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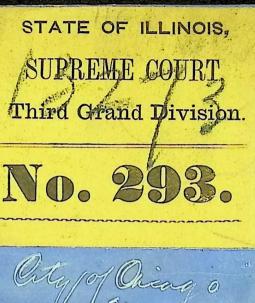
Supreme Court of Illinois

City of Chicago

VS.

First Methodist Episcopal Church of Chicago

71641



City of Oring o

lot must.

In Supreme Courty Illinois

12 Meth. Spir. Church April 77861

White Strain Structure Structure

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, COUNTY OF COOK.

PLEAS, before the Honorable, the Judges of the Superior Court of Chicago, within and for the County of Cook and State of Illinois, at a regular Term of said Superior Court of Chicago, begun and holden at the Court House, in the City of Chicago, in said County and State, on the first Monday, being the fourth day of February, in the year of our Lord one thousand eight hundred and sixty-one, and of the Independence of the United States of America the eighty-fifth.

Present, the Honorable JOHN M. WILSON, Chief Justice of the Superior Court of Chicago.

VAN H. HIGGINS and GRANT GOODRICH, Judges. CARLOS HAVEN, Prosecuting Attorney.
ANTHONY C. HESSING, Sheriff of Cook County.
Attest, WALTER KIMBALL, Clerk.

Be it remembered, that on the fourth day of February, A. D. eighteen hundred and sixty-one, said day being one of the days of the February Term of the said Superior Court of Chicago, the following among other proceedings was had, and entered of record in said Court, to-wit:

the said objections, and doth order that the assessment for Taxes against said lot be affirmed, to which ruling and decision of the Court the said Methodist Episcopal Church enter their exceptions, and on motion of the said City Attorney.

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It is therefore considered by the court that judgement be and is hereby entered against the aforesaid lot four (4), block fifty-seven (57) original Town of Chicago, upon which taxes have been paid as described in the said Collector's Report, in the name of the city of Chicago, plaintiff, for the sum annexed to the said lot being the amount of Taxes and also for costs thereon.

And it is further ordered by the Court that the said lot four (4), block fifty-seven (57), or so much thereof as shall be deemed sufficient of the same to satisfy the amount of Taxes and costs annexed thereto be sold as the law directs.

JOHN M. WILSON, Chief Justice of the Superior Court of Chicago.

Be it remembered that afterwards to-wit: on the twentieth day of February, in the year of our Lord, eighteen hundred and sixty-one, said day being as yet of the February Term of the Superior Court of Chicago, came the said First Methodist Episcopal Church of Chicago and the Trustees thereof and filed their Bill of Exceptions in the word and figures, to-wit:

SUPERIOR COURT OF CHICAGO, FEBRUARY TERM, A. D. 1861.

City of Chicago,
vs:
First Methodist Episcopal Church
of Chicago and the Trustees
thereof.

Be it remembered that heretofore on the 14th day of February, at the said term of said Court, John Raber, City Collector of the City of Chicago, submitted a report of the list of lands, lots, and parcels of land upon which he was unable to collect the taxes for the year eighteen hundred and sixty, levied by the City of Chicago

for municipal purposes for the said year, and which remained uncollected and unpaid, and praying for judgment against the lots, lands and parcels of land for the amount of taxes, interest and costs respectively due thereon. And afterwards, on the 14th day of February, the said First Methodist Episcopal Church of Chicago and the trustees thereof, filed their objection to the entry of judgment for taxes against the property and improvements of said Church on the North, 130 feet of lot four (4), block fifty-seven (57), original Town of Chicago which said objections by the said First Methodist Church of Chicago and its Trustees filed, were the following: To the application for judgment for the sum assessed as taxes of 1860. Objections were as follows: 1st. Because the property in question is exempt from taxation. Because said property is holden under and by virtue of the pro-2nd. visions of a certain act passed by the General Assembly of the State of Illinois, to-wit: an act entitled "An Act to change the name of the Methodist Episcopal Church in the Town of Chicago, Cook county, Illinois, and for other purposes," approved February 14, 1857, and is governed by said Statutes and under the laws of the said State of Illinois in relation to revenue and taxation and the charter and ordinances of said City of Chicago in relation to taxes, is exempt from taxation. Because said property is devoted exclusively to public worship 3rd. and is not leased or otherwise used with a view of profit, and is therefore by law exempt. Because the property in question is Real Estate, and the build-4th. ing is used exclusively for public worship, and the ground attached to said building is only what is necessary for the proper occupancy, use and enjoyment of said building and is not leased or otherwise used with a view to profit. Because the building on said lot, was erected for public worship 5th. and said lot does not exceed ten acres.

6th. Because said property consists in a building erected for the use of a religious institution and the land whereon said building is situate which said land does not exceed ten acres.

7th. Because said "First Methodist Episcopal Church of Chicago, under the before enumerated acts is a "religious institution" in their intent and meaning of those acts, and all statutes of this State, and the parts of the charter and ordinances of said city using that term and the property in question consists in a building erected for the use of said First Methodist Episcopal Church of Chicago, so being such "Religious Institution" as aforesaid and the land whereon the same is situated, which does not exceed ten acres, and the personal property belonging to said institution and connected with and set apart for the use thereof.

Because the said First Methodist Episcopal Church of Chicago, as organized and in operation under the act of 1857 aforesaid, is an institution of purely public charity, and as such, the said property is exempt from taxation.

To the application for judgment for the tax of 1859, the objections were the same as the foregoing, with the following additional objections assigned:

That the judgment of the Supreme Court of Chicago rendered at the February Term, A. D. 1860, operates as a bar to the recovery of judgment on the tax for 1859.

That the tax of 1859 as appearing in the General Tax Warrant of 1860, is illegal and invalid, inasmuch as a portion of the property is thereby placed by the same Assessors at the same valuation, as the whole of said property was valued the year before, and said property taxed accordingly.

As bearing upon and material to the issue between the parties, it was agreed and admitted by them that the said First Methodist Episcopal Church of Chicago, is an incorporated religious body, under the General Incorporation Law, having a Board of Trustees with President, Secretary and Treasurer thereof, and is located at Chicago. That on the 14th day of February, 1857, there was passed and approved, an act of the Legislature entitled "An act to change the name of the Methodist Episcopal Church of Chicago, and

8th.

for other purposes," which said Church was the same now party hereto, which said act of February 14th, 1857, was offered by said Church in evidence and received without objection, and is as follows:

"An Act to change the name of the Methodist Episcopal Church, of Chicago, Cook County, and for other purposes."

Section 1.—Be it enacted by the people of the State of Illinois, represented in the General Assembly, that the name of that religious society, incorporated on the 20th day of November, A. D. eighteen hundred and thirty-five, under the provisions of "An Act entitled an act concerning Religious Societies," approved on the 5th day of February, A. D. eighteen hundred and thirty-five, by the name of the "Methodist Episcopal Church, in the town of Chicago, Cook County, Illinois," be and is hereby changed to, and shall hereafter be known as the "First Methodist Episcopal Church of Chicago," and in and by such name shall have and exercise all the powers conferred on such corporations, organized under the "Third Division of the twenty-fifth chapter" of the Revised Statutes, and the present Trustees of said Corporation first above mentioned, shall be and are hereby constituted Trustees of said "First Methodist Episcopal Church of Chicago," until their successors are elected, in pursuance of said "Third Division" of said chapter of the Revised Statutes, and said trustees of said last named corporation, and their successors, shall hold and possess in fee, all the property, real and personal, donated to, and held, and belonging to said corporation first above named.

Section 2:—Said "First Methodist Episcopal Church of Chicago," shall have power to convey said property in fee by Deed or Mortgage in security for money loaned, or to be loaned thereon, for the erection on such real property of a place of worship, or such other improvements as may be desired. But after the erection of such place of worship, or improvements, if any surplus remain, the same, and any rents which may accrue from said property, shall first be apportioned for the payment of such loan, and extinguishment of such mortgage; and any remainder to the purchase of a lot or lots in said City of Chicago, and the erection of a place of worship, to be under the control of the Methodist Episcopal Church, and for no other purpose whatever.

or place

Section 3.—This act shall take effect from and after the passage thereof.

Approved February 14, 1857.

In pursuance of said Act of 1857, the Trustees borrowed money upon and to erect a church building on the North 130 feet of the said lot at the South-east corner of Clark and Washington streets. The church owned the said portion of said lot prior to and at the time of passage of the Act of 1857, and occupied said portion of said lot exclusively with a Church edifice thereon, exclusively used for public worship. The old edifice was taken down, and the present one in pursuance of said Act of 1857, and with the loan raised thereunder, erected in its stead. It consists of four stories and a basement. At the time of the assessment of the taxes claimed since and still, the first story is divided into many rooms or apartments, occupied and used 'or stores, banking offices, &c., leased and rented to various parties. That the second story is divided into a number of apartments which are used for law and doctors offices, and other business purposes, and rented out. That the main body of the third and fourth stories is one large room of the heighth of both stories, fitted up and exclusively used for religious purposes of said church, and there are also other rooms on the same third and fourth floor, used for church purposes. The basement of said building with stairways from the street thereto, is used for business purposes, and rented out, and for water closets. That all the leased portions of the building yield a rent and income to be and which is exclusively applied in accordance with the Act of 1857. That as yet the rents have only been sufficient to pay the interest upon the loan made under said Act. Said rents are not used for the support of the Pastor of the Church, or for any purposes other than as aforesaid. No compensation is received by or paid to the officers of the church for any business connected with the church, done by them, or connected in the building aforesaid, but their services of every kind are entirely gratuitous, and which said services include the renting of said building, making out the leases, collecting the rents, &c., all of which are rendered gratuitously.

with

The Assessors of the taxes for the year 1859, made and described their Assessment on said property as follows:

LIST OF TAXABLE REAL ESTATE IN ORIGINAL TOWN OF CHICAGO, SOUTH DIVISION, ASSESSED FOR THE YEAR 1859.

OWNERS' NAME.	PART OF LOT OR LAND.	LOT.	OCK.	VALU'N.	hoo rk	Lamp Tax 2 mills.	Total Tax.
Methodist Church,	N. 130 ft. improvement same,	4	57	15,000	195.00	30.00	225,00

At the February Term, 1860 of the Superior Court of Chicago, said Court refused a judgment against said property when applied for by the city, on the General Tax Warrant, of which above is an extract, for taxes of year 1859. The Church then filed objections against the rendering of judgment against said property and the Court sustained said objection.

The assessors of taxes for 1860, assessed, and described the property and also for uncollected tax of the prior year as berein as follows:

LIST OF TAXABLE REAL LISTATE IN ORIGINAL TOWN OF CHICAGO, SOUTH DIVISION, ASSESSED FOR THE YEAR 1860.

OWNERS' NAMB.	PART OF LOT OR LAND.	LOT.	BLOCK.	Dolls.	School Tax 2m City Tax 3 1-2	Dolls.	TOTAL TAX.	WHEN PAID
Boon & Larmon,	S. 50 feet,	4	57	9,000	81.00	18.00	99.00	Dec. 13th.
Methodist Church,	That part of improvements on the North, 130 ft. of lot, being that part of building, of first two stories above the basement story thereof, except the right of way through the same to the Church above.	4	57	15,000	135.00	30.00	165.00	
	Tax of last year not col- lected on the above at the same valuation,	4	57	15,000		191	225,00	
James Larmon,	N. 100 feet,	5	57	12,500	112.50	25.00	137.50	Dec. 25th ·

And it was agreed that said foregoing sheet is a fac simile of a leaf of the General Tax Warrant, on which judgment was claimed, and was sufficient for the purposes of this suit, without the production of the General Warrant itself, and is to the taken as part of evidence in the case.

And it was admitted that the following is and was before said assessments, one of the ordinances of the City of Chicago duly published and in force. "Any real or personal estate which shall be omitted in the assessment of any year or years, shall, when discovered by the assessor, be noted in the roll, and shall be assessed with the arrearages of taxes and interest thereon at six per cent. from the time it should have been paid."

And it was admitted without objection upon the trial, that the following is and was before the said assessment, one of the ordinances of the City of Chicago, duly published and in force. "The following real and personal estate within the City, shall be exempt from assessment and taxation. * * * * * 5. Buildings erected for religious worship, and the pews and furniture within the same, and the lands whereon situate, not exceeding ten acres. * * * * * 7. Buildings erected for the use of any literary, religious, benevolent, charitable or scientific institution, and the land whereon situated, not exceeding ten acres. Also, the personal property belonging to any such institution, or connected with or set apart for the use thereof. If any real estate exempt hereby shall be entered in the roll, it shall be the duty of the assessor to make opposite thereto in the proper line, "exempt from taxation," and any tax which shall be assessed or levied upon any such property shall be void."

The foregoing was all the evidence given or offered in the case, and the said Court then after consideration did overrule and deny said objections, and ordered that the assessments for taxes against said lot be affirmed, and gave judgment that said lot or so much thereof as shall be deemed sufficient to satisfy the amount of taxes and costs annexed thereto, be sold as the law directs, to which decision finding and judgment of the Court, the said First Methodist Episcopal Church of Chicago, then and there excepted.

And inasmuch as the foregoing matters do not appear of record,

the said First Methodist Episcopal Church of Chicago and the Trustees thereof, pray that this Bill of Exceptions may be signed and sealed.

JOHN M WILSON,



VAN H. HIGGINS, Judge.



GRANT GOODRICH, Judge.



It is stipulated by the parties to the foregoing Bill of Exceptions, that a transcript of said Bill of Exceptions and of the judgment of the Court, is all that shall be required as a record for the hearing of said cause on appeal. That appeal shall be taken to the April Term, A. D. 1861, of the Supreme Court of the State of Illinois, that no bond need be filed, and that said cause shall be entered of the April Term, A. D. 1861 and heard at said term in its order upon the calender, without prejudice to the appellants for not taking appeal before the thirty days preceeding the session of said Supreme Court. And that either party may use the published and printed ordinances of said City in evidence on the hearing in the Supreme Court, which bear on the issue in the case, and the same when so used, are to be considered as incorporated in the Bill of Exceptions.

STATE OF ILLINOIS, ss:

I, Walter Kimball, Clerk of the Superior Court of Chicago, within and for the County of Cook in the State of Illinois, do hereby certify the above and foregoing to be a true and perfect copy of the Bill of Exceptions now on file in my office, together with the Judgment and all orders entered of record in said Court in a certain suit and proceedings therein, between the City of Chicago and the First Methodist Episcopal Church of Chicago and the Trustees thereof.

In Testimony Whereof, I have hereunto set my hand and the seal of the Superior Court of Chicago, this fifteenth day of April, A. D. 1861.



WALTER KIMBALL, Clerk.

ASSIGNMENT OF ERRORS.

The Superior Court erred in affirming said assessment and rendering judgment upon said tax warrant against the aforesaid property.

The Superior Court erred in not refusing judgment when said tax warrant for the tax of 1859 and 1860.

The Superior Court erred in not rendering judgment for the defendant.

The Superior Court erred in rendering said judgment because the same is against the law and the evidence.

The assessment, the collector's report, the advertisement, and the tax warrant are respectively erroneous and insufficient.

SAMUEL K. DOW, and MELVILLE W. FULLER, For Appellant. Suprama Count

Meth- Eis. Ch, y Smistres

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City of Chicago
Culstrast-

Filsel Ofn. 28th 1861 L. Leland Clerk

UNITED STATES OF AMERICA,

STATE OF ILLINOIS, COUNTY OF COOK, SS.

Attest, Melher Standard of the Judges of the Superior Court of Chicago, within and for the County of Cook County.

Attest, Malher Manday of Prosecuting Attenty of Cheek.

Be in remembered that on the Fourth day of February to eighte header hand sixty our said lay being our of the Hebrer of the February Torm of the Said Superin Court of Cheings the following senous that hereadings to that had and cation to of recircles the Cheings said Court Tothis, suit for Tayer this, suit for Tayer Mothers on this day to his the fourth day of February Methodist At Eighten headered and sighty one somether said

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Said Churchon Lot House 4 Block fifty send (5))

Original Triver of Cherry, described inthe transaffer general and special purposes afreful forthe year Who, Whereupen it is ordered by the Court that time forthe Melterdist Church be few objections, herein by the is hereby extended bother County in of the Court on Industry Morning mext,

Be it remembered that on the fourtheath day of February with pear of the Lend lighten hundred and righty one said day being our ofthe days of the February Term of the Superior livert of Cheeness the following among other proceedings mas had and entered of record wind Court bother,

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for Tayer against said Lot bo affermed, to which Miling Vdeusin of the Court the said Methodist. Epiropal Church later their exceptions, Mudow Theotin of the said beity atterny, It is therefore Couriedined by The Court that pedysmust Wand is hereby latered against the africand lot four 14/ Block fefly Levers 57/ original word of Chicago Upon which Taper har not been paid Ar described in the said bollectors deport, with nums ofther city of Cheings plaintiff fritter succes auneyed lotter said Lot being the amount of Japes and also for tosts thereon, And it is further ordered by the Court that the said Lot four (4/ Block fifty seven (5) 1 to 20 much Thereof as shall be dured sufficient of the Same to satisfy the amount of Tayes and lost aunexed thereto be sold as the law directs, The Milson Chief Lustin Of the Superin Court of Cherge

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Superior doowt of Chicago
Brobruary Term A. Ab. 1861.

Coly of lohicago

First Mouthodist le pair copab Church of Checago and the Trustees Chere of.

Be it remaindered that hereto fore on the 14th day of February, at the said term of said leaver, John Raber, loity ballector of the locky of lehicago, aubmitted a report of the lest of lands, lots, and parcels of land upon which he was unable to collect the taxes for the year Eighteen Amdredo ando Dirty, levied by the ledy of Chicago for municipal purposes. for the said year, and which remained uncollected and unfoaid, and foraging for Judgment against the lots, lands and parcel of lands for the amount of loves, interest and costs respectively due thereon

And of terwards, on the 1 Htm day of February, the said First Ale ethodish Especial lohnerch of lohicago and the Touston thereof, giled their abjection to the entire of judgment for taxes against property and improvements of said behurch on the North 130 febr of Lot Four (4) Block Fifty Seven (57) Original Town of laheago which said objections by the said First Meethodist Especiopal Church of Chicago and its Trustees

Jied were the Jollowing.

To the application for judgment for the sum apoloch as taxes of 1960. Objections were as Jollows.:-

1st Because the Großerty in question is exempt from

Brownian of a certain ach papers by the General offembly of the State of Plinois. No wit: an ach entitled "An ach concerning religious ovciltis". approach Feb. 5. 1835 and "an ach to change the name of the Moethodist Depiscopal Conversion in the town of Chicago bootobo. Ille & for other peurposes." approach Itel. 14. 1857 4 is governed by oaid States and under the laws of the said State of Allinois in relation to revenue & taxation & the charles & or divinces of saw bity of Chicago in relation to taxes, is extempt Grow Paration.

Perofit and is therefore by law exempt.

Because the property in question is Real Costate, and the brilding is used exclusively for chubbic worship of the ground attached to earl building is only what is necessary for the proper occupancy, use and engagement of earl building and is not leased or other win reads with a view to profits.

5. Breause the building on said lot was crected for faublie worship and said hot does not exceed ten acres.

b. Because said property consists in a building erected for the use of a religious institution of the lands whereon said building is aitealt which said lands does not exceed ten acres. Because said "First Mothodish Episoopal Church of Chicago mader the before enumerated acts is a "nelegious institution" in their the intent and meaning of those acts, and all statutes of

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That the judgment of the Superior bourt of Chicago rendered at the February Terms of 1960 operates as a bas to the recovery of judgment on the tax for 1859

That the tax of 1859 as appearing in the Jerusals

Tax Or arrant for 1960 is illegal & involid in assumely as a specific at the General is thereby placed by the same aperform at the same valuation, as the whole of said property mas valued the year before, and said foroperty taxed accordingly

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Section 1.

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"Third Division of the twenty Gifth chapter." of the Rivised Italutes, and the Trustus of said conforation first about mentioned, shall be and are hereby constituted trustees of Raid First Mostrodist Espiscopal Church of Chicago "until Chie duccison are elected, in Jeursnance of said Third Division of and chapter of the Revised Stateste, and Raid trustees of said last named. corporation, and their successors, shall hold and populo in Jes, all the Geroperty, neal and Gersonal, donated to, and held, and belonging to said conferration first above named

Dection D. Said "First Mathodist Opis copul Church of Chicago," shall have fowed to convey said property in fee by bled or Mortgage in accurity for money loaned, or to be loaned thereon, for the serection of such real Gerofeerly of a felace of worship; or such other improvements go may be desired. But after the exection of such Galace of worship, or improvements, if any Durplus remain, the same, and any neuts which may acome from oaid property, shall first be apportioned for the frong ment of such loan, and retinguishment of and newtgage; and any ormanided to the Jeurahase of a lot or lots in said laily of Chicago, and the westion of a Galace or Galaces of morship, to be under the contral of the Mosthodist depriscopal Church. and for no other purpose, whatever.

Section 3. This act shall take effect from and after the passego

Approved February 14, 1857.

In Jamanance of said Act of 1857. the Trustees borrowed

money upon ando to creck a church building on the North 130 fkal of the said Dat. at the Doubt East corner of lelate and Washington strute. The Church owned the said fortion of said lot forior to and at the time of papage of the Act of 1857 and occupied said fortion of said lot exclusively with a lohurch edifice thereon or durively used for public morship. The old Edifice down, and the present one in pursuance of said act of 1957. I with the loan raised therunder, exected in its stead. It conseals of Jour stories and a basement. At the time of the apelment of the torres claimed aines and still, the first story is divided into many rooms or afgertments occupied and used for stores, banking offices to leaved and rented to various parties, I hat the areund story is divided into a number of apartments, which are usedo for law ando do tors offices, ando other business four-Jaoses. and rented out. I have the main body of the third and fourth stories is one large room of the heighth of both stories Jetted up and exclusively used for neligious Jaurposes of said bhurch, and there are also froms on the came third and fourth gloor used for bhuch Gurposes. The basement of said building with stair ways from the street thereto, is used for busings famparaes, and multid out, and for water closely, That all the heard fartions of the building guld a ment and income to be and which is, archasively applied in accordance with the oak of 1857. I have as nech the rents have only been sufficient to pay the entirest upon the loan made under said act. Said vento are not used for the support of the pastor of the Church, or for any Jemposes.

List of Taxable Real	Estate	in Original	Tou	vW	of		Chicago, Soulte Di	vision, Asses	ssed for the Y	ear 1859.	
Owners' Name.		Part of Lot or Land.	Sub-Lot.	Lot.	Block.	Valuation.	Sewerage Tax. Lange Tax. Building Tax. Building Tax. Ly. Mills. Be'n Solv Tax. Interest Tax. School Tax. Mills. School Tax. Mills. School Tax. Mills. School Tax. Mills. Mills.	Lamp Tax. 2 Mills. Dollars. Cts.	Total Tax.	When Paid.	
Moethodier lohunch		N130 Jr. Improvements on par	MuD	H.	57	13,000	195.	30	205,		

other than as af oresaid. We compensation is received by or chaid to the Officers of the lohurch for any business connected with the lohurch done by them, or connected in the building aforesaid. but their services of every kind are entirely gratuitors, and which said services include the renting of said building, making out the leases, collecting the news to all of which are rendered gratuitously.

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List of Taxable Real Estate in

Owners' Name

Owners' Name.

Part of Lot or Land.

Mosthodish lohurch

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List	of Taxable	Real Estate	in Original Journ of

Chicago, South Division, Assessed for the Year 1860

Owners' Name.	Part of Lot or Land.	Sub-Lot. Lot.	Block.	Valuation.	Duilding Trax. Building Trax. Improvem't Trax Mills. Ret'n Scl'i Trax Interest Trax Interest Trax Mills.	School Tax. Olty Tax. J/Anills. Tax. Mills.	Lamp Tax. Online Cts.	Total Tax.	When Paid.
Bom & Lamon	8. 50 91-	H	. 57	9 1110		81.	18,	99.	Dec 13.
	That part of improvements on the								
	North 130 for of Lot, being that								
	part of bridging of wish two atories								
Wight lohurch	about the basement stong there of	4	37	15000		135	30	165	
	by ceft the right of way through the								
	same to the brunch above								
	Par of Last year not collected y				7				
11	on the above at same valuation	11-	11	15 000	Jan \$225,00			225	X
Janus Sarmon	N. 100 gr.	3-	11	121. 5710		112 571.	25	137 571	Dec 24
								14	

Undo it was agreed that said foregoing sheet is a Jae simile of a leaf of the General tax Warrant, on which judgment was claimed, and was sufficient for the Composes of this suit, without the foroduction of the General Warrant itself ando is to be taken as fart of Evidence in the base And it was admitted that the following is and was before said apels ments, one of the ordinances of the loily of latitudes duly faublished and in force " Any real or personal Estato which shall be omitted in the apelement of any year or years. shall when discovered by the afrepart, be noted in the roll, and shall be applied with the arrearages of Naves and interest there on at air for cent from the time should have been Goaid"

And it was admitted without objection upon the trial that the Jollowing is and mus before the said afreforment, one of the ordinances of the leity of behicago duly Grublished and in fores. "The Jollowing real and Gresson at estate within

00

The Goregoing was all the evidence given or offered in the case and the early bourt then after consideration did overrule and deny paid objections, and ordered that the apelpments for laws against said for he affirmed, and gave judgment that said lot or so much thereof as shall be deemed sufficient to satisfy the amount of takes and costs annexed there to be sold as the law directs, to which decision finding and judgment of the bourt the said First Mothedist lapis copal bhurch of lohicago, then and there excepted

Ando in as much as the Goregoing mallers do not appear of record the said First Mother Episcopal Church of Chicago and the Trustus through pray that this Bill of Exceptions may be signed and scaled

John Mo Wilson (Lead) Van Higgins. Dead) Grant Grodrich (Dead)

It is Diferelated by the fourties to the Goregoing Bill of lor ceptions that a transcript of said Bill of Enterptions and of the Gudgment of the bourt, is all that shall be re grained, as a necord for the hearing of said cause on appeal. That appeal shall be taken to the Africa elem O. 10. 1861. of the Dupremo lour of the State of Ellius, that no bond need be gild, and that said cause shall be entered of the April Term A. D. 1861 4 heards at said term in its order upon the calender routhout Generalice to the appellants for not taking appeal before the Chirty days for ceeding the Referent of Raid Supreme bount And that either faity may use the Jublished and front ordinances of said body in evidence on the bearing in the duporame lovert, which lear on the your in this case, and the Ramo when do used, are to be considered as in corporate to in the Bill of exceptions

Itale of Illinois Is I Walter Kemball, believe of the Superior bout of Chicago, within it for the learning of looks in the Stale of Illinois, Alo hereby certify the above and foregoing to be a true and furfact copy of the Bill of leverestions more on file in my Office, tragether with the Judgment and all orders entered of record in and learning in a certain suit and fine-ceedings therein between the lody of thicago and the First Mathodish depreschal behavely of Chicago and the First Mathodish depreschal behavely of Chicago and the Tourstee thereof

herewite set my hand out the deal of the Superior lower of bhis cape this & fleeth day of Afril A. 1961.

In Oupreme Court of Illinois The Firsh Methodish Episcopal April 7,7861 Church of Chierro Am Insta Theren City of Chicago Appellee 5 andrewer Comes the said Finds hethodias Wiscopal Clurch of Charge ofthe huster thereof abbellants by M. W. Inlew their adoney dags that in the record sproceedings aloreaid & in reeding to judgment afrecaid there is manifel sur in This Our, 1- That the Court sund in overnity the objections of Deputant below to The acudition of furment 2 - What the Court ened in ging surprent in favor of the Plainties below 3 - Mat the judgement below I tould have been in flavor of the Dependant of motion forms the dais Phriett the Wad the application for furtinent

telow showed han been refused, And the Jaid appellants was that the furtherent aforesaid for the leaves aforesaid to the for nearly of that they may ke restous se Justouller appellant. Coty of Chicago 1861 Gens Gen 26.8 0 Fier April V Aus In Comes Dais City of Chicago appelle and Jays thew is no mor in the rend and proceedings reformed Onthe the giving of the progreentaget aid as above alleged - Whenfore dais Cety of Macays Brazo the promint Coforniais may be in all Things affind. John Lyle King Ult my for appules