

No. 12542

Supreme Court of Illinois

City of Ottawa.

vs.

George Macey, et al.

71641  7

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

Was 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 A.D. 1858.

Present Hon John C. Champion Judge
Jesse Lindley Clerk
C. J. Waterman Esq.

City of Ottawa
vs

Trustees of the Church et al

Sub for assessment

Thomas Albert J. Dero 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 23rd day of July A.D. 1858 the fol-
lowing Town Lots as having been assessed in acco-
rdance with the Ordinances of said City for
the purpose of making Sewer. and that the assessments
thereon remain due and unpaid on the day of the
date of said Collector's return and that the respective
Owners or Owners have no goods & Chattels within
the said City on which the said Collector could
Levy for the said assessments 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 No 18.

List of Town Lots within the Limits of the Corp-
oration of the City of Ottawa deemed benefited
by the construction of a Sewer through and under
the Centre of Jefferson Street from the West Side
of Clinton Street to Fox River and the sums of
Money assessed thereon by Commissioners which
remain due and unpaid

In whose Name Acquired Description Lot Acre Valuation Amt. Assm.^{ts}
 Dollars Dollars Cts
 Original Town of Ottawa

Quarters of Tru Church	E 1/2	2 13	3000	20 00
J. J. Eichelberger	E 1/2	3 "	1500	500
Notes Addition to Ottawa				
Est. L. Buchanan		4 46	1000	20 00
Do		5 "	1000	20 00
Martin Murray		13 "	300	12 00
Same		14 "	1000	45 00
Levin Thompson		2 84	1500	50 00
J. & P. Burns	N 1/2	5 "	500	23 33
Episcopal Church	E 2/3	5 "	2000	46 67
J. C. Gay	S 1/2	1 85	1500	15 00
John E. Watrman	S. 30 ft.	2 "	200	2 00
Same		6 "	2000	30 00
Chas. C. H. Griger		7 "	1000	70 00
Meth. Epis. Church		10 "	2000	40 00
Arns D. Buchanan	Mid 1/2	11 "	1000	32 50
Same		12 "	500	32 50
Jason Gentry		1 80	2000	14 00
Do		2 "	500	8 00
Do		3 "	500	8 00
A. H. Howland		4 "	1500	20 00
Henry Hulbert		5 "	1500	20 00
Do		6 "	2000	14 00
Arns D. Buchanan		9 80	2000	45 00
Milton A. Sniff	N 1/2	10 "	800	10 00
J. H. Morin	S 1/2	" "	800	10 00
Do		12 "	500	12 00
E. B. Taylor		13 "	1000	25 00
Baptist Church		14 "	2000	46 00
Edward Holland	N 90 ft.	3 89	1000	17 00
Peter Russen		5 "	2000	25 00
Edward Holland		4 "	2000	40 00
Peter Russen	S. 20 ft.	3 "	300	3 00

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Wm Moore	d. 45 ft.	2 90	200	5 00
Do	d 1/2	6 "	1000	15 00
J. C. Flory	d 1/2	8 "	1000	25 00
S. Zimmerman		14 90	1000	30 00
Unknown		5 91	1000	60 00
M. W. Dimmick		1 92	1500	55 00

State of Illinois
 LaSalle County
 City of Ottawa

J. Albert P. Dow City
 Collector of the City of Ottawa

and State aforesaid Certify that the above and foregoing List of Lots upon which an assessment has been levied 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 & chattels of the owners thereof upon which to Levy and make good such assessments

Ottawa January 18th 1858 Albert P. Dow City Coll.

Subscribed & sworn to before

me this 23rd day of Feb'y 1858

J. Smalley City Clk
 C. S. Herrick Dep't

State of Illinois
 LaSalle County
 City of Ottawa

Julius Arvey City Clk of said

City of Ottawa City of Cash says that the foregoing written List is a true copy of the Delinquent List filed in my Office January 18th 1858 and that no payments have been made thereon since

Subscribed and sworn to before Julius Arvey City Clk
 me this Feb'y 23rd 1858
 J. Smalley City Clk
 C. S. Herrick Deputy

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State of Illinois
County of LaSalle
City of Ottawa

Albert F. New City Collector
or 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 judg-
ment 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.

Albert F. New City Coll.
City of Ottawa Jan 30th 1858

State of Illinois } This is to certify that the
County of LaSalle } 33 Above List of Lots and parts
City of Ottawa } of Lots in the City of Ottawa
County of LaSalle and State of
Illinois together with the above notice of the intended
application for judgement was published in the
Ottawa Free Trader a Weekly Newspaper printed
at Ottawa in said County on the 30th day of Jan'y.
1858 being over Six days previous to the first Monday
in March 1858 that the number of Copies of said
List and notice corresponds 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 Manuscript copy furnished by the City Collector
of said City of Ottawa and County of LaSalle
and State of Illinois

Dated Ottawa 30 Jan'y 1858

J. C. Osmond Publisher

6 State of Illinois 3d St.
DeKalb County 3 County Court March Term A.D. 1859

To Hon John C. Champion
Judge of said Court

Albert D. Dow City Collector of the City of
Ottawa County and State aforesaid pray 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 commanding
the Sheriff to sell the same to make such taxes
and costs

Albert D. Dow City Colr,

And now comes the said City of Ottawa by Arroy
her 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, annexed and charged 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 and no
owner hath appeared to make defense or show
cause why Judgment should not be entered against
said Town Lots for the assessments interest and costs
so due and unpaid thereon - Except Lots 4 +
5 in Block 66. Lots 1, 7 and 11 + Lot 13 in Block
15. Lots 4, 5, 6 + 9 in Block 86 + S. 20 ft. Lot 3. + Lot
5 in Block 19 + S. 45 ft. Lot 2. + S. 7 ft. Lot 6. + Lot 14.
in Block 90. Lot 1. in Block 92. Lot 14 in Block
86 + Lots 13 + 14. in Block 66, in State addition to
Ottawa which are objected to by Washburn + Gray
Depts. Attys. + Gunn + Cook Depts Attys. objects to
Lot 2 in Block 13, Original Town of Ottawa which
objections are sustained by the Court #

In which ruling of the Court in these proceedings
said objections the said City of Ottawa by its
said Attorneys then and there excepted

And by a judgment of said Court in favor of said City of Ottawa
of exceptions having been taken two days from the last day
of this term of this Court
Wm. C. O. Chapman

Whereupon it is considered by the Court that
Judgement be and is hereby entered against
the aforesaid Town Lots in the name of the City
of Ottawa for the sum annexed to each Town
Lot and for costs being the amount of the assess-
ment interest & Cost due thereon and for which
said Town Lots are chargeable Except Lots 445
in Block 66 $5\frac{1}{2}$ Lot 1, 4 Lot 7. and $2\frac{1}{2}$ 11. & Lot
12. in Block 85. Lots 4, 5, 6 & 9. in Block 86. 3 20 ft
Lot 3 & Lot 5. in Block 89. 5 45 ft. Lot 2 & $5\frac{1}{2}$ 6
Lot 14 in Block 90 Lot 1 in Block 92 Lot 14
in Block 86 & Lots 13 & 14 in Block 66 Status Address
to Ottawa & Lot 2 in Block 13 in Original Town
of Ottawa And it is ordered by the Court that
the said several Town Lots or ~~20~~ more thereof
as shall be sufficient of each of them to satisfy
the amount of assessment interest and Cost
annexed and chargeable to them severally be
sold by the Sheriff of the County of Sagawac as
provided by Law and the ordinances of said
City of Ottawa

John C. Chapman

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 in the words and figures following
Viz

State of Illinois } County Court Shrug
Sagawac County } March Term A.D. 1858

The City of Ottawa

Trustees of Am Church

{ Special Assessment

Be it remembered that
on the 23rd day of Feb'y A.D. 1858 the Collector of
the City of Ottawa filed the following delinquent
list of taxes for payment viz

List and prayer for judgement by

Warrant No. 18

List of Town Lots within the Limits of the City of Ottawa deemed benefited by the construction of a Sewer through and under the Centre of Jefferson Street from the west side of Clinton Street to Fox River and the sum of Money assessed thereon by Commissioners which remain due and unpaid

In whose name assessed	Description	Lot	Block	Valuation	Am't	Ass't
	original town of Ottawa				\$	cts
Trinity Free Church		2	13	3000	20	00
H. J. Cichewinger	W's	3	"	1500	5	00

Notes Addition to Ottawa

Ch. of L. Buchanan		4	60	1000	20	00
Do		5	"	1000	20	00
Martin Murray		13	"	300	12	00
Same		14	"	1000	15	00
Lucia Thompson		2	84	1500	50	00
J. & P. Burns	W's	5	"	500	23	33
Episcopal Church	E's	"	"	2000	46	67
J. E. Gay	S's	1	85	1500	15	00
Mrs. C. Waterman	S's	2	"	200	2	00
Same		6	"	2000	30	00
Ch. of St. Crispin		7	85	6000	70	00
Mrs. L. Buchanan	Und 1/2	11	"	1000	33	50
Same		12	"	500	32	50
Jason Guiley		1	86	2000	14	00
Do		2	"	500	8	00
Do		3	"	500	8	00
Dr. W. Norland		4	"	1500	20	00

8	Wm. Shulburt		5 "	1500	20 00
	Do		6 "	2000	14 00
	Genl L. T. Buchanan		9 16	3000	45 00
	Wm. H. Smith	W 1/2	10 "	800	10 00
	J. H. Morris	S 1/2	" "	800	10 00
	Do		13 "	500	10 00
	W. B. Taylor		13 "	1000	25 00
	Baptist Church		14 "	2000	40 00
	Edwards Holland	N 90 4	3 89	1000	17 00
	Peter Russell	S. 20 "	" "	200	3 00
	Edwards Holland		4 "	2000	40 00
	Peter Russell		5 "	5000	25 00
	Wm. H. Morris	S 45 1/2	2 90	200	5 00
	Do	S. 1/2	6 "	1000	15 00
	J. C. Flory	S 1/2	8 "	1000	25 00
	J. Zimmerman		14 "	1000	30 00
	Wm. H. Morris		5 90	1000	60 00
	M. W. Dinnick		1 92	1500	55 00
					971 00

+ 9 State of Illinois
Sagami County ss.
City of Ottawa

Alburt H. Dow City Collector
of the City of Ottawa County and State aforesaid
Certify that the above and foregoing List of Lots
upon which an assessment has been made for
the purpose set forth in the caption hereof and
which remain 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 make good such assessment

Ottawa January 18th 1858

Alburt H. Dow City Coll.

Subscribed and sworn
to before me this 23^d day of
Feb'y 1858

J. Smalley Clerk
C. S. Hancock Dep't.

State of Illinois
Sagami County ss.

Julius Werry City Clerk of said
City on oath says that the foregoing List is a true
Copy of the delinquent List filed in my Office
January 18th 1858 and that no payments have
been made thereon since

Julius Werry City Clerk

Subscribed and sworn
to before me this 23^d day of Feb'y 1858

J. Smalley Clerk
C. S. Hancock Dep't.

State of Illinois }
 Jasper County } County Court

March Term W.D. 1858
 To Hon John C. Champion
 Judge of said Court

Albert F. New
 City Collector of the City of Ottawa County and State
 aforesaid prays that a judgement may be entered
 against the Lots & parts of Lots in the foregoing List
 described and that a precept may issue thereon
 commanding the Sheriff to see the same to make
 such Taxes and Costs

Albert F. New
 City Col.

+ Also the following proof of Publication of said List

Memorandum
 List of Town Lots within the Limits of the Corporation
 of the City of Ottawa deemed benefited by the Construc-
 tion of a Sewer through and under the Centre of
 Jefferson Street from the West Side of Clinton Street
 to Fox River and the sums of Money assessed thereon
 by Commissioners which remain due & unpaid

Original Town of Ottawa

In whose name assessed	Description	Lot	Rate	Valuation	Amount of Assmt ⁿ
Trustees of Free Church		2	13	\$ 3000	20 00
F. J. Eichberger	Ch ^h	3	"	1500	5 00

Subs Addition to Ottawa

Est of D. Buchanan		4	66	1000	20 00
Do		5	66	1000	20 00
Martin Murray		13	"	300	15 00
Do		14	"	1000	45 00

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Walter Thompson		2	84	1500	50 00
J & N Burns	W 1/3	5	"	500	23 33
Episcopal Church	E 2/3	5	"	2000	46 67
J. G. Gay	S 1/2	1	85	1500	15 00
John C. Watman	S 30 ft.	2	"	200	2 00
Do		4	"	2000	30 00
Est. L. M. Griggs		4	"	6000	70 00
Methodist Ep. Church		10	"	2000	48 00
XXXXXX		10	"	2000	48 00
Wm. D. Buchanan	Und 1/2	11	"	1000	32 50
Do		13	"	500	32 50
Samuel Gundry		1	86	2000	14 00
Do		2	"	500	8 00
Do		3	"	500	8 00
W. W. Woodland		11	"	1500	20 00
Wm. D. Woodland		5	"	1500	20 00
Do		6	"	2000	14 00
Wm. D. Buchanan		9	"	2000	45 00
Milton D. Swift	W 1/2	10	"	800	10 00
S. D. Morris	S 1/2	10	"	800	10 00
Do		12	"	500	12 00
E. B. Taylor		13	"	1000	25 00
Baptist Church		14	"	2000	46 00
Edmund Woodland	W 90 ft.	3	89	1000	17 00
Peter Russell	S 20"	3	"	200	3 00
Edmund Woodland		4	"	2000	40 00
Peter Russell		5	"	2000	25 00
Wm. D. Morris	S 45"	2	90	200	5 00
Do	S 1/2	6	"	1000	15 00
F. C. Hory	S 1/2	8	"	1000	25 00
S. Cunningham		14	"	1000	30 00
Unknown		5	91	1000	60 00
M. D. Dinnick		7	92	1500	55 00
XXXXXX					

State of Illinois }
 County of ~~LaSalle~~ ^{LaSalle} } S.S.
 City of Ottawa

I, Albert F. Don City Collector
 for the City of Ottawa in the County of LaSalle &
 State of ~~Illinois~~ ^{Illinois} 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
 Judgement 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
 Albert F. Don City Coll.
 City of Ottawa Jan'y 30th 1858

State of Illinois }
 County of LaSalle } S.S.
 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 judgement was
 Published in the Ottawa Free Trader a weekly Newspaper
 printed at Ottawa in said County on the 30th day
 of January 1858 being on six days previous to
 the first Monday in March 1858 that the number
 of Copies of said Paper issued for that week's List
 and notice correspond 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 Manuscript
 Copy furnished by the City Collector of said
 City of Ottawa & County of LaSalle and State of
 Illinois

Given at Ottawa
 30 Jan'y 1858

Wm. Odman
 Publisher

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Filed 23 day of Feb 1858

J. Smiley Clerk
U.S. District Court

On the 8 day of March 1858 Objections to said
Judgement being returned were filed by
the Owners of the following Lots viz

Notes Addition to Ottawa

		Lot	Value
Est. D. Buchanan		4	66
Do		5	66
J. E. Gay	S 1/2	1	85
Est. C. H. Griggs		7	85
Wm. D. Buchanan	Wid. 1/2	11	85
Do		12	"
A. St. Lawrence		4	86
Henry Stewart		5	86
Do		6	"
Wm. D. Buchanan		9	"
Peter Russell	S. 1/2	3	89
Do		5	89
Wm. Moore	S 1/2	2	90
Do	S 1/2	6	90
S. Zimmerman		14	90
M. W. Linnick		1	92
Baptist Church		14	86
Martin Murray		13	66
Do		14	66

The Objections were as follows viz
State of Illinois (In County Court
Lafayette County Mo. Term of March Term W.D. 1858

#3
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The City of Ottawa

Trustees The Church &c

3
3
3
Sut for Taxes

And now come said Defendants and says that judgement ought not to be rendered against the Real Estate in Warrant No 18: mentioned for said Assessment and four causes of objection show to the Court here the following viz

1st Because the assessment for said improvement was made under Sec. 3 Art. 1 of the City Charter and is void the 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 the Real Estate subject to Taxation or assessments in the natural Division specified thereby

3rd Because the Commissioners who made said Assessments did not before entering upon their duties in that behalf give to all persons interested therein and Owners of 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 and view the premises assessed but made said assessment at the Office of the City Clerk without any actual view of the premises and the benefits or advantages 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 assessment Roll and the filing of the same with the City Clerk the said Clerk did not give any sufficient notice as required by Law to the Parties whose interests were affected by said assessments of the time and place fixed for

15 the hearing of Objections thereto by the 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 the property assessed nor that
such persons had no Goods + Chattels whereon to
levy for the satisfaction of said assessment and
the said persons had sufficient personal property
to satisfy said assessment

7th Because there is no Legal return by the collector
to said Warrant the purported return being void
on the ground that it was made more than thirty
days after the date of the Warrant which was the time
limited therein for making such return

8th Because some of the corners of Lots 17 + 18 in
Block 26. N^o 2 of Lot 7 in Block 53 and Lot
7 in Block 85 in State Addition to Ottawas
were Minors and no application was made by the
City Council to either the Judge of the Circuit or
County Court for the appointment of a Guardian
for said minors nor was any notice served upon
the Guardian of said minors as required by
Law

9th Because Lot 13 in Block 35 Lot 10 in
Block 85 and Lot 14 in Block 86 are all Lots
with Public Church Buildings thereon used
exclusively for the purpose of Religious Worship
and are exempt by Law from all taxation or
assessment whatever

10th And because said proceedings are in many
other respects informal and insufficient in Law

Wm. W. & Chas. Atty.
for Defs Objecting

Yorrs + Cook appeared for the Trustees of the Free Church to whom was assessed Lot D in Block 13 in Original Town of Ottawa and filed same objections filed by Rushman + Gray
 Dated March 8th 1858.

On the hearing of said Objections the following Evidence was introduced
 Viz, 1st The assessment Roll to which there was an objection except ~~into~~ the notices thereunto attached which notices read as follows

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 Ten Thousand Dollars on the Real Estate in the part of the City by us deemed benefited by the construction of a main sewer through and under the Centre of Jefferson Street from the West side of Clinton Street to the River will meet at J. H. Rogers Office in said City on the 19th day of September A.D. 1857 at 9 o'clock A.M. for the purpose of making said assessments

Sept 1. 1857

J. Warner
 S. Raugh
 Geo. B. Macy } Comrs

Dated Certificate to said notice attached
 This certifies that the aforesaid notice in reference to the Jefferson Street Sewer in the City of Ottawa was published in the Ottawa "Free Trader" a Weekly Newspaper published at Ottawa, Leflore County Illinois in the number of said Paper dated September 13th 1857

Wm. Asman
 Publisher

17 And by the Return of the Commissioners to said
Assessment Roll affixed it appeared that said
Commissioners
did meet at the time and place in said notice
designated and then and there made 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 to
assess the sum of Three Thousand Dollars on the
real estate in the part of the City comprised by the
Construction of Main Street through and under
the Centre of Jefferson Street from the West Side
of Clinton Street to Fox River 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 6th day of October A.D. 1857
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 advise or confirm or annul
the same

Sept. 26th 1857

J. Long City Clerk

Extra Certificate attached to said notice
This certifies that the annexed notice ~~was~~
was published in the Ottawa Free Trader a
weekly Newspaper printed and published
at Ottawa, ^{LaSalle} County and State of ^{Illinois} ~~Illinois~~ for two
successive issues commencing with the number
of said paper dated Sept. 20th 1857

Wm. Corman Corporation
Ottawa 7th Oct. 1857
Print. & Publisher of said Paper

And by the Record of the proceedings of the City Council it appeared that the City Council did at the time and place in said notice designated confirm said assessment after hearing all objections thereto

The warrant of the City Collector attached to said assessment Roll which was in the words and figures following

State of Illinois }
 Tazewell County }
 City of Ottawa }
 Whereas the City Council of the City of Ottawa did on the sixth day of October A.D. 1857 confirm the assessment duly made and filed in the Clerk's Office by the Commissioners appointed by said City Council to assess the sum of Three Thousand Dollars on the real Estate in the part of the City described hereinafter by the construction of a Main Sewer through and under the Centre of Jefferson Street from the west side of Clinton Street to The River in proportion as nearly as may be to the benefits resulting therefrom, in pursuance of an order for said Assessment made by the said City Council on the Eleventh day of August A.D. 1857 and amended on the Eighth day of September A.D. 1857 and did thereby assess the sum of Three Thousand Dollars upon the Real Estate described in said Assessment Roll in the respective proportions thereof marked as "Assessment" set opposite to each Lot and part of Lot and Real Estate described in said Roll which said assessment Roll is in the words and figures above set forth

Now therefore you are hereby commanded to make Levy and collect of the Goods and Chattels of the respective owners of the Real Estate above described the several sums of money

Where the Board of George E. Walker
Mayor of said City and the corporation are
thereof the 18th day of December A.D. 1858
G.E. Walker Mayor

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assessed thereon for which each may be liable as
aforesaid and hereby make an return in what
manner you shall have executed this writ within
thirty days from the date hereof

Attest ~~Wm. the Hon. George E. Walker~~
J. Army City Clerk ~~George E. Walker Mayor~~

Returned and filed January 18th 1858
J. Army City Clerk

The collectors return to said Warrant is the delinquent
List heretofore set forth and his Certificate
Therunto attached

3^d The following Ordinances are parts of Ordina-
nces now in introduction

An Ordinance concerning
Assessment 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

Commissioners Notice

Public Notice is hereby given to all persons intro-
duced 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 assessed and listed
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

Ottawa — 185

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

20 The Commissioners shall attach to their Assessment
 roll a certificate of such publication signed by
 the Proprietor 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 ^{and no less} 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 Stock 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

Department Notice

City Clerk's Office

Ottawa — 185

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 benefited 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 ~~at~~ in my Office 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 pass and confirm or amend the same.

A. W. Clark

Section 10 of said Ordinance — When all objections to ~~said~~ the Assessments shall have been heard and the same revised and corrected by the City Council an Order of Confirmation shall thereupon be entered by the City Clerk (if such an order shall be made which order 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 — 185 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 no objections thereto having been made as the case may be) it is therefore — Ordained 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.

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 for the return of General Warrants. The order of sale shall be entered by the City Clerk and the sale and return thereof shall be made by the City Collector in the manner prescribed ~~for~~ for Taxes. All warrants for special assessments shall be charged by the City Clerk to the Collector receiving the same & such Collector shall be liable —

therefor in the same manner & to the same
Extent as he is for General Taxes.

22 Section 12 of said Ordinance. — An assessment
shall be deemed to be invalid in any case where
the same shall be made in conformity with said
act though the same shall not be made in confor-
mity with the proceedings and forms therein
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 of this State." Approved March 1st 1854

Sec. 1st 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 Tazewell 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
 judgement shall issue a precept or order to the
 City Collector directing him to sell such delin-
 quent Lots or Real Estate at Public Auction to
 pay such 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.

Section 3rd. It is 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 proceedings 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 Tazewell 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 & costs and said Court upon
 such application being made shall render
 judgement against such Lot or Real Estate for the
 amt. 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 judgement and costs in the same manner
 and with like effect as if sold upon Execution at Law

24 Martin Murray testified that one of the Heirs
of C. H. Nigro was a Minor - Which was all the
testimony in the case

The Court refused to Annul
Judgement against the Sols or parts of Sols in
said delinquent List to which objections were
made and to the decision of the Court in so
refusing to Annul Judgement the City of Ottawa
excepts. And prays the Court to sign and seal this
bill of Exceptions which is done

J. C. Champlin Secy

State of Illinois
Ladell County

J. Philo Lindley clerk of
the County Court of said County. hereby
certify the foregoing to be a full, true
and complete copy of the record and pro-
ceedings in the case wherein the City of
Ottawa was plaintiff and the Trustees of
the Free Church &c. &c. were defendants
as appears of record

Witness my hand and the
seal of said Court at Ottawa
this 16 day of April 1858

Philo Lindley CM
Ed. H. Smith, C. P.

Jan. 7.50 - for 75. fol. }
 .35 " " " }
\$ 7.85 -

Supreme Court - 3^d Division - April Term 1858.

The City of Ottawa }
vs. }
Trustees of the Free Church &c. }

And now comes the plaintiff in error by Leland & Leland & J. Avery, & says, that in the record & proceedings in this cause, there is manifest error, in this, to wit; —

The Court below erred in refusing to enter judgment for the assessment & in sustaining the objections to the judgment.

And for these & other errors apparent in said record, the plaintiff in error prays that the judgment & determination of the Court below in this respect, may be reversed, annulled & set aside.

Leland & Leland & J. Avery
for plff. in error

And now come the said defendants in error, and say, that in the record and proceedings aforesaid, there is no error. Wherefore they pray that the judgment aforesaid be affirmed &c.

Olive C. Gray
Att. for Defs in error.

131
The City of Ottawa

The Trustees of the Free
Church etc.

Transcript & auct.
of records.

Filed April 12 1858

L. Leland
clerk

131 = 36

The City of Ottawa

or

The Trustees of the Free
Church of St. Paul

131

12542

1858

Prepared