clerk as follows: The city council proceeded to make choice, by ballot, of three commissioners to make such assessments, on the first ballot (or as the case may be, A. B., C. D., and E. F., received — ballots each, (as the case may be,) which being a majority of all the aldermen authorized by law to be elected, they were declared duly elected as commissioners to assess the sum of — dollars on the real estate in the division of the city benefitted by the (state the nature of the improvement,) in pursuance of the order of the council passed —, 185—.

§ 5. The clerk shall make out notices of their appointment to the commissioners, requiring them to appear and be qualified, as such, within five days after the service of notice. Notices shall be served by the city marshal. Commissioners shall take the following oath, to be administered by the clerk, and entered upon or attached to the assessment roll.

"The undersigned, commissioners appointed by the city council of the city of Ottawa, to assess the sum of — dollars upon real estate by us deemed benefitted by the paving of (or otherwise improving) — street, (or for such other purpose as the assessment may be made,) in proportion to the benefit resulting thereto, as nearly as may be, we solemnly swear that we will faithfully and impartially execute our duty according to the best of our ability.

A. B.,
C. D., } Commissioners.
E. F., }

Sworn to and subscribed before me, this — day of —, 185—.

—, Clerk."

§ 6. Before entering upon their duties, the Commissioners shall give at least six day's notice in the corporation paper of the time and place of making their assessment, and they may, if necessary, adjourn from day to day. Said notice may be in the following form:

Commissioners' Notice.

19 Public notice is hereby given, to all persons interested, that the undersigned, commissioners appointed by the city council of the city of Ottawa, to assess the sum of — dollars on the real estate in the part of the city by us deemed benefitted by the (here state the substance of the order,) will meet at —, in said —, on the — day of —, at the — house of —, clerk, for the purpose of making said assessment.

A. B.,
C. D., } Commissioners.
E. F., }

Ottawa, —, 185—.

The Commissioners shall attach to their assessment roll a certificate of such publication, signed by the proprietor or general agent of the corporation paper.

§ 7. The commissioners shall be present at the time and place mentioned in such notice, for the purpose of making said assessment. When the same shall be completed, it shall be entered in a well-bound book, to be provided by the city; the roll shall contain the names of the owners of real estate when known, a description of the lots and parts of lots which may be assessed, the valuation of each, separately, and the sum of money assessed thereon. It may be in the following form:

Assessment Notice.

A description of the real estate in the part of the city of Ottawa deemed benefitted by the paving (or otherwise, as the case may be) — street, (or "by laying of a main drain" or otherwise, as the case may be,)

with the valuation thereof, and the sums of money severally assessed thereon by the commissioners, to wit :

ORIGINAL TOWN OF OTTAWA, (*or as the case may be.*)

Name of owner.	Description.	Lot.	Block.	Valuation.	Assessment.
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§ 8. When the said roll shall be completed, the commissioners shall attach thereto a return, which may be in the following form :

We, the undersigned, freeholders and residents of the city of Ottawa, duly elected by the city council to assess the sum of ——— dollars on the real estate in the part of said city by us deemed benefitted by the paving ——— street, (or “by laying of a main drain or sewer,” or as the case may be, following in each case the description of the improvement in the order therefor,) do hereby report and return to the city council :

That in pursuance of said appointment, they were duly qualified before entering upon their duties, as appears by the oath recorded herein.

That they published a notice of the time and place of their meeting for the purpose of making said assessment, in the ———, corporation newspaper, for the period of six days previous to such meeting, a certificate of which publication is hereunto annexed ; that they were present at the time and place, and for the purpose designated in said notice, and did then and there and do hereby, in pursuance of said appointment, assess the said sum of money upon the real estate hereinbefore set forth and described, as benefitted in the respective proportions of said sum set opposite to each lot and part of lot, respectively, in the foregoing assessment roll, having first fixed a valuation on the real estate, which is likewise set forth in said roll.

All of which is respectfully submitted.

Ottawa, 185—.

A. B.,	} Commissioners.
C. D.,	
E. F.,	

§ 9. The Commissioners shall complete their assessment and file the same in the office of the city clerk, within forty days after their appointment, unless further time shall be given them for the purpose. The clerk shall thereupon cause a notice of the return of such assessment to be published for six days in the corporation paper, and a certificate of such publication under the hand of the corporation printer or his general agent, shall be written upon or attached to the roll. The notice may be in the following form :

Assessment Notice.

CITY CLERK'S OFFICE,	}
Ottawa, —, 185—.	

20 Public notice is hereby given, to all persons interested, that the Commissioners appointed by the city council of the city of Ottawa to assess the sum of ——— dollars on the real estate in the part of the city benefitted by the (here state the substance of the order,) have completed their assessment and made return thereof to my office. Any persons wishing to appeal from said assessment, must file their objections in writing in my office, on or before Tuesday, the — day of —, 185—, at 7 o'clock P. M., as the city council will, at that time, in the council room, hear all objections to the assessment, and revise and confirm, or amend the same.

J. A., Clerk.

§ 10. When all objections to the assessments shall have been heard, and the roll revised and corrected by the city council, an order of confirmation shall thereupon be entered by the clerk, (if such order shall be made,) which order may be in the following form, to wit :

“Whereas, due notice has been given by the city clerk of the return of the assessment made by the commissioners appointed by the city council, on the — day of —, 185—, to assess the sum of ——— dollars on the real estate in the part of the city benefitted by the (here state the nature of the assessment,) and all objections to such assessment having been du-

ly heard and disposed of by the city council, (or "no objections thereto having been made," as the case may be,) it is therefore—

Ordered, That the said assessment, as revised and corrected by the city council, be, and the same is hereby confirmed. It is further ordered, that a warrant be issued and directed to the city collector, for the collection thereof, returnable in thirty days after date.

§ 11. The city collector shall have the same power in the collection of warrants as he possesses in the collection of general taxes. If any part of the assessment shall not be collected by the return day of the warrant, he shall make return thereof in the manner required for the return of general warrants. The order of sale shall be entered by the city clerk, and the sale and returns thereof shall be made by the collector in the manner prescribed for taxes. All warrants for special assessments shall be charged by the city clerk to the collectors receiving the same, and such collector shall be liable therefor in the same manner and to the same extent as he is for general taxes.

§ 12. No assessment shall be deemed to be invalid, in any case where the same shall be made in conformity with the proceedings and forms herein prescribed.

By order.

J. AVERY, City Clerk.

Passed February 24, 1857.

22

AN ORDINANCE to carry into effect an act of the General Assembly of the State of Illinois, entitled "An Act to amend the charter of the several towns and cities in this State—Approved March 1, 1854."

SEC. 1. *Be it ordained by the city council of the city of Ottawa,* That in all cases where taxes assessed on any lot or real estate in this city by the corporate authorities thereof, are not paid within the time limited, it shall be the duty of the city collector, after having given notice of such intended application, by advertisement, at least thirty days previous to such application, in some newspaper published in this city, to apply to the county court of La Salle county at the December term thereof, and cause judgment to be entered in said court against such delinquent lot or real estate, for the amount of taxes due and unpaid and costs; and the said court shall proceed to hear and determine such application, and render judgment against such delinquent lot or real estate, in the same manner, and the said judgment shall have the like effect, as though said delinquent list had been returned to said court by the sheriff or collector of the county, in the collection of state and county taxes; and said court, after the entry and rendition of said judgment, shall issue a precept or order to the city collector, directing him to sell such delinquent lots or real estate, at public auction, to pay said delinquent taxes and costs; and the said sale shall be made on the second Monday after said court shall have adjourned, by the city collector, at the door of the court house in said county, the said city collector having previously given notice of said sale by advertisement, by one insertion in some newspaper published in this city.

§ 2. *Be it further enacted,* That in all cases where assessments have heretofore been made, or shall hereafter be made by the corporate authorities of this city, on any lot or real estate in this city, for the purpose of improving any street, side-walk, avenue or alley, in front of or adjacent to such lot or real estate, or for any purpose whatsoever, either by ordinance, resolution or other proceeding, and such assessment shall not be paid within the time limited by the ordinance, resolution or order making such assessment, it shall be the duty of the city collector to apply to the county court of La Salle county, at any regular term thereof, and cause judgment to be entered in said court against said lot or real estate, for the amount of such assessment and costs; and said court, upon such application being made, shall render judgment against such lot or real estate, for the amount of said assessment due and unpaid, and costs, and shall issue a precept or order to the sheriff of said county, commanding him to sell said lot or real estate, or so much thereof as may be necessary to pay said

judgment and costs, in the same manner, and with like effect, as if sold upon execution at law.

The record of the proceedings of the city council shows that on the 8th day of September, 1857, said assessment roll was reported to the council and taken up for consideration, and all objections thereto read, after which the assessment and objections were referred to the finance committee.

Sept. 15th, 1857, no quorum. On motion of Ald. Smith, adjourned to Thursday evening next.

On said Thursday evening the finance committee reported back said assessment and recommended several corrections and alterations, upon which the council then confirmed the assessment after correcting the same.

Errors assigned, are—

Refusing to render judgment against the lots to which the objections were made.

LELAND & LELAND AND J. AVERY,
Attorneys for Plaintiffs in Error.

¹³²
City of Ottawa
vs.
A. A. Fishbein
Abstract

was made.

Refusing to render judgment against the lots to which the objections
Errors assigned, are—

same.

which the council then confirmed the assessment after correcting the
assessment and recommending several corrections and alterations, upon

On said Thursday evening the finance committee reported back and
Thursday evening next.

Sept. 15th, 1857, no doctum. On motion of Wm. Smith, adjourned to
next.

which the assessment and objections were referred to the finance com-
and taken up for consideration, and all objections thereto read, after
day of September, 1857, and assessment roll was reported to the council.

The record of the proceedings of the city council shows that on the 8th
judgment and costs in the same manner, and with like effect, as if sold

LELAND E. ILLIAND AND J. V. AVERY,

Filed Apr 21, 1858
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STATE OF ILLINOIS, SUPREME COURT,

THIRD GRAND DIVISION,

APRIL TERM, A. D. 1858.

CITY OF OTTAWA *vs.* THE TRUSTEES OF FREE CHURCH, *et. als.*

BRIEF OF PLAINTIFF IN ERROR.

ALL the objections in this case have been considered in the case of *The City vs. Macy et. als.*

Lots 17 and 18, in block 26, and the north half of lot 7, in block 55, in State's Addition are not assessed, and the objection as to them does not belong to this case. They were improperly included in the 8th objection, which is the same as the 8th in the case of *The City vs. Macy et als.*

The 7th as applied to this case differs from the objection as applied to the other case. The return was made on the next day after the expiration of the thirty days, and this was certainly soon enough, if the officer had the whole of the last of the thirty days to make his levy. And this case is a good illustration to show that a return made after the thirty days is not, for that reason, invalid.

The 9th objection improperly contains lot 13, in block 35, not assessed in this case.

LELAND & LELAND AND J. AVERY,
Attorneys for Plaintiffs in Error.

City of Ottawa
vs
Trustees of Free
Church &c

Brief

LELAND & LEWIS vs. A. V. V. V.

BRIEF OF PLAINTIFF IN ERROR

APRIL TERM, A. D. 1838.

THIRD GRAND DIVISION.

STATE OF ILLINOIS, SUPREME COURT.

STATE OF ILLINOIS, SUPREME COURT,
THIRD GRAND DIVISION,
APRIL TERM, A. D. 1858.

CITY OF OTTAWA *vs.* ABNER A. FISHER, *et. al.*

ABSTRACT.

THE delinquent list of the collector sets forth the lots within the limits of the city of Ottawa benefitted by the improvement of Main street, the valuation of such lots and the sums of money assessed thereon, which remain due and unpaid.

The return of the collector is in the words and figures following :

STATE OF ILLINOIS, }
La Salle County, { I, ALBERT F. Dow, city collector of the city of Ottawa, county and state aforesaid, certify that the above and foregoing list upon which an assessment has been made for the purpose set forth in the caption hereof, and which remains unpaid, is true, according to the best of my knowledge and belief, and that I have been unable to find goods and chattels of the owners thereof upon which to levy and collect the same.

Ottawa, Jan. 25th, 1858.

ALBERT F. Dow, *City Collector.*

Sworn to Feb. 23d, 1858.

The affidavit of the city clerk shows that no payments were made on said list from the 26th day of January, 1858, (the time said return was filed,) up to the 23d of February, 1858.

Proof of publication of the notice of the application for judgment.

Such notice gives a description of the improvement, and of lots, and states in whose names they were assessed, the valuation and the amount of the assessment on each lot.

On the 8th day of March the following objections were filed :

1st. Sec. II., Art. 8 of the city charter, under which said assessment was made, is unconstitutional.

2d. The assessment was not uniform on all the real estate in the natural division of the city benefitted.

3d. The commissioners did not give sufficient notice of the time and place of making the assessment.

4th. The commissioners did not view the premises assessed.

5th. The city clerk did not give sufficient notice of the time and place of confirming the assessment.

6th. The collector's return does not show a demand made of the owners of the lots for the assessment.

7th. The collector's return was made after the warrant had expired.

8th. Some of the lots assessed were owned by minors, and that no guardian was appointed, and no notice was served on the guardian of such minors.

9th. Some of the lots were church property and not subject to assessment.

10th. The proceedings in making the assessment were informal and insufficient in many other respects.

On the hearing of the objections the following evidence was introduced :

Commissioner's Notice.

15 Public notice is hereby given, to all persons interested, that the undersigned, commissioners appointed by the city council to assess the sum of four thousand dollars on the real estate in the part of the city deemed benefitted by the gravelling of Main street from the side-cut to Fox river, and paving and curbing the gutters of the same, will meet at the office of Julius Avery, city clerk, on Saturday, August 15th next, at 9 o'clock A. M., for the purpose of making said assessment.

GEO. WHIPPLE,
DARLIN THOMPSON, } *Com'rs.*
T. R. COURTNEY,

August 8, 1857.

15 The certificate of the corporation printer shows that said notice was published in the number of the *Ottawa Free Trader* dated August 8th, 1857.

16 The commissioner's return shows that they met at the time and place in said notice designated, and then and there made said assessment.

Assessment Notice.

16 Public notice is hereby given, to all persons interested, that the commissioners appointed by the city council of the city of Ottawa, on the 4th day of August, A. D. 1857, to assess the sum of four thousand dollars on the real estate in the part of the city benefitted by gravelling of Main street from the side-cut to Fox river, and paving and curbing the gutters of the same, have completed their assessment and made return thereof to my office. Any person wishing to appeal from said assessment must file their objections in writing in my office on or before Tuesday, September 8th, 1857, at 7 o'clock P. M., as the city council will at that time, at the council room, hear all objections to the assessment, and revise and confirm or amend the same.

J. AVERY, *City Clerk.*

16 The certificate of the corporation printer shows that the said notice was published three weeks in the *Ottawa Free Trader*, commencing with the number dated August 19th, 1857.

17 The warrant of the collector was dated September 26th, 1857, and directed him to make return in thirty days.

AN ORDINANCE concerning Assessments for Public Improvements.

19 SEC. 1. *Be it ordained by the city council of the city of Ottawa, That,* whenever the city council shall deem it necessary to cause any street or public way to be paved, MacAdamized, planked, or otherwise improved, or any main drains, aqueducts or sewers to be laid, the subject shall be referred to an appropriate committee, whose duty it shall be to prepare and report to the city council the plan of such improvement, with an accurate estimate of the expense therefor, including in every case the costs of making the assessment. It shall be the duty of the city surveyor to aid and assist the committee in the preparation of said report, and to make all estimates in writing; all of which shall be submitted to the city council, in connection with such report.

§ 2. Whenever any improvement shall be ordered, the order therefor may be in the following form:

Ordered, That — street from — street to — street be paved (or otherwise improved, as the case may be) with, (describe the manner and materials, &c.) if the order be for a main drain or sewer, it may read as follows: "Ordered, that a main drain or sewer (as the case may be,) be laid through and under — street, from — street to — street, as follows:" In either case the order may conclude as follows: "And that the sum of — dollars be assessed upon the real estate in the division of the city benefitted thereby, to defray the expenses of such improvement."

§ 3. In all cases where a special assessment shall be required for the purpose of improving any public square, or to defray a part of the costs

of any market grounds, public parks, or the erection of any market, or other public improvement in any part of the city, for which a special assessment may be made, the form and proceedings herein prescribed, with modifications, (if required,) may in any case be followed.

§ 4. When the assessment shall be ordered, and after the committee shall have made their report and estimate of the same, the city council shall by ballot choose three reputable freeholders, residing in the city, to make the same. Their names shall be recorded by the clerk as follows: The city council proceeded to make choice, by ballot, of three commissioners to make such assessments, on the first ballot (or as the case may be, A. B., C. D., and E. F., received — ballots each, (as the case may be,) which being a majority of all the aldermen authorized by law to be elected, they were declared duly elected as commissioners to assess the sum of — dollars on the real estate in the division of the city benefited by the (state the nature of the improvement,) in pursuance of the order of the council passed —, 185—.

§ 5. The clerk shall make out notices of their appointment to the commissioners, requiring them to appear and be qualified, as such, within five days after the service of notice. Notices shall be served by the city marshal. Commissioners shall take the following oath, to be administered by the clerk, and entered upon or attached to the assessment roll.

"The undersigned, commissioners appointed by the city council of the city of Ottawa, to assess the sum of — dollars upon real estate by us deemed benefitted by the paving of (or otherwise improving) — street, (or for such other purpose as the assessment may be made,) in proportion to the benefit resulting thereto, as nearly as may be, we solemnly swear that we will faithfully and impartially execute our duty according to the best of our ability.

A. B.,
C. D., } Commissioners.
E. F., }

Sworn to and subscribed before me, this — day of —, 185—.

—, Clerk."

§ 6. Before entering upon their duties, the Commissioners shall give at least six day's notice in the corporation paper of the time and place of making their assessment, and they may, if necessary, adjourn from day to day. Said notice may be in the following form:

Commissioners' Notice.

19 Public notice is hereby given, to all persons interested, that the undersigned, commissioners appointed by the city council of the city of Ottawa, to assess the sum of — dollars on the real estate in the part of the city by us deemed benefitted by the (here state the substance of the order,) will meet at —, in said —, on the — day of —, at the — house of —, clerk, for the purpose of making said assessment.

A. B.,
C. D., } Commissioners.
E. F., }

Ottawa, —, 185—.

The Commissioners shall attach to their assessment roll a certificate of such publication, signed by the proprietor or general agent of the corporation paper.

§ 7. The commissioners shall be present at the time and place mentioned in such notice, for the purpose of making said assessment. When the same shall be completed, it shall be entered in a well-bound book, to be provided by the city; the roll shall contain the names of the owners of real estate when known, a description of the lots and parts of lots which may be assessed, the valuation of each, separately, and the sum of money assessed thereon. It may be in the following form:

Assessment Notice.

A description of the real estate in the part of the city of Ottawa deemed benefitted by the paving (or otherwise, as the case may be) — street, (or "by laying of a main drain" or otherwise, as the case may be,)

with the valuation thereof, and the sums of money severally assessed thereon by the commissioners, to wit :

ORIGINAL TOWN OF OTTAWA, (or as the case may be.)

Name of owner.	Description.	Lot.	Block.	Valuation.	Assessment.
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§ 8. When the said roll shall be completed, the commissioners shall attach thereto a return, which may be in the following form :

We, the undersigned, freeholders and residents of the city of Ottawa, duly elected by the city council to assess the sum of ——— dollars on the real estate in the part of said city by us deemed benefitted by the paving ——— street, (or “by laying of a main drain or sewer,” or as the case may be, following in each case the description of the improvement in the order therefor,) do hereby report and return to the city council :

That in pursuance of said appointment, they were duly qualified before entering upon their duties, as appears by the oath recorded herein.

That they published a notice of the time and place of their meeting for the purpose of making said assessment, in the ———, corporation newspaper, for the period of six days previous to such meeting, a certificate of which publication is hereunto annexed ; that they were present at the time and place, and for the purpose designated in said notice, and did then and there and do hereby, in pursuance of said appointment, assess the said sum of money upon the real estate hereinbefore set forth and described, as benefitted in the respective proportions of said sum set opposite to each lot and part of lot, respectively, in the foregoing assessment roll, having first fixed a valuation on the real estate, which is likewise set forth in said roll.

All of which is respectfully submitted.

Ottawa, 185—.

A. B.,
C. D., } Commissioners.
E. F., }

§ 9. The Commissioners shall complete their assessment and file the same in the office of the city clerk, within forty days after their appointment, unless further time shall be given them for the purpose. The clerk shall thereupon cause a notice of the return of such assessment to be published for six days in the corporation paper, and a certificate of such publication under the hand of the corporation printer or his general agent, shall be written upon or attached to the roll. The notice may be in the following form :

Assessment Notice.

CITY CLERK'S OFFICE,
Ottawa, —, 185—.

Public notice is hereby given, to all persons interested, that the Commissioners appointed by the city council of the city of Ottawa to assess the sum of ——— dollars on the real estate in the part of the city benefitted by the (here state the substance of the order,) have completed their assessment and made return thereof to my office. Any persons wishing to appeal from said assessment, must file their objections in writing in my office, on or before Tuesday, the — day of —, 185—, at 7 o'clock P. M., as the city council will, at that time, in the council room, hear all objections to the assessment, and revise and confirm, or amend the same.

J. A., Clerk.

§ 10. When all objections to the assessments shall have been heard, and the roll revised and corrected by the city council, an order of confirmation shall thereupon be entered by the clerk, (if such order shall be made,) which order may be in the following form, to wit :

“Whereas, due notice has been given by the city clerk of the return of the assessment made by the commissioners appointed by the city council, on the — day of —, 185—, to assess the sum of ——— dollars on the real estate in the part of the city benefitted by the (here state the nature of the assessment,) and all objections to such assessment having been du-

ly heard and disposed of by the city council, (or "no objections thereto having been made," as the case may be,) it is therefore—

Ordered, That the said assessment, as revised and corrected by the city council, be, and the same is hereby confirmed. It is further ordered, that a warrant be issued and directed to the city collector, for the collection thereof, returnable in thirty days after date.

§ 11. The city collector shall have the same power in the collection of warrants as he possesses in the collection of general taxes. If any part of the assessment shall not be collected by the return day of the warrant, he shall make return thereof in the manner required for the return of general warrants. The order of sale shall be entered by the city clerk, and the sale and returns thereof shall be made by the collector in the manner prescribed for taxes. All warrants for special assessments shall be charged by the city clerk to the collectors receiving the same, and such collector shall be liable therefor in the same manner and to the same extent as he is for general taxes.

§ 12. No assessment shall be deemed to be invalid, in any case where the same shall be made in conformity with the proceedings and forms herein prescribed.

By order.

J. AVERY, City Clerk.

Passed February 24, 1857.

22
AN ORDINANCE to carry into effect an act of the General Assembly of the State of Illinois, entitled "An Act to amend the charter of the several towns and cities in this State—Approved March 1, 1854."

SEC. 1. *Be it ordained by the city council of the city of Ottawa*, That in all cases where taxes assessed on any lot or real estate in this city by the corporate authorities thereof, are not paid within the time limited, it shall be the duty of the city collector, after having given notice of such intended application, by advertisement, at least thirty days previous to such application, in some newspaper published in this city, to apply to the county court of La Salle county at the December term thereof, and cause judgment to be entered in said court against such delinquent lot or real estate, for the amount of taxes due and unpaid and costs; and the said court shall proceed to hear and determine such application, and render judgment against such delinquent lot or real estate, in the same manner, and the said judgment shall have the like effect, as though said delinquent list had been returned to said court by the sheriff or collector of the county, in the collection of state and county taxes; and said court, after the entry and rendition of said judgment, shall issue a precept or order to the city collector, directing him to sell such delinquent lots or real estate, at public auction, to pay said delinquent taxes and costs; and the said sale shall be made on the second Monday after said court shall have adjourned, by the city collector, at the door of the court house in said county, the said city collector having previously given notice of said sale by advertisement, by one insertion in some newspaper published in this city.

§ 2. *Be it further enacted*, That in all cases where assessments have heretofore been made, or shall hereafter be made by the corporate authorities of this city, on any lot or real estate in this city, for the purpose of improving any street, side-walk, avenue or alley, in front of or adjacent to such lot or real estate, or for any purpose whatsoever, either by ordinance, resolution or other proceeding, and such assessment shall not be paid within the time limited by the ordinance, resolution or order making such assessment, it shall be the duty of the city collector to apply to the county court of La Salle county, at any regular term thereof, and cause judgment to be entered in said court against said lot or real estate, for the amount of such assessment and costs; and said court, upon such application being made, shall render judgment against such lot or real estate, for the amount of said assessment due and unpaid, and costs, and shall issue a precept or order to the sheriff of said county, commanding him to sell said lot or real estate, or so much thereof as may be necessary to pay said

judgment and costs, in the same manner, and with like effect, as if sold upon execution at law.

The record of the proceedings of the city council shows that on the 8th day of September, 1857, said assessment roll was reported to the council and taken up for consideration, and all objections thereto read, after which the assessment and objections were referred to the finance committee.

Sept. 15th, 1857, no quorum. On motion of Ald. Smith, adjourned to Thursday evening next.

On said Thursday evening the finance committee reported back said assessment and recommended several corrections and alterations, upon which the council then confirmed the assessment after correcting the same.

Errors assigned, are—

Refusing to render judgment against the lots to which the objections were made.

LELAND & LELAND AND J. AVERY,
Attorneys for Plaintiffs in Error.

132
City of Ottawa
vs
A. A. Freshwater
Abstract

Refusing to render judgment against the lots to which the objections
 were assigned, are

which the council then confirmed the assessment after correcting the assessment and recommending several corrections and alterations, upon which the council then adjourned.

On said Thursday evening the finance committee reported back said Thursday evening next.

Attest

Sept. 13th 1837, to November. On motion of Wm. Smith, adjourned to
 fifteen.

and taken up for consideration, and all objections thereto read, after which the assessment and objections were referred to the Finance Committee of the Board of Commissioners, to be reported at the next meeting of the Board of Commissioners, to be held on the 15th day of September, 1903, and thereafter successively, until the same shall be finally determined.

Filed April 25, 1838
L. Leland
Clerk

THE ILLAND AND A. VAREBY.

132 = 37

The City of Ottawa

or

Abner A Fisher & Co

132

12517

1858

~~12516~~

X

Payable