

SCOTT & Co., PRINTERS, corner Clark and South Water Sts.

SUPREME COURT,
THIRD GRAND DIVISION.

APRIL TERM, 1860.

THE CITY OF CHICAGO,
vs.
JOHN EVANS ET AL.

} *Error to Cook.*

POINTS AND AUTHORITIES BY PLAINTIFF IN ERROR.

1. The court had no jurisdiction, and injunction illegally issued, because it was a legislative act on the part of the Common Council.

15 Barbour, 225-6-7-8.

Ibid. 236-9-40-42.

7 Barbour 506

2. The court only has jurisdiction when the Common Council attempts an act which amounts to a breach of trust. The bill in this case does not aver or charge any such act.

15 Barbour, 231.

3. There is no equity in the bill; for if the ordinance bears the construction contended for by it, it is a nullity, and equity never interferes to restrain a void act.

4. The defendants in error cannot, by such a bill, raise the question as to whether the North Chicago City Railway Company has violated, or is about to violate, its charter.

5. If the Common Council should confer authority upon a corporate body not capable of exercising it, it would be a nullity, but not ground for an injunction if the Common Council had jurisdiction of the subject matter.

Redfield on Railways, 162, note 6.

Ibid. 519.

Laws of Illinois, Private Acts of 1855, page 304
City Ordinance for Horse Railways, section 3.

Charter of Plaintiff in Error, sections 7 and 8.

21st of Illinois Rep. page 516.

8 Dana 289

City of
Chicago

W

Essex

12.04 = 17