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No. _____

Supreme Court of Illinois

city of Chicago

vs.

Kidder

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STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 173.

City of Chicago
Wm. H. Reader
1867

IN THE SUPREME COURT, STATE OF ILLINOIS,
Third Grand Division, April Term, A. D. 1861.

Alvan THE CITY OF PEORIA, }
vs. ~~ABRAHAM~~ KIDDER, }

This was a Bill in Chancery to enjoin the collection of an assessment against appellee's lot, for the supposed benefits by reason of the opening of Washington street through Mills's Addition. The lot in controversy is located at the corner of Main and Washington streets, in the city of Peoria, and about one third of a mile from the nearest point of the proposed street.

The proceedings were had under the Act of 1855, amendatory to the City Charter of Peoria, and referred to in the Bill, the 9th section of which provides that the Commissioners appointed to assess damages and benefits, having ascertained the damages and expenses of such improvement, shall apportion and assess the same together with the costs of proceeding, upon the real estate, by them deemed benefitted, in proportion to the benefits resulting thereto from the improvements.

In case this section should be so construed as to permit the commissioners, in making their assessments, to assess benefits upon real estate other than the real estate lying upon the street proposed to be opened, and which are directly affected by the opening of the street, then we say this section would be repugnant to the provisions of the Constitution. The Constitution provides that all taxes and assessments shall be levied by valuation, and that every person or corporation shall pay tax in proportion to the value of his or her property. Sec. 2, Title Revenue, of Constitution.

The 5th section of same chapter provides that cities and towns may be invested with power to assess and collect taxes for corporate purposes, such taxes to be uni-

form in respect to persons and property within the jurisdiction of the body imposing the same.

The Constitution was so framed to prevent unequal taxation, to prevent city or other authorities from creating a debt, and compelling a portion of the persons or property within its jurisdiction, to pay the debt so created. So that no city has a right to contract any indebtedness, no matter if it be supposed that some portion of the citizens derive more benefit than other portions, and compel a portion of the citizens to pay the debt against their consent. That is, three-fourths of the citizens have no right to say to the remaining one-fourth of the citizens, we will open such and such streets, and you shall pay for it. A debt created by the city for opening of street is precisely the same as any other debt, and must be paid in the same way, and there is no authority for collecting this debt from the taxable property of a portion of her citizens, to the exclusion of the remainder.

One reason why we should adhere to this provision in the Constitution, is, that when once we depart from it, it becomes impossible to preserve uniformity in taxation, and the principle is well illustrated in the present case, where the Commissioners, in making their assessments, assessed the benefits to the lot in controversy, at \$325, and made no assessment on lots which are shown to have been equally benefitted by the improvements.

The proceedings, under the law, are irregular, defective, illegal and void, or at least voidable.

The 5th section of the Act referred to, provides that the Commissioners appointed to make the assessments, shall *give notice to the persons interested*, of the time and place of their meeting for the purpose of viewing the premises and making their assessments, at least five days before the time of such meeting, by publishing the same in the newspaper selected by the city.

This notice is one of the essential requirements necessary to confer jurisdiction over the subject matter, and without which the Court has no jurisdiction to render judgment upon the report of the Commissioners. Without notice, the acts of the Commissioners are void. What notice was given to appellee, by the Commissioners, of their purpose of viewing the lot in controversy? None, whatever. Appellee never received any notice of any kind of the proceedings of the Commissioners. The only notice given to him was published in the Peoria Transcript, and was only directed to the owners of lots and land in the city of Peoria, *through and over which* Washington street will run in opening the same from the east side of North-Fayette street in said city of Peoria, through Mills's addition to Washington street, in Morton, Voris and Laveille's addition to Peoria." This was no notice whatever to appellee. It neither was directed to him in person as the law requires, nor did it specify any lot, nor (if it should be deemed that a general notice of that kind was sufficient—and we say it is not sufficient,) is this lot included within the sweeping direction of the notice. This lot was not one of the lots *through and over which* the said street would run, but was located a third of a mile from it. That the Legislature contemplated that notice should be given to the per-

sons, is, we think, clear from the 8th section of the Act in which is provided, that when the land and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons irrespectively shall be awarded them, less the benefits. An extremely cautious man, even would not heed such notice as this if he had seen it in the paper—and we do not know whether appellee read the notice or not. He states that he knew nothing of the proceedings until after judgment, and there is no evidence that he was ever formally or informally notified of such proceedings. It would be a violation of one of the first principles of justice and of judicial proceedings to try or decide the rights of an individual without notice.

Holiday vs. Swailes, 1 Scammon 516,
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This principle is analagous to proceedings for collection of taxes, and the rendition of judgments for taxes. In those cases our Courts say the report and notice are the foundation of the whole proceeding, and without them the Court has no authority to enter judgment.

Spellman vs. Certenius, 12 Ill. 409-413,
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The report of the commissioners is returned to the Court with an assessment on appellee's lot of \$325 with a deduction of \$100 for compensation, but upon what fact this part of the assessment is based, it would, we think, be difficult for even the commissioners to explain. Upon the return of this report, the clerk of the Court issues and publishes a notice almost as indefinite as the one published by the commissioners, and did not convey any notice to appellee that his lot had been assessed, this notice being directed generally to "The owners of lots and lands," and were it not for the body of the notice might equally apply to the whole city. But the body of the notice explained that "that the report and assessment of the commissioners appointed to assess the amount of compensation and benefits accruing to the owners of lots and lands by reason of the opening of the proposed street *through and over the same*," thus restricting the effect of the notice to the owners of the lots and lands through and over which the proposed street would run in opening the same. This notice is clearly insufficient so far as the lot in controversy is concerned, and we think for any purpose either the owners names should be mentioned in the notice, or the description of the premises against which judgment is sought, should be specified in order to grant them an opportunity of contesting the same. There is no principle of our law by which an individual or corporation can obtain judgment against an individual or his property without any opportunity on his part to contest the same. If this proceeding were allowed under this law, it would be extremely oppressive and in many instances work outrageous injustice, as the law provides that in case of judgment executions may issue, and the property shall be sold without any right of redemption, the purchaser being entitled to a deed upon

the sale. A most extraordinary power of confiscating property, truly! and all to be done under the pretense of benefitting the property.

The proceedings in this case did not give the Court jurisdiction over this lot—and the judgment so rendered was void.

The next point is that the assessments of the commissioners were not uniform. The commissioners, under the law, were to ascertain the expenses of opening the street, and assess the same upon such property as should be deemed to be benefitted in proportion to the benefits resulting therefrom as nearly as may be. They are required to preserve some sort of uniformity in their assessments so that the burden may not fall on two or three individuals, and have the property of others equally benefitted to go free from tax. The evidence in this case shows that Lot one in Block three and Lot ten in Block six would be equally benefitted by the opening of this street, and while the lot in controversy was assessed at \$325, neither of said other lots were assessed at all.

It may be argued that this case does not come within the province of a Court of Chancery. Courts of Chancery have power to remove clouds or encumbrances from the titles to real estate where these clouds or encumbrances are created by pretended legal proceedings, as in cases where judgments are obtained by fraud, and even where the judgments are illegal, and quiet the title in Equity, although the parties could try the title at Law: *Martin vs. Dryden et. al.*, 1 Gilman, 210.

In this case, it was out of the power of the party to take an appeal, for the reason that he knew nothing of the proceedings until after judgment—the proceeding was in rem and the judgment was against the property, and no provision is contained in the act for either appeals or writs of error from such judgments, and a writ of error prosecuted by the appellee without any evidence in the Court below that he was the owner of the lot would be liable to dismissal if granted. The execution was in the hands of the Sheriff, who was threatening to sell the lot and thus completely divest the title of appellee in the same. Again, in case the Court should hold that the proceedings were strictly legal, than under the circumstances as shown in this case, a Court of Equity is alone clothed with power to grant the redress sought—to set aside the judgment for the purpose of permitting the owner of the lot to introduce evidence in defence—to prove that the assessments were not properly made—to prove that a portion of the sum assessed on this lot ought to have been assessed on other real estate, he having been prevented from introducing said proof in the Court in which the judgment was rendered.

The judgment against said lot is erroneous in the amount of costs for which said judgment was rendered, or as taxed by the clerk, and attempted to be collected by sale of said lot. There is no authority for assessing specifically against any individual lot any costs, but the ordinance under which the proceedings were held provides that there shall be charged a proportionate share of the costs of the proceedings in the premises. In this case the costs as charged against this lot exceed the proportionate share of the costs.

MANVING & MERRIMAN, Att'ys. for Appellee.

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City of Chicago
vs

Kiddler

Filed Apr. 25-1861

† L. Leland
Clerk

IN THE SUPREME COURT, STATE OF ILLINOIS,
Third Grand Division, April Term, A. D. 1861.

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MANNING & MERRIMAN, Att'ys. for Appellee.

City of Chicago
vs
Kiddew

Filed Apr. 25-1861

L. Leland
Clerk

In the Supreme Court, Ottawa, April Term, 1861.

THE CITY OF PEORIA, and
JOHN BRYNER, Appellants. } Appeal from Peoria.
vs.
ALVAN KIDDER. Appellee. }

Kidder filed his Bill in the Peoria Circuit Court for an injunction to restrain the city from collecting an assessment made upon a certain Lot in Peoria to pay damages occasioned by opening a street.

p. 1. The Bill states that the city was incorporated on the the 2d December 1844, by a Special Act. That on the 12th February 1855, the charter was amended and a law passed providing for the opening streets, &c. in the city; which act is substantially set out in the Bill, and which so far as relates to this case is as follows :

SEC. 1. That the city council of the city of Peoria shall have power to open, lay out, alter, abolish, widen, extend, straighten, establish, grade, pave and name or otherwise improve or keep in repair public squares or grounds, streets, avenues, lanes, alleys or highways within the corporate limits of the city of Peoria.

§ 3. Whenever, in the opinion of the city council of the city of Peoria, it shall be necessary to take private property for opening, laying out, altering, widening, extending, straightening or establishing any public square or grounds, streets, avenues, lanes, alleys, highways, public wharves, docks, slips or landing-places within the limits of said city, the corporation shall make a just compensation therefor to the person or persons whose property is proposed to be taken; and if the amount of such compensation can not be agreed upon, the mayor of said city shall file with the judge of the county court of Peoria county a petition praying for the appointment of three disinterested freeholders of said city as commissioners to estimate and assess the amount of such compensation.

§ 4. On the filing of said petition with the county judge of said county, it shall be his duty to appoint three commissioners, as aforesaid, to ascertain and assess the damages and recompense due the owners of such land, respectively, and at the same time to determine what persons will be benefited, in proportion, as nearly as may be, to the benefits resulting to each.

§ 5. The commissioners shall be sworn faithfully to execute their duty, according to the best of their ability, before entering on their duties; they shall give notice to the persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessment at least five days before the time of such meeting, by publishing the same in the newspaper selected by the city council for publishing their ordinances and proceedings for the time being. Said

commissioners shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

§ 6. The commissioners shall thereupon proceed to make their assessment, and determine and appraise to the owner or owners the value of the real estate appropriated for the improvement and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

§ 7. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damage, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively; and the difference only shall, in any case be collected of them or paid to them.

§ 8. If the land and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvement.

§ 9. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall, thereupon, apportion and assess the same, together with the costs of proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made. When completed, the commissioners shall sign and return the same to the said county judge within thirty days of their appointment.

§ 10. The clerk of said county court shall give ten days' notice, in the newspaper as aforesaid, that such assessments have been returned, and, on a day to be specified therein, will be confirmed by the said county court, unless objections to the same are made by some person interested. Objections may be heard before the county court, and the hearing may be adjourned from day to day. The court shall have power, in its discretion, to confirm or annul the assessment, or refer the same back to commissioners. If annulled, all the proceedings shall be void; if confirmed, a judgment shall be rendered against the property or lands benefited in favor of the city of Peoria, and an order of confirmation shall be entered on the records of said court, directing an execution to issue to the sheriff of said court, commanding him to levy upon and sell the said property so benefited, and against which said judgment may be rendered; and said sheriff shall proceed to advertise and sell the same, as upon executions at law.

§ 11. If said report or assessment be referred back to the same or other commissioners, they shall proceed to make their assessments, and return the same, in like manner, and give like notices, as herein required in relation to the first; and all parties in interest shall have the like notices and rights, and the said court shall perform like duties, and have like powers, in relation to any subsequent determination as are herein given in relation to the first.

§ 12. The said county court shall have power to remove commissioners, and from time to time appoint others in the place of such as may be removed, refuse, neglect or be unable, from any cause, to serve.

§ 17. The said city council shall have power to provide, by ordinance or resolution, for the compensation or fees of said judge, clerk and commissioners, and for the survey and plat of such improvement, and to prescribe the form of any notice,

petition, judgment, execution or other proceeding in their judgment necessary and proper to perfect the making of any such improvement.

The Bill further states that on the 30th day of October, A. D. 1855, the city council passed an ordinance providing for the appropriation of private property for public use. This ordinance so far as relates to the matters in controversy is as follows:

p 12. SEC. 1. That whenever, in the opinion of the city council of said city, which shall be expressed by resolution to be entered upon the journal of their proceedings, it shall become necessary to take private property for any of the purposes enumerated in the third section of an act of the General Assembly of the State of Illinois, approved February 12, 1855, entitled 'An Act to amend an Act entitled 'An Act to incorporate the city of Peoria,' in force December 3, 1844, and the several acts amendatory thereto,' the city engineer and surveyor, or such other engineer and surveyor as the city council shall designate, shall make a survey and plat of the lots and lands through and over which the street, alley, etc., to be opened, widened, extended, etc., or other improvement to be made, will run, and said survey and plat shall exhibit the lots and lands, and lines of the street, alley, etc., proposed to be opened, widened, extended, etc., which shall be submitted to the city council, and said council shall appoint from among their number a committee of two, whose duty it shall be to negotiate with the owners or agents of the lots and land through and over which the said street, alley, or other improvement, as shown by the said plat, will run, as to the price at which that portion of the lots and lands necessary to make the proposed improvement can be purchased by the said city, and said committee shall make a report of their proceedings to said council at any time within sixty days after their said appointment.

§ 2. If the price of the lots and lands necessary to make said improvement can not be agreed upon between the owners or agents of the same and the said city council, the mayor of said city shall file with the judge of the county court of Peoria county a petition, which shall be in the following form, as near as may be, varying the same to suit the particular kind of improvement, to wit

To the Honorable, the Judge of the County Court of the County of Peoria in the State of Illinois:

The petition of the undersigned, mayor of the city of Peoria, in said county and State, respectfully represents that the city council of said city has deemed it necessary to take private property for the opening of — street from — to —, as represented on the plat hereto attached and forming part hereof, and that the compensation to be paid by said city to the owners of the lots and lands through and over which said street will run, and the damages that may accrue to them respectively by reason of the opening of the said street as represented on said plat, can not be agreed upon between the said city and the said owners, and the undersigned would therefore pray your Honor to appoint three disinterested freeholders of said city of Peoria as commissioners to estimate and assess the amount of such compensation, and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate of the persons benefited, in proportion, as nearly as may be, to the benefits resulting to each in accordance with the provisions of an act of the General Assembly of the State of Illinois, approved February 12, 1855, entitled 'An Act to mend an Act entitled

'An Act to incorporate the city of Peoria,' in force December 3, 1844, and the several acts amendatory thereto.'

And, as in duty bound, I will ever pray, etc.,

A. B.,

Mayor of the city of Peoria.

Mayor's Office, , 18 .

§ 3. The appointment of and notice to the said commissioners by the said county court shall be in the following form, as near as may be, to wit:

STATE OF ILLINOIS, } ss.
Peoria County, }

To ———, *disinterested freeholders of the City of Peoria* :

p. 13. WHEREAS, It has been represented to the undersigned, judge of the county court of Peoria county, that the city council of the city of Peoria has deemed it necessary to take private property for the opening, etc., of ——— street, from ——— to ———, as represented in the petition and on the plat hereunto attached, and that the compensation to be paid by said city to the owners of lots and lands through and over which said street will run, for the damages that may accrue to them respectively by reason of the opening of said street, as represented on said plat, can not be agreed on between the said owners and the said city; you are therefore hereby notified that, upon the application of the mayor of said city of Peoria, I have appointed you, the said disinterested freeholders of said city, commissioners to ascertain and assess the damages and recompense due the owners of said lots and lands respectively, by reason of said street running through and across the same, and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate of the persons benefited, in proportion, as nearly as may be, to the benefits resulting to each, as provided by law; and you are hereby summoned to appear before this court at ——— o'clock — M., on the ——— day of ———, A. D., 18—, to take and subscribe the oath in such case made and provided.

Witness my hand and the seal of said court, at Peoria, this ——— day of ———, A. D. 18—. C. D.,

Judge county court Peoria county,

Attest: E. F., County clerk.

§ 4. The time to be fixed for the appearance of the said commissioners before the said court to take and subscribe the oath herein required shall not exceed five days from the date of the said notice and summons, and the said notice and summons may be served upon the said commissioners by the sheriff of Peoria county, the marshal, or any police constable of said city of Peoria, or any constable of Peoria county, by reading and showing the same to each of the said commissioners; and the officer serving the same shall make return thereof to said county court as in cases of summons at law.

§ 5. The form of the oath to be administered to the said commissioners shall be substantially in the following form, as near as may be, and the same may be administered by the judge or clerk of said county court, to wit:

STATE OF ILLINOIS, } ss.
Peoria County, }

We the undersigned, disinterested freeholders of the City of Peoria, do solemnly swear (or affirm, as the case may be) that we will faithfully and impartially execute and perform the duties required of us as commissioners, according to law and

the ordinances of the City of Peoria, and to the best of our skill and ability, and as such commissioners that we will make a true report of our proceedings on the matters and things submitted to us as set forth in the annexed petition, plat and other papers in relation to the opening of——street in the City of Peoria. So help us God.

I. J.,
K. L., } Commissioners.
M. N., }

p. 14. Subscribed and sworn to before me on this——day of——18—. G. H., County clerk (or judge).

§ 6. The county clerk shall deliver to said commissioners, after they have been sworn, the petition, plat, notice, and all the papers connected with the said proceedings.

§ 7. The form of the notice required to be given and published to the owners of lots and lands by the said commissioners before entering upon the discharge of their duties shall be in the following form, as near as may be, to wit:

Commissioner's Notice. Opening of——street in the City of Peoria.

Notice is hereby given to the owners of lots and lands in the City of Peoria, through and over which——street will run in opening the same from——to——, that the undersigned, commissioners appointed by the county court of Peoria county to assess the amount of compensation and benefits accruing to the owners of lots and lands damaged and benefited by the opening of said street, will meet at——in said City of Peoria, on the——day of——, 18—, at the hour of——o'clock——M., and that they will proceed to view the premises as required by law; when and where all persons interested may attend if they think proper.

I. J.,
K. L., } Commissioners.
M. N., }

Peoria,——, A. D. 18—.

§ 8. The said commissioners may, in their discretion, receive any legal evidence offered, in order to aid them in the discharge of their duties, and shall have power to administer to witnesses the usual oaths under the laws of this State; and the said commissioners shall return to the judge of said county court, with their report, the petition, plat, notices and all other papers received by them from the said county clerk, all of which shall be filed by said clerk.

§ 9. The form of the report and assessment of the said commissioners to the county court shall be in the following form, as near as may be, to wit:

To the Honorable, the Judge of the County Court of Peoria County:

The undersigned commissioners appointed by your Honor on the——day of——, A. D., 18—, to assess the amount of compensation and benefits accruing to the owners of lots and lands damaged and benefited by the opening of——street in the city of Peoria, as represented on the plat hereto attached, and forming part hereof, beg leave to report, that, after being duly sworn and giving the notice required by law, we proceeded to the examination of the premises through and over

which said ——— street will run, and do assess the said compensation and benefits as follows, to wit:

	Compensation to owners.	Benefits to owners.	Total compen- sation.	Total Benefits
Compensation to owner of lot ———, in block ——— (in case he has sustained any).	\$100 00			
Benefits to the same (if there be any).		\$50 00		
Benefits accruing to the owner of lot ——— in block ———		50 00		
[Here carry out the compensation and benefits, giving a proper description of the lots and lands and the amount due to and assessed against each.				
Total compensation and benefits.			100 00	100 00

All of which with accompanying papers, is respectfully submitted.

Witness our hands and seals, at Peoria, this ——— day of ———, A. D. 18—.

p. 15.

I. J. [L. s.]
K. L. [L. s.] } Commissioners.
M. N., [L. s.] }

§ 10. The form of the notice required to be given by the clerk of said county court after the return of the report and assessment of the said commissioners shall be in the following form, as near as may be to wit:

OFFICE OF THE COUNTY CLERK, }
Peoria County. }

Opening of ——— street. Notice to owners of lots and lands.

Notice is hereby given that the report and assessment of the commissioners appointed by the county court of Peoria county to assess the amount of compensation and benefits accruing to the owners of lots and lands by reason of the opening of ——— street through and over the same has been returned by said commissioners to the judge of the county court of Peoria county, and that on the — day of —, A. D. 18—, the said report and assessment will be confirmed by the said county court, unless legal objections to the confirmation of the same be made by some persons interested therein.

Peoria, —, A. D. 18—.

O. P.
Clerk county court of Peoria county.

§ 11. If the said report and assessment returned to the said county judge by the said commissioners shall, on the day named in the notice of the county clerk as aforesaid, be annulled or referred back to the said commissioners, the said court shall indorse its action on the back of said report, and state the grounds upon which it annuls or refers the same back to the said commissioners, which indorsement shall be signed by the said county judge and attested by the clerk of said court; but if the said report and assessment of said commissioners shall be confirmed by the said county judge, the petition, plat, appointment of and notice to the said commissioners, their oath, and their notice to the owners of the lots and lands affected by the improvement, their report and assessment, and the notice of the county clerk of the time and place when and where the said report will be confirmed, shall all be placed on record, and a judgment shall be rendered against the lots and lands benefited by

said improvement in favor of the city of Peoria, which judgment shall be in the following form, as nearly as may be, to wit:

p. 16. WHEREAS, The commissioners appointed by this court on the — day of — A. D. 18—, to ascertain and assess the damages and recompense due the owners of lots and lands by the reason the opening of — street through and over the same, did, on the — day of —, A. D. 18—, return to this court their reports and assessments of the amount of compensation and benefits accruing to the said owners respectively, and it appearing to the satisfaction of said court that the said commissioners were duly summoned and sworn, and that the notices required to be given according to law and this ordinance were duly given, published and served by the said commissioners and the proper officers, it is therefore ordered and adjudged that a judgment be rendered against the following lots and tracts of land for the sums set opposite the same respectively, and also for a proportionate share of the costs of the proceedings in the premises, to wit:

[Here insert the lots and lands by their proper descriptions, and the amounts of the benefits accruing to each lot or tract of land, with the costs against each, up to and including the costs on the rendition of the judgment.]

And it is further ordered and adjudged that the said report and assessment of the said commissioners be confirmed, and that executions issue to the sheriff of Peoria county, and that he, the said sheriff, be commanded to levy upon and sell the said lots and lands against which judgment is herein rendered, in the same manner as in executions at law.

Entered — —, A. D. 18—.

Q. R.,

Judge County Court, Peoria County.

- p. 2. The bill alledges that the 9th section of the amendatory act is repugnant to the constitution of the State of Illinois in providing a way of levying and assessing taxes in conflict therewith.
- petition p. 20. That complainant was on the 1st of August 1859, and still is owner of 72 feet front on Washington street by 85½ feet deep, part lot 4 in block (2) in Peoria.
- p. 3. That on the 8th of August 1859, the mayor filed his petition with the Judge of the County Court of Peoria county, praying for the appointment of commissioners to assess compensation &c., to owner of real estate, for opening Washington street from North Fayette street, through Mills addition to Washington street in Morton, Voris and Laville's addition to Peoria &c.
- Appoint-ment of Commis-sers p. 21. That on the 15th of August 1859, Sidney Pulsifer, Lewis Keyon and G. L. Ryors were appointed commissioners, and duly notified of their appointment. The commissioners reported on the 3d of October 1859, which report was rejected by the court and the matter was referred back to the same commissioners.
- p. 4. That on the 12th of October, A. D. 1859, the commissioners published a notice that they would meet on the 19th of October 1859 to make the assessments &c.
- Order re-jecting re-port p. 43. That complainants lot does not lie within a quarter of a mile of the portion of the street proposed to be opened.
- Notice p. 49 50. That complainant had no notice other than the published notice aforesaid, that he or his lot assessed is included within the terms of the notice.
- p. 5. The commissioners filed their report on the 11th of November 1859.
- Report p. 51-80. That on the 12th of November 1859, the clerk of the court published a notice, that said report was filed, and that the same would be confirmed on the 28th of November 1858, unless objections were made. Copy filed.
- Notice of confirma-tion p. 80. That on the 30th of November 1859, the commissioners report was approved and
- p. 6.

Judgment entered against complainants lot, he being the owner of one half only, for
 p. 90-99. \$225 00 and costs.

p. 7. That not having any notice he did not appear, or defend against said judgment, that all the proceedings were had, and judgment rendered in said court without his knowledge, and that said judgment was rendered without authority.

That the assessment and judgment against said lot is unjust and oppressive and the benefits are not assessed in a uniform manner.

p. 8. That the commissioners assessed his damages \$100, and benefits \$325 00. That other lots are benefited as much as his which are not assessed at all, and that the assessments are not uniform, and that his lot is not benefited to the amount of the judgments. That the costs are also excessive and illegally charged.

That execution has been issued to collect said judgment, which had been delivered to John Bryner sheriff, who has levied the same upon said lot, and threatens to sell the same, that a sale would cloud complainants title. That the judgment is void or voidable &c.

PRAYER.

That the judgment and proceedings may be set aside, and for a perpetual injunction &c.

p. 101. The defendant answer admitting the passage of the acts of February 12th, 1855, and December 2d, 1844, and the passage of the ordinance before set out of the 30th of October 1855.

p. 102. Denies that any portion of the law is repugnant to the constitution of the State. Admits that complainant is owner of the lots, that the commissioners were appointed and made their report as stated in the bill. Defendant also admits that the notices were given as stated in complainants bill. It can neither admit or deny the statement that the complainant had no other notice than as charged in the bill of the proceedings, and insists that the notices set forth as exhibits are sufficient and legal notices.

p. 103. It admits the rendition of the judgment, the issuing of execution as charged, but denies that any illegal costs are charged. It also states that the assessments were as uniform and equitable as the nature of the case and the circumstances of the parties would permit, and that complainants lot is benefited to the full amount and value of the judgment rendered against his said lot.

Defendant further states that the records and exhibits of the county court filed September 4th 1850, is a complete and perfect record and history of the proceedings of the city in opening said street in complainants bill mentioned, and they refer to said records and make the whole a part of their answer in the cause, submitting and insisting that all the proceedings are had and done pursuant to law and the ordinances of the city. They admit that complainants lot is some distance from that portion of Washington street sought to be opened but insist that the same is on Washington street, of which the part sought to be opened forms a continuous portion, and that complainants lot will be greatly benefitted by opening said street, and that all the lots along said Washington street between complainants lot and the street sought to be opened, are also assessed in proportion to the benefits accruing to each; as will appear by the commissioners report.

City map
p. 104.

A map of the city of Peoria is also attached and made part of the record showing the location of all the lots assessed &c.

p. 104.

COMPLAINANT FILED A REPLICATION.

p. 106-7.

The only evidence, other than the exhibits aforesaid, taken in the case consists of the testimony of Jacob Darst and Wm. M. Dodge who state that they are familiar with the complainants lot and that the lots on the opposite side of Main street being also on Washington street, and which are not assessed for opening the street in question would be equally benefited with complainants lot in the opening of said street.

ERRORS ASSIGNED.

- 1st. Rendering a decree for a perpetual injunction.
- 2nd. Not dismissing complainants bill.

POINTS, BRIEFS AND AUTHORITIES.

1st. The notices of the assessments and of the confirmation of the report were substantially in accordance with law and the city ordinance.

The city of Ottawa vs. Macy et al., 20 Ill. 413.

2nd. No portion of the law is unconstitutional.

3d. The commissioners must of necessity be the sole judges as to what property will be benefited by the opening of a street, and their assessment or report cannot be attacked except for partiality or fraud.

City of Ottawa vs. Macy et al., 20 Ill. 413.

4th. The notices being legal the appellee was bound to make his defence before the commissioners and the court, and take an appeal or writ of error to correct any inequalities or illegality in the proceedings; and he cannot resort for relief to a court of chancery.

N. H. PURPLE,
Solicitor of appellants.

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City of Florin D.
John Bayner app'ts
173 vs.
Alvin Koidder
app'lee
appeal from Term Co

Filed Apr. 16th 1861

L. Leland
Clerk

107
62-30
8 33
60-00
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31-20
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88-84
35-3
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02-00

In the Supreme Court, Ottawa, April Term, 1861.

THE CITY OF PEORIA, and
JOHN BRYNER, Appellants.
vs.
ALVAN KIDDER, Appellee. } Appeal from Peoria.

Kidder filed his Bill in the Peoria Circuit Court for an injunction to restrain the city from collecting an assessment made upon a certain Lot in Peoria to pay damages occasioned by opening a street.

The Bill states that the city was incorporated on the the 2d December 1844, by a Special Act. That on the 12th February 1855, the charter was amended and a law passed providing for the opening streets, &c. in the city; which act is substantially set out in the Bill, and which so far as relates to this case is as follows :

SEC. 1. That the city council of the city of Peoria shall have power to open, lay out, alter, abolish, widen, extend, straighten, establish, grade, pave and name or otherwise improve or keep in repair public squares or grounds, streets, avenues, lanes, alleys or highways within the corporate limits of the city of Peoria.

§ 3. Whenever, in the opinion of the city council of the city of Peoria, it shall be necessary to take private property for opening, laying out, altering, widening, extending, straightening or establishing any public square or grounds, streets, avenues, lanes, alleys, highways, public wharves, docks, slips or landing-places within the limits of said city, the corporation shall make a just compensation therefor to the person or persons whose property is proposed to be taken; and if the amount of such compensation can not be agreed upon, the mayor of said city shall file with the judge of the county court of Peoria county a petition praying for the appointment of three disinterested freeholders of said city as commissioners to estimate and assess the amount of such compensation.

§ 4. On the filing of said petition with the county judge of said county, it shall be his duty to appoint three commissioners, as aforesaid, to ascertain and assess the damages and recompense due the owners of such land, respectively, and at the same time to determine what persons will be benefited, in proportion, as nearly as may be, to the benefits resulting to each.

§ 5. The commissioners shall be sworn faithfully to execute their duty, according to the best of their ability, before entering on their duties; they shall give notice to the persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessment at least five days before the time of such meeting, by publishing the same in the newspaper selected by the city council for publishing their ordinances and proceedings for the time being. Said

commissioners shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

§ 6. The commissioners shall thereupon proceed to make their assessment, and determine and appraise to the owner or owners the value of the real estate appropriated for the improvement and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

§ 7. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damage, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively; and the difference only shall, in any case be collected of them or paid to them.

§ 8. If the land and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvement.

§ 9. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall, thereupon, apportion and assess the same, together with the costs of proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made. When completed, the commissioners shall sign and return the same to the said county judge within thirty days of their appointment.

§ 10. The clerk of said county court shall give ten days' notice, in the newspaper as aforesaid, that such assessments have been returned, and, on a day to be specified therein, will be confirmed by the said county court, unless objections to the same are made by some person interested. Objections may be heard before the county court, and the hearing may be adjourned from day to day. The court shall have power, in its discretion, to confirm or annul the assessment, or refer the same back to commissioners. If annulled, all the proceedings shall be void; if confirmed, a judgment shall be rendered against the property or lands benefited in favor of the city of Peoria, and an order of confirmation shall be entered on the records of said court, directing an execution to issue to the sheriff of said court, commanding him to levy upon and sell the said property so benefited, and against which said judgment may be rendered; and said sheriff shall proceed to advertise and sell the same, as upon executions at law.

§ 11. If said report or assessment be referred back to the same or other commissioners, they shall proceed to make their assessments, and return the same, in like manner, and give like notices, as herein required in relation to the first; and all parties in interest shall have the like notices and rights, and the said court shall perform like duties, and have like powers, in relation to any subsequent determination as are herein given in relation to the first.

§ 12. The said county court shall have power to remove commissioners, and from time to time appoint others in the place of such as may be removed, refuse, neglect or be unable, from any cause, to serve.

§ 17. The said city council shall have power to provide, by ordinance or resolution, for the compensation or fees of said judge, clerk and commissioners, and for the survey and plat of such improvement, and to prescribe the form of any notice,

petition, judgment, execution or other proceeding in their judgment necessary and proper to perfect the making of any such improvement.

The Bill further states that on the 30th day of October, A. D. 1855, the city council passed an ordinance providing for the appropriation of private property for public use. This ordinance so far as relates to the matters in controversy is as follows:

SEC. 1. That whenever, in the opinion of the city council of said city, which shall be expressed by resolution to be entered upon the journal of their proceedings, it shall become necessary to take private property for any of the purposes enumerated in the third section of an act of the General Assembly of the State of Illinois, approved February 12, 1855, entitled 'An Act to amend an Act entitled 'An Act to incorporate the city of Peoria,' in force December 3, 1844, and the several acts amendatory thereto,' the city engineer and surveyor, or such other engineer and surveyor as the city council shall designate, shall make a survey and plat of the lots and lands through and over which the street, alley, etc., to be opened, widened, extended, etc., or other improvement to be made, will run, and said survey and plat shall exhibit the lots and lands, and lines of the street, alley, etc., proposed to be opened, widened, extended, etc., which shall be submitted to the city council, and said council shall appoint from among their number a committee of two, whose duty it shall be to negotiate with the owners or agents of the lots and land through and over which the said street, alley, or other improvement, as shown by the said plat, will run, as to the price at which that portion of the lots and lands necessary to make the proposed improvement can be purchased by the said city, and said committee shall make a report of their proceedings to said council at any time within sixty days after their said appointment.

§ 2. If the price of the lots and lands necessary to make said improvement can not be agreed upon between the owners or agents of the same and the said city council, the mayor of said city shall file with the judge of the county court of Peoria county a petition, which shall be in the following form, as near as may be, varying the same to suit the particular kind of improvement, to wit

To the Honorable, the Judge of the County Court of the County of Peoria in the State of Illinois:

The petition of the undersigned, mayor of the city of Peoria, in said county and State, respectfully represents that the city council of said city has deemed it necessary to take private property for the opening of — street from — to —, as represented on the plat hereto attached and forming part hereof, and that the compensation to be paid by said city to the owners of the lots and lands through and over which said street will run, and the damages that may accrue to them respectively by reason of the opening of the said street as represented on said plat, can not be agreed upon between the said city and the said owners, and the undersigned would therefore pray your Honor to appoint three disinterested freeholders of said city of Peoria as commissioners to estimate and assess the amount of such compensation, and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate of the persons benefited, in proportion, as nearly as may be, to the benefits resulting to each in accordance with the provisions of an act of the General Assembly of the State of Illinois, approved February 12, 1855, entitled 'An Act to mend an Act entitled

'An Act to incorporate the city of Peoria,' in force December 3, 1844, and the several acts amendatory thereto.'

And, as in duty bound, I will ever pray, etc.,

A. B.,
Mayor of the city of Peoria.

Mayor's Office, , 18 .

§ 3. The appointment of and notice to the said commissioners by the said county court shall be in the following form, as near as may be, to wit:

STATE OF ILLINOIS, } ss.
Peoria County, }

To ———, *disinterested freeholders of the City of Peoria* :

p. 13. WHEREAS, It has been represented to the undersigned, judge of the county court of Peoria county, that the city council of the city of Peoria has deemed it necessary to take private property for the opening, etc., of ——— street, from ——— to ———, as represented in the petition and on the plat hereunto attached, and that the compensation to be paid by said city to the owners of lots and lands through and over which said street will run, for the damages that may accrue to them respectively by reason of the opening of said street, as represented on said plat, can not be agreed on between the said owners and the said city; you are therefore hereby notified that, upon the application of the mayor of said city of Peoria, I have appointed you, the said disinterested freeholders of said city, commissioners to ascertain and assess the damages and recompense due the owners of said lots and lands respectively, by reason of said street running through and across the same, and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate of the persons benefited, in proportion, as nearly as may be, to the benefits resulting to each, as provided by law; and you are hereby summoned to appear before this court at ——— o'clock — M., on the ——— day of ———, A. D., 18—, to take and subscribe the oath in such case made and provided.

Witness my hand and the seal of said court, at Peoria, this ——— day of ———, A. D. 18—. C. D.,

Judge county court Peoria county,

Attest: E. F., County clerk.

§ 4. The time to be fixed for the appearance of the said commissioners before the said court to take and subscribe the oath herein required shall not exceed five days from the date of the said notice and summons, and the said notice and summons may be served upon the said commissioners by the sheriff of Peoria county, the marshal, or any police constable of said city of Peoria, or any constable of Peoria county, by reading and showing the same to each of the said commissioners; and the officer serving the same shall make return thereof to said county court as in cases of summons at law.

§ 5. The form of the oath to be administered to the said commissioners shall be substantially in the following form, as near as may be, and the same may be administered by the judge or clerk of said county court, to wit:

STATE OF ILLINOIS, } ss.
Peoria County, }

We the undersigned, disinterested freeholders of the City of Peoria, do solemnly swear (or affirm, as the case may be) that we will faithfully and impartially execute and perform the duties required of us as commissioners, according to law and

the ordinances of the City of Peoria, and to the best of our skill and ability, and as such commissioners that we will make a true report of our proceedings on the matters and things submitted to us as set forth in the annexed petition, plat and other papers in relation to the opening of——street in the City of Peoria. So help us God.

I. J.,
K. L., } Commissioners.
M. N., }

p. 14. Subscribed and sworn to before me on this——day of——18—.

G. H., County clerk (or judge).

§ 6. The county clerk shall deliver to said commissioners, after they have been sworn, the petition, plat, notice, and all the papers connected with the said proceedings.

§ 7. The form of the notice required to be given and published to the owners of lots and lands by the said commissioners before entering upon the discharge of their duties shall be in the following form, as near as may be, to wit:

Commissioner's Notice. Opening of——street in the City of Peoria.

Notice is hereby given to the owners of lots and lands in the City of Peoria, through and over which——street will run in opening the same from——to——, that the undersigned, commissioners appointed by the county court of Peoria county to assess the amount of compensation and benefits accruing to the owners of lots and lands damaged and benefited by the opening of said street, will meet at——in said City of Peoria, on the——day of——, 18—, at the hour of——o'clock——M., and that they will proceed to view the premises as required by law; when and where all persons interested may attend if they think proper.

I. J.,
K. L., } Commissioners.
M. N., }

Peoria, ——, A. D. 18—.

§ 8. The said commissioners may, in their discretion, receive any legal evidence offered, in order to aid them in the discharge of their duties, and shall have power to administer to witnesses the usual oaths under the laws of this State; and the said commissioners shall return to the judge of said county court, with their report, the petition, plat, notices and all other papers received by them from the said county clerk, all of which shall be filed by said clerk.

§ 9. The form of the report and assessment of the said commissioners to the county court shall be in the following form, as near as may be, to wit:

To the Honorable, the Judge of the County Court of Peoria County:

The undersigned commissioners appointed by your Honor on the——day of——, A. D., 18—, to assess the amount of compensation and benefits accruing to the owners of lots and lands damaged and benefited by the opening of——street in the city of Peoria, as represented on the plat hereto attached, and forming part hereof, beg leave to report, that, after being duly sworn and giving the notice required by law, we proceeded to the examination of the premises through and over

which said ——— street will run, and do assess the said compensation and benefits as follows, to wit:

	Compensation to owners.	Benefits to owners.	Total compen- sation.	Total Benefits
Compensation to owner of lot ———, in block ——— (in case he has sustained any).	\$100 00			
Benefits to the same (if there be any).		\$50 00		
Benefits accruing to the owner of lot ——— in block ———		50 00		
[Here carry out the compensation and benefits, giving a proper description of the lots and lands and the amount due to and assessed against each.				
Total compensation and benefits.			100 00	100 00

All of which with accompanying papers, is respectfully submitted.

Witness our hands and seals, at Peoria, this ——— day of ———, A. D. 18—.

p. 15.

I. J. [L. s.]
K. L. [L. s.] } Commissioners.
M. N., [L. s.] }

§ 10. The form of the notice required to be given by the clerk of said county court after the return of the report and assessment of the said commissioners shall be in the following form, as near as may be to wit:

OFFICE OF THE COUNTY CLERK, }
Peoria County. }

Opening of ——— street. Notice to owners of lots and lands.

Notice is hereby given that the report and assessment of the commissioners appointed by the county court of Peoria county to assess the amount of compensation and benefits accruing to the owners of lots and lands by reason of the opening of ——— street through and over the same has been returned by said commissioners to the judge of the county court of Peoria county, and that on the — day of —, A. D. 18—, the said report and assessment will be confirmed by the said county court, unless legal objections to the confirmation of the same be made by some persons interested therein.

Peoria, —, A. D. 18—.

O. P.
Clerk county court of Peoria county.

§ 11. If the said report and assessment returned to the said county judge by the said commissioners shall, on the day named in the notice of the county clerk as aforesaid, be annulled or referred back to the said commissioners, the said court shall indorse its action on the back of said report, and state the grounds upon which it annuls or refers the same back to the said commissioners, which indorsement shall be signed by the said county judge and attested by the clerk of said court; but if the said report and assessment of said commissioners shall be confirmed by the said county judge, the petition, plat, appointment of and notice to the said commissioners, their oath, and their notice to the owners of the lots and lands affected by the improvement, their report and assessment, and the notice of the county clerk of the time and place when and where the said report will be confirmed, shall all be placed on record, and a judgment shall be rendered against the lots and lands benefited by

said improvement in favor of the city of Peoria, which judgment shall be in the following form, as nearly as may be, to wit :

p. 16. WHEREAS, The commissioners appointed by this court on the — day of — A. D. 18—, to ascertain and assess the damages and recompense due the owners of lots and lands by the reason the opening of — street through and over the same, did, on the — day of —, A. D. 18—, return to this court their reports and assessments of the amount of compensation and benefits accruing to the said owners respectively, and it appearing to the satisfaction of said court that the said commissioners were duly summoned and sworn, and that the notices required to be given according to law and this ordinance were duly given, published and served by the said commissioners and the proper officers, it is therefore ordered and adjudged that a judgment be rendered against the following lots and tracts of land for the sums set opposite the same respectively, and also for a proportionate share of the costs of the proceedings in the premises, to wit :

[Here insert the lots and lands by their proper descriptions, and the amounts of the benefits accruing to each lot or tract of land, with the costs against each, up to and including the costs on the rendition of the judgment.]

And it is further ordered and adjudged that the said report and assessment of the said commissioners be confirmed, and that executions issue to the sheriff of Peoria county, and that he, the said sheriff, be commanded to levy upon and sell the said lots and lands against which judgment is herein rendered, in the same manner as in executions at law.

Entered — —, A. D. 18—.

Q. R.,

Judge County Court, Peoria County.

- p. 2. The bill alleges that the 9th section of the amendatory act is repugnant to the constitution of the State of Illinois in providing a way of levying and assessing taxes in conflict therewith.
- petition
p. 20. That complainant was on the 1st of August 1859, and still is owner of 72 feet front on Washington street by 85½ feet deep, part lot 4 in block (2) in Peoria.
- p. 3 That on the 8th of August 1859, the mayor filed his petition with the Judge of the County Court of Peoria county, praying for the appointment of commissioners to assess compensation &c., to owner of real estate, for opening Washington street from North Fayette street, through Mills addition to Washington street in Morton, Voris
Appointment of
Commissioners
p. 21. and Laville's addition to Peoria &c.
- p. 4. That on the 15th of August 1859, Sidney Pulsifer, Lewis Keyon and G. L. Ryors were appointed commissioners, and duly notified of their appointment. The commissioners reported on the 3d of October 1859, which report was rejected by the
Order re-
jecting re-
port p. 43. court and the matter was referred back to the same commissioners.
- Notice p. 49 50. That on the 12th of October, A. D. 1859, the commissioners published a notice that they would meet on the 19th of October 1859 to make the assessments &c.
- p. 5. That complainants lot does not lie within a quarter of a mile of the portion of the street proposed to be opened.
- Report p. 51-80. That complainant had no notice other than the published notice aforesaid, that he or his lot assessed is included within the terms of the notice.
- Notice of
confirmation
p. 80. The commissioners filed their report on the 11th of November 1859.
- p. 6. That on the 12th of November 1859, the clerk of the court published a notice, that said report was filed, and that the same would be confirmed on the 28th of November 1858, unless objections were made. Copy filed.
- That on the 30th of November 1859, the commissioners report was approved and

Judgment entered against complainants lot, he being the owner of one half only, for
 p. 90-99. \$225 00 and costs.

P. 7. That not having any notice he did not appear, or defend against said judgment, that all the proceedings were had, and judgment rendered in said court without his knowledge, and that said judgment was rendered without authority.

That the assessment and judgment against said lot is unjust and oppressive and the benefits are not assessed in a uniform manner.

p. 8. That the commissioners assessed his damages \$100, and benefits \$325 00. That other lots are benefited as much as his which are not assessed at all, and that the assessments are not uniform, and that his lot is not benefited to the amount of the judgments. That the costs are also excessive and illegally charged.

That execution has been issued to collect said judgment, which had been delivered to John Bryner sheriff, who has levied the same upon said lot, and threatens to sell the same, that a sale would cloud complainants title. That the judgment is void or voidable &c.

PRAYER.

That the judgment and proceedings may be set aside, and for a perpetual injunction &c.

p. 101. The defendant answer admitting the passage of the acts of February 12th, 1855, and December 2d, 1844, and the passage of the ordinance before set out of the 30th of October 1855.

p. 102. Denies that any portion of the law is repugnant to the constitution of the State. Admits that complainant is owner of the lots, that the commissioners were appointed and made their report as stated in the bill. Defendant also admits that the notices were given as stated in complainants bill. It can neither admit or deny the statement that the complainant had no other notice than as charged in the bill of the proceedings, and insists that the notices set forth as exhibits are sufficient and legal notices.

p. 103. It admits the rendition of the judgment, the issuing of execution as charged, but denies that any illegal costs are charged. It also states that the assessments were as uniform and equitable as the nature of the case and the circumstances of the parties would permit, and that complainants lot is benefited to the full amount and value of the judgment rendered against his said lot.

Defendant further states that the records and exhibits of the county court filed September 4th 1850, is a complete and perfect record and history of the proceedings of the city in opening said street in complainants bill mentioned, and they refer to said records and make the whole a part of their answer in the cause, submitting and insisting that all the proceedings are had and done pursuant to law and the ordinances of the city. They admit that complainants lot is some distance from that portion of Washington street sought to be opened but insist that the same is on Washington street, of which the part sought to be opened forms a continuous portion, and that complainants lot will be greatly benefitted by opening said street, and that all the lots along said Washington street between complainants lot and the street sought to be opened, are also assessed in proportion to the benefits accruing to each; as will appear by the commissioners report.

City map
p. 104. A map of the city of Peoria is also attached and made part of the record showing the location of all the lots assessed &c.

COMPLAINANT FILED A REPLICATION.

p. 104. The only evidence, other than the exhibits aforesaid, taken in the case consists of the testimony of Jacob Darst and Wm. M. Dodge who state that they are familiar with the complainants lot and that the lots on the opposite side of Main street being also on Washington street, and which are not assessed for opening the street in question would be equally benefited with complainants lot in the opening of said street.

p. 106-7.

ERRORS ASSIGNED.

- 1st. Rendering a decree for a perpetual injunction.
- 2nd. Not dismissing complainants bill.

POINTS, BRIEFS AND AUTHORITIES.

1st. The notices of the assessments and of the confirmation of the report were substantially in accordance with law and the city ordinance.

The city of Ottawa vs. Macy et al., 20 Ill. 413.

2nd. No portion of the law is unconstitutional.

3d. The commissioners must of necessity be the sole judges as to what property will be benefited by the opening of a street, and their assessment or report cannot be attacked except for partiality or fraud.

City of Ottawa vs. Macy et al., 20 Ill. 413.

4th. The notices being legal the apellee was bound to make his defence before the commissioners and the court, and take an appeal or writ of error to correct any inequalities or illegality in the proceedings; and he cannot resort for relief to a court of chancery.

N. H. PURPLE,
Solicitor of appellants.

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Alvin Kadder
appeal

appeal from Peoria Co

Filed Apr. 16th 1861

L. Leland
Clerk

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IN THE SUPREME COURT, STATE OF ILLINOIS,
Third Grand Division, April Term, A. D. 1861.

THE CITY OF PEORIA, }

vs.

Alvan ~~ABRAHAM~~ KIDDER, }

This was a Bill in Chancery to enjoin the collection of an assessment against appellee's lot, for the supposed benefits by reason of the opening of Washington street through Mills's Addition. The lot in controversy is located at the corner of Main and Washington streets, in the city of Peoria, and about one third of a mile from the nearest point of the proposed street.

The proceedings were had under the Act of 1855, amendatory to the City Charter of Peoria, and referred to in the Bill, the 9th section of which provides that the Commissioners appointed to assess damages and benefits, having ascertained the damages and expenses of such improvement, shall apportion and assess the same together with the costs of proceeding, upon the real estate, by them deemed benefited, in proportion to the benefits resulting thereto from the improvements.

In case this section should be so construed as to permit the commissioners, in making their assessments, to assess benefits upon real estate other than the real estate lying upon the street proposed to be opened, and which are directly affected by the opening of the street, then we say this section would be repugnant to the provisions of the Constitution. The Constitution provides that all taxes and assessments shall be levied by valuation, and that every person or corporation shall pay tax in proportion to the value of his or her property. Sec. 2, Title Revenue, of Constitution.

The 5th section of same chapter provides that cities and towns may be invested with power to assess and collect taxes for corporate purposes, such taxes to be uni-

form in respect to persons and property within the jurisdiction of the body imposing the same.

The Constitution was so framed to prevent unequal taxation, to prevent city or other authorities from creating a debt, and compelling a portion of the persons or property within its jurisdiction, to pay the debt so created. So that no city has a right to contract any indebtedness, no matter if it be supposed that some portion of the citizens derive more benefit than other portions, and compel a portion of the citizens to pay the debt against their consent. That is, three-fourths of the citizens have no right to say to the remaining one fourth of the citizens, we will open such and such streets, and you shall pay for it. A debt created by the city for opening of street is precisely the same as any other debt, and must be paid in the same way, and there is no authority for collecting this debt from the taxable property of a portion of her citizens, to the exclusion of the remainder.

One reason why we should adhere to this provision in the Constitution, is, that when once we depart from it, it becomes impossible to preserve uniformity in taxation, and the principle is well illustrated in the present case, where the Commissioners, in making their assessments, assessed the benefits to the lot in controversy, at \$325, and made no assessment on lots which are shown to have been equally benefitted by the improvements.

The proceedings, under the law, are irregular, defective, illegal and void, or at least voidable.

The 5th section of the Act referred to, provides that the Commissioners appointed to make the assessments, shall *give notice to the persons interested*, of the time and place of their meeting for the purpose of viewing the premises and making their assessments, at least five days before the time of such meeting, by publishing the same in the newspaper selected by the city.

This notice is one of the essential requirements necessary to confer jurisdiction over the subject matter, and without which the Court has no jurisdiction to render judgment upon the report of the Commissioners. Without notice, the acts of the Commissioners are void. What notice was given to appellee, by the Commissioners, of their purpose of viewing the lot in controversy? None, whatever! Appellee never received any notice of any kind of the proceedings of the Commissioners. The only notice given to him was published in the Peoria Transcript, and was only directed to the owners of lots and land in the city of Peoria, *through and over which* Washington street will run in opening the same from the east side of North-Fayette street in said city of Peoria, through Mills's addition to Washington street, in Morton, Voris and Laveille's addition to Peoria." This was no notice whatever to appellee. It neither was directed to him in person as the law requires, nor did it specify any lot, nor (if it should be deemed that a general notice of that kind was sufficient—and we say it is not sufficient,) is this lot included within the sweeping direction of the notice. This lot was not one of the lots *through and over which* the said street would run, but was located a third of a mile from it. That the Legislature contemplated that notice should be given to the per-

sons, is, we think, clear from the 8th section of the Act in which is provided, that when the land and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons irrespectively shall be awarded them, less the benefits. An extremely cautious man, even would not heed such notice as this if he had seen it in the paper—and we do not know whether appellee read the notice or not. He states that he knew nothing of the proceedings until after judgment, and there is no evidence that he was ever formally or informally notified of such proceedings. It would be a violation of one of the first principles of justice and of judicial proceedings to try or decide the rights of an individual without notice.

Holiday vs. Swailes, 1 Scammon 516,
Eddy vs. The People, 15 Ill. 386.

This principle is analagous to proceedings for collection of taxes, and the revulsion of judgments for taxes. In those cases our Courts say the report and notice are the foundation of the whole proceeding, and without them the Court has no authority to enter judgment.

Spellman vs. Curtinius, 12 Ill. 409-413,
Pickett vs. Hartsock, 15 Ill. 279-282,
Fitch vs. Pinckard, 4 Scam 69.

The report of the commissioners is returned to the Court with an assessment on appellee's lot of \$325 with a deduction of \$100 for compensation, but upon what fact this part of the assessment is based, it would, we think, be difficult for even the commissioners to explain. Upon the return of this report, the clerk of the Court issues and publishes a notice almost as indefinite as the one published by the commissioners, and did not convey any notice to appellee that his lot had been assessed, this notice being directed generally to "The owners of lots and lands," and were it not for the body of the notice might equally apply to the whole city. But the body of the notice explained that "that the report and assessment of the commissioners appointed to assess the amount of compensation and benefits accruing to the owners of lots and lands by reason of the opening of the proposed street *through and over the same*," thus restricting the effect of the notice to the owners of the lots and lands through and over which the proposed street would run in opening the same. This notice is clearly insufficient so far as the lot in controversy is concerned, and we think for any purpose either the owners names should be mentioned in the notice, or the description of the premises against which judgment is sought, should be specified in order to grant them an opportunity of contesting the same. There is no principle of our law by which an individual or corporation can obtain judgment against an individual or his property without any opportunity on his part to contest the same. If this proceeding were allowed under this law, it would be extremely oppressive and in many instances work outrageous injustice, as the law provides that in case of judgment executions may issue, and the property shall be sold without any right of redemption, the purchaser being entitled to a deed upon

the sale. A most extraordinary power of confiscating property, truly! and all to be done under the pretense of benefitting the property.

The proceedings in this case did not give the Court jurisdiction over this lot—and the judgment so rendered was void.

The next point is that the assessments of the commissioners were not uniform. The commissioners, under the law, were to ascertain the expenses of opening the street, and assess the same upon such property as should be deemed to be benefitted in proportion to the benefits resulting therefrom as nearly as may be. They are required to preserve some sort of uniformity in their assessments so that the burden may not fall on two or three individuals, and have the property of others equally benefitted to go free from tax. The evidence in this case shows that Lot one in Block three and Lot ten in Block six would be equally benefitted by the opening of this street, and while the lot in controversy was assessed at \$325, neither of said other lots were assessed at all.

It may be argued that this case does not come within the province of a Court of Chancery. Courts of Chancery have power to remove clouds or encumbrances from the titles to real estate where these clouds or encumbrances are created by pretended legal proceedings, as in cases where judgments are obtained by fraud, and even where the judgments are illegal, and quiet the title in Equity, although the parties could try the title at Law: *Martin vs. Dryden et. al.*, 1 Gilman, 210.

In this case, it was out of the power of the party to take an appeal, for the reason that he knew nothing of the proceedings until after judgment—the proceeding was in rem and the judgment was against the property, and no provision is contained in the act for either appeals or writs of error from such judgments, and a writ of error prosecuted by the appellee without any evidence in the Court below that he was the owner of the lot would be liable to dismissal if granted. The execution was in the hands of the Sheriff, who was threatening to sell the lot and thus completely divest the title of appellee in the same. Again, in case the Court should hold that the proceedings were strictly legal, than under the circumstances as shown in this case, a Court of Equity is alone clothed with power to grant the redress sought—to set aside the judgment for the purpose of permitting the owner of the lot to introduce evidence in defence—to prove that the assessments were not properly made—to prove that a portion of the sum assessed on this lot ought to have been assessed on other real estate, he having been prevented from introducing said proof in the Court in which the judgment was rendered.

The judgment against said lot is erroneous in the amount of costs for which said judgment was rendered, or as taxed by the clerk, and attempted to be collected by sale of said lot. There is no authority for assessing specifically against any individual lot any costs, but the ordinance under which the proceedings were held provides that there shall be charged a proportionate share of the costs of the proceedings in the premises. In this case the costs as charged against this lot exceed the proportionate share of the costs.

MANING & MERRIMAN, Att'ys. for Appellee.

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City of Chicago
vs

Kidder

Filed Apr. 25 - 1861

L. Leland
Clerk

IN THE SUPREME COURT, STATE OF ILLINOIS,
Third Grand Division, April Term, A. D. 1861.

THE CITY OF PEORIA, }

vs.

Moan ~~ABRAHAM~~ KIDDER, }

This was a Bill in Chancery to enjoin the collection of an assessment against appellee's lot, for the supposed benefits by reason of the opening of Washington street through Mills's Addition. The lot in controversy is located at the corner of Main and Washington streets, in the city of Peoria, and about one third of a mile from the nearest point of the proposed street.

The proceedings were had under the Act of 1855, amendatory to the City Charter of Peoria, and referred to in the Bill, the 9th section of which provides that the Commissioners appointed to assess damages and benefits, having ascertained the damages and expenses of such improvement, shall apportion and assess the same together with the costs of proceeding, upon the real estate, by them deemed benefited, in proportion to the benefits resulting thereto from the improvements.

In case this section should be so construed as to permit the commissioners, in making their assessments, to assess benefits upon real estate other than the real estate lying upon the street proposed to be opened, and which are directly affected by the opening of the street, then we say this section would be repugnant to the provisions of the Constitution. The Constitution provides that all taxes and assessments shall be levied by valuation, and that every person or corporation shall pay tax in proportion to the value of his or her property. Sec. 2, Title Revenue, of Constitution.

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form in respect to persons and property within the jurisdiction of the body imposing the same.

The Constitution was so framed to prevent unequal taxation, to prevent city or other authorities from creating a debt, and compelling a portion of the persons or property within its jurisdiction, to pay the debt so created. So that no city has a right to contract any indebtedness, no matter if it be supposed that some portion of the citizens derive more benefit than other portions, and compel a portion of the citizens to pay the debt against their consent. That is, three-fourths of the citizens have no right to say to the remaining one-fourth of the citizens, we will open such and such streets, and you shall pay for it. A debt created by the city for opening of street is precisely the same as any other debt, and must be paid in the same way, and there is no authority for collecting this debt from the taxable property of a portion of her citizens, to the exclusion of the remainder.

One reason why we should adhere to this provision in the Constitution, is, that when once we depart from it, it becomes impossible to preserve uniformity in taxation, and the principle is well illustrated in the present case, where the Commissioners, in making their assessments, assessed the benefits to the lot in controversy, at \$325, and made no assessment on lots which are shown to have been equally benefitted by the improvements.

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This notice is one of the essential requirements necessary to confer jurisdiction over the subject matter, and without which the Court has no jurisdiction to render judgment upon the report of the Commissioners. Without notice, the acts of the Commissioners are void. What notice was given to appellee, by the Commissioners, of their purpose of viewing the lot in controversy? None, whatever! Appellee never received any notice of any kind of the proceedings of the Commissioners. The only notice given to him was published in the Peoria Transcript, and was only directed to the owners of lots and land in the city of Peoria, *through and over which* Washington street will run in opening the same from the east side of North-Fayette street in said city of Peoria, through Mills's addition to Washington street, in Morton, Voris and Lavelle's addition to Peoria." This was no notice whatever to appellee. It neither was directed to him in person as the law requires, nor did it specify any lot, nor (if it should be deemed that a general notice of that kind was sufficient—and we say it is not sufficient,) is this lot included within the sweeping direction of the notice. This lot was not one of the lots *through and over which* the said street would run, but was located a third of a mile from it. That the Legislature contemplated that notice should be given to the per-

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the sale. A most extraordinary power of confiscating property, truly! and all to be done under the pretense of benefitting the property.

The proceedings in this case did not give the Court jurisdiction over this lot—and the judgment so rendered was void.

The next point is that the assessments of the commissioners were not uniform. The commissioners, under the law, were to ascertain the expenses of opening the street, and assess the same upon such property as should be deemed to be benefited in proportion to the benefits resulting therefrom as nearly as may be. They are required to preserve some sort of uniformity in their assessments so that the burden may not fall on two or three individuals, and have the property of others equally benefited to go free from tax. The evidence in this case shows that Lot one in Block three and Lot ten in Block six would be equally benefited by the opening of this street, and while the lot in controversy was assessed at \$325, neither of said other lots were assessed at all.

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City of Chicago
vs

Kidd

Filed Apr. 25-1861

L. Leland
Clerk

IN THE SUPREME COURT, STATE OF ILLINOIS,

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THE CITY OF PEORIA, }

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Pickett vs. Hartsock, 15 Ill. 279-282,
Fitch vs. Pinckard, 4 Scam 69.

The report of the commissioners is returned to the Court with an assessment on appellee's lot of \$325 with a deduction of \$100 for compensation, but upon what fact this part of the assessment is based, it would, we think, be difficult for even the commissioners to explain. Upon the return of this report, the clerk of the Court issues and publishes a notice almost as indefinite as the one published by the commissioners, and did not convey any notice to appellee that his lot had been assessed, this notice being directed generally to "The owners of lots and lands," and were it not for the body of the notice might equally apply to the whole city. But the body of the notice explained that "that the report and assessment of the commissioners appointed to assess the amount of compensation and benefits accruing to the owners of lots and lands by reason of the opening of the proposed street *through and over the same*," thus restricting the effect of the notice to the owners of the lots and lands through and over which the proposed street would run in opening the same. This notice is clearly insufficient so far as the lot in controversy is concerned, and we think for any purpose either the owners names should be mentioned in the notice, or the description of the premises against which judgment is sought, should be specified in order to grant them an opportunity of contesting the same. There is no principle of our law by which an individual or corporation can obtain judgment against an individual or his property without any opportunity on his part to contest the same. If this proceeding were allowed under this law, it would be extremely oppressive and in many instances work outrageous injustice, as the law provides that in case of judgment executions may issue, and the property shall be sold without any right of redemption, the purchaser being entitled to a deed upon

the sale. A most extraordinary power of confiscating property, truly! and all to be done under the pretense of benefitting the property.

The proceedings in this case did not give the Court jurisdiction over this lot—and the judgment so rendered was void.

The next point is that the assessments of the commissioners were not uniform. The commissioners, under the law, were to ascertain the expenses of opening the street, and assess the same upon such property as should be deemed to be benefitted in proportion to the benefits resulting therefrom as nearly as may be. They are required to preserve some sort of uniformity in their assessments so that the burden may not fall on two or three individuals, and have the property of others equally benefitted to go free from tax. The evidence in this case shows that Lot one in Block three and Lot ten in Block six would be equally benefitted by the opening of this street, and while the lot in controversy was assessed at \$825, neither of said other lots were assessed at all.

It may be argued that this case does not come within the province of a Court of Chancery. Courts of Chancery have power to remove clouds or encumbrances from the titles to real estate where these clouds or encumbrances are created by pretended legal proceedings, as in cases where judgments are obtained by fraud, and even where the judgments are illegal, and quiet the title in Equity, although the parties could try the title at Law: *Martin vs. Dryden et. al.*, 1 Gilman, 210.

In this case, it was out of the power of the party to take an appeal, for the reason that he knew nothing of the proceedings until after judgment—the proceeding was in rem and the judgment was against the property, and no provision is contained in the act for either appeals or writs of error from such judgments, and a writ of error prosecuted by the appellee without any evidence in the Court below that he was the owner of the lot would be liable to dismissal if granted. The execution was in the hands of the Sheriff, who was threatening to sell the lot and thus completely divest the title of appellee in the same. Again, in case the Court should hold that the proceedings were strictly legal, than under the circumstances as shown in this case, a Court of Equity is alone clothed with power to grant the redress sought—to set aside the judgment for the purpose of permitting the owner of the lot to introduce evidence in defence—to prove that the assessments were not properly made—to prove that a portion of the sum assessed on this lot ought to have been assessed on other real estate, he having been prevented from introducing said proof in the Court in which the judgment was rendered.

The judgment against said lot is erroneous in the amount of costs for which said judgment was rendered, or as taxed by the clerk, and attempted to be collected by sale of said lot. There is no authority for assessing specifically against any individual lot any costs, but the ordinance under which the proceedings were held provides that there shall be charged a proportionate share of the costs of the proceedings in the premises. In this case the costs as charged against this lot exceed the proportionate share of the costs.

MANNING & MERRIMAN, Att'ys. for Appellee.

1 183

The City of Chicago
vs

Kiddler
Apples Anst.

Filed Apr. 25-1861

L. Ireland
Clerk

The City of Providence
 John Bryner
 vs
 Aaron Hildes
 } In Supreme Court.
 } Ottawa April Term
 } 1861.

And now come the appellants, say
 that in the Record & Proceedings and
 in the rendition of the decree aforesaid
 there is manifest error in this to wit.
 Said Court Erred

1st In Rendering a decree for a perpetual
 injunction in said cause

And In Not dismissing the complain-
 ants bill.

For these and other manifest
 Errors the said Appellants pray that the
 said decree of the Circuit Court may
 be reversed and set aside &c

J. P. P.

for Appellants

And now comes the said defendant by his
 Attorneys Julius Manning & Co. Messrs
 and say that in said cause and proceedings
 there are no such errors as above alleged nor
 any of either of them. J. Manning & Co. for defendant

Ground in snow

Filed April 22, 1861

Dr Leland Clark

Be it remembered, that heretofore, to wit: on the Ninth day of August in the year of our Lord one thousand eight hundred and fifty there was filed in the office of the clerk of the circuit Court in and for the County of Peoria in the State of Illinois and on the Chancery Side of said Court a certain Bill and Precipe which are in the words and figures following, to wit

Bill

"To the Hon. E. N. Powell

Judge of the 16th Judicial Circuit of the State of Illinois, in Chancery Sitting.

Your Orator Alvin Stiddes, of the County of Peoria, in the State of Illinois, hereby complaining unto your Honor, respectfully represents —

That the General Assembly of the State of Illinois passed an Act entitled "An act to Amend an Act entitled An act to incorporate the City of Peoria, in force December 2, 1844, and the several Acts Amendatory thereto;" which Amendatory Act was approved and became a law February 12, 1855; by virtue of which law whenever in the opinion of the City Council of said City of Peoria, it should be necessary to take private property for opening streets, &c, and the amount of such compensation could not be agreed upon by the said City, and the persons whose property should be so taken, it became the duty of the Mayor of said City to file with the Judge of the County Court of said County of Peoria a petition, praying for the appointment of

three disinterested free holders of said city, to estimate and assess the amount of such compensation. In Sections Six and Seven of said amendatory act, it is provided in what manner the said Commissioners shall estimate and assess the damages and benefits arising to the owner of the lots and real estate which may be appropriated towards the opening of such street. In Section nine of said amendatory act, it is provided that, "having ascertained the damage and expenses of such improvement as appraised, the Commissioners shall thereupon apportion and assess the same, together with the costs of proceedings, upon the real estate by them deemed benefitted, in proportion to the benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made, all of which will, among other things appear from said act, reference being thereto had for greater certainty.

Your Orator further states that on the 30th day of October A. D. 1855, the City Council of said City of Peoria passed an ordinance entitled "An ordinance providing for the appropriation of private property for public use," which said ordinance is hereby referred to and made part of this Bill, and a copy thereof filed herewith for greater certainty.

Your Orator further states that as he is advised by Counsel, and verily believes the ninth Section of said Amendatory act aforesaid of said General Assembly is repugnant to the provisions of the constitution of this State, in providing a way of buying and assessing taxes upon real estate in a manner wholly in contradiction to the provisions of said Constitution of the State of Illinois.

3

Your Orator further States that on the first day of August, A.D. 1859, he was the owner of, - and from that time hitherto, and still is such owner - the following described real estate, situated within the City and County of Peoria and State of Illinois, to wit: part of lot No. four in Block No. two, in the original town of Peoria, described as being seventy-two feet in front on Washington street by eighty five feet six inches deep.

Your Orator further states that in pursuance of said Amending act of the General Assembly, and of the said ordinance of said City, the Mayor of said City of Peoria did, on or about the 8th day of August A.D. 1859, file with the Judge of the County Court of Peoria County, Illinois, a petition, praying for the appointment of Commissioners to estimate and assess the amount of compensation to be paid to the owners of real estate through and over which Washington street will run in opening and extending the same from the East side of North Fayette Street, in said City of Peoria, through Mills' Addition to Washington street, in Norton, Davis & Larvilles Addition to Peoria, and to assess the damages and expenses thereof, on the real estate of the persons benefitted, in proportion as nearly as might be to the benefits resulting to each, as will more fully and at large appear by reference to the said petition, a copy of which is herewith filed, marked "B."

Your Orator further states that in pursuance of said petition, the County Judge of said County of Peoria did, on the 15th day of August A.D. 1859, issue an appointment and notice to Sidney Paulides, Lewis Keyser, and G. L. Pyers, a copy of which appointment is herewith filed, marked "C," and the original, or a certified

4
Copy thereof, (made part herof for greater certainty.

Your Orator further States unto your Honor, that the said Commissioners made their report and assessment to the said County Court, which Court, on the third day of October A.D. 1859, rejected the said report, and referred the matter back to the said Commissioners.

Your Orator further States, that on or about the twelfth day of October A.D. 1859, the said Commissioners caused a notice to be published in the Peoria Transcript, directed to the owners of lots and lands in the City of Peoria, through, and over which, Washington Street will run in opening the same from the East Side of North Fayette Street in said City of Peoria, through McIl's Addition, to Washington Street in Morton, Von's & Lavell's addition to Peoria; that they, the said Commissioners, would meet at the Office of L. Keyon in Cortis Bank Building, in said City of Peoria, on the 19th day of October A.D. 1859, at the hour of 10 o'clock A.M. and that they would proceed to view the premises as required by law, where all persons interested might attend if they thought proper, as will more fully and at large appear by reference to said notice, a copy of which is herewith filed, marked D, and the original, or a certified copy thereof, will be produced on the hearing of this cause.

Your Orator further States, that the lot so owned by Your Orator, does not lie within the limits of the proposed Street to be opened, nor within a quarter of a mile from the same. Nor does any portion of said Washington

5 Street proposed to be opened by said proceeding, run through, or over said lot of your Orator.

Your Orator further Says, that he had no notice whatever of the proceedings of said Commissioners, or that they intended to assess any benefit or damages as against said lot so owned by your Orator as aforesaid; that the notice so published as aforesaid, was, as your Orator is informed, and believes, the only notice given by them of their proceedings, and that your Orator is not included within the terms of said notice, either by name or by description of his said lot, or by any general terms, as the said notice was directed only to such persons as were owners of lots and lands in said city, through, and over which, said proposed street was to be opened.

Your Orator further States, that on or about the eleventh day of November A.D. 1859, the said Commissioners made and filed their report and assessment with the said County Court, a copy of which report and assessment, so far as your Orator's said lot is concerned, is herewith filed, marked "C," and a certified copy of which, will be introduced on the hearing of this cause.

Your Orator further States, that on, or about the twelfth day of November A.D. 1859, the Clerk of said County Court caused to be published a notice of the return of said Commissioners, and that their said report was filed in said court, and that the same would be confirmed on the 28th day of November A.D. 1859, unless legal objections were made to the same, a copy of which notice is

herewith filed, (marked *F*, and the original), or a Certified Copy made part hereof, for greater certainty.

6 Your Orator further stated, that on the 30th day of November, A.D. 1859, the said report and assessment was confirmed by said Court, and judgment was rendered thereupon against the said lots and lands specified in said report, for the amount so assessed to each and costs, and that the judgment so rendered against said lot No four in Block two one half of which belonged to your Orator as aforesaid was the sum of two Hundred & twenty five dollars, and the costs of said proceedings taxed at five dollars and three cents as will more fully appear by reference to said judgment, a copy of which is herewith filed, (marked "*G*", and the original thereof, made part hereof for greater certainty.

Your Orator further stated, that the said notice so published by said Clerk, (was the only notice given of said proceedings in said County Court; that no actual notice of such proceedings was had or received by your Orator, either directly or indirectly, and that, as your Orator is informed by council, and believes that the notice so given by said clerk, by publication as aforesaid, was wholly insufficient to authorize said Court to render judgment against the lot of your Orator as aforesaid.

Your Orator further stated, that by reason of having no notice or knowledge of such proceedings, he did not appear in said Court to defend said proceedings, as he otherwise would have done; that he had no opportunity

7 given him of defending said proceedings, or of introducing any evidence in said cases, or of having a bill of exceptions prepared and made, or of taking an appeal to the Supreme Court of Illinois, and that the said assessment and proceedings of said Commissioners, and the proceedings in said Court, and judgment against your orator's said lot were all had without any notice to, or knowledge by your Orator of such proceedings, unless it should be so construed that the publication of the notices aforesaid, (which were neither directed to your Orator by name, nor as owner of said lot, but were directed to the owner of lots between North Fayette Street and Washington Street, in Morton, Voss & Laville's addition) shall be sufficient authority to the said Court to pronounce judgment against said lot, and which notices never came to the knowledge of your Orator until after the rendition of said judgment.

Your Orator further states, that the assessment and judgment against your Orator's said lot is unjust and oppressive, and that the said benefits are not assessed in a uniform manner; that the said Commissioners assessed against said lot as damages \$100 and for benefits \$325.; that your Orator cannot conceive how, or in what manner your Orator's said lot should be damaged by the opening of a street a half a mile from it, nor can he perceive how, or in what manner the said lot will be benefitted by the opening of said street, further than as the same may be a general benefit to the citizens of said city; that the said assessments are not uniform; that lot

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two, in block Dix, and lot one in block three in
said city, are as much benefitted by the opening of
said street as lot Dix in block seven, as said lot
four in block two, whereas the last two named lots
are assessed at a large amount, while the former
two lots are not assessed at all. And in like
manner, might the instances of the want of uniform-
ity in assessments be made through a large part of
the city, and your Orator charges that that said
lot is not benefitted by the opening of said street
to the amount of said judgment.

Your Orator further states, that, as he is informed and
believes that the costs so charged against said lot of
your Orator, is excessive, that the clerk has charged
all cost against the said lot that is properly
chargeable against all the said lots contained in
said report and judgment.

Your Orator further states, that the clerk of said
County Court has, under the direction of the said City
of Peoria, issued an execution upon said judgment
against your Orator's said lot, and has placed it
in the hands of the Sheriff of said County of Peoria
to execute, and that John Byrnes, the said Sheriff,
has levied upon said lot by virtue of said execution,
and now threatens to sell said lot for the satisfac-
tion of said execution.

Your Orator further states, that if said Sheriff
be permitted to sell said lot under said execution,
that said sale will create a cloud and incommo-
dity upon the title of your Orator thereto, and
greatly injure the value of the same in market.

Your Orator, therefore, charges that said judgment

is void, or voidable, and that the same, and all the said proceedings, so far as relates to your Orator said lot, ought to be set aside, and that your Orator ought to have an opportunity of introducing evidence to rebut said report of said Commissioners as to benefits and damages. All of which acts and doings of said City of Peoria and its agents, are contrary to equity and good conscience, and tend to the manifest wrong of your Orator in the premises.

Inasmuch, therefore, as your Orator has no adequate relief in a Court of law, and has only a complete remedy in this Court, and to the end that justice may be done, your Orator prays that the City of Peoria and John Bryner be made parties defendants hereto, that the usual process of *quidam* issue to them, that they be required to answer the matters and allegations herein contained fully (but not on oath, their oaths being waived) thereupon, and that the said proceedings and judgment be wholly set aside and for nought esteemed as to the said lot of your orator, that in the mean time an injunction issue restraining the said Bryner, Sheriff as aforesaid, from selling, or attempting to sell said lot upon said execution, and that upon the hearing the said injunction be made perpetual, not only as to said execution, but as to all executions that may be issued on said judgment, and for such other or further relief as to this Court may seem right and proper, and as in duty bound, your Orator will ever pray &c.

Sharon Tidder

State of Illinois }
County of Peoria. } ss.

Alvan Kiddes being first
duly sworn, deposes and Says, that the foregoing
Bill by him subscribed, is true, except as to the
matters therein stated to be on information and
belief, and as to those matters, he believes it to
be true.

Alvan Kiddes
Subscribed and sworn to before me, this 9th day
of August A. D. 1860. C. P. Sloan, clerk.

Alvan Kiddes

The City of Peoria

& John Byner

Sheriff of Peoria County

Bill for Injunction & Relief
August 9, 1860

Issues Summons in Chancery to Coroner of
Peoria County, Manning Merriman
for Compl.

And on the same day to wit: on the ninth day of
August in the year of our Lord one thousand eight
hundred and sixty there was ~~given~~ issued out
of the office of the clerk of said court and under
of which with the return endorsed thereon are
the seal thereof a summons, in the words and
figures following, to wit:

"The People of the State of Illinois
do the Coroner of Peoria County, Greeting:
We Command you to summon the City of Peoria

10
Receipt

Summons.

city, with the amount of said assessment against each owner or holder respectively, taking his receipt for the same and charging him with the amount thereof; and said collector shall proceed to collect the same by calling upon and demanding the several amounts due of the owners or agents of the said real estate respectively: *provided*, they can be found within said city.

§ 7. That in case the said special tax and costs shall remain unpaid for twenty days after the receipt of the said list by the collector, the said collector shall make application, on behalf of the City of Peoria, to the Peoria county court, by filing a list of the delinquent lands and lots and lots chargeable with said special tax with the county clerk at any regular term of said court, for judgment against the said lots or parts of lots or real estate for the amount of said assessment and costs; and this ordinance shall be taken and held to be sufficient notice of any such application to all parties interested therein, under the act of the General Assembly of the State of Illinois, entitled 'An Act to amend the charters of the several towns and cities in this State', approved March 1, 1854.¹

§ 8. That immediately after the sale of the said real estate and town lots by the sheriff of Peoria county, as contemplated by the act of the Assembly last referred to, the said sheriff shall pay over to the treasurer of said city the amount of the said assessments against each of the lots or parts of lots so sold, and shall also pay over to the several officers their fees under this ordinance.

§ 9. That whenever any repairs may be necessary to be made on any sidewalk, the owner or holder of the lot or part of lot fronting thereon, or his agent, shall be notified by the engineer and surveyor in writing thereof, which notice shall set forth, as near as may be, the nature and extent of the repairs required to be made; and if such owner, holder or agent shall fail to have such repairs made within twenty days after notice as aforesaid, or should the engineer and surveyor be unable, by reason of there being no such owner, holder or agent a resident of the city, to give such notice, he shall proceed as in cases of failure to pave and grade sidewalks, and the city council shall levy all necessary taxes and cause the same to be collected in the manner prescribed in this ordinance.

§ 10. All lots, parts of lots and tracts of land within the limits of the City of Peoria shall be so graded by the owners or agents thereof as to prevent water from standing or becoming stagnant thereon; and the owner or agent of every lot, part of lot or tract of land whereon water may stand or become stagnant, shall be notified in writing by the city engineer and surveyor to fill up and grade the same within a reasonable time, to be fixed by said engineer and surveyor, so as to prevent the said water from becoming a nuisance; and in case such owner or agent shall fail or refuse to fill up and grade said lot, part of lot or

NOTE.

1. See section 3, Act of March 1, 1854, pages 14 and 15 *ante*.

tract of land within the time required by said notice, or in case the said engineer and surveyor be unable to give said notice, by reason of there being no owner or agent of any such lot, part of lot or tract of land, resident in said city, he shall proceed to fill and grade the said lot, part of lot or tract of land at the expense of the said city, as in cases of a failure to grade or to grade and pave sidewalks under the fourth section of this ordinance; and the city council shall levy all the necessary taxes against the lot, part of lot or tract of land for the payment of the costs and expenses of filling and grading the same, and cause the said taxes to be collected in the manner provided in this ordinance and the said act of Assembly: *provided*, that no owner or agent of any such lot or tract of land shall be compelled to fill up and grade the same as herein required unless the city shall first so grade some street or alley adjoining such lot or tract of land, or shall first erect a culvert or sewer by means of which the water will be drawn from any such lot or tract of land when the same shall be filled and graded.

§ 11. The several officers, for services rendered under this ordinance, shall be entitled to the same fees as are allowed by ordinance for similar services in relation to the sale of lands and town lots for the ordinary revenues of the city, except that the sheriff shall be entitled to such fees as are allowed by the laws of this State for similar services, all of which shall be added as costs against the lands or lots sold under this ordinance.

§ 12. That all assessments made in pursuance of this ordinance shall constitute a lien on any lot, part of lot or tract of land in front of which such grading or grading and paving, or on which such filling and grading, may be done at the expense of the city.

Passed October 18, 1856.

CHAPTER X.

OPENING STREETS.¹

AN ORDINANCE providing for the appropriation of private property for public use.

- SEC. 1. Council authorizes opening of streets.
Engineer to make plat of street.
2. Where price can not be agreed upon.
Duty of mayor to petition court.

NOTE.

1. For the power of the city to open streets and assess benefits and damages See 14 Ills., 337; 11 Ills., 650; Freeman's Ills. Digest, 1526, and the act of February 12, 1855, page 41 *ante*.

For the power to appropriate private property for public use. See 2 Giln 237; 13 Ills., 5; 14 Ills., 176, and the act of February 12, 1855, page 41 *ante*.
For vacating streets, see act of February 15, 1851, page 5 *ante*.

3. Appointment of commissioners, and notice to them.
4. Commissioners to be sworn.
5. Form of oath of commissioners.
6. Duty of county clerk, to deliver papers.
7. Notice to owners of lots, and form of.
8. May hear evidence, and make report.
9. Form of commissioners' report.
10. Notice of county clerk to owners.
11. Action of the court on report.
12. Form of executions to sheriff.
13. Duty of sheriff and clerk on return of execution.
14. Overplus to be refunded.
15. Where judgments are paid; where money tendered—same to be deposited.
16. Duty of mayor and city attorney.
17. Fixes fees of officers under ordinance.

Be it ordained by the City Council of the City of Peoria:

SEC. 1. That whenever, in the opinion of the city council of said city, which shall be expressed by resolution to be entered upon the journal of their proceedings, it shall become necessary to take private property for any of the purposes enumerated in the third section of an act of the General Assembly of the State of Illinois, approved February 12, 1855, entitled 'An Act to amend an Act entitled 'An Act to incorporate the City of Peoria', in force December 3, 1844, and the several acts amendatory thereto,' the city engineer and surveyor, or such other engineer and surveyor as the city council shall designate, shall make a survey and plat of the lots and lands through and over which the street, alley, etc., to be opened, widened, extended, etc., or other improvement to be made, will run, and said survey and plat shall exhibit the lots and lands, and lines of the street, alley, etc., proposed to be opened, widened, extended, etc., which shall be submitted to the city council, and said council shall appoint from among their number a committee of two, whose duty it shall be to negotiate with the owners or agents of the lots and land through and over which the said street, alley, or other improvement, as shown by the said plat, will run, as to the price at which that portion of the lots and lands necessary to make the proposed improvement can be purchased by the said city, and said committee shall make a report of their proceedings to said council at any time within sixty days after their said appointment.

§ 2. If the price of the lots and lands necessary to make said improvement can not be agreed upon between the owners or agents of the same and the said city council, the mayor of said city shall file with the judge of the county court of Peoria county a petition, which shall be in the following form, as near as may be, varying the same to suit the particular kind of improvement, to wit:

To the Honorable, the Judge of the County Court of Peoria County, in the State of Illinois:

The petition of the undersigned, Mayor of the City of Peoria, in said county and State, respectfully represents that the city council of said city has

tract of land within the time required by said notice, or in case the said engineer and surveyor be unable to give said notice, by reason of there being no owner or agent of any such lot, part of lot or tract of land, resident in said city, he shall proceed to fill and grade the said lot, part of lot or tract of land at the expense of the said city, as in cases of a failure to grade or to grade and pave sidewalks under the fourth section of this ordinance; and the city council shall levy all the necessary taxes against the lot, part of lot or tract of land for the payment of the costs and expenses of filling and grading the same, and cause the said taxes to be collected in the manner provided in this ordinance and the said act of Assembly: *provided*, that no owner or agent of any such lot or tract of land shall be compelled to fill up and grade the same as herein required unless the city shall first so grade some street or alley adjoining such lot or tract of land, or shall first erect a culvert or sewer by means of which the water will be drawn from any such lot or tract of land when the same shall be filled and graded.

§ 11. The several officers, for services rendered under this ordinance, shall be entitled to the same fees as are allowed by ordinance for similar services in relation to the sale of lands and town lots for the ordinary revenues of the city, except that the sheriff shall be entitled to such fees as are allowed by the laws of this State for similar services, all of which shall be added as costs against the lands or lots sold under this ordinance.

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15. Where judgments are paid; where money tendered—same to be deposited.
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17. Fixes fees of officers under ordinance.

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SEC. 1. That whenever, in the opinion of the city council of said city, which shall be expressed by resolution to be entered upon the journal of their proceedings, it shall become necessary to take private property for any of the purposes enumerated in the third section of an act of the General Assembly of the State of Illinois, approved February 12, 1855, entitled 'An Act to amend an Act entitled 'An Act to incorporate the City of Peoria', in force December 3, 1844, and the several acts amendatory thereto,' the city engineer and surveyor, or such other engineer and surveyor as the city council shall designate, shall make a survey and plat of the lots and lands through and over which the street, alley, etc., to be opened, widened, extended, etc., or other improvement to be made, will run, and said survey and plat shall exhibit the lots and lands, and lines of the street, alley, etc., proposed to be opened, widened, extended, etc., which shall be submitted to the city council, and said council shall appoint from among their number a committee of two, whose duty it shall be to negotiate with the owners or agents of the lots and land through and over which the said street, alley, or other improvement, as shown by the said plat, will run, as to the price at which that portion of the lots and lands necessary to make the proposed improvement can be purchased by the said city, and said committee shall make a report of their proceedings to said council at any time within sixty days after their said appointment.

§ 2. If the price of the lots and lands necessary to make said improvement can not be agreed upon between the owners or agents of the same and the said city council, the mayor of said city shall file with the judge of the county court of Peoria county a petition, which shall be in the following form, as near as may be, varying the same to suit the particular kind of improvement, to wit:

To the Honorable, the Judge of the County Court of Peoria County, in the State of Illinois:

The petition of the undersigned, Mayor of the City of Peoria, in said county and State, respectfully represents that the city council of said city has

deemed it necessary to take private property for the opening of — street from — to —, as represented on the plat hereto attached and forming part hereof, and that the compensation to be paid by said city to the owners of the lots and lands through and over which said street will run, for the damages that may accrue to them respectively by reason of the opening of the said street as represented on said plat, can not be agreed upon between the said city and the said owners, and the undersigned would therefore pray your Honor to appoint three disinterested freeholders of said City of Peoria as commissioners to estimate and assess the amount of such compensation, and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate of the persons benefited, in proportion, as nearly as may be, to the benefits resulting to each, in accordance with the provisions of an act of the General Assembly of the State of Illinois, approved February 12, 1855, entitled 'An Act to amend an act entitled 'An Act to incorporate the City of Peoria', in force December 3, 1844, and the several acts amendatory thereto.'

And, as in duty bound, I will ever pray, etc.,

A. B.,

Mayor of the City of Peoria.

Mayor's Office, , 18 .

§ 3. The appointment of and notice to the said commissioners by the said county court shall be in the following form, as near as may be, to wit:

STATE OF ILLINOIS, } ss.
Peoria County, }

To —, disinterested freeholders of the City of Peoria:

13
Whereas, It has been represented to the undersigned, judge of the county court of Peoria county, that the city council of the City of Peoria has deemed it necessary to take private property for the opening, etc., of — street, from — to —, as represented in the petition and on the plat hereunto attached, and that the compensation to be paid by said city to the owners of lots and lands through and over which said street will run, for the damages that may accrue to them respectively by reason of the opening of said street, as represented on said plat, can not be agreed on between the said owners and the said city; you are therefore hereby notified that, upon the application of the mayor of said City of Peoria, I have appointed you, the said disinterested freeholders of said city, commissioners to ascertain and assess the damages and recompense due the owners of said lots and lands respectively, by reason of said street running through and across the same, and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate of the persons benefited, in proportion, as nearly as may be, to the benefits resulting to each, as provided by law; and you are hereby summoned to appear before this court at — o'clock — M., on the — day of —, A. D. 18—, to take and subscribe the oath in such case made and provided.

Witness my hand and the seal of said court, at Peoria, this — day of —, A. D. 18—.

C. D.,

Judge county court Peoria county.

Attest: E. F., County clerk.

§ 4. The time to be fixed for the appearance of the said commissioners before the said court to take and subscribe the oath herein required shall not exceed five days from the date of the said notice and summons, and the said notice and summons may be served upon the said commissioners by the sheriff of Peoria county, the marshal, or any police constable of said City of Peoria, or any constable of Peoria county, by read-

ing and showing the same to each of the said commissioners; and the officer serving the same shall make return thereof to said county court as in cases of summons at law.

§ 5. The form of the oath to be administered to the said commissioners shall be substantially in the following form, as near as may be, and the same may be administered by the judge or clerk of said county court, to wit:

STATE OF ILLINOIS, } ss.
Peoria County, }

We, the undersigned, disinterested freeholders of the City of Peoria, do solemnly swear (or affirm, as the case may be) that we will faithfully and impartially execute and perform the duties required of us as commissioners, according to law and the ordinances of the City of Peoria, and to the best of our skill and ability, and as such commissioners that we will make a true report of our proceedings on the matters and things submitted to us as set forth in the annexed petition, plat and other papers in relation to the opening of _____ street in the City of Peoria. So help us God.

I. J.,
K. L., } Commissioners.
M. N., }

Subscribed and sworn to before me on this _____ day of _____, 18—
G. H., County clerk (or judge).

14 § 6. The county clerk shall deliver to said commissioners, after they have been sworn, the petition, plat, notice, and all the papers connected with the said proceedings.

§ 7. The form of the notice required to be given and published to the owners of lots and lands by the said commissioners before entering upon the discharge of their duties shall be in the following form, as near as may be, to wit:

Commissioners' Notice. Opening of _____ street in the City of Peoria.

Notice is hereby given to the owners of lots and lands in the City of Peoria, through and over which _____ street will run in opening the same from _____ to _____, that the undersigned, commissioners appointed by the county court of Peoria county to assess the amount of compensation and benefits accruing to the owners of lots and lands damaged and benefited by the opening of said street, will meet at _____ in said City of Peoria, on the _____ day of _____, 18—, at the hour of _____ o'clock — M., and that they will proceed to view the premises as required by law; when and where all persons interested may attend if they think proper.

I. J.,
K. L., } Commissioners.
M. N., }

Peoria, _____, A. D. 18—.

§ 8. The said commissioners may, in their discretion, receive any legal evidence offered, in order to aid them in the discharge of their duties, and shall have power to administer to witnesses the usual oaths under the laws of this State; and the said commissioners shall return to the judge of said county court, with their report, the petition, plat, notices and all other papers received by them from the said county clerk, all of which shall be filed by said clerk.

§ 9. The form of the report and assessment of the said commissioners to the county court shall be in the following form, as near as may be, to wit:

To the Honorable, the Judge of the County Court of Peoria County:

The undersigned, commissioners appointed by your Honor on the _____ day of _____, A. D. 18—, to assess the amount of compensation and benefits accruing to the owners of lots and lands damaged and benefited by the opening of _____ street in the city of Peoria, as represented on the plat hereto attached, and forming part hereof, beg leave to report, that, after being duly sworn and giving the notice required by law, we proceeded to the examination of the premises through and over which said _____ street will run, and do assess the said compensation and benefits as follows, to wit:

	Compensation to owners.	Benefits to owners.	Total compensation.	Total Benefits.
Compensation to the owner of lot _____, in block _____ (in case he has sustained any).	\$100 00			
Benefits to same (if there be any).		\$50 00		
Benefits accruing to the owner of lot _____, in block _____, [Here carry out the compensation and benefits, giving a proper description of the lots and lands and the amounts due to and assessed against each.]		50 00		
Total compensation and benefits,			\$100 00	\$100 00

All of which, with accompanying papers, is respectfully submitted.

Witness our hands and seals, at Peoria, this _____ day of _____, A. D. 18—.

I. J., [L.S.]
K. L., [L.S.]
M. N., [L.S.] } Commissioners.

75 § 10. The form of the notice required to be given by the clerk of said county court after the return of the report and assessment of the said commissioners shall be in the following form, as near as may be, to wit:

OFFICE OF THE COUNTY CLERK, }
Peoria County. }

Opening of _____ street. Notice to the owners of lots and lands.

Notice is hereby given that the report and assessment of the commissioners appointed by the county court of Peoria county to assess the amount of compensation and benefits accruing to the owners of lots and lands by reason of the opening of _____ street through and over the same has been returned by said commissioners to the judge of the county court of Peoria county, and that on the _____ day of _____, A. D. 18—, the said report and assessment will be confirmed by the said county court, unless legal objections to the confirmation of the same be made by some person interested therein.

Peoria, _____, A. D. 18—.

O. P.,

Clerk county court of Peoria county.

§ 11. If the said report and assessment returned to said county judge by the said commissioners shall, on the day named in the notice of the county clerk as aforesaid, be annulled or referred back to the said commissioners, the said court shall indorse its action on the back of said report, and state the grounds upon which it annuls or refers the same back to the said commissioners, which indorsement shall be signed by the said county judge and attested by the clerk of said court; but if the said report and assessment of said commissioners shall be confirmed by the said county judge, the petition, plat, appointment of and notice to the said commissioners, their oath, and their notice to the owners of the

lots and lands affected by the improvement, their report and assessment, and the notice of the county clerk of the time and place when and where the said report will be confirmed, shall all be placed on record, and a judgment shall be rendered against the lots and lands benefited by said improvement in favor of the City of Peoria, which judgment shall be in the following form, as nearly as may be, to wit:

Whereas, The commissioners appointed by this court on the — day of —, A.D. 18—, to ascertain and assess the damages and recompense due the owners of lots and lands by reason of the opening of — street through and over the same, did, on the — day of —, A.D. 18—, return to this court their report and assessment of the amount of compensation and benefits accruing to the said owners respectively, and it appearing to the satisfaction of said court that the said commissioners were duly summoned and sworn, and that the notices required to be given according to law and this ordinance were duly given, published and served by the said commissioners and the proper officers, it is therefore ordered and adjudged that a judgment be rendered against the following lots and tracts of land for the sums set opposite the same respectively, and also for a proportionate share of the costs of the proceedings in the premises, to wit:

[Here insert the lots and lands by their proper descriptions, and the amounts of the benefits accruing to each lot or tract of land, with the costs against each, up to and including the costs on the rendition of the judgment.]

And it is further ordered and adjudged that the said report and assessment of the said commissioners be confirmed, and that executions issue to the sheriff of Peoria County, and that he, the said sheriff, be commanded to levy upon and sell the said lots and lands against which judgment is herein rendered, in the same manner as in executions at law.

Entered —, A.D. 18—.

Q. R.,

Judge County Court, Peoria County.

§ 12. The form of the said executions shall be in the following form, as near as may be, to wit:

STATE OF ILLINOIS, }
Peoria County, } ss.
to the Sheriff of Peoria County, GREETING:

The People of the State of Illinois,

Whereas, By the consideration of our county court, held at Peoria, in and for said County of Peoria, on the — day of —, in the year of our Lord one thousand eight hundred and —, the City of Peoria recovered a judgment for the sum of — against the following-described real estate situated in said city, to wit: [Here describe the lot or tract of land as set forth in the judgment of the county court], being the amount of benefits which accrued to the owner of the said lot (or land) by reason of the opening (or as the case may be) of — street, in said City of Peoria, through and over the said lot (or tract of land), as appears of record in this court— You are therefore hereby commanded to levy upon, advertise and sell the said above-described real estate, lands and tenements, and that from the sale of the same you cause to be made the aforesaid sum of money, with interest on said judgment at the rate of six per centum per annum from the time of the recovery of the same until paid, with the accruing costs, and that you have the said money ready for the said City of Peoria, according to law and this ordinance. Hereof fail not, and make return to this writ, with your doings, ninety days after the date hereof.

Witness S. T., clerk of our said county court, and the seal thereof, at Peoria, [L.S.] the — day of —, in the year of our Lord one thousand eight hundred and —.

S. T.,

Clerk County Court of Peoria County.

§ 13. The said sheriff, on the return of the said execution, shall pay the money made on the same over to the county judge, and the mayor of the said City of Peoria, or such other person as the city council of said city may by resolution designate, shall receive from said judge, and receipt for the same, the amount of the said judgment, less the costs; and the said county clerk shall place the said execution, with the return thereon, on the record, immediately after the record of the judgment as aforesaid.

§ 14. If the real estate levied upon and sold under the provisions of the act of Assembly herein mentioned, and this ordinance, shall bring more than the amount of the judgment rendered against the same with costs, the overplus shall be paid over by said sheriff to the owner of the said land benefited by the said improvement.

17 § 15. When the whole amount of the benefits accruing to the owners of lots and lands by reason of the opening of any street, or the making of any improvement as provided by law and this ordinance, shall be fully paid, either with or without judgment and execution as herein provided, the said mayor or other person so designated shall pay or tender to the owners or agents of the lots and lands through and over which the street or other improvement will run, the amount of compensation and damages allowed and due to each as awarded in the report and assessment of the said commissioners, provided they can be found in said city; and the said owners or agents shall receipt for the same on the records of the said court at the place where the said proceedings are recorded; and in case said owners or agents can not be found in said city, or if they refuse to receive the said amount so tendered to them when found, the said money shall be deposited as provided by law.

§ 16. It shall be the duty of the mayor and city attorney to attend to the proceedings herein provided for, and to see that the requirements of the law and this ordinance are complied with by the officers acting under the same.

§ 17. The fees allowed to the several officers under this ordinance and the said act of assembly shall be as follows, to wit:

To the clerk of the county court, for filing the petition of the mayor, fifty cents.

For making out appointment of and notice to the commissioners, fifty cents.

For administering the oath to each commissioner, twenty-five cents.

For filing the oaths of the commissioners, twenty-five cents.

For filing the report of the commissioners, fifty cents.

For preparing and giving the notice of the time and place for confirmation of the commissioners' report, fifty cents.

For issuing each execution, fifty cents.

For placing on record the petition of the mayor, plat of the engineer, appointment and oath of the commissioners, their notice to owners of lots and lands, the commissioners' report, making a record of the judgment, execution and return, for every one hundred words the sum of twenty cents.

The county judge, for each day he shall act in hearing and disposing

f questions arising
hall be allowed the
The sheriff shall
n executions at law
The said commissi
r every day necess
nder this ordinance
Passed October 30,

18

Revised Ordinances.

105

f questions arising on the confirmation of the commissioners' report, shall be allowed the sum of three dollars.

The sheriff shall be entitled to the same fees as are allowed to him in executions at law.

The said commissioners shall be allowed the sum of two dollars each for every day necessarily spent by them in the discharge of their duties under this ordinance and the said act of Assembly.

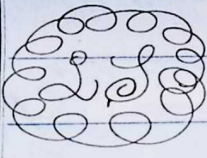
Passed October 30, 1855.

-
4. Harbor-master may remove boats.
 5. Harbor-master may take charge of boats.
 6. Boats to be held until expenses are paid.
 7. Proceeds of sale disposed of.
 8. Prohibits the obstruction of the landing.
 9. Lien created on property.
 10. Merchandise may be landed, etc.
 11. Wharfage regulated.
 12. Duty of harbor-master to keep a book, etc.
 13. Penalty for injury done to landing, etc.
 14. Penalty for refusing to pay wharfage.

more than the amount of the

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Philadelphia.

19 and John Bryner if they may be found in your county to appear before our Circuit Court on the first day of the ^{special} term thereof to be held at Peoria, within and for the said County of Peoria, on the third Monday of August A.D. 1860 then and there, in our said Court, to answer the matters and things contained in a certain bill of Complaint, lately exhibited before our Circuit Court on the Chancery side thereof, Against the said City of Peoria, and John Bryner, by Alvan Kiddle for relief and injunction and make return of this writ, with an indorsement of the time and manner of serving the same, on or before the first day of the term of the said Court to be held as aforesaid.



Witness Enoch P. Sloan, clerk of our said Court, and the Seal thereof, at Peoria, this 9th day of August in the year of our Lord one thousand eight hundred and sixty. Enoch P. Sloan, clerk
by J. Newton Dpty.

(Endorsed)

Endorsement,

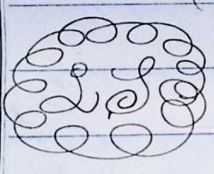
"I Served this Writ on to Jno D. Arnold, Mayor, J. M. Cunningham Clerk of the City of Peoria and John Bryner Sheriff of Peoria County by leaving a copy of this with each of them this 10th day of August A.D. 1860. Peoria Aug. 10th 1860
John N. Niglas
Coroner."

And afterwards, to wit: on the fourth day of September in the year of our Lord one thousand eight hundred and sixty there was filed in the office of the Clerk of said Court and in said Cause a Transcript from the Clerk of the County Court of said County of

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No. 27 S. Seventh Street,
Philadelphia.

and John Bryner if they may be found in your county, to appear before our Circuit Court on the first day of the ^{special} term thereof, to be held at Peoria, within and for the said County of Peoria, on the third Monday of August A.D. 1860 then and there, in our said Court, to answer the matters and things contained in a certain bill of Complaint, lately exhibited before our Circuit Court on the Chancery side thereof, against the said City of Peoria, and John Bryner, by Alvan Kiddle for relief and injunction and make return of this writ, with an indorsement of the time and manner of serving the same, on or before the first day of the term of the said Court to be held as aforesaid.

19



Witness Enoch P. Sloan, clerk of our said Court, and the Seal thereof, at Peoria, this 9th day of August in the year of our Lord one thousand eight hundred and sixty. Enoch P. Sloan, clerk
by J. Newton Dpty.

Endorsement,

(Endorsed)

"I Served this Writ on to Geo D. Arnold, Mayor, J. M. Cunningham Clerk of the City of Peoria and John Bryner Sheriff of Peoria County by leaving a copy of this with each of them this 10th day of August A.D. 1860. Peoria Aug, 10th 1860
John N. Niglas
Coroner."

And afterwards, to wit; on the fourth day of September in the year of our Lord one thousand eight hundred and sixty there was filed in the office of the clerk of said Court and in said Cause a Transcript from the clerk of the County Court of said County of

Peoria and under the Seal of said Court which said Transcript is in the words and figures following to wit:

Petition
of Mayor.

" To the Honorable the Judge of the County
Court of Peoria County in the State of Illinois

The Petitioner of the under-

20 Signed Mayor of the City of Peoria in said County
& State respectfully represents that the City Council
of said City has deemed it necessary to take private
property for the opening and extending of Washington
Street through Mills Addition to Peoria sixty feet
in width from the East Side of North Fayette Street
to Washington Street in Morton, Von's and Lavilles ad-
dition to Peoria as represented on the plat hereto at-
tached and forming part hereof. And that the com-
pensation to be paid by said City to the owners of the
lots and lands through and over which said Street
will run for the damages that may accrue to them res-
pectively by reason of the opening of the said Street
as represented on said plat can not be agreed upon
between the said City and the said owners. And the
undersigned would therefore pray Your Honor to appoint
three disinterested free holders of said City of Peoria as
Commissioners to estimate and assess the amount of such
compensation, And at the same time to determine
what persons will be benefitted by such improvement
and assess the damages and expenses thereof on the real
estate of the persons benefitted in proportion as nearly as
may be to the benefits resulting to each in accordance
with the provisions of an Act of the General Assembly
of the State of Illinois approved February 12th 1855 enti-
tled "An act to Amend an Act entitled "An act to

Peoria and under the Seal of said Court which said Transcript is in the words and figures following to wit:

Petition
of Mayor.

" To the Honorable the Judge of the County
Court of Peoria County in the State of Illinois

The Petitioner of the under-

20 Signed Mayor of the City of Peoria in said County
& State respectfully represents that the City Council
of said City has deemed it necessary to take private
property for the opening and extending of Washington
Street through Mills Addition to Peoria sixty feet
in width from the East Side of North Fayette Street
to Washington Street in Morton, Von's and Lavilles ad-
dition to Peoria as represented on the plat hereto at-
tached and forming part hereof. And that the com-
pensation to be paid by said City to the owners of the
lots and lands through and over which said Street
will run for the damages that may accrue to them res-
pectively by reason of the opening of the said Street
as represented on said plat can not be agreed upon
between the said City and the said owners. And the
undersigned would therefore pray Your Honor to appoint
three disinterested free holders of said City of Peoria as
Commissioners to estimate and assess the amount of such
compensation, And at the same time to determine
what persons will be benefitted by such improvement
and assess the damages and expenses thereof on the real
estate of the persons benefitted in proportion as nearly as
may be to the benefits resulting to each in accordance
with the provisions of an Act of the General Assembly
of the State of Illinois approved February 12th 1855 enti-
tled "An act to Amend an Act entitled "An act to

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According to law and the ordinances of the City of Peoria and to the best of our Skill and ability and as such Commissioners that we will make a true report of our proceedings on the matters and things submitted to us as set forth in the annexed petition, plat and other papers in relation to the opening and extension of Washington Street from the East Side of North Fayette Street in said City of Peoria through Mills addition to Peoria to Washington Street in Morton, Voss and Lavilles addition to Peoria. So help us God.

Sidney Pulsifer
Lewis Keyser
G. L. Myers

Commissioners

Subscribed and Sworn to before me this 18th day of August A.D., 1859.

Charles Kettelle. Clerk
per Geo. H. Kettelle Dpty.

Endorsed

"Filed Aug. 18th 1859 Charles Kettelle Clerk."

Commissioners Notice.

In relation to the opening & extension of Washington ^{Street} Notice is hereby given to the owners of lots and lands in the City of Peoria through and over which Washington Street will run in opening the same from the East Side of North Fayette Street in said City of Peoria, through Mills addition to Peoria to Washington Street in Morton, Voss and Lavilles addition to Peoria, That the undersigned Commissioners appointed by the County Court of Peoria County, to assess the Amount of Compensation and benefits accruing to

the owners of Lot and lands damaged and benefited by the opening of Said Street will meet at the office of L. Heyon in Curtis Bank Building in said City of Peoria on the twenty fifth day of August 1859 at the hour of 10 o'clock A.M. and that they will proceed to view the premises as required by law, when and where all persons interested may attend if they think proper.

Sidney Pulsifer

Lewis Heyon } Commissioners.

G. D. Myers }

Peoria Aug. 18th 1859.

State of Illinois }
County of Peoria } J. W. C. Geer the printer and

published of the Daily and weekly transcript, a public Newspaper printed and published in the City of Peoria, in the County and State aforesaid, do hereby certify, that the Annexed Notice has been published 8 different times and for eight successive days, Sundays excepted in the said public newspaper, that is to say, in each and every copy thereof, of the following dates respectively, to wit:

First, the 18th day of Aug. A.D. 1859

Second, the 19th day of " A.D. 18"

Third, the 20th day of " A.D. 18"

Fourth, the 22nd day of " A.D. 18"

Fifth, the 23rd day of " A.D. 18"

Sixth, the 24th " " " "

Seventh, " 25 " " "

Eighth, " 26 " " "

In testimony whereof I have hereunto subscribed my name at Peoria 13th day

of September A. D. 1859

N. C. Geer

Writer and Publisher of the
Daily and Weekly Transcript.

Fees for publication \$9.00

I further Certify that said Newspaper was
Selected by the City Council of the City of Peoria
for publishing their ordinances and proceedings
for the time being. N. C. Geer. //

Report:-

To the Honorable the Judge of the County Court
of Peoria County.

25

The undersigned Commissioners ap-
pointed by your Honor on the 18th day of August
A. D. 1859 to assess the amount of compensation
and benefits accruing to the owners of lots and lands
damaged and benefitted by the opening and extending
Washington Street through Mills Addition to Peoria
Sixty feet in width from the East Side of North
Fayette Street to Washington Street in Norton,
Van's and Laveilles addition to Peoria as repre-
sented on the plat hereto ^{attached} and forming part
hereof, beg leave to report that after being
duly sworn and giving the notice required by
law, we proceeded to the examination of the premises
through and over which said Washington runs and
do assess the said Compensation and benefits as follows.

To wit

	Compens- ation to owners	Benefits to owners	Total Compens- ation	Total Benefits
Compensation to owner of Lot 12 ^{Mills add to Peoria} Range 1 \$50.				
Benefits to owner		\$90,		\$40,
Compensation to owner of Lot 13 ^{add to Peoria} Range 1 \$40				

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Benefits to Owner	\$120.	\$60
Compensation to owner of Lot 14 Range 1 Mills add. to Peoria	\$80	
Benefits to Owner	280	200.
Compensation to the owner of 10 feet of lot 15 adjoining Lot 14 the full length of said lot in Range 1 Mills add. to Peoria	50	
Benefits to the Owner	50	
Compensation to the owner of 40 feet front on Fayette Street by full depth of lot 15 adjoining Lot 16 in Range 1 in Mills addn to Peoria	550	
Benefits to Owner	50	500
Compensation to owner of Lot 16 in Range 1 Mills addn to Peoria	4200	
Benefits to Owner	100	4200
Compensation to owner of lot 17 in Range 1 Mills add. to Peoria	925	
Benefits to Owner	200	725
Compensation to owner of Lot 18 Range 1 Mills add to Peoria	100	
Benefits to Owner	300	200
Compensation to owner of Lot 19 Range 1 Mills add. to Peoria	40	
Benefits to Owner	100	60
Compensation to owner of Lot 20 Range 1 Mills add. to Peoria	30	
Benefits to Owner	60	30
Compensation to owner of Lot 8 Range 2 Mills add. to Peoria	25	
Benefits to Owner	75	50
Compensation to owner of Lot 9 Range 2 Mills add. to Peoria	50	
Benefits to Owner	125	75

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Compensation to owner of lot 10 Range 2	60		
Mills add to Peoria			
Benefits to same	185	135	
Compensation to owner of Lot 11 Range 2	70		
Mills add, to Peoria			
Benefits to same	270	200	
Compensation to owner of Lot 12 ⁱⁿ Range 2 Mills	200		
add to Peoria			
Benefits to same	200		
Compensation to owner of N ¹ / ₂ of lot 13 in			
Range 2 Mills add, to Peoria	500		
Benefits to same	50	450	
Compensation to owner of S ¹ / ₂ of lot 13 in			
Range 2 in Mills add, to Peoria	650		
Benefits to same	50	600	
Compensation to owner of Lot 14 in Range 2			
Mills add, to Peoria	675		
Benefits to same	75	600	
Compensation to owner of Lot 15 in Range 2			
in Mills add, to Peoria	75		
Benefits to same	300	225	
Compensation to owner of lot 16 Range 2 in			
Mills add, to Peoria	40		
Benefits to same	140	100	
Compensation to owner of lot 17 Range 2 in			
Mills add "to Peoria	30		
Benefits to same	80	50	
Compensation to owner of lot 18 Range 2			
Mills add, "to Peoria	20		
Benefits to same	50	30	
Compensation to owner of lot 19 Range 2			
Mills add, to Peoria	15		
Benefits to same	40	25	

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Compensation to the owner of Lot 4 Range 3				
Mills add ⁿ to Peoria	15	8		
Benefits to Same		35		20
Compensation to owner of Lot 5 Range 3				
Mills add. to Peoria	20			
Benefits to Same		50		30
Compensation to owner of Lot 6 Range 3				
Mills Add ⁿ to Peoria	25			
Benefits to Same		85		60
Compensation to owner of Lot 7 Range 3				
Mills Add to Peoria	30			
Benefits to Same		105		75
Compensation to owner of Lot 8 Range 3				
Mills add ⁿ to Peoria	75			
Benefits to Same		225		150
Compensation to owner of N ¹ / ₂ of Lot 9 Range 3				
in Mills add ⁿ	250			
Benefits to Same		50		200
Compensation to owner of S ¹ / ₂ of Lot 9 Range 3				
Mills Add ⁿ to Peoria	475			
Benefits to Same		25		450
Compensation to owner of N ¹ / ₂ of Lot 10 Range 3 ⁿ				
Mills Add ⁿ to Peoria	500			
Benefits to Same		25		475
Compensation to owner of S ¹ / ₂ of Lot 10 Range				
3 ⁿ in Mills add ⁿ	600			
Benefits to Same		50		550
Compensation to owner of N ¹ / ₂ Lot 11 Range				
3 ⁿ in Mills add. to Peoria	225			
Benefits to Same		50		175
Compensation to owner of S ¹ / ₂ of Lot 11 in				
Range 3 in Mills add.	375			

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Benefit to Same		75	200
Compensation to owner of Lot 12 in Range 3			
Mills addn to Peoria	25		
Benefits to Same		225	200
Compensation to owner of Lot 13 Range 3			
Mills addn to Peoria	25		
Benefits to Same		175	150
Compensation to owner of Lot 14 Range 3			
Mills add to Peoria	20		
Benefits to Same		120	100
Compensation to owner of Lot 15 in Range 3			
Mills add	20		
Benefits to Same		95	75
Compensation to owner of Lot 16 Range 3			
Mills addn to Peoria	15		
Benefits to Same		65	50
Compensation to owner of Lot 1 in Range 4			
Mills addn	15		
Benefits to Same		65	50
Compensation to owners of Lot 2 Range 4 in			
Mills addn to Peoria	25		
Benefits to Same		100	75
Compensation to owner of Lot 3 Range 4 in			
Mills addn	50		
Benefits to Same		150	100
Compensation to owner of Lot 4 Range 4 in			
Mills addn	75		
Benefits to Same		225	150
Compensation to owner of Lot 5 Range 4			
Mills add.	75		
Benefits to Same		275	200
Compensation to owner of Lot 6 Range 4			

Mills add ⁿ	150		
Benefits to Same		50	100
Compensation to owner of Lot 7 Range 4			
Mills add ⁿ to Peoria	1000		
Benefits to Same		100	900
Compensation to owner of N ¹ / ₂ of Lot 8			
Range 4 Mills add ⁿ to Peoria	500		
Benefits to Same		50	450
Compensation to owner of S ¹ / ₂ of Lot 8 Range 4			
Mills add ⁿ to Peoria	150		
Benefits to Same		50	100
Compensation to owner of N ¹ / ₂ of Lot 9 Range 4 in Mills add.	25		
Benefits to Same		100	75
Compensation to owner of S ¹ / ₂ Lot 9 Range 4 in Mills add.	20		
Benefits to Same		60	40
Compensation to owner of N ¹ / ₂ of Lot 10 Range 4 in Mills add.	20		
Benefits to Same		100	80
Compensation to owner of S ¹ / ₂ of Lot 10 Range 4 in Mills add ⁿ to Peoria	15		
Benefits to Same		85	70
Compensation to owner of Lot 11 in Range 4 in Mills add ⁿ to Peoria	15		
Benefits to Same		90	75
Compensation to owner of Lot 12 Range 4 in Mills add.	15		
Benefits to Same		65	50
Compensation to owner of Lot 13 Range 4 Mills add ⁿ to Peoria	10		
Benefits to Same		50	40

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Compensation to the owner of N ¹ / ₂ of Lot 1 Range			
5 mi Miles add ⁿ to Peoria	50		
Benefits to Same		100	50
Compensation to owner of S ¹ / ₂ of Lot 1 Range			
5 Miles add.	60		
Benefits to Same		135	75
Compensation to owner of N ¹ / ₂ of Lot 2 Range			
5 Miles add ⁿ to Peoria	40		
Benefits to Same		140	100
Compensation to owner of S ¹ / ₂ of Lot 2 Range			
5 Miles add.	50		
Benefits to Same		75	25
Compensation to owner of N ¹ / ₂ of Lot 3 Range			
5 Miles add. to Peoria	400		
Benefits to Same		25	375
Compensation to owner of S ¹ / ₂ of Lot 3 Range			
5 Miles add.	400		
Benefits to Same		25	425
Compensation to owner of Lot 4 Range			
5 Miles add ⁿ	900		
Benefits to Same		100	800
Compensation to the owner of N ¹ / ₂ of Lot 5			
Range 5 Miles add. to Peoria	375		
Benefits to Same		50	325 375
Compensation to owner of S ¹ / ₂ Lot 5 Range			
5 Miles add.	175		
Benefits to Same		75	100
Compensation to owner of N ¹ / ₂ of Lot 6 Range			
5 Miles add ⁿ to Peoria	50		
Benefits to Same		170	120
Compensation to owner of S ¹ / ₂ Lot 6 Range			
5 Miles add ⁿ to Peoria	40		

Benefits to Same		120	80
Compensation to owner of Lot 7 Range 5 Mills			
add to Peoria	75		
Benefits to Same		225	150
Compensation to owner of Lot 8 Range 5 Mills add	60		
Benefits to Same		160	100
Compensation to owner of Lot 9 Range 5 Mills add	50		
Benefits to Same		125	75
Compensation to owner of Lot 10 Range 5 Mills add	40		
Benefits to Same		90	50
Compensation to owner of Lot 11 Range 5 Mills add	20		
Benefits to Same		40	20
Compensation to owner of Lot 1 Range 6 Mills add	1189		
to Peoria			
Benefits to Same		100	1089
Compensation to owner of Lot 2 Range 6 Mills add	300		
to Peoria			
Benefits to Same		100	200
Compensation to owner of Lot 3 Range 6 Mills add	40		
Benefits to Same		240	200
Compensation to owner of Lot 4 Range 6 Mills add	40		
Benefits to Same		140	100
Compensation to owner of Lot 5 Range 6 Mills add	25		
Benefits to Same		100	75
Compensation to owner of Lot 6 Range 6	25		
Benefits to Same		75	50
Compensation to owner of Lot 7 Range 6 Mills add	25		
Benefits to Same		50	25
Compensation to owner of Lot 1 Range 7 Mills add	25		
to Peoria			
Benefits to Same		125	100
Compensation to owner of Lot 2 Range 7 Mills add	25		
to Peoria			
Benefits to Same		100	75
Compensation to owner of Lot 3 Range 7 Mills add	25		
Benefits to Same		75	50

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Compensation to owner of Lot 4 Range 7			
Mills add	25		
Benefits to Same		55	30
Compensation to owner of Lot 1 Range 8			
Mills add to Peoria	10		
Benefits to Same		30	20
Compensation to owner of Lot 2 Range 8			
in Mills add to Peoria	10		
Benefits to Same		30	20
Compensation to owner of Lot 2 in Block 43			
in Morton, Voss & Lovell's add.	25		
Benefits to Same		100	75
Compensation to owner of Lot 3 in Block 43			
in Morton, Voss & Lovell's add.	25		
Benefits to Same		100	75
Compensation to owner of Lot 4, Block 43			
in Morton, Voss & Lovell's add to Peoria	25		
Benefits to Same		100	75
Compensation to owner of Lot 5 Block 43			
in Morton, Voss & Lovell's add.	25		
Benefits to Same		100	75
Compensation to owner of Lot 6 Block 43			
in Morton, Voss & Lovell's add.	25		
Benefits to Same		100	75
Compensation to owner of Lot 10 Block 44			
in Morton, Voss & Lovell's add.	20		
Benefits to Same		50	30
Compensation to owner of Lot 11 in Block 44			
in Morton, Voss & Lovell's add.	20		
Benefits to Same		75	55
Compensation to owner of Lot 13 Block 44 in			
Morton, Voss & Lovell's add.	25		

Benefits to Same	100	75
Compensation to owner of Lot 1 Block 64 in Morton, Bond & Lavells add	25	
Benefits to Same	100	75
Compensation to owner of Lot 2 Block 64 in Morton, Bond & Lavells add.	25	
Benefits to Same	100	75
Compensation to owner of Lot 3 Block 64 in Morton, Bond & Lavells add.	25	100
Compensation to owner of Lot 4 Block 64 in Morton, Bond & Lavells add	25	
Benefit to Same	100	75
Compensation to owner of Lot 5 Block 64 in Morton, Bond & Lavells add.	25	
Benefits to Same.	100	75
Compensation to owner of lot 6 in Blk 64 in Morton, Bond & Lav., add	25	
Benefits to Same	100	75
Compensation to owner of Lot 7 in Block 65 in Morton, Bond & Lavells add.	25	
Benefits to Same	100	75
Compensation to owner of Lot 8 in Blk 65 in Morton, Bond & Lavells, add	25	
Benefits to Same	100	75
Compensation to owner of Lot 9 in Block 65 in Morton Bond & Lavells add	25	
Benefits to Same	100	75
Compensation to owner of Lot 10 in Block 65 in Morton, Bond & Lavells add -	25	
Benefits to Same	100	75
Compensation to owner of Lot 11 Blk 65 in Morton & Lavells add	25	
Benefits to Same	100	75

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Compensation to owner of Lot 12 Blk 65 in			
Morton Vonis & Laville add	25		
Benefits to Dam		100	75
Compensation to owner of Lot 1 Block 89			
in Morton, Vonis & Laville add.	25		
Benefits to Dam		100	75
Compensation to owner of Lot 2 Blk 89 in Morton,			
Vonis & Laville add	25		
Benefits to Dam		100	75
Compensation to owner of Lot 3 Block 89 in Morton,			
Vonis & Laville add.	25		
Benefits to Dam		65	40
Compensation to owner of Lot 4 Block 89 in Morton,			
Vonis & Laville add	25		
Benefits to Dam		65	40
Compensation to owner of Lot 5 Block 89 in			
Morton Vonis & Laville ad.	25		
Benefits to Dam		65	40
Compensation to owner of lot 6 in Block 89 in			
Morton, Vonis & Laville add	25		
Benefits to Dam		65	40
Compensation to owner of Lot 7 Block 90			
in Morton, Vonis & Laville add	25		
Benefits to Dam		95	70
Compensation to owner of Lot 8 Block 90 in			
Morton, Vonis & Laville add	25		
Benefits to Dam		95	70
Compensation to owner of Lot 9 in Block			
90 in Morton, Vonis & Laville ad	25		
Benefits to Dam		95	70
Compensation to owner of lot 10 Block 90 in			
Morton, Vonis & Laville add	25		

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Benefits to Owner		55	30
Compensation to owner of Lot 11 in Block			
90 in Block Morton, Voss & Lavells add	25		
Benefits to Owner		55	30
Compensation to owner of Lot 12 in Block			
90 in Morton, Voss & Lavells add	25		
Benefits to Owner		95	70
Compensation to owner of Lot 1 in Block			
95 in Morton, Voss & Lavells add	25		
Benefits to Owner		100	75
Compensation to owner of Lot 2 in same			
block	25		
Benefits to Owner		100	75
Compensation to owner of Lot 3 same block	25		
Benefits to Owner		100	75
Compensation to owner of Lot 4 same block	25		
Benefits to Owner		100	75
Compensation to owner of Lot 5 in same block	25		
Benefits to Owner		100	75
Compensation to owner of Lot 6 in same block	25		
Benefits to Owner		100	75
Compensation to owner of Lot 7 in Blk 91 in			
Morton, Voss & Lavells add	25		
Benefits to Owner		100	75
Compensation to owner of Lot 8 in Blk 91			
same add	25		
Benefits to Owner		100	75
Compensation to owner of Lot 9 in Blk 91			
same add	25		
Benefits to Owner		100	75
Compensation to owner of Lot 10 in Blk 91 same add	25		
Benefits to Owner		100	75

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Compensation to owner of Lot 11 Blk 91 Same add	25		
Benefits to Dam		100	75
Compensation to the owner of Lot 12 in Block 92 in Morton, Vonis & Lavalls add	25		
Benefits to Dam		100	75
Compensation to the Bureau Valley Railroad Company	50		
Benefits to the Depot belonging to the Dam, oc- cupy Blk 91 in part Dam add.		350	300
Compensation to owner of Lot 7 in Blk 92 in Morton, Vonis & Lavalls add.	25		
Benefits to Dam		85	60
Compensation to owner of Lot 8 in Blk 93 in Same add.	25		
Benefits to Dam		85	60
Compensation to owner of Lot 9 in Blk 93 in Same add.	25		
Benefits to Dam		85	60
Compensation to owner of Lot 10 in Blk 93 in Morton, Vonis & Lavalls add. as above	25		
Benefits to Dam		85	60
Compensation to owner of Lot 11 in Blk 93 in Same add.	25		
Benefits to Dam		85	60
Compensation to owner of Lot 12 in Blk 92 in Same add.	25		
Benefits to Dam		85	60
Compensation to owner of Lot 1 in Block 96 in Morton, Vonis & Lavalls add.	25		
Benefits to Dam		95	70
Compensation to owner of Lot 2 Block 96 in Morton Vonis & Lavalls add. to Peoria	25		
Benefits to Dam		95	70

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Compensation to owner of Lot 3 Blk 96 in same add	25		
Benefits to same		95	70
Compensation to owner of Lot 4 Blk 96 in same			
add	25		
Benefits to same		95	70
Compensation to owner of Lot 5 Blk 96 in same			
add.	25		
Benefits to same		95	70
Compensation to owner of Lot 6 Blk 96 in same			
addition	25		
Benefits to same		95	70
Compensation to owner of Lot 1 Blk 97 in Morton			
Boris & Lavelles add	25		
Benefits to same		85	60
Compensation to owner of Lot 2 in Blk 97			
in same add.	25		
Benefits to same		65	40
Compensation to the owner of Lot 5 in Block J			
in Gallagher addition to Peoria	25		
Benefits to same		75	50
Compensation to owner of Lot 4 in Block J same	25		
add		75	50
Benefits to same		75	50
Compensation to owner of Lot 3 Block J as above	25		
Benefits to same		55	30
Compensation to owner of Lot 2 Block J in			
Gallagher addn to Peoria	5		
Benefits to same		20	15
Compensation to owner of Lot 1 Blk J as above	2		
Benefits to same		7	5
Compensation to owner of Lot 1 Blk K in			
Gallagher add to Peoria	20		
Benefits to same		60	40

Compensation to owner of Lot 2 in Blk K as above	20		
Benefits to Dam		50	30
Compensation to owner of Lot 3 in Blk K as above	20		
Benefits to Dam		50	30
Compensation to owner of Lot 4 in Blk K as above	20		
Benefits to Dam		50	30
Compensation to owner of Lot 5 in Blk K as above	20		
Benefits to Dam		50	30
Compensation to owner of Lot 6 in Blk K as above	20		
Benefits to Dam		50	30
Compensation to owner of Lot 4 in Block D in Gallagher add	3		
Benefits to Dam		8	5
Compensation to owner of Lot 5 in Block D ^{as above} in Gallagher add	3		
Benefits to Dam		11	8
Compensation to owner of Lot 6 in Blk D in Gallagher add to Rev	5		
Benefits to Dam		20	15
Compensation to owner of Lot 7 in Blk D as above	10		
Benefits to Dam		30	20
Compensation to owner of Lot 8 in Blk D as above	10		
Benefits to Dam		50	40
Compensation to owner of Lot 9 in Blk D as above	5		
Benefits to Dam		20	
Compensation to owner of Lot 13 in Block C in Gallagher add "Above mentioned"	5		
Benefits to Dam		20	15
Compensation to owner of Lot 14 in Blk C as above	5		
Benefits to Dam		25	20
Compensation to owner of Lot 15 in Blk C as above	5		
Benefits to Dam		30	25

Compensation to owner of lot 16 in Blk C as above	10		
Benefits to same		60	50
Compensation to owner of lot 17 in Blk C as above	10		
Benefits to same		45	35
Compensation to owner of lot 18 in Block C as above	10		
Benefits to same		40	30
Compensation to owner of Lot 19 in Blk C in Gallagher add. to Peoria	5		
Benefits to same		30	25
Compensation to owner of Lot 20 in Blk C in Gallagher add. to above	5		
Benefits to same		25	20
Compensation to the owner of Lot 1 in Block 2 in the City of Peoria	25		
Benefits to same		150	125
Compensation to the owner of lot 2 in Blk 2 as above	25		
Benefits to same		150	125
Compensation to owner of lot 3 in Block 2 as above	25		
Benefits to same		150	125
Compensation to owner of lot 4 in Block 3 as above	25		
Benefits to same		150	125
Compensation to owner of lot 5 in Blk 2 as above	25		
Benefits to same		150	125
Compensation to owner of lot 1, Blk 1 in City of Peoria	25		
Benefits to same		165	140
Compensation to owner of lot 2 in Blk 1 as above	25		
Benefits to same		165	140
Compensation to owner of lot 3 in Blk 1 as above	25		
Benefits to same		165	140
Compensation to owner of lot 4 in Blk 1 City of Peoria	25		
Benefits to same		165	140

Compensation to owner of Lot 5 in Blk 1 as above	25		
Benefits to same		165	140
Compensation to owner of Lot 6 in Blk 7 in City of Peoria	25		
Benefits to same		150	125
Compensation to owner of Lot 7 in Blk 7 in City of Peoria as above	25		
Benefits to same		150	125
Compensation to owner of Lot 8 in Blk 7 in City of Peoria as above	25		
Benefits to same		150	125
Compensation to owner of Lot 9 in Blk 7 as above	25		
Benefits to same		150	125
Compensation to owner of Lot 10 in Blk 7 in Peoria as above	25		
Benefits to same		150	125
Compensation to owner of Lot 6 in Blk 8 in the City of Peoria	25		
Benefits to same		165	140
Compensation to owner of Lot 7 in Blk 8 as above	25		
Benefits to same		165	140
Compensation to owner of Lot 8 in Blk 8 as above	25		
Benefits to same		165	140
Compensation to owner of Lot 9 in Block 8 in the City of Peoria	25		
Benefits to same		165	140
Compensation to owner of Lot 10 in Blk 8 in Peoria city of Peoria	25		
Benefits to same		165	140
Compensation to owner of Lot 2 in Blk 18 in City of Peoria	25		
Benefits to same		175	150
Compensation to owner of Lot 4 in Blk 18 in City of Peoria	25		
Benefits to same		175	150
Compensation to the owner or owners of 85 1/2 feet front on Washington St. by 114 feet back commencing at the County Jail lot and running towards Lot 2 in same Block being part of the subdivision of Lots 1 and 3 in Blk 18 in City of Peoria	25		
Benefits to same		220	195

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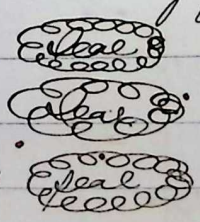
Compensation to owner of Lot 7 in Blk 19 in the City of Peoria	24		
Benefits to Same		140	116
Compensation to owner of Lot 8 in Blk 19 as above	24		
Benefits to Same		140	116
Compensation to owner of Lot 9 in Blk 19 in City of Peoria as above	24		
Benefits to Same		140	116
Compensation to owner of Lot 10 in Blk 19 as above	24		
Benefits to Same		140	116
Compensation to owner of Lot 12 in Blk 19 as above	24		
Benefits to Same		140	116
Compensation to owner of Lot 7 in Block 22 in the City of Peoria	25		
Benefits to Same		200	150
Compensation to owner of Lot 8 on Block 22 as above	25		
Benefits to Same		100	75
Compensation to owner of Lot 9 in Blk 22 in City of Peoria as above	10		
Benefits to Same		40	30
		\$13987	\$13987

Commissioners Fees

Lidney Pulsifer	5 days	\$10
Lewis Keyon	17 "	34
G. L. Ryers	8 "	16
		\$60

All of which with accompanying papers are respectfully submitted.
 Witness our hands and seals at Peoria City the Seventeenth day of September
 A. D. 1859.

Lidney Pulsifer
 Lewis Keyon
 G. L. Ryers



[Faint purple ink stamp: "Filed for record Sept 17 1859"]

Jas. B. Smith & Co.
No. 27 S. Seventh Street,
Philadelphia.

Order of
Court.

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Order of Court endorsed on Report to wit:

To Sidney Pulisfel, Lewis Keyon and G. L. Rogers Commissioners.

In the matter of the opening and extending
Washington Street through Miles addn
to Washington Street in Noton, Vonica and Lavell addn
September Term A.D. 1859
County Court Peoria County,
State of Illinois.

Be it remembered that on this the third day of October A.D.
1859 this cause came on to be heard on motion of the City of Peoria
by its attorney to confirm your said report and render judgment
on the same, and objections having been made by owners of lots
affected thereby to the confirmation of the same, and the Court
having duly considered said objections and also being fully
advised in regard to the same doth order and adjudge
that said motion be and the same is hereby overruled and
the Report of said Commissioners is hereby ordered referred
back to the same Commissioners for the following reason, to wit,
They have erred in making inadequate assessment of com-
pensation and damages in the following lots, to wit
Lots No 17 and 18 in Range No 1

- | | | |
|------------------|-----|------|
| 40 ft pt of " 15 | " " | No 1 |
| " " " 12 | " " | No 2 |
| N half of " 10 | " " | No 3 |
| S half of " 11 | " " | No 3 |
| " " 7 | " " | No 4 |
| " " 2 | " " | No 5 |
| " " 4 | " " | No 5 |
| " " 1, 2 and 3 | " " | No 6 |

They will also consider and determine against the amount of benefits assessed
to Lot No 11 in Range No 2 also Lots No 9 & 10 in Range No 1. It is also ordered that
the Clerk issue Summons to said Commissioners and also have served upon
them a copy of the order of the Court in this behalf to appear
before this Court to take the oath prescribed by law and to deliver to
them all the papers in said matter together with this report on the

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twelfth day of October and that they again proceed to do and perform all acts required of them by law in each case made and provided, and make their report thereof to this Court, as soon as may be or the law commands them

Wellington Loucks

attest

County Judge

Charles Keller clerk.

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Notice of Clerk.

Proof of publication.

State of Illinois
Peoria County

Clerk County Court Office
Peoria Sept. 18th 1859

Opening of Washington Street through Mills addition
Peoria - Notice to owners of Lots and Lands

Notice is hereby given that the Report and assessment of the Commissioners appointed by the County Court of Peoria County to assess the amount of Compensation and benefits accruing to the owners of lots and lands by reason of the opening and extending of Washington Street from North Fayette Street through Mills addition to Washington Street in Morton, Ford and Lovielles additions has been returned by said Commissioners to the Judge of the County Court Peoria County and that on the 30th day of September A.D. 1859 the said Report and assessment will be confirmed by said County Court unless legal objections to the confirmation of the same be made by some person interested therein.

Sept 18th

Charles Keller

Sept. 19 - dtob

Clerk County Court Peoria County

State of Illinois

County of Peoria

J. N. C. Beer the printer and publisher of the Daily and weekly transcript, a public newspaper

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Printed and published in the City of Peoria in the County and State
aforesaid, do hereby certify that the annexed notice has been
published 11 different times and for 11 successive weeks
in the said public newspaper; that is to say in each and
every copy thereof of the following dates respectively to wit:

First the 19th day of Sept^r A. D. 1859
Second the day of A. D. 18
Third the day of A. D. 18
Fourth the day of A. D. 18
Fifth the day of A. D. 18
Sixth the day of A. D. 18
Last the 30th day of Sept^r A. D. 1859

In testimony whereof I have hereunto subscribed my name
at Peoria this thirtieth day of September A. D. 1859

N. C. Geer

J. Frank D. Jervis

Printer and Publisher of the Daily and
Weekly Transcript

Fee for publication \$13.20

"Endorsed"

"Filed Sep. 30th thirtieth 1859 Charles Nettelle Clerk."

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2d
Notice to
Commissioners

State of Illinois } The People of the State of Illinois
Peoria County, Ill. } Is the Sheriff of Peoria County hereby
do Command you that you summon Sidney Pillsbury
Lewis Keyon and G. L. Lyons if they shall be found in your County
personally to be and appear before the County Court of said
Peoria County to be holden at the Court house in Peoria in
said Peoria County on the 12th day of October 1859 to take
the oath prescribed by law and receive the papers as
Commissioners to "open and extend Washington Street in

46 the City of Peoria through Mills addn to Washington Street
in Morton, Tons and Lavilla addn to Peoria "the said
Report made by you having been referred back to them
as per certified copy of order of Court herewith attached.
And have you then and there this writ with an endorse-
ment thereon in what manner you shall have executed
the same, Witness Charles Nettelle Clerk of our said
Court and the Seal thereof at Peoria afore-
(Seal) said this 11th day of October A.D. 1859.
Charles Nettelle Clerk
Per Geo H. Nettelle Dpty clk.
"Endorsed"

State of Illinois
Peoria County

I have duly served the within by
reading the same to the within named Sidney Pulsifer,
Lewis Keyon and G. L. Ryors this 11th day of October
A.D. 1859, as I am therein commanded.

John Bryner, Sheriff
Per J. M. Casley Deft.

"Filed in County Court this 12th day of October 1859
C. Nettelle Clerk"

To Sidney Pulsifer, Lewis Keyon and G. L. Ryors
Commissioners;

In the matter of the opening and extending of ~~September term 1859~~
Washington Street through Mills addition ~~County Court~~
to Washington Street to Washington Street ~~Peoria County State~~
in Morton, Tons and Lavilla addn. ~~of Illinois~~

Be it remembered that on this
third day of October A.D. 1859 this Cause came on to be heard
on motion of the City of Peoria by its attorney to confirm said Report

"
Certified copy
order of Court."

and render judgment on the same and objections
having been made by owners of lots affected thereby
to the Confirmation of the same, and the Court having
duly considered said objections and also being fully
advised in regard to the same doth order and adjudge
that said motion be and the same is hereby overruled
and the Report of said Commissioners is hereby ordered
referred back to the same Commissioners for the
following reasons: to wit,

They have erred in making inade-
quate assessment of compensation and damages
in the following lots, to wit:

Lots No 17 and 18 in Range No. 1

40 ft. pt. of lot No 15 " " " 1

" " 12 " " " 2

Wharf " " 10 " " " 3

S " " 11 " " " 3

" " 7 " " " 4

" " 9 " " " 5

" " 4 " " " 5

Lot No 1, 2 and 3 in Range 6

They will also consider and determine again the
amount of benefits assessed to Lot No 11 in Range No 2
also lots No 9 and 10 in Range No 4

It is also ordered that the clerk issue summons to said
Commissioners to appear before the court to take the oath
prescribed by law and also have served upon them
a copy of the orders of the court in this behalf to
appear before this Court to take the oath prescribed by
law and to deliver to them all the papers in said
matter together with this Report on the twelfth day
of October and that they again proceed to do and

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perform all acts required of them by law in each case made and provided and make their report thereof to this Court as soon as may be or the law commands them

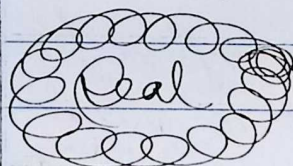
Wellington Loucks
County Judge.

Attest

Charles Nettelle Clerk.

State of Illinois,
Peoria County, Ill.

I Charles Nettelle, Clerk of the County Court in and for said County do hereby Certify that the foregoing is a true copy of the orders of Court made on the 3^d day of October in the "Matter of the opening of Washington Street in the City of Peoria through Mills Addition to Peoria to Washington Street in the City of Peoria in Morton, Von's and Louvilles Addition" all of which appears of record in my office.



Witness my hand and official Seal at Peoria this 4th day of October A.D. 1859.

Charles Nettelle Clerk,
Jes. C. H. Nettelle Dpty.

2d
oath of
Commrs

State of Illinois,
Peoria County, Ill.

We the undersigned disinterested freeholders of the City of Peoria do solemnly swear that we will again faithfully and impartially execute and perform the duties required of us as Commissioners according to law and the ordinances of the City of Peoria and to the best of our skill and ability and as such Commissioners we will make a true report of our proceedings on the matters and things

Submitted to us as set forth in the annexed Petition
plat and other papers in relation to the opening
and extending of Washington Street over and through
Mills addition to Washington Street in Norton, Von's
and Larille's addition to the City of Peoria
To help us God.

Pidney Pulsifer
Lewis Keyon
G. L. Ryon

Subscribed and sworn to before me this 12th day of
October A.D. 1859

Charles Kettelle Clerk
Per Geo H. Kettelle Dpty.
(Endorsed)

"Filed Oct. 12th 1859" Charles Kettelle Clerk
Per Geo H. Kettelle Dpty.

2d

Notice of
Commissioners.

Commissioners Notice
Opening of Washington Street in the City of Peoria
Notice is hereby given to the
owners of lots and lands in the City of Peoria, through
and over which Washington Street will run in opening
the same from the East side of North Fayette Street
in said City of Peoria through Mills addition to Wash-
ington Street in Norton, Von's and Larille's addition
to Peoria that the undersigned Commissioners appointed
by the County Court of Peoria County to assess the
Amount of Compensation and benefits accruing to
the owners of lots and lands damaged and benefitted
by the opening of said Street, will meet at the office of
Lewis Keyon in Curtis Bank Building in said City of Peoria

56 on the nineteenth day of October A.D. 1859 at the hour of 10 o'clock A.M. and that they will proceed to view the premises as required by law, when and where all persons interested may attend if they think proper.

Lidney Pulsifer —

Lewis Keyon —

J. L. Ryors —

Peoria Oct. 12 1859

State of Illinois,

County of Peoria, Ill.

I, N. C. Geer the printer and publisher of the Daily Transcript a public newspaper printed and published daily & weekly in the City of Peoria in the County and State aforesaid do hereby certify that the foregoing notice has been published 7 different times in the said public newspaper, that is to say in each and every copy thereof of the following dates respectively, to wit:

First the 13th day of Oct. A.D. 1859

Second the day of A.D. 185

Third the day of A.D. 185

Fourth the day of A.D. 185

Last the 20th day of Oct. A.D. 1859.

In testimony whereof I have hereunto subscribed my name at Peoria this 23^d day of Nov. A.D. 1859

Printer and Publisher of the
Daily & Weekly Transcript
N. C. Geer

Dees for publication #

"Endorsed"

Filed Nov. 24. 1859 C. Nettelle Clerk.

	Compensation to owners	Benefits to owners	Total Compensation	Total Benefits
Compensation to owner of Lot 14 Range 1 Mills addition to Peoria	\$50			
Benefits to same		\$280		\$200
Compensation to the owner of 10 feet of lot 15 adjoining lot 14 the full length of Railroad lot in Range 1 Mills addition to Peoria	\$50			
Benefits to same		\$50		
Compensation to the owner of 40 feet of lot 15 fronting on North Fayette Street by the full depth of Railroad lot adjoining Lot 16 in Range 1 Mills addition to Peoria	\$950			
Benefits to same		\$50	\$900	
Compensation to owner of Lot 16 in Range 1 Mills addition to Peoria	\$4300			
Benefits to same		\$100	\$4200	
Compensation to owners of Lot 17 Range 1 Mills addition to Peoria	\$1700			
Benefits to same		\$200	\$1500	

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	Compensation to owners	Benefits to owners	Total Compensation	Total Benefits
Compensation to owner of Lot 18 Range 1				
Mills addition to Peoria	\$100			
Benefits to same		\$100		
Compensation to owner of Lot 19 Range 1				
Mills addition to Peoria	\$40			
Benefits to same		\$100		\$60
Compensation to owner of Lot 20 Range 1				
Mills addition to Peoria	\$30			
Benefits to same		\$60		\$30
Compensation to owner of Lot 18 Range 2 Mills addition to Peoria	\$25			
Benefits to same		\$75		\$50
Compensation to owner of Lot 9 in Range 2 Mills addition to Peoria	\$50			\$75
Benefits to same		\$125		
Compensation to owner of Lot 10 Range 2				
Mills addition to Peoria	\$60			
Benefits to same		\$160		\$100
Compensation to the owner of Lot 11 in Range 2 Mills addition to Peoria	\$50			
Benefits to same		\$175		\$125
Compensation to the owner of Lot 12 Range 2 Mills addition to Peoria	\$300			
Benefits to same		\$200	\$100	

	Compensation to owners	Benefits to owners	Total Compensation	Total Benefits
Compensation to the owner of the W ¹ s of Lot 13 in Range 2 Miles addition to Peoria	\$750			
Benefits to same		\$50	\$700	
Compensation to the owner of S ² s of Lot 13 in Range 2 Miles addition to Peoria	\$850			
Benefits to same		\$50	\$800	
Compensation to the owner of Lot 14 in Range 2 Miles addition to Peoria	\$975			
Benefits to same		\$75	\$900	
Compensation to the owner of Lot 15 in Range 2 in Miles addition to Peoria	\$75			
Benefits to same		\$300	\$225	
Compensation to the owner of Lot 16 Range 2 Miles add ⁿ to Peoria	\$40			
Benefits to same		\$140	\$100	
Compensation to the owner of Lot 17 Range 2 in Miles addition to Peoria	\$30			
Benefits to same		\$80	\$50	
Compensation to the owner of Lot 18 Range 2 Miles addition to Peoria	\$20			
Benefits to same		\$50	\$30	

	Compensation to owners.	Benefits to owners.	Total Compensation	Total Benefits.
55 Compensation to the owner of Lot 19 Range 2 Mills addition to Peoria	\$15			
Benefits to same		\$40		\$25
Compensation to the owner of Lot 4 Range 3 Mills addition to Peoria	\$15			
Benefits to same		\$35		\$20
Compensation to the owner of Lot 5 Range 3 Mills addition to Peoria	\$20			
Benefits to same		\$60		\$40
Compensation to the owner of Lot 6 Range 3 Mills add ⁿ to Peoria	\$25			
Benefits to same		\$85		\$60
Compensation to the owner of Lot 7 Range 3 Mills addition to Peoria	\$30			
Benefits to same		\$110		\$80
Compensation to the owner of Lot 8 Range 3 Mills addition to Peoria	\$75			
Benefits to same		\$225		\$150
Compensation to the owner of the W ² of Lot 9 Range 3 Mills addition to Peoria	\$250			
Benefits to same		\$50		\$200

	Compensation to owners	Benefits to owners	Total Compensation	Total Benefits
Compensation to the owner of the S ^{1/2} of Lot 9 Range 3 Mills addition to Peoria	\$475			
Benefits to same		\$25	\$450	
Compensation to the owner of the N ^{1/2} of Lot 10 Range 3 Mills addition to Peoria	\$600			
Benefits to same		\$25	\$575	
Compensation to the owner of the S ^{1/2} of Lot 10 Range 3 Mills addition to Peoria	\$600			
Benefits to same		\$50	\$550	
Compensation to the owner of the W ^{1/2} of Lot 11 Range 3 Mills addition to Peoria	\$225			
Benefits to same		\$50	\$175	
Compensation to the owner of the S ^{1/2} of Lot 11 Range 3 Mills addition to Peoria	\$650			
Benefits to same		\$50	\$600	
Compensation to the owner of Lot 12 Range 3 Mills addition to Peoria	\$25			
Benefits to same		\$225	\$200	
Compensation to the owner of Lot 13 Range 3 Mills addition to Peoria	\$25			
Benefits to same		\$175	\$1500	
to wit -				

	Compensation to owners	Benefit to owners	Total Compensation	Total Benefit
Compensation to the owner of the $\frac{1}{2}$ of said Lot 13 in Range 3 Mills addition to Peoria \$15.				
Benefits to Same	\$100		\$85	
Compensation to the owner of the $\frac{1}{2}$ of said Lot 13 in Range 3 Mills addition to Peoria \$10				
Benefits to Same	\$75		\$65	
Compensation to the owner of Lot 14 Range 3 Mills addition to Peoria \$20				
Benefits to Same	\$120		\$100	
Compensation to the owner of Lot 15 Range 3 Mills addition to Peoria \$20				
Benefits to Same	\$95		\$75	
Compensation to the owner of Lot 16 Range 3 Mills addition to Peoria \$15				
Benefits to Same	\$65		\$50	
Compensation to the owner of Lot 1 Range 4 Mills addition to Peoria \$15				
Benefits to Same	\$65		\$50	
Compensation to the owner of Lot 2 Range 4 Mills addition to Peoria \$25				
Benefits to Same	\$100		\$75	

	Compensation to owner	Benefits to owner	Total Compensation	Total Benefits
Compensation to the owner of Lot 3 Range 4 Mills addition to Peoria	\$50			
Benefits to the Same		\$150		\$100
Compensation to owner of Lot 4 Range 4 Mills addition to Peoria	\$75			
Benefits to Same		\$225		\$150
To wit: Benefits to N 1/2 \$70 to S 1/2 \$80				
Compensation to the owner of Lot 5 Range 4 in Mills addition to Peoria	\$75			
Benefits to Same		\$275		\$200
Compensation to the owner of Lot 6 Range 4 Mills addition	\$150			
Benefits to Same		\$50		\$100
Compensation to the owner of Lot 7 Range 4 Mills addition to Peoria	\$600			
Benefits to Same		\$100		\$1500
Compensation to the owner of N 1/2 of Lot 8 Range 4 Mills addition to Peoria	\$582			
Benefits to Same		\$50		\$532
Compensation to the owner of the S 1/2 of Lot 8 Range 4 Mills addition to Peoria	\$300			
Benefits to Same		\$50		\$250

	Compensation to owners	Benefits to owners	Total Compensation	Total Benefits
Compensation to the owner of N.E. of Lot 9				
Range 4 Mills addition to Peoria	\$25			
Benefits to same		\$100		\$75
Compensation to the owner of S.E. of Lot 9				
Range 4 Mills addition to Peoria	\$20			
Benefits to same		\$60		\$40
Compensation to the owner of the N.E. of Lot 10 Range 4 Mills addition to Peoria	\$20			
Benefits to same		\$100		\$80
Compensation to the owner of S.E. of Lot 10				
Range 4 Mills addition to Peoria	\$15			
Benefits to same		\$85		\$70
Compensation to the owner of Lot 11				
Range 4 Mills addition to Peoria	\$15			
Benefits to same		\$90		\$75
Compensation to the owner of Lot 12				
Range 4 Mills addition to Peoria	\$15			
Benefits to same		\$65		\$50
Compensation to the owner of Lot 13				
Range 4 Mills addition to Peoria	\$10			
Benefits to same		\$50		\$40

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	Compensation to owners	Benefits to owners	Total Compensation	Total Benefits
Compensation to the owner of the N ¹ / ₂ of Lot 1 Range 5 Mills addition to Peoria	\$ 50			
Benefits to Same		\$ 100		\$ 50
Compensation to the owner of S ¹ / ₂ of Lot 1 Range 5 Mills addition to Peoria	\$ 60			
Benefits to Same		\$ 135		\$ 75
Compensation to the owner of N ¹ / ₂ of Lot 2 Range 5 Mills addition to Peoria	\$ 40			
Benefits to Same		\$ 40		
Compensation to owner of S ¹ / ₂ of Lot 2 Range 5 Mills addition to Peoria	\$ 50			
Benefits to Same		\$ 50		
Compensation to the owner of N ¹ / ₂ of Lot 3 Range 5 Mills addition to Peoria	\$ 400			
Benefits to Same		\$ 25	\$ 375	
Compensation to the owner of S ¹ / ₂ of Lot 3 Range 5 Mills addition to Peoria	\$ 450			
Benefits to Same		\$ 25	\$ 425	
Compensation to the owner of Lot 4 Range 5 Mills addition to Peoria	\$ 1100			
Benefits to Same		\$ 100	\$ 1000	

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	Compensation to owner	Benefits to owners	Total Compensation	Total Benefits
Compensation to the owner of N ¹ / ₂ of Lot 5 Range 5 Mills addition to Peoria	\$375			
Benefits to Same		\$50	\$325	
Compensation to the owner of the S ¹ / ₂ of Lot 5 Range 5 Mills addition to Peoria	\$200			
Benefits to Same		\$25	\$175	
Compensation to the owner of N ¹ / ₂ of Lot 6 Range 5 Mills addition to Peoria	\$50			
Benefits to Same		\$170		\$120
Compensation to the owner of S ¹ / ₂ of Lot 6 Range 5 Mills addition to Peoria	\$40			
Benefits to Same		\$140		\$100
Compensation to the owner of Lot 7 Range 5 Mills addition to Peoria	\$75			
Benefits to Same		\$235		\$160
Compensation to the owner of Lot 8 Range 5 Mills addition to Peoria	\$60			
Benefits to Same		\$160		\$100
Compensation to the owner of Lot 9 Range 5 Mills addition to Peoria	\$50			
Benefits to Same		\$125		\$75
Compensation to the owner of Lot 10 Range 5 Mills addition to Peoria	\$40			
Benefits to Same		\$90		\$50
Compensation to the owner of Lot 11 Range 5 Mills addition to Peoria	\$20			
Benefits to Same		\$40		\$20

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Compensation to the owner of Lot 1 Range 6			
6 Mills addition to Peña	\$15.50		
Benefits to Same		\$1.00	\$14.50
Compensation to the owner of Lot 2 Range 6			
6 Mills addition to Peña	\$2.00		
Benefits to Same		\$75	\$125
Compensation to the owner of Lot 3 Range 6			
6 Mills addition to Peña	\$50		
Benefits to Same		\$25	\$25
Compensation to the owner of Lot 4 Range 6			
6 Mills addition to Peña	\$40		
Benefits to Same		\$140	\$100
Compensation to the owner of Lot 5 Range 6			
6 Mills addition to Peña	\$25		
Benefits to Same		\$100	\$75
Compensation to the owner of Lot 6 Range 6			
6 Mills addition to Peña	\$25		
Benefits to Same		\$75	\$50
Compensation to the owner of Lot 7 Range 6			
6 Mills addition to Peña	\$25		
Benefits to Same		\$55	\$30
Compensation to the owner of Lot 1 Range 7			
6 Mills addition to Peña	\$25		
Benefits to Same		\$125	\$100
Compensation to the owner of Lot 2 Range 7			
6 Mills addition to Peña	\$25		
Benefits to Same		\$100	\$75

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	Compensation to owners	Benefits to owners	Total Compensation	Total Benefits
Compensation to the owner of Lot 3 Range 7 Mills addition to Peoria	\$ 25			
Benefits to same		\$ 75		\$ 50
Compensation to the owner of Lot 4 Range 7 Mills addition to Peoria	\$ 25			
Benefits to same		\$ 55		\$ 30
Compensation to the owner of Lot 1 Range 8 Mills addition to Peoria	\$ 10			
Benefits to same		\$ 50		\$ 40
Compensation to the owner of Lot 2 Range Range 8 Mills addition to Peoria	\$ 10			
Benefits to same		\$ 30		\$ 20
Compensation to the owner of Lot 1 in Block 1 in the City of Peoria	\$ 100			
Benefits to same		\$ 400		\$ 300
Compensation to the owner of 48 feet of Lot 2 adjoining Lot 1 in Block 1 in City of Peoria	\$ 100			
Benefits to same		\$ 300		\$ 200
Compensation to the owner of 24 feet front of Lot 2, adjoining Lot 3 in Block 1 in City of Peoria	\$ 50			
Benefits to same		\$ 150		\$ 100
Compensation to the owner of Lot 3 in Block 1 in the City of Peoria	\$ 100			
Benefits to same		\$ 400		\$ 300
Compensation to owner of Lot 4 Block 1 in the City of Peoria	\$ 100			
Benefits to same		\$ 400		\$ 300

64
 Compensation to the owner of Lot 5 in Block
 1 in the City of Peoria

\$100

Benefits to same

\$400

\$300

Compensation to the owner of 32 feet on Washing-
 ton Street, Commencing at the corner of Washing-
 ton and Hamilton Streets by 82 feet more or
 less on Hamilton Street being part of Lot 1
 in Block 2 in the City of Peoria

\$100

Benefits to same

\$200

\$100

Compensation to the owner of 40 feet front
 on Washington Commencing 32 feet from the
 corner of Washington and Hamilton Streets,
 being part of Lot 1 in Block 2, in the City of Peoria

\$100

Benefits to same

\$22.5

\$135

Compensation to the owner of 40 feet front, on
 Washington Street, being part of Lot 2, adjoin-
 ing Lot 1 in Block 2, in the City of Peoria

\$100

Benefits to same

\$250

\$150

Compensation to the owner of 24 feet front
 on Washington Street, being part of Lot 2
 adjoining Lot 3 in Block 2 in the City of Peoria

\$100

Benefits to same

\$175

\$75

Compensation to the owner of 36 feet
 front on Washington, being part
 of Lot 3 adjoining Lot 2 in
 Block 2 in City Peoria

\$100

Benefits to same

\$212.5

\$112.5

65

Compensation to the owner of 36 feet front on Washington Street, being part of Lot 3 adjoining Lot 4 in Block 2 in the City of Peoria	\$100		
Benefits to same		\$212 ⁵	\$112 ⁵
Compensation to the owner of Lot 4 in Block 2 in the City of Peoria	\$100		
Benefits to same		\$325	\$225
Compensation to the owner of Lot 5 Block 2 in the City of Peoria	\$50		
Benefits to same		\$150	\$100
Compensation to the owner of part of Lot 6 Block 7 in the City of Peoria being 31 feet front on Main St by 72 feet on Washington Street	\$50		
Benefits to same		\$150	\$100
Compensation to the owner of 24 feet front on Washington Street being part of Lot 7 adjoining Lot 6 in Block 7 in the City of Peoria	75		
Benefits to same		150	\$75
Compensation to the owner of 48 feet front on Washington Street, being part of Lot 7 adjoining Lot 8 in Block 7 in the City of Peoria	\$150		
Benefits to same		\$300	\$150
Compensation to the owner of 24 feet front on Washington Street, being a part of Lot 8 adjoining Lot 7 in Block 7 in the City of Peoria	\$75		
Benefits to same		\$150	\$75
Compensation to the owner of 24 feet front on Washington Street, being part of Lot 8 commencing 24 feet from the line dividing Lot 7 and 8 in Block 7 in the City of Peoria	\$75		
Benefits to same		"150	\$75

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Compensation to the owner of 24 feet front on
Washington Street, being part of Lot 8, adjoining
Lot 9 in Block 7 in the City of Peoria

#75

Benefits to come

#150

#75

Compensation to the owner of Lot 9 in Block 7
in the City of Peoria

#225

Benefits to come

#450

#225

Compensation to the owner of 24 feet front on Washington
Street being a part of Lot 10 adjoining Lot 9 in
Block 7 in the City of Peoria

#75

Benefits to come

#150

#75

Compensation to the owner of 24 feet front
on Washington Street, being part of Lot 10
Commencing 24 feet from the line dividing
Lots 9 and 10 in Block 7 in the City of Peoria

#75

Benefits to come

#150

#75

Compensation to the owner of 24 feet front
on Washington Street, on the corner of Hamilton Street
being part of Lot 10 in Block 7, in the City of Peoria

#75

Benefits to come

#150

#75

Compensation to the owner of 44 feet front
on Washington Street on the corner of Ham-
ilton Street being part of Lot 6 in Block 8
in the City of Peoria

#75

Benefits to come

#259

#184

Compensation to the owner of 22 feet front
on Washington Street, being part of Lot 6
Commencing 44 feet from the corner of
Washington and Hamilton Street, in Block
8 in the City of Peoria

#75

Benefits to come

#166

#91

Jas. B. Smith & Co.
No. 27 S. Seventh Street,
Philadelphia.

67	Compensation to the owner of 6 feet front on Washington Street being part of Lot 6 adjoining Lot 7 in Block 8 in the City of Peoria	\$25		
	Benefits to dam		\$50	\$25
	Compensation to the owner of 18 feet front on Washington Street, being part of Lot 7 adjoining Lot 6 in Block 8, in the City of Peoria	\$75		
	Benefits to dam		\$150	\$75
	Compensation to the owner of 18 feet front on Washington Street, being part of Lot 7 Commerce 18 feet from the line dividing Lots 6 and 7 in Block 8 in the City of Peoria	\$75		
	Benefits to dam		\$150	\$75
	Compensation to the owner of 36 feet front, on Washington Street, being part of Lot 7 adjoining Lot 8, in Block 8 in the City of Peoria	\$150		
	Benefit to dam		\$300	\$150
	Compensation to the owner of Lot 8 in Block 8 in the City of Peoria	\$300		
	Benefits to dam		\$600	\$300
	Compensation to the owner of 36 feet front on Washington Street, being part of Lot 9 adjoining Lot 8 in Block 8 in the City of Peoria	\$150		
	Benefits to dam		\$300	\$150
	Compensation to the owner of 36 feet front on Washington Street being part of Lot 9 adjoining Lot 10 in Block 8 in the City of Peoria	\$150		
	Benefits to dam		\$300	\$150

Compensation to the owner or owners of that part of Lot 10 fronting on Washington Street 72 feet at the corner of Fayette Street in Block 8 in the City of Peoria	\$300		
Benefits to same		\$600	\$300
Compensation to the owner of Lot 2, Block 18 in the City of Peoria	\$300		
Benefits to same		\$600	\$300
Compensation to the owner of Lot 4, Block 18 in the City of Peoria	\$200		
Benefits to same		\$375	\$175
Compensation to the owner of 20 feet, 4 1/2 inches front on Washington Street, being the Southwardly 1/2 of Lot 4 in the subdivision of Lots 1 and 3, of original lots in Block 18 in the City of Peoria	\$75		
Benefits to same		\$163 ⁵	\$88 ⁵
Compensation to the owner of 21 feet, 4 1/2 inches front on Washington Street, being the Northwardly 1/2 of Lot 4 of the Subdivision of original Lots 1 and 3 in Block 18, in the City of Peoria	\$75		
Benefits to same		\$163 ⁵	\$88 ⁵
Compensation to the owner of Lot No 3 in the Subdivision of original Lots 1 and 3 in Block 18 in the City of Peoria	\$150		
Benefits to same		\$327	\$177
Compensation to the owner of 45 feet front on Washington Street, on the corner of Fayette Street being part of Lot 7 in Block 19 in the City of Peoria	\$150		
Benefits to same		\$337 ⁵	\$187 ⁵

69	Compensation to the owner of 12 feet front on Washington being part of Lot 7 adjoining Lot 8 in Block 19 in the City of Peoria	\$37		
	Benefits to same		\$87	\$50
	Compensation to the owner of Lot 8 in Block 19 in the City of Peoria	\$150		
	Benefits to same		\$387 ⁵	\$237 ⁵
	Compensation to the owner of Lot 9 in Block 19 in the City of Peoria	\$150		
	Benefits to same		\$387 ⁵	\$237 ⁵
	Compensation to the owner of Lot 10 in Block 19 in the City of Peoria	\$150		
	Benefits to same		\$387 ⁵	\$237 ⁵
	Compensation to the owner of Lot 11 in Block 19 in the City of Peoria	\$150		
	Benefits to same		\$387 ⁵	\$237 ⁵
	Compensation to the owner of Lot 12 in Block 19 in the City of Peoria	\$150		
	Benefits to same		\$387 ⁵	\$237 ⁵
	Compensation to the owner of Lot 7 in Block 22 in the City of Peoria	\$150		
	Benefits to same		\$387 ⁵	\$237 ⁵
	Compensation to the owner of Lot 8 in Block 22 in the City of Peoria	\$150		
	Benefits to same		\$350	\$200
	Compensation to the owner of Lot 9 in Block 22 in the City of Peoria	\$10		
	Benefits to same		\$410	\$30

Compensation to the owner of Lot 1 in Block 43 in Morton, Vonis & Lavells addition to Peoria	\$15		
Benefits to same		\$140	\$25
Compensation to the owner of Lot 2 in Block 43 in Morton, Vonis & Lavells addition to Peoria	\$90		
Benefits to same		\$180	\$90
Compensation to the owner of Lot 3 in Block 43 in Morton, Vonis & Lavells addition to Peoria	\$90		
Benefits to same		\$180	\$90
Compensation to the owner of Lot 4 in Block 43 in Morton, Vonis & Lavells addition to Peoria	\$90		
Benefits to same		\$180	\$90
Compensation to the owner of Lot 5 in Block 43 in Morton, Vonis & Lavells add to Peoria	\$90		
Benefits to same		\$180	\$90
Compensation to the owner of Lot 6 in Block 43 in Morton, Vonis & Lavells add to Peoria	\$90		
Benefits to same		180	\$90
Compensation to the owner of Lot 10 in Block 44 in Morton Vonis & Lavells add to Peoria	\$60		
Benefits to same		\$120	\$60
Compensation to the owner of Lot 11 in Block 44 in Morton, Vonis & Lavells addition to Peoria	\$60		
Benefits to same		\$145	\$85
Compensation to the owner of Lot 12 in Block 44 in Morton, Vonis & Lavells addition to Peoria	\$90		
Benefits to same		\$180	\$90

77 Compensation to the owner of Lot 1 in Block 64 in Morton, Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 2 in Block 64 in Morton Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 3 in Block 64 in Morton, Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 4 in Block 64 in Morton Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 5 in Block 64 in Morton, Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 6 in Block 64 in Morton, Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 7 in Block 65 in Morton, Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 8 in Block 65 in Morton, Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 9 in Block 65 in Morton, Davis & Lavells added to Peoria	\$90		
Benefits to Dam		\$180	\$90

Compensation to the owner of Lot 10 in Block 65 in Morton, Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		\$ 180	\$ 90
Compensation to the owner of Lot 11 in Block 65 in Morton, Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		\$ 180	\$ 90
Compensation to the owner of Lot 12 in Block 65 in Morton Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		\$ 180	\$ 90
Compensation to the owner of Lot 1 in Block 89 in Morton, Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		180	\$ 90
Compensation to the owner of Lot 2 in Block 89 in Morton Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		\$ 180	\$ 90
Compensation to the owner of Lot 3 in Block 89 in Morton Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		\$ 180	\$ 90
Compensation to the owner of Lot 4 in Block 89 in Morton Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		\$ 180	\$ 90
Compensation to the owner of Lot 5 in Block 89 in Morton Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		\$ 180	\$ 90
Compensation to the owner of Lot 6 in Block 89 in Morton Bond & Lavalle added to Peoria	\$ 90		
Benefits to Sam		\$ 180	\$ 90

73

Compensation to the owner of Lot 7 in Block				
90 in Morton, Bond & Lavulle addn to Peoria	\$90			
Benefits to same		\$180		\$90
Compensation to the owner of Lot 8 in Block 90 in				
Morton Bond & Lavulle addn to Peoria	\$90			
Benefits to same		\$180		\$90
Compensation to the owner of Lot 9 in Block				
90 in Morton, Bond & Lavulle addn to Peoria	\$90			
Benefits to same		\$180		\$90
Compensation to the owner of Lot 10 in Block				
90 in Morton, Bond & Lavulle addn to Peoria	\$60			
Benefits to same		\$120		\$60
Compensation to the owner of Lot 11 in Block				
90 in Morton, Bond & Lavulle addn to Peoria	\$60			
Benefits to same		\$120		\$60
Compensation to the owner of Lot 12 in Block				
90 in Morton, Bond & Lavulle addn to Peoria	\$90			
Benefits to same		\$180		\$90
Compensation to the owner of Lot 1 in Block				
95 in Morton, Bond & Lavulle addn to Peoria	\$90			
Benefits to same		\$180		\$90
Compensation to the owner of Lot 2 in Block				
95 in Morton, Bond & Lavulle addn to Peoria	\$90			
Benefits to same		\$180		\$90
Compensation to the owner of Lot 3 in Block				
95 in Morton Bond & Lavulle addn to Peoria	\$90			
Benefits to same		\$180		\$90

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Compensation to the owner of Lot 4 in Block 95 in Morton, Bonis & Lavules add to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 5 in Block 95 in Morton, Bonis & Lavules add to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 6 in Block 95 in Morton, Bonis & Lavules add to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 7 in Block 91 in Morton, Bonis & Lavules add to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 8 in Block 91 in Morton, Bonis & Lavilles add to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 9 in Block 91 in Morton Bonis & Lavules add to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 10 in Block 91 in Morton Bonis & Lavules add to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 11 in Block 91 in Morton Bonis & Lavules add to Peoria	\$90		
Benefits to Dam		\$180	\$90
Compensation to the owner of Lot 12 in Block 91 in Morton, Bonis & Lavules add to Peoria	\$90		
Benefits to Dam		\$180	\$90

Compensation to the owner of Lots 1, 2, 3 & 4 in Block 91 in Morton, Davis & Lavells add to Peoria on which the Peoria and Bureau Valley Rail Road Depot is built \$100			
Benefit to the town	\$32 7/8		\$32 7/8
Compensation to the owner of Lot 7 in Block 92 in Morton, Davis & Lavells add to Peoria \$75			
Benefit to town	\$150		\$75
Compensation to the owner of Lot 8 in Block 92 in Morton, Davis & Lavells add to Peoria \$75			
Benefit to town	150		\$75
Compensation to the owner of Lot 9 in Block 92, in Morton Davis & Lavells add to Peoria \$75			
Benefit to town	\$150		\$75
Compensation to the owner of Lot 10 in Block 92 in Morton Davis & Lavells add to Peoria \$75			
Benefit to town	\$150		\$75
Compensation to the owner of Lot 11 in Block 92 in Morton Davis & Lavells add to Peoria \$75			
Benefit to town	\$150		\$75
Compensation to the owner of Lot 12 in Block 92 in Morton, Davis & Lavells add to Peoria \$75			
Benefit to town	\$150		\$75
Compensation to the owner of Lot 1 in Block 96 in Morton Davis & Lavells add to Peoria \$90			
Benefit to town	\$180		\$90
Compensation to the owner of Lot 2 in Block 96 in Morton, Davis & Lavells add to Peoria \$90			
Benefit to town	\$180		\$90

76 Compensation to the owner of Lot 3 in Block 96 in Morton, Voss & Lavells addn to Peoria	\$ 90		
Benefits to same		\$ 180	\$ 90
Compensation to the owner of Lot 4 in Block 96 in Morton, Voss & Lavells addn to Peoria	\$ 90		
Benefits to same		\$ 180	\$ 90
Compensation to the owner of Lot 5 in Block 96 in Morton Voss & Lavells addn to Peoria	\$ 90		
Benefits to same		\$ 180	\$ 90
Compensation to the owner of Lot 6 in Block 96 in Morton, Voss & Lavells addn to Peoria	\$ 90		
Benefits to same		\$ 180	\$ 90
Compensation to the owner of Lot 1 in Block 97 in Morton, Voss & Lavells addn to Peoria	\$ 75		
Benefits to same		\$ 150	\$ 75
Compensation to the owner of Lot 2 in Block 97 in Morton, Voss & Lavells addn to Peoria	\$ 50		
Benefits to same		\$ 105	\$ 55
Compensation to the owner of Lot 5 in Block I in Gallagher addn to Peoria	\$ 25		
Benefits to same		\$ 75	\$ 50
Compensation to the owner of Lot 1 in Block I in Gallagher addn to Peoria	\$ 2		
Benefits to same		\$ 7	\$ 5
Compensation to the owner of Lot 2 in Block I in Gallagher addn to Peoria	\$ 5		
Benefits to same		\$ 20	\$ 15

77	Compensation to the owner of Lot 3 in Block I in Gallaher's addition to Peoria	\$25		
	Benefits to dam		\$55	\$30
	Compensation to the owner of Lot 4 in Block I, in Gallaher's addition to Peoria	\$25		
	Benefits to dam		\$75	\$50
	Compensation to the owner of Lot 1 in Block II in Gallaher's addition to Peoria	\$20		
	Benefits to dam		\$60	\$40
	Compensation to the owner of Lot 2 in Block II in Gallaher's addition to Peoria	\$20		
	Benefits to dam		\$50	\$30
	Compensation to the owner of Lot 3 in Block II in Gallaher's addition to Peoria	\$20		
	Benefits to dam		\$50	\$30
	Compensation to the owner of Lot 4 in Block II in Gallaher's addition to Peoria	\$20		
	Benefits to dam		\$50	\$30
	Compensation to the owner of Lot 5 in Block II in Gallaher's addition to Peoria	\$20		
	Benefits to dam		\$50	\$30
	Compensation to the owner of Lot 6 in Block II in Gallaher's addition to Peoria	\$20		
	Benefits to dam		\$50	\$30
	Compensation to the owner of Lot 4 in Block I in Gallaher's addition to Peoria	\$3		
	Benefits to dam		\$8	\$5

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Compensation to the owner of Lot 5 in Block D in Gallahers addition to Peoria	\$ 3		
Benefits to same		\$ 11	\$ 8
Compensation to the owner of Lot 6 in Block D in Gallahers addition to Peoria	\$ 5		
Benefits to same		\$ 20	\$ 15
Compensation to the owner of Lot 7 in Block D in Gallahers addition to Peoria	\$ 10		
Benefits to same		\$ 30	\$ 20
Compensation to the owner of Lot 8 in Block D in Gallahers addition to Peoria	\$ 10		
Benefits to same		\$ 50	\$ 40
Compensation to the owner of Lot 9 in Block D in Gallahers addition to Peoria	\$ 5		
Benefits to same		\$ 20	\$ 15
Compensation to the owner of Lot 13 in Block C in Gallahers addition to Peoria	\$ 5		
Benefits to same		\$ 20	\$ 15
Compensation to the owner of Lot 14 in Block C in Gallahers addition to Peoria	\$ 5		
Benefits to same		\$ 25	\$ 20
Compensation to the owner of Lot 15 in Block C in Gallahers addition to Peoria	\$ 5		
Benefits to same		\$ 30	\$ 25
Compensation to the owner of Lot 16 in Block C in Gallaher addition to Peoria	\$ 10		
Benefits to same		\$ 60	\$ 50

Jas. B. Smith & Co.
No. 27 S. Seventh Street,
Philadelphia.

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Compensation to the owner of Lot 17 in Block C, in Gallahers addition to Penna	\$10		
Benefits to Penna		\$45	\$35
Compensation to the owner of Lot 18 in Block C, in Gallahes addition to Penna	\$10		
Benefits to Penna		\$40	\$30
Compensation to the owner of Lot 19 in Block C, in Gallahes addition to Penna	\$5		
Benefits to Penna		\$30	\$25
Compensation to the owner of Lot 20 in Block C, in Gallahes addition to Penna	\$5		
Benefits to Penna		\$25	\$20

Commissioners 1 st Report			
Sidney Pulisfel 5 days services	\$10.		
Lewis Keyon 17 "	"	34	
G. L. Myers 8 "	"	16	
			\$60
Commissioners fees on 2 nd Report			
Sidney Pulisfel 11 days services	22		
Lewis Keyon 21 "	"	42	
G. L. Myers 11 "	"	22	
			\$86
D. A. Whalers for Summoning witnesses for City			1 ²⁵
			\$180 ⁷⁹ 25

All of which with accompanying documents
are respectfully submitted

Witness our hands and seals of Penna City this eleventh day of
November A.D. 1859.

Sidney Pulisfel Seal
Lewis Keyon Seal
G. L. Myers Seal

Notice

(Opening and extending of Washington
street through Mills addition to Peoria

Notice to owners of Lots and Lands

Notice is hereby given that the
second report and assessment of the Com-

missioners appointed by the County Court
of Peoria County to assess the amount of Com-

penetration and benefits accruing to the owners

of lots and lands by reason of the opening

and extending of North Washington street

through Mills addition to Peoria, sixty feet in

width from the East side of North Fayette street

to Washington street in Morton, Ohio and La-

velles addition to Peoria has been returned by said

Commissioners to the Judge of the County Court

of Peoria County and that on the 28th day

of November A.D. 1859, the said Report and

assessment will be confirmed by the said County

Court, unless legal objections to the

confirmation of the same be made

by some person interested therein

Peoria Nov. 12, '59 - attd

Chas Nettelle
Clerk County Court Peoria County

State of Illinois
County of Peoria.

J. N. C. Gees the printer and

publisher of the Daily and Weekly

Transcript a public newspaper, printed

and published in the City of Peoria in

the County and State aforesaid, do

hereby certify that the annexed

notice, has been published 14 different

times, in the said public newspaper,

that is to say, in each and every

copy thereof, of the following dates

respectively to wit:

First. The 14th day of Nov A.D. 1859

Second the day of A.D. 18

Third The day of A.D. 18

Fourth The day of A.D. 18

Fifth The day of A.D. 18

Sixth The day of A.D. 18

Last the 28th day of Nov A.D. 1859

In Testimony whereof I

have hereunto subscribed

my name at Peoria this

twenty eighth day of Nov

A.D. 1859

N. C. Gees

Printer and Publisher of

the Daily and Weekly Transcript

I do hereby certify for publication J. N. C. Gees

81

File No. 28, 1859

C. K. Stalle.
Clerk

Prof. of Publication

Manuscript office

Gen. Notice of

OK

City Clerk's Office

Peoria Nov. 29th 1859

At a meeting of the City Council of the City of Peoria held at their Chambers in said City on the 17th day of March A. D. 1859 the following proceedings were had "to wit,"

" Mr Davis offered the following which was adopted

" Resolved that all resolutions heretofore passed by the City Council of the City of Peoria in reference to the opening and extending of Washington Street in said City through Mills addition to said City, be and the same are hereby rescinded

Resolved, that Washington Street be opened and extended through Mills addition to Peoria fifty feet in width from the East side of North Fayette Street to Washington Street in Morton, Von's and Lovells addition to Peoria

Resolved that in the opinion of the City Council of the City of Peoria it is necessary to take private property for the purpose of opening and extending Washington Street through Mills addition to Peoria fifty feet in width from the East side of North Fayette Street to Washington Street in Morton, Von's and Lovells addition to Peoria."

And at a meeting of said City Council held as aforesaid on the 7th day of June 1859 the following proceedings were had

To wit

The Engineer and Surveyor laid before the Board the Plat and Survey of Washington Street showing the lines of said street and the lots through and over which said street will run in opening and extending the same from the East side of North Fayette Street to Washington Street in Morton, Bonis and Lavelle's addition, and after examining said Plat the same was approved of by the Council.

Mr Davis offered the following Resolved that a committee of two be appointed to negotiate with the owners and agents of the lots and land through and over which Washington Street will run in opening and extending the same through Mills addition to Bonis as represented on the plat and Survey of said street this day presented by the City Engineer and Surveyor and approved of by the Council as to the price at which that portion of the lots and lands necessary to be used in opening and extending said street, can be purchased by the City of Peoria.

This resolution was adopted and Messrs Davis & White were appointed the Committee (And on the 2^d day of August 1859 at another Meeting of said City Council held as aforesaid the following proceedings were had

to wit

Messrs White & Davis from the Committee to which was referred the business of negotiating with the owners

Chas. Hottel, clerk.

Jas. B. Smith & Co.
No. 27 S. Seventh Street,
Philadelphia.

Filed Nov. 28, 1859

and agents of the land and lots through and over which Washington Street will run in opening and extending the same through Mills addition to Peoria, as to the price to be paid said owners for the land and lots necessary to be taken for said purpose reported that they were unable to agree with the said owners as to said price, and offered the following resolution

Resolved that the City Council of the City of Peoria is unable to agree with the owners and agents of the owners of lots over and across which Washington Street would run as proposed to be laid out, and that the City Council do hereby decline to pay the said sums of money or any of them claimed by said owners and their agents. The report was received and filed and the resolution was adopted.

A true copy from the Journal of the proceedings of the City Council. Witness my hand and seal of the said City of Peoria
Jas M Cunningham City Clerk,

State of Illinois }
City of Peoria Peoria County } I, Jas M Cunningham Clerk of the City
of Peoria, Peoria County and State of Illinois do hereby certify that N. G. Lee, was on the 4 day of January 1859 elected City Printer and during said year and that he is the proprietor and publisher of the Peoria Daily Transcript a daily paper published in said city and that the same is the official paper of said city and as such it is the only paper authorized by law in said city to publish all ordinances and notices provided for by the ordinances of said city and all orders of the City Council of said city in reference to the opening and extending of streets &c. Witness my hand and the corporate seal of said city this 28 day of November A. D. 1859. (Seal) Jas M. Cunningham City Clerk.

2^d Certificate
City Clerk

Filed Nov 30
1859

Chetella
Clerk.

+ Seal

Originals only date

State of Illinois }
 Peoria County }
 In the matter of the
 opening and extending
 Washington Street through
 Mills addⁿ to Washington
 Street in Morton, Bond
 & Larvilles Addition to
 the City of Peoria

In the County Court
 of Peoria County
 September Term A.D.,
 1859

And now comes the
 City of Peoria and makes her motion to
 confirm the assessments made by the Com-
 missioners (appointed by this Court) & filed in
 this Court & enter judgment on said assessments

P. Davidson

Atty for City

In Matter of opening
 Washington St through
 Mills addⁿ

Motion

Motion

Filed Sep. 30, 1859

Proceedings of the County Court of Peoria County, Illinois
 held at the Court House at Peoria for Probate
 and other business on the 3^d Monday of July
 being the

18th July 1859

Present Hon^{ble} Lewis P. Judge
 " Charles Nettelle Clerk
 " John Bryner, Sheriff.

Monday Aug 8th / 59

In the matter of the opening of Washington street from the East side of N. Fayette st, thro Mills addⁿ to Washington St in Morton bonis & Lovells addⁿ to Peoria.

85 This day Cometh his Honor W^m V. Hamilton Mayor of Peoria and presents his Petition for the opening of Washington St. through Mills addition Commencing from N Fayette St and joining said Washington Street in Morton bonis & Lovells addition; which Petition is ordered to be filed

Proceedings of the Probate Court of Peoria County Illinois held at the Court House in Peoria in said County wherein Presiding is Hon^{ble} Wellington Loucks Esq Judge
Charles Netter Clerk
John Byrnes Shff.

Monday August 15th 1859

In the matter of the opening
of Washington St thro
Mills addⁿ &c.

ordered to appear

This day the Court doth appoint Sidney Pulisier, G. L. Myers and Lewis Tyson the Commissioners to open and extend Washington Street as per petition filed in this Court, and the said Sidney Pulisier, G. L. Myers and L. Tyson are ordered to appear in open court and be qualified as such Commissioners

Thursday Aug 18th / 59

In the matter of the opening
of Washington Street
thro Mills addition &c.

On this day comes Mess
Sidney Pulsifer, Lewis Keyon and G. L. Ryers,
Commissioners appointed by the court to open Washing-
ton St, &c and in open court took the oath prescribed
by law; whereupon the court doth order a continu-
ance of this matter to the 30th Sept, next.

Proceedings of the County Court of Peoria County
held at Court House at Peoria for Probate and other
business and Present Hon Wellington Loucks
being Judge presiding

Charles Nettelle Clerk and John Byrnes Sheriff
on

Monday Sept 19th &c

Friday September 30th 1859.

In the matter of opening and extending
Washington Street through Mills addition
to Washington Street in Morton, Davis & Lovells addn

This day cometh Peter Davidson attorney for the City
of Peoria in pursuance of an order heretofore made
appointing this day for the hearing and disposing
of the matter &c mentioned in the petition of the Mayor
for and in behalf of said City of Peoria.

Whereupon it also appearing to the court that the
Commissioners appointed by this court have duly filed

their Report (with Plan and Proof of publication of Notice to all to whom it may concern in this matter) and said Davidson attorney above named, doth also enter his motion that said Report by the Commissioners as aforesaid be by this Court confirmed and judgment rendered in this cause,

87
Whereupon, it appearing that sundry objections and remonstrances have been filed in this Court against the opening of said Street and Report as set forth by said Commissioners. The Court willing to wait for a farther hearing of this matter doth order that the same be continued till the 1st of October, to-morrow at 10 o'clock A.M.

Saturday October 1st 1859

In the matter of the opening and extending of Washington St through Miles addition &c

This day the Court doth order that this Cause and all matters and things of the same be continued until Monday next at 10 o'clock A.M.

Monday October 3rd 1859

In the matter of the opening &c of Washington Street &c

the Miles to Minton, Bond & Lavelle, addn to Penna

This day the Court doth overrule the Motion heretofore made in the premises for the confirmation of the Report of Commissioners in this case and judgment in the same and the Court doth order & decree that said Report be referred back to

88

Said Commis^{rs} for the following reasons to wit:

" As it is remembered that on the third day of October A. D. 1859 the cause came on to be heard on the motion of the City of Pina by its Attorney to confirm your said report and render judgment on the same and objections having been made by owners of Lots affected thereby to the Confirmation of the same and the Court having duly considered said objections and being fully advised in regard to the same doth order and adjudge that said motion be overruled and the Report of said Commissioners is hereby ordered referred back to same Commissioners for the following reasons, to wit

They have erred in making inadequate assessment of Compensation and damages in the following lots to wit

Lot No 17 and 18 in Range No 1	
1/4 ft Pt of Lots No 15 in Range No 1	
W half of " " 10 " " " 3	
" " 7 " " " No 4	
" " 4 " " " No 5	
" " 12 in Range No 2	
S. half " " 11 " " " No 3	
" " 2 " " " No 5	
" 1, 2 and 3 " " " No 6	

They will also consider and determine again the amount of benefits assessed to Lot No 11 in Range No 2 Also Lots No 9 & 10 in Range No 4 It is also ordered that the Clerk issue Summons to said Commissioners to appear before this Court to take the oath prescribed by law and also have served upon them ^a copy of these orders of ^{the} Court in this behalf and to deliver to

89 them all the papers in said matter together with
their report on the twelfth day of October and
that they again proceed to do and perform all
acts required of them by law in such case
Made and provided and make their Report
thereof as soon as may be or the law com-
mands them

Proceedings of the County Court of Peoria
County and State of Illinois held at
Peoria for Probate and other business and
being present and presiding

The Honble Wellington Couch	Judge
Charles Kettelle	Clerk
John Bryner	Shff.

on
Monday November 21st 1859

Tuesday November 29th 59

In the matter of opening Washington Street
thru Mills Addition &c &c

It this day is ordered that this
Cause be continued until to-morrow @ 10
o'clock A. M.

Wednesday November 30th 59

In the matter of the opening and
extending Washington Street Order of judgment.
thru Mills Addition &c &c

Whereas the Commissioners
appointed by this Court on the 15th day of August

A.D, 1859 to ascertain and assess the damages the damages and recompense due the owners of lots and lands by reason of the opening of Washington Street through and over the same, did on the 11th day of November A.D, 1859 return to this Court their (second and final) report and assessment of the amount of compensation and benefits accruing to the said owners respectively and it appearing to the satisfaction of said Court that the said Commissioners were duly summoned and sworn and that the notices required to be given according to law and this ordinance were duly given published and served by the said Commissioners and the proper officers, and all persons objecting to the Confirmation of said Report having withdrawn the same and all the owners of lots and lands interested by reason of the opening of said Street having been three times solemnly called and they having made default therein, It is therefore ordered and adjudged that judgment be rendered against the following Lots and tracts of land for the sum of Total benefits set opposite the same respectively and also for a proportional share of the costs of the proceedings in the premises

Description	Lot	Range	Total Benefits	Costs
Mills addition to Peoria				
Mills addition to Peoria	12	1	40	5 ⁰⁰
Mills addition to Peoria	13	1	60	5 ⁰⁰
Mills addition to Peoria	14	1	200	5 ⁰⁰
Mills addition to Peoria	17	1	60	5 ⁰⁰
Mills addition to Peoria	20	1	30	5 ⁰⁰

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Mills addition to Peoria	8	2	50	5 ⁰³
Mills addition to Peoria	9	2	75	5 ⁰³
Mills addition to Peoria	10	2	100	5 ⁰³
Mills addition to Peoria	11	2	125	5 ⁰³
Mills addition to Peoria	15	2	225	5 ⁰³
Mills addition to Peoria	16	2	100	5 ⁰³
Mills addition to Peoria	17	2	50	5 ⁰³
Mills addition to Peoria	18	2	30	5 ⁰³
Mills addition to Peoria	19	2	25	5 ⁰³
Mills addition to Peoria	4	3	20	5 ⁰³
Mills addition to Peoria	5	3	40	5 ⁰³
Mills addition to Peoria	6	3	60	5 ⁰³
Mills addition to Peoria	7	3	80	5 ⁰³
Mills addition to Peoria	8	3	100	5 ⁰³
Mills addition to Peoria	12	3	200	5 ⁰³
Mills addition to Peoria J = 58 J = 55	13	3	150	5 ⁰³
Mills addition to Peoria	14	3	100	5 ⁰³
Mills addition to Peoria	15	3	75	5 ⁰³
Mills addition to Peoria	16	3	50	5 ⁰³
Mills addition to Peoria	1	4	50	5 ⁰³
Mills addition to Peoria	2	4	75	5 ⁰³
Mills addition to Peoria	3	4	100	5 ⁰³
Mills addition to Peoria J = 70 J = 50	4	4	150	5 ⁰³

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Description	Lot	Range		Total Range	Per Acre
		Dols	Cents		Dol
Mills addition to Peoria	5	4	200		5 ⁰³
Mills addition to Peoria North half	9	4	75		5 ⁰³
Mills addition to Peoria South half	9	4	40		5 ⁰³
Mills addition to Peoria North half	10	4	80		5 ⁰³
Mills addition to Peoria South half	10	4	70		5 ⁰³
Mills addition to Peoria	11	4	75		5 ⁰³
Mills addition to Peoria	12	4	50		5 ⁰³
Mills addition to Peoria	13	4	40		5 ⁰³
Mills addition to Peoria North half	1	5	50		5 ⁰³
Mills addition to Peoria South half	1	5	75		5 ⁰³
Mills addition to Peoria North half	6	5	120		5 ⁰³
Mills addition to Peoria South half	6	5	100		5 ⁰³
Mills addition to Peoria	7	5	160		5 ⁰³
Mills addition to Peoria	8	5	100		5 ⁰³
Mills addition to Peoria	9	5	75		5 ⁰³
Mills addition to Peoria	10	5	50		5 ⁰³
Mills addition to Peoria	11	5	20		5 ⁰³
Mills addition to Peoria	4	6	100		5 ⁰³
Mills addition to Peoria	5	6	75		5 ⁰³
Mills addition to Peoria	6	6	50		5 ⁰³
Mills addition to Peoria	7	6	30		5 ⁰³
Mills addition to Peoria	1	7	100		5 ⁰³
Mills addition to Peoria	2	7	75		5 ⁰³
Mills addition to Peoria	3	7	50		5 ⁰³
Mills addition to Peoria	4	7	30		5 ⁰³
Mills addition to Peoria	1	8	40		5 ⁰³
Mills addition to Peoria	2	8	20		5 ⁰³

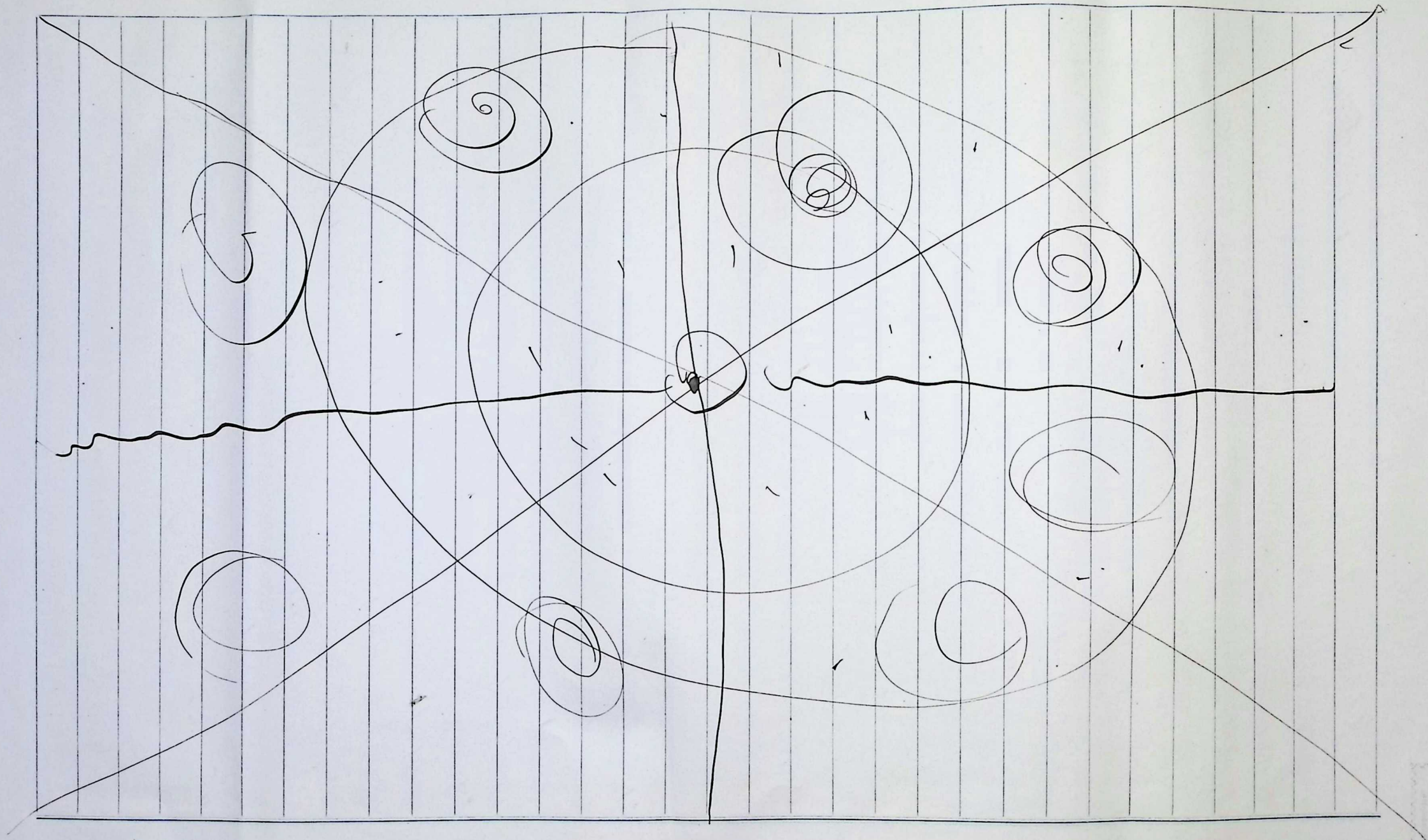
93

	Lot	Block	Int. Bndg. \$ c \$	Plan \$
93				
City of Peoria	1	1	300	5 ⁰³
City of Peoria	48 feet of Lot 2, adjoining Lot	1	1	200 5 ⁰³
City of Peoria	24 feet front Lot 2 adjoining Lot 3 } in Block 1 }	2	1	100 5 ⁰³
City of Peoria		3	1	300 5 ⁰³
City of Peoria		4	1	300 5 ⁰³
City of Peoria		5	1	300 5 ⁰³
City of Peoria	32 feet on Washington street Commencing at the corner of Washington & Hamilton streets by 82 feet. More or less on Hamilton streets by 82 feet of lot	1	2	100 5 ⁰³
City of Peoria	40 feet front on Washington Commencing 32 feet from the corner of Washington and Hamilton streets being part of lot }	1	2	125 5 ⁰³
City of Peoria	48 feet front on Washington street being part of Lot 2 adjoining Lot 1 in Block 2	2	2	150 5 ⁰³
City of Peoria	24 feet front on Washington street being part of Lot 2 adjoining Lot 3 in Block 2	2	2	75 5 ⁰³
City of Peoria	36 feet front on Washington being part of Lot 3 adjoining Lot 2 in Block 2	3	2	112 50 5 ⁰³
City of Peoria	36 feet front on Washington street being part of Lot 3 adjoining Lot 4 in Block 2	3	2	112 50 5 ⁰³
City of Peoria		4	2	225 5 ⁰³
City of Peoria		5	2	100 5 ⁰³
City of Peoria	part of Lot 6 Blk 7 in City of Peoria being 31 feet front on Main st by 72 feet on Washington street	6	7	100 5 ⁰³
City of Peoria	24 feet front on Washington street being part of Lot 7 adjoining Lot 6 in Block 7 in City of Peoria	7	7	75 5 ⁰³
City of Peoria	48 feet front on Washington st being part of Lot 7 adjoining Lot 8 in Block 7 in City of Peoria	7	7	150 5 ⁰³

		Lot	Blk	Ac	#	e	#
City of Peoria	24 feet front on Washington street being a part of lot 8 adjoining lot 7 in Block 7 in city of Peoria	8	7	75			5 ⁰³
City of Peoria	24 feet front on Washington street being part of lot 8 commencing 24 feet from the line dividing lots 7 & 8 in Block 7 city of Peoria	8	7	75			5 ⁰³
City of Peoria	24 feet front on Washington street, being part of lot 8 adjoining lot 7 in Block 7 city of Peoria	8	7	75			5 ⁰³
City of Peoria		9	7	22.5			5 ⁰³
City of Peoria	24 feet on Washington street being a part of lot 10 adjoining lot 9 in Block 7 city of Peoria	10	7	75			5 ⁰³
City of Peoria	24 feet front on Washington street being part of lot 10 commencing 24 feet from the line dividing lot 9 & 10 in Block 7 in city of Peoria	10	7	75			5 ⁰³
City of Peoria	24 feet front on Washington street on the corner of Hamullen street being part of lot 16 in Block 7 city of Peoria	10	7	75			5 ⁰³
City of Peoria	44 feet front on Washington street on the corner of Hamullen street being part of lot 6 in Block 8 in the city of Peoria	6	8	184			5 ⁰³
City of Peoria	22 feet front on Washington street being part of lot 6 commencing 44 feet from the corner of Washington and Hamullen streets in Block 8 in city of Peoria	6	8	91			5 ⁰³
City of Peoria	6 feet front on Washington street being part of lot 6 adjoining lot 7 in Block 8 in the city of Peoria	6	8	25			5 ⁰³
City of Peoria	18 feet front on Washington street being part of lot 7 adjoining lot 6 in Block 8 in the city of Peoria	7	8	75			5 ⁰³

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Philadelphia.

	Description	Lot	Plat	Total Perfs	Per cost
city Peoria	18 feet front on Washington street being part of			Dols	cts
45	lot 7 Commencing 18 feet from the line dividing				
	lots 6 & 7 in Block 8 in city Peoria	7	8	75	5 ⁰³
city Peoria	36 feet front on Washington street being				
	part of lot 7 adjoining lot 8 in Block 8 in city	7	8	150	5 ⁰³
	Peoria				
	City Peoria	8	8	300	5 ⁰³
city Peoria	36 feet on Washington street being part part				
	of lot 9 adjoining lot 8 in Block 8 in city Peoria	9	8	150	5 ⁰³
city Peoria	36 feet front on Washington street being part				
	of lot 9 adjoining lot 10 in Block 8 in city of Peoria	9	8	150	5 ⁰³
City of Peoria	That part of lot 10 fronting on Washington				
	street 72 feet at the corner of Fayette street				
	in Block 8 in city of Peoria	10	8	300	5 ⁰³
	City of Peoria	2	18	300	5 ⁰³
	City of Peoria	4	18	175	5 ⁰³
city Peoria	21 feet 4 1/2 inches front on Washington street being				
	the Southwardly 1/2 of lot 4 in the subdivision				
	of lots 1 and 3 of original lots in Block				
	18 in city Peoria (sub)	143	18	88 50	5 ⁰³
city Peoria	21 feet 4 1/2 inches front on Washington street				
	being the Northwardly 1/2 of lot 4 of the subdivision				
	of original lots 1 and 3 in Block 18 in				
	city of Peoria (sub)	143	18	88 50	5 ⁰³
city Peoria	lot 1 & 3 in subdivision of original lots				
	143 in Block 18 in city of Peoria (sub)	143	18	177	5 ⁰³
city Peoria	45 feet front on Washington street on				
	the corner of Fayette street, being part of				
	lot 7 in Block 19 in city Peoria	7	19	187 50	5 ⁰³



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city Peona	12 feet front on Frachington street being part of lot 7 adjoining lot 8 in Block 19 in city Peona	7	19	50	5 ⁰³
city Peona		8	19	237	50 5 ⁰³
city Peona		9	19	237	50 5 ⁰³
city Peona		10	19	237	50 5 ⁰³
city Peona		11	19	237	50 5 ⁰³
city Peona		12	19	237	50 5 ⁰³
city Peona		7	22	237	50 5 ⁰³
city Peona		8	22	200	5 ⁰³
city Peona		9	22	30	5 ⁰³
96	Morton, Bonis & Laveulle addn to Peona	1	43	25	5 ⁰³
	Morton Bonis & Laveulle addn to Peona	2	43	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	3	43	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	4	43	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	5	43	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	6	43	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	10	44	60	5 ⁰³
	Morton Bonis & Laveulle add to Peona	11	44	85	5 ⁰³
	Morton Bonis & Laveulle add to Peona	12	44	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	1	64	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	2	64	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	3	64	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	4	64	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	5	64	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	6	64	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	7	65	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	8	65	90	5 ⁰³
	Morton Bonis & Laveulle add to Peona	9	65	90	5 ⁰³

Description	Lot	Block	Total Benefits		Per Cent
			dolls	cts	dolls
Morton Bonds & Lavells addn to Peoria	10	65	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	11	65	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	12	65	90		5 ⁰³
Morton Bonds & Lavells add to Peoria	1	89	90		5 ⁰³
Morton Bonds & Lavells add to Peoria	2	89	90		5 ⁰³
Morton Bonds & Lavells add to Peoria	3	89	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	4	89	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	5	89	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	6	89	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	7	90	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	8	90	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	9	90	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	10	90	60		5 ⁰³
Morton Bonds & Lavells addn to Peoria	11	90	60		5 ⁰³
Morton Bonds & Lavells addn to Peoria	12	90	90		5 ⁰³
Morton Bonds & Lavells add to Peoria	1	95	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	2	95	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	3	95	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	4	95	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	5	95	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	6	95	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	7	91	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	8	91	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	9	91	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	10	91	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	11	91	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria	12	91	90		5 ⁰³
Morton Bonds & Lavells addn to Peoria					
on which the Peoria & Bureau Valley Rail Road					
Depot is built	{ Lots 1, 2, 3, 4 } 91 = 227 25 5 ⁰³				

98	Morton Bonds & Lavells additu to Peoria	7	92	75	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	8	92	75	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	9	92	75	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	10	92	75	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	11	92	75	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	12	92	75	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	1	96	90	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	2	96	90	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	3	96	90	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	4	96	90	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	5	96	90	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	6	96	90	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	1	97	75	5 ⁰³
	Morton Bonds & Lavells additu to Peoria	2	97	55	5 ⁰³
	Gallahers additu to Peoria	5	9	50	5 ⁰³
	Gallahers additu to Peoria	1	9	5	5 ⁰³
	Gallahers addition to Peoria	2	9	15	5 ⁰³
	Gallahers additu to Peoria	3	9	30	5 ⁰³
	Gallahers addition to Peoria	4	9	50	5 ⁰³
	Gallahers additu to Peoria	1	K	40	5 ⁰³
	Gallahers additu to Peoria	2	K	30	5 ⁰³
	Gallahers additu to Peoria	3	K	30	5 ⁰³
	Gallahers additu to Peoria	4	K	30	5 ⁰³
	Gallahers additu to Peoria	5	K	30	5 ⁰³
	Gallahers addition to Peoria	6	K	30	5 ⁰³
	Gallahers additu to Peoria	4	Q	5	5 ⁰³
	Gallahers additu to Peoria	5	Q	8	5 ⁰³
	Gallahers additu to Peoria	6	Q	15	5 ⁰³

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Gallahers addition to Peoria	7 D 20	5 ⁰³
Gallahers addition to Peoria	8 D 40	5 ⁰³
Gallahers addition to Peoria	9 D 15	5 ⁰³
Gallahers addition to Peoria	13 6 15	5 ⁰³
Gallahers addition to Peoria	14 6 20	5 ⁰³
Gallahers addition to Peoria	15 6 25	5 ⁰³
Gallahers addition to Peoria	16 6 50	5 ⁰³
Gallahers addition to Peoria	17 6 35	5 ⁰³
Gallahers addition to Peoria	18 6 30	5 ⁰³
Gallahers addition to Peoria	19 6 25	5 ⁰³
Gallahers addition to Peoria	20 6 20	5 ⁰³

And it is further ordered and adjudged that the said Report and agreement of the said Commissioners be confirmed and that execution issue to the Sheriff of Peoria County and that he, the said Sheriff be commanded to levy upon and sell the said lots and lands against which judgment is herein rendered in the same manner as on execution at law. Entered November 31 1859

Wellington Loucks County Judge.

State of Illinois,

Peoria County,

I, Charles Kettelle Clerk of the County Court in and for said County do hereby certify that the foregoing is a true and complete transcript of the records and papers "In the matter of the opening and extending of Washington Street through Mills addition to Washington Street in Morton, Peoria and Lavelle addition to Peoria" as the same appears of record in my office.

Witness my hand and official Seal at

Peoria this 18th day of August A.D. 1860

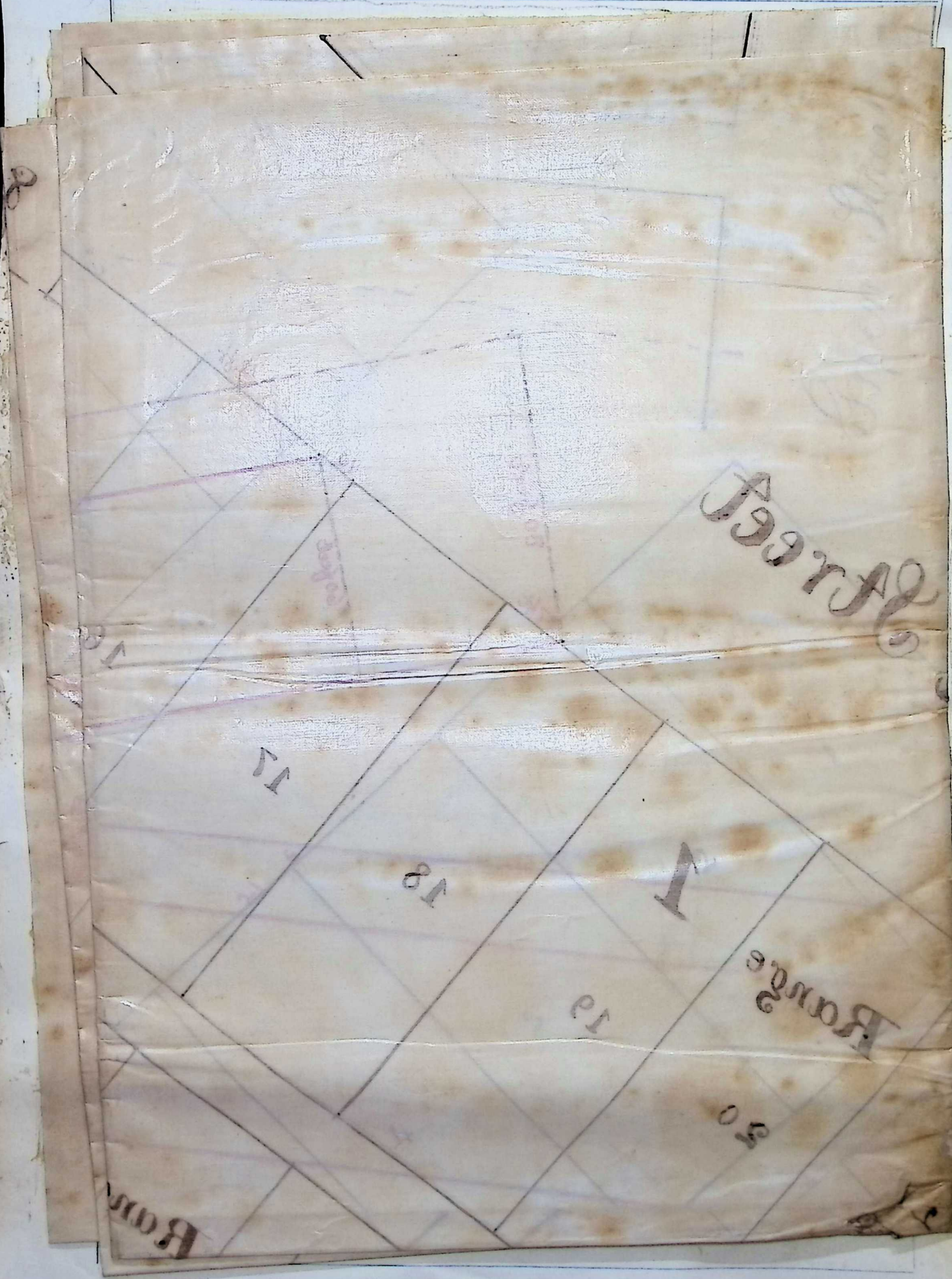
Chas Kettelle Clerk
per Geo. H. Kettelle, Dpty.

(copy of plat attached)

JAN. B. SMITH & CO.
No. 27 S. Seventh Street,
Philadelphia.

(Copy of plat attached)

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North Fayette Street

Range 1

Range 2

Jackson or Gay Street

Washington Street

Range 3

I certify the above Plat to be a correct survey
for the extension of Washington Street from the
East line of North Fayette Street thro Mills
addition to the City of Peoria, to Washington Street as laid
out on Morton, Voss & Lavilles addition to said City.

Rich Russell City Eng & Surveyor
of the City of Peoria
June 7. 1852.

Plat for extension of Washington street 60 feet wide
thro
Peoria as laid off by **B.F. Mills**

To

Washington Street 60 feet wide

Gay Street

Range 3

Range 4

Clay Street

Range 5

Range 6

F Mills

To

Green Street

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Morton, Paris & Laveilles additions

Clay Street

Range

Range

Irving Street.

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[illegible]

101 And afterwards to wit on the first day of March in the year of our Lord one thousand eight hundred and fifty one there was filed in the office of the Clerk of said Court and in said Cause the answer of the defendants therein and the replication of the plaintiff thereto, which said answer and replication are in the words and figures following, to wit:

Answer
Hiram Kidder

vs
The City of Peoria &
John Bryner, Sheriff
of Peoria County

In the Circuit Court of
Peoria Ills
Aug Term 1861.

The Answer of the defendants
The City of Peoria & John Bryner Sheriff of Peoria
County to the Complainants Bill of Complaint filed
in this Cause.

Said Defendants Saving and re-
serving all exceptions to said Complainants Bill
for answer, thereto say

They admit the passage of the Acts of the
General Assembly of December 2nd 1854 and
of February 12th 1855 and the passage of the
Ordinance by the said City of Peoria of the 30th October
A. D. 1855 as stated and set forth in the
Complainants bill.

They deny that so far as they are
advised any portion of said laws are in any
manner repugnant to the Constitution of the State
of Illinois.

Defendants further answering admit
that said Complainant was on the first day of
August A. D. 1859 & still is as from that time.

Hicketo has been the owner of part of Lot No Four in Block No two, in the original Town of Peoria being 72 feet on Washington Street by 85 1/2 feet deep as stated in his bill. They admit that the Mayor of the City of Peoria did on the 8th day of August A.D. 1859 file his petition in the County Court of Peoria County as stated in Complainant's bill, that Commissioners were appointed, who made a report which was rejected by the Court and the matter was referred again to said Commissioners who again reported as stated in the Complainant's Bill.

Defendants further answering admit the giving of the several notices as stated in Complainant's Bill and exhibits and admit that so far as they are advised no other or different notices were given of the pendency of said proceedings.

Whether the said Complainant had any actual notice of the pendency of the said proceedings or that he could have appeared and defended, or taken a bill of Exceptions or taken an appeal to the Supreme Court, these defendants are not fully advised and can therefore neither admit nor deny the same; they submit however that the notices and proceedings as they appear and were published; in the Record are proper and legal notices and sufficient in law to bind the said Complainant and all others interested in the property affected by said proceedings.

Defendants further answering admit that Judgment was rendered and execution issued for

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Assessment & Costs to the Amount and for the Sum
stated in the Complainant's bill but deny that any
more costs are charged or ought to be collected
of said Complainant Tiddes than he is legally
bound to pay.

And the defendants further answering
Shew & State to the Court that the assessments
made for the opening of the said Street, including
the Assessment made upon the lot of the Com-
plainant are as uniform and equitable as the
Nature of the Case and the Circumstances would
permit and that the said lot of the Complainant
is benefitted to the full amount and value of the
judgment rendered against the same.

And the said defendants further answering
State and Shew to the Court that the Record and Exhibit
filed in this Cause on the 4th of September 1860, is a
true Complete and perfect Record and history of
the proceedings of the defendant & the City of Poria
and of the opening of said Street in Complainant's
Dile mentioned and the defendants refer to the same
and make the whole of said Record a portion of their answer
in this Cause and submit and insist that the same
and all the proceedings of said defendants as they
appear of Record aforesaid are had, made and
done pursuant to law and the Ordinances of the
City of Poria in such cases made and provided;
And the said defendants further answering State that
although they admit that the said lot of the said Com-
plainant is situated some distance from that
portion of Washington Street which by said proce-
ding is sought to be opened, Yet they State and

Shew to the Court that said Complainants lot is on Washington Street of which the part sought to be opened forms a continuous portion; And that the said Complainants lot will be greatly benefitted by the opening of the same and that all the lots along and upon said Washington Street between said Complainants lot, and that portion of said Street sought to be opened as aforesaid, ^{are} ~~also~~ assessed for the opening of said Street in proportion to the benefits accruing to each as will appear by the Plat, and Report of the Commissioners appointed to assess the same.

The defendants also attach to and make part of their answer in this Cause a Map of the City of Peoria, shewing the location of said Washington Street, the Complainants lot before described, together with the position and location of that portion of said Street sought to be opened as aforesaid.

And having fully answered these defendants pray that they may be dismissed with their costs

The City of Peoria &

John Pryner by
their Solicitors

Wm O'Brien City Atty

J. H. People

Replication

Alvin Kiddle

vs

The City of Peoria

John Pryner, Sheriff Peoria County

The replication of the Complainant Alvin

In the Circuit Court
of Peoria County Illinois
August Term A.D. 1861

Kiddes to the Answer of the defendants the City of Peoria and John F. Ryner Sheriff of Peoria County to the Complainants Bill of Complaint filed in this cause

105 The complainant in reply to the said answer of said defendants state and show unto your Honor that the said answer except in so far as it admits the truth of the allegations in said Bill of Complaint contained is untrue and that the matters and things alleged in said bill of Complaint are true and this he is ready to verify in such manner as the Court may direct

Manning & Merriman
Sols for Compt."

And on the same day to wit: on the first day of March in the year of our Lord one thousand eight hundred and sixty one there was filed in the office of the Clerk of said Court in said Cause the depositions of Wm M. Dodge and Jacob Darst, which said depositions are in the words and figures following, to wit:

"Depositions of William M Dodge and Jacob Darst taken before George L. Deetor a Notary public in and for the City of Peoria, Illinois at the office of Messrs Manning & Merriman in said City Commencing between the hours of 8 o'clock A. M. & 6 o'clock P. M. on Friday, March 1st A. D. 1861 pursuant to a agreement said depositions to be read in evidence on the part of complainant in a certain Cause pending in the Circuit Court of Peoria County, Illinois on the Cheney Side thereof, wherein Alvin Kiddes is complainant and the City of Peoria is defendant.

William M. Dodge Sworn

1. What is your age residence and occupation?
 Ans. Age 50 years Residence Peoria Ill.
 occupation Agency.

2. How long have you lived in Peoria
 Ans. 22 years

3. Are you or not acquainted with the line
 of the proposed extension of Washington Street
 through Mills addition in said City of Peoria
 Ans. I am

4. Are you or not acquainted with Lot 5 in
 Block 2 Lot 1 in Block 3 Lot 10 in Block 6
 and Lot 6 in Block 7 in said City of Peoria
 and what is the location of said lots

Ans. I am acquainted with the said lots
 and their location is at the corner of Washington
 and Main Streets in said City of Peoria one of said
 lots being on each Corner, each of said lots has a
 breadth of 72 feet on Washington Street by 171 feet
 on Main Street.

5. What would be the proportionate benefits to
 each of said lots by reason of the opening of
 Washington Street through said Mills addition

Ans. I should consider the benefits
 nearly equal as to the subdivisions of those lots
 which front on Washington Street, all of said lots are
 subdivided with front on Main Street

Wm M. Dodge

Jacob Dant Sworn

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1.

What is your age residence & occupation
Ans. Age 45 years Residence Peoria
Occupation Real Estate & Money Broker

2. How long have you lived in Peoria
Ans. 25 years

3. Are you or not acquainted with the line
of the proposed extension of Washington Street through
Mills Addition in said City of Peoria, Illinois
Ans. I am.

4. Are you acquainted with lot 5 in Block 2,
Lot 1 in Block 3 Lot 10 in Block 6 and
Lot 6 in Block 7 in said City of Peoria and
what is the location of said lots

Ans. I am acquainted with said lots
and their location & is on the corner of Main
and Washington Streets, one of said lots being
on each corner, each of said lots having a
front of 72 feet on Washington Street by 171 feet
on Main Street.

5. What would be the proportionate benefit to
each of said lots by reason of the opening of
Washington Street through said Mills addition

Ans. I should consider the benefit the same
to each of said lots. In fact I consider the benefit nearly the
same for one or two blocks further down Washington Street.
Jacob Dant.

State of Illinois

City & County of Peoria

I, George L. Pector a Notary Public in and for said City do hereby certify that the depositions of William W. Dodge and Jacob Darr were taken and reduced to writing by me at the time & place in the caption thereof mentioned that the said witnesses were first by me duly sworn according to law and that after being so taken and carefully read over to said witnesses the said depositions were subscribed by them in my presence.

In witness whereof, I have herewith subscribed my name and affixed my Notarial Seal at said City of Peoria this first day of March A.D., 1861

Geo L. Pector

Notary public

City of Peoria

And on the same day, to wit: on the first day of March in the year of our Lord one thousand eight hundred and sixty one there was filed in the office of the clerk of said Court in said Cause a stipulation in the words and figures following, to wit:

"Alvan Kidder

vs
The City of Peoria

John Byrnes

In the Circuit Court of
Peoria County,

In Chancery.

It is hereby stipulated and agreed by and between the parties to the above entitled Cause that the same be and hereby is submitted to the Hon E. N. Powell upon the Bill, Answer, replication, exhibits & proof and exhibits

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filed herein to be heard and finally decided, and
final decree therein to be made and entered by
him in vacation - and that upon such decision
being made and decree signed by said Judge
and filed in the office of the clerk of the circuit
Court that either party may appeal said cause to
the next April Term of the Supreme Court of the
State of Illinois to be held at Ottawa, without giving
bond as required by law, but by merely signifying
his or their intention to do so at the time of making
such decree by said Judge which prayer for an
appeal shall be noted by said Judge and allowed
at the foot of said decree as above stipulated.

And it is further stipulated by the parties,
that for the purpose of saving expense and expediting
the trial in said Supreme Court, the clerk of the
Circuit Court may certify to said Supreme Court
the original papers filed in this cause as the record
therein - and that the same when^{so} certified shall
constitute the record upon which said cause shall
be tried and determined in said Supreme Court.
Done February 19th 1861.

W. W. O'Brien
and N. H. Purple
Defendants Solicitors.
Manning & Morrison
for Compl^{ts}

Proceedings in Chancery before the Circuit Court begun and held at the Court house in the City and County of Peoria, in the State of Illinois, on the first Monday in the month of March in the year of our Lord one thousand eight hundred and Sixty one, it being the fourth day of said month. Present the Honorable Elisha W. Fennell Judge of the Sixteenth Judicial Circuit Court in said State. John Baynes Sheriff and Enoch P. Sloan, Clerk, to wit:

Monday March 4th A. D. 1861

Alvan Kiddle

For Injunction & relief.

The City of Peoria

John Baynes Sheriff

Peoria County

This day this cause came on to be heard upon the Bill Answer proofs, replication and exhibits and the same was argued by Counsel and the Court now here being sufficiently advised in the premises doth order, adjudge and decree that an injunction be issued in said cause pursuant to the prayer of the said Complainant's bill & It is further ordered, adjudged and decreed that the said Injunction be made perpetual and the defendants be and they are hereby perpetually enjoined from proceeding to sell the said Complainant's real estate in said bill described, upon the said execution therein mentioned or upon any other execution to be issued upon the said judgment & that as to the said Complainant the said judgment and execution

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be set aside, Annulled and wholly for nothing) returned. And thereupon the said defendant prayed an appeal to the Supreme court, which was then and there allowed by said court.

State of Illinois,
County of Peoria,
Clerk of the Circuit Court in and for the County of Peoria in the State of Illinois do hereby Certify that the foregoing contains a full, true and complete copy from the files in my office of a Decree, Reciprocity, Summons, Transcript, Answer, Depositions and Stipulation and of a Decree from the Records as the same appear of Record and on file in my office in a certain Cause lately pending in said Court wherein Alvin Kiddle is Complainant and The City of Peoria and John Bryner Sheriff of Peoria County are Defendants.

In witness whereof I have set my hand and affix the seal of said Court at office this fifteenth day of March in the year of our Lord one thousand eight hundred and Sixty one.

Enoch P. Sloan, Clerk

The City of Peoria Ill
173. 20 58

Alvan Kidder

Record & assay of Emu

Filed April 8. 1861
L. Leland
clerk

Colerick paid for making
this record — \$40 =