

13532

No. _____

Supreme Court of Illinois

Adams .

vs.

City of Chicago.

71641  7

STATE OF ILLINOIS.

SUPREME COURT,

Third Grand Division.

No. 310.

1860

Adams

County of Cook

Chicago

13532

STATE OF ILLINOIS, SUPREME COURT,

THIRD GRAND DIVISION,

APRIL TERM, 1860.

CITY OF CHICAGO }
vs. } No. 248.
J. B. WALLER *et al.* }

SAME }
vs. } No. 308. 310
B. B. ADAMS. }

In the first case,—

Judgment could not be entered in favor of the City, for the reason that the valuation of the property was not set down in the assessment roll, and no application was made to amend it in this particular.

Municipal Improvements 419
21 Dec 67
Lawrence vs. East, 20 Ill. 340.
Gibson vs. City of Chicago, 22 Ill. 572
Brown vs. City of Joliet, 22 Ill. 123.
Sec. 4, Chapter 7, of City Charter.

In the second case,—

Court could set aside a default as well in this as in any other case.

Gibson vs. City of Chicago, 22 Ill. 572.

Objection was made to judgment in this case, for the reason that the valuation was fraudulently fixed by commissioners at three times the actual value of the premises, and it was competent for the defendant to show this.

Pease vs. City of Chicago, 21 Ill. 500.
Morrison vs. City of Chicago, 22 Ill. 573.

HOYNE, MILLER & LEWIS,
For Defendants in Error.

248 + 310
Lap. Curr.

B. B. Adams

and

Levy & Co.

Lyon Point

Filed May 11, 1860

L. L. Clark

Clerk

STATE OF ILLINOIS, SUPREME COURT,

THIRD GRAND DIVISION,

APRIL TERM, 1860.

CITY OF CHICAGO,
Plaintiff in Error,
vs.
BENJAMIN B. ADAMS,
Defendant in Error.

Page of Rec.

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On the opening of Court, the Court caused the following order to be entered :

“ Ordered by the Court, that all objections to judgment on the general warrant for taxes, and on *special* warrants for assessments, be made in writing, and filed with the Clerk by Saturday morning next, at 10 o'clock.

16 February 2d, 1860, the case was called, and no defence being offered in the case, a judgment was rendered against lot 16, block 33, in Carpenter's Addition, the property of the defendant in this case by default, no objections having been filed or person appearing for and on behalf of the said lot.

19 On the 6th day of February, 1860, the defendant came and filed his motion to set aside the judgment, which motion was based upon the following affidavit :

STATE OF ILLINOIS, }
Cook County, } ss.

Luther Haven, being duly sworn, deposes and says, that he is the agent of said Benjamin B. Adams, and that said Adams is the owner of lot 16, in block 33, in Carpenter's Addition to Chicago, and that the same is included in warrant 366 west, issued to collect the assessment made for the filling and grading of West Randolph Street, and this deponent has just learned that judgment has been entered upon said warrant, against said lot, for three hundred and twenty dollars; that said warrant in respect to said assessment upon said lot, is liable to the objections filed on behalf of John R. Case and others, and this deponent is informed and believes, that if said objections had been filed in respect to said lot, no judgment would have been entered in said warrant against said lot.

This deponent further says, that said *John R. Case* and *others*, who *filed objections* to said warrant and the entry of judgment thereon, *employed* Messrs. Hoyne, Miller & Lewis to prepare and file said objections, and resist the entry of judgment upon said warrant, and that *before their* employment in that behalf said Hoyne, Miller & Lewis agreed to file objections and resist judgment upon said warrant for a certain sum in behalf of such of the property owners, affected by said assessment, as should wish to have objections made thereto, and that thereupon, said property owners, consisting of said *John R. Case and others* employed said Hoyne, Miller & Lewis, for the purpose aforesaid, and this deponent *authorized* and requested the said John R. Case, to have said lot of said Adams included, and to *employ* said Hoyne, Miller & Lewis on behalf of said Adams, to resist the entry of judgment against said lot upon said warrant, and this deponent agreed to pay such portion of the fee of the said Hoyne, Miller & Lewis as should properly be chargeable to said lot, in connection with the other lots, in respect to which said judgment should be resisted by them. And this deponent has acted with said John R. Case and others, from the beginning, in resisting the entering of judgment upon said warrant.

This deponent further says, that he afterwards understood that said Hoyne, Miller & Lewis had been employed by said John R. Case and others, for the purposes aforesaid, and this deponent supposed that said lot was represented by said Hoyne, Miller & Lewis, and that objections had been duly filed to the entering of judgment against said lot, and this deponent attended the first two days of the session of the Court for the purpose of being present at the hearing of the application for judgment upon said warrant, and for the purpose of preventing any judgment from being entered against said lot; that this deponent *counselled* with Thomas Hoyne, of said firm of Hoyne, Miller & Lewis, respecting the illegality of said assessment, and supposed that he was talking to him as his attorney in that behalf, and that he had been regularly employed to act for the owner of said lot in resisting judgment upon said warrant, and that said Hoyne so understood it; that said Hoyne, Miller & Lewis desired of one or two of the parties, owners of property, and who were resisting judgment upon said warrant, to make out a list of names of all the owners of property who were resisting judgment upon said warrant, together with a description of the property affected by said assessment and that by a mere mistake, and accident the name of Adams and description of said lot were not included in said list, and that for this reason alone, said objections were not filed in respect to said lot. Deponent further states that he authorized Case to employ Hoyne, Miller & Lewis, and that he supposed, until this morning, that the lot was included among the list of lots to which objections were made to apply, and has always been ready and expected to pay them therefor, and that

Page of Rec. it was a mere inadvertence that said lot was not included. Deponent prays that the judgment may be set aside, and he be permitted to file his objections to entering of any judgment on said warrant against said lot. That the deponent represented no other lot affected by said warrant, and that he had devoted a good deal of time for the purpose of preventing judgment against said lot, &c.

Signed,

Sworn to, &c.

LUTHER HAVEN.

The Court set aside said judgment upon this affidavit, to which decision of the Court the plaintiff excepted.

That upon said judgment being set aside, that said defendant filed, among other objections, this: "that the property was fraudulently valued by the Commissioners, who levied the assessment at four times its actual value, and that they assessed the same at nearly three per cent. of such fraudulent valuation for said improvement, being nearly nine per cent. upon its actual value."

The defendant also filed the same objections that were filed in the case of *City of Chicago vs. Waller and others*.

25 Objection was made by plaintiff to the defendant's filing any objection in the case, but the Court overruled the objection, and permitted the defendant the same, to which decision of the Court the plaintiff then and there excepted.

It is admitted that the value of the lot in question was put by the Commissioners, who levied the assessment, at \$11,000, and assessed at \$32.00. To sustain the objections, the defendant called as witness, first, *E. W. Herrick*, who swore that he was not acquainted with the particular lot in question; was told where it was, and that it was 50 feet front, &c. He was then asked the question, "How much was worth per foot in 1858, in May, cash price?" which was objected, but the objection was overruled, and exception taken; stated that it was his impression that the lot could not have been sold for \$80 per foot, in canal time, and was worth about \$70 or \$75 per foot, cash.

On cross examination, stated, that he had no business now, and that he was not a real estate dealer in 1858, but bought and sold some, and kept posted up West and North. Did not know of any sales in that block where this lot was situated in 1858; says don't know that there was any value in 1858; spoke of the values in 1857; never heard of any sales afterwards; was offered property adjoining Carpenter's at that time, for less than 70 dollars per foot.

27, 28 *Luther Haven*, agent of the defendant in this case, was asked what the cash value of the lot in question was, in May, 1858, which question was objected to, but overruled by the Court; exception taken.

Page of Rec. Answered, that the cash value could not have been 70 dollars per foot, in 1858.

On cross examination, stated, that he sometimes traded in real estate; have bought and sold some real estate in the town; cannot say that he had been a dealer since 1857. Don't know of any lots being sold during the last year in this block; endeavored to sell this lot once in 1857, at 100 dollars per foot.

John R. Case stated, in regard to employing his counsel to defend this case, that he never had any conversation with either Mr. Miller or Hoyne; that the property holders on Randolph street held a meeting on the West side, in regard to this assessment, and I attended that meeting; we there agreed to unite and employ counsel to oppose the special assessment; after that, negotiations took place, in which counsel were agreed upon.— I went there to represent myself, and in part, Mr. Haven. He told me whatever I did, and the balance of us did, he would unite in, and pay his proportion, and directed his lot to go in.— I made that assertion at the meeting; I *supposed* it was acted upon, but found it was left out, but afterwards had it put in.— Stated that he was acquainted with the lot in 1858; that it would be difficult to say what it was worth in 1858; supposed that it would have sold for \$80 a foot front, on canal time. All his evidence as to value was objected to, and objection overruled, and excepted.

On cross examination, said that he dealt very slightly in real estate in 1858; was acquainted with property on the West side, and owned property near this lot; thought the lot worth \$80 a front foot.

E. H. Cummins was asked as to the value of the lot in 1858, which was objected to, but overruled, and exception taken.— Stated that thought the lot worth \$60 a front foot, in 1858.

Isaac Shelby was asked as to value of property; his evidence objected to, but overruled, and exception taken; he then stated that he thought the lot worth \$80 per foot front, in 1858.

This was all the evidence offered by the defendants.

Reuben Taylor, on being sworn, testified, that he had dealt in real estate in the City, in 1857 and '8. He was then informed that the lot was 50 feet front, by 100 deep. Stated that he sold property in that vicinity, in 1858, for \$80 and \$100 a foot; thought that the lot was worth \$100 per foot, on time.

On cross examination, stated that he should not differ very much from the other witnesses.

The plaintiff assigns for error:

1st. That the Court erred in setting aside the judgment in this

case, and permitting defendant to come in and defend, and to file objections to the rendition of a judgment.

2d. The Court erred in permitting the defendants to introduce parol evidence as to the value of the lot in question.

3d. The Court erred in overruling the objection made by the plaintiff to the questions severally asked the witnesses, Herrick, Haven, Case, Cummins and Shelby, as to the value of the lot in question.

4th. The Court erred in permitting the defendants to introduce any parol testimony whatever, as to the value of the lot in question, it being the duty of the Commissioners who levied the assessment to fix the valuation, and their valuation is conclusive.

5th. The Court erred in rendering a judgment for the defendant.

6th. The Court erred in not rendering a judgment for plaintiff.

E. ANTHONY,
For Plaintiff in Error.

49
310

47

City of Chicago

v

Adams

Abstract

Filed Apr 27, 1940
Shelton
Clerk

Printed by Beach & Barnard, 14 Clark Street, Chicago

SUPREME COURT OF ILLINOIS.

Third Grand Division, }

APRIL TERM, A. D. 1860. }

No. 248

CITY OF CHICAGO, }

vs. }

JAMES B. WALLER,

No. 310

CITY OF CHICAGO, }

vs. }

BENJAMIN B. ADAMS.

PLAINTIFF'S POINTS.

These were two cases which arose upon the same assessment.

I.

The same question arises in the case of Waller that was discussed in the case of the *City of Chicago vs. Walker*; and, the same authorities which were quoted in that case, are relied upon in this case. And, I insist, that the Court erred in not permitting the plaintiff to show what the column of figures in the assessment warrant meant.

Brown vs. City of Joliet. 22 Ill. 125.

Einstein vs. City of Joliet, 22 Ill. 126.

II.

In the case of *City of Chicago vs. Adams*, the Court erred in setting aside the judgment which was taken by default against his lot ; because,

1. The judgment was a judgment by *default*, regularly entered, exactly in conformity with sec. 43 of amended charter of the City of Chicago, no one appearing to make any objection or opposing the same.

Bristol vs. City of Chicago, 22 Ill. 587.

2. The Court erred in setting aside the judgment, upon the affidavit of Haven, because it does not appear that *he* ever *retained* any counsel to appear in the case whatever ; or, that anybody else, for him, ever employed or *retained* any counsel to appear and make objections to the rendition of a judgment upon the defendant's lot.

3. The affidavit was insufficient and did not show sufficient reason to authorize the Court to set aside the judgment.

III.

The Court erred in permitting the witnesses, Herrick, Haven, Cummins and Shelby to give testimony as to the value of the property. Because the Commissioners who levied the assessment had complete jurisdiction over the subject-matter ; and it was their special duty and province *to* value the property, and their valuation was absolutely conclusive.

The State vs. Ross, 3 Zabriskie, 517.

“ “ *Quaife*, 3 Zabriskie, 89.

(3)

Haight vs. Day, 1 Johns. ch. 18.

Extension of Hancock street, 18 Penn. 32 ; 19 Penn. 271 ;
16 Barb. 248 ; 7 Barb. 127.

Town of Rochester vs. Town of Chester, 3 N. H. 349.

Matter of Pearl street in City of New York, 19 Wend. 651.

“ “ John and Cherry streets, in City N. Y. 19 Wend. 668.

“ “ William and Anthony streets, in City of New York,
19 Wend. 681.

IV.

The Court erred in rendering a judgment for the defendants
and the same should be reversed.

E. ANTHONY,

Attorney for Plaintiff in Error.

148 149
248 + 810
~~511~~ 4.6
City of Chicago

^{no}
J. B. Walker

City of Chicago

^{no}
S. B. Adams

Puff's Point

Filed May 4. 1860
A. A. Land
Clerk

Supreme Court

B. B. Adams

ans

The City of Chicago

The Council for the City insists
that the confirmation of its request
opportunity of the Common Council
as provided by another view of the
City Charter is a judicial act
and appears to conclude the
rights of all parties interested. - and
that afterwards no question can
afterwards be raised except such as appear to
be the regularity of its proceedings
It is sufficient to reply to this
position that if this confirmation
is a judicial act, it is an exercise
of judicial power

All judicial power is by the Consti-
tution vested in the Supreme Court
in Circuit Courts County Courts
and in Justices of the Peace

How then can the Common
Council exercise judicial power
when all judicial power is vested
elsewhere by the Constitution. -

It must have that effect to
shut out these defenses to give
it that effect would be a violation
of its constitution

The true effect of it is simply
to ascertain its amount claimed
of the ~~amount~~ city in its proper
of taxes & assessments

When its application is made
for judgment for this amount to
the party against whom this claim
is made can appear in court &
insist that it is not due

and like a defendant in any other
suit he is permitted to offer any
evidence showing that the
amount is not due. If it
is so found against him &
the court determines that the
amount is due that amount
not before the decision of the court
becomes a binding judgment
and determines the rights of the
parties before it.

The reason why its confirmation
is declared of the 7th section of
Chapter 20 of its charter to be final
and conclusive is that of the

8th Section of Chapter 8 of the former
Charter the Commission cannot
be authorized to admit a sale of
admiralty parcels without the
interim of any judgment of
any court.

But the amended Charter of 1857
expressly the Commission cannot be
applied to a court of record for judgment
before a sale can be made. - and
parties are permitted to appear &
contest the application without
any limitation upon the character
of the expenses they may make.
This is clearly inconsistent with the
effect of its confirmation as declared
by the 7th Section above referred to -
The record shows that all the
witnesses called upon to testify testify
with regard to the value of the property
even with acquiescence with its value
Wm. Bruce has
signed it.

310 - 149
Lup. curv.

B. B. Adams

with
Lab. y. (Ming)

Brig

Faded May 11. 1860

L. Leland
Clerk

United States of America
State of Illinois - Cook County

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 Special 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 fourth Thursday
Twenty sixth day of January in the year of our Lord one
thousand eight hundred and sixty and of the Independence
of the United States of America the eighty fourth year
of the time and place of holding said Special Term of the
Court having been printed and published in the Daily
Press and Tribune the Corporation Newspapers of the City of
Chicago for Twenty days previous to the holding of said
Term of Court in accordance with the Statute in such a
case made and provided and in pursuance of an order made
by the Judges of said Court on the Fourth day of January
A. D. Eighteen hundred and sixty.

Present The Honorable John M. Nelson . . . Chief Justice
of the Superior Court of Chicago.

Wm H. Higgins & Grant Governors . . . Judges

Charles Hawes Presenting Attorney

John Gray Sheriff of Cook County

Attest,

Walter Kimball, Clerk

Be it remembered that on this twenty sixth day of January A. D. Eighteen hundred and sixty Carlisle F. C. Munster, City Collector of the City of Chicago reported and filed with the Clerk of this Court a List of Lands Lots and parcels of Land and other Real Estate situated in the City of Chicago aforesaid on which taxes remained due and unpaid for the year therein set forth, and attached to said Report was a Certificate of the Press and Tribune Company signed by G. D. Williston of the due publication of Notice as required by law of the making and delivering of the Warrant for the Collection of said taxes to the said C. F. C. Munster, City Collector as aforesaid And also attached to said Report was a Certificate signed as aforesaid of the publication in the daily Edition of the Chicago Press and Tribune of the Notice of the intended application for a writ of judgment against said Lands and other Real Estate and the time of Court as required by the law of this State approved February fourteenth A. D. Eighteen hundred and sixty (A copy of which said Report, Notice Certificate and Collector's Warrant is hereinafter set forth.)

Ordered by the Court that all objections to judgment on the General Warrant for Taxes and on Special Warrants for Assessments be made in writing and filed with the Clerk of this Court by Saturday Morning next at Two o'clock.

Copy

Collectors Report heretofore referred to.

Of the January Special term of the Superior Court of Chicago in the year of our Lord one thousand eight hundred and sixty.

To the Honorable Chas. M. Nelson, Vero St. Higgins and Grant Goodrich Judges of the Superior Court of Chicago.

The Report of Adolphus F. C. Mueller City Collector of the City of Chicago, respectfully represents that the Special Warrants mentioned in the Schedule herunto attached, issued for the Collection of the Special assessments and taxes, authorized by law, for the purposes therein generally set forth, made out in the manner required by law and countersigned by the City Comptroller, were delivered to him the said City Collector on or before the Second Tuesday of October A. D. 1859.

That forthwith after the delivery of said Warrants to him he published a Notice in the Corporation Newspaper of said City, that such Warrants were in his hands for Collection, briefly describing the nature of each of said Warrants, and requesting all persons forthwith to make payment thereof at his Office, and that in default of such payment, the said taxes and assessments would be collected at the Cost and expense of the persons liable for the payment of such taxes and assessments, which said Notice were generally published for Thirty days in said Corporation Newspaper.

That he has given ten days notice of his intended application to this Court for Judgment against the Lands, lots and parcels of land for the amount of taxes, assessments, interest and costs

4

respectively due thereon, before the first day of the January
Special Term of this Court A. D. 1860, briefly specifying the
nature of the said Warrants upon which said application was to
be made and requesting all persons interested therein to attend
at said term - A copy of which said Notice is herewith filed
together with a certificate of the due publication of said Notice,
from the publisher of the said Corporation Newspaper in which the
said Notice was published.

That the Annexed Schedule is a correct list of the lands
and parcels of Land together with the amount of taxes and
assessments, interest and costs respectively due thereon as set forth
in the said Warrants which remain unpaid and uncollected.

Wherefore your said Petitioner prays that judgment may
be rendered as in such case made and provided.

(Signed) Chas. E. Mueller
City Collector."

" State of Illinois
Cook County .. S.

I Charles E. Mueller City Collector for the
City of Chicago, do solemnly swear that the Annexed list
by me made is to the best of my knowledge and belief,
true - and that the Annexed Schedule is a true and correct
list of the delinquent Lots Lands and parcels of Land upon
which I have been unable to collect the taxes and assessments
as required by law for the year 1859 as herein set forth

that said taxes and assessments remain due and unpaid and
uncollected as above stated.

Subscribed and sworn to before me *A. H. C. Mueller*
this twenty sixth day of January, A.D. 1860.

Walter Churchill

Clerk Superior Court, Chicago.

Copy

Notice and Certificate.

" City of Chicago

City Collector Office May 31. 1859.

*Notice is hereby given that the following Warrant
is in my hands for Collection.*

*"Warrant No 366 Out for Felling, building
Meadamizing West Randolph Street from Halsted Street
to Union Park.*

*The persons are requested forthwith to make payment of said
Warrant at my Office, or the same will be collected at the cost and
expense of the persons liable to the payment of the Assessments.*

A. H. C. Mueller. City Collector."

*"We the undersigned publishers of the Chicago Press and Tribune
do hereby certify that a Notice of which the annexed is a true copy
was published Thirty consecutive days next after the 31st day of
May 1859 in the daily edition of the Chicago Press and Tribune a
Newspaper published in and of general circulation throughout the
County of Cook. State of Illinois*

Chicago, Illinois

May 25. 1859.

Press & Tribune Co

By G. D. Williston

5

Copy Warrant.

" Special Warrant No 366 No.

" State of Illinois

City of Chicago

§ The People of the State of Illinois to the
Collector of the City of Chicago: Greeting.
Whereas the Common Council of the City of Chicago did on the
fourth day of October 1858 confirm the Assessment duly made
and filed in the Clerk's Office by the Commissioners appointed
by the said Common Council to assess the sum of Twenty two
thousand two hundred dollars upon the Real Estate in the West
Division of said City deemed benefitted by paving, curbing and
macadamizing West Randolph Street from Halsted Street to Union
Park in proportion to the benefits resulting there in pursuance of an
Order for said assessment made by the said Common Council on the
Nineteenth day of July 1858 after duly reviewing the same, and
did thereby assess the said sum of money upon the Real Estate
described in the Roll of said assessment in the proportion
proportions thereof marked "Assessment" set opposite to each lot
part of lot and real Estate described in said Roll: Which
Roll is in the words and figures following, to wit:—

Assessment Roll.

A description of the Real Estate in the West Division of
the City of Chicago deemed benefitted by Macadamizing West
Randolph Street from Halsted Street to Union Park, with the
valuation thereof, and the sums of money severally assessed thereon
for benefits by the Commissioners, to wit:—

Carpenters Addition to Chicago

Name of Owner	Description	S Lot	Lot	Block	Valuation	Assessment
L. M. Mancusca			4	28	5000	82 22 Paid
"			8	"	4000	62 81 Paid
P. C. Carpenter			23	29	2500	41 11 Paid
"			24	"	2500	41 11 Paid
"			25	"	2500	41 11 Paid
"			26	"	2500	41 11 Paid
"			27	"	2500	41 11 Paid
"			28	"	2500	41 11 Paid
"			29	"	2500	41 11 Paid
"			30	"	2500	41 11 Paid
"			31	"	2500	41 11 Paid
"			32	"	2500	40 29 Paid
Isaac Shuler & Co			18	30	5000	83 86
"			19	"	5000	82 22
"	6 1/2		20	"	2500	41 11
S. S. Hayes	14 1/2		"	"	2500	41 11
"	Ex 6 30 ft		21	"	2000	32 89 Paid
Henry Taylor	Ex 30 ft		22	"	3000	49 33 Paid
Arthur Belo			14	31	5000	83 86 Paid
Stephen Dorr			15	"	5000	82 22
H. Shaw			16	"	5000	82 22 Paid
C. B. Formale			17	"	5000	82 22 Paid
J. H. Millinger			18	"	5000	82 22
"			"	"	5000	82 22
Isaac Shuler & Co			18	32	5000	82 55
"			19	"	5000	82 22

Names of Owner	Description	S Lot	Lot	Block	Valuation	Assessment
Chas. Shelby, Jr.	E 1/2		20	32	2500	41 11
	W 1/2		"	"	2500	41 11
			21	"	5000	82 22
			22	"	5000	82 55
Geo. Manier			14	33	11000	320 00
Cyrus Bentley			15	"	11000	320 00
B. B. Adams			16	"	11000	320 00
R. S. King	E 1/2		17	"	5500	160 00
A. J. Sawyer	W 1/2		"	"	5500	160 00
R. S. King			18	"	11000	320 00 Paid
J. B. Gass			14	34	11500	332 00
P. McGrath			15	"	11500	332 00 Paid
E. A. Bragg	E 1/2		16	"	5600	166 00 Paid
Elizabeth Foote	W 1/2		"	"	5600	166 00
John Stevens	E 1/2		17	"	5600	166 00
"	W 1/2		"	"	5600	166 00
W. B. Hutchinson			18	"	11500	332 00
J. B. Waller			14	35	12500	370 00
"	W 3/4		15	"	8200	222 00
A. B. Burdett	E 2/3		"	"	5000	148 00
R. Whipple	E 1/2		16	"	6200	185 00
Wm. Austin	W 1/2		"	"	6200	185 00
C. R. Haggerty			17	"	12500	370 00 Paid
Abel Chapman			18	"	12500	370 00
Thos. Washburn			14	36	12500	361 24 Paid
J. Mueller			15	"	6100	180 88
W. Newberry			"	"	6100	180 88

Name of Owner	Description	S Lot	Block	Valuation	Assessment
	E 1/2	16	36	6100	180 88
	H 1/2	"	"	6100	180 88
Chas Burdette		17	"	12500	361 71
"		18	"	12500	361 71
D. McCallum		1	37	6500	193 31 Paid
"		2	"	6100	180 88 Paid
"		3	"	6100	180 88 Paid
R. Slater		4	"	6100	180 88
John Bauer		5	"	6100	180 88
"		6	"	6100	180 88
Chas Bryano		7	"	6100	180 88
Wm H. Brown		8	"	6100	180 88 Paid
"		9	37	6100	180 88 Paid
"		10	"	6100	180 88 Paid
S. F. Gale		1	38	12500	370 00
"		2	"	12500	370 00
"		3	"	12500	370 00
"		4	"	12500	370 00
"		5	"	12500	370 00
Geo. Blackfield		1	39	11500	332 00
A. F. Chavis		2	"	11500	332 00
Geo Ward		3	"	11500	332 00 Paid
"		4	"	11500	332 00 Paid
"		5	"	11500	332 00 Paid
W. Goodman		1	40	11000	320 00 Paid
"		2	"	11000	320 00 Paid

Name of Owner	Description	S Lot	Lot	Block	Valuation	Assessment
A. Barby			3	410	11000	320 00 paid
"			4	"	11000	320 00 paid
R. Carpenter			5	"	11000	320 00 paid
"			1	411	6000	82 22 paid
"			2	"	6000	82 22 paid
"			3	"	6000	82 22 paid
"			4	"	6000	82 22 paid
"			5	"	6000	82 22 paid
E. L. O'Hara			1	412	6000	82 22 paid
E. H. Cummings	6 1/2		2	"	3000	41 11 paid
J. H. Gustafson	3 1/2		"	"	3000	41 11 paid
E. Williams	6 30 ft		3	"	4000	49 43 paid
G. H. Smith	3 20 ft		"	"	2000	32 89 paid
"			4	"	6000	82 22 paid
"			5	"	6000	82 22 paid
D. R. Sutherland			1	413	5000	41 11
G. Peterson			2	"	5000	41 11 paid
A. E. Sutherland			3	"	5000	41 11
H. Mordish			4	"	5000	41 11 paid
Reis Walters			5	"	5000	41 11 paid
"			6	"	5000	41 11 paid
"			7	"	5000	41 11 paid
F. Hammer			8	"	5000	41 11 paid
John Tjoeers			9	"	5000	41 11 paid
F. Schiffer			10	"	5000	41 11 paid

Name of Owner	Description	^S Lot	Lot	Block	Valuation	Assessment
C. Curtis			23	44	4000	41 11
"			24	"	4000	41 11
"			25	"	4000	41 11
"			26	"	4000	41 11
"			27	"	4000	41 11 paid
"			28	"	4000	41 11 paid
"			29	"	4000	41 11
"			30	"	4000	41 11 paid
Thos. Goodjohn			31	"	4000	41 11
C. Curtis			32	"	4000	41 11
E. H. Cummings			12	45	2500	37 82 paid
"			13	"	2500	37 82 paid
A. D. Mc Elwain			14	"	2500	37 82 paid
L. D. Olmsted			15	"	2500	37 82
John Blaisford			16	"	2500	38 61 paid

Sawyers Addition to Chicago.

W. A. & B. White			9	1	4000	92 81 paid
E. L. Otway			10	"	2000	46 40 paid
G. B. Noble			"	"	2000	46 40 paid
Wm. Butterfield			11	"	4000	92 81 paid
"			12	"	4000	92 81 paid
W. S. Johnston Jr			13	"	4000	92 81 paid
"			14	"	4000	92 81
S. Sawyer			15	"	4000	92 81 paid
"			16	"	4000	92 81 paid

Maggie Wrights Addition to Chicago

Name of Owner	Description	^S Lot	Lot	Block	Valuation	Assessment
			17	1	3000	51 96
			18	"	2500	41 11
			19	"	2500	41 11
			20	"	2500	41 11
			21	"	2500	41 11
			22	"	2500	41 11 /land
			23	"	2500	41 11 /land
			24	"	2500	41 11 /land
			25	"	2500	41 11 /land
			26	"	2500	41 11 /land
			27	"	2500	41 11 /land
			28	"	2500	41 11 /land
			29	"	2500	41 11 /land
			30	"	2500	41 11 /land
			31	"	2500	41 11 /land
			32	"	2500	41 11 /land

Wrights Addition to Chicago

S. S. Hayes		1	1	3500	82 22
"		2	"	3500	82 22
"		3	"	3500	82 22
"		4	"	3500	82 22
"		5	"	3500	82 22
"		6	"	3500	82 22
"		7	"	3500	82 22
Malcolm M. White		1	5	4000	208 83 /land
"		2	"	5000	164 43 /land

Name of Owner	Description	S Lot	Lot	Block	Valuation	Assessment
Malcom McNeil			3	5	\$600	164 143 /paid
"			4	"	\$600	164 143 /paid
"			1	6	\$600	164 143
"			2	"	\$600	164 143
"			3	"	\$600	164 143
"			4	"	\$600	164 143

Union Park Addition to Chicago

G. S. Mc Knight		19	1		4000	115 1/4 /paid
Hayes & Kuehn		20	"		3000	82 22
G. S. Mc Knight		21	"		3000	82 22 /paid
"		22	"		3000	82 22 /paid
S. J. Larned		1	2		3000	82 22 /paid
		2	"		3000	82 22
		3	"		3000	49 23 /paid
S. J. Larned		4	"		\$600	134 18 /paid

Mrs. Jane Stows Subdivision of parts of S. 8. T 39. R 14. E.

A. Bushnell & Son	See that partition for St	6			1200	26 31 /paid
Geo. Kindler		7			2000	40 29 /paid
Geo. Bollicott		8			2000	40 29 /paid
Chas. M. Martell		9			2000	40 29 /paid
"		10			2000	40 29 /paid
"		11			2000	40 29 /paid
"		12			2000	40 29 /paid

Part of Lot 3 of S. 16
cont. b'g. at S. H. cor
of D. R. R. & Ave. land

Name of Owner	Description	Lot	Set	Block	Valuation	Assessment
John Taylor	Thence N 1/4 Sec 31 3 S. 3 R. 6 44 ch. E 1/4 chs S 3/4 8 39 14				10000	139.60 paid
	Chs to beg: 1 1/2 acres Part of lot 3 of S N 1/4 Sec 31 at S. 1/4 Cor: of S. 33 land					
Joseph Wilson	Thence N 22° chs " " "				17500	238.65
	N 68° chs E 37° chs S 3/4 chs N 1/4 chs S 3 1/4 chs to beg: 2 1/2 acres					
						<u>\$22200.00</u>

Now therefore you are hereby commanded to levy writs and collect of the Goods and Chattels of the respective owners of the Real Estate above described the several sums of money assessed thereon for which each may be liable as aforesaid and hereof make due return in what manner you shall execute this writ within thirty days from the date hereof.

Corporate
Seal

Witness John C. Stamm Mayor of the City
of Chicago and the Corporate Seal thereof this
6th day of October 1888.

John C. Stamm Mayor.

Attest H. Kreismann
City Clerk

James D. Hara
City Comptroller."

Collectors Return

State of Illinois
City of Chicago

City Collectors Office

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The undersigned collector of the City of Chicago makes return to the Common Council of the within and foregoing Warrant that he has collected the Assessments on all the Real Estate described in said Warrant opposite to which in the appropriate Column the word "Paid" is written, that a demand of payment has been made of the several other assessments not marked "Paid" in every case of the persons mentioned in said Warrant, as liable to the payment thereof, and that he has not been able to find any persons properly belonging to any of them subject to the payment thereof.

He therefore returns the said Warrant unsatisfied as to all assessments not marked "Paid" on the face of the said Warrant.

City Collector."

And afterwards to wit on the second day of February (being one of the days of the said January Special Term of said Court) A. D. Eighteen hundred and sixty, the following, among other, proceedings were had, and entered of record in said Court term.

Carpenters Added to Chicago

Names	Description	S	T	Bk	Valuation Dollars	Amt of Assesst		Tax per cent Cts		Cots	Total amt due.	
						Dols	Cts	Dols	Cts		Dols	Cts
Berg B. Adams			16	33	11000	320	00	31	00			

City of Chicago } Suit for Assessment on Warrant No 3667 filed
 October 1st 1858. for Filling, Grubbing and
 L. Shelby & Co } Macadamizing West Randolph Street from Halsted
 Street to Union Park.

And now on this 2nd day of February A.D. 1860 comes said
 City of Chicago by Geo. H. Brooks, City Attorney, and due notice having
 been given of the time and place of making the intended application for
 Assessment against the Lots pieces and parcels of Real Estate in said
 Warrant set forth and objections being filed by George Monnier a
 owner of lot 14 in Block 33 in Carpenters Addition to Chicago, Francis
 Ford owner of lots No 16 17, 18, 19, 20 & 21 in Block Number one in
 Magin & Hight's Addition. Watson Perry owner of lot 20 in Block One
 Union Park Addition. Malcolm McNeil owner of Lots 1, 2, 3 and 4
 in Block 6 of Hight's Addition, S. J. Hayes owner of lots 21 & 22
 Block 33 & 1/2 lot 20 block 30, Carpenters Addition - Lots 1, 2, 3, 4, 5, 6
 & 7 in Block 1 Hight's Addition - Lot 13, Block 1 - Lots 9, 10, 11, 12
 and 13 Block 2 - Lots 1, 2, 3, 4, 5 & 6 in Block 4 in Union Park
 Addition - E. D. Taylor owner Lot 2 Block 2 Union Park Addition
 to Chicago and W. L. Davis owner of lot 3 Block 39 Carpenters
 Addition - Geo. Blackshield Lot 1, Blk 39. Lot 23 and Block 44
 Carpenters Add; - W. H. Hutchinson Lot 18 & E 1/2 19 Block 34 - A. H. H.
 E 1/2 & 1/2 of lot 14 in Block 34 Carpenters Add; - Elizabeth F. Smith
 1/2 of lot 16 in Block 34 Carpenters Add; John A. Bass lot 14 Block
 34 - J. B. Walker Lot 14 & 1/2 30 and Lot 15, Block 35 - R. T. Hightman
 E 1/2 Lot 16 Block 35 - A. Bushnell Lot 15 and E 20 lot Block 35
 G. B. Hagerly Lot 14 of Block 35 - S. J. Gale Lots 1, 2, 3, 4, 5
 Block 38 - Mrs. Matthews Lot 14 Block 36. P. H. P. P. P. lot 15

7 1/2 of Block 36. John Miller Lot 15, E 1/2 Block 36. J. H. Sawyer
Lot 16 7 1/2 Block 36. E. Burdell Lots 17 & 18 Block 3. to a
Bryon Lot 4 Block 34. J. Martin Lots 5 & 6 Block 34. R. State
Lot 11 Block 34. Shale & Magoffin Lots 18 & 19 & E 1/2 of Lot 20
in Block 32 and Lots 18 & 19 & E 1/2 of Lot 20 in Block 31. a
Carpenters Add: H. Greenbaum owner of Lot 16 Block 36 also in
Carpenters Addition to Chicago last named, to the rendition of Judgment
against the Lots, pieces and parcels of land in said objections set forth
and hereinafter described, and Counsel being heard on said objections and
due deliberation being thereupon had and the premises fully understood
it appears to the Court that said objections to the taking of judgment
against said Lots, pieces and parcels of Land in said objections set
forth and hereinbefore described are sufficient and valid, the objections
are therefore hereby sustained and judgment against said Lots, pieces
and parcels of Land in said objections set forth and hereinbefore
described, refused at Costs of said City, and no owner now appearing
to make defence or show cause why Judgment should not be
entered against the remaining Lots, pieces and parcels of Land in
said Warrant, to which objections have not been filed and sustained
And on Motion of said Attorney

It is therefore considered by the Court that judgment be and is
hereby entered against the remaining Lots pieces and parcels of Land
described in the aforesaid Warrant (excepting the Lots pieces and
parcels of Land hereinbefore described to which objections were filed
and sustained and judgment thereon refused) in favor of the City of
Chicago for the sum assessed to each Lot piece and parcel of Land
remaining being the amount of assessments and also for Costs of suit
generally thereon, and that said City of Chicago have & recover

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the further sum of Two per cent upon the amount of assessments on
respectively due and unpaid upon each of the remaining Lots pieces
and parcels of Land therein set forth as also for her additional costs

And it is further Ordered by the Court that said several
remaining Lots pieces and parcels of Land to which objections
have not been filed or so much thereof as shall be deemed sufficient
of each of them remaining to satisfy the amount of assessments and
costs annexed to them generally remaining, be sold as the law directs.

And now on this 6th day of February A. D. 1860 comes said City
of Chicago by Geo. T. Crocker City Attorney, & Luther Haven agent of Benj.
B. Adams owner of lot 16 in block 33 in Carpenters Addition also comes and
submits his Motion on Affidavit filed to set aside the Judgment as to said
lot on the Warrant in this cause and the Court being fully advised sustains
said Motion And it is Ordered that the Judgment against said lot on said
Warrant be and is hereby set aside and that said Adams have leave to file
his objections at his costs of said Motion.

And now on this 9th day of February A. D. 1860 comes again said
City of Chicago by Geo. T. Crocker, City Attorney, and Benj. B. Adams owner
of Lot 16 in Block 33 Carpenters Addition to Chicago, having filed his
objections hereto to the rendition of Judgment on the Warrant in this
cause against said Lots And the Court now after hearing arguments
of Counsel on said objections being fully advised in the premises
sustains said objections and refuses Judgment on said Warrant
against said Lot 16 Block 33 Carpenters Addition at costs of
said City.

And thereafter to wit on the nineteenth day of February
A. D. Eighteen hundred and sixty came the said Plaintiff and
filed in the Office of the Clerk of said Court its Bill of Exceptions
in said suit; Which said Bill of Exceptions is in words and

"City of Chicago"

vs

B. B. Adams

Suit for Assessment

Warrant No 366.

Be it remembered that on the second day of February
1860 this case came on to be heard before Judges John M.
Wilson, Grant Goodrich and Van H. Higgins Judges of the Superior
Court of Chicago, and no defence being offered a judgment was
rendered by the Court against the said Lot of the said defendant
by default.

And afterwards on the fourth day of February 1860 the
said Defendant came and filed his Motion to set aside the said
judgment heretofore entered against said Lot and for leave to file
objections against the said Assessment; Which Motion was based
upon the following Affidavit made by one Luther Hawes.

"Superior Court of Chicago"

Benjamin B. Adams

vs

The City of Chicago

State of Illinois

Cook County

Luther Hawes being duly sworn deposes and
says that he is the Agent of said Benjamin B. Adams and that
said Adams is the owner of lot 16 in Block thirty three 33 in
Carpenters Addition to Chicago and that the same is included in

Warrant 366 West, issued to collect the Assessment made for the filling and grading of West. Randolph Street, and this Dependent has just learned that Judgment has been entered upon said Warrant against said Lot for Three hundred and twenty dollars - that said Warrant in respect to said assessment upon said Lot is liable to the objections filed on behalf of John R. Case and others, and this Dependent is informed and believes that if said objections had been filed in respect to said Lot no judgment would have been entered in said Warrant against said Lot.

This Dependent further says, that said John R. Case and others, who filed objections to said Warrant and the entry of Judgment thereon employed Messrs. Hayne, Miller & Lewis to prepare and file said objections and resist the entry of Judgment upon said Warrant, and that before their employment in that behalf said Hayne, Miller & Lewis agreed to file objections and resist judgment upon said Warrant for a certain sum in behalf of each of the property owners affected by said assessment as should wish to have objections made thereto - and that thereupon said property owners consisting of said John R. Case and others employed said Hayne, Miller & Lewis for the purpose aforesaid, and this Dependent authorized and requested the said John R. Case to have said Lot of said Adams included and to employ said Hayne, Miller & Lewis on behalf of said Adams to resist the entry of judgment against said Lot upon said Warrant and this Dependent agreed to pay such portion of the fee of the said Hayne, Miller & Lewis as should properly be chargeable to said Lot in connection with the other Lots, in respect to which said judgment should be resisted by them. And this Dependent has also

with said John R. Bass and others from the beginning in resisting the entering of Judgment upon said Warrant.

This deponent further says that he afterwards understood that said Horns, Miller & Lewis had been employed by said John R. Bass and others for the purposes aforesaid, and this deponent supposes that said lot was represented by said Horns, Miller & Lewis and that objections had been duly filed to the entering of judgment against said lot, and this Deponent attended the first two days of the Session of this Court for the purpose of being present at the hearing of the application for Judgment upon said Warrant, and for the purpose of preventing any Judgment from being entered against said lot. That this Deponent conversed with ^{Thomas Horns of said form of} Horns, Miller & Lewis respecting the illegality of said assessment and supposed that he was talking to him as his Attorney in that behalf and that he had been regularly employed to act for the owner of said lot in resisting Judgment upon said Warrant, and that said Horns so understood it. That said Horns, Miller & Lewis desired of one or two of the parties owners of property and who were resisting judgment upon said Warrant to make out a list of the names of all of the owners of property who were resisting judgment upon said Warrant, together with a description of the property affected by said assessment and that by a mere mistake and accident, the name of said Thomas and description of said lot were not included in said list, and that for this reason alone said objections were not filed in respect to said lot. And this deponent says that he fully authorized said John R. Bass to employ said Horns, Miller & Lewis to resist the entering of Judgment against said lot and agreed to pay them therefor and until this morning supposed that they had included said lot among

the list of lots to which said objections were made to appear and has always been ready and expected to pay them therefor and that it was by a mere inadvertence that said Lot was not included.

Deponent therefore prays that said judgment may be set aside and he be permitted to file his objections to the entering of any judgment on said Warrant against said Lot.

That this Deponent represented no other Lot affected by said Warrant than the lot above described and that he has devoted a good deal of his time for the purpose of presenting any judgment upon said Warrant against said City.

Subscribed and sworn to before me

On this 6th day of February A.D. 1860

Luther Haven."

Walter Kimball. Clerk "

Which Motion was resisted by the Plaintiff in the said case
But the Court overruled the objection made by the Plaintiff and
granted the Motion of the said Defendant and set aside the
Judgment

To which decision of the Court taking aside the Surplus
the said Plaintiff then and there excepted.

The said Defendant asked leave to file objections to said assessment
to which the said Plaintiff then and there objected, but the Court
overruled said objection and permitted the said defendant to file the
following objections.

Objections

Here the said defendant filed the same
objections which were filed in the
case of the City of Chicago against
Waller & others & now pending in this
Court together with the additional
objections that the valuation of
the property in question fixed by the
Commissioners and upon which
said ^{assessment} ~~objection~~ was based, was fraud-
ulently fixed at more than three times
the actual value of said premises
at the time of such valuation of
the commissioners, and of such as-
sessment and that the sum assessed
upon said property for said improvement
is more than two & nearly three per

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cent of the amount of such fraudulent valuation ⁷⁴ & ^{exceeds} ~~exceeded~~ three per cent per annum on said property.

This amendment is made by agreement of parties

Elliott, Anthony
Atty for Plaintiff in
Error

Henry Mack Jones
for Deft in Error

To which decision of the Court is permitting the said Defendant to file the said objections the said Defendant then and there excepted.

And the said Defendant in order to maintain his said cause produced as a witness E. H. Herrick who being sworn testified as follows.

Mr. Chubb Have you any interest in this assessment?

A No Sir.

Q Do you own any property on West Randolph Street?

A No Sir, no interest at all.

Mr. Miller Are you acquainted with lot 16 Block 33 Corporation Addition?

A I don't know that I am with that particular lot, but I am with property along there.

Q It is between Sangamon and Morgan from South 50 feet South - an inside lot - how much was that worth per foot in 1858? in May, Cash price?

Objection to - Objection overruled.

Plaintiff's Counsel excepted.

A My impression is that lot could not have been sold for \$80 per foot on Canal line. I should think the way trades were generally at that time the difference between Canal line and main would have been in the neighborhood of ten per ^{foot} ~~foot~~ less - about \$40 or \$45.

Cross Examined by Mr. Chubb

Q What is your business?

A I haven't any business at present, I have been dictating

in Real Estate. - used to own on West Randolph, but haven't any there now.

Q Were you a Real Estate dealer in 1858?

A No Sir, but I used to buy and sell some and kept posted up West and South.

Q Do you know of any sales in that Block in 1858?

A No Sir, I think these lots are about 100 feet deep in a Barpenters Addition - may be 120. I don't know - I don't know how wide this lot is - I think it is between Sangamon & Morgan on Randolph on the corner from Morgan. I know where the lot lies very well - It joins Yellowstons Carriage Shop

Q Do you know lot 42 in Barpenters Addition?

A Not without looking at the map, I think this lot I speak of is diagonally this way from Barpenters Addition

Q Do you know what Block 42, just beyond Mr Barpenters is worth in 1858?

A I think it was offered properly in the Block immediately adjoining Mr Barpenters on Randolph Street at about \$45 per foot

Q I bought at \$60 & sold for \$45 in 1854.

Witness. I don't know that there was any value in 1858. I speak of the value of 1854. I never heard of any sales afterwards. I know what I was offered properly right adjoining Barpenters. It was just at that time & the parties thought it was a very good bargain less than \$40 per front foot.

Luther Haven called by the Deft being duly sworn was examined in chief by Mr Miller and testified as follows

Mr Question. Have you any interest in this assessment?

Q Not at all.

Mr A — Are you acting as Agent of these parties?

A I am.

Q Have you employed an Attorney?

A I have

Q Did you employ an Attorney at the first part of the term?

A I suppose I have - but an Agent I did - I was acting as Agent and have power to employ an Attorney.

Q You have no interest in this matter?

A None at all.

Mr Miller — You are acquainted with lot 16 - Block 33?

A Yes Sir. it is put down on the Maps as 50 by 111.
I have not measured it.

Q What was the Cash value of that lot in May 1858?

Objected to - Objection overruled

Plaintiff's Counsel excepted.

Q You are acquainted with the Cash value of that Estate then in 1854 & 8?

A Somewhat - the Cash value in 1858 is what it could not have been sold for $\frac{1}{4}$ of two feet in Cash in 1858.

Cross Examined by Mr Anthony.

Q What is your business?

A Sometimes trade in Real Estate. I have bought and sold some Real Estate in this Town. I cannot say I am a dealer since 1854.

Q Do you know of any Lots being sold in that Block during the last year?

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A No Sir.

Q Do you know of any anywhere?

A I think I have

Q Name them?

A I think there was one sold this morning on the Court House steps.

Q At public or private sale?

A It seemed to be rather private.

Q How long have you resided in this city?

A Since 1849.

Q Was there any particular commercial value to Real Estate in this town, when this Agreement was lived?

A I should think so.

Q Was anything sold?

A Occasionally - I mean rather seldom. I am a little uncertain whether I bought or sold in 1858.

Q Wouldn't you recollect if you had bought?

A Rather little: but I was thinking whether I exchanged or not - I might have checked in some way. I don't buy any in these times.

Q Do you know what that property was worth in 1854?

A I endeavored to sell it at \$100 a front-foot, I never got a customer, or Canal land. That was the early part of 1854 in these times.

Q What kind of times do you call these?

A I shouldn't express I could define the times here in Chicago.

John R. Bass called by the Defense was duly sworn and examined as follows.

Mr Anthony. Have you any interest in this Assessment?

A Yes Sir.

Mr Miller - He made objections and they were sustained in some other grounds.

Mr Anthony - You employed counsel to make objections how did you?

A Yes.

D Did you employ Mr Miller?

A I didn't see Mr Miller. I joined with other parties who saw Mr Miller & Mr Hoyne. I never had any conversation with either of them in regard to an engagement.

Mr Miller State how that engagement took place?

A Well, in connection with other property holders in Randolph Street, we had a meeting on the West side in regard to this Assessment - I attended that meeting. We there agreed to unite and employ counsel to oppose the official assessment - After that negotiations took place in which counsel were agreed upon. I went there to represent myself and in fact Mr Haven - He told us whatever I did and the balance of us did, he would unite in and pay his proportion & directed his lot to go in. I made that assertion at the meeting. I supposed it was set upon, but found it was left out, but afterwards had it put in.

D Were you acquainted with the value of this lot in 1858?

A Yes.

D What was its Cash value in May 1858?

A It would be difficult to say - I suppose in 1858 it would have sold for \$80 a lot front on Canal line.

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Question objected to by Plaintiffs Counsel
Objection overruled and Examinations taken.

Cross Examined by Mr. Armstrong.

Q What is your business?

A I do a little at a great many things - In 1858 it was about the same it is now. - Some in Real Estate. I was in 1858 a dealer in Real Estate very slightly. I bought and sold some, & some for others - Not to a great extent.

Q Were you acquainted with the value of Real Estate on the West side in 1858?

A I think I was very well - I have property there since 1856. I own property within two or three lots of this. I have a lot on the corner this side, I have offered to sell ^{all} along.

Q What do you put the value at in 1858?

A I should say \$80 a front foot in the ordinary way of selling Real Estate. I offered a corner lot this side - a better at \$100 a foot, on the usual time.

E. J. Cummings called for the Defense being duly sworn was examined in Chief by Mr. Miller as follows

Q Are you acquainted with the value of lot 16 Block 33 Carpenters Addition 50 x 100 feet?

A (Examining the map) Yes Sir.

Q What was its Cash value in 1858?

A Its pretty hard to determine that fact. I was not studying that block I sold some on line in block 42 Carpenters Addition - just West of Carpenters house, fronting North, a little better property than this. This ^{is} kind of mixed up with old

buildings and never was as valuable as most Carpenters Park.
I wouldn't put it over \$60 each at that time. I sold inside
lots there (showing the place on the map) I think since \$60
4 at \$60 or more.

All evidence of the witnesses pertaining to the value of
the lot in question was excepted to by Plaintiff
but objection was overruled by Court and
Exceptions entered.

Prof Examined by Mr. Cushman

Q Was there any particularity about those two Lots you
have in Block 42?

A Yes, they were the most favorable Lots on the Street,

Q Do you recollect offering them to me?

A Yes, I think I remembered considerably about it. I think
some parties excluded me out of a Commission,

Q Not me?

A No Sir, just the other parties.

Q Do you recollect my purchasing 130 feet front?

A That was in 1854 I think, because I commenced real
estate business in 1853 & if I am right was the next year.

Q Those two lots I have spoken of were offered at much
less than the balance of the block, were they not?

A No Sir, I bought them myself afterwards paid \$45.

Q Was anything peculiar about the title to those Lots?

A Nothing more than the whole Block. There was a
peculiarity about the whole Block.

Q Do you recollect my examining the title to that acre?

A Not for me, that I know of. I don't recollect it for any

person. Mr Bryant (?) examined it for me. I made my mind up it was good. Nothing more the matter with the title than with the whole block. There is a discrepancy in the whole Block and the Block west of it. Nothing peculiar in that lot. It has sold three or four times and can tell you what they sold for.

Q Was any discrepancy standing against them?

A No Sir. I am of opinion not, or I shouldn't have bought them. They have been in good men's hands. They have been in a Church on the opposite side & that title has been considered good by the best men here.

Space Shelby Jr called and was examined by Mr Miller.

Q You are acquainted with the value of lot 16 Block 33 in May 1858 and how have been?

A I am and have been

Q What was its cash value in May 1858?

A I think it was about \$80 or 100 in cash before the improvement on the Street was made. I would fix its cash value at that sum.

Q You own property on that Street?

A I do not at this time. I represent now as Attorney other parties a good deal in the neighborhood and I live in the west block.

Q You know about this improvement?

A Yes, all about it.

Mr Miller here said he would ^{here} close his part of testimony.

Mr. Anthony objected to all the above evidence; which
objection being overruled
Plaintiffs Counsel excepted.

Plaintiff's Evidence.

Reuben Taylor called by the Plaintiff being duly sworn was
examined in Chief by Mr. Anthony as follows.

Q You reside on the West side?

A Yes Sir.

Mr. Miller. Have you any interest in these contracts for the im-
provement of West Randolph Street?

A No Sir, I am agent for one or two lots, but no interest
at the present time whatever.

Q No interest in this agreement?

A No Sir, not at all on Randolph Street

Mr. Anthony Have you dealt in real Estate in this City?

A Yes.

Q 1858?

A 1854 & 58.

Q This lot is 50 feet front by 100 feet, what was that lot
worth in 1858?

A I can only tell what I know other property to have been
sold for and in that vicinity about that time. I sold for
High & Magie beyond that for \$80 and \$100 a foot just
before Mr High was killed. I sold to Lawrence & Hinckley on
Randolph Street in High & Magie's Addition for \$80 a foot

And because now of the said exceptions and matters and decisions of the Court aforesaid, appear by the records of the said cause, the Counsel in behalf of the Plaintiff, prayed that the said Judges would set their hands and seals to this list of Exceptions containing the several matters so offered or proved and given in evidence as aforesaid according to the form of the Statute in that case made and provided, and thereupon the said Judges hath accordingly set their hands and seals hereto this Nineteenth day of February 1860.

John M. Wilson

(Seal)

Wm. H. Higgins

(Seal)

Grant Goodrich "

(Seal) "

State of Illinois }
Cook County . } 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 full true and perfect Transcript of the Collector's Report and Petition for Judgment - Notice and Certificate of Publication - Collector's Warrant and Return, and Bill of Exceptions now on file in my office, together with all orders and judgment entered of record in said Court, in a certain suit and proceedings had

therein, wherein the City of Chicago was Plaintiff and Benjamin B. Adams & others were Defendants.



In testimony whereof I have hereunto set my hand and affixed the Seal of said Superior Court at Chicago in said County this fourth day of April A. D. Eighteen hundred and ninety.

Walter Kimball Clerk

Supreme Court
City of Chicago } Third Grand Juror
Plaintiff in Error } April 3rd 1860
vs Benjamin B. Adams }
Defendant in Error }

And now comes the said plaintiff in error by E. Anthony its attorney & says that in the record & proceedings aforesaid and in the rendition of judgment aforesaid many error both intervened in this to wit:

- 1st The court erred in setting aside the judgment in this case and permitting defendant to come in and defend & to file objections to the rendition of judgment.
- 2 The court erred in permitting the defendants to introduce parol evidence as to the value of the lot in question.
3. The court erred in overruling the objection made by the plaintiff to the question severally asked

the witnesses Herriek, Haven
Case, Cummins & Shelby as
to the value of the lot in
question.

4 The court erred in permitting
the defendants to introduce
any parol testimony whatever
as to the value of the lot in
question - it being the duty of
the commissioners who fixed
the assessment to fix the valuation
and their valuation is conclusive

5 The court erred in rendering a
judgment for the defendants

6 The court erred in not
rendering a judgment for
plaintiff.

For these errors and
for other errors appearing in the
record & proceedings aforesaid
the said plaintiff prays that
the said judgment be reversed
annulled & held for naught
& that the case be restored

In all things that it has
lost by said judgment.

E. Anthony
Atty for Plaintiff
Error

The said defendant comes &
says that in the record and
proceedings of record
and in the records of
the judgment of record that
there is no error

Haym M. M. M.
Hays & Co.

Superior Court of Chicago

State of Illinois }
Cook County }

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The City of Chicago

(vs)

Benjⁿ B. Adams

Record.

Filed April 18, 1860
L. Leland
Clerk