

No. 12343

# Supreme Court of Illinois

Low

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vs.

Galena & Chicago Union

R. R. Co.

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William H. Low } Supreme Court  
" } Certiorari from  
Galena + Chicago } Cook Co.  
Union Rail Road Co }

The proceedings below were instituted under the act to incorporate the Galena + Chicago Union Rail Road Company Laws of 1836 page 24. To condemn Low's land the 11, 12, 13 & 14 section prescribe the mode of proceeding and the question involved in this case is have they proceed regularly to condemn the lots in question.

II. Certiorari is the appropriate mode of removing the proceedings.

Certiorari is the appropriate remedy say the court in Doolittle vs Galena + Chicago Union Rail Road Company 14 Ill A 383 to remove the proceedings of all inferior tribunals and jurisdictions in cases when they exceed their jurisdiction and in cases when they proceed illegally + there is no appeal or other mode of directly reversing their proceedings. These are the only cases in which the proceedings can be reversed on Certiorari. Now this very case is within this doctrine thus laid down, the errors complained of there is illegality in the proceedings.



Nothing more or less. This is the same doctrine laid down by Justice Catow in *Loomis v Williamson* 13 Ill R 661 where the question is ably and elaborately argued. But we are told that the decision in the case of *Doolittle v H & C. W. R. Co.* 14 Ill 383 above cited is against it. This is not so as we have shown by the citation above but say they this portion of the decision is against it. "An error of judgment in the part of the judge either as to the facts or the law of the case could not be enquired into & corrected" Now the whole case is to taken together the case decides distinctly that illegality in the proceedings can be enquired into - the errors assigned here are illegality in the proceedings. This is the distinction recognized by the authorities. The case of the *Fitchburg R.R. Co v Barker & Map* R. 3 Cush R 59 is in point *C. S. Savage* in *Starr v Trustees of Rochester*

6 Ill R 564 says "There can be no doubt of the power of this Court at common law to reverse the proceedings of inferior jurisdictions. The common law powers are however confined to an



an examination of the jurisdiction of such inferior tribunals and to questions of law arising out of their proceedings and not to an examination of their decisions upon questions of facts."

This case is approved of in *Louis v. Williamson* in 13 Ill. R. 662 and upon the distinction thus made was the certiorari refused in *Doolittle v. St. L. & N. O. R. Co.* 14 Ill. R. 383 for say the Court if any error intervened to the prejudice of the petitioner it was in the action of the judge upon the report of the appraisers. But that action did not relate to his jurisdiction or to the regularity of his proceedings. it was simply a decision upon the evidence. A return upon the writ of certiorari would not bring up the evidence upon which the decision was based. it would only embrace the records of the proceedings. This Court would have to determine from the fact of the records whether there was an excess of jurisdiction or any irregularity in the course of proceeding. Now we undertake to say that instead of this case being remotely an authority against



our right to review these proceedings it establishes that right. And our apology to the court for arguing the question is that we have not seen the argument on the other side & have heard that they intend to take that position. That we have the right to review the regularity of proceedings is evident from the authorities 23 Maine 10. 23 Maine R 511

Any confusion of language in the authorities is explained by the decision of Judge Cowen in Birdsell vs Phillips 17 Wend R 470 after the authorities he says "from these authorities and others I collect the following general rule. whenever the suit at common law. the matter alleged for error is of such a character that a bill of exceptions is necessary for its a certiorari will not reach it" Then rule then seems to be when the errors appear on the face of the papers themselves certiorari will reach it. In Prindle vs Ancurson 19 Meade R 391 the court decide that on certiorari they can review all questions arising upon the jurisdiction



the pleading. the proof and the verdict  
& judgment

Goodwin v Ballou 12 Maine 271  
In which it is held that irregularities  
appearing on the face of the papers  
can be corrected by certiorari.

State v Coleman & Green 98

Van Winkle v R R Co 2 Green 164

Bennett v Rail Road Co 2 Green 145

III They are not entitled under their charter  
to condemn this land; by the 12 section  
of their charter they are entitled to  
condemn lands wanted for the con-  
struction of said Rail Road or the  
appendages thereto. We say that the  
necessities for which this land is  
needed as shown by the proof &  
maps is not within the Statute.  
Since this case came into Court the  
case of the Chicago & Burlington  
Rail Road v Mac & Wilson 17 Ill  
R 123 has been decided. The charter  
of Chicago & Burlington Rail Road is  
broader it contains the additional  
words "for the convenient use of the  
same" which to our minds make  
a material difference, & also the  
use for which it is needed in one  
case being different from the other.



Therefore we claim that this au-  
- thority does not settle this case

#### This being a statute to condemn prop-  
- erty by a course of proceeding not  
known to the common law must  
be strictly construed and the  
proceedings must in all particulars  
comply with the provisions of the law  
This position is established by the  
authorities cited below but we quote  
Smith v Hillman cited below 1 Scam R  
325 where the court say "its a special  
power granted by statute affecting  
the rights of individuals & which



directs the title to real estate & ought to be strictly pursued and should appear to be so on the face of the proceedings" In *Rex v. Brooke & Cooper* 26 it is decided when by a statute a special authority is delegated to particular persons effecting the property of individuals it must be strictly pursued which case we cite below In *Gilbert v. Columbia Turnpike Co* & *Johnston's Cases* 107 say the Court a special power granted by Statute & effecting the property of individuals must be strictly pursued again *Reutenhoff v. Taylor's* 4 Peters 2359 Mr Justice McLean observes "to direct an individual of his property every substantial requisite of the law must be known to have been complied with" Again in the case last cited this is a mere naked power in a corporation & its due execution is not to be made out by intendment. it must be proved.

IV

The proceedings are erroneous in these particulars it does not appear that under the last appraisement the appraisers were sworn. nor does their



report appear to be made on oath  
By the fifteenth section "said apprais-  
ers after being duly sworn before  
some officer properly authorized to  
administer oaths &c  
Under this proposition we say that  
it must appear on the face of the  
report that it was made under  
oath: that they cannot show out-  
side of the report that they the  
appraisers were in fact sworn  
The first report is in all respects  
regular, it is subject to none of the  
objections here claimed the force  
of the proposition is established by  
reference to the seventeenth section  
of the act which provides that "the  
report of said appraisers with the  
order of said judge modifying the  
same if the same shall be modified  
shall be recorded in the office of the  
Recorder" &c. This report then consti-  
tutes the legal evidence of the  
condemnation, the authority under  
which the road takes possession of  
& uses the property, its legal title  
to the premises. The passing of the  
title from the owner to the Rail-



Road Company. Now what is the law? The first & leading case on this is *Rex v. Crooke & Cooper* 26 Lord Mansfield judge. This is a special authority delegated by act of parliament to particular persons to take away a man's property and estate against his will therefore it must be strictly pursued and must appear so upon the face of the order. This case is clear & to the point.

Analyze closely this case. take this portion of the case aside from the general opinion. The order does not state that a notice was given in writing. Mr Crooke according to the requisites specified in the act but only says - upon proof of due notice having been given to him which is insufficient a particular notice having been specified by the act.

In *Gilbert v. Columbia Turnpike Co* 3 Johns Cases 107 it is decided that it must appear on the face of the papers that the statute has been strictly pursued which case is certiorari. On the face of the papers it appears that they had taken the oath



+ had viewed the premises but it nowhere appeared "that they had taken the oath there was a disagreement between the owner of the lands & the Turnpike Company nor that the judge who appointed the Commissioners was not interested in the Turnpike Co or that the Commissioners were not inhabitants of the town through which the road passed all of which objections were sustained. So in the case of King v Bagshaw 7 Term R 362 under similar proceedings the court quashed the interrogatories of the jury and an order of the trustees because it did not appear on the face of the papers that any notice had been given to the owners of the land so 4 Brough 2244 Rex v Mayor et al. 1 Brough<sup>only</sup> R 377 Rex v Manning

The case of Henry v Tilson 19 Vermont Report 447 where it is decided it being required by statute that a collector who commits a person to jail for non payment of a tax, should certify upon the copy of the warrant left with the jailor his doings in relation to the delinquent it was held that



the warrant must show all that he had done & he was required to do. That he could not show <sup>that he had done what he was</sup> that he required to do, by evidence outside of the return. Again in Gasset v. Pearce 16 Shipley Maine Reports 523. When the return of a constable did not show that the copies of the warrant were attested or that they were posted in a conspicuous place and when the town had not appointed any different way for calling the meeting than that provided by statute, held that it did show that the meeting was legally called hence proceedings illegal. And the very question arose whether testimony outside of the return could be shown to show that the proceedings had been in accordance with law and the court distinctly decide that it could not be except on the hearing of an application to amend the return. See also

Hopkins v. Burch 3 Kelly R 222

19 Vermont R 431

v. Mulford 1 New Jersey R 500

26 Maine R 277

Gull & to the point is the case of



"Darlington 23 Penn R 1145

2<sup>d</sup> Point

This question can be best settled by analogous cases: The proceedings in partition require that the appraisers should be sworn & on actual view of the premises suppose that they in their report should omit to return that "on oath" they had &c that report was accepted & would it not be clearly bad & if the court below overruled the exception would we not at once say it was error and reverse the proceedings. But in reply to this we are told that they actually were sworn and that such was the case can be shown outside of the report. To this we say. 1<sup>st</sup> It cannot be shown outside of the report. That their course should have been to amend ~~the~~ the report below.

2<sup>d</sup> That the oath taken does not apply to the new order. That having made their return that order was exhausted and with it the oath taken under it. That a new order was necessary and a new order required a new oath.



That they acted under a new order appears from the return and the return with the order recited at large with the judgment of the Court modifying them alone constitute the record alone are all that can be considered in determining whether they had jurisdiction to condemn the property in them. must every fact necessary to justify the condemnation and if they do not then appear the proceedings must be revised.

V

There is further error in said proceedings in this the 16 section provides "said appraisers shall make a report to the said judge in writing under their hands, reciting the order for their appointment" or This is not done.

In Smith v Hillman under an administrator's deed the court say "The 6 section of the act of 1827 declares 'the conveyance for the same shall set forth such order at large'."

The reason of this precision we are not at liberty to enquire into not what the supposed necessity may have been in the opinion of the Legislature for its adoption. special



power granted by statute affecting the rights of individuals and which divests the title to real estate ought to be so in the face strictly pursued & should appear to be so on the face of the proceeding? We say in determining the construction to be given to this statute we are to look at the object. it was to spread upon the records all the proceedings. it was an adversary proceeding hence we say that the order should be set forth at large as was done under the first return.



VI

Again there is error in the proceedings in not determining who was to receive the money whether Low or the Trustees of the Illinois and Michigan Canal or both. The money was to be deposited for the use of the owner. Now who in this case who is to take the money. Low or the Trustees. Shall a party be divested of his Estate & money deposited, generally. How is the depository to tell who is to receive it.

We pray a reversal of the  
condemnation

Shumway Wait & Towne  
for Plaintiff in captioned



William A. Low

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Chicago & Galena  
Union Rail Road  
Company

Prof for Plaintiff  
in error

Shumway & Co  
of Boston



The State of Illinois }  
 Cook County }  
 William C. Low }  
 vs. }  
 Galena & Chicago }  
 Union Rail Roads }

And now comes Charles Williams W. Low and says that there is manifest error & irregularity in said proceedings. and needs in this among other things.

I The let. men not eligible for the use of the Rail Roads. and they had no right to condemn them under their charter.

II

The proceedings were before the judge of the Cook County <sup>Superior</sup> Court ~~pleasantry~~ <sup>pleasantry</sup> and not of the Seventh Judicial Circuit

III. Said proceedings are not in accordance with the charter of said company. and

IV. The appraisers did not fulfill in their duties. the order of their appointment

V. That said appraisers were not sworn. nor does the report appear to be under oath.

VI That said judges erred in overruling the objections below and in confirming the report.



VII That there is a misjoinder of  
parties, and also that the petition  
should have been amended to  
bring in the Trustees of the Michigan  
and Illinois Canal

For these and other reasons  
the Plaintiff asks that said judgment  
and the other <sup>and</sup> ~~condemnation~~ <sup>condemnation</sup>  
be reversed and said proceeding  
be treated as nought and that  
he be restored to all the time lost  
re. of costs &c

By Shumma, Watts & Dorne  
Plaintiffs Atty.

Forced in over

Week

for debts in over



Galena & Chicago, U. R. R. Co. with  
Wm. S. Johnson & W. W. Low

### Condemnation of Lots

To The Hon<sup>ble</sup> Hugh J. Dickey, Judge of the  
Cook County Circuit Court in the State  
of Illinois.

The Petition of the Directors of the "Galena and  
Chicago Union Rail Road Company" respectfully  
sheweth unto your honor

That the said Galena  
& Chicago Union Rail Road Company have  
commenced and are now engaged in the con-  
struction of a Railroad from the City of  
Chicago to the City of Galena, in the State  
of Illinois under and in pursuance of the  
act of Incorporation of said Company en-  
titled "An act to Incorporate the Galena  
and Chicago Union Rail Road Company" ap-  
proved the 16th. of January 1836 -

And your Petitioners further shew that they  
have so far completed said Railroad that  
trains are, and have for some time past been  
running thereon from Chicago, in the said  
County of Cook to Cherry Valley a distance  
of about Eighty-five miles Carrying freight  
and passengers

And your Petitioners further shew, that  
in the further prosecution and completion  
of said Railroad and for the convenient  
use of the same, it is necessary that the  
said Company should appropriate to their  
sole use Lots number Ten and Eleven in  
Block number Fifty-nine in the Canal Trustees



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Subdivision of Lots and Blocks in the Original Town of Chicago, which your Petitioners are informed and believe are owned by one W. W. Low, who resides at or near Ottaway in the County of LaSalle, as your Petitioners are also informed and believe.

And your Petitioners further shew that it is also necessary for said Company to appropriate in like manner for the sole use of said Company Lot number Two in Block number One in King's ~~in~~ King's Addition to Chicago as originally surveyed and laid out prior to the opening of New North Water Street, except Fifty feet off the North End thereof -

which said last named lot your Petitioners are informed and verily believe is owned by one William S. Johnston, of Cincinnati Ohio.

And your petitioners further shew that the two lots first above mentioned, to wit, Lots Ten and Eleven, so owned by said Low are required and are absolutely necessary for the use of said Company for the purpose of laying tracks over the same, and for building thereon a Paint Shop and timber and Lumber Sheds for the use of said Company which are necessary parts and appendages for the use and convenience of said Company and without which the said Company can not conveniently carry on its operations; And the last mentioned lot so owned by said Johnston, is absolutely necessary for the use of said Company for depot purposes.



And your Petitioners further shew that they are not able to obtain the title to the said Lots for the uses and purposes aforesaid, by Purchase or Voluntary Cession from the respective owners thereof, and your Petitioners therefore pray your honor to appoint Three disinterested persons, freeholders and residents of said Cook County, appraisers to assess the damages which the respective owners of said Lots above described, will severally sustain by reason of the appropriation of the Lots aforesaid for the use of said Railroad Company, pursuant to the provisions of the aforesaid act of incorporation -

And your petitioners will ever pray &c.

John B. Turner  
President of the Galena &  
Chicago Union Rail Road Co.

W. M. Larrabee

Secretary of G. & C. U. R. R. Co.



State of Illinois

Cook County ss. James H. Collins being duly sworn, doth depose and say that he is one of the Directors of the Galena & Chicago, Union Rail Road Company, and also the Attorney & Counsel of said Company, and deponent further saith that he has read the foregoing Petition of said ~~Company~~ Directors of said Company and knows the Contents, and the same is true in substance of fact

Jas. H. Collins.

Sworn and subscribed to this 17<sup>th</sup> day of April  
A.D. 1852, Before me, Hugh J. Dickey

Judge Cir. Court, 7<sup>th</sup> Jud. Cir. Ill.



State of Illinois  
Cook County, ss. }

On reading the foregoing Petition of the Directors of the Galena & Chicago Union Rail Road Company, And on motion of Jas. H. Collins, Attorney for said Company, It is ordered that the fifteenth day of May next at Ten O' Clock in the forenoon, at the Court room in the City of Chicago, be, and the same is hereby appointed as the day, hour and place for the hearing of the parties interested in the matters of the said Petition: And it is further ordered that fifteen days notice be given to the said parties interested in the Lands described in the said Petition of the said time & place of said hearing

Gone at my Chambers, in the City of Chicago,  
the 17th. day of April A.D. 1852.

Hugh J. Dickey  
Judge Civ. Court, Cook Co. Ill.

To William S. Johnston - Sir

You will please take notice that the Galena and Chicago Union Rail Road Company, will apply to the Honorable Hugh J. Dickey, Judge of the Seventh Judicial Circuit of the State of Illinois & presiding Judge of the Cook County Circuit Court, at the Court Room in the City of Chicago in the County of Cook & State of Illinois, on the fifteenth day of May next at Ten o'clock in the forenoon of said day, to appoint three disinterested persons, freeholders and residents of the said County of Cook, appraisers to assess



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the damages, which you the said William S. Johnston may sustain by reason of the appropriation to the sole use of said Company of the Lot hereinafter mentioned, which Lot is required & is absolutely necessary for the use of said Company for Depot purposes, pursuant to the provisions of the act entitled "An act to Incorporate the Galena & Chicago Union Rail Road Company" Approved Jan'y. 16th. 1836, which said Lot is described as follows, to wit:

Lot number Two, in Block number One, in Kingie's Addition to Chicago, as originally surveyed & laid out prior to the opening of New North Water Street, except fifty feet off the North end thereof, in Cook County Illinois  
Dated April 19<sup>th</sup> 1852. — Yours &c

James H. Collins  
Attorney for the said Galena &  
Chicago Union Rail Road Company.

State of Illinois  
County of Cook ss. G. W. Davenport of said County, being duly sworn, doth depose and say that he served a Notice of which the within is a Copy, upon William S. Johnston, the person within named, by handing the same to him in the City of Chicago, upon the twenty second day of April A.D. 1852.

G. W. Davenport  
Subscribed and sworn to,  
before me this 13<sup>th</sup> day  
of May A.D. 1852.

W. W. Stewart  
Notary Public



To W. W. Low, Sir

Please take notice that the Galena & Chicago Union Railroad Company will apply to the Honorable Hugh T. Dickray Judge of the Seventh Judicial Circuit of the State of Illinois, and Presiding Judge of the Cook County Circuit Court, at the Court Room in the City of Chicago in the County of Cook and State of Illinois, on the fifteenth day of May next at ten o'clock in the forenoon of said day to appoint three disinterested persons freeholders and residents of the said County of Cook, appraisers to assess the damages which you, the said W. W. Low may sustain by reason of the appropriation to the sole use of said Company of the Lots and Lands hereinafter mentioned, which Lots are required and absolutely necessary for the use of said Company, pursuant to the provisions of the act entitled "An act to incorporate the Galena & Chicago Union Railroad Company" Approved January 16th 1836. Which said Lots and Lands are described as follows, to wit: Lots number Ten and Eleven in Block number fifty seven, in the Canal Trustees Subdivision of Lots and Blocks in the Original Town of Chicago, Cook County Illinois

Yours &c

Dated April 19<sup>th</sup> 1852

James H. Collins  
Attorney for the said Galena  
& Chicago Union Railroad Company

Recd a Copy of the within Notice this 4th day of May A. D. 1852

Wm W. Low



77.  
To The Board of Trustees of the Illinois  
and Michigan Canal, or Isaac N. Arnold Esq.  
their Attorney, and Attorney for W. W. Low  
Gents.

(You will please take notice  
that the Galena & Chicago Union Rail Road  
Company will apply to the Honorable Hugh  
T. Dickey, Judge of the Seventh Judicial  
Circuit, of the State of Illinois and presiding  
Judge of the Cook County Circuit Court, at  
his Chambers in the City of Chicago, in the  
County of Cook and State of Illinois on the  
fourth day of June instant at nine o'clock  
A. M. of said day to appoint three disin-  
-terested persons, freeholders & residents of the  
said County of Cook appraisers to assess the  
damages which you the said Board of  
Trustees may sustain by reason of the ap-  
propriation to the sole use of said Company  
of the lots hereinafter mentioned which lots  
are required and are absolutely necessary for  
the use of said Company for Depot purposes  
pursuant to the provisions of the act entitled  
"An act to incorporate the Galena & Chicago  
Union Railroad Company" Approved Jan'y. 16th.  
1836, which said lots are described as follows,

Lots number Ten (10) and Eleven (11) in  
Block number Fifty nine (59) in the Canal  
Trustees subdivision of lots & Blocks in the  
Original Town of Chicago, Cook County, Illinois

Yours &c

Dated June 3, 1852 James H. Collins

Atty. for the Galena and  
Chicago, Union Rail Road Company



State of Illinois

Cook County, ss. G. W. Davenport being  
duly sworn says that he served a notice, of which  
the within is a copy, upon Isaac N. Arnold  
Esq; the Attorney for the Illinois & Michigan  
Canal and Attorney for W. W. Low, on the third  
day of June instant by handing the same to  
his Law Partner, G. W. Lay, at his Office in  
the <sup>City</sup> of Chicago — G. W. Davenport

Sworn & subscribed before me,  
this 14th day of June 1852

Hugh T. Dickey  
Judge Cir. Ct. 7th Jud. Cir.

To the Board of Trustees of the Illinois  
and Michigan Canal

Gents,

You will  
please notice that the "Galena & Chicago  
Union Rail Road Company" will apply to  
the Honorable Hugh T. Dickey, Judge of the  
Seventh Judicial Circuit of the State of Il-  
linois and Presiding Judge of the Cook  
County Circuit Court at his Chambers in  
the City of Chicago, in the County of Cook &  
State of Illinois, on the fourth day of June  
instant at 9 o'clock A.M. of said day to  
appoint three disinterested persons, freeholders  
& residents of the said County of Cook, ap-  
praisers to assess the damages, which you  
the said Board of Trustees, may sustain by  
reason of the appropriation to the sole use of  
of said Company, of the lots hereinafter men-  
tioned, which lots are required & are ab.



9.  
- solutely necessary for the use of said Company for Depot purposes, pursuant to the provisions of the act entitled "An act to Incorporate the Galena and Chicago Union Rail Road Company" Approved Jan'y. 16th. 1836, which said Lots are described as follows, - number Ten (10) & Eleven (11) in Block number fifty nine (59) in the Canal Trustes subdivision of Lots & Blocks in the Original Town of Chicago, Cook County, Illinois.

Dated June 3<sup>d</sup> 1852.

Yours &c  
James M. Collins  
Atty. for the Galena & Chicago  
Union R. R. Co.

State of Illinois  
Cook County, ss.

G. W. Davenport being duly sworn says that he served a Notice of which the within is a copy upon Joseph B. Wells one of the Trustees of the Illinois and Michigan Canal on the third day of June instant, by handing the same to him in the City of Chicago.

G. W. Davenport  
Sworn and subscribed  
before me this 14<sup>th</sup> day of June 1852

Rayh J. Dickey  
Judge Cir. Ct. 7<sup>th</sup>  
Jud. Cir. Ill.

State of Illinois

Cook County, Solicit. - On the fifteenth day of May A. D. 1852, before me came the Directors of the said Galena & Chicago Union Rail Road Company, by J. M. Collins their Attorney, and the said W. W. Low by Isaac



N. Arnold, his Attorney, also came, and it appearing that the Board of Trustees of the Illinois & Michigan Canal, have the title in fee in the said Lots ten and eleven in Block fifty-nine, in the Canal Trustees subdivision of Lots and Blocks in the Original Town of Chicago described in the foregoing Petition, and that the said W. W. Low holds a Certificate of Purchase for said Lots from the said Board of Trustees & that part of the purchase money is due on said Lots, It was therefore ordered that the said hearing of the said Petitioner be continued to the fourth day of June 1852, that notice be given of the said hearing to the said Board of Trustees of the Illinois & Michigan Canal; and on the said fourth day of June, again came the said Directors of the Galena & Chicago Union Rail Road Company by their said Attorney and the said W. W. Low by George W. Lay his Attorney and thereupon the said W. W. Low by his Attorney objects to the appropriation of Commissioners & to all further proceedings on the part of the said Galena & Chicago Union Railroad Company, on this matter, and filed the objections and points hereunto annexed marked "A" and read and filed the following affidavit hereunto marked (C) and thereupon the said Galena & Chicago Union Railroad Company, presented & filed the affidavits and accompanying maps hereto attached marked (D) and it appearing to the said Judge that due notice of said applications for the appointment of appraisers has been given to the said William S. Johnston owner of Lot Two



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in Block No. One in Kingies Addition to Chicago described in said Petition, Pursuant to the order heretofore made in that behalf & also to the said W. W. Low, and also to the said Board of Trustees of the Illinois & Michigan Canal & to their Attorney the said J. N. Arnold, and after hearing the Proof & allegations of the parties so appearing and no sufficient Cause being shown against said Petition.

It is therefore ordered that John B. F. Russell, Philo Carpenter and Ephraim C. Storrell of the City of Chicago, who are disinterested Persons, freeholders & residents of the said County of Cook, be and they are hereby appointed appraisers to appraise and assess the damages, which the respective owners of said Lots described in said Petition, respectively interested therein may severally sustain by reason of the appropriation of said Lots to the use of the said Rail Road Company agreeable to the Prayer of the said Petition, and of the said act of Incorporation, to which order the said W. W. Low, by his aforesaid Counsel excepts.

Done at my Chambers in the City of Chicago  
this fourth day of June 1852

Hugh J. Dickey  
Judge Cir. Court, Cook Co. Ill.  
"A."

Before the Hon. Hugh J. Dickey  
In the matter of the application  
of the Galena & Chicago Union  
Railroad Company - To  
Condemn & appropriate Lots  
10 & 11 in Block 59, Original  
Town of Chicago -

The said W. W. Low  
comes and object to the  
appointment of



appraisers in the above matter, for the following reasons;

First, That the said Galena & Chicago Union Rail Road Company, have already located their depot grounds and their main track and that their main track upon which they now run their cars runs along Kinzie Street in front of said Lots, and that the said Lots are not necessary or required by the said Rail Road Company for their main track, but merely for the purposes of paint shop and lumber shop and for tracks connecting the same with their Car shops and other buildings.

Second, That the term appendage does not authorize said Rail Road to Condemn property for the erection of a Paint Shop or sheds for the use of said Rail Road.

Third, That the said Rail Road — have other Lots upon which they could erect their Paint Shop and are now the owners of four half Blocks, between it and the River on the West side of the River & which are unoccupied

C

Cook County Circuit Court

In the matter of the  
Application of the Galena &  
Chicago Union Rail Road  
Company, To appoint  
Appraisers of Lots 10 & 11 in  
Block 57 Original Town of  
Chicago.

owner of Lots 10 and 11 in Block 59 in Canal  
Trustees subdivision of Lots and Blocks in the

State of Illinois }  
Cook County } ss. William  
W. Low, being duly  
sworn, deposes and  
says that he is the



13  
13  
Original Town of Chicago, and sought to be  
condemned by the Galena & Chicago Union  
Rail Road Company, that- he purchased the  
same in the year 1850, for the purpose of a  
permanent investment and that he now  
holds and owns the same, not with a view to  
its present value, but its future value. That he  
is not desirous to part with or dispose of the  
same, That he has been informed and believes  
true, that- the said Rail Road Co. are desirous  
of obtaining the said Lots, for the purpose of  
building a Paint Shop thereon. That the said  
Company own the North half of the several  
Blocks between these lots and the river, number-  
- ing four in all, and that- the said pieces  
- of land are unoccupied and amply suf-  
- ficient for the purposes of said Rail Road  
Company, and upon which a paint shop  
could be erected with as much convenience  
as upon the lots of Affiant, and that- the  
said pieces of land now owned by Affiant are  
not required and absolutely necessary for the  
use of said Company

Wm. W. Low

Subscribed and sworn to,  
this 15<sup>th</sup> day of May,  
A. D. 1852, before me

L. D. Hoard, Clerk.

"D"

In the matter of the Petition of  
the Galena & Chicago, Union Rail  
Road Company, to Appoint Ap-  
praisers to Assess the damages of  
W. W. Low & of Wm. S. Johnston

State of Illinois  
Cook County, ss.

John Van Nortwick  
Chief Engineer and George S. Hoard, Assistant

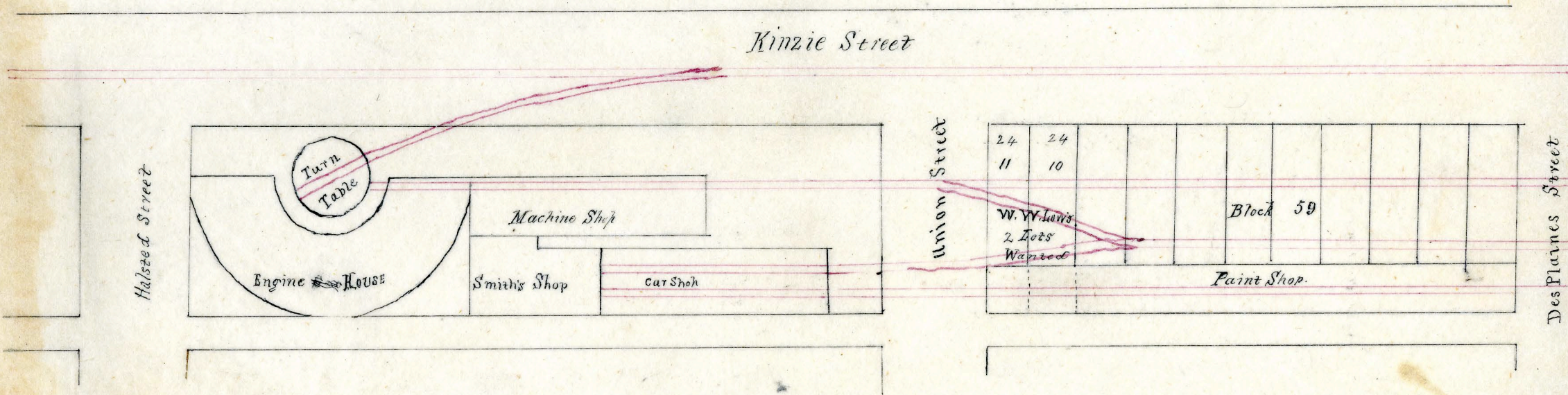


Engineer, being duly sworn, each for himself doth depose and say that Map Marked No. One hereto Annexed, correctly represents and describes, lots number Ten & Eleven in Block Fifty nine, as subdivided by the Canal Trust, and owned by the said W. W. Low and mentioned in the aforesaid petition, as well as the property owned by the said Galena & Chicago Union Rail Road Company, and the Engine House, Machine Shop, Smiths Shop, Car Shop, Tracks, Contemplated Paint Shop, Yard and Sheds for Car Lumber & for Kiln drying and also the streets adjacent, and these deponents further say, each for himself, that said two lots of said Low are absolutely necessary for the use of said Rail Road Company in order to connect their property together, so that they can continue and connect their tracks and use said property for the necessary purposes of carrying on the ordinary business of said Rail Road. That the tracks and buildings contemplated & intended to be laid down & placed upon said lots are necessary parts and appendages to said Rail Road without which the business of said Road cannot be conveniently carried on.

And these deponents further say that Map No. Two, correctly represents and describes the lot described in said petition, owned by the said W<sup>m</sup> S. Johnston, as well as the property owned by said Rail Road Company & the streets adjacent thereto, and also the freight House now in process of erection by said Company, for the use of said Rail Road Company, and the tracks laid down & to be laid down through said freight House.



MAP N° 1





18-

That said Freight House is a necessary part and appendage of said Rail Road, without which said company cannot conveniently carry on the business required to be done on said road; and a Freight House of the size represented on said Map No 2 is now required for the use of said Road, and the location represented on said Map was necessary in order to avoid a sharp Curve in going out of said freight house West,

And these deponents further say, that they deem it absolutely necessary, for the necessary convenience of said Company and for the accommodation of the business of said road, that said Company should own & control said lot of said Lot 4 of said Johnston.

Sworn & subscribed  
this 2<sup>d</sup> day of June A.D. 1852,  
before me.

John Van Nortwick  
Geo S. Hoard

L. D. Hoard, Clk.



MAP N° 2

New North Water Street

Dearborn Street.

Freight House  
100 by 320 feet

50 ft.  
Johnston's  
LOT  
wanted  
About 83 ft.  
About 60 ft.



We Philo Carpenter, Ephraim C. Stowell and John B. F. Russell the appraisers named and appointed in the foregoing order of the Hon. Hugh J. Dickey, do severally, solemnly and sincerely swear each for himself that he will honestly and impartially assess such damages as the respective owners of the respective Lots or parcels of Land named and described in the foregoing petition will sustain by the appropriation of their lands, respectively, for the use of the Galena & Chicago Union Rail Road Company, for the purposes in said Petition mentioned and make a true report thereof, so Help me God.

Subscribed & sworn to  
Before me this 15<sup>th</sup> day  
of June A. D. 1852

Philo Carpenter  
Ephraim C. Stowell  
J. B. F. Russell.

L. D. Hoard, Clerk  
Cook Circuit Court

To the Hon Hugh J. Dickey, Judge of the  
Seventh Judicial Circuit of the State of Illinois  
and Presiding Judge of the Cook County  
Circuit Court,

We the undersigned Appraisers, appointed by the  
said Judge, in & by an order of which the following  
is a Copy,

State of Illinois  
Cook County, Solicit- On the fifteenth day of  
May A.D. 1852, before me came, the Directors  
of the said Galena & Chicago Union Rail Road  
Company, by James H. Collins, their Attorney  
and the said W. W. Low, by Isaac N. Arnold his  
Attorney also come. And it appearing that the  
Board of Trustees of the Illinois & Michigan Canal



have the title in fee, in the said Lot Ten and Eleven in Block Fifty nine, in the Canal Trustee's subdivision of Lots & Blocks of the Original Town of Chicago described in the foregoing Petition & that the said W.W. Low holds a Certificate of Purchase for said lots, from the said Board of Trustees and that Part of the purchase money is due on said Lot; It was therefore ordered that the said hearing of the said Petition be continued to the fourth day of June 1852, That notice be given of the said hearing to the said Board of Trustees of the Illinois & Michigan Canal; and on the said fourth day of June again came the said directors of the Galena & Chicago Union Rail Road Company, by their said Attorney and the said W.W. Low by George W. Lay, his attorney, and thereupon the said W.W. Low, by his attorney objects to the appointment of Commissioners and to all further proceedings on the part of the said Galena & Chicago Union Rail Road Company in this matter and read and filed the following Affidavit hereto annexed marked (C) and thereupon the said Galena & Chicago Union Rail Road Company presented and filed the affidavits and accompanying maps, hereto attached marked (D) and it appearing to the said Judge that due notice of said application for the appointment of Appraisers has been given to the said William S. Johnston, owner of Lot Two, in Block No One, in King's Addition to Chicago described in said Petition, pursuant to the order heretofore made in that behalf, and also



to the said W. W. Low, and also to the said Board of Trustees of the Illinois and Michigan Canal and to their Attorney the said J. A. Arnold, & after hearing the proofs ~~of~~ and allegations of the Parties so appearing, and no sufficient Cause being shown against said Petition, It is therefore ordered that John B. F. Russell, Philo Carpenter and Ephraim C. Storrell of the City of Chicago, who are disinterested persons, freeholders and residents of the said County of Cook, be, and they are hereby appointed appraisers to appraise and assess the damages which the respective owners of said Lots, described in said Petition and the Parties respectively interested therein may severally sustain by reason of the appropriation of said Lots, to the use of the said Rail Road Company agreeable to the Prayer of the said Petition, and of the said act of incorporation, to which order the said W. W. Low, by his aforesaid Counsel excepts

Done at my Chambers in the City of Chicago this 4th day of June 1852

(Signed) Hugh J. Dickey  
Judge Cir. Court of  
Cook Co. Ill.

I respectfully Certify & report that after our said appointment and before proceeding to the discharge of our Duties as appraisers we were duly sworn, as by reference to the preceding oath will more fully appear, and on the fifteenth day of June 1852 - at nine o'clock in the forenoon at the Depot of said Galena and Chicago Union Rail Road Company



adjoining the Lot of said William S. Johnston we met together to view said several Premises described in said order, Previous notice of the day, hour and place of meeting having been served upon all the parties interested in said Premises, Copies of which said notices are hereto annexed —

And we do further Certify and Report that after viewing said several Lots described in said Petition and hearing the Proof and allegations of the said Johnston by his agent W. S. Johnston, Junior, no other of the Parties interested in said Premises appearing

We estimated & assessed the damages which the owner of said Lot, No Two, in Block No. One, in King's Addition to Chicago, the said William S. Johnston will sustain by reason of the appropriation of the whole of said Lot to the uses of said Rail Road Company as in said petition and order mentioned, to the sum of Four Thousand and Two Hundred Dollars

And we do further Certify and Report that we find that the Board of Trustees of the Illinois and Michigan Canal own or hold the title in fee to lots Ten and Eleven in Block fifty nine, in the Canal Trustees subdivision of Lots and Blocks in the Original Town of Chicago, and that said W. W. Low holds a Contract from the said Board of Trustees for the purchase of said Lot and has paid a part of the Consideration money therefor. And we do estimate and assess the damages to the said Parties interested in said Lots last mentioned by reason of the appropriation of the whole of said Lots respectively to the use of the said Rail Road Company



as follows to wit:

For Lot Ten the sum of  
Four Hundred and fifty Dollars and for  
Lot Eleven, Five Hundred fifty Dollars.

Given under our hands at Chicago, this  
13th. day of June 1852.

J. B. F. Russell  
Philo Carpenter } Appraisers.  
Ephraim C. Storrell }

In the matter of the Petition of the  
Galena & Chicago Union Rail Road  
Company, to Condemn the Lands  
of the Illinois & Michigan Canal  
& W. W. Low, for the use of said Rail Road

To the Board of  
Trustees of the Illinois & Michigan Canal & W. W. Low.

Please take notice that the appraisers  
lately appointed by the Hon. H. J. Dickey, Judge  
of the Cook County Circuit Court, to appraise &  
assess the damages which the said Board of  
Trustees of the Illinois & Michigan Canal and  
W. W. Low will sustain by reason of the appro-  
priation of Lots number Ten and Eleven in  
Block number fifty nine in the Canal Trustees  
subdivision of Lots and Blocks in the Original  
Town of Chicago, will meet on the said Lots  
for the purpose of viewing & appraising said damages  
on the 15th day of June instant at nine o'clock  
in the forenoon & will hear the proofs & allegations  
of said parties and of all persons interested in said  
Lots.

June 14th 1852.

Yours &c

James H. Collins

Atty. for said Galena & Chicago Union Rail Road Co.



State of Illinois

Cook County, p. G. W. Davenport of the County aforesaid being duly sworn, says, that he served a notice of which the within is a copy upon the Board of Trustees of the Illinois and Michigan Canal and W. W. Low, by handing the same to G. W. Lay, Attorney for W. W. Low and also the Law Partner of J. N. Arnold Esq. Attorney for said Board of Trustees on the 14<sup>th</sup> June 1852

Sworn and subscribed  
before me this 15<sup>th</sup> of June  
1852. L. D. Howard, Clk }

G. W. Davenport

In the matter of the Petition  
of the Galena & Chicago Union  
Rail Road Company to Condemn  
the Land of William S. Johnston  
for the use of said Rail Road }

Sir

Please take notice  
that the appraisers lately appointed by the  
Hon. H. T. Dickey, Judge of the Cook County  
Circuit Court, to appraise & assess the damages  
which the said William S. Johnston will sustain  
by reason of the appropriation of Lot number  
Two in Block number One, in Kinzie's ad-  
dition to Chicago, will met at the Depot  
of the said Galena & Chicago Union Rail Road  
Company, adjoining said lot for the purpose  
of viewing and appraising said damages,  
on the 15<sup>th</sup> day of June, instant, at nine  
o'clock in the forenoon & will hear the proofs  
and allegations of said Johnston and counsel



and of all persons interested in said Lot  
 June 14<sup>th</sup>  
 1852.

Yours &c.

Jas. H. Collins

Atty. for said Galena and  
 Chicago, Union Rail Road Company.

To, William S. Johnston

his Agents or Attorney.

State of Illinois

Cook County. ss. G. W. Davenport of the County  
 aforesaid being duly sworn, says that he  
 served a notice of which the within is a  
 copy, upon William S. Johnston, ~~senior~~, by  
 handing the same to William S. Johnston  
 Junior, Agent and Son of said William S.  
 Johnston and James H. Rees agent of said  
 William S. Johnston, in the City of Chicago, on  
 the 14<sup>th</sup> day of June 1852.

Sworn and subscribed  
 before me this 15<sup>th</sup> day  
 of June 1852.

G. W. Davenport

L. D. Kaard, Clerk.

To, W. S. Johnston, Esq. his Agent or Attorney.

Sir—

The Appraisers appointed to  
 assess the damages on Lot Two in Block One  
 in King's Addition to Chicago, having made  
 and filed their report of said assessment  
 I shall apply to the Hon. Hugh T. Dickey  
 Judge of the Cook County Circuit Court,  
 for a confirmation of their said report, on the  
 17<sup>th</sup> day of June instant at nine o'clock  
 A. M. at his Chambers in the City of Chicago, June  
 16<sup>th</sup>. 1852.

J. H. Collins, Atty. for the  
 Galena & Chicago Union Rail Road Company.



State of Illinois  
Cook County. ss.

G. W. Davenport of the aforesaid  
County being duly sworn, says that he served  
a notice of which the above is a copy upon  
W. S. Johnston, by leaving the same at the  
office of James H. Rees, Agent of said John-  
ston in the City of Chicago, and also by  
handing one to W. S. Johnston jun. son and  
Agent of W. S. Johnston in the City of Chi-  
cago the same day June 16, 1852.

Sworn & subscribed Before me this

17<sup>th</sup> day of June 1852

G. W. Davenport

Hugh J. Dickey

Jud. Cir. Ct. Ill.

To the Board of Trustees of the Illinois and  
Michigan Canal or Isaac N. Arnold, Esq.  
their Attorney.

The Appraisers appointed to assess  
the damages on Lots Ten and Eleven in Block  
Fifty nine, in the Canal Trustee subdivision  
of Lot and Blocks in the Original Town of  
Chicago, having made and filed their Report  
of said assessment, I shall apply to the  
Hon. Hugh J. Dickey, Judge of the Cook County  
Circuit Court, for a confirmation of their said  
Report on the 17<sup>th</sup> day of June instant at  
nine o'clock A.M. at his Chambers in the  
City of Chicago.

June 16<sup>th</sup> 1852.

J. H. Collins  
Atty. for the Galena  
and Chicago, Union  
Rail Road Company



State of Illinois  
Cook County, ss. G. W. Davenport, of the County  
aforesaid, being duly sworn, says that he served  
a notice of which the above is a copy, upon  
the Board of Trustees of the Illinois & Michigan  
Canal by leaving the same at the office of  
the Hon. Isaac N. Arnold, Attorney for the said  
Board of Trustees of the Illinois & Michigan  
Canal, in the City of Chicago this 16<sup>th</sup> day of  
June 1852.

Sworn & subscribed  
before me this 17<sup>th</sup> day  
of June 1852 —

G. W. Davenport

Hugh J. Dickey, Judge Cir. Ct. Ill.

To W. W. Low, or his Attorney

The appraisers ap-  
pointed to assess the damages on Lots Ten  
and Eleven in Block Fifty-nine, in the Canal  
Trustees subdivision of Lots and Blocks in the  
Original Town of Chicago, having made and filed  
their report of said assessment, I shall apply  
to the Hon. Hugh J. Dickey, Judge of the Cook  
County Circuit Court, for a Confirmation of their  
said Report, on the 17<sup>th</sup> day of June instant at  
nine o'clock A. M. at his Chambers in the  
City of Chicago

June 16, 1852

J. H. Collins

Atty. for the Galena and  
Chicago, Union Rail Road Company

State of Illinois  
Cook County, ss. G. W. Davenport of the  
County aforesaid, being duly sworn says that  
he served a notice of which the within is a



Copy, upon W. W. Low, by handing the same to G. W. Lay, his Attorney, in the City of Chicago & County aforesaid this 16th. day of June 1852.

Sworn and subscribed  
before me, this 17<sup>th</sup> day } G. W. Davenport  
of June 1852.

Hugh J. Dickey, Judge Cir. Ct. Ill.

In the Matter of the Petition of the Galena and Chicago, Union Rail Road, Company, to Condemn the lands of the Illinois and Michigan Canal and W. W. Low, for the use of said Rail Road

State of Illinois }  
Cook County } ss. L. S. Bullard being  
duly sworn according to Law, deposes and says that on the morning of the 15<sup>th</sup> of June 1852 at the request of Mr. George W. Lay, he accompanied him to the West side, and went upon Lots Ten and Eleven of Block Fifty-nine in the Canal Trusters subdivision in the Original Town of Chicago, to attend and appear before the appraisers in pursuance of notice to that effect, that this deponent went upon the premises ten minutes before nine o'clock that day and remained there until five minutes past nine, and that ~~the~~ No appraisers or persons were there during that time and that Mr. Lay remained there with me during all that time  
Subscribed & sworn to this

21st day of June A.D. 1852

L. S. Bullard

Hugh J. Dickey, Cir. Judge &c Ill.



State of Illinois

Cook County, ss. Ephraim C. Storrell, being duly sworn, saith that on the day appointed for the appraisal of Lots Ten and Eleven in Block Fifty nine, in the Canal Truities subdivision of Lots and Blocks in the Original Town of Chicago, that is to say, on the fifteenth day of June 1852, the deponent, with John B. F. Russell and Philo Carpenter, assembled on said Lots to view them between the hour of nine and ten o'clock, in the forenoon of said day, that about 9 o'clock they viewed said Johnsons lot and went immediately upon the first above described Lot; that no person was in attendance on the part of either of said parties - And further deponent saith not

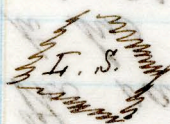
Subscribed & sworn to,  
before me this 21st day  
of June A. D. 1852 -

Witness my hand and <sup>seal</sup> ~~seal~~  
Notarial this 21st day of June A. D. 1852

Alonzo Huntington  
Notary Public

State of Illinois

Cook County, ss. The foregoing Report of Philo Carpenter, John B. F. Russell & Ephraim C. Storrell, Appraisers having been returned to me, the undersigned Judge of the Cook County Circuit Court; and it appearing to me that due notice of the time and place of <sup>the</sup> meeting of said appraisers to assess damages was given to the said William S. Johnston; and that due notice of the application to confirm said Report of said appraisers has also been given to said





Johnston: and no objection having been made to the Confirmation thereof: It is therefore ordered that the said Report and all things therein contained, so far as it relates to the appraisal of the damages of said William S. Johnston be and the same is hereby confirmed: And it is further ordered that the said Galena and Chicago Union Rail Road Company pay to the said William S. Johnston the amount so assessed, to him or to his duly authorized Agent and in case of his refusal to receive the same, that said amount be deposited to his credit in the Marine Bank, in the City of Chicago and that the said Galena and Chicago Union Rail Road Company all of the Cost of this proceeding.

And it is hereby Certified, that said Report of said Appraisers so far as relates to the said William S. Johnston is genuine.

And thereupon came the said W. W. Low and the Board of Trustees of the Illinois and Michigan Canal by Geo. W. Lox Esq: their Attorney and objects to the Confirmation of said Report, so far as the same relates to the appraisal of damages on Lots Ten and Eleven, in Block Fifty-nine, in the Canal Trustees subdivision of Lots and Blocks in the Original Town of Chicago, on the ground that no sufficient notice has been given to the parties interested in said Lots, and it appearing to me that said Appraisers did not meet pursuant to said notice given of the day and place of said appraisal of said Lots, so that the Board of Trustees



31  
of the Illinois and Michigan Canal and the said W. W. Low were not present at said appraisal, It is therefore ordered that the said Report of the said Appraisal, so far as it relates to said last named lots be not confirmed, but that the same, so far as respects said last named lots be referred back to the said appraisers named in said report, and that the said Appraisers proceed to a re-appraisal of said last named lots according to Law and the Statute in such case made and provided.

Hugh J. Dickey  
Judge Cl.

In the Matter of the Petition  
of the Galena & Chicago Union  
Rail Road Company, to Condemn  
the lands of the Illinois & Michigan  
Canal & W. W. Low, for the use of  
said Rail Road.

To the Board of Trustees of  
the Illinois & Michigan Canal and W. W. Low  
or their Attornies.

Please take notice that the  
Appraisers lately appointed by the Hon. H. J.  
Dickey, Judge of the Cook County Circuit  
Court to appraise and assess the damages  
which the said Board of Trustees of the Illinois  
and Michigan Canal and W. W. Low will sus-  
tain by reason of the appropriation of Lots  
Ten and Eleven in Block Fifty nine in the  
Canal Trustees Subdivision of Lots and Blocks  
in the Original Town of Chicago, will meet  
on the said Lots for the purpose of viewing and  
appraising said damages on the 21st day of



July instant between the hours of nine and ten o'clock in the forenoon and will hear the proofs and allegations of said parties and of all persons interested in said Lot.

Yours &c  
July 16<sup>th</sup> 1852. Jas. H. Collins, Atty.  
for said G & C. U. R. R. Co.

State of Illinois  
Cook County, ss. G. W. Davenport of the County aforesaid, being duly sworn, says that he served a notice of which the within is a copy upon the Board of Trustees of the Illinois and Michigan Canal and W. W. Low, this 16<sup>th</sup> day of July 1852 by handing the same to G. W. Lay, Attorney for said Low, and also law partner of Isaac N. Arnold Esq. Atty. for said Board of Trustees  
Sworn & subscribed before G. W. Davenport  
me this 28<sup>th</sup> day of July, 1852  
L. D. Hoard, clk.

To the Hon. Hugh J. Dickey, Judge of the Seventh Judicial Circuit of the State of Illinois and Presiding Judge of the Cook County Circuit Court  
We the undersigned appraisers appointed in and by the foregoing order of said Judge, bearing date the 4<sup>th</sup> day of June 1852 to appraise and assess the damages which the respective owners and parties interested in the Lots in said Order named and described may severally sustain by reason of the appropriation of said Lots to the use of the said Galena and Chicago Union Rail Road Company (as in said order may more fully and at large appear



reference being had thereto) Do hereby Certify and report, that in pursuance of said order and of the order of said Judge subsequently made (which last mentioned order precedes this our report) in and by which said last mentioned order, we the said appraisers were ordered and directed to proceed to a re appraisal of said Lots ten and eleven in Block number fifty nine in the Canal Trustees subdivision of Lots and Blocks in the Original Town of Chicago, on the 20th day of July 1852, between the hours of nine and ten o'clock A.M., we met together on said Lots to view and examine said premises, and thereupon then and there came, as well, the said Board of Trustees of the Illinois and Michigan Canal, as the said W. W. Low, by Isaac N. Arnold their Attorney, notice having been previously served upon them, a copy of which is hereto annexed, and the said Galena & Chicago Union Rail Road Company, by Collins and Williams their attorneys; and we the said appraisers, did then and there view and examine said premises and offered to hear the proofs and allegations of the said Parties and thereupon at the request and on motion of the said Isaac N. Arnold, who appeared as the attorney of the said parties respectively interested in said Lots, the hearing was adjourned to Monday the 26th day of July 1852 at 11 o'clock A.M., to enable them to produce Witnesses. On which last mentioned day, again came the said Parties by their respective Attorneys and by Consent the hearing was further adjourned to Three

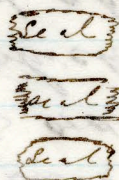


o'clock in the afternoon of the said 26th. day of July aforesaid, at which said last-mentioned hour, again came the said parties by their respective attorneys and thereupon said J. N. Arnold, filed the paper hereto annexed marked Z. We proceeded to the examinations of Witnesses, which were then and there produced, sworn and examined by and on the part and behalf of the respective parties. And after hearing said proofs and allegations of both parties, We found that the Board of Trustees of the Illinois and Michigan Canal own or hold the title to said lots Ten and Eleven in Block fifty nine in the Canal Trustes Subdivision of Lots and Blocks in the Original Town of Chicago. And that said W. W. Low holds a Contract or Certificate of Purchase of said Lots and has paid part of the purchase money therefor. And we do estimate and assess the damages to the parties interested in said Lots by reason of the appropriation of the whole of said Lots respectively to the use of said Rail Road Company as follows, to wit:

For said Lot Ten the sum of Five Hundred Dollars, and for said Lot Eleven, the sum of Six Hundred Dollars

Given under our hands this 26th day of July 1852.

J. B. F. Russell  
Philo Carpenter  
E. C. Storrell





In the matter of application  
of Galena & Chicago, U. R. R. Coy.  
to Condemn 10 & 11 in Block 59  
Canal Trustees Sub. &c

(3) To J. B. F. Russell }  
Stowell & Carpenter } appraisers

The owner of said Lots here protests against  
action of said appraisers on ground that their  
appointment is illegal and that they have no  
authority to act

July 26. 1852

J. N. Arnold  
Atty. for Law

To W. W. Low, or his Attorney  
Sir

Take notice that  
the appraisers appointed to assess the damages  
on Lot ten and Eleven in Block fifty nine  
in the Canal Trustees subdivision of Lots  
and Blocks in the Original Town of Chicago  
having made and filed this Report of said  
assessment, I shall apply to the Hon-  
orable H. J. Dickey, on the ~~1st day of~~  
~~November instant at 2 o'clock~~, Judge of  
the Cook County Circuit Court, for a Con-  
firmation of their said Report, on the 1st  
day of November instant at 2 o'clock in  
the afternoon of that day at his Chambers  
in the City of Chicago.

J. H. Collins  
Atty for the Galena  
and Chicago U. R. R. Coy.



State of Illinois  
Cook County - ss.

G. W. Davenport being  
duly sworn doth depose and say that he  
served a notice, of which the above is a  
copy, upon W. W. Low, by handing the  
same to G. W. Lay, <sup>the law</sup> partner of J. N. Arnold  
the Attorney of W. W. Low, at their office,  
(the said Arnold not being in at the time)  
this 26th. day of October 1852.

Sworn & subscribed  
this 1st day of Nov. 1852  
before me

Hugh T. Dickey

Cir. Judge 7<sup>th</sup> Jud.

State of Illinois  
Cook County, ss.

The foregoing report of Philo  
Carpenter, John B. F. Russell and Ephraim  
C. Storrell, appraisers, bearing date the  
twenty sixth day of July 1852, having been  
returned to me the undersigned of the Cook  
County Circuit Court, and it appearing to  
me that due notice has been given to the  
said W. W. Low and also to the Board of  
Trustees of the Illinois and Michigan Canal  
of the time and place of the meeting of  
the said appraisers to assess the damages  
of the said parties in interest; and also  
that due notice of this application to me  
to confirm the said report of said ap-  
-praisers, has also been given to the said  
parties; and the said W. W. Low, and the  
said Board of Trustees of the Illinois and



Michigan Canal by Arnold and Lay their respective Attornies, having this day appeared before me, and filed objections against the said Report (which objections are hereto annexed marked Y. and after hearing the said parties, It is ordered and considered that the said objections be overruled: And it appearing to me, that the said Report of the said Appraisers, bearing date the said 26th day of July 1852 is just and the same being genuine, It is further ordered, that the said Report be and the same is hereby Confirmed.

And it is further ordered that the amount so awarded in and by said Report be deposited with George Smith & Co. Bankers at Chicago, for the use of the owner or owners of said Lots Ten and Eleven in Block Fifty nine, in the Canal Trustees subdivision of Lots and Blocks in the Original Town of Chicago: To which decision, overruling said objections and confirming said Report, the said W.W. Low by his Counsel excepted

Done at my Chambers in the City of Chicago, County and State aforesaid, this first day of November A. D. 1852.

Hugh J. Dickey  
Judge Circuit Court  
Cook Co. Ill



Before the Hon. Hugh J. Dickey  
In the matter of the Petition  
of the Galena & Chicago  
Union Rail Road Company  
To condemn Lots 10 and 11  
in Block 59 O. T.

(9)

The said W. W. Low the owner of  
the Lots objects to the Confirmation of  
Report of Appraisers

Because the same is  
Improperly made — Because the same is  
illegal and improper, Informal and  
for other reasons.

W. W. Low, by  
Arnold & Lay, attys.

No. 37602 Filed for Record Nov. 6<sup>th</sup> 1852.

STATE OF ILLINOIS, }

COUNTY OF COOK, }

ss.

I, LOUIS D. HOARD, Clerk of the Circuit Court, and Ex-officio Recorder in and for  
said County, in the State aforesaid, Do hereby certify, that the annexed writing contains a true and correct copy of a certain  
instrument filed in my office, on

sixth day of November A. D. 1852 And  
recorded in Book No. 52 of Deeds at page 312 the parties to the same being The Galena  
and Chicago Union R. R. Coy. of the first part, and Wm Johnston and  
W. W. Low of the second part.

In Testimony whereof, I have hereunto set my hand and affixed the seal of said  
Circuit Court, at Chicago, in said County, this Twelfth  
day of May — A. D. 1856

L. D. Hoard  
CLERK



Dec 19. 50  
Gt C. U. R. R. Co.  
with  
W. J. Johnston & W. W. Low.

Land of 1836  
p 24.

Doc v Heleman 18cam. 323

10 & 11 owned by Low  
Canal between 2nd  
1 by Johnston in  
Kenzies addition

10 & 11 Canal between  
Low & Ship shed &  
Track

1 Kenzie's addition  
Johnston, deep purpose



~~K3~~  
Mr. W. Low  
Galena & C. H. K. K. Co.  
16.

16

12343

1857

