

13617

No. _____

Supreme Court of Illinois

Chicago & Rock Island R.R.Co.

vs.

Pratt

71641  7

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 86

Chicago
Red RR Co

vs

Pratt

13617

1862

STATE OF ILLINOIS, }
SUPREME COURT, } ss.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Henry Greeting:

Because, In the record and proceedings, as also in the rendition of the judgments of a plea which was in the Circuit Court of Henry County, before the Judge thereof, between The Chicago & Rock Island Rail Road Company

plaintiff, and Julius A. Pratt & the County of Henry

defendants, it is said manifest error hath intervened, to the injury of the aforesaid plaintiff

as we are informed by the complaint of said Plaintiff and we being willing that error should be corrected, if any there be, in due form and manner, and that justice be done to the parties aforesaid, command you that if judgments thereof be given, you distinctly and openly, without delay, send to our Justices of the Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the first Tuesday after the third Monday in April next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

Witness, The Hon. John D. Eaton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 18th day of May in the Year of Our Lord One Thousand Eight Hundred and Sixty one

L. Leland

Clerk of the Supreme Court.

J. D. Rice Deputy

The Chicago & Rock Island

Rail Road Company

No.

vs.

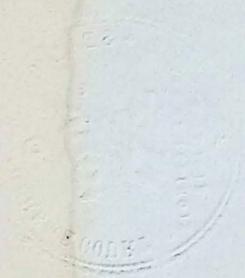
Julius A Pratt and
Henry County

WRIT OF ERROR.

*This writ of Error is made
a supersedeas & as such
is to be obeyed by all concerned*

FILED A. D. 186

.....
Gleek.



State of Illinois
Madison County

Geo B Campbell
being first duly sworn states on
oath that he is well acquaint-
ed with Burton C. Cook and
with his pecuniary condition
and he believes that said
Cook would be perfectly good
security upon a Superseas
Bond in the Case of The Chica-
go Rock Island Railroad Com-
pany vs Julius Pratt et al to
the amount of five thousand
Dollars

Subscribed & sworn before Geo B. Campbell
on this 6th day of May 1851.

L. L. Cook Clerk
J. B. Rice Deputy

COR ~~TRR~~⁸⁶

↓

Julius A. Pratt
et al

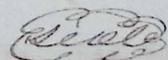
affidavit for
of sufficiency of
Security

1267.18
2
2534.36

Know all men by these presents that we the
Chicago and Rock Island Rail Road Company
as principal and Benton C. Cook as surety
are held and firmly bound unto the
County of Henry and Julius A. Platt
in the penal sum of five thousand dol-
lars lawful money for the payment of
which well and truly to be made we
bind ourselves ~~and~~ ^{and said Benton C. Cook} heirs executors and
administrators jointly severally & firmly
by these presents sealed with our seals
and date this 16th day of April AD 1861
The condition of this obligation is such
that whereas the said Rail Road Company
on the 25 day of May AD 1860 exhibited
their bill of complaint against the
said Henry County and Julius A. Platt
in the Circuit Court of the County of
Henry in the State of Illinois and
sued out an injunction thereon to
restrain the said Henry County and
Julius A. Platt from collecting or en-
forcing the payment of the sum of
claims to be due from said company
for taxes for the year 1860 and whereas
such proceedings were afterwards had in
said cause that said injunction was
dissolved and said bill dismissed
and a judgment was rendered against

Said company for costs from which
judgment said company has secured
out a writ of error to the Supreme Court
of the State of Illinois for the 3rd Division
of said State which writ of error of the
order of said Supreme Court has been
made a supersedeas and whereas the
said Supreme Court has upon motion
of said Rail Road Company ordered
that said injunction be revived and
continued And if said company shall
prosecute the said ^{writ} of error in said
Supreme Court with effect and with-
out delay and shall pay the sum of
money so enjoined as aforesaid and
shall pay the said Judgment of the
Circuit Court aforesaid with all dam-
ages interest & costs in case the said
Judgment shall be affirmed in said
Supreme Court and shall pay whatever
damages may be adjudged against
said company for knowingly causing
out said injunction then this obligation
shall be void otherwise in force

The Chicago & Rock Island Rail Road Com-
pany of Charles A. Fran-
Superintendent

B. C. Cook 

86-348
The Chicago & N. W. R.R. Co.
Henry County &

Erros to Henry

Superior & Augustin
Bond

Filed June 10, 1861
L. Leland
Clerk.

State of Illinois }
Henry County }

Henry County Circuit Court
October Term A D 1860

Before the Hon. John McNamee Judge of the 6th Judicial
Circuit of the State of Illinois, at a regular term of
the Circuit Court begun and holden at the Court House
in Leunbridge in said County and State on the 2^d
Monday of the month of October, in the year of our Lord
One Thousand Eight hundred and Sixty, it being
the 8th day of said month, in Chancery sitting

Present Hon. John McNamee Judge
Thomas Wiley Jr. Clerk
Turner to Sheriff Sheriff

Be it remembered that on the 25th day of May
A D 1860 a Chancery summons issued from the
Office of the Clerk of said Court directed to the Sheriff
of said County in the words and figures following
& wit

State of Illinois }
Henry County }

The people of the State of Illinois to the Sheriff
of Henry County Greeting, We command you to summon
Julius A Pratt, County Treasurer of said County and
The County of Henry if to be found in your county
personably to be and appear before the Circuit Court of said

County on the first day of the next term thereof, to be held
 at the Court House in Cambridge on the second Wednesday of
 in the Month of Oct 1860 to answer to a Bill of Complaint
 filed in our said Circuit Court on the Chancery side thereof
 against them by the Chicago and Rock Island Rail
 Road Company. And have you then and there this writ
 and make return thereon in what manner you execute
 the same Witness Myself for Clerk of our said Circuit
 Court and the seal thereof at Cambridge this 25th day
 of May in the year of our Lord One thousand Eight
 hundred and sixty



Thomas Wiley for Clerk
 By W S Dalrymple Deputy

Upon which summons served and returned appears
 the following endorsement "I have served the within
 summons by delivering a copy of the same to the
 within named Julius A Pratt this 26th day of
 May 1860 P H Sniff Sheriff of Henry County"

And now at this day May 25th 1860 comes the Complaint
 by Glouster D Cook their Atlas and file their Bill of
 Complaint in words and figures following to wit.

State of Illinois and Circuit Court thereof
 Henry County To - Term A D 1860

To the Honorable John H Heone
 Judge of said Court.

judge of said
Complains sheweth unto your Honor your Orator The
Chicago and Rock Island Rail Road Company,
that it is a body corporate created and existing under
and by virtue of the Laws of the State of Illinois, that
herefore found on or about the 19th day of April A D 1859
your Orator in accordance with the requirements of section
Two (2) Three (3) and Four (4) of an Act entitled "An Act
to amend the assessment and Revenue Laws" approved
February 14th 1855, filed in the Office of the County Clerk
of the County of Henry in said State a Schedule or list
of all the property of your Orator which was on the first
day of May A D 1859 subject to taxation in said
County of Henry and the valuation thereof, which said
list and valuation was made out in the form & according to
the requirements of said Act, and a copy of the same is
hereto annexed marked "Exhibit A" and made a part
of this your Orator Bill -

Your Orator further shews
to your Honor, that the Board of Supervisors of said
County of Henry at their Annual Meeting in the
Month of September A D 1859, among other things
took action upon the said list, so filed with the
Clerk as aforesaid, which said action was as shown
by the record of the proceedings of said Board in
substance as follows, "On the 13th day of September A D
1859, on Motion it was ordered that the several Rail Road lists

filed for assessment for the year 1859 by the Officers of said Roads be referred to a committee consisting of R A Gurney Benjamin Tritts and J A McCulloch with instructions to report at this term of Court"

"Sept 14. Board in session. The Committee on Rail Roads here make report, which on motion is accepted and ordered to be placed on file." Which said report your Orator shows to your Honor was and is in substance as follows

"To the Hon Board of Supervisors of the County of Henry your Committee on Rail Roads would report that they have examined the assessment rolls of the Chicago and Rock Island & C B & Q R R^{cs} and find a difference in the lists of assessments of said Roads for the years 1858 & 1859. Your Committee are informed there was a committee on the grounds of said Rail Roads in 1858 for the purpose of examining the amount and value of the real and personal property of said Roads. We would recommend therefore that the assessment for 1858 be taken as a basis for the assessment for A D 1859 and assess the same as in A D 1858. We have also examined the schedule of the Rock Island Leavel & Cooke Company and believe the same true and just
All of which is respectfully submitted

R A Gurney
J A McCulloch
Benj Tritts

Your Orator further shows to your Honor (that said Board of Superiors has never taken any other or further action of any kind whatever upon the subject of said list and valuation of the said property of your Orator)

Your Orator further shows to your Honor (that the said County Clerk of said County after the said report was accepted adopted and ordered to be placed on file by said Board of Superiors as aforesaid, certified to the Treasurer of said County of Henry a statement or list of the property of your Orator with the valuation thereof as the same was assessed for the year AD 1858, and computed upon said list the amount of the Tax to be collected by said Treasurer of your Orator for the year AD 1859 for said County of Henry and extended the same apposite the different items of said list

Your Orator further shows to your Honor that the valuation of the property of your Orator in said County of Henry was certified by said Clerk to said Treasurer was the sum of \$245,154²⁹ and that the valuation of the said property as filed by your Orator was the sum of \$166,448⁰⁰. That the total amount of Taxes extended against said items of property is the sum of Three Thousand seven hundred and sixteen & ⁸²/₁₀₀ Dollars (\$3716.82) and that the total amount of Taxes in said County if the same had been computed

and extended against said items of property upon the valuation thereof as filed by your Orator as aforesaid would have amounted to the sum of Two Thousand four hundred and forty nine & ⁶⁴/₁₀₀ Dollars (\$ 2449⁶⁴) A particular statement of the valuation of said property in each of the Towns in said County through which the Rail Road of your Orator runs and the amount of Taxes extended against the same both according to the valuation as filed by your Orator and as certified by said Clerk is hereto attached marked "Exhibit B" and made a part of this Bill.

Your Orator further shew unto your Honor that it has paid to the said Treasurer the said sum of Two Thousand four hundred and forty nine & ⁶⁴/₁₀₀ Dollars (\$ 2449⁶⁴) the said sum being the full amount of Taxes due the County of Henry for the year 1859 upon the property of your Orator subject to taxation in said County upon the valuation thereof filed as aforesaid by your Orator

And your Orator inserts that the sum last mentioned as having been paid by your Orator is the Total amount of Taxes legally levied against your Orator in said County of Henry for the year 1859) And is the amount of Taxes that should of right have been certified by said Clerk to said Treasurer as the amount to be collected of your Orator for said County of Henry

Your Orator further insists that said Board of Supervisors never at any time increased the valuation of the property of your Orator over and above the valuation of the same as filed by it as aforesaid they only "accepted and adopted and ordered to be filed" the report of the Committee recommending that it should be increased. ~~Adoption or filing of said report~~ And neither the acceptance, adoption or filing of said report was sufficient to increase the valuation - It must be done precisely as required by section 4th of the Act heretofore cited

Your Orator further insists that said Clerk had no authority by law to certify to said Treasurer a statement of the property of your Orator subject to Taxation in said County, with the valuation thereof increased above the valuation thereof as filed by your Orator and with Taxes computed upon such increased valuation and extended against said property for the reason that no such increase was ever made by said Board of Supervisors

Your Orator further insists that said Treasurer has no right or authority whatever by law to demand or collect of your Orator any tax whatever for said County of Henry for the year 1859 upon said increased valuation so certified to him as aforesaid by said Clerk, and has no right or authority by law to demand or collect of your Orator any further amount of money whatever as Taxes due from your Orator to

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said County of Henry for the year AD 1859
for the reason that no such increased valuation was ever
ordered to be made by said Board of Supervisors and
no Tax was ever levied thereon

Your Orator further shows
to your Honor that Julius A Pratt is the County Treasurer
of said County of Henry and that he threatens and
gives out in speeches that he will levy upon and sell
the personal property of your Orator to make the sum
of Twelve Hundred and sixty seven & Four Dollars
(\$1267⁰⁴) the same being the amount of money
computed by said Clerk as the Tax due from your Orator
to said County upon the said supposed increased valuation
of the property of your Orator in said County of Henry
And said sum never having been in any way assessed
against the property of your Orator, and said Clerk
never having been in any way authorized to compute
and extend the same as a tax upon the property of
your Orator

Your Orator further shows to your Honor
that it is engaged in operating its Rail Road from
day to day for the use and accommodation of the
public, that all its personal property consists mainly
of Locomotives, Carst tools which are in daily use
in the operation of its road as aforesaid, and if said
Treasurer should as he is continually threatening to do

3

levy upon and sell said personal property, it would result in irreparable injury to ~~those persons who might at such time~~ your Orator and great and irreparable injury to those persons who might at such time be travelling upon such train of cars as might be levied upon - and your Orator would have no adequate remedy at law for the damage that would inevitably result to him from such levy and sale

Inasmuch therefore as your Orator is in danger of suffering irreparable loss and damage in the premises and has no adequate remedy except in Equity, Where matters of this kind are properly cognizable or relievable

Your Orator prays that said Julius A Pratt County Treasurer as aforesaid of said County of Henry, and said County of Henry be made defendants to this your Orator's Bill of Complaint, and summoned to answer the same without oath which is hereby expressly waived and that said Pratt be commanded by order of injunction issuing out of and under the seal of this Honorable Court to wholly abstain or refrain from in any attempting to collect said sum aforesaid from your Orator until further order of this Court

The Chicago & Rock Island Rail Road Company
By Your Clerk & Comptroller its Attorneys

State of Illinois
Cook County, P

John F. Tracy being first duly sworn states on oath that he is the superintendent of the said Chicago and Rock Island Rail Road Company, that the matters and things in said Bill stated are true according to the best of his knowledge, information & belief

John F. Tracy

Subscribed and sworn to before me the Twenty First day of May 1860



Wm W. Keenan Notary Public

Office of the Chicago & Rock Island
R R Co Ottawa May 1st 1859

To the County Clerk of the County of Henry
State of Illinois

In accordance with sections
2. 3. 4. 12 & 22 of "An Act to amend the
assessment & Revenue Laws approved July 14th 1855"

The Chicago & Rock Island Rail Road Co
make the following return

For value and description of Real Estate owned
by said Company in the County of Henry
see annexed Schedule marked "A"

For the value of the "fixed and stationary personal
property" in the County of Henry see annexed
Schedule marked (B)

For value of all other personal property owned by
said Company in the County of Henry see
annexed Schedule marked (C)

For value and inventory of all the moveable property
of said Company on their whole Road see annexed
Schedule marked (D)

The Total length of the main tracks in this State
is 950,104 feet or $181\frac{26}{100}$ Miles

For the value of all the Rolling stock of said Company
is \$ 377,496

The length of the main tracks of said Company in the
County of Henry is 146,855 feet

12 The share or proportion of the Rolling Stock which you are entitled to assess in said County of Henry is

\$ 91,611.00

The County of Henry is therefore entitled to assess as follows

1 st Real Estate Schedule A	\$ 3420.00
2 ^d Fixtures & Statutory Personal property Schedule B	91,611.00
3 ^d Other personal property " C	250.00
4 th Pro Rata Moveable property	58,742.00
	<u>64,250.00</u>
Total in the County of Henry	160,448.00

This valuation is made on the first of April 1859. Should any change be made by you, you are required to give notice of the same at this Office. See Section 3 of the Just act referred to in this report

All of which is respectfully submitted

Glouven J Cook

Clerk for C & RD RR Co.

Journal of Amman

\$ cts

	E 1/2	SE 1/4	12	16	5	644	100	1.48	14	80
	E 1/2	NE 1/4	"	"	"	700	100	1.61	16	00
	W 1/2	"	"	"	"	1420	100	3.26	32	60
	E 1/2	NW 1/4	"	"	"	1377	100	3.16	31	60
		NE 1/4	11	"	"	2715	"	6.23	62	30
	E 1/2	NW 1/4	"	"	"	1377	"	3.16	31	60
	E 1/2	SW 1/4	2	"	"	20	"	12	1	20
	W 1/2	"	"	"	"	1333	"	3.06	30	60
	SE 1/4	SE 1/4	3	"	"	1373	"	3.15	31	50
	SW 1/4	SE 1/4	"	"	"	1372	"	3.15	31	50
Amman Station	{	SW 1/4	"	"	"	1732				
		"	"	"	"	1000	300	6.31	63	10
		SE 1/2	4	"	"	2775	100	6.33	63	30
		SW 1/4	"	"	"	50	"	.02		20
	W 1/2	NE 1/4	"	"	"	164	"	.26	2	60
		NW 1/4	"	"	"	2817	"	6.44	64	44
	W 1/2	NE 1/4	5	"	"	862	"	1.98	19	80
	S 1/2	NE 1/4	"	"	"	1862	"	4.27	42	70
	W 1/2	NW 1/4	"	"	"	2722	"	6.25	62	50
	NE 1/2	NE 1/4	6	"	"	1315	"	3.04	30	40
	SW 1/2	"	"	"	"	137	"	.32	3	20
						29064			667	60

Total Value of Lands

667.60

" length of Main Trunk

29064

" " " Side "

1435

Station Buildings

2000

Journal of Atkinson

	S $\frac{1}{2}$	36	17	4	5372	100	26.25	126	50
NE $\frac{1}{4}$	SE $\frac{1}{4}$	35	"	"	206	"	0.45	4	50
	NE $\frac{1}{4}$	"	"	"	2519	"	5.78	57	80
S $\frac{1}{2}$	SW $\frac{1}{4}$	"	"	"	2220	"	5.10	51	00
SW $\frac{1}{4}$	"	"	"	"	480	"	1.10	11	00
E $\frac{1}{2}$	NE $\frac{1}{4}$	34	"	"	1390	"	3.19	31	90
N $\frac{1}{2}$	NE $\frac{1}{4}$	"	"	"	1389	"	3.19	31	90
E $\frac{1}{2}$	SW $\frac{1}{4}$	"	"	"	1340	"	3.08	30	80
N $\frac{1}{2}$	"	"	"	"	154	"	35	3	50
S $\frac{1}{2}$	SW $\frac{1}{4}$	27	"	"	1248	"	2.88	28	80
SE $\frac{1}{4}$	SE $\frac{1}{4}$	28	"	"	1351	"	3.10	31	00
SW $\frac{1}{4}$	"	"	"	"	1350	"	3.10	31	00
S $\frac{1}{2}$	SW $\frac{1}{4}$	"	"	"	828	"	1.90	19	00
NE $\frac{1}{4}$	SW $\frac{1}{4}$	"	"	"	588	"	1.17	11	70
SW $\frac{1}{4}$	"	"	"	"	1348	"	3.09	30	90
N $\frac{1}{2}$	SE $\frac{1}{4}$	29	"	"	2730	"	6.24	62	40
NE $\frac{1}{4}$	SW $\frac{1}{4}$	"	"	"	98	"	.26	2	60
SW $\frac{1}{4}$	NE $\frac{1}{4}$	"	"	"	60	"	02		20
	SW $\frac{1}{4}$	"	"	"	2614	"	5.96	59	60
	NE $\frac{1}{4}$	30	"	"	2760	"	6.33	63	33
	SW $\frac{1}{4}$	"	"	"	2482	"	5.69	56	90

32527

746.30

Total Value of Lands 746.30

" Length of main track 32527 ft

" " " Side " 1353 "

Township of Genesee

	NE 1/4	25	17	3	1974	100	4.53	45	30
SW 1/4	SE 1/4	24	"	"	776	"	1.78	17	80
E 1/2	SW 1/4	"	"	"	1371	"	3.15	31	50
N 1/2	"	"	"	"	1370	"	3.14	31	40
E 1/2 E 1/4	SE 1/4	23	"	"	691	"	1.58	15	80
60 a Mid	"	"	"	"	1036	"	2.38	23	80
60 a East	"	"	"	"	1036	"	2.38	23	80
	SW 1/4	"	"	"	2774	"	6.37	63	70
	SE 1/4	22	"	"	525	"	1.22	12	20
E 1/2	NE 1/4	"	"	"	785	"	1.80	18	00
N 1/2	"	"	"	"	1455	"	3.34	33	40
E 1/2	SW 1/4	"	"	"	1379	"	3.16	31	60
SW 1/4	"	"	"	"	1091	"	2.50	25	00
SW 1/4	"	"	"	"	289	"	.70	7	00
Part of	NE 1/4	21	"	"	1370	"	3.34	33	40
"	"	"	"	"	677	100			
"	N 1/2	"	"	"	760	300	6.27	62	70
E 1/2	SW 1/4	"	"	"	360	300			
	"	"	"	"	1084	100	4.85	48	50
N 1/2	"	"	"	"	380	"	.87	8	70
"	SW 1/4	16	"	"	1002	"	2.30	23	00
E 1/2	SE 1/4	17	"	"	1342	"	3.08	30	80
N 1/2	"	"	"	"	1341	"	3.08	30	80
S 1/2	SW 1/4	"	"	"	2687	"	6.17	61	70
	Section	18	"	"	5700	"	13.07	130	70
					33185			810	60

Total value of Land \$10.60
 " Length of main tracks 331 35
 " " " " 37 71
 Value of Station Buildings 3800.75

Township of Edgemoor

NE 1/4	13	17	2	2748 27480	4.50	6.31	63	10
SW 1/4	"	"	"	2755	"	6.32	63	20
NE 1/4	14	"	"	1593	"	3.63	36	50
SE 1/4	14	"	"	1200	"	2.75	27	50
SW 1/4	"	"	"	2701	"	6.17	61	70
SE 1/4	10	"	"	2652	"	6.08	60	80
SW 1/4	"	"	"	2612	"	5.99	59	90
SE 1/4	9	"	"	2632	"	6.04	60	40
SW 1/4	"	"	"	2633	"	6.04	60	40
SE 1/4	8	"	"	2681	"	6.15	61	50
SW 1/4	"	"	"	2694	"	6.18	61	80
SW 1/4	7	"	"	3007	"	6.88	68	80
SE 1/4	"	"	"	2615	"	6.00	60	00
SW 1/4	"	"	"	112	"	.29	2	90
				32635-			748.50	

Total Value of Leases \$ 748.50
 " length of main Truck 32635
 " " " Side " 800
 Buildings \$ 750.00

Township of Coloma

E 1/4	NE 1/4	12	17	1	1321	100	3.03	30	30
E side	SE 1/4	"	"	"					
N 1/4	NE 1/4	"	"	"	1320	"	3.03	30	30
	NW 1/4	"	"	"	2647	"	6.07	60	70
	NE 1/4	11	"	"	2796	"	6.41	64	10
	NW 1/4	"	"	"	1795				
	"	"	"	"	1000	300	6.41	64	10
	NE 1/4	10	"	"	471	100	1.08	10	80
	SE 1/4	3	"	"	2810	"	6.45	64	50
under water	SW 1/4	"	"	"	1520	"	3.49	34	90
					15680			359.70	

Total value of Land \$ 359.70
 " length of main track 15680
 " " " Side " 1386
 Buildings \$ 300.00

	feet	Value
Length of main Truck in the County of Henry	146855	88,113.00
" " Side " " " " " "	8,745	3,498.00

Station of Arrangement	1435
" " Citherson	1353
" " Geneva	3770
" " Oakley	800
" " Colman	1381

Total Value of fuel & Stationary Personal property \$ 91,611.00

Schedule C

Personal Property	Value
Tools & fixtures for Repair of Road	\$ 100.
All other personal property	150.
Total of personal property	\$ 250.

Schedule D

Movable Property

Description	No	Average Value	Total value
41 Locomotives 1 st Class \$4000			
13 " 2 nd " \$3000			
3 " 3 rd " \$100	57		206,000
26 Passenger Cars 1 " \$100			
7 " " 2 " \$600	33		29,000
Emigrant Cars	8	\$400	3,200
Baggage "	11	\$400	4,400
House "	492	300	147,600
Coats "	165	250	26,250
Platforms "	265	200	41,000
4 Wheel Trunk "	10	100	1,000
Coal "	100	100	10,000
Round "	45	13-	750
<u>Mails & Express Cars</u>	<u>5</u>	<u>500</u>	<u>2,500</u>

Total of Movable Property in C & P & B & R R \$ 471,870

Take 1/5 for Equipment of C & P & B & R R \$ 377,496

<i>Names</i>	<i>Items of Property</i>	<i>Foot</i>	<i>Valuation</i>	<i>Total</i>
<i>Annunzio</i>	<i>Main Tract</i>	<i>29,1164</i>	<i>\$ 17,438.40</i>	
	<i>Side "</i>	<i>1,435</i>	<i>574</i>	
	<i>Pro Rata Movable Property</i>		<i>11,625</i>	
	<i>Other personal property</i>		<i>1000</i>	
	<i>Buildings</i>		<i>2,000</i>	
	<i>Real Estate</i>		<i>\$ 60,071.60</i>	<i>\$ 32,405.60</i>

<i>Alba</i>	<i>Main Tract</i>	<i>3814</i>	<i>\$ 2,288</i>	
	<i>Real Estate</i>		<i>\$ 8740</i>	
	<i>Pro Rata Movable Property</i>		<i>\$ 1525.60</i>	<i>\$ 3,901.40</i>

<i>Alfonso</i>	<i>Main Tract</i>	<i>32,527</i>	<i>\$ 19,516.20</i>	
	<i>Side "</i>	<i>1,353</i>	<i>541.20</i>	
	<i>Pro Rata Movable Property</i>		<i>13,010.80</i>	
	<i>Real Estate</i>		<i>746.30</i>	<i>\$ 33,814.50</i>

<i>Genaro</i>	<i>Main Tract</i>	<i>33,135</i>	<i>\$ 19,881</i>	
	<i>Side "</i>	<i>3771</i>	<i>1,508.40</i>	
	<i>Pro Rata Movable Property</i>		<i>13,254</i>	
	<i>Other property</i>		<i>100</i>	
	<i>Buildings</i>		<i>3,975</i>	
	<i>Real Estate</i>		<i>810.60</i>	<i>\$ 39,429</i>

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Town	Items of property	feet	valuation	Total
Escondido	Main Tract	32635	\$19,581	00
	Side "	800	320	"
	Pro Rata Movable Property		\$13,054.00	
	Real Estate		798	50
	<u>Buildings</u>		250	\$33,953.50
Colton	Main Tract	15680	\$9,408	00
	Side "	1386	534	00
	Pro Rata Movable property		\$6,272	00
	Other Personal property		50	"
	<u>Buildings</u>		300	00
	<u>Real Estate</u>		\$359.10	\$16,944.10

And upon which Bill of Complaint appears enclosed the following Order in words and figures following to wit

Let an injunction issue according to the prayer of the within Bill upon Complainants entering into & filing Bond as the law directs in the sum of \$2000. with John F. Tracy as security

May 23rd 1860

M. E. Hoollister

Judge 9th Judicial Circuit

And afterwards to wit: on the 31st day of May 1860 a writ of injunction issued out of said Clerk's Office in said cause and in accordance with the order aforesaid which is in the words and figures following to wit

State of Illinois }
Henry County } The People of the State of Illinois
To Julius A. Pratt County Treasurer
of said County and to your agents and deputies. and
to each and every of them Greeting

Whereas it has been represented to the Hon M E Hoollister Judge of the 9th Judicial Circuit in the State of Illinois on the part of the Chicago & Rock Island Rail Road Company Complainants in a certain Bill of Complaint exhibited before said Judge and filed in the Circuit Court of the County of Henry in the State aforesaid against

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you the said Julius A Pratt to be relieved touching the matters therein complained of. In which said Bill it is stated among other things that you are combining and confederating with others to injure the complainant touching the matters set forth in the said Bill, and that your actings and doings in the premises are contrary to equity and good conscience. And that the said Judge having under his hand endorsed upon said Bill an order that a writ of Injunction issue out of said Court according to the prayer of said Bill. We therefore in consideration thereof and of the particular matters in said Bill set forth do strictly command you the said Julius A Pratt and the persons before mentioned and each and every of them that you absolutely must and refrain from collecting or attempting to collect any tax or taxes of the Chicago & Rock Island Rail Road Company which may be now due and unpaid for the year AD 1859 from the said Rock Island & Chicago Rail Road Company to you as Treasurer of the County of Henry in the State aforesaid until this Honorable Court in Chancery sitting shall make other order to the contrary and hereof fail not under the penalty of what the law directs. To the Sheriff of said County to execute and return in due form of law

Witness Thomas Wiley Jr
 Clerk of said Court and the seal thereof at

Cambridge in said County this 25th day of May AD 1860

Seal

Thmas Wiley Jr Clerk
By W S Dabrymple Deputy

And afterwards took at the term first aforesaid and on the 25th day of October of said term the following causes other proceedings were had to wit

Chicago & Rock Island Rail Road Company vs Julius A Pratt & The County of Henry	}	Injunction
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At this day came the said complainants by Glover & Cook their solicitors and the said defendants by Bennett their solicitor. and it appearing to the Court that the said defendants have failed to file their answer herein to the said complainants Bill. On Motion of the said complainants. the said case by the Court ruled to answer to said Bill of complaint by February 1st 1861

And afterwards to wit at the term aforesaid and on the 4th day of Nov the following proceedings were had in said cause to wit

and now at this day comes the said defendants by their solicitor, and move the Court to dissolve the injunctions of this Court in the above entitled cause.

And afterwards Term on the 29th day of January AD 1861 came the said defendants by Bennett & Davis their Solicitors and file their joint answer to said complainants Bill in words and figures following to wit

State of Illinois } Circuit Court in and for said
Henry County } County of the March Term AD 1861

Julius A Pratt
& Henry County
vs
The Chicago & Rock
Island Rail Road Co

Answer of J A Pratt & Henry Co

The answer of Julius A Pratt and the said County of Henry made jointly to the Bill of Complaint of the Chicago and Rock Island Rail Road Company

These defendants saving and reserving to themselves now and at all times hereafter, all and all manners of benefit and advantage of exceptions which can be had or taken to the said complainants Bill of complaint for answer thereto, or to so much

as these defendants are advised is in anywise material or necessary for them to make answer unto. Answer and say, that they believe it to be true that the Complainant is a body corporate, created & existing under & by virtue of the Laws of the State of Illinois, that Complainant filed in the Office of the Clerk of the County Court of the County of Henry & State of Illinois a Schedule or list of property purporting to be all the property of Complainants - subject to Taxation in the County of Henry aforesaid on the first day of May AD 1859 and purporting also to be in pursuance of Sections Two (2) & Three (3) and four (4) of an act entitled "An Act to amend the assessment and revenue laws" Approved February 14th AD 1855 - on or about the time charged in said Bill, but whether said list or Schedule did in fact embrace all the property subject to Taxation on the 1st day of May AD 1859, and also whether said list or Schedule was filed in pursuance of the Statute aforesaid - these defendants can not say either from Knowledge or Relief - and ask for the proof

These defendants further answering admit it to be true as they believe that the Board of Supervisors of said County at their annual meeting in the month of September AD 1859 took action on the said list - filed as aforesaid as appears by the habe verba - recited of the Record of said Board

at said Term in the said Bill of Complaint contained — that the same by order of said Board was referred to a Committee as charged in the said Bill. These defendants admit it to be true as they believe that said Committee, on the 14th of Sept AD 1859 made report as charged in said Bill, that the assessment of AD 1859 and the Schedule aforesaid should be made to conform to the assessment of AD 1858 of said Complaint in manner and form as stated in said Bill.

Further answering these defendants say they believe it to be true — that on the day and year last aforesaid — said Committee having made their report as aforesaid — the said Board of Supervisors, "accepted, adopted and ordered to be placed on file" the said report of said Committee.

These defendants further answering say that by the said action of the said Board of Supervisors, the said Board authorized the clerk of the County Court — to extend in the Tax Books the taxes of said Company upon the basis of the Schedule or list for the year AD 1858 — and authorized the said clerk to certify to the Treasurer of said County of Henry, a statement or list of the property of the property of Complainants with the valuation thereof as the same was assessed for the year AD 1858, and to compute upon said list the amount of the Tax to be collected by said Treasurer

of the Complainant. for the year AD 1859 for said
Defendants, Henry County, and to extend the same
appropriate the assessment items of said list

And these defendants, say that as they believe said Clerk
did in that behalf, as charged in said Bill, and as
by law he had good right to do.

These defendants, ~~furthering~~ further, answering say, that
they believe the allegations of the Bill true, in so far as
related to the sum certified by said Clerk to said
Treasurer, also as to valuation of Complainant's property,
filed as aforesaid, also as to the amount of Taxes
assessed against said Complainant's said property by
said Clerk, and so as to the amount of taxes which
would have been assessed had the Clerk adopted the
basis of the list filed by Complainant as aforesaid
- in manner & form as alleged in said Bill

These defendants admit the payment of Two Thousand
four hundred & forty nine & ⁶⁴/₁₀₀ Dollars of the Taxes
of 1859. But they especially deny that the said sum of
(\$ 2449 ⁶⁴/₁₀₀) is the full amount of Taxes due the
County of Henry for the year 1859 - upon the property
of Complainant subject to taxation in said County of
Henry, and they also especially deny that said last
mentioned sum is the total amount of Taxes
legally levied against Complainant in said County,
for the year 1859. These defendants also deny & say

that it is true, that said Board of Supervisors, never at any time increased the valuation of Complimented property over & above the valuation of the same as filed by it, — but aver and charge, that the accepting, adopting and ordering to be filed the said Report of said Committee by the said Board of Supervisors at said Term was sufficient to increase the valuations — in accordance with the form of the Statute in such case made and provided.

These defendants deny & state that it is true, as charged in said Bill — that said Treasurer or the Treasurer of Henry County "has no right or authority whatever by law to demand or collect" of Complimented any tax whatever for said County of Henry for the year 1859 upon said increased valuations so certified to him, or that the Treasurer of said County — had not power to collect the said \$1267¹⁸ — the bal due of the tax of AD 1859 — but aver that the authority in him so to do, is full and complete & perfect.

These defendants further answering say, that said Julius A. Pratt was the County Treasurer of said County of Henry at the time of the filing of Compliments Bill, and that it may be true as charged in said Bill that said Pratt did threaten and give out in speeches that he would levy upon & sell the personal property

of Complainant to make the sum of Twelve Thousand
& Sixty seven & 100/100 Dollars (\$ 1267¹⁵) the amount
of money computed by said Clerk as the Tax then
and now due from Complainant to said Henry County
upon said increased valuation of the property of Complainant
in said County of Henry. And these defendants further
say — that said Pratt then and the now Treasurer of
said County so had a right by law to give out & threaten
& also to execute such threats — by the selling of Complainant's
said property — to make the amount of said last mentioned
sum of money — justly & legally as these defendants
say, due the said defendant — Henry County.

These defendants further answering say, that they
admit it to be true as stated in the Bill that Complainant
is engaged in operating its Rail Road and from day
to day, and that all its personal property, consists
mainly of Locomotives, Cars & Tools — which are for
the most part in use in the operation of its Road
— But these defendants specially deny that Complainant
operates its said Road "for the use and accommodation
of the public" — mainly or in part. But aver the
fact to be — that Complainant operates its said
Road solely & chiefly for gain, profit & speculation
and not at all for considerations of benevolence towards
the Public

These defendants specially deny that should

All which matters and things the defendants
are ready & willing to answer, maintain & prove,
as this honorable Court shall direct & are humbly
prayer to be hence dismissed, with their reasonable
costs and charges in this behalf most wrongfully
sustained

Bennett & Boies
Sols for Depts
J A Pratt & Henry County

Per Bennett & Boies their
Solicitors

And afterwards to wit, at a Regular Term of said
Henry County Circuit Court, in Chancery sitting
on the 7th day of March AD 1861 being the third day of
said term the following proceedings were had in said
Cause to wit,

Chicago & Rock Island
Rail Road Company
vs
Julius A Pratt &
The County of Henry
Injunction

At this day comes the said Complaint
by Buchler its Solicitor and the said defendants by

by Bennett & Boies their Solicitors and this cause
 being called for the hearing of motions &c
 and then comes the said defendant by their Solicitors
 and file their motion to dissolve injunction &c which is
 in the words and figures following to wit

State of Illinois } Henry Lovett Clerk
 Henry Lovett } March Term AD 1861

C & R I R R Co }
 vs } Injunction
 Julius A Pratt }
 et als }

And now comes the said defendant
 by Bennett & Boies their Solicitors, and move the
 Court here, to dissolve the injunction herein & dismiss
 said Bill because they say

- 1st There is no equity in said Bill
- 2^a a Court of Equity has not jurisdiction - in cases
 for the injunction of collection of Taxes - except when
 the property taxed is not subject to taxation & when
 the Law does not authorize the raising of a tax for
 the purpose proposed - and this case does not come
 within the exceptions or either of them
- 3^a The Complainant has a full and complete
 remedy at law

4th The property named in said Bill as being in danger of being seized & sold to pay said Tax in real estate for irreparable injury would result from any supposed liability of seizure
 5th For other reasons

Bennett & Boies
 Sols for Compts

And afterwards took on the 28th day of March of the term ^{next} aforesaid the following proceedings were had in said Court to wit.

Chicago & Rock Island RR Co
 vs
 Julius A Pratt & Henry County

At this day this cause being again called. On motion leave given Complainants to file replication, which is in the words and figures following to wit

The Chicago & Rock Island Rail Road } In Henry County Court East
 vs } In Chancery
 The County of Henry

The replication of the Chicago & Rock Island Rail Road Company Complainant to the answer of

This replicant saving and reserving unto itself all and all manner of advantage of

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exceptions to the manifold insufficiencies of the said
answer. For replication thereto, suits that it will
aver and prove its said Bill to be true, certain
and sufficient in the law to be answered unto, and
that the said answer of the said defendants is uncertain
untrue, and insufficient to be replied unto by this
repliant. Without this, that any other matter or thing
whatsoever in the said answer contained, material
or efficient in the law to be replied unto, confessed
and avowed, traversed or denied is true. All which
matters and things this repliant is and will be
ready to aver and prove as this honorable Court
shall direct, and humbly prays as in said by
its said Bill it hath already prayed

Glover Lewis & Campbell, Comps Sols

and afterwards to wit on the 30th day of March
and at the term aforesaid the following proceedings
were had in said cause to wit

Chicago & Rock Island Rail Road Company vs Julius A Pratt & The County of Henry	} Dequiction
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At this day this cause being again called, then
came the Comptenant by its solicitors and the defendants
by their Solicitors. And this cause now coming on to
be heard on the Bill Answer & Replication, and
the Court having heard the arguments of the counsel
and all things herein and being now fully advised
in the premises. It is ordered and adjudged by the
Court that this Injunction be dissolved and that
the Comptenants Bill filed herein be dismissed
and It is further ordered that the Comptenants
pay the costs of this suit and that execution issue
therefor

State of Illinois
Henry County } I Amos Guice Clerk of the
Court do hereby certify that the foregoing
is a full true and perfect copy of the Record of
said Court in said cause, and also of all the
papers filed in said cause in my Office
Witness Amos Guice Clerk of said Court and
the Seal thereof at Cambridge this 17th day of April
A.D. 1861

Amos Guice Clerk
By E. S. Bond Deputy

34886

The Chicago &
Rock Island Rail Road
Company

as
Julius A. Pratt &
Henry County

Transcript of
Record

Filed May 3^d 1868
L. Leland
Clerk